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very much the largest proportion of the fund. They had a very active gentleman, a priest, who gave his personal attention to the Indian schools, and I must say for him that he did everything in very excellent manner. In that way, as I say, the Catholic Church succeeded.

But, Mr. President, when this complaint grew up I was one of those who believed it was better, in answer to that demand, that we should cease the contract school system whenever we could secure buildings and opportunities for the Indian children in the Government schools. Now, there seems to be a question whether that can be done at present. The chairman of the committee tells us that it can be; the Commissioner of Indian Affairs says it can be; but Senators here do not believe it can be done—that the Indian children can be taken care of in Government schools.

Mr. JONES of Arkansas. Will the Senator allow me a suggestion right there?

Mr. TELLER. Certainly.

Mr. JONES of Arkansas. This amendment will be absolutely inoperative if the Government buildings will be sufficient to take care of the children. It is dependent absolutely on whether the Government schools can or can not take care of the children.

Mr. TELLER. I understand that; and I have not any particular objection to the Senator's amendment, except that I know it will never be incorporated into the law, even if it should be passed here. I want something practical, if we are going to do anything at all, or else we might as well allow it to go. I think the substitute I have offered will, perhaps, give the Secretary some authority that he has not now. I think he will feel that he has some authority; but what he will do I do not know. I think that must be left to his discretion.

I believe just as I have said before, that if the church authorities who are displaced—I believe that applies principally now only to the Catholic Church—are willing to sell their school buildings, the Government ought to buy them; and if they are not and propose, as was stated by the chairman of the committee, to maintain the schools, I think it is a charity that is very commendable in them. I believe, however, that the Government Indian school is just as good as any other school. I agree with the Senator from Missouri [Mr. VEST] that a day school is practically of little value. The boarding schools, instead of the day schools, are the schools where the children get their education, where they learn to work, and where they become civilized.

Mr. CARTER. Mr. President, in the State of Montana we have about 12,000 Indians. Some forty or fifty years ago those Indians, or the tribes they represent, held complete sway over the territory now embraced within that State. In the gradual development of our civilization they have been relegated to reservations. It is contemplated, as I understand, to ultimately embody these Indians in the citizenship of that State. The progress in this behalf has been somewhat slow and unsatisfactory; but still some progress has been made. We have now within the limits of the State, in the Flathead, the Blackfeet, the Belknap, the Cheyenne, the Fort Peck, and Crow Indian agencies, according to the most moderate estimate made, 1,743 children of school age.

There is no pretense nor is there any shadow of pretense that the Government supplies school facilities or accommodations, nor is there any pretense that the Government can, during the next fiscal year, supply school accommdations for more than 670 of those children. The total school population of these various reservations, as I have suggested, is 1,743. The total capacity of the Government boarding schools and the Government day schools is 670; leaving unprovided with school facilities or advantages of any kind 1,073 of those children.

On the reservation to which the Senator from Missouri [Mr. VEST] referred in such graphic terms there are children of school age entitled to the advantages of education, if this Government wishes to discharge its trust, numbering 398; and on that reservation to-night the Government of the United States has not school facilities for a single solitary child.

The amendment of the Senator from Arkansas [Mr. JONES] proposes that, where the Government can not provide school facilities for those children, the Secretary of the Interior, the responsible agent of the Government in this behalf, may contract with existing schools, such schools as the Senator from Missouri has described, to continue those children under the tutelage and with the maintenance of proper persons for the next fiscal year, not at a greater or larger figure than that which the Government provides in its own schools, or the expense which is incurred in caring for and maintaining children, but at a less figure than the Government has ever been able to educate and maintain children of this class. The Senator from Arkansas does not provide that this shall be done if the Government has school facilities, but his amendment provides that it may be done if the Government can not, in its own schools, through its own teachers, provide educational facilities for and maintain those children.

Now, the mere question propounded to the Senate to-day is, Will the Government of the United States, under the burden of a sacred trust to these Indian children, absolutely deny unto them all educational advantages rather than avail itself, for the time being, of such as may be obtained under contract? If it is the desire of the Government to turn these children upon the open plain, to deny them any school advantages, let that be generally understood, and let us abandon the entire system of Indian education. If 670 of these children are to be provided with school education and maintenance, and 1,073 are to be deprived of it, I pray you select the 670 out of the reservations to whom the benefits of an education should be extended, and select those to whom it should be denied.

Mr. President, the Senator from Massachusetts [Mr. LODGE] suggested that it was highly improper to utilize, employ, or engage the public Treasury or its funds in advancing the interests of any church organization in this country. Who can be found upon this floor to debate that question with the Senator from Massachusetts? From the foundation of this Government to this hour, in every Congress, and all the time the people of this country have insisted that there should be an absolute and unqualified separation of church and state. One of the basic principles upon which this Government was founded, as contradistinguished from the governments of Europe, rested upon the separation of church and state. Nowhere within the history of the Republic can we find a party that has ever insisted for a moment upon this undesirable alliance.

But, Mr. President, underlying our Government there existed another principle, and it was ingrafted into the Constitution, the fundamental law of the land, that no religious test should ever be required. So that, whether it be in a State legislature, a town council, the House of Representatives, or the Senate, no religious test can be required of any individual seeking public place or employment in the public service.

We appropriate from year to year amounts in the aggregate running to about $20,000,000 on the average for rivers and harbors. The contracts for the performance of this work are let to the lowest responsible bidders. Who has ever inquired as to the religion of the contractor? Who has ever been heard in this Chamber or elsewhere to apply the test of religion to the man who was going to dredge a harbor? The individual who would apply that test would be considered of unsound mind. What is the difference between the dredging of a harbor and the elevation of the North American Indian? I wish to inquire if any Senator in this presence knows of any form of the Christian religion that will injuriously affect a North American Indian? Can you conceive of any religion that will lower the condition of a blanket Indian?

Mr. President, we are the successors upon this continent of those people whom our forefathers found in possession. A remnant of the tribes remains on the Western frontier, or what remains of that frontier. We are charged, as by a solemn and sacred trust, to elevate, ennoble, educate, and Christianize, as best we may, what remains of this unfortunate race. This trust we can not discharge by declining to employ any and all the educational facilities that our Government and any of the agencies of our civilization have at hand or can employ. It appears, according to the figures and the facts, indisputable and undisputed, that there are within the State of Montana to-night 1,073 Indian children who must be driven out upon the prairie, educated by charity or under the agency of the Government or under its contract for the ensuing year. There is no pretense that the United States can give them any school facilities. What is to become of them? Is it aiding a church to employ its schoolhouses any more than it is aiding a church to employ a dredge owned by a Methodist or to employ a shovel owned by a Baptist in executing a contract on a canal?

Mr. President, these Indian children rely wholly and solely and absolutely upon the Congress of the United States for some provision for their education. Must we educate them according to certain lines, employ given people, and exclude other people from employment, or else let the trust go undischarged? I do hope that in every Government school in the country some feature of the Christian religion is inculcated into those Indian children.

It has been my good fortune to visit many Indian schools, and I have observed in the exercises of the day the reading of texts from the Bible. It has not occurred to anybody to inquire whether it was the King James version or any other version of the Scriptures; it has been the reading of the Bible. Songs approved by Christian denominations are sung by those Indian children in the Government schools. Who would require that the singing of a hymn approved by any Christian denomination should be discontinued? Yet, carried to its logical consequences, the suggestion of the Senator from Massachusetts would require that the reading of the King James version of the Bible and the singing of hymns approved by any Christian man or denomination should be discontinued, lest perchance we might deal in sectarianism in teaching the North American Indian.

It is probably better—I have no doubt that it is desirable—that these Indian children on their way to a point, which I hope they will ultimately reach, to the enjoyment of American citizenship,

shall be taught in Government rather than in sectarian schools; but I say that if the Government school is not available, the sectarian school or any other school should be employed rather than that these children should be driven out upon the open plain and deprived of all Christian example or education of any kind. It does not seem to me to be a debatable question.

Mr. President, there are no bigots in this Chamber. I do not believe there are any bigots in the American Congress. It is useless to argue with bigots. Some man has properly described a bigot as like unto the pupil of the eye—the more light you give, the greater the contraction. So, with a bigot, speech is useless, debate is without purpose, and consequently unnecessary and entirely without point.

What I desire is, coming down to the geographical point, that the 1,073 children of Indian blood in the State of Montana shall not be deprived of any education for the coming year, inasmuch as the Government can not supply them with the facilities in the schools now in existence or in prospect for this coming year. It does not seem to me fair. It does not seem to me just.

Mr. TILLMAN. Will the Senator from Montana allow me to ask him a question?

Mr. CARTER. Certainly.

Mr. TILLMAN. If this new policy of nonsectarianism is to govern us in the matter of elevating and educating and civilizing and Christianizing those races with whom we have to deal, what is going to become of the Filipinos when we begin over there? There is no religion at all in those islands except the Catholic. Will we not be bankrupted if we have to send sectarian teachers there to run those ten or twelve million people? I believe the Senate ought to be a little consistent on this matter and deal with this problem in a practical way and look a little ahead. I see a very big ditch that somebody is going to tumble into presently.

Mr. THURSTON. I had hoped that we would not tack the Philippine question onto the Indian appropriation bill.

Mr. TILLMAN. I am not tacking it onto the bill at all. It is relevant. Certainly it is not altogether out of the way just to mention the subject of Christianizing somebody somewhere. The Senator is appealing very eloquently to us to help continue the little teaching that these Indians are getting, and I see way down the road yonder, you know, several million Philippine children, who have to be taught by the Catholics, or we are going to spend a deal of money in sending people over there to give them either no religion or some other religion than the Catholic.

Mr. CARTER. I hope the Philippines will develop their own system of education. I should feel somewhat discouraged if we were confronted to-night with the problem of providing American teachers for the Filipinos.

I am told there are over 60 different languages or dialects in the Philippine Archipelago. There are over 30 among the North American Indians. If within a century we have not been able to make any more progress than the Commissioner of Indian Affairs indicates in the education of the North American Indians, with only 30 dialects, I imagine that in the next century we would make very trifling progress with the Filipinos with some 60 different dialects. The question is too large for discussion between now and the hour of adjournment, and I must implore the Senator from South Carolina to eliminate it from the present debate.

Mr. TILLMAN. If the Senator will permit me, I had no purpose in the world except to indicate that I agree with him that as a practical proposition we had better let the Catholics teach these people than have nobody teach them; and if we can get any kind of a Christian idea into their heads, it does not matter whether it is Catholic or Methodist or Baptist or anything else, it is better than to leave them as they are.

Mr. CARTER. I agree fully with the Senator from South Carolina. This is not a question of any particular religion. The amendment of the Senator from Arkansas does not relate to nor can it be properly chargeable with a purpose to advance education through any creed. The purpose of the Senator from Arkansas is to empower the Secretary of the Interior to provide educational facilities for those children for whom the Government schools can not provide.

It is suggested by others that the Government can provide the facilities. Well and good. If that be true, the amendment of the Senator from Arkansas will never become operative, because it only provides for a contingency which the Senator from Massachusetts suggested can never possibly occur. But if, perchance, after the Government facilities have been entirely exhausted, 100 children shall remain unprovided with any kind of educational advantage, is it not fair and just and proper and right that the Secretary of the Interior should contract with somebody somewhere to give these children educational advantages for the coming year?

The amendment does not provide that a single child shall be sent to any school; it does not require the expenditure of a single dollar of public money; but it does provide that when the Government schools shall have been entirely filled, when a condition is reached when not another child can find entrance at the schoolhouse door, when all the arrangements of the Federal Government for the education of these children have been exhausted, then, and not till then, the agent of the Government, the Secretary of the Interior, may make a contract to provide an education for the poor struggling child who remains outside of the door and can not be provided for unless the contract is made. Upon what theory can opposition to such a proposition be justified? I am at a loss to know.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. TELLER] to the amendment of the Senator from Arkansas [Mr. JONES].

Mr. ELKINS. What is the amendment? Let it be stated.

Mr. TELLER. I offered it as a substitute for the amendment offered by the Senator from Arkansas.

The Secretary read as follows:

The Secretary of the Interior shall take such measures as he may consider necessary to provide educational facilities for all the Indian children now in Government and contract schools, and especially those who may be discharged from contract schools.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Colorado to the amendment of the Senator from Arkansas.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on agreeing to the amendment proposed by the Senator from Arkansas.

Mr. THURSTON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I do not see that he is present, and I will withhold my vote.

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS]. In his absence, I withhold my vote.

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. If he were here, I should vote "yea."

Mr. QUARLES (when his name was called). I have a general pair with the junior Senator from Texas [Mr. CULBERSON].

Mr. TURLEY (when his name was called). I have a general pair with the senior Senator from Wisconsin [Mr. SPOONER] who is not present. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Washington [Mr. TURNER], and therefore withhold my vote.

The roll call was concluded.

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. If at liberty to vote, I should vote "nay."

Mr. HANSBROUGH. I transfer my pair with the senior Senator from Virginia [Mr. DANIEL] to the senior Senator from Indiana [Mr. FAIRBANKS], and will vote. I vote "yea."

Mr. KENNEY (after having voted in the affirmative). I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. I understand that if he were present he would vote "yea." Therefore I will allow my vote to stand.

The result was announced—yeas 14, nays 21; as follows:

YEAS—14.

Bacon,	Hansbrough,	Perkins,	Tillman,
Bate,	Jones, Ark.	Pettigrew,	Vest.
Carter,	Kenney,	Scott,	
Clay,	Morgan,	Taliaferro,	

NAYS—21.

Aldrich,	Foster,	Lodge,	Thurston,
Allison,	Frye,	McBride,	Wetmore,
Bard,	Gallinger,	Platt, Conn.	Wolcott.
Berry,	Hawley,	Ross,	
Chandler	Kean,	Shoup,	
Davis,	Kyle,	Teller,	

NOT VOTING—32.

Allen,	Deboe,	McComas,	Pritchard,
Baker,	Depew,	McCumber,	Proctor,
Beveridge,	Elkins,	McEnery,	Quarles,
Burrows,	Fairbanks,	McLaurin,	Rawlins,
Butler,	Foraker,	McMillan,	Sewell,
Caffery,	Gear,	Mallory,	Simon,
Chilton,	Hale,	Martin,	Spooner,
Clark, Mont.	Hanna,	Mason,	Stewart,
Clark, Wyo.	Harris,	Money,	Sullivan,
Cockrell,	Heitfeld,	Nelson,	Turley,
Culberson,	Hoar,	Penrose,	Turner,
Cullom,	Jones, Nev.	Pettus,	Warren,
Daniel,	Lindsay,	Platt, N. Y.	Wellington.

The PRESIDENT pro tempore. No quorum having voted, the Secretary will call the roll.

Mr. PETTIGREW. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, April 9, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 7, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

WASHINGTON COUNTY RAILROAD COMPANY, MAINE.

Mr. ALLEN of Maine. I ask unanimous consent for the present consideration of the bill (S. 2679) declaring certain trestles of the Washington County Railroad Company to be lawful structures.

The bill was read, as follows:

Be it enacted, etc., That the trestle on the Eastport Branch of the Washington County Railroad, being the property of the Washington County Railroad Company, and running from the extreme point of land south of Pleasant Point, in the town of Perry, county of Washington and State of Maine, to the extreme northern end of Carlows Island, in the town of Eastport, in said county and State; and a certain other trestle, also the property of said railroad company, in the East Machias River, in said county of Washington and State of Maine, at the extreme end of said river, near the village of East Machias, in said county and State, be, and both of said trestles hereby are, declared to be lawful structures: *Provided*, That such modifications are made in their present position, condition, and elevation as the Secretary of War may order in the interests of navigation.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. We have had no opportunity to examine this bill, and it seems to be a measure of some importance. I think, therefore, we ought to have some explanation of its purpose.

Mr. ALLEN of Maine. Mr. Speaker, this railroad is built and in running order. The two bridges referred to in the bill are trestle bridges—one across a tidal channel separating Point Pleasant from Carlows Island, Maine; the other is placed on an embankment at a point in the bridge over the Machias River at East Machias, Me.

These bridges were built without authority of law—that is, they were not built under the supervision of the War Department upon a license first obtained. Suits were commenced against the corporation to compel the construction of suitable drawbridges in both trestles. By an arrangement between the court and the corporation, proceedings were suspended until action could be taken by Congress providing for Government supervision of these structures.

This bill was referred to the War Department, and the Secretary of War recommended that before the passage of the bill an amendment which he submitted should be made in it. The amendment was to the effect that before these structures are declared legal structures drawbridges be built through them. That was the arrangement between the corporation and the court—that drawbridges should be constructed so as to allow navigation whenever it was needed, these structures being in tide water. Upon the suggestion of the Secretary of War this proviso was added to the bill:

Provided, That such modifications are made in their present position, condition, and elevation as the Secretary of War may order in the interests of navigation.

With that amendment, the bill has been passed by the Senate and is unanimously reported by the Committee on Interstate and Foreign Commerce.

Mr. RICHARDSON. And it has the approval of the Secretary of War?

Mr. ALLEN of Maine. The bill was submitted to him, and he approved it with the amendment which has been incorporated in the bill. In view of that amendment being made he makes no objection.

Mr. RICHARDSON. Was the amendment added by the Senate, or is it an amendment of the House committee, and now pending here?

Mr. ALLEN of Maine. The amendment was made in the Senate.

Mr. RICHARDSON. And embodied in the Senate bill?

Mr. ALLEN of Maine. The amendment was adopted in the Senate, and this is the Senate bill with that amendment incorporated.

Mr. TALBERT. Allow me to ask whether the bill carries with it any appropriation?

Mr. ALLEN of Maine. None whatever.

Mr. TALBERT. None now or hereafter?

Mr. ALLEN of Maine. None now or hereafter.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. ALLEN of Maine a motion to reconsider the last vote was laid on the table.

BUREAU OF AMERICAN ETHNOLOGY.

Mr. HEATWOLE. I am directed by the Committee on Printing to ask unanimous consent for the present consideration of House concurrent resolution No. 23.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 8,000 copies of any matter furnished by the Director of the Bureau of American Ethnology relating to researches and discoveries connected with the study of the American aborigines, the same to be issued as bulletins uniform with the annual reports, 1,500 of which shall be for the use of the Senate, 3,000 for the use of the House of Representatives, and 3,500 for distribution by the Bureau.

There being no objection, the House proceeded to the consideration of the resolution; and it was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, had agreed to the conference asked by the House, and had appointed Mr. STEWART, Mr. SHOUP, and Mr. MCLAURIN as the conferees on the part of the Senate.

REPORT OF DIRECTOR OF THE MINT.

Mr. HEATWOLE. I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of House concurrent resolution No. 14.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be 6,000 additional copies of the report of the Director of the Mint on the production of the precious metals for the calendar year 1898, bound in cloth and wrapped, 2,000 copies for the use of the House of Representatives, 1,000 for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

Resolved, That there also be printed 8,000 additional copies of the report of the Director of the Mint covering the operations of the mints and assay offices of the United States for the fiscal year ended June 30, 1899, to be bound in cloth and wrapped, 3,000 copies for the use of the House of Representatives, 2,000 for the use of the Senate, and 3,000 for the use of the Director of the Mint.

There being no objection, the House proceeded to the consideration of the resolution; and it was adopted.

The following amendments recommended by the Committee on Printing were read and agreed to:

Page 1, line 9, strike out "eight thousand" and insert "seven thousand five hundred."

Page 2, line 2, strike out "two thousand" and insert "one thousand five hundred."

The resolution as amended was agreed to.

REPORT ON CRIMES AND MISDEMEANORS IN THE UNITED STATES.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of Senate concurrent resolution No. 12.

The SPEAKER. The gentleman from Minnesota, by direction of the Committee on Printing, further asks unanimous consent for the present consideration of Senate concurrent resolution No. 12.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 4,500 copies of the report transmitted by the Secretary of State of the commissioner for the United States on the International Prison Commission on "Crimes, misdemeanors, and penalties" in the United States; of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 1,500 for distribution by the Department of State.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BABCOCK. Mr. Speaker, I should like to ask the chairman of the Committee on Printing if he has a resolution for printing the Messages and Papers of the Presidents, and if so, what has become of that resolution, and what is the probable action upon it?

Mr. HEATWOLE. The resolution is before the committee, and has not yet been taken up for consideration.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the several votes by which the resolutions were agreed to was laid on the table.

SOUTH AFRICAN REPUBLICS.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the desk.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The resolution was read, as follows:

Resolved, That this House view with deep interest the heroic struggle of the Republics of South Africa to maintain their existence, and hereby tender them our most profound sympathy in their unequal but gallant contest.

Mr. PAYNE. Mr. Speaker, I think that resolution had better go to the Committee on Foreign Affairs.

Mr. RICHARDSON. I did not understand the remark of the gentleman.

The SPEAKER. Objection is made, and the resolution is referred to the Committee on Foreign Affairs.

Mr. RICHARDSON. I did not understand the gentleman to object to its present consideration.

ORDER OF BUSINESS.

The SPEAKER. The Chair will suggest to the gentleman from Wisconsin [Mr. COOPER] that if the understanding about his bill, that an hour is to be occupied in its consideration, is carried out,

it will encroach upon the special order, as the gentleman was not ready to call it up when the House assembled, unless unanimous consent is first had to postpone the special order until this matter which the gentleman calls up is disposed of.

Mr. COOPER of Wisconsin. Mr. Speaker, I will say that I was ready to call it up, but in the absence of certain members on the other side who desired to speak, the gentleman from Virginia [Mr. JONES] suggested that it would have to go over until next week.

PETRIFIED FOREST NATIONAL PARK, ARIZONA.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9634) to set apart certain lands in the Territory of Arizona as a public park, to be known as The Petrified Forest National Park.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That there is hereby reserved from settlement, entry, sale, or other disposal, and set apart as a public reservation, all those certain tracts, pieces, or parcels of land lying and being situate in the Territory of Arizona and particularly described as follows:

Townships sixteen and seventeen north, ranges 23 and 24 east, Gila and Salt River meridian, Arizona.

SEC. 2. That said public park shall be known as The Petrified Forest National Park, and shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to prescribe such rules and regulations and establish such service as he may deem necessary for the care and management of the same. Such regulations shall provide specially for the preservation from injury or spoliation of the mineralized or fossilized formations or deposits, natural curiosities, and wonders within said park.

SEC. 3. That the Secretary of the Interior be, and is hereby, authorized, in the exercise of his discretion, to rent or lease, under rules and regulations to be made by him, pieces or parcels of ground within said park for the erection of such buildings as may be required for the accommodation of visitors.

SEC. 4. That all funds arising from the privileges granted hereunder shall be covered into the Treasury of the United States as a special fund, to be expended in the care of said park.

SEC. 5. That all persons who shall unlawfully intrude upon said park, or who shall, without permission, appropriate, injure, or destroy any of the mineralized or fossilized formations or deposits found therein, or other natural wonders or curiosities therein, or commit unauthorized waste in any form upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall, upon conviction, be fined in a sum not less than $50 nor more than $5,000, or be imprisoned for a period of not less than fifteen days nor more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LACEY. Mr. Speaker, I am always glad of an opportunity to do something by way of legislation for the benefit of the Territory of Arizona.

The gentleman representing that Territory [Mr. WILSON] has taken occasion to criticise the use of a few words of mine, uttered in the midst of debate, as an unjust reflection on his Territory. I was talking of Puerto Rico, an island with 110 inches of annual rainfall and with a population of 800 persons to the square mile, when the gentleman from Tennessee [Mr. RICHARDSON] suggested a comparison with Arizona, though Arizona has less than one inhabitant to the square mile and a very small annual rainfall.

I did not attempt to elaborate on the question and did not give any adequate idea of my personal views as to Arizona, but it was far from my thought to assail that Territory. The aridity of the country is well known and gives it the name of the "arid zone." But the very lack of rainfall that makes irrigation essential to successful agriculture has its compensation. The dryness of the air makes the climate an ideal one for the human lungs. It is the sanitarium of the world. Its lack of rainfall was what I had in view when I used the words which the gentleman used as the text for his discourse. If the speech made by him places him in a pleasing light before his constituents, its principal purpose will no doubt have been accomplished; but I regret that he should have so eagerly caught at a sentence of mine to place me in an attitude of apparent hostility to that Territory. I wish here and now to disclaim any such position.

In my service in the House, though serving on many committees, I have always been on the Committee on Public Lands, and have had many opportunities to show good will to that Territory and its people by giving unremitting attention to the various subjects of legislation in which they have been interested.

Many of her most enterprising and successful citizens I have known in my own State before they sought the healing air of Arizona. While Arizona has some of the best land in the world, it also has some of the worst, and the attempt to ignore that fact only lessens the value of the good testimony which the gentleman has given in his speech. But enough of this; I only want to say enough to disclaim anything but the friendliest feelings toward the people and the Territory in question. I hope and predict for her a great future.

Arizona has mineral deposits which are now being extensively worked, and which will no doubt produce very great wealth in time to come. The gentleman has missed some of the strong points of Arizona, and I trust he will not take offense if I supply them. She has many scenic advantages which are not adequately appreciated by the traveling public and which he has ignored. He has confined himself to her soil and mines alone.

The Grand Canyon of the Colorado will soon be accessible by rail, and its wonders will become one of the visiting shrines for all the lovers of beauty and grandeur of the earth. No one can destroy that great product of nature. The gentleman from Arizona has forgotten altogether, in his description of his Territory, its points of beauty. I hope he is not oblivious to such advantages.

The Grand Canyon of the Colorado and the sunny climate of Arizona can take care of themselves, but the Petrified Forest will be destroyed unless it is protected by law, and it is proposed by this bill to create a national park for the preservation of this wonderland for the enjoyment of posterity. The bill which is now before the House has been prepared for that purpose, and when enacted into law will add the Petrified Forest National Park of Arizona to the Yosemite, the Yellowstone, Rainier, and the other wonders of nature around which the Government of the United States has thrown her protecting mantle.

The United States Government tardily recognized the necessity of preserving as public property some of the great wonders of nature. The Yellowstone National Park was the first one of these reservations thus set apart as a pleasure ground for the nation. Since then the public lands around the Yosemite have been embraced in a national park. Efforts are being made to save the big trees of California from the saw of the lumberman. Mount Rainier has become a park and its natural scenery preserved from mutilation.

Arizona, with her pure, healing air, has for many years been the source of renewed life to the invalids of America. New Mexico and Arizona will in due time take the place of Nice and Mentone as the resort of the weak-lunged people of both hemispheres. Arizona has, in addition to the beauty of her climate, two of the most remarkable scenic wonders of the globe. The Grand Canyon of the Colorado is, without question, the most sublime and startling of all the works of nature in North America.

In talking with Hon. Mark Smith, of Arizona, about the Natural Bridge of Virginia, he said to me:

Sir, as compared with the Grand Canyon of the Colorado the Natural Bridge of Virginia is a playground for pismires.

But there is in Arizona a more wonderful scene than even the Grand Canyon itself. In a desert region, a few hours' journey by rail east of the Grand Canyon, is the Petrified Forest. In other parts of the United States there may be found petrifactions of remarkable character, but here are the remains of a great forest. These trees are of a coniferous, extinct species, with the exception of a single cottonwood trunk. They lie prone upon the ground as they drifted in on a prehistoric sea. Water-logged and heavy, they sank to the bottom, and were there covered with sand and changed into chalcedony. The sand hardened and cemented into stone and finally rose above the waters. This stone forest lay hidden from view for countless ages. By slow disintegration the embedding rock all washed away and the petrified trees, being much harder and more durable, were left lying scattered in dense profusion on the surface of the earth, where they had so long lain buried.

These trees are of the most beautiful colors, and the stone takes as high a polish as granite. Reckless tourists have long been engaged in carrying away fragments, even using dynamite on some of the finest specimens, and enterprising, money-making men have planned the removal and grinding of these trees into powder to be used as a substitute for emery, and the only thing that prevented this commercial vandalism was the discovery of a stone in Canada that would answer the same purpose, and the scheme was abandoned.

The legislature of Arizona favor the plan, and so does the Delegate from that Territory. No doubt the bill will become a law, and this remarkable product of nature's alchemy will remain as one of the wonders of the New World, and will become a shrine to be visited by the lovers of nature from every country under the sun.

I would like to call the attention of some of the gentlemen of this House who have had much to say about an English alliance to one thing connected with this proposed park.

The new railway station and post-office on the railway nearest the park is named after an old resident settler, Mr. Adam Hanna. The place is named Adamanna. The "H" has been dopped in the most English fashion from this name, and Adamanna is the result. I hope this evidence of British influence will prejudice no one against the park.

The following amendments, recommended by the Committee on the Public Lands, were read and agreed to:

Line 9, page 1, after "three," insert "and" and strike out "and twenty-five."

On page 2, lines 21 and 22, strike out "not less than $50 nor" and insert "of not."

In line 23, page 2, strike out "less than fifteen days nor."

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

FEDERAL COURTS, LOUISIANA.

Mr. KERR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8963) to fix the terms of the district and circuit courts of the western judicial district in the State of Louisiana.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That there shall be held semiannually in the western judicial district in the State of Louisiana two stated sessions of the district and circuit courts at each of the following places, to wit: At Opelousas on the first Mondays of January and June; at Alexandria on the fourth Mondays of January and June; at Shreveport on the third Mondays of February and October; at Monroe on the first Mondays of April and October.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. I should like to ask if this bill has been reported by any committee of the House?

Mr. KERR. This bill has been unanimously recommended by the Committee on the Judiciary. It simply changes the time of holding a term of the circuit and district courts, which by existing law is fixed for the 30th of June, at Shreveport, La., and makes it an October term. The judges of the court, the bar, and all the people down there who are interested have represented to the committee that it was next to impossible to hold a term of court at Shreveport in July, and for that reason they recommended a change of the term to October.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. KERR, a motion to reconsider the last vote was laid on the table.

CONSTITUTIONAL QUESTIONS AS TO PUERTO RICO.

Mr. RICHARDSON. Mr. Speaker, I rise to make a privileged motion. On last Friday week, a week ago yesterday, I introduced a resolution of inquiry, addressed to the head of the War Department, which was properly referred, and has not been reported back within a week. The report is now privileged, and I ask for its adoption.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Secretary of War be, and is hereby, directed to furnish the House of Representatives with any opinion or opinions given the Department by Charles E. Magoon, law officer of the division of insular affairs, as to whether the Constitution was extended, ex proprio vigore, to the island of Puerto Rico when the peace convention between the United States and Spain was ratified; and in furnishing such opinion or opinions, if any were given, will also furnish such arguments or reasons as were assigned by said Magoon in support thereof.

The SPEAKER. The Chair thinks that the motion should be to discharge the Committee on Military Affairs from the consideration of the resolution——

Mr. RICHARDSON. I move to discharge the committee and to adopt the resolution.

The SPEAKER. The gentleman from Tennessee moves to discharge the Committee on Military Affairs from the consideration of the resolution just reported, and that it be adopted.

The motion was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

COLORADO COOPERATIVE COLONY.

Mr. BELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6250) extending the time for proof and payment on lands claimed under the desert-land law of the United States by the members of the Colorado Cooperative Colony in southwestern Colorado.

The SPEAKER. The gentleman from Colorado asks unanimous consent for the present consideration of a bill which will be reported by the Clerk.

The Clerk read as follows:

Be it enacted, etc., That the time for making final proof and payment for all lands located under the desert-land laws of the United States by members of the Colorado Cooperative Colony, of southwestern Colorado, shall be extended from time to time, yearly, for a period not exceeding five years from the time when proof and payment is due under existing laws, upon their filing with the register of the land office of the district in which such land is located affidavits of the secretary of said company, supported by two disinterested persons, showing that more than one-seventh of the necessary cost of building their canal for the reclamation of their lands, including laterals, has been done at the time of the application for said first extension; and like proof showing that a force of not less than ten men have been constantly at work on said canal or in preparing lumber, fluming material, etc., therefor, and have been continuously so at work since the last extension, shall entitle them to any subsequent extension herein provided for.

Mr. BELL. Mr. Speaker——

The SPEAKER. The Clerk has not reported the amendments.

Mr. BELL. I wish to make a suggestion. The amendment only consists of giving the names of the cooperative colony and the numbers of their claims. There are 71 of them, and that is all there is to it. I move that we dispense with the reading of that.

The SPEAKER. The gentleman does not wish the amendment reported?

Mr. PAYNE. I think certainly the House ought to hear the amendments.

Mr. BELL. Will the gentleman from New York hear me for a moment?

The SPEAKER. The Chair will state to the gentleman that the House has not yet given consent for the consideration of the bill. Let the Clerk report the amendments and complete his work.

The Clerk read as follows:

Strike out all after "Colony," in line 5, page 1, and insert in lieu thereof the following:

"Namely: No. 494, George Douglass, section 4, township 46 north, range 15 west; No. 438, Erskine Easton, section 5, township 46 north, range 15 west; No. 421, Ruth R. Miller, section 5, township 46 north, range 15 west; No. 466, Evelyn Winter, section 5, township 46 north, range 15 west; No. 469, Charles A. Hastings, section 5, township 46 north, range 15 west; No. 411, Julia A. Howard, section 6, township 46 north, range 15 west; No. 422, Thomas M. Campbell, section 6, township 46 north, range 15 west; No. 439, Edward L. Kittell, section 6, township 46 north, range 15 west; No. 467, Robert L. Veach, section 6, township 46 north, range 15 west; No. 468 Presly B. Veach, section 6, township 46 north, range 15 west; No. 460, Fred. C. Tawney, section 6, township 46 north, range 15 west; No. 423, Charles C. Goodrich, section 6, township 46 north, range 15 west; No. 437, Melville J. Goodrich, section 6, township 46 north, range 15 west; No. 402, Olaf S. Petterson, section 7, township 46 north, range 15 west; No. 403, Robert W. Crane, section 7, township 46 north, range 15 west; No. 445, Cornelius C. Langford, section 7, township 46 north, range 15 west; No. 401 Hugh L. Shellabarger, section 7, township 46 north, range 15 west; No. 413, Cora G. Wartner, section 7, township 46 north, range 15 west; No. 436, Nancy L. Bowen, section 7, township 46 north, range 15 west; No. 335, George Slote, section 8, township 46 north, range 15 west; No. 448, Cassius N. Gile, section 8, township 46 north, range 15 west; No. 351, Ludelbert A. Lewis, section 8, township 46 north, range 15 west; No. 437, Clara L. Gile, section 9, township 46 north, range 15 west; No. 228, Edward L. Gallatin, section 9, township 46 north, range 15 west; No. 434, Waldo Linnell, section 9, township 46 north, range 15 west; No. 423, John H. Iverson, section 9, township 46 north, range 15 west; No. 348, Reuben S. Riehl, section 12, township 46 north, range 16 west; No. 475, Frank C. Gibbs, section 12, township 46 north, range 16 west; No. 399, George C. Wright, section 12, township 46 north, range 16 west; No. 339, Charles Reed, section 24, township 46 north, range 16 west; No. 385, John F. Skees, section 14, township 47 north, range 16 west; No. 428, Emory C. Brooks, section 14, township 47 north, range 16 west; No. 451, Elmer C. Brooks, section 14, township 47 north, range 16 west; No. 464, James Cooper, section 15, township 47 north, range 16 west; No. 396, Frank E. Furry, section 22, township 47 north, range 16 west; No. 429, William B. Benny, section 23, township 47 north, range 16 west; No. 435, William C. McGuire, section 23, township 47 north, range 16 west; No. 430, John Doing, section 23, township 47 north, range 16 west; No. 431, Arlie C. Coon, section 23, township 47 north, range 16 west; No. 406, Fred H. Brown, section 24, township 47 north, range 16 west; No. 391, Uri H. Walker, section 24, township 47 north, range 16 west; No. 240, Georgena R. Smith, section 25, township 47 north, range 16 west; No. 416, Albert C. Snyder, section 25, township 47 north, range 16 west; No. 352, Claus J. Jensen, section 25, township 47 north, range 16 west; No. 482, M. B. Leap, section 27, township 47 north, range 16 west; No. 485, Gustav D. Hanman, section 27, township 47 north, range 16 west; No. 348, Chester C. Dunn, section 35, township 47 north, range 16 west; No. 270, Hattie H. Chrisman, section 35, township 47 north, range 16 west; No. 479, Ligel M. Preston, section 35, township 47 north, range 16 west; No. 405, Bertha Tarkoff, section 36, township 47 north, range 16 west; No. 404, Friend D. Minor, section 36, township 47 north, range 16 west; No. 278, Hattie E. Wright, section 30, township 47 north, range 16 west; No. 229, Ada R. McElroy, section 10, township 46 north, range 15 west; No. 471, Leory M. Veach, section 15, township 46 north, range 15 west; No. 354, Isaac Tarkoff, section 16, township 46 north, range 15 west; No. 472, Handy R. Babcock, section 16, township 46 north, range 15 west; No. 410, Benj. L. Smith, section 16, township 46 north, range 15 west; No. 397, Samuel England, section 16, township 46 north, range 15 west; No. 313, Rockwood H. Blake, section 30, township 46 north, range 15 west; No. 347, John H. Dunmike, section 36, township 46 north, range 15 west; No. 344, Clarence A. Wood, section 36, township 46 north, range 15 west; No. 400, May Schenck, section 30, township 47 north, range 15 west; No. 444, Ralph E. Chatfield, section 31, township 47 north, range 15 west; No. 441, Lida M. Brown, section 31, township 47 north, range 15 west; No. 230, Hezekiah Epperson, section 1, township 46 north, range 16 west; No. 407, William Liebenberg, section 1, township 46 north, range 16 west; No. 575, Julia W. Barnes, section 1, township 46 north, range 16 west; No. 481, Samuel M. Kerns, section 1, township 46 north, range 16 west; No. 452, Harry J. Langdon, section 2, township 46 north, range 16 west; No. 433, John O'Leary, section 2, township 46 north, range 16 west; No. 353, James Mahaffy, section 4, township 46 north, range 16 west, all in Montrose County, Colo., land district, shall be extended for a period of three years.

The SPEAKER. Is there objection?

Mr. PAYNE. I would like to ask the gentleman from Colorado a question about this bill. I understand that this is simply to extend the time and that the work is to be done as provided for under previous laws.

Mr. BELL. Yes; that is all.

Mr. PAYNE. And that it is reported from the Committee on Public Lands?

Mr. BELL. Reported unanimously.

Mr. LACEY. They have been unable to do the work during the time fixed by the original law.

Mr. SHAFROTH. The work was very expensive, being a canal, costing probably $200,000.

Mr. PAYNE. How much have they done?

Mr. BELL. About $75,000 worth of work.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

SOUTH AFRICAN REPUBLIC.

Mr. RICHARDSON. Mr. Chairman, I desire to make a parliamentary inquiry. I introduced a resolution a few moments ago tendering our sympathy to the South African Republic, and the gentleman from New York [Mr. PAYNE] objected to it. I did not hear to what committee the resolution was referred.

The SPEAKER. It was referred to the Committee on Foreign Affairs.

Mr. RICHARDSON. Then I ask unanimous consent that that committee have leave to report that resolution at any time.

Mr. PAYNE. Well, Mr. Speaker, that does not intensify the matter for such a proceeding as this.

Mr. RICHARDSON. I hope there will be no objection made to leave being given them to report.

Mr. PAYNE. Making it a privileged report? I do not think there is any cause for altering the rules this morning. The gentleman is a member of the Committee on Rules.

Mr. RICHARDSON. I ask unanimous consent that the committee have leave to report that resolution at any time.

Mr. GROSVENOR. Mr. Speaker, I do not think that is in order.

The SPEAKER. The gentleman rose to a parliamentary inquiry and turns it into a request for unanimous consent. The gentleman from Tennessee asks unanimous consent that the Committee on Foreign Affairs have the privilege——

Mr. GROSVENOR. I make the point of order——

The SPEAKER. Let the Chair state the request. (Continuing.) Have the privilege to report at any time on the resolution recently referred to that committee.

Mr. PAYNE. I suggest that this go to the Committee on Rules. I think we ought to enforce the rule.

The SPEAKER. Objection is made.

Mr. RICHARDSON. All right.

TO EXTEND COAL-LAND LAWS TO THE DISTRICT OF ALASKA.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 5768) to extend the public-land laws to the district of Alaska.

Be it enacted, etc., That the public-land laws of the United States are hereby extended to the district of Alaska.

The amendments recommended by the committee were read, as follows:

In line 3, after the word "that," insert the words "so much of;" and after the word "Alaska," in line 4, add the words "as relate to coal lands, namely, sections 2347 to 2352, inclusive, of the Revised Statutes."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. LACEY. Mr. Speaker, the title should be amended so as to read: "To extend the coal laws."

The SPEAKER. Does the report show what the amendment should be?

Mr. LACEY. I think not.

The Clerk read as follows:

Strike out of the title the word "public" and insert the word "coal;" so that it will read: "To extend the coal-land laws to the district of Alaska."

The SPEAKER. Without objection, this correction of the title will be made.

There was no objection.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH, from the Committee on Agriculture, reported the bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. WADSWORTH. Mr. Speaker, I desire to give notice that I will ask consideration of the bill on Monday at the earliest possible moment after the reading of the Journal.

Mr. RICHARDSON. I reserve all points of order on the bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

Mr. PAYNE. I move that the House take a recess until 1 o'clock.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CORLISS. Division.

The House divided; and there were—ayes 62, noes 34.

So the motion was agreed to.

And accordingly (at 12 o'clock and 45 minutes p. m.) the House was declared in recess.

AFTER THE RECESS.

The House resumed its session.

The SPEAKER. In pursuance of the order heretofore made, the House will now proceed to the consideration of the resolutions upon the life and character of the Hon. RICHARD P. BLAND, of Missouri, late a member of this House.

Mr. DE ARMOND. Mr. Speaker, I offer the following resolutions, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the business of the House be now suspended in order that suitable tribute may be paid to the high character and eminent public services of the Hon. RICHARD PARKS BLAND, late a most distinguished member of the House of Representatives of the United States from the State of Missouri.

Resolved, That as a mark of respect for the memory of the deceased the House, at the conclusion of these memorial exercises, shall stand adjourned.

Resolved, That the Clerk of the House transmit a copy of these resolutions to the family of the deceased statesman, and inform the Senate of the action of this body.

The resolutions were unanimously agreed to.

Mr. DE ARMOND. Mr. Speaker, RICHARD PARKS BLAND was born in Kentucky, August 19, 1835, and died in Missouri, June 15, 1899. Between these lids, birth and death, are the leaves of a noble life.

BLAND reached manhood by the rough way which so many poor boys have trod. He passed a few years in the far West, among the pioneers who went to the wild mountains in search of the precious metals. In Missouri he married Virginia E. Mitchell, the devoted wife who bore him four sons and five daughters. The widow and six children survive to mourn the death of the best of husbands, the best of fathers. BLAND was a lawyer with a fair practice when he was elected to Congress. Believing that as the representative of the people he should quit his private business and devote himself wholly to the public service, he gave up the profession in which his progress had been satisfactory. Loving the country, he made his home upon a farm, and when wearied with the duties and cares of public life, there, communing with nature, he sought and found rest and recreation.

He served twelve terms, or twenty-four years, as a member of the House of Representatives of the United States, and death canceled his certificate of election for a thirteenth term. Once only was he beaten, and even then he barely missed election, although defeat overtook his party at almost every point. He was one of many vicarious atonements for the sins of others. Nominations came to him; no one else was thought of while he lived.

BLAND is most widely known through his prominent connection with the silver question. If his name were not woven for all time into the story of the free-silver conflict, as that of a master spirit there, he would have high place in the annals of other great issues under consideration during his long public career. For it is a fact that he had clear views upon every important principle involved in the measures passed or proposed in a quarter of a century of stirring times for the Republic and for mankind, and he was in the forefront of the battle as it raged around one after another of them.

This is not the time nor the occasion for a careful analysis of the views of the departed chieftain concerning the free coinage of gold and silver. He believed, without doubt or shadow of wavering, believed as he believed in the vital force of the cardinal virtues, the abiding prosperity of his countrymen, as well as the real advancement of the race along the lines of "the greatest good to the greatest number," to be dependent upon the free coinage of both gold and silver into standard money; and he was for "the old ratio." He believed that the world never had and never would have too much standard coin of these metals, but that, on the contrary, owing to a scarcity of such money, the great body of the people were and, without the remedy of free coinage, would continue to be at the mercy of the wealthy few.

Among the clouds of financial distress he could see no bow of promise of enduring prosperity for the masses, either in our own land or elsewhere, so long as primary money should continue to be so scarce that most of it, at any time and without notice or warning, could be withdrawn from the channels of trade, either by the cupidity or through the panicky fears of a few millionaires. He was deeply affected as he noted and vainly tried to avert the dangers which menaced the plain people, of whom he always was the faithful champion. He beheld the advance of science, discovery, and invention, but observed with a sad heart that the benefits which went to the many were grievously out of proportion to those reaped by the favored few. A poor man himself, battling for the poor, he saw how millionaires, like mushrooms, spring up in a night, while the sturdy yeomanry of the land go down in

financial storms, as the grain in their fields falls under the stroke of the hurricane.

He was truly a lover of his fellow-man and a foe, stern and implacable, to whatever, viewed calmly and honestly, as he viewed all things, appeared to him to be destructive instead of promotive of the general welfare. To him it seemed monstrous that, by the legislation of the representatives of a free and noble people, dollars should be made scarcer in proportion to the need for them, when so many poor men have debts and taxes to pay and mortgages to lift. He never feared, as some have done and some others have claimed to do, that bad results would flow from increasing, by the free coinage of both silver and gold, the quantity of money in the United States and in the world. He could find neither force nor weight in the contention that the coinage of such money, as rapidly and as freely as the earth might yield the precious metals and man might choose to carry them to the mints, would disorganize business, or dangerously inflate prices, or stimulate men to wild speculation, or induce extravagance, or be productive, or even promotive, of any other of the ills which certain prophets (false prophets, he thought) said would result from free coinage.

He believed that, with primary money increasing in quantity as the energy and science of man might unlock, one after another, nature's storehouses, deep in the bowels of the earth or buried in the shifting sand, all property would advance in price and in salability; the burden of taxation and of debt would become lighter for the masses; industry would find fresh stimulus in increasing rewards; investments would yield larger and surer profits; money no longer would be hoarded as the safest and best way to make money through falling prices; and financial slavery—the most artfully contrived and cruelest of all the forms of bondage known upon the earth—would disappear steadily and rapidly, and soon be a thing of the past.

According to his philosophy, what the people need, and what of right they should have, is not merely enough money for good times, when every man who has money puts it into circulation either by using it himself or by lending it to others who will use it, but enough for hard times, when the scheming, the timid, and often the prudent, hold fast what money they have in hand, and draw in as quickly as possible what they have in business or at interest. He contended that when money is abundant, when supply keeps pace with demand, the many and not the few will have control of it; and that the courage and hope and enterprise of the many must always, and more especially in financial storms, afford a safer anchorage than the fright, the greed, and the manipulations of the few ever can supply.

But I did not mean to go far into the silver question, so close to the heart of the great American Commoner, and hence I leave it, with the fervent hope that the Ruler of nations and of men may raise up and sustain some champion of the people, as honest, as brave, as faithful, as steadfast, as the dead statesman whose loss we deplore, to take up his great fight and carry it on through the years, to complete victory.

In 1896, as the time drew near for the assembling of the national convention of the Democratic party, hope in the minds of many grew apace that BLAND would be the nominee for President. And when the convention met, and those of BLAND'S way of thinking were found to be in full control and firm in the assertion of their principles, nothing appeared more probable or fitting than that the honor of leading in the approaching contest between the parties should fall to him. But no persuasion could tempt him to strive for the nomination. His doctrine then, as always, was, THE CAUSE ABOVE THE MAN. For he had no disposition but to do good. The "cause" was dearer far to him than any prize that ambition could covet or fortune bestow.

So, while the clans were gathering at Chicago, while the platform was under discussion, when the balloting was going on, when Bryan was nominated—all the time, the unselfish patriot, the ardent lover of the "plain people," RICHARD PARKS BLAND, was at home on his Missouri farm, anxious for the "cause," but indifferent about himself, the man. The news that the nomination for the Presidency had been made, but that BLAND was not the nominee, smote more sorely than blows could have done the neighbors and friends who gathered about the smiling chieftain, exultant over the victory written in the platform. No sorrow, no bitterness, no disappointment touched the tranquil soul of the noble farmer-statesman, who had put and kept "the cause above the man." And as he sat there in the shade of the apple trees, every note of the wild bird in the branches, calling cheerily to its mate, was music sweeter far in his ears than all the triumphant blasts of bugles mingled with songs of victory from the throats of exultant friends over his nomination, ever could be. The "cause" had triumphed in the platform. What cared he, who was devoted to the cause and indifferent to self, whether it had been thought best to put him in the station of highest honor or in the ranks, so long as the lines were drawn true and he could be in the thick of the fight anyhow?

No doubt others will tell here and elsewhere—and the world knows—how BLAND was the vital force that brought into being the Bland-Allison Act. In principle and in policy that measure fell far short of BLAND'S judgment, wishes, and hopes; but he was not able to secure anything better. Who can tell how unbearable would have been and would be the burdens of his countrymen, or how complete would have been and would be the destruction of values in the small holdings of the poorer people, if the silver dollars coined under that law had never been made? The future, better than the past or the present, can estimate at their true worth the services of this devoted patriot to his countrymen and to mankind.

In forming a judgment of BLAND this thought of Emerson is suggestive:

Nothing is more simple than greatness; indeed, to be simple is to be great.

Who that believes with Emerson can doubt that BLAND was a great man? How simple he was! In him was no affectation. The real and not the seeming inspired him, moved him. On his farm in Missouri he was as plain as other farmers, and here in Washington, through all his great career, he was as plain as any self-respecting Missouri farmer might be. With him the man was to be regarded always, and not the clothes which the man wore, or the house in which he lived, or the wealth or the poverty with which he might be surrounded. No glitter could dazzle him; no temptation could swerve him from the right as it was revealed to him; no opposition could daunt him; no betrayal could shake his allegiance to truth and justice; no flattery could win him; no fire ever grew hot enough to drive him from his guns.

He never betrayed a trust, never deserted a friend, never took a mean advantage of an antagonist. So well poised was he that he discerned the right as if by intuition; so brave and devoted that he would have led a forlorn hope as coolly as he would turn a furrow in one of his fields, in preparation for the seedtime. If martyrdom could have secured the triumph of any great cause in which he was enlisted, he would not have quailed at sight of the stake. And none are more gentle than he was.

BLAND was all that the most exacting can find expressed in those words of deep and noble meaning: Husband, Father, Friend. He loved home and family and all that make both dear to every true man. There were none against whom he cherished enmity—and who could know him and live in hostility to him? A shaft piercing him, whether sped thoughtlessly or in malice, sank in the deep ocean of his charity, far out of sight of men, however sore the wound made by it might be. He never tried to hurt, but always to help. He fought hard, but in the lofty purposes of his warfare principles, and not men, engaged his attention.

Honor is the recompense of those who do right without seeking recompense.

Thus spake a wise man among the ancients. And if he spake truly, what chaplets of honors should garland the memory of our departed friend! Modest, simple, kindly, in all his works and ways; unselfish, generous, tender in all his relations in life; brave, steadfast, faithful, in all his undertakings—we are richer, my countrymen, in that RICHARD PARKS BLAND lived and worked for us, and poorer, far poorer, in that his labors are ended and he he has gone from us forever.

He died when the shadows from the west, though lengthened, showed that the sun still was above the horizon and the night of years had not yet fallen. He died before the weight of age was upon him, but some solace may be found in the reflection, harbored by many, that the best time to die is when one is in his prime, ere the powers of the mind have begun to wane or the springs of life have dried up. At least, it is a consolation to be able to remember our friend as he was—not bowed with age, not borne off the field wounded and writhing in pain, but keen-sighted, calm, and bold—the chieftain whose voice was clear and whose lance was sharp-pointed and well poised, suddenly summoned to quit, for a higher sphere of usefulness, the life which all, sooner or later, must lay down.

Friend of every true man, and foe to none; friend of many days, faithful always and ever generous—to whom, in all the annals of this historic old Hall, has tribute been paid with better right than thine? Who has been truer than thou? Who braver in the fight? Who more steadfast when temptation came and hosts opposed? Whose life was more simple, purer, nearer to the people, than thine? Whom did ambition blind less or duty control more? Who beyond thee put "the cause above the man?"

We shall not err in rating BLAND as a great man. The goodness which inspired him, the judgment which guided him, the courage which animated him, the faithfulness which characterized him—surely these and other elements of noblest quality were so blended in him as to make him great. A man may be good without being great, but no man can be great without being good. Intellect and learning men may have in abundance, they may be strangers to fear, and yet not be great; but when so many parts of greatness, in liberal proportion, are blended so happily as in the friend of whom we speak to-day, who will deny that he was of the company of the great?

Thousands traveled far to gather about BLAND'S bier and attend his body on the march to the grave. They came individually and in society organizations. Great men were there, with heads bowed and eyes moist. And the plain people, his Missouri neighbors—laboring men and farmers, mechanics, merchants, professional men—a multitude of them bent in grief over his coffin. Everyone realized that he had lost a dear friend. To each and all BLAND had been gentle and kind and "faithful unto death." They do not expect ever to meet his superior, and no price could buy their memory of him, so tender, so proud.

Truly, all that was mortal of BLAND sleeps well in the little churchyard near his old homestead in the great State of Missouri, whose people he loved and served long and faithfully, and the love of whose people for him and their reverence for his memory are as enduring as life.

And that lowly yet lofty spirit which so lately dwelt in that body of his, over which nature will spread her soft green carpet—where is it?

Hearken unto the words of the wise man of UZ, as they float across the centuries, with their boon of assurance and their balm of resignation:

> The Lord gave, and the Lord hath taken away; blessed be the name of the Lord.

Mr. LANHAM. Mr. Speaker, it was my good fortune to know Mr. BLAND well and intimately; indeed, I may say that in a large degree I enjoyed his friendship and confidence, while I fully and freely gave him mine in return. My personal acquaintance with him began in the Forty-eighth Congress. Of his contemporaries then in the House of Representatives, there are now only fourteen who are members of this House, and they are Mr. BINGHAM of Pennsylvania, Mr. BOUTELLE of Maine, Mr. CANNON of Illinois, Mr. HENDERSON of Iowa, Mr. HEPBURN of Iowa, Mr. HITT of Illinois, Mr. KETCHAM of New York, Mr. LANHAM of Texas, Mr. MULLER of New York, Mr. PAYNE of New York, Mr. PIERCE of Tennessee, Mr. RAY of New York, Mr. STEELE of Indiana, and Mr. WADSWORTH of New York.

Oh, how time and change and death have decimated the membership of that body, and how few of us there are who yet remain! As the circle becomes smaller and smaller, my sense of personal attachment to the survivors is intensified. There is a community of feeling and experience with us that does and ought to bind us more strongly to each other in friendly interest.

The passing of years, the decease and consequent diminution of friends and associates, the realization that we are gradually yet surely growing old, and without pause by the wayside, are approaching the end of the journey, the physical and mental mutations of which we are conscious and yet powerless to control, the thoughts and experiences that come to us when we know that the greater part of life's distance has been traveled, the retrospect, the knowledge that "primal strength and the rose of youth" can never be restored, the heart's yearning for "friends regretted, scenes forever dear"—all these and cognate reflections give rise to emotions which no language can portray.

They are never more aroused than when we stand in the presence of our beloved dead. It is then that our natures long and cry out for immortality. It is then when hope beyond the grave is most inspired, and trust in the promises of God affords the greatest solace. It is then when the "blessed tie that binds" us to friends still left, is the strongest, and fellowship and communion with them are most desired and appreciated.

I was assigned in that Congress to the committee of which Mr. BLAND was chairman, and it was my privilege to be closely associated with him in the consideration of those questions the investigation and advocacy of which rendered his public service notable. Our acquaintance ripened into the most pleasant and cordial relations, socially and politically. Unusual opportunity was afforded me to study him and to understand the manner of man he was, and accordingly I feel measurably qualified to say something of his life and character.

In paying tribute to his memory, it is my earnest desire to be entirely sincere and truthful. I shall not permit the promptings of affection nor the license of obituary to carry me beyond the limitations of good conscience and veracious estimate. Were he living, he would protest against any unwarranted or extravagant compliment. Adulation was always distasteful to him. Candid and conscientious himself, he respected frankness and truthfulness in others. He was singularly free from dissimulation, and eschewed all manner of insincerity. He was without pretense and without guile, and far above and beyond anything little or mean.

I have never known a cleaner and more thoroughly upright man in public life. He was indeed a model of integrity. He was essentially a man of the people, and his sympathies were always with them, and his efforts ever exerted in their behalf. He was justly termed the "Great Commoner." His tastes and habits were simple and unostentatious. He was a modest man. He was courageous and insistent wherever his convictions of duty led him, and his political associates experienced a sense of safety when following him. His action and example not infrequently influenced their votes and conduct.

In voting with Mr. BLAND they were not afraid of adverse criticism. They felt that he had the full confidence of the people, and that whatever he did would meet their approval.

Early in his Congressional career he applied himself to and focalized his research and energies upon what is known as the money question, and especially upon the subject of coinage. He studied them thoroughly and laboriously, and it is perhaps not too much to say that he was more conversant therewith than any American of his day. He was essentially the pioneer and ceaseless advocate of the remonetization of silver; always vigilant and resolute in his contention.

In this connection he achieved for himself a national reputation. He was known and quoted not only in the United States, but wherever monetary science was discussed in the civilized world. He made valuable contributions to the subject he understood so well, not only in the halls of legislation, but with his pen he reached thousands of reflecting minds through the great journals of his time.

While he was familiar with and participated in the discussion of all great issues which engaged attention during his public life, and was possessed of comprehensive judgment and ready grasp of all governmental problems and economic policies, his claim to enduring remembrance and historic perpetuation as a statesman, will rest substantially upon his philosophy and treatment of the money metals. That he was inspired in all he did by his own conscientious approval and the loftiest patriotism, all who knew him will cheerfully attest. His ability and earnestness challenged the admiration of those who believed with him and won the respect of those who disagreed with him.

His immediate constituency testified their approbation of his course and their great attachment to him by oft-repeated indorsements and reelections; and when the monetary policy which so conspicuously marked his Congressional career became the leading tenet of the national party to which he belonged, millions of his political friends and admirers favored his nomination for the Presidency. He lived to see "the stone which certain builders rejected become the head of the corner," and that proposition, to the success of which he had given his unremitting endeavor, and upon which he had bestowed the best years of his life, not only ratified and adopted by his party, but made the rallying cry which summoned its hosts to the polls.

Mr. BLAND was one of the most amiable men I ever knew. His kindliness of disposition and unobtrusive mannerism drew men toward him and made them feel easy in his presence. He was readily approachable, and the very soul of gentleness in his personal relations with all who knew him, and the better he was known the more highly he was esteemed. His private life was beautiful and his conduct irreproachable. There was a quiet, native dignity about him in his daily walk and conversation which gave a charm to his personality. He had a kind word for every one with whom he came in contact.

In public discussion he was earnest and forceful, positive and vigorous; and yet he was courteous and preserved the amenities of debate and the decorum of intellectual controversy. His denunciation of what he considered wrong was ever prompt and severe, and I have often seen him stern almost to indignation when combating what he believed to be vicious in policy, detrimental to the interests of the people and the cause of good government. He was vehement in protest and resented with all his might every species of injustice to his fellow-men.

No blot nor blur stained his lofty manhood. Purity of life, rectitude of conduct, rigid integrity, and unstinted devotion to principle adorned his long and illustrious career. Verily, he hath left behind him a good name and a record without blemish.

I knew much of his inner life. He cherished his home circle in a marked degree. A more loving, faithful husband, a kindlier, better father, a nobler, truer man, a more exemplary citizen, a more faithful and patriotic statesman never lived nor died.

Knowing him as I did and prepared as I am to speak truly of him, I wish to record of him what, after all, is the highest possible human tribute, the supreme "conclusion of the whole matter" of excellency in earthly conduct and nobility of character, the grandest epitaph that can mark the last resting place of any of our race, the very best that friend living can say of friend dead—"He was an honest man."

It is given to none of us to lift the veil which overhangs the portal of the unseen world. What happens after death and whither the spirit wings its flight, are beyond human discovery. The past we know, but the future we can not discern. We can only hope and trust in the infinite love and mercy and intercession of our great Redeemer, and that through these there cometh at last a safe deliverance.

While Mr. BLAND was not a member of any church, he nevertheless had the highest respect for the Christian religion and the

greatest regard for those who were truly pious. I am persuaded that he fostered in his soul, as he practiced in his life, many of the real virtues and true principles of Christianity. He loved truth and abounded in charity toward all mankind. His ear was quick to the distress and afflictions of others and his hand and heart were always ready in their alleviation. I have no doubt that as he approached the "valley of the shadow," and realized that he must soon appear in the presence of his Maker, he had a ready audience with the Father of Spirits, and received assurance of that peace and rest which await the faithful.

Mr. Speaker, in his death I have lost one of the dearest and most valued friends I ever had—intimate and confidential, to whom I could talk and with whom I could confer with absolute freedom and perfect reliance upon any subject. His advice and judgment were always useful to me. It will ever be one of the sweet comforts of my life that he did me the honor to bestow upon me his personal regard, and the memory of my communion with him will always be precious.

When I received the message announcing his death and requesting my presence at his obsequies, it reached the depths of my heart and touched my nature beyond my power to describe. I responded to the summons. I looked upon his dear old honest face, cold in death. I visited his desolated home and viewed the scenes of his domestic life, and there came upon me a feeling of personal bereavement such as I think is rarely experienced by one not of kindred blood. It was to me a funeral of inexpressible sadness. Thousands of his friends and neighbors and constituents were there. Multitudes, representing every walk and condition of life, gathered to testify their respect and pay their final tribute.

The sympathy and sorrow not only of his district and State, but of the whole Union were manifest in the attendance upon the last sad rites and through what was said of him in the press. I imagine there has never been in Missouri, and perhaps never will hereafter be, a funeral which so affected the throbbing hearts of the great mass of the people. They knew and felt that they had lost a true and constant and mighty champion of their rights.

We laid him away to rest until the Resurrection, with every benediction on his memory, and felt that a great and good man had passed away. May the Almighty comfort and protect his widow, and may his children "be beloved for the father's sake."

Mr. SMITH of Kentucky. Mr. Speaker, the Hon. RICHARD P. BLAND was born in Ohio County, Ky., which is within the district I have the honor to represent in this House. It was there, under sunny skies, in a genial climate, and amongst a generous and chivalrous people, that he grew to young manhood's estate. It is an honor which I appreciate not a little to occupy in this House the seat which was occupied by Mr. BLAND in the Fifty-fifth Congress and to speak, as I do, for the district that gave birth to so conspicuous a figure in American politics.

So far as I have heard, Mr. BLAND sprang from a parentage that was humble in station and limited in fortune, though eminently reputable in name, upright in conduct, and rich in those attributes that make a human character beautiful and attractive. I had not the pleasure and profit of a personal acquaintance with Mr. BLAND until the Fifty-fifth Congress was convened in extraordinary session in March, 1897, but from our introduction until the close of his faithful career upon this earth our relations steadily grew more cordial, and the sentiment of respect that I had long entertained for him intensified and developed into the higher, better, and more enduring emotion of genuine friendship.

Oftentimes we met here when the House was not in session, and indulged in pleasant converse about his childhood's happy days in the old Kentucky home. He never grew tired of telling nor I of listening to his recollections of Ohio County and its people, and many were the inquiries that he made about the friends of his early days, many of whom had long before him crossed the dark and mystic stream into the country whose pleasures and delights are of hope and faith rather than of knowledge to us, but some of whom still linger upon time's wasting shores mourning his death, revering his memory, and praising his noble deeds.

All the engaging vicissitudes of his active and busy life had not obscured his recollections of or abated his genuine affection for his native county and the people of his youthful years. The people of Ohio County, as well as of all Kentucky, cherished and loved him as one of its favorite sons, and he loved them as well. He was plain and unpretentious, but his power and ability did not need to be regaled in the transient habiliments of self-conceit. I hazard nothing in saying that he possessed all the qualities of mind and heart that go to make a man really and truly great to an eminent and in such proportion that there were but few men indeed who could measure to his standard.

He came, as I have intimated, from a people who loved the right and spurned the wrong, and throughout his public and private life he prized this as his highest and most valuable heritage, and was always faithful to this traditional principle of his family and his people.

He was indeed a great commoner in this, that he guarded with unrivaled vigilance and fidelity and with marked zeal and intelligence the rights of the great masses in their conflicts with the special interests. He was among the first to urge the restoration of silver as a standard money, and in the hours of our fiercest struggle on this great question, when those who had long been his party associates and to whom he was bound by ties of personal friendship were some of them faltering and others fleeing, he stood true to the cause of the people, unmoved by the persuasion of his friends and undaunted by the taunts of his foes.

He was the truest, best type representative of the plain people I have ever known. He was not a tactician nor, in the general acceptance of the term, a politician, but rather was he a patriot and a statesman. He was as honest in his conviction, as courageous in his action, as correct in his judgment upon economical questions and public affairs as he was pure, gentle, and lovable in his private life and character. His splendid record is a part of and inseparable from the history of our common country. But he has gone from us.

No more will he be seen in the walks of men; but the lofty influence that went out from him, and that will continue to live after him, will touch and elevate our national character, and mark with indelible impression our national policies, while his wise counsel when on earth will be as a "lamp unto our feet and a light unto our path." Human eye hath not seen the land to which he has gone; but for the eternal abiding place of one so pure, so good, and so great as our departed friend, we can not doubt that it is all that has been told us through sacred song and story, and that he now enjoys "the peace that passeth all understanding."

Mr. McRAE. Mr. Speaker, this day has been set apart to enable us to pay proper tribute to the high character and distinguished public services of the late Mr. BLAND of Missouri, who departed this life at his home, Lebanon, on the 15th day of June, 1899.

On occasions like this all party feelings that usually divide us in this Chamber are laid aside. There are no controversies, and there is no dissension here to-day. Before the uplifted finger of death we who survive him stand in reverential awe. The river of life and death flows between us and him. He can not come to to us, but we can go over to him.

Mr. BLAND was born at Hartford, Ky., on the 19th day of August, A. D. 1835, of poor but honest parentage. At an early age he commenced life for himself with no resources except a strong mind, good health, an indomitable will, and a firm conviction "that without honesty no other excellence, religious or moral, is worth anything."

The battle of life with him was not an easy one. The prospect at the beginning was not bright, but to his courageous soul there was no such word as fail. To succeed it was necessary for him to meet and grapple with those dread jailers of the human heart—poverty and humble birth. He subdued both, and slowly but surely moved toward the front, modestly but grandly holding every advance he made in individual growth and personal worth until he became an idolized leader of the Democracy, not only in the House of Representatives but in every section of our beloved country. His party never made a mistake in following his lead.

In his elevation to the responsible position of a Representative in Congress from the capital district of Missouri, he never lost sight of the farmers and laboring people from whose ranks he came, but always remembered the ties of affection that bound him to them. He had confidence in the judgment and patriotism of the people.

He was a true friend and champion of the helpless and oppressed, wherever found. He was the enemy of all special privileges and believed in absolute equality in legislation.

For the many hard blows he struck for the bleeding, bankrupt, broken-hearted people of the South we will always cherish his memory.

Power had no enticement or terror for him, and with his sense of duty as his only guide, his voice and vote were always on the side of right as he saw it, without any thought of how it might be viewed by those who ruled for the time being. He resisted and resented as vigorously the suggestions of the President elected by his own party that silver coinage should be suspended as he did the passage of the Sherman law by a Republican Congress.

To him more than any other one individual is due the credit for the standard silver dollars now in circulation. He believed in the free and unlimited coinage of both of the money metals, but did not believe in irredeemable paper money. While he at the same time resisted the single gold standard and fiat paper money, he insisted that gold and silver should be coined upon equal terms and that all paper money should be issued by the Government and convertible into such coin on demand. He did not think it possible to have too much real money.

He spent twenty-four years at this capital, where many of our ablest and most brilliant men are wrecked and ruined by yielding

to the temptations that meet public men at every turn, but no breath of suspicion ever stained his character or assailed his honor.

Whether at home as a private citizen or here as a Representative in Congress he was always the same sober, upright, honest, pure, clean, brave, good man. Such a person can not pass from the living without being missed. He will be missed in this Chamber. He will be missed in Missouri. He will be missed by the country at large. He will be missed more by his beloved ones at home than anywhere else. The death of such a man in the midst of important and unfinished labors seems to us poor mortals strange; but as Christians, believing in the same Divine Ruler in which he so confidently trusted, we should not question either the mercy or wisdom of the sad bereavement that took him from us.

It is not our privilege to understand the mysteries of life and death. The only light and hope we can get is from the revelation given in the great book of books. For a man like Mr. BLAND, whose entire life was one of honest purpose and noble deeds, we should not grieve, but rather believe that his labors on earth were finished and that the Master called him to his eternal reward. God bless his memory! May He who overrules all events for His own glory comfort and sustain his widow and children. May we, standing as it were around his fresh-made grave, resolve to imitate his virtues and to renew our faith in and hope of a blessed immortality.

Mr. CANNON. Mr. Speaker, at the organization of the Forty-third Congress, in December, 1873, I made the acquaintance of RICHARD PARKS BLAND, of Missouri. That was the beginning of my service in the National House of Representatives and also the beginning of his. Both of us were young men. With the exception of two years, each of us had continuous service in the House of Representatives from that time until the death of Mr. BLAND, on June 15, 1899.

At the time of his decease there were only three members of the House who had had service in the Forty-third Congress—Mr. BLAND, Mr. Harmer, and myself.

Early in our service in the House Mr. BLAND and myself became well acquainted and close personal friends, and our friendship was cemented with the years and remained unbroken to the time of his death.

His service covered a very important period in the history of the Republic. Many questions involving reconstruction arising from the civil war, financial questions, economic and industrial questions of great importance to all the people, were considered from time to time in Congress, and their consideration ripened into legislation. In many instances I was not in harmony with Mr. BLAND in those matters of legislation; but it affords me real pleasure to declare that even when his views and policies were diametrically opposed to those of my own party, I never for a moment doubted his sterling uprightness, his perfect sincerity, and his single-heartedness. In all his long service in Congress there never was a day or an hour when he did not give his best efforts to the promotion of just and proper legislation according to his best judgment.

He was industrious, intelligent, sagacious, forceful, and incorruptible; simple and unaffected; sturdy and indomitable in parliamentary battle; always actuated by a high sense of duty and loyally devoted to its dictates; withal carrying with him, under a seemingly rugged exterior, that sweet tenderness of heart which always goes with true manliness; constant and faithful to the public interests, at all times commanding the respect of his colleagues on both sides of the House and of those who did not agree with him in politics, as well as those who were his party friends, throughout the whole country.

I will leave it to others to speak more fully of his public achievements and of his personal relations at his home and in the district and State from which he came. In closing let me say simply his reputation in the public service is a precious heritage for his family and friends and an incentive to devotion to the public service for those who shall succeed him. And the Republic will be indeed fortunate if all her sons in the future will bring to her service a patriotism as pure and a devotion as earnest as RICHARD PARKS BLAND brought with him when he entered the National House of Representatives and carried with him continuously to the end.

Mr. CLARK of Missouri. Mr. Speaker, RICHARD PARKS BLAND was a unique figure in American politics. The history of the Republic can not be written adequately or intelligibly without assigning a high place and large space to this unpretentious Missouri farmer. Wherever money circulates or civilization abounds his name is familiar to the ears of men, and is spoken reverently to-day by millions who never looked upon his rugged face and to whose language he was an utter stranger. He belonged to that very small group of American statesmen who achieved imperishable renown without reaching the Presidency. You can count them on the fingers of your two hands without counting twice; but whoever else may be excluded from that goodly company by the inexorable test of time, BLAND will stand there immortal.

What was the secret of this man's wondrous hold upon the affections of mankind? Not dazzling genius, for he had none. Not soul-stirring eloquence, for he was no orator. Not personal magnetism, for he was destitute of it. Not courtly manners, for his were brusque. Not great and varied learning, for his reading was not wide and his investigations were limited to economic subjects. Not scintillating wit, for his was a serious mind. Not the cunning of demagogues, for he was artless as a little child. Not great wealth, for he was poor in this world's goods and had no desire for riches. Not the glamour of military success, for though a brave Indian fighter on the Western frontier, he never spoke about that feature of his life without being asked and then with blushing modesty. Not a commanding presence, for though his face was strong, he would never have been selected as a leader of men by his flesh marks alone.

In fact, he possessed few, if any, of the characteristics which are usually deemed necessary to a great political career; nevertheless, it is not too much to say that he was one of the most potent factors in the politics of our age; his influence girdled the globe and favorably affected the prosperity and happiness of dwellers upon the banks of the Ganges and the Nile as well as the denizens of the Mississippi Valley. When all the timeservers, double dealers, and self-seeking wire-pullers of this century molder in forgotten graves, the unsullied life, the amazing self-abnegation, the lofty patriotism, the benignant philanthropy of "Silver Dick" BLAND will be discussed and applauded by the historian of the times in which we live.

Young men ambitious of political preferment and of a noble and enduring fame will do well to pass lightly by the shrewd manipulators and aspiring mountebanks and to study profoundly the far-reaching results of BLAND'S career. They will discover that his commanding position was due to his intense devotion to principle, to his absorbing love of truth, to his integrity of mind, and to his leonine courage. He stood for conscience in politics and for impartial justice and equal right to all God's children. Without arrogance of character, he possessed an independence of soul which would not have flattered Neptune for his trident or Jove for his power to thunder. He was what Marc Antony described himself to be, but which Marc most emphatically was not—"a plain, blunt man, who loved his friends"—and he died amid the lamentations of the plain people, of whom he was the best type.

BLAND was not only honest, but he avoided the very appearance of evil—a thing to be commended in a public man. For example, when his admirers in Colorado presented him with a rich, magnificent silver service for his table as a testimonial of their appreciation of his great fight for silver, with a delicacy rare among statesmen, he declined the splendid gift with thanks, being unwilling that the great cause for which he stood and which he had so much at heart should be smirched by even the suspicion of a mercenary motive on his part. The sight of that costly and artistic service was enough to make a man's mouth water, but I have not even the shadow of a doubt that BLAND would have declined the gift had it been another Comstock lode.

When, however, the silver wedding of the BLANDS came round, and his Missouri colleagues in the House and Senate presented them with a handsome silver souvenir of their affection, he cheerfully, promptly, and, I think, proudly accepted that, for not even malice itself could suggest a sordid motive in either the giving or acceptance, Republicans joining heartily with Democrats in making the gift.

BLAND was direct in his methods. What he did he did boldly and aboveboard. He absolutely refused to stoop to conquer, and looked with amazement and contempt upon those who crook the pregnant hinges of the knee that thrift may follow fawning. No matter who ran up Gessler's cap in the market place, this stalwart Missourian refused to worship and resolutely kept his beaver on his head. Others might temporize and do expedient things. He would not. He kept his honor bright as the spear of Achilles or the plowshare of Cincinnatus.

He participated frequently in debate. His style was plain, terse, luminous. He could hit and hit hard. He quoted no anecdotes; he never drew on the poets; he essayed no flights of eloquence; he used few historical illustrations; but in simple language he went at once to the heart of his subject, always commanded both the attention and respect of the House, and came to be a force in the affairs of men with which statesmen of all parties were compelled to reckon.

Though his public speeches contain no suggestion of humor, in private conversation with those he liked he was free, open, communicative, both telling an anecdote well and enjoying the fun as much as any.

He was too confiding and was easily imposed upon by designing knaves, if they came to him in the sacred name of friendship or of political kinship; but once convince him of a man's duplicity

or meanness and he shut his great, tender heart against him resolutely, mercilessly, and forever. Under provocation he could use language as harsh and vigorous as any man I ever knew, but those occasions were few and far between.

Socially he was a bashful man, a most lovable man. It was a pleasure to accept the hospitality of the Blands in their comfortable Washington home, where content, mutual trust, and loving kindness did abound. A fonder husband, a tenderer father never lived, and he had his ample reward in the unstinted love of his wife and children. That family exerted a sweet, a wholesome, a benign, an elevating influence over all with whom they came in contact.

Of BLAND it may be said, as Thomas Jefferson said of James Monroe:

He was so pure that if his soul were turned inside out you would not find a blot upon it.

I have said that BLAND was not an orator; but in the days to come his speeches will be analyzed and studied as the mainspring for a great political revolution.

If BLAND ever took any thought of his fame, which I am persuaded he did not, he would have chosen to rest his reputation as a parliamentary speaker upon the great speech popularly known as "The parting of the ways speech," delivered in August, 1893, on "The repeal of the purchasing clause of the Sherman law." It was an epoch maker and rendered possible the Chicago platform of 1896 and the astounding campaign which Bryan made upon it. In effect, it was like Patrick Henry's great lyric speech before the Virginia house of burgesses, which precipitated the Revolution and which still stirs the heart like strains of martial music. That day BLAND faced a hostile audience and defied the mighty power of an unfriendly Administration with a serene courage, a directness of utterance, a demonstration of candor that forced round after round of applause from his most steadfast opponents. When, with a face glowing with intensity of feeling and with a lion's roar, he exclaimed, "We have come to the parting of the ways," all men knew that it was war, bitter war, among Democrats until BLAND'S principles became his party's creed. He secured only 101 votes in the House, but he had set in motion forces which have triumphed in the party, and which, under God, will triumph in the country and throughout the world.

I have often regretted that the portrait of the grand old man could not have been placed on immortal canvas by a master hand as he appeared that day—the greatest of his life—a day big with the fate of Cato and of Rome. Such a picture would deserve to rank with the greatest historical paintings of the world.

From that day to this I have loved and reverenced the man, and I will love and revere his memory always.

Though intimately associated with Mr. BLAND, I never heard him mention that speech. From that and other facts I am inclined to believe that he never had any adequate conception of what a colossal historic personage he was, and greatly underrated the immense influence which he had exerted upon the destinies of his country and his kind.

If he had understood anything about political management, he would have reached the White House, the ne plus ultra, the ultima thule, of human ambition. He was in every way worthy of that exalted station.

It was, however, persistently asserted in certain quarters that BLAND was not big enough to be President. That was a monumental mistake. Any man who can serve in Congress twenty-five years, hoe as big a row as BLAND did, and grow all the time, is big enough for any position whatsoever.

I have read and studied and thought somewhat about American Presidents, have seen five of them, and have endeavored with unbiased mind and unprejudiced heart to fairly estimate their mental strength, their moral worth, their educational equipment, and their services to mankind, also to ascertain the causes of their eminence; and my settled conviction is that if BLAND was not as great as Washington, Jefferson, Jackson, or Lincoln, the fact remains that we will be without a President most of the time if we never elect any man who fails to measure up to the lofty standard of that illustrious quartette.

As a scholar BLAND did not rank with Thomas Jefferson, John Quincy Adams, and James A. Garfield—the three most thorough Presidential scholars.

He was not a great captain, as was Washington, Jackson, Taylor, and Grant. He was not as much of a Chesterfield as Pierce or Arthur. As a manipulator he was not comparable with Martin Van Buren. But in common sense, which, after all, is the best sense, he had no superior among our Chief Magistrates. In brains he was above many of them; in length and conspicuousness of public service he overtopped most of them.

He had more reputation than any man ever nominated a first time for the Presidency except Washington, Jefferson, Jackson, Taylor, and Grant.

BLAND was a modest man. He was very much disposed to hide his light under a bushel. He did right because he loved the right, and left the consequences to take care of themselves. He never seriously thought of being President until the people forced him to become a candidate. In 1894, when I nominated him for the Presidency in every speech I made, he regarded me as an unruly boy who loved him with more zeal than discretion. What St. Paul said of charity would apply to BLAND:

Charity suffereth long, and is kind; charity envieth not; vaunteth not herself; is not puffed up; seeketh not her own.

He came near being the hero of the McKinley bill debate by a strategic movement worthy of the genius of Napoleon. Not one person in ten thousand remembers that; but it is the plain, unvarnished truth nevertheless. Though BLAND almost succeeded in snatching victory from the jaws of defeat on that memorable occasion, he is still sometimes denominated a man of one idea.

If he had been elected President he would have restored the Government to the simplicity of the fathers, a consummation devoutly to be wished. He would have recalled the truly Democratic days when Jefferson rode to the Capitol, hitched his horse to a sapling, walked in among the bequeued and bepowdered magnates of the land and was sworn in as President; the days when Old Hickory smoked his corncob pipe in the White House; the days when Lincoln told anecdotes to relieve his wearied heart from its overwhelming burdens.

It would have been worth a pilgrimage across the continent to see "the Sage of Lebanon" quietly chewing his quid of "long green" in the Presidential mansion, dressed in plain, comfortable clothing, such as is generally worn by substantial Missouri farmers, and dandling his sweet little Virginia upon his knee. But it was not to be. BLAND was the Moses of the Free Silver hosts. The great Nebraskan is their Joshua. History repeating itself, BLAND was permitted to look into, but not to enter the promised land. There can nowhere be found one scintilla of evidence that he ever regretted the result of the Chicago convention. What he sought with a singleness of mind rarely equaled, with a fortitude never excelled, with a disinterestedness that challenged admiration, was not personal aggrandizement, but the triumph of a cause. Having seen his pet idea made the paramount principle in his party's platform, he was content. I have no doubt that the defeat of Bryan and that platform in November, 1896, had much to do with BLAND'S declining health, for he had passed the halcyon and exuberant period of youth, when "hope springs eternal in the human breast."

As a crowning mercy of Almighty God, he breathed his last not in a city's glare, amid the clang and clatter of contending factions, but in the grateful quietude of his country home; in the bosom of his family, surrounded by the brave, loyal, incorruptible mountaineers, who for a quarter of a century had stood by and supported him with unwavering courage, ineffable pride, unstinted confidence, and unfailing love.

I regard it as a blessed privilege to have known this man and to have been counted among his friends. I humbly and fervently thank God for such a noble and unselfish life, for I say, with Owen Meredith, that—

No life
Can be pure in its purpose and strong in its strife
And all life not made purer and stronger thereby.

His career is one of the priceless treasures of the Republic.

And indeed he seemed to me
Scarce other than my own ideal knight,
"Whose glory was redressing human wrong;
Who spake no slander, no, nor listen'd to it;"
* * * * *
The shadow of his loss moved like eclipse,
Darkening the world. We have lost him: he is gone;
We know him now: all narrow jealousies
Are silent, and we see him as he moved,
How modest, all-accomplished, wise,
With what sublime repression of himself,
And in what limits, and how tenderly;
Not making his high place the lawless perch
Of winged ambitions, nor a vantage-ground
For pleasure; but thro' all this tract of years
Wearing the white flower of a blameless life.

Mr. PIERCE of Tennessee. Mr. Speaker, I come to offer my affectionate tribute to the life and character of RICHARD PARKS BLAND. My acquaintance with him, like that of the gentleman from Texas [Mr. LANHAM], began in the Forty-eighth Congress. I had long known him from reputation, but had never met him until the first session of that Congress. In the course of my service with him it also fell to my lot to be associated with him on the Committee on Coinage, Weights, and Measures. Nothing conduces more to a thorough acquaintance and mutual knowledge of each other among members of Congress than service on the same committee, and the more important the questions considered the better is the understanding they have and the closer are their relations with each other.

No word of commendation of the good man of whom we speak to-day can fail to elicit my cordial approbation, for all that has been said of him is richly deserved.

Mr. Speaker, it is but usual and natural to speak well of the dead, and surviving friends are wont to vie with each other in recounting the virtues of the departed. Such tributes, when sincerely made, are entirely proper. It is true that they can not benefit the dead.

Can honor's voice provoke the silent dust,
Or flatt'ry soothe the dull, cold ear of death?

But we feel that it is a duty we owe to those who have gone upon the returnless bourn to bear truthful testimony to their merits; to perpetuate as far as may be done their good names and worthy deeds; to show to the living the esteem in which they were held, their loved ones the attachment we had for them, and to encourage others to emulate their virtues.

In all my intimate association with Mr. BLAND I constantly discovered new attractions in his character. He was thoroughly earnest in all he did and displayed a readiness to grapple with political and legislative problems as they arose which I have never seen surpassed. He seemed to have an instinctive perception of the merits of a proposition, and he was quick to detect a fallacy wherever it existed. When his mind was once made up, it was impossible to swerve him from that course which his sense of duty indicated.

He was a most conspicuous and striking figure in the House of Representatives for many years. But few men have made a more lasting impression upon its political history. Perhaps no man ever served here who has been more generally missed.

Great reputations are usually made by statesmen along special lines and upon some particular subject, to which they devote absorbing attention. It was so with Mr. BLAND. His name and fame are peculiarly connected with bimetallism and especially with the coinage of silver. This was an issue of unusual interest during the greater portion of his public service and ultimately became the chief contention of the political party of which he was a member. His persistent agitation and advocacy of the free coinage of silver contributed to a very large degree—more so, perhaps, than that of any American statesman—to give it the prominence it attained in party councils and popular consideration. His efforts in this direction marked him as an extraordinary man. He was a profound thinker and a close student and sought to thoroughly understand governmental problems. His speeches were always interesting upon whatever subject he spoke, but were especially so upon the subject of the money metals. This was essentially his public life work. He will live in history as perhaps the foremost bimetallist of his time.

I knew Mr. BLAND well, and was more frequently thrown with him in political and social intercourse than with any Representative in Congress during our service together. I think I understood his nature and disposition. Aside from his capacity as a statesman, I discovered in him many of the most admirable traits. His genial, pleasant, simple, and honest ways made him a most charming companion. He was one of whom everyone who knew him thought well. He had no enemies. I never heard a word in detraction of him, but everything in his praise.

Not only his family and friends and party, but the country at large has sustained an irreparable loss in his death. We "shall not look upon his like again." Why he should have been taken from us we can not understand. The purposes of Providence are inscrutable to finite minds, but our Christian philosophy teaches us to believe that the Maker "doeth all things well." Let us indulge the hope that death was to him "the gate to endless joy," and while cherishing his memory, let us strive to profit by his example, and so live that when we, too, shall be summoned to the great beyond it can be truthfully said of each one of us, as we all can declare of him, "He was a true and good and noble man."

[Mr. JONES of Virginia addressed the House. See Appendix.]

Mr. JAMES R. WILLIAMS. Mr. Speaker, I can not permit these solemn ceremonies to close without paying my humble tribute of respect to the memory of one so dearly loved and so much admired. In justice to my own pleasant relations with Mr. BLAND and in response to the high regard in which he was so universally held by the people of my district and State, I can not refrain from recording on this sad occasion my own personal sorrow and that of the people I have the honor to represent.

While I had known him for many years by reputation, my personal acquaintance with Mr. BLAND began in the Fifty-first Congress, when I was assigned with him to the Committee on Coinage, Weights, and Measures. I had the honor of serving with him on that committee in the Fifty-first and Fifty-second Congresses. During that time some very important measures came before the committee for its consideration; and in all the discussions before the committee and in the House Mr. BLAND always exhibited a very careful and exhaustive study of the coinage question.

He was a firm believer in the free coinage of gold and silver at the ratio of 16 to 1, and for many years earnestly devoted his great ability and energy toward the accomplishment of that purpose; and the great volume of silver dollars with their paper representatives, now enjoyed by the people, were largely the result of Mr. BLAND'S persistent labors. It should be said, however, in his justification, that he never approved the act under which they were coined as a sound measure or a correct solution of the coinage question. He simply accepted it as the best he could get under the conditions then existing.

Mr. BLAND'S real contention always was that silver should be treated as a money metal and not as a mere commodity measured by gold. Without casting any reflection upon other champions of the silver cause, I believe I can justly say that Mr. BLAND enjoyed the supreme distinction of having done more than any other American to keep this question prominently before Congress and the country for the last twenty years. It was the cause in which his hardest battles were fought and his fewest victories won. It was his long and faithful struggle for the people's money that made the illustrious name of "SILVER DICK BLAND" a household word in every corner of the Republic. And however much his opponents may have doubted the correctness of his conclusions, they never at any time questioned the purity of his purpose.

While the coinage question was the issue nearest to Mr. BLAND'S heart, and certainly the one upon whose correct solution he believed the prosperity and happiness of the people so much depended, it is a great mistake to suppose that he devoted all of his ability and study to that question alone. The records of Congress will convince every reader that but few, if any, important questions ever engaged the attention of this body during his long service here which Mr. BLAND had not carefully studied and thoroughly mastered. He was equally at home in discussing the tariff question, the trust question, the Constitution, the rules of the House, or any other important question affecting the rights of the people.

While he made no pretentions to oratory, yet he was clear, logical, and convincing in debate, and always presented his contention with such earnestness and candor as to carry conviction where others more eloquent often failed. While he seemed to possess all the nobler attributes of a noble man, the most prominent element in his character, in my judgment, was his rugged, undoubted honesty, so manifest in all his conduct, public and private. To serve twenty-four years in this House without inviting the least suspicion from any source is indeed a glory of which any member, his family, or his friends may well feel proud.

Mr. BLAND was a man of strong convictions, and always had the moral courage to defend them.

In one sense he was a strong partisan. That is, he was a firm believer in the great fundamental principles of the party to which he belonged. He was a Democrat from principle and not for spoils. He would always rather follow his party to defeat battling for its own great truths rather than enjoy victory by false professions. Every page of his Congressional life will show that his energy, his ability, and the strong force of his influence were always used to defeat bad legislation and to secure the passage of those laws which he believed would best subserve the interests of the whole people.

The removal of such an able and useful member from this House is indeed a severe loss that the whole country must suffer. Mr. Speaker, we need more BLANDS in Congress as a veto power on the extravagance of those less cautious and less jealous of the people's rights.

Grand old Missouri has furnished to this House and the Senate her full share of illustrious statesmen, and the exalted life and character of her late "DICK" BLAND will never dim the luster or impair the greatness of Missouri achieved by her distinguished sons in the American Congress.

Mr. BLAND was, by his whole nature, one of the plain people. Whether on his own farm, on the streets of his home town, in the field of politics, or in the halls of Congress, he was at all times the same DICK BLAND. He lived for his family, his friends, and his country, and though his long and eventful career has closed, the noble deeds of his pure heart and exalted mind still remain to honor and glorify his name.

Mr. BLAND departed this life on the 15th day of June, 1899, at his lovely country home near the city of Lebanon, Mo., and was interred in one of the beautiful cemeteries of that city.

Mr. Speaker, it was my mournful privilege to attend his funeral, where the people from his district and all parts of the State and country assembled to lay upon the altar their last offering of affection for a departed friend. There was assembled there indeed a multitude of mourners of all parties, classes, and creeds, to mingle their tears of love and sorrow over the remains of one who had served his country so long, so faithfully, and so well. The universal expression of those who knew him best was, DICK BLAND was a kind and obliging neighbor and friend, an affectionate and indulgent father, and a loving and devoted husband.

We know, Mr. Speaker, the most expressive words of sympathy can only serve to increase the grief and sorrow of those who

mourn, but a life so full of noble deeds, love, and virtue ought to be a sweet consolation to his bereaved family and friends. They must feel assured that he has only gone to enjoy that higher reward of Christian virtue, to receive his crown of eternal glory.

Mourn not the dead whose lives declare
That they have nobly borne their part,
For victory's golden crown they wear,
Reserved for every faithful heart.

They rest with glory wrapped around,
Immortal on the scroll of fame.
Their works, their praises shall resound,
Their name, an everlasting name.

Mr. BARTHOLDT. Mr. Speaker, the world respects honest opinions. It hates a trimmer and despises a coward. It reveres and admires a man when he is right, and it still respects him when he is wrong, provided he is honestly wrong.

There were men greater than RICHARD P. BLAND; there were men more eloquent and more profound, but in our day there was none more honest than he. What he said he believed, and what he did was right as he saw the right. His words and votes and deeds were born of the twin parentage of a fertile mind and a clear conscience. All his public acts were inspired by honesty of purpose and characterized by the courage of his convictions. The pathway of his public career had no turns and winds, nor was it ever clouded by any uncertainty as to its direction or by doubts as to its goal. It was rocky, but straight, and always in full view of all the people. His theories were the natural, unpolished results of his logic, and his principles the legitimate, unadulterated conclusions of his philosophy.

Respecting the great question which made Mr. BLAND a national figure, we were antipodes. When I first had the privilege of meeting him as my colleague on this floor, in the Fifty-third Congress, I was deeply impressed by the zeal and earnestness with which he defended his cause; and although fully satisfied in my mind that he was wrong in his premises and mistaken in his conclusions, I am free to confess that to him more than to any other one man on that side of the House were due the frequent reviews to which I time and again subjected my own beliefs and convictions on the subject of finance. When finally that question became a paramount issue of a national campaign, nothing seemed more natural to me, and perhaps to every student of contemporaneous history, than that the veteran pioneer and steadfast advocate of the cause of free silver would be chosen as the standard bearer of his party in that great battle of the standards.

He was the logical candidate, but the Chicago convention willed differently. It recognized his cause, but repudiated the champion. While Mr. BLAND was modestly waiting for the news of his nomination at his humble home at Lebanon, Mo., the convention at Chicago went wild over a speech, carefully prepared, well committed, and adroitly delivered at the right moment by the man who finally snatched the prize from the hands that so richly deserved it. Deserted by his party, defeated in the House of his friends, RICHARD P. BLAND had nothing to comfort him when he retired that night in his little Lebanon house but his own memory of the sacrifices for and the lifelong honest devotion to a cause which had just been accepted as the tenet of his party.

This political reminiscence sets off another striking characteristic of that conspicuous Missourian, his charming modesty. During his long public career there can not be cited a single attempt on his part to unduly push himself to the front. The name and fame he has acquired fell like ripe fruit into his lap, unsought and almost unbeknown to him. It was the natural harvest from the seed he had sown, the logical result of the theories he had championed. Nor was he given to show and ostentation. In fact, it can be truthfully said of him that the virtues of his frugal home life and of his plain personal habits were also the guiding star of his official conduct; and it is not idle praise when I say that he was absolutely free from envy and cant. He was neither a hypocrite nor a pretender, and did not even permit himself to become jealous of the promotion or good fortune of others. He was actuated by no sinister motives or unworthy ambitions, but walked the highway of life a candid, sincere man, resolved to leave the world better for having lived his brief hour.

Others more eloquent than I will do justice to the incidents of his faithful public service, and it is right that this should be done by those who agreed with him politically, by his party friends and associates. My tribute to him concerns the man more than the politician, the citizen more than the statesman; yet his service in public life, in one important respect, was a salutary lesson to all, irrespective of party. James A. Garfield once said he was holding office to prove the possibility of a man being in American public life for many years and yet remaining an honest man. RICHARD P. BLAND, too, has furnished this proof. After a frugal life he died poor. What nobler tribute can we pay to his memory than to call the attention of the world to the example of this American servant? What lesson more salutary and splendid can be taught us and our children than is taught by the personal honesty and integrity of the life of RICHARD P. BLAND? Of all the qualities which make up a public man, integrity of character is, after all, the most important and most precious, and to the memory of the man who possessed it is due our unqualified reverence and respect.

Mr. CUMMINGS. Mr. Speaker, as a representative of the toiling masses of the great metropolis of the nation, I am here to pay tribute to the memory of one whom they recognized as their unfailing friend and benefactor.

Mr. Speaker, a faithful sentinel of the people was RICHARD P. BLAND. On guard night and day in the venal age of the Republic, he never forgot the countersign of Liberty, and challenged all who approached her camp. He never sought relief from duty at Freedom's outpost, and the Grand Rounds never found him asleep. Nor for an instant did he flinch from duty. Regardless of personal interests, he stood for the people at all times and in all places. Be the weather fair or foul, the glint of his musket was there.

With him there was neither truce nor compromise with those who sought special privileges at the expense of the public. He was neither dismayed at the rapacity of greed nor appalled at the audacity of trusts. All his life was he a true disciple of Thomas Jefferson. "Equal rights for all; special privileges for none," was his motto. He fell battling for the rights of the masses, while exposing the snares of monopoly and defying the mercenary cohorts that threaten the life of the Republic.

RICHARD P. BLAND had no parallel in this age. During his long stay in this House he had no fellow, no model, no likeness. In its shifting scenes he stood alone. Others might change; he never changed. Yet he was no block, no impediment, but an intelligent force, steadily aiming at a goal the attainment of which he believed to be a most wholesome achievement and the greatest benefit he could bestow upon his country.

A vital factor in our return to specie payment after the war, he had restored to the people the dollar of their fathers. The Bland dollar was not only the coinage of the mint, but the coinage of his brain. It is to-day a living evidence of his statesmanship. Well did Charles A. Dana say of it—

It is the only practical evidence of financial statesmanship evolved in Congress for many years.

Although insidiously deprived of the fruits of his victory, BLAND did not lose heart. Having abiding faith in the people, he led a crusade against the Saracen. He opened anew the fight for bimetallism. It was a persistent and a glorious fight—one not yet ended. All admire the gallant struggle made to-day for the freedom of the Transvaal. BLAND stood as firmly for free coinage. He defended every kopje, traversed every velde, and fought with a tenacity that astonished the world. His attacks upon the opposition were so well delivered, strenuous, and sustained, that at times he drove his adversaries to insincere and humiliating devices. At times victory seemed to be almost within his grasp, at times as hopeless as the search for the philosopher's stone. In every vicissitude he was beset by desertions, in every crisis loaded with obloquy. His prowess breasted every difficulty—

Like to the Pontic Sea,
Whose icy current and compulsive course
Ne'er feels retiring ebb, but keeps due on
To the Propontic and the Hellespont.

Think for a moment, Mr. Speaker, of the bright satellites that set out with him on what seemed like a holiday excursion. How many fell by the way! How many turned against him! Look over this House, take a glance at the Senate—aye, cast your eyes even upon the Presidential chair—and then compute, if you can, the strength of the mighty tide that turned against him. And yet, undaunted, unswerving, uncomplaining, he held his course with undeviating fidelity.

He was as constant and abiding as the northern star amid a shower of swerving meteors. Defying mutiny, like the great navigator who gave mankind a new world, his hope ne'er dimmed, his purpose never changed. However wild the tempest, however strong the bellowing flood of passion, he pursued an unvarying course. He was the great political navigator of the people, sailing upon the ocean of destiny, with the Declaration of Independence as his guiding star and the Constitution as his compass.

Mr. Speaker, this Hall is still ringing with his manly words. They were the coinage of his convictions. His sincerity alone would have made him more than conspicuous; his ability and devotion to the principles advocated so persistently made him truly great. He had an academic but no collegiate training; nor had he traveled in the realm of metaphysical disquisition; but he had delved in the gold and silver mines of the Pacific slope, had practiced law, and fought Indians on the border, and, like Cincinnatus of old, had followed the plow. It was a grand training for the rôle which he was to fill. Born in Kentucky, every fiber of his body, every filament of his brain, every scintillation of his intellect was American.

There was a halo about him at all times that forbade either the charge or thought of selfishness. His life was a chapter of consistent and faultless logic. Oratory can not adorn it; detraction can not deface it.

Sir, memory is a never-fading mirror. It reflects the scenes of other days. We who knew him can still see that modest but firm man rising here in his place, treading these aisles, stopping to meet an inquiry, turning firmly to an attack, leading an onset, never beating a retreat.

RICHARD P. BLAND was a fitting type of the old-time statesman, now, alas, fading away. He belonged to the generation that produced the founders of the Republic. He had the true Revolutionary grit. He would have been a worthy colleague of Jefferson, Madison, and Monroe. He was a builder, not a destroyer. He strove to pull down everything vicious in statesmanship and to raise everything wholesome to a common level.

Whether on the floor, in committee, or listening to chat in the cloakroom, he was essentially thoughtful. There was a rippling strain of humor about him, but his face never lost its cast of thoughtfulness. His friendship was sterling silver; his affection pure gold. Sir, I rejoice in my affiliation with such a man. It is better than gold and precious stones. He left his imprint upon the legislation of this House. When the seeker after truth comes to study the great men who have shaped the destinies of the Republic, he will find RICHARD P. BLAND among the immortals. Future historians will linger o'er his name and gladly preserve his fame.

[Mr. GROSVENOR addressed the House. See Appendix.]

Mr. TERRY. Mr. Speaker, whether regarded as an unflinching Democrat, unwaveringly true to his party, as a statesman sweeping a broad field of vision, or as a patriot sincerely striving for his country's good, it can be truthfully said that few men in America, in making an honest, straightforward fight for plain, economic principles, have attained a wider or worthier fame than Mr. BLAND. Wherever the English language is spoken has gone the name and fame for rugged honesty, self-sacrifice, and devotion to duty of the great Missourian, RICHARD P. BLAND; especially for that long and heroic fight he made for the great cause of bimetallism, which he regarded as a struggle for the rights of the human race.

Not only that, Mr. Speaker, but far beyond the vast sweep of the world where the English language is spoken, in far-away, silver-using China and Japan, and in far-away India, whose people he regarded as suffering in part from the same financial cause against which he battled here, there is admiration and reverence for the name of RICHARD P. BLAND.

For nearly a decade it was my privilege and honor to be associated with him in sympathy and in service in this Hall and in battling for the same cause; and I can truthfully say that in all my life I never knew a more honest man nor a man so tremendously in earnest as RICHARD P. BLAND.

I, sir, will never forget the look of mingled pain and indignation that came over his grand features in 1892 and 1893 when he realized and saw that many, very many, whose support for silver he had relied on were turning their backs on the standard. It smote his great heart like an intense personal grief. No American constituency ever had a more loyal and devoted representative than the people who gave their votes and confidence to RICHARD P. BLAND. What Morley and Bright and Gladstone were to England, BLAND was to America. He was indeed the great American commoner, and spent the best years of his life in battling for popular rights. For this reason, sir, his name will be held in affectionate remembrance and enshrined in the hearts of the plain people all over this broad land, north and south, east and west. His death was a distinct loss to them, and as such they felt it; and the day when its sad tidings swept over this land there was grief in many thousand American homes and tears in the eyes of many not accustomed to weep.

He was, sir, truly a grand man, and all the grander from his simple faith and trust in the people. He believed that their impulses were always right, and that in the end they would vindicate the conduct and action of every man who had trusted and stayed true to them. In that honest faith he lived, and in that honest faith he died. No double dealing nor sharp practices could ever be charged against RICHARD P. BLAND. He never fought from ambush; he stayed always in the open. He never sought to wield the polished Damascus blade, but, like Richard the Lion-Hearted, it was the broad, honest battle-ax that fitted his manly hands, with which in his early manhood he had fought the savage Indians in the Western wilds. The people intuitively felt that he was their champion, and as such they loved and trusted him.

And, Mr. Speaker, I stand here now to say that it will be many a day before they will have a champion so bold and so devoted to stand up here for them and battle for their rights in this Hall. His motto in life seems to have been, "Be manly, fearless, straightforward, and honest, and God will do the rest." That idea seems to have been ever present with him. And in watching his course and conduct here I was often reminded of the verse:

Howe'er it be, it seems to me,
'Tis only noble to be good.
Kind hearts are more than coronets,
And simple faith than Norman blood.

Mr. BENTON. Mr. Speaker, others have known Mr. BLAND more intimately than I. They have been associated with him more nearly than I, but I presume it is true that I have known him longer than any man who belongs to this Congress. It was my pleasure to meet him in the year 1872, when he was first the nominee of his party for a seat in the Forty-third Congress.

I was a very young man in politics then, and I was struck the day I met him with one thing, which followed him all the days of his life, and that was his exceeding great modesty. He was in a country where he had lived before he assumed his home at Lebanon; hundreds of men knew him personally, and at each complimentary remark that was made to him he seemed to draw back and be abashed, and, as young as I was in the political world, I wondered if a man with such great personal modesty could make himself felt in public life.

It was a distinguishing trait of the man, and has been evidenced by every man who has spoken here to-day. If it detracted from his fame—and I am of opinion that it did—it was a misfortune to the world more than to him.

If there was another characteristic that was marked and prominent to a degree in Mr. BLAND, it was fixedness of purpose, followed by stern integrity. In spite of his modesty as a public man, a public official, whenever he saw that what he believed to be the rights of the masses of the people were being assailed, his modesty fled for the time and gave way to his more exalted idea of his duty toward the people, and he was as fearless in repelling attacks as he was in making attacks under such circumstances.

The discussion has been had a great many times as to whether or not Mr. BLAND was a great man. It is according to the point of view of the individual who decides what a great man is. I have believed for a number of years that Mr. BLAND deserved to be called a great man.

What does it take to make a great man, Mr. Speaker and gentlemen? It seems to me it takes fixedness of purpose, integrity of character, individual honesty, and a disposition to inform one's self as to what the right is, and once being informed, to follow the right and to be a good man rather than extra intelligent. If that is a fair definition of what it is to be a great man, then Mr. BLAND was a great man.

I remember some years ago—I think he was serving his ninth term in Congress—being at the capital city of our State, sitting by an old-fashioned fireplace in a hotel office, I heard several bright young men, who each had more or less worthy ambitions, discussing Mr. BLAND. I was taking no part in the conversation, but they agreed among themselves that Mr. BLAND was a man of one idea, and that he could not claim to be a great man, or even a superior man, or an extraordinary man. Finally one of them, and a very bright man he is yet, turned to me and said, "What do you think about it?" "Well," I said, "I want to ask you a question or two. Mr. BLAND is serving his eighteenth year in the American Congress. Do you, or any of you gentlemen, know of a single public speech which he has made or a single vote which he has ever cast in Congress that has been criticised by the men who made him a Representative?"

That question caused a pause in the conversation, and one and all agreed that they did not. I said, "First and last he has represented nearly thirty counties, coming from the changes that have been made in his district, and a man must have something superior in him, he must have good information on fundamentals, he must have extra integrity, and he must be schooled in the doctrines and policies that his people believe in, or in all these years there would have been some criticism of some public word or act of his."

It was my pleasure to call the attention of these young men, all of the same party as Mr. BLAND and myself, to these characteristics of him. I think these are the things that made him great. He was exceedingly well informed as to the doctrines of our great party, and he voted and spoke as he was informed.

Now, you may say that a man who lived like Mr. BLAND and who talked like Mr. BLAND and who voted like Mr. BLAND might have done it on his own individuality, but it is true, nevertheless, that his public utterances and his votes and his whole life, as the people saw it, were in accord with the declarations made by the first President of this century just going out. If one will read the inaugural address of Mr. Jefferson as to what he believed his Administration and his party ought to do, and then read the utterances and acts of Mr. BLAND, he will find that he drank at the head of the fountain of our party principles.

My close association with Mr. BLAND came with the late years of his life. When he first took up the cudgels for the relief of silver from the chains which had been forged for it in 1873, he

had no opposition on that question to amount to anything in the West. I know that in the campaigns of 1874, 1876, 1878, and to 1885, no man of any party in the great State of Missouri said "nay" to the proposition for the full remonetization of the silver dollar. Public sentiment was all one way. But there came some little question about the matter from 1885 to 1889, and from that time on the remonetization of silver was a burning question.

Nobody doubted how Missouri stood on the question or what the views of our people were when they were permitted to express themselves. But, strange to say, shortly after the inauguration of a President in 1893 a new evangel seemed to have gotten into the air of our great State; and though the first battle was won in 1894 with great ease, by more than 4 to 1, yet the opposition was shrewd enough to get control of the party machinery in Missouri. In the spring of 1895, when the question became the all-absorbing one above all other questions, and when the disposition of the people was to get together, as they believed, in accordance with their constitutional right, to express themselves on the question, we found to our amazement the committee 5 to 1 against the right of the party to express itself.

The party's hands were tied. It was then, in our anxiety to know where to turn, that the "bugle call" came from the farm of RICHARD P. BLAND. The people by petition to the committee insisted upon the right to express themselves in regular form on the burning question of the hour. This demand was followed by such a fight as no party in Missouri ever had within its own ranks before, and such as I hope we may never have again. Suffice it to say that at last, after abasing ourselves, we were permitted to have the convention called in regular order.

Mr. BLAND was the spirit, the life, the power of that great convention. In my opinion the most remarkably strong body of men ever congregated at one time in Missouri was at Pertle Springs in August, 1895. There was no thought on the part of Mr. BLAND of any personal ambition connected with the question. The talk then and there was that he ought to be the man whom Missouri would push to the front for the Presidential nomination. But he raised his voice against that continually, saying, "We must not confound this question with the ambition of any man."

Over and over again I heard that or similar declarations from him. The party expressed itself in no uncertain way. It was the initial fight which led to the great party declaration which followed in 1896. And I believe I can say—I believe that those who hear me think as I do—that to RICHARD P. BLAND, more than to anybody or everybody else, is due the fact that the old party is on the platform of its fathers to-day. This plain, modest man of the people stood like a lion in the path of monometallism.

When we came to choose delegates to the national convention of 1896, Mr. BLAND was present. It was generally believed he would be one of the delegates. On the day before the convention met, on the night before, and on the day of the convention and into the night his friends from all parts of the State were beseeching him to permit them to make him the standard bearer of the party by instructing the delegation to Chicago for him. But he consistently and persistently declined and refused; and it was well into the night of the convention day before he finally agreed that they might use his name. He said to the last, "I have no desire in this direction; I have no ambition for this nomination, and I am only afraid that my friends, thrusting my personality into this contest, may confuse the greater question."

Right there, Mr. Speaker, we have what to my mind is an evidence of greatness. To him the cause was everything. No American who knew Mr. BLAND fairly well would doubt for one minute that he would do and say that thing which he believed to be right, regardless of what the consequences were, unless it might become hurtful to his people, and then perhaps he would keep silent for their good.

His personal integrity was as high as that of any man we have known. A good deal has been said to-day about his honesty. Mr. Speaker, honesty ought not to be so rare among public men as to call forth comment; but, strange to say, this man's name was associated more with personal honesty than with any other characteristic of his life, and to call him honest is but the bare truth. It is a heritage to his children that they may nurse to their bosoms all the days of their lives. They sprang from the loins of a good and honest man.

Mr. Speaker, I do not desire to enter the sacred precincts of the home life of Mr. BLAND. It has already been adverted to; and others knew his home life better than I, and have alluded to it in becoming language. What, among his other virtues, always struck me about Mr. BLAND was this: After he had been in Congress years and years, after his name had become a household word in State after State of the Union, after his utterances had been read approvingly in all the enlightened countries of the world, after he had become famous as a statesman, he was the same plain, simple man that he was when I first knew him as a candidate.

I have noticed with other men who attain distinction in public life that if they are not called "Judge" or "Senator" or "General," they are at least addressed as "Mr." after they become men of character in the country. But the neighbors of Mr. BLAND, with seeming unanimity, always talked of him or addressed him as "Dick." He was one of the people; he never got beyond the people. It seems to me that Mr. BLAND'S thoughts, certainly his acts, were on the line of the people's needs.

It seems to me his feeling was that "special interests can take care of themselves; the rich, the powerful, the accomplished, the educated man can care for himself; it is the plain, humble citizen, many times unlettered, who needs the care and protection of the legislator." Mr. BLAND'S whole life work as a public man seems to have been along this line. We shall not soon see another like him. In his own home, surrounded by those who loved him and those whom he loved, in old Missouri, the State he had chosen for his, RICHARD P. BLAND went to his rest, and there in the graveyard of his people "after life's fitful fever he sleeps well."

Mr. ROBB. Mr. Speaker, in paying this brief tribute to the memory of the illustrious citizen whose earthly career is ended I recognize that no words of mine can add to the honor of his name; no sentiment which I can express more closely draw around his memory the veneration and love of his countrymen.

To have been, as I was, an associate of Mr. BLAND'S in only one, which was the last, of the many Congresses of which he was so distinguished and able a member; to have been a colleague of his from the great State which he served so long and faithfully, is to have felt the ennobling and elevating influence of his great character and to be the better in the contemplation of his many virtues.

Man's life is valuable for the good which he accomplishes, the wise policies which he inaugurates, the reforms which he encourages and promotes, and the worthy example which he sets before men. And though we speak of our departed brother as dead, miss his kindly presence, and deeply feel the loss of one whose honesty of purpose, high conception of public duty, and ripened experience were of such incalculable value in directing the nation along the pathway of national integrity, yet he still lives in his life work, which is a living inspiration to high and noble endeavor. His life has not been in vain.

No—

> Wave of dark oblivion's sea will sweep across the place
> To leave no track nor trace—

of this great man.

Though not with us in the flesh and in the body, the sphere of his influence and usefulness extends beyond the grave, touches the heart, appeals to the conscience, and directs the way which justice and honor lead.

He was neither a bigot nor a timeserver; neither was he negative in disposition, but positive and aggressive, and what he stood for was made plain and clear, and he gave a conscientious and fearless support to what he believed to be right and for the best interests of his country. Of simplicity of manner, a plain and unaffected man, fair and open in all his dealings and in the treatment of public questions, neither envious nor vainglorious, shunning rather than seeking power, searching always for truth and justice, faithful in the performance of every trust, he justly earned the place he occupied in the hearts and affections of his countrymen.

We but faintly express our thoughts or the feelings emanating from our hearts when we say that we are proud of the historic place which will be accorded him in the nation's history.

In honoring and trusting him Missourians have been especially honored; in him the plane of American statesmanship has been elevated, and through him mankind has been benefited.

Fighting the cause of the common people consistently, persistently, and patriotically through his long legislative career, he was of the best and truest representative of the highest and best type of American manhood and American statesmanship. Admiration and confidence followed him while living; gratitude and love follow him when dead.

> To the dark grave retiring as to rest;
> Thy people blessing, by thy people blessed.

Mr. PEARCE of Missouri. Mr. Speaker, it would be difficult to conceive of two men whose political opinions were more diametrically opposed than those of the late Mr. BLAND and myself. For twenty-five years and more in the great State in which we have lived and in the forum of debate both of us have always strenuously contended, in season and out of season, for the principles which we believed to be right, yielding nothing and compromising nothing.

But notwithstanding the sharp lines of political contention, it is a pleasure for me to testify that no personal asperities ever arose between us, and on this memorial day, together with my colleagues, I bring to the grave my wreath of sweet scented flowers and erect to the memory of the departed my tribute of respect.

I love a brave man. On many a battlefield my soul was agonized to see heroic lives go out which the country needed and which the world could ill spare. Some of them have been my comrades and some of them, none the less brave, have been my enemies, but

comrades all in the hour of death. Perhaps—I believe it is so; I hope it is so—a few drops at least of the red stream of life which flowed from gaping wounds became mingled with my own young blood to make me more earnestly consecrated to the good of my country and the well-being of my fellow-men.

Mr. Speaker, the passing of a good citizen and an honest man is always a public calamity. Not that men of that high quality are exceptional in our country, for there are more in every station of life than the country has the credit of possessing. But such lives constitute influences so great in the present for the conservation of the best interests of society, and so great in the future in molding the character and the ambition of the young, that none of that high degree can leave the stage of life's activities without leaving a painful void behind.

Among all the peoples of the world this beloved country of ours stands preeminent—yes, peerless—for its great average of intelligence, of energy, of honesty, of courage, of patriotism, and of self-sacrificing devotion to adopted principles.

The world is none the worse—nay, it is infinitely better off—because we do not all think alike. The great conserving laws which are writ upon the statute book are the resultant of the clash of mind with mind. As Edmund Burke truthfully said, "Rude ages"—when men did not think—"rude ages exhibit the triumph of power over reason." And so it would be with modern ages if all minds worked in the same political groove. The resultant of intellectual contention is not always immediately wise; but if it is unwise, the grind goes on, fermentation continues, and in the fullness of time the waters clear and the sparkling crystals of truth shine in the light of day.

Mr. BLAND and I were never in intimate relations, our industrial lives were cast upon different lines; but I do not hesitate to say that in the cause which he early espoused no more heroic gladiator ever lived and none ever struck a harder blow. And yet, with all this fierce and earnest contentiousness, there was a beautiful simplicity in his private life which to my mind illustrates and eloquently emphasizes the glory of the American home, that haven of rest where conjugal love finds its most complete expression—the home where the warrior, after the fierce conflicts of the day, can lay his armor off and sleep the sleep of him who has the consciousness of duty well performed.

I have a sincere admiration of RICHARD P. BLAND. I admire him because, although a political opponent, he was a great statesman, a debater of great force, and a pioneer who never failed to hew to the line which his vision had marked. Tempted of honor and power, I believe him to have been incorruptible, and he died as he had lived, best beloved by those who knew him best, a faithful servant of his country, a simple-hearted, honest man. If he had been a Cæsar I could not say as much. If he had been a Cincinnatus I could say no more. His memory is the heritage of the future, and if every man leaving for that bourne whence no traveler returns bequeathed to posterity a heritage equally good, well might we believe that this country of ours was founded upon the rock of the eternal ages.

Mr. VANDIVER. Mr. Speaker, in paying this humble tribute to the memory of RICHARD PARKS BLAND I leave the biography of his life to other and older friends. The incidents of his long and useful public life and the touching illustrations of his private character will become the inspiring theme of a worthy and painstaking biographer.

I come to lay this brief token of affection upon the altar of his memory, not as a narrator, but as a student who would draw a wholesome lesson from a great career. In short, I would speak as a pupil who has been elevated by his character and instructed by his wisdom.

I thank God for the career of a great man. It is a national blessing. With Thomas Carlyle, I sympathize with the nation that has no great men or has ceased to produce them.

Especially I am thankful that RICHARD P. BLAND has demonstrated that the highest success may be achieved by the simplest methods. It is no vapid vaporing of praise to say that his success was of the highest order if measured by the highest standard. Though he missed the Presidency, he earned it, which is greater; and no man in our history ever more richly deserved it. But, like Henry Clay and a few others, he was too prominently identified with the vital issues of the day to be successful as a Presidential candidate.

It is the misfortune of our country that strong championship of great measures is too often considered a disqualification for that high office.

But in a higher sense our dead friend still presides over the destinies of the great party which he loved and served so well and whose slogan still is the battle cry which his voice was first to raise.

The cause for which he fought is still the cause of humanity and true Democracy, and the organization of a party of six and a half millions of American freemen standing to-day for the cause which is hallowed by more than twenty years of his service constitutes the highest tribute to his wisdom and the noblest monument which perpetuates his fame.

Mr. Speaker, the one lesson which the student of American politics should draw from the career of our departed friend is that true greatness consists in a double combination of qualities of the head and the heart—a clear conception of truth and a sublime simplicity of motive.

The brilliancy of genius may flash for a moment, and we enjoy it; but genius is a meteor. Political shrewdness may achieve startling surprises, and people call it success; but of such achievement mankind has uttered its condemnation in the words of Victor Hugo:

> Success, that pretender to talent! * * * confounds the radiance of the stars of heaven with the radiations which a duck's foot leaves in the mud.

I say I thank God that an American statesman, a Missourian, has proven that a long series of political successes may be won on merit; that it was never necessary for RICHARD P. BLAND to resort to any of the trickery, the scheming, or the double dealing of smaller minds. With him honesty was not only the best policy, but no other policy was to be considered. If the purchase of a single vote would have won him the Presidency, he would have scorned it.

The perfect simplicity of his character and the purity of his life will ever stand as the rich heritage of his children and the encouragement of all who doubt whether or not political preferment can be achieved without some form of political trickery.

A great leader has fallen; but he has left us a great example. His clear eye flashed over the field of political conflict and pointed out the path for his party twenty years in advance of his fellows. His steady purpose never faltered, and he finally brought them to see it.

Here we have the measure of the man, the two chief characteristics which entitle him to rank with the good and the great men of our history—a clear head and a brave heart, a comprehensive grasp of the great problem of government, and a sublime simplicity of purpose like that which always distinguishes true greatness from meretricious display.

If it be true that "an institution is but the lengthened shadow of a man," how nobly has our departed leader earned the honors of the organization which perpetuates the principle which he left to inspire us; and as the substance outweighs the shadow, we shall not forget that the truth which he taught was not a shadow but a divine light, the radiance of which shall yet illumine the world.

Mr. LLOYD. Mr. Speaker, RICHARD P. BLAND was one of Missouri's greatest sons. He might well occupy space in statuary in yonder hall beside Benton and Blair, who have been selected as the best representatives of the dead of that State.

With a life full of good deeds and a public record of devotion to his country, he yielded to the grim messenger and departed hence. Man would avoid this journey and shrinks from the contemplation of it, but ere long the mightiest is overcome by it. Its mysteries are unexplained. Its devious path is descended, but never ascended, and none return to explain the traveler's experience.

Mr. BLAND was buried near a hickory tree in a beautiful cemetery at Lebanon, Mo., where the western sun shall ever cast its rays upon his grave. A fitting monument to his character is this living tree. Whether amid the flowers of spring, the heat of summer, the decadence of autumn, or the blasts of winter, it remains the same sturdy tree. In the vigor of youth, amidst the activities of manhood, in the decline of age, or with the chilling waves of death about him, Mr. BLAND possessed the same elements of greatness.

The tree, however, will finally die and be forgotten, but the name of the dust now at its roots will be remembered and honored when the illustrious dead of this nation shall be recounted.

Mr. BLAND'S death was a shock to me. I felt that one of my most valued friends had gone, one whom I could approach about any of the perplexities surrounding me; but this experience is not mine alone. Scores of others sought his counsel and were encouraged by the same friendly interest. He was not sentimental or flippant. He was quiet, modest, and unostentatious. He was sincere, devoted, and practical. He was a man of rare character and upright life. He was free from duplicity. He was plain-spoken, but in his frankness he accorded to others the same rights of opinion and judgment which he expected for himself. He was chaste and courteous in language.

> His armor was his honest thought,
> And simple truth his utmost skill.

Mr. BLAND was a patriotic American. He was proud of his Government and its institutions. He believed in its perpetuity and the honor of its citizenship. He rejoiced in the fidelity of public servants and recognized the will of the people as supreme. He fearlessly advocated what he believed was right, without display of oratory, but with force and effect. One great element of

his strength was his integrity. No one doubted the sincerity of his statements.

At no place was he more attractive than in his home life. Surrounded by a loving and devoted family, he showed that simplicity of style, ease in association, and hospitality in manner which were almost ideal. Wherever he was found, in home, in society, or in official station, he exhibited the same personality.

It is said that death is the enemy of mankind. So it is; but since its work must be wrought, let us not say it may not sometimes be well to lay off the garments of life in the midst of active usefulness, before the yellow leaf of age and affliction's painful hand shall have borne too heavily upon the subject. It may be we should not regard Mr. BLAND'S death as untimely, but as the taking of the ripened grain before the mildew of years had marred it. The every page of his life now lies fresh before us, that we may scan it and with hearts attuned to the spirit of his goodness we may imitate the lofty example of his fidelity to his family and friends and follow in his footsteps in our consecration to the cause of the people and devotion to their best interests.

And now shall we turn our eyes to the future and remember that there is an overruling Providence who doeth all things well and hope for the enjoyment of the felicity of that celestial country where at last shall be found—

The day that hath no evening,
The health that hath no sore,
The light that hath no ending,
But lasteth evermore.

[Mr. JOY addressed the House. See Appendix.]

Mr. COONEY. Mr. Speaker, "Put the cause above the man!" These are the memorable words telegraphed by Mr. BLAND to his friends at Chicago on the 7th day of July, 1896, when they were pushing his claims for the Presidency on the ground of State instructions. In this simple sentence he has left us his own biography. No other public man in his time has so linked life and fortune with a great cause, and lifted it above and free from his own ambition and personality.

In that compendium of the world's great orations soon to issue from the hand of Justice Brewer, not a sentence uttered by Mr. BLAND is likely to be preserved. But humanity has placed him in its own choice circle. It selects its favorites by what they have done and what they have stood for, as well as what they have said. They are not as numerous as the world's great intellects; they are rarer than its great orators; their moral example reaches down to all men and touches them with a human sympathy that is an inspiration and an elevation. BLAND is one of these, and the impress of his character will be felt in the public life of generations that follow him. To be rich, powerful, or illustrious was nothing to him. He regarded great learning and brilliancy as mighty little in themselves; but that he who would be true and useful must devote his gifts to his countrymen and fellowship with the misfortunes of humanity.

What the public life of the Republic needs to-day is not more powerful men, more great men, or brilliant intellects, but more men who "put the cause above the man."

Mr. BELL. Mr. Speaker, it is quite usual for the casual thinker to say that individuals count for little here and that no one falls but some other equally good, and often better, steps forward to take his place.

What a fallacy! Often one falls in the ranks of his countrymen who leaves a real void for generations.

The lamented RICHARD P. BLAND was of that natural, sterling, honest type quite common to the early settlements of this country, but which is rapidly becoming extinct.

He was not tainted with the mad mercenary spirit so common to the present generation. He believed that there were things more sacred than piling up wealth. He believed that a public office was a public trust that should be executed with an unyielding fidelity, and during his long service here he never touched any questionable piece of legislation wherein he or any of his friends or others could obtain any special benefit. He abhorred the idea of any individual seeking to benefit by special legislation. He scorned the practice of expending one dollar of public funds for anything not wholly for the public weal.

He detested the practice of expending public funds more lavishly than the ordinary individual does his private funds, and he seemed to ever keep in view the principle that we should run the Government on the same careful and economic basis as we would do were we paying the expenses ourselves. He not only never sought to abuse the trust confided in him by seeking special benefits, but he always indignantly refused to accept any privileges not clearly within the purview of those plainly and unquestionably extended to the office by law. A Congress of such men would be of invaluable service to the American people.

He was reared in an age when men and principles were paramount to any expedients, and at a time when catering to arrogant greed, whether against our own people or other races, was offensive to the aspirations of the ordinary American citizen.

He never made a dollar, directly or indirectly, beyond the salary attached to the office, and he regarded it as much a theft to purloin money from the public Treasury as he did to filch it from a private purse.

He not only had a well-developed private conscience but as well a sterling public conscience. It was passing strange to him that anyone could be strictly upright and cautious in his private dealings and loose and reckless in his dealings with the public.

He was generous to a fault in his charities for the shortcomings of others. He had not a tinge of envy or jealousy about his being. When he came so nearly being nominated for President of the United States and lost this great honor by reason of a matchless development of leadership of one of the delegates that stampeded the convention to him, he never was heard to murmur or whine or complain, but buckled on his armor and went forth to the political battlefield and there delineated the great and deserving traits of charactor of his victor, and as long as he lived he was one of the warmest supporters of his successful adversary.

During many years prior to his death it was evident that his constitution was shattered and that disease had made serious inroads upon his system, yet he was always in his seat and ever ready to raise his voice and to cast his vote for what he considered the greatest good to the greatest and most deserving number.

It is most lamentable to lose one of these distinct landmarks that count so much in our body politic.

His name and his conduct will ever be held by those who served with him here as something worthy of emulation during the ages. Of him it can be said that not only his family, city, and State but the whole people lose, and sorely regret his untimely death.

Mr. DE ARMOND. Mr. Speaker, some gentlemen who wished to take part in these exercises are not here, and therefore I ask that those members desiring to do so may print in the RECORD remarks upon Mr. BLAND'S life and character.

The SPEAKER pro tempore (Mr. ROBB). The gentleman from Missouri asks unanimous consent that those members who desire to do so may print remarks in the RECORD on the life and character of the late Mr. BLAND. Is there objection?

There was no objection.

Mr. DE ARMOND. Mr. Speaker, I ask further that leave be given to print in the RECORD some addresses made at Mr. BLAND'S funeral, and some resolutions suggested by the announcement of his death.

The SPEAKER pro tempore. Is there objection to the gentleman's further request?

There was no objection.

And then (at 4 o'clock and 20 minutes p. m.), in accordance with the resolutions previously adopted, and as a further mark of respect to the memory of the deceased, the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting a copy of a communication from the Surgeon-General of the Army inclosing a draft of a bill relating to leaves of absence for acting assistant surgeons of the Army, was taken from the Speaker's table, referred to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JONES of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 10153) appropriating $1,500 to investigate the fishery interests on the Pacific coast, reported the same with amendment, accompanied by a report (No. 949); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9496) to provide for the disposal of the Fort Buford abandoned military reservation, in the States of North Dakota and Montana, reported the same with amendment, accompanied by a report (No. 950); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 10374) to amend the laws relating to the second class of mail matter, reported the same without amendment, accompanied by a report (No. 951); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10025) for the relief of James N. Robinson and Sallie B. McComb, reported the same without amendment, accompanied by a report (No. 945); which said bill and report were referred to the Private Calendar.

Mr. WEAVER, from the Committee on War Claims, to which was referred House bill 6030, reported in lieu thereof a resolution (H. Res. 214) for the relief of Eliza S. Beard, widow of William Beard, late of Camp Dennison, Hamilton County, Ohio, accompanied by a report (No. 946); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 3124, reported in lieu thereof a resolution (H. Res. 216) for the relief of Jacob Walker, son and assignee of Thornton Ralls, accompanied by a report (No. 947); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8283) for the relief of Harry H. Thomas and others, members of the regimental band of the Fourth Ohio Volunteer Infantry, reported the same without amendment, accompanied by a report (No. 948); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 10147) granting a pension to Delia A. Jones—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10222) providing for the erection of engine house and the purchase of a chemical engine at Congress Heights, D. C.—Committee on the District of Columbia discharged, and referred to the Committee on Appropriations.

A bill (H. R. 10223) for improvement of Navy-Yard Bridge, at Washington, D. C.—Committee on the District of Columbia discharged, and referred to the Committee on Appropriations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. O'GRADY: A bill (H. R. 10537) to amend the Revised Statutes of the United States relating to the collection district of Genesee, and providing for the appointment of an appraiser in said district, and fixing his compensation—to the Committee on Ways and Means.

By Mr. WADSWORTH, from the Committee on Agriculture: A bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901—ordered printed and referred to Union Calendar.

By Mr. LITTLEFIELD: A bill (H. R. 10539) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890—to the Committee on the Judiciary.

By Mr. MOODY of Massachusetts: A bill (H. R. 10540) making the anniversary of Abraham Lincoln's birth a legal holiday—to the Committee on the Judiciary.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 10541) to prevent dangers to navigation from tows on the Atlantic Ocean and waters directly connected therewith—to the Committee on the Merchant Marine and Fisheries.

By Mr. MORGAN (by request): A bill (H. R. 10552) to provide for restoring to national jurisdiction a part of that portion of the original District of Columbia which lies south of the Potomac River, for founding a city to be called the city of Lincoln; and for establishing an institution of learning to be known as Washington and Lincoln Memorial University—to the Committee on the District of Columbia.

By Mr. ALLEN of Maine: A joint resolution (H. J. Res. 228) providing for a preliminary examination of Witch Rock, at the entrance of Portland Harbor, Maine—to the Committee on Rivers and Harbors.

By Mr. WEAVER, from the Committee on War Claims: A resolution (H. Res. 214) referring to the Court of Claims the bill (H. R. 6030) for the relief of Eliza S. Beard, widow of William Beard, and so forth—to the Private Calendar.

Also, from the Committee on War Claims: A resolution (H. Res. 216) referring to the Court of Claims the bill (H. R. 3124) for the relief of Jacob Walker, son and assignee of Thornton Ralls—to the Private Calendar.

By Mr. PAYNE: A resolution (H. Res. 217) fixing a day for the consideration of the bill to provide revenues for the relief of the island of Puerto Rico, and for other purposes—to the Committee on Rules.

By Mr. McCLELLAN: A resolution (H. Res. 218) requesting the Secretary of War to transmit to the House of Representatives the names of all aliens who have received commissions in the United States Army, either Regular or Volunteer, since March 2, 1899, and the reasons why such commissions have been conferred—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRUNDIDGE: A bill (H. R. 10542) for the relief of Louis Kahn—to the Committee on War Claims.

By Mr. BURNETT: A bill (H. R. 10543) for the relief of the estate of A. J. Underwood, deceased, late of Franklin County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 10544) for the relief of the estates of Maria Johnson and Sarah E. Ware, deceased, late of Cullman County, Ala.—to the Committee on War Claims.

By Mr. CUSHMAN: A bill (H. R. 10545) granting a pension to Louesa Moulton—to the Committee on Invalid Pensions.

By Mr. GAINES: A bill (H. R. 10546) for the relief of the heirs of C. C. Moore, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10547) for the relief of the estate of H. C. Singleton, deceased, late of Davidson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10548) for the relief of Thomas Claiborne—to the Committee on Pensions.

Also, a bill (H. R. 10549) for the relief of R. V. Bell—to the Committee on War Claims.

By Mr. GARDNER of Michigan: A bill (H. R. 10550) granting an increase of pension to Alice M. Westnedge—to the Committee on Pensions.

By Mr. PEARRE: A bill (H. R. 10551) for the relief of John H. Toms, of Frederick County, Md.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Maine: Petition of Young People's Christian Union of the Church of the Messiah, of Portland, Me., to prohibit the sale of intoxicating liquors in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. BELLAMY: Resolutions of the Chamber of Commerce of Wilmington, N. C., asking for an appropriation for the improvement of Shelter River, Pender County, N. C., to accompany House bill for survey and estimate for the improvement of said river—to the Committee on Rivers and Harbors.

Also, resolutions of the Transvaal Committee of California, petitioning Congress to intervene between Great Britain and the Transvaal Republic in the present war—to the Committee on Foreign Affairs.

Also, resolutions of the Columbus Trade and Labor Assembly, of Columbus, Ohio, asking Congress not to increase the tax on oleomargarine—to the Committee on Ways and Means.

By Mr. BOUTELLE of Maine: Petition of A. Loring and others, of Carmel, Me., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. BURLEIGH: Petition of citizens of Windsor and Skowhegan, Me., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Ways and Means.

By Mr. CUMMINGS: Resolutions of the Real Estate Board of Brokers of New York City, praying for the abolition of certain stamp duties—to the Committee on Ways and Means.

By Mr. CLARKE of New Hampshire: Petition of citizens of Shelburne, Me., to amend the present law in relation to the sale of oleomargarine—to the Committee on Ways and Means.

By Mr. DE VRIES: Petition of citizens of Penryn, Cal., urging the passage of House bill No. 5457, prohibiting the sale of liquor in Army canteens—to the Committee on Military Affairs.

By Mr. DOLLIVER: Petition of George Bierl and other citizens of Templeton, Ole T. Groe and others, of Lake Mills, and citizens of Fairfield, Iowa, in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. FARIS: Petition of Benjamin Cornwall, of Morgan

County, Ind., to accompany House bill correcting his military record—to the Committee on Military Affairs.

By Mr. FITZGERALD of Massachusetts: Petition of the Transvaal Committee of California, asking for a thorough investigation of the complaints made by Hon. Charles E. Macrum while consul in Pretoria—to the Committee on Foreign Affairs.

Also, resolutions of the Transvaal Committee of California, expressing sympathy for the people of the South African and Orange Free State Republics—to the Committee on Foreign Affairs.

Also, petition of the Commercial Travelers' Mutual Accident Association, for a trade treaty between the United States and Canada—to the Committee on the Judiciary.

By Mr. GAMBLE: Petition of C. T. McGilvia and others, of Harrison, and M. E. Turner and others, of Mitchell, S. Dak., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Ways and Means.

Also, petition of Mrs. A. R. Knapp and other citizens of Jefferson, S. Dak., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HEMENWAY: Petition of Ernst Hein and other citizens of Indiana, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. KAHN: Petition of Liberty Post, No. 133, of San Francisco, Cal., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. KERR: Petition of Isaac Emerson and others, of Brighton, Ohio., favoring the passage of the Grout oleomargarine bill—to the Committee on Ways and Means.

Also, petition of the White Ribbon Woman's Christian Temperance Union of Norwalk, Ohio, urging the enactment of House bill 5475, known as the anti-canteen bill—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: Petition of John H. Hodgkins and 2,280 others, in support of the Brosius pure-food bill, No. 9154—to the Committee on Interstate and Foreign Commerce.

By Mr. McDOWELL: Petition of Andrew Crawford Post, No. 6, of New Philadelphia; S. M. Neighbor Post, No. 494, and Richard Lanning Post, No. 69, of Coshocton, Ohio, Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the Transvaal Committee of California, expressing sympathy for the people of the South African and Orange Free State Republics—to the Committee on Foreign Affairs.

By Mr. MIERS of Indiana: Petition of the Grand Army of the Republic Post of Bruceville, Ind., in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. POWERS: Petition of citizens of West Rutland, Ira, and Clarendon, Vt., in favor of the Grout bill taxing oleomargarine—to the Committee on Ways and Means.

By Mr. PRINCE: Petition of Ed. Fehlman and others, of Hoopole, Ill., in relation to the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Ways and Means.

By Mr. WM. ALDEN SMITH: Resolutions of the Methodist Episcopal Church of Lyons, Mich.; also resolutions of a meeting of citizens of Byron Center, Mich., favoring the passage of a bill to prohibit the sale of intoxicants in the new possessions—to the Committee on Insular Affairs.

SENATE.

MONDAY, *April 9, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. PLATT of New York. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. JONES of Arkansas. I think the Journal should be read. I object.

The PRESIDENT pro tempore. Objection is made, and it will be read.

The Secretary resumed and concluded the reading of the Journal.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SHIP EUNICE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Eunice*, Thomas Seal, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MEMORIAL BRIDGE ACROSS THE POTOMAC.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, submitting the report of the board of officers of the Corps of Engineers and of architects appointed by order of the Secretary of War to consider and report upon the relative merits of the designs submitted for a memorial bridge to be constructed across the Potomac River, at Washington; which, on motion of Mr. HANSBROUGH, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

REPORT OF DIRECTOR OF THE MINT.

The PRESIDENT pro tempore laid before Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be 6,000 additional copies of the report of the Director of the Mint on the production of the precious metals for the calendar year 1898, bound in cloth and wrapped, 2,000 copies for the use of the House of Representatives, 1,000 for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

Resolved, That there also be printed 7,500 additional copies of the report of the Director of the Mint covering the operations of the mints and assay offices of the United States for the fiscal year ended June 30, 1899, to be bound in cloth and wrapped, 3,000 copies for the use of the House of Representatives, 1,500 for the use of the Senate, and 3,000 for the use of the Director of the Mint.

BUREAU OF AMERICAN ETHNOLOGY.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 8,000 copies of any matter furnished by the Director of the Bureau of American Ethnology relating to researches and discoveries connected with the study of the American aborigines, the same to be issued as bulletins uniform with the annual reports, 1,500 of which shall be for the use of the Senate, 3,000 for the use of the House of Representatives, and 3,500 for distribution by the Bureau.

GOVERNMENT FOR HAWAII.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. CULLOM. I will simply ask that the bill lie on the table and be printed, before I request a conference.

The PRESIDENT pro tempore. Without objection, the bill will lie on the table and be printed.

CONSTRUCTION OF WAR SHIPS AT NAVY-YARDS.

Mr. GALLINGER. Mr. President, I present a letter from H. W. Dennett, E. M. Kelley, and H. Prevost, a committee of Mount Washington Lodge No. 276, International Association of Machinists, of Concord, N. H., asking that a portion of the Government work on the new war ships be given to the navy-yards of the country in place of being given to private shipyards.

I desire simply to say that I sympathize with this request. I never have been able to quite understand why we should have these expensive navy-yards in the country and then proceed to give pretty nearly all of the work to private shipyards. I presume it is done on the plea of economy, but it seems to me it is a false economy and that some of this work ought to go to the navy-yards of the country.

I move that the letter be referred to the Committee on Naval Affairs.

The motion was agreed to.

MUZZLING OF DOGS.

Mr. GALLINGER. Mr. President, I have been requested to present a petition of 2,000 citizens of the District of Columbia, protesting against the order that is now in force muzzling the dogs in this District. I will read a letter, addressed to me, which accompanies the petition:

By resolution of a mass meeting of the owners and the friends of the dog, held at the National Rifles Armory on the 30th ultimo, I was directed to present to the honorable District Commissioners a petition signed by 2,000 persons in this city protesting against the muzzle order issued December last for the muzzling of all dogs running at large in the District of Columbia. In accordance with instructions received at that meeting I did, on the 2d instant, present to the said Commissioners the aforesaid protest, together with an argument against a continuance of the muzzle order.

Under date of April 4, the Commissioners of the District, through their secretary, have advised me that, on account of the fact that the subject is being considered by a committee of the Senate, they did not deem it advisable to take any steps looking to a rescinding of the order pending their action, and therefore returned the petition and accompanying papers to me.

Complying with further instructions of the mass meeting that, in the event of the Commissioners refusing to take any action looking to a rescinding of the proclamation in question, I was to present the petition, through you, to the proper committee having this investigation in charge. I therefore transmit, for the information of the committee, all the papers connected with this matter, and earnestly beg that early legislation may be had annulling the proclamation of the District Commissioners, for the reason that we believe it will be both cruel and inhuman to require the dogs to be muzzled in the approaching hot season.

If I may be permitted to do so I would suggest that section 7 of the act of June 19, 1878 (20 U. S. Stat., page 174), be indefinitely suspended or repealed

and that an amendment to that effect be incorporated in the District appropriation bill now being considered by your committee.

Very respectfully,

GEO. W EVANS.

Chairman of the meeting of the friends of the dogs.

Among the petitioners, Mr. President, I find the names of Rev. A. Mackay-Smith; Surgeon-General Moore, U. S. A.; General Cragin; Henry E. Davis, United States District Attorney; Hon. A. G. Riddle, Mrs. A. L. Barber, Mary Foote Henderson; the president, secretary, and other officers of the Humane Society; W. F. MacLennan, Dr. George B. Simpson, Dr. Ed. R. Young, Dr. E. C. Barstow, Dr. F. X. Dooley, Dr. Percy M. Cox, Judge McCammon, Dr. Reginald Munson, Dr. W. C. Billings, Dr. W. J. Dillenback, Dr. J. W. Anderson, Dr. J. F. Kernan, Dr. P. E. Nagle, Dr. Horace Coleman, Dr. James Laws, Dr. J. R. Hayes, Dr. Robert R. Cooke, Dr. Fred Swett, Dr. J. H. Johnson, Dr. Henry Darling, and Veterinary Surgeon W. C. Kempton, and many others well known in this community.

In reference to the matter, Mr. President, I desire simply to say, on my own responsibility, that I regard this order as an unnecessary, unjust, and cruel one, and trust that the District Commissioners may see the propriety and good sense of revoking it at an early day.

I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. VEST. I should like to ask the Senator a question before that matter is disposed of. I ask it for my own information. I should like to ask my friend, who is an eminent physician and surgeon, whether he believes there is any such disease as hydrophobia?

Mr. GALLINGER. In answer to that I will say to the Senator that I practiced medicine for thirty years and never saw a case of hydrophobia, and that I have asked a great many very eminent surgeons who have spent a lifetime in the hospitals of the United States, who said to me that they never saw a case of hydrophobia. Dr. Mary Putnam Jacobi, who gave testimony a few days ago before the Committee on the District of Columbia, and who has been for a long time in practice in the city of New York, in making some suggestions regarding hydrophobia said in reply to a question from me that she never saw a case of hydrophobia.

I will say, Mr. President, that in my opinion—it may not be worth much—hydrophobia is a disease almost unknown, and if a case has occurred in this city it was an isolated case.

Now, Mr. President, just one word more in reference to the order that is in vogue in this District. Some young scientist in Washington (we have them here as we have them elsewhere), for the purpose, as I believe, of self-glorification, made an examination of a dog's brain and came to the conclusion that the dog had rabies. Immediately that was reported, and this order was the result.

I believe it is a well-established fact that the test that was in vogue in England last year to determine rabies by an examination of the brain of dogs has been entirely abandoned, and that this year they have a new test, which they claim is all right, and that it does determine the existence of the disease.

I do not believe there has been a case of rabies in the District of Columbia this year, last year, nor the year before; nor have I the least apprehension that if these poor dogs are allowed the freedom that man's best friend ought to have we will be troubled with hydrophobia as a result.

Now, Mr. President, my opinion may not be worth anything. I give it for what it is worth.

Mr. VEST. I do not propose to express any expert opinion on the matter. I remember when I was a very young man, which was a number of years ago, I sat up with an associate who died with all the symptoms of hydrophobia. He was thrown into convulsions by the appearance of water and barked like a dog, and the physician——

Mr. GALLINGER. Now, in hydrophobia the patient does not bark like a dog. That is not one of the symptoms at all.

Mr. VEST. Very good; but the physician in Lexington, Ky., and we had there the most celebrated surgeons in the world almost at that time, Dr. Ben Dudley, pronounced it hydrophobia; I know nothing about it.

Mr. GALLINGER. I do not desire to controvert the opinion. All that I meant to say was that barking like a dog is not a symptom of hydrophobia and can not be found in any book, notwithstanding the popular opinion that it is a sure symptom of the disease.

Mr. VEST. I supposed that the water test was the one which gave the name to the disease, hydrophobia; that is, hatred of water.

Mr. GALLINGER. That is right.

Mr. VEST. This gentleman who died had that aversion to water; but I did not intend to say anything about that. My opinion is worth nothing. I simply state what I saw.

Mr. WOLCOTT. I wish we could hear the Senator from Missouri.

Mr. VEST. What does the Senator say?

Mr. BERRY. You are not heard on the other side of the Chamber.

Mr. WOLCOTT. Mr. President, I ask for order in the Chamber.

Mr. VEST. Without going into the question whether there is such a disease, I will simply say that I saw in the morning papers two days ago a statement that a dog had bitten a little girl here. The dog was immediately killed by a policeman, and under the new practice the carcass of the animal was sent to the Chief Chemist, I think, in the Agricultural Department. He analyzed the carcass and, I think, declared that the dog had rabies. That is my impression, though I may be mistaken. Anyway, he analyzed the carcass and gave an expert opinion as to whether the disease was there or not.

I do not understand that my friend from New Hampshire says there is no such disease, but he says that in thirty years' practice he never saw it. It is a very rare disease, for God in His mercy has made a malady so terrible as that exceedingly rare. If an ordinary disease, it would be the terror and curse of the whole human family.

That leads me to make one statement myself. If there is a possibility of there being such a disease I would muzzle every dog in this country rather than have a single human being suffer from it.

I do not know all of these gentlemen. I know a few of those who signed this petition; but if they think there is a possibility of such a disease, and the experts here know what they are saying about the carcasses of these animals, and yet are willing to keep their fancy dogs, even if they pay $500 or $1,000, as some insane people do, for dogs, I have very little respect for them. I can not conceive a case in which there ought to be any question about muzzling every dog in a town or city or locality where there is any sort of suspicion that this terrible malady exists. I see from the newspapers that they think they have got it here, whether they have or not.

Mr. GALLINGER. Mr. President, that is one of the unfortunate things that when an agitation of this kind arises it makes the community think a disease exists that does not exist.

Now, Mr. President, I have not denied and will not deny that there is such a disease as hydrophobia. I say that it is so rare that, in my opinion, it is not worth while discussing it. I picked up a Philadelphia paper yesterday morning and I read of two families and one individual who had been saved from sure destruction by dogs. In two instances the dogs gave the alarm and saved the family from being burned up in their homes, which would have been inevitable had it not been for the faithful dog. In my judgment dogs save a hundred times as many lives as perish from this so-called disease of hydrophobia.

The PRESIDENT pro tempore. Petitions and memorials are in order.

Mr. WARREN. I ask permission to ask the Senator from New Hampshire one question on the subject he has just discussed.

The PRESIDENT pro tempore. That petition has been referred.

Mr. WARREN. Then I am out of order?

Mr. WOLCOTT and others. No.

Mr. CHANDLER. The Senator can proceed by unanimous consent.

Mr. WOLCOTT. I hope unanimous consent will be given.

The PRESIDENT pro tempore. The Senator will proceed, without objection.

Mr. WARREN. I wish to ask merely one question. I shall not be tedious. Is there any reason for us to suspect that hydrophobia is more prevalent in the city of Washington than in any other city in the United States or in the world? Is there anything in the climate or atmosphere here to make it more prevalent? In general terms, is there any more reason for the muzzling of dogs three hundred and sixty-five days in the year in Washington than there exists in any other city in the United States?

Mr. GALLINGER. Mr. President, I think the only reason is that we have more young scientific gentlemen who want to make reputations for themselves in discovering this disease, which, in my judgment, does not exist. Of course hydrophobia is not more prevalent in Washington than elsewhere.

Mr. WOLCOTT. Mr. President, in answer to the suggestion of the Senator from Wyoming, I should like to say to him that in my opinion, and I think in the opinion of most men who have looked into this question, there is no more danger of hydrophobia in Washington than anywhere else.

The trouble with the muzzling order is that owing to our system of organization of this Republic we can not have a uniform muzzling order all over the United States. There has been in England for the last three years the most splendid illustration of the ability of a firm centralized government to stamp out the disease of hydrophobia that has ever been heard of. The home secretary, Mr. Long, entered an order that no dog in the United Kingdom should go without a muzzle and that no person upon any pretext or excuse, on payment of any duties or fines whatever, should be permitted under any circumstances to bring a dog into Great Britain.

Up to that time there had been the death of thousands of cattle. There had been many human beings who died of hydrophobia. He persisted in his order against all the ignorant physicians and mock humanitarians and people who cared more for dogs than for human beings in the United Kingdom, and the agony column of the Times was filled day after day with attacks upon him. But he persisted in his order, with the result that hydrophobia has been absolutely stamped out of Great Britain. Now, in view of that, he has been able to remove the restrictions and permit the unmuzzling of dogs.

Only the other day we were hearing of thousands and thousands of dollars' worth of valuable blooded cattle in the State of New Jersey that were compelled to be killed because dogs with hydrophobia ran with them through certain sections of the State. If this muzzling order could not only be continued here, but extended throughout the United States, it would stamp out this dread disease, and without it, in my opinion, we can not.

Mr. GALLINGER. Mr. President, I desire simply to say a word further, and that is that I have been delighted to hear this learned medical and scientific exposition from the Senator from Colorado. I believe the Senator has been misinformed. I do not believe a word of it, and I go on record as not believing a word of it.

Mr. WOLCOTT. I should like to know whether the Senator speaks as a physician or as a Senator.

Mr. GALLINGER. Mr. President, both.

Mr. BACON. Mr. President, possibly a little personal experience may not be without its value, even if suggested to the Senator from New Hampshire.

I am not a physician, but I have had some personal experience on this very matter similar to that narrated by the Senator from Colorado. I myself in one season lost seven or eight valuable head of cattle bitten by dogs and that died with every symptom of hydrophobia. Not only that, but in another season I had a very valuable mare that was bitten in the nose by a dog and which undoubtedly died from hydrophobia. Whether it is hydrophobia or not I do not know. Certainly it is a disease which is communicated by the bite of a dog, and the animals die with the symptoms which are generally reputed to be those of hydrophobia. Of course I do not profess to have any scientific knowledge on the subject, but I have had a very serious practical experience in connection with it.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Photographic Engravers Union No. 5, of Chicago, Ill., praying that the Government Printer be authorized to print the label of the Allied Trades on all publications issued by the Government; which was referred to the Committee on Printing.

He also presented a petition of Local Union No. 7356, American Federation of Labor, of Mount Vernon, Ill., praying that an increase be made in the salaries of machinists employed at the Government Printing Office; which was referred to the Committee on Printing.

He also presented the petition of C. H. Clements and sundry other citizens of Centralia, Ill., praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of labor on public works; which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union of Moweaqua, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 98, United Mine Workers, of Duquoin, Ill., praying for the enactment of legislation requiring the labeling of oleomargarine and all kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Missouri and Kansas Association of Lumber Dealers, of Kansas City, Mo.; of Pomona Grange, No. 8, Patrons of Husbandry, of Schuyler County, Ill., and of the Pennsylvania State Grange, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Methodist Episcopal Church of St. Joseph, Ill., and a petition of sundry citizens of Mayview, Ill., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii, and also for the prohibition of gambling therein; which were ordered to lie on the table.

He also presented a petition of the legislative committee of the National Grange, Patrons of Husbandry, of Washington, D. C., praying for the enactment of more adequate anti-trust laws; which was referred to the Committee on the Judiciary.

He also presented a petition of the board of health of Charleston, S. C., praying for the establishment of a national health department at Washington, D. C., which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Pennsylvania State Grange, praying for the passage of the ship-subsidy bill; which was ordered to lie on the table.

He also presented a petition of the Retail Grocers' Association, of Peoria, Ill., praying for the adoption of certain amendments to the interstate-commerce law and remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Pennsylvania State Grange, praying for the enactment of legislation requiring the labeling of oleomargarine and all kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. PLATT of New York presented a petition of Cushing Post, No. 231, Grand Army of the Republic, praying for the enactment of legislation to give preference to veterans in public employment; which was ordered to lie on the table.

He also presented a petition of the Onondaga Academy of Science, of Syracuse, N. Y., praying for the enactment of legislation to protect the song birds of the country, especially the insect-destroying ones; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the West Glenns Falls Church, of Queensbury, N. Y., and a petition of the Independent Congregation of Dunkirk, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

He also presented a petition of Portville Grange, No. 842, Patrons of Husbandry, of New York, and a petition of Madison County Pomona Grange, Patrons of Husbandry, of Earlville, N. Y., praying for the establishment of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Portville Grange, No. 842, Patrons of Husbandry, of New York, and a petition of Madison County Pomona Grange, Patrons of Husbandry, of Earlville, N. Y., praying for the enactment of more adequate anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented a petition of Madison County Pomona Grange, of Earlville, N. Y., and a petition of Portville Grange, No. 842, Patrons of Husbandry, of New York, praying for the election of United States Senators by a direct vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Portville Grange, No. 842, Patrons of Husbandry, of New York, and a petition of Madison County Pomona Grange, Patrons of Husbandry, of Earlville, N. Y., praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented petitions of Jewett Grange, No. 826, Patrons of Husbandry, of Prattsville; of Portville Grange, No. 842, Patrons of Husbandry, and of Madison County Pomona Grange, Patrons of Husbandry, of Earlville, all in the State of New York, praying for the extension of free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Madison County Pomona Grange, Patrons of Husbandry, of Earlville N. Y., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Portville Grange, No. 842, Patrons of Husbandry, of New York, and a petition of Madison County Pomona Grange, of Earlville, N. Y., praying for the enactment of legislation to secure protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

He also presented a petition of Portville Grange, No. 842, Patrons of Husbandry; of Stockton Grange, No. 316, Patrons of Husbandry, and of Madison County Pomona Grange, Patrons of Husbandry, of Earlville, all in the State of New York, praying for the enactment of legislation to control the sale of imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

Mr. PENROSE presented a petition of Colley Grange, No. 385, Patrons of Husbandry, of Pennsylvania, praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of Colley Grange, No. 365, Patrons of Husbandry, of Pennsylvania, praying for the extension of free rural mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALDRICH presented petitions of Summit Grange, No. 15; Foster Center Grange, No. 28; South Scituate Grange, No. 25, and West Kingston Grange, No. 10, all Patrons of Husbandry, in the State of Rhode Island, praying for the election of United States Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Summit Grange, No. 15, Patrons of Husbandry, of Rhode Island, and a petition of Foster Center Grange, No. 28, Patrons of Husbandry, of Rhode Island, praying for the enactment of legislation to secure protection in the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

He also presented a petition of Foster Center Grange, No. 28, Patrons of Husbandry, of Rhode Island, and a petition of Summit Grange, No. 15, Patrons of Husbandry, of Rhode Island, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented a memorial of Foster Center Grange, No. 28, Patrons of Husbandry, of Rhode Island, and a memorial of Summit Grange, No. 15, Patrons of Husbandry, of Rhode Island, remonstrating against the enactment of legislation providing for the construction of reservoirs or irrigating canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of Foster Center Grange, No. 28, Patrons of Husbandry, of Rhode Island, and a petition of Summit Grange, No. 15, Patrons of Husbandry, of Rhode Island, praying for the extension of rural free mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Summit Grange, No. 15; of South Scituate Grange, No. 25, and of Foster Center Grange, No. 28, all Patrons of Husbandry, in the State of Rhode Island, praying for the enactment of more adequate anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented a petition of Summit Grange, No. 15, Patrons of Husbandry, of Rhode Island, and a petition of Foster Center Grange, No. 28, Patrons of Husbandry, of Rhode Island, praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Summit Grange, No. 15; of Foster Center Grange, No. 28, and of South Scituate Grange, No. 25, all Patrons of Husbandry, in the State of Rhode Island, praying for the enactment of legislation to secure protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

He also presented a petition of the Cuban-American League, of New York City, praying for the establishment of free trade between Porto Rico and the United States, and also for the repeal of the fourth paragraph of the joint resolution approved April 20, 1898, recognizing the independence of the people of Cuba; which was referred to the Committee on Relations with Cuba.

He also presented the petition of Moses R. Newell and three other railway-mail clerks, of Woonsocket, R. I., praying for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of 31 members of Post No. 9, of 65 members of Post No. 1, and of 19 members of Post No. 4, all of the Grand Army of the Republic of Rhode Island, praying for the enactment of legislation to provide for military instruction in public schools; which were referred to the Committee on Military Affairs.

Mr. McMILLAN presented petitions of Cascade Grange, No. 63, and Thetford Grange, No. 789, all Patrons of Husbandry, in the State of Michigan; praying for the establishment of postal savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Mayfield Grange, No. 756; Kinney Grange, No. 754, and Deanville Grange, No. 804, all Patrons of Husbandry, in the State of Michigan, praying for the extension of free rural mail delivery; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Cascade Grange, No. 113, and Hillsdale Grange, No. 77, Patrons of Husbandry, in the State of Michigan, praying for the enactment of legislation to secure protection in the use of adulterated food products; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Cascade Grange, No. 113, Patrons of Husbandry, of Michigan, praying for the enactment of legislation to control the sale of imitation dairy products in the several States; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Hillsdale Grange, No. 77, Patrons of Husbandry, of Michigan, praying for the election of United States Senators by a popular vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Hillsdale Grange, No. 77, Patrons of Husbandry, of Michigan, praying for the enactment of more adequate anti-trust laws; which was referred to the Committee on the Judiciary.

Mr. THURSTON presented a petition of the Modern Woodmen Society of Omaha, Nebr., praying for the adoption of an amendment to paragraph 4 of section 5 of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a memorial of of the Independent Order of Good Templars of Big Lake, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in our new island possessions; which was ordered to lie on the table.

Mr. PERKINS presented a petition of the city council of Oakland, Cal., praying for the appointment of a commission of United States engineers to examine the present harbor plan and make report of plan for improvements and preservation of Oakland Harbor; which was referred to the Committee on Commerce.

He also presented a petition of the Merchants' Exchange of Oakland, Cal., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Progressive Grange, No. 308, Patrons of Husbandry, of California, praying for the enactment of legislation to secure protection in the use of shoddy in manufactured goods; for the construction of the Nicaragua Canal; for the extension of rural free mail delivery; for the establishment of postal savings banks, and remonstrating against the enactment of legislation providing for the construction of reservoirs or irrigating canals for the irrigation of arid lands; which were referred to the Committee on Manufactures.

He also presented memorials of the congregation of the Orchard Avenue Baptist Church, of Los Angeles, Cal., and a memorial of the congregation of the Church of the Redeemer, of Los Angeles, Cal., remonstrating against the manufacture and sale of cigarettes; against the sale of intoxicating liquors to soldiers; the importation, manufacture, and sale of intoxicating liquors and opium and the prohibition of gambling in Hawaii; to prohibit the kinetoscopic reproduction of prize fights, and for the exclusion of illiterate immigrants from this country, and praying for the enactment of legislation limiting absolute divorce in the District of Columbia and the Territories; which were referred to the Committee on Immigration.

He also presented a petition of the Society for the Prevention of Cruelty to Animals of Oakland, Cal., praying for the enactment of legislation regulating the transportation of live stock from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Eldorado County, Cal., remonstrating against the enactment of legislation providing for the establishment of the Lake Tahoe Reservation; which was referred to the Committee on Public Lands.

Mr. KENNEY presented the petition of Thomas Chase, of Philadelphia, Pa., praying that he be granted a pension; which was referred to the Committee on Pensions.

Mr. CHANDLER presented a petition of the Woman's Christian Temperance Union of Wolfeboro, N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors on premises of the United States used for military purposes; which was referred to the Committee on Military Affairs.

He also presented petitions of Greenfield Grange, No. 23; Fitzwilliam Grange, No. 154; Cold River Grange, No. 19; Pasquaney Grange, No. 266; Lincoln Grange, No. 159; Excelsior Grange; Lyman Grange, No. 237; Granite Grange, No. 7; Star Grange, and Lebanon Grange, No. 126, all Patrons of Husbandry, in the State of New Hampshire, praying for the enactment of legislation to secure protection in the use of shoddy in manufactured goods; which were referred to the Committee on Manufactures.

He also presented petitions of Cold River Grange, No. 19; Nubamsit Grange, No. 263; Lebanon Grange, No. 126; Greenfield Grange, No. 23; Morning Star Grange; Lyman Grange, No. 237; Excelsior Grange, No. 136; Fitzwilliam Grange, No. 154, and of Pasquaney Grange, No. 266, all Patrons of Husbandry, in the State of New Hampshire, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented petitions of Monadnock Grange, No. 103; Excelsior Grange, No. 136; Candia Grange, No. 167; Lyman Grange, No. 237; Wautastiquet Grange, No. 133; Lebanon Grange, No. 126; Fitzwilliam Grange, No. 154; Nubamsit Grange, No. 263; Cold River Grange, No. 19; Pasquaney Grange, No. 266, Lincoln Grange, No. 155, and Granite Grange, No. 7, all Patrons of Husbandry, in the State of New Hampshire, praying for the establishment of postal-savings banks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Dover Grange, No. 225; Cold River Grange, No. 19; Umbagog Grange, No. 231; Advance Grange, No. 20; Prentice Hill Grange, No. 207; Mascot Grange, No. 220; Spofford Grange, No. 83; Pasquaney Grange, No. 266; Stark Grange, No. 42; Lebanon Grange, No. 126; Hudson Grange, No. 11; Lyman Grange, No. 237, and Piermont Grange, No. 219, all Patrons of Husbandry, in the State of New Hampshire, praying for the election of United States Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Excelsior Grange, No. 160; Cold River Grange, No. 19; Dover Grange, No. 225; Prentice Hill Grange, No. 250; Mascot Grange, No. 220; Spofford Grange, No. 83; Lyman Grange, No. 237; Advance Grange, No. 20; Piermont Grange, No. 219; Granite Lake Grange, No. 115; Umbagog Grange, No. 213; Stark Grange, No. 42; Pasquaney Grange, No. 266; Hudson Grange, No. 11; Comfort Grange, No. 226; Eclipse Grange, No. 110; Franklin Grange, No. 116; Colon Grange, No. 150; Enterprise Grange, No. 280; Howlett Grange, No. 256; Camden

Grange, No. 126, and Herling Grange, No. 242, all Patrons of Husbandry, in the State of New Hampshire, praying for the enactment of more adequate anti-trust laws; which were referred to the Committee on the Judiciary.

He also presented petitions of Lyman Grange, No. 237; Pasquaney Grange, No. 266; Cold River Grange, No. 19; Lebanon Grange, No. 126; Nubaunsit Grange, No. 263; Fitzwilliam Grange, No. 154; Glenfield Grange, No. 23; Surry Grange, No. 156; Granite Grange, No. 7; Lincoln Grange, No. 189; Concord Grange, No. 12; Excelsior Grange, No. 136; Wolf Hill Grange, No. 41, and Candia Grange, No. 167, all Patrons of Husbandry, in the State of New Hampshire, praying for the extension of rural free mail delivery; which were referred to the Committee on Post-Offices and Post Roads.

He also presented petitions of Piermont Grange, No. 219; Granite Lake Grange, No. 125; Stark Grange, No. 43; Umbagog Grange, No. 231; Hudson Grange, No. 11; Pasquaney Grange, No. 266; Lebanon Grange, No. 126; Dover Grange, No. 225; Cold River Grange, No. 19; Prentice Grange, No. 257; Spofford Grange, No. 83; Mascot Grange, No. 220; Advance Grange, No. 20; Lyman Grange, No. 239, and Candia Grange, No. 167, all Patrons of Husbandry, in the State of New Hampshire, praying for the enactment of legislation to secure protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

He also presented memorials of Lyman Grange, No. 237; Excelsior Grange, No. 124; Lebanon Grange, No. 126; Nubaunsit Grange, No. 263; Granite Grange, No. 7; Wautastiquet Grange, No. 129; Pasquaney Grange, No. 266, and Fitzwilliam Grange, No. 154, all Patrons of Husbandry, in the State of New Hampshire, remonstrating against the enactment of legislation providing for the construction of reservoirs or irrigating canals for the irrigation of arid lands; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. McCOMAS presented a petition of the Woman's Christian Temperance Union of Baltimore, Md., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Baltimore, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. QUARLES presented a petition of the Society of Good Templars of Horicon, Wis., praying for the enactment of the legislation requiring the labeling of oleomargarine and all kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. MONEY presented sundry papers to accompany the bill (S. 3969) for the relief of the estate of Mrs. Nancy Eddins, deceased; which were referred to the Committee on Claims.

Mr. FRYE presented the petition of Mrs. J. A. Harding and 225 other citizens of New Mexico, praying for the enactment of the legislation to prohibit the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

COURTS IN TEXAS.

Mr. PETTUS. From the Committee on the Judiciary, I report back a bill simply to change a county in Texas from one judicial district into another district. It involves no cost, and I ask that it be put upon its passage.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The Secretary read the bill (H. R. 9284) to attach the county of Foard, in the State of Texas, to the Fort Worth division of the northern district of Texas, and providing that all process issued against defendants residing in said county shall be returned to Fort Worth, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN GEORGIA.

Mr. BACON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 60) to create the northwestern division of the northern district of Georgia for judicial purposes and to fix the time and place for holding court therein, to report it without amendment. I will state that I am directed by the committee to ask for the present consideration of the bill.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 939) to permit C. R. S. Nichols to make a second homestead entry, reported it without amendment, and submitted a report thereon.

Mr. VEST. I am directed by the Committee on National Health and Public Quarantine, to whom was referred the bill (S. 4047) for the protection of the public health, to report it back. I call the attention of the junior Senator from Oregon [Mr. FOSTER] to this bill. The bill ought to be referred to the Committee on Manufactures. I understand, not directly from the Senator, but by information, that he desires to have it so referred. However, I report it back with the request that the Committee on National Health and Public Quarantine be discharged from its further consideration.

The PRESIDENT pro tempore. Without objection, the committee will be discharged, and——

Mr. FOSTER. I move that the bill be referred to the Committee on Manufactures.

The motion was agreed to.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 1364) increasing the pension of Henry H. Blockson, reported it with amendments, and submitted a report thereon.

Mr. SIMON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 182) for the erection of a public building in Reno, Nev., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1897) to amend an act entitled "An act to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.," reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 3284) for the relief of Eugenie Baptiste, sole surviving heir of Francisco Krebs, asked to be discharged from its further consideration and that it be referred to the Committee on Private Land Claims; which was agreed to.

Mr. THURSTON. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 3685) to amend the seventh section of the act entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, to report it with an amendment. I ask unanimous consent for the present consideration of the bill.

Mr. CHANDLER. I shall have to object to the present consideration of the bill.

The PRESIDENT pro tempore. Objection is made, and the bill will be placed on the Calendar.

Mr. THURSTON, from the Committee on the Judiciary, to whom was referred the bill (S. 1794) for the relief of Fred Wreddle, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 876) for the relief of John E. Welch, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, reported an amendment proposing to appropriate $10,000 for grading and improving Joliet street, between the Tunlaw road and Wisconsin avenue, intended to be proposed by him to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SULLIVAN, from the Committee on Public Lands, to whom was referred the bill (H. R. 2456) for the relief of the heirs and assignees of Philip McLoskey and John Hagan, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. ALDRICH introduced a bill (S. 4076) granting a pension to Thomas Kelley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4077) granting a pension to Frances Horton Force;

A bill (S. 4078) granting an increase of pension to Erastus W. Harman;

A bill (S. 4079) granting an increase of pension to Orrin S. Thatcher;

A bill (S. 4080) granting an increase of pension to Julius Reno;

A bill (S. 4081) granting a pension to Eveline Sheridan; and

A bill (S. 4082) granting an increase of pension to Phillip H. Whyrick.

Mr. FORAKER introduced a bill (S. 4083) to remove the charge of desertion from the military record of John R. Smithson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BATE introduced a bill (S. 4084) granting an increase of pension to Mary E. Pillow; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 4085) to correct the military record of C. R. Dickson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MONEY introduced a bill (S. 4086) granting an increase of pension to T. L. Turnipseed; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 4087) granting an increase of pension to Ellen M. Mansur; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE (by request) introduced a bill (S. 4088) to aid in maintaining the gold standard, to provide free coinage for coins of small denominations, to limit their legal-tender value, to make them more convenient for use, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

He also (by request) introduced a bill (S. 4089) to establish a representative form of government for the citizens of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PRITCHARD introduced a bill (S. 4090) granting a pension to Daniel W. Roughton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4091) granting a pension to D. M. Woodhouse; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4092) to correct the military record of Alexander Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McCOMAS introduced a bill (S. 4093) for the relief of the Baltimore and Ohio Railroad Company; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4094) for the relief of Ellen Ogle Thomas, administratrix de bonis non cum testamento annexo of Jane Thomas, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4095) granting a pension to Mary L. Tweddle; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DEBOE introduced a bill (S. 4096) granting a pension to Elizabeth D. Hatchitt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 4097) granting an increase of pension to George C. Tracy; which was read twice by its title, and referred to the Committee on Pensions.

SALARIES OF CERTAIN JUDGES.

Mr. FAIRBANKS submitted an amendment intended to be proposed by him to the bill (S. 3450) to fix the salaries of certain judges of the United States; which was ordered to lie on the table and be printed.

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. STEWART submitted an amendment proposing to increase the salaries of 21 station keepers in the District of Columbia from $700 each to $900 each, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SIOUX CITY AND PACIFIC RAILWAY.

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (S. 1291) authorizing the settlement and adjustment with the Sioux City and Pacific Railway Company of its indebtedness to the United States; which was ordered to lie on the table, and be printed.

AMENDMENT TO CLAIMS BILL.

Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was referred to the Committee on Claims, and ordered to be printed.

READJUSTED SALARIES OF POSTMASTERS IN WYOMING.

Mr. CLARK of Wyoming submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Postmaster-General be, and he hereby is, directed to report upon a schedule to the Senate the readjusted salaries of all postmasters who served in the Territory and State of Wyoming between July 1, 1864, and July 1, 1874, whose names as claimants appear in the Court of Claims in the case entitled Edwin S. Whittier and others *vs.* The United States, No. 18336, each such salary account to conform in all respects to the order of the Postmaster-General published by circular under date of June 9, 1883, and to the requirement of the act of March 3, 1883, as said requirement was published by the Postmaster-General in the newspapers of the country under date of February 17, 1884, and with such report transmit to the Senate a full copy of the text of the construction by the Postmaster-General of the act of March 3, 1883, embodied in said circular and publication in the newspapers and in circular form No. 1223, the text of each of which, under date of November 8, 1887, was transmitted by the Postmaster-General to the Attorney-General for use in the case of Jane Yarrington and others *vs.* The United States, No. 16345.

IRRIGATION OF PIMA RESERVATION, ARIZ.

Mr. PLATT of Connecticut submitted the following resolution, which was read:

Resolved, That the Secretary of the Interior is hereby directed to carefully examine and report upon the proposed plans for irrigating the Pima Reservation in Arizona particularly:

First, with reference to the feasibility cost, and comparative merit of such plans;

Second, the extent to which the Indians occupying such reservation have heretofore been furnished irrigation for their lands;

Third, by what means they have been deprived of such irrigation, whether legally or otherwise;

Fourth, whether the irrigation which they have heretofore enjoyed has been in connection with any enterprise for the irrigation of lands belonging to individuals or syndicates;

Fifth. Whether any of the proposed plans for irrigating lands upon the Pima Reservation are exclusively for the benefit of the Indians; if not, whether plans can be devised for supplying water to the Indians upon such reservation independent of and disconnected with the rights of individual or company landowners other than the Indians.

Sixth. Full information as to the claims of the Florence Land Company or other owners of land to the right of water to be supplied to the Indians upon such reservation, and the quantity of lands thus owned.

Seventh. Whether there are unoccupied Government lands which might be irrigated under any of the proposed plans after fully supplying water for the irrigation of such reservation.

Eighth. All facts necessary to inform Congress as to the feasibility of irrigating such Indian reservation with or without furnishing water for the irrigation of private lands, and the probable cost thereof.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. STEWART. I wish to remark in regard to that resolution—I shall not object to its being passed—that on the land above where these Indians are the waters have been absorbed by the people who have settled about Pima in very large communities. The water can not very well be taken from them, and there must be more water furnished to the people above before it reaches the Indians on the reservation below.

While I am opposed to the Government undertaking irrigation schemes, I think, perhaps, that the subject ought to be investigated and suitable contracts made to furnish water for the Indians on this reservation. If the old method they had of furnishing water was resorted to, it would utterly depopulate that whole region. That would be out of the question. There must be provision made for storing a large amount of water above in order to furnish sufficient water for the Indian reservation below for use on their lands.

It may be necessary to appropriate a certain sum to furnish water so as to irrigate these lands for the Indians. The Government has got to provide something. We have appropriated $20,000 for those Indians this year, and we must continue to appropriate, because they are a good lot of Indians, who have been self-supporting for some time. I have visited their homes. They are, on the whole, a very superior class of Indians in every respect, but they have got to be taken care of by the Government. Whether it would be cheaper, taking into consideration the people above them, to build a dam is a question to be determined, for the building of a dam is a pretty expensive work; but there is a magnificent place there for a reservoir, and it would furnish plenty of water.

I am glad the Senator has taken hold of the matter. The information we shall secure in answer to the resolution may be a help in deciding what is the best plan to be pursued in regard to the subject.

Mr. PLATT of Connecticut. I do not desire to discuss the situation there. This resolution simply calls upon the Secretary of the Interior to furnish such information as will put Congress in possession of all the facts in the case.

The PRESIDENT pro tempore. The question is on the adoption of the resolution submitted by the Senator from Connecticut [Mr. PLATT].

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5763) to extend the coal-land laws to the district of Alaska;

A bill (H. R. 6250) extending the time for proof and payment on lands claimed under the desert-land law of the United States by the members of the Colorado Cooperative Colony in southwestern Colorado;

A bill (H. R. 8963) to fix the terms of the district and circuit courts of the western judicial district in the State of Louisiana; and

A bill (H. R. 9634) to set apart certain lands in the Territory of Arizona to be known as the Petrified Forest National Park.

The message also announced that the House had passed a concurrent resolution to print, in black cloth binding and wrapped for mailing, 5,000 copies of the national banking laws for the use

of the office of the Comptroller of the Currency; in which it requested the concurrence of the Senate.

The message further transmitted to the Senate the resolutions of the House on the life and services of the Hon. RICHARD PARKS BLAND, late a Representative from the State of Missouri.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE BLAND.

Mr. COCKRELL. I give notice that to-morrow at 1 o'clock I shall ask the Senate to consider resolutions in regard to the death of the late Representative BLAND.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate a resolution reported from the Committee on Privileges and Elections, which will be read.

The Secretary read as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. CHANDLER. Mr. President, the friends of my motion to strike out the word "not" from that resolution are ready to vote at this time.

Mr. ALLEN. I ask the Senator to let me call up a bill which will not lead to any discussion.

Mr. CHANDLER. What is the bill, may I ask?

Mr. ALLEN. A bill for the relief of Mary A. Swift. It will lead to no debate.

Mr. CHANDLER. If the bill will lead to no debate, I shall not object, but I feel that I ought to object to any other bill after that.

MARY A. SWIFT.

Mr. ALLEN. I ask unanimous consent for the consideration at this time of the bill (S. 3476) for the relief of Mary A. Swift.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $12,000 for the relief of Mary A. Swift, widow of the late John F. Swift, envoy extraordinary and minister plenipotentiary to Japan, that amount being the salary allowed by law to the above-named office for one year.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM PENNSYLVANIA.

The Senate resumed the consideration of the following resolution, reported by Mr. TURLEY from the Committee on Privileges and Elections January 23, 1900:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

The PRESIDENT pro tempore. The question before the Senate is on the amendment to strike out the word "not" in the pending resolution. Is the Senate ready for the question?

Mr. BURROWS. Mr. President, I hope that the question on that motion will not be put to the Senate at this time. I will say to the Senate that a vote can be had upon this matter just as soon as Senators who desire to be heard have concluded what they have to say. I am in receipt of a dispatch from an absent Senator saying that he will be here in the morning and that he desires to be heard on this case.

I will state to the Senate that I trust the appropriation bill now before the Senate will be out of the way, so that I may have the privilege of addressing the Senate on this matter on Wednesday—the day after to-morrow. I therefore ask that the resolution may be laid aside for to-day. I would go on to-morrow, only I am advised that the Senator from Missouri [Mr. COCKRELL] desires to ask the Senate to consider resolutions in relation to the death of a distinguished citizen of his State, late a member of the House of Representatives; but on Wednesday I shall be very glad to proceed to the discussion of the case, and then will cooperate with the Senators at any time thereafter possible to be agreed upon for taking the vote.

Mr. CHANDLER. The senior Senator from Massachusetts [Mr. HOAR] will return to-day and be here to-morrow. To-morrow I shall ask to have unanimous consent for fixing a day when the vote may be taken upon the resolution.

The Senator from Michigan [Mr. BURROWS] says he is not willing to go on to-day, and suggests that the Indian appropriation bill ought to be passed. I agree with the Senator from Nebraska [Mr. THURSTON] in charge of the bill that he ought to have an opportunity to-day to pass that bill. I am informed that it is not likely to take more than half an hour or an hour, and perhaps not so long as a half hour; and so I do not see why the Senator from Michigan, whose mind and manuscript are full on this subject, should not go on to-day instead of waiting until Wednesday next. Therefore I think the Senate should go on with the Indian appropriation bill, and when that is finished to-day the Senator from Michigan ought to go on with his speech.

Mr. PENROSE. Mr. President, I desire to call to the attention of the Senator from Michigan [Mr. BURROWS] that the Indian appropriation bill will in all probability not occupy more than one hour; certainly it will be finished within the limits of that period.

The Senator from Massachusetts [Mr. LODGE] who has the Philippine bill in charge is absent, and that matter, being the unfinished business before the Senate, will not be called up to-day. Therefore the whole of this day, under the unanimous-consent agreement, can be given to the consideration of the Quay resolution.

The Senator from Michigan distinctly stated last week that he would speak to-day upon this question. There is no public business before the Senate preventing him from so doing, and unless he stands here and states that he is unprepared or unwilling to do so he can not justify himself before this body for any further delay.

I appeal to the fair-minded spirit of this Senate that this case, which has been prolonged for months when it might have been disposed of early, shall, now that no other business before the Senate interferes with it, be promptly disposed of. I appeal to the Senator from Michigan, with all this day before him, to make his speech and to cooperate in the prompt disposition of the case.

Mr. BURROWS. Mr. President, I desire to say to the Senator from Pennsylvania that he is entirely in error when he says that I gave notice that I would speak on this case this morning.

Mr. PENROSE. Mr. President, if the Senator will let me correct the statement he attributes to me, I did not intend to say that he gave notice. I went further than that, and said that the Senator from Michigan practically agreed to speak upon this day.

Mr. BURROWS. I did not so understand the statement of the Senator; but be that as it may, neither my mind nor my manuscript is full upon this case at this time.

Mr. STEWART. I should like to inquire of the Senator——

Mr. BURROWS. I will ask the Senator to desist for a moment.

Mr. STEWART. I was just about to ask the Senator a question.

Mr. BURROWS. I desire to say, as I said before, that I shall be ready, so far as I am concerned, to proceed with the discussion of this question on Wednesday immediately after the close of the routine morning business; and whenever the Senate shall determine to vote, either by unanimous consent or in any other way, it will be entirely agreeable to me. I shall put no obstacle in the way. I want a vote on this question; but I want an opportunity to be heard, and I know of absent Senators, who are not here, who desire to be heard, and, as I said before, to-morrow the Senate will be occupied with another matter. The chairman of the Committee on Privileges and Elections well knows that that committee will be in consultation to-morrow all day upon a very important question, which will preclude the further consideration of this question, so far as I am concerned, to-morrow. I think there is nothing unreasonable, under the circumstances, in asking that the matter may go over. I trust, as I said before, that the appropriation bill may be gotten out of the way, so that we can proceed on Wednesday.

Mr. STEWART. I regard the request as very unusual and very unreasonable. After having entered into a solemn agreement by unanimous consent to take this case up and go on with it, with the exceptions named in the agreement, and those exceptions not appearing, I do not see that it is reasonable or convenient for any one Senator to persist in making motions for a continuance.

Mr. BURROWS. Does the Senator lose sight of the fact that an appropriation bill is now pending before the Senate and that the Senate is dividing on the yeas and nays?

Mr. STEWART. But I do not lose sight of the fact that the Senator objects to going on this afternoon after the appropriation bill shall have been disposed of, if it shall be disposed of.

Mr. BURROWS. I do, because there would not be time for me to conclude what I desire to say to-day.

Mr. STEWART. That does not make any difference. You agreed——

Mr. BURROWS. It makes a difference with me.

Mr. STEWART. It does not make any difference with you as to the unanimous-consent agreement which was made. You are going to violate it for your convenience, are you?

Mr. BURROWS. The agreement was that the consideration of the case should commence on the 3d of April.

Mr. STEWART. This case was to be proceeded with, exclusive of all other business, with certain exceptions named.

Mr. BURROWS. That is precisely what we are doing and what we have been doing.

Mr. STEWART. And now you propose that it shall be continued for your convenience.

Mr. BURROWS. Not at all.

Mr. STEWART. And not to the exclusion of other business, but for your convenience. That is violating the agreement; and I shall object, when the time comes, to the case being postponed or the agreement being violated.

Mr. MCCOMAS. Mr. President, this matter now pending is a question of high privilege, and I want the Senate to observe

that five months of this session have passed; and if the idea of some shall be carried out of shortening the session and concluding it within sixty or seventy days hence, it appears to me unseemly that such a question of high privilege should be from week to week and from month to month postponed in this fashion. It seems to me that Senators must admit that the time has arrived when the case should be brought to a vote. My colleague on the committee [Mr. BURROWS] desires to speak on Wednesday. I suggest to the distinguished chairman of the Committee on Privileges and Elections that he now ask that a day be fixed during this week for a final vote on this proposition.

There is now on the Calendar another case of like high privilege, and I desire at an early day to call up the West Virginia case. I apprehend that it will take but very little time, because I think there is no occasion in that case for difference, and I have no apprehension of any discussion or delay upon it.

After that will follow another very important case, the Montana case, soon to be decided in committee, which should be disposed of at this session of the Senate. The Calendar will thus have upon it, if this matter remains longer unacted upon, three cases of the highest privilege awaiting their turn after every other order of business. It seems to me the time has come to fix a day for a vote in the Pennsylvania case, and that the best judgment of this Senate should favor an early vote. If it can not be obtained by consent, it should be obtained by a motion here; so that we may see whether or not for a half year this Senate will refuse to vote yea or nay upon the right to a seat in this body of a gentleman whose credentials are already upon our table and whose case for months has been debated before this body.

I suggest to the experienced and skillful Senator who is in charge of this resolution that he should endeavor to have the Senator from Michigan to make his argument on Wednesday, and that thereafter on that day or the next day the vote should be pressed, and no longer should delay be consented to in this important matter, so that the other questions as to seats here may follow in their order and be voted upon.

Mr. CHANDLER. Mr. President, I ask unanimous consent that the pending resolution may be voted on on Saturday of this week, at 3 o'clock.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the pending resolution and any amendment at the time pending shall be voted on at 3 o'clock next Saturday afternoon. Is there objection?

Mr. PLATT of Connecticut. Mr. President, I do not wish to agree to that. I do not like the way this case has been proceeded with; and if I may be permitted to make a single remark, in saying why I object, I will say I do not think it has been wise to take up the resolution and consider it for a little while, one Senator making a speech, and then lay it down until some other Senator was ready to make a speech. I do not wish to speak on measures considered in that way. I do not know whether I desire to speak on the Quay case or not, but if I do, I want it taken up for consideration and have the Senate go on with it, and I desire to say what I wish to say in the way of debating this question. I think we might get a vote before Saturday; but I do not wish to-day, after the methods which have characterized the consideration of this case, to agree to any time for a vote.

The PRESIDENT pro tempore. Objection is made.

Mr. ALDRICH. Mr. President, if I may be permitted a remark, I believe the business of the Senate would be facilitated by taking the vote on the pending resolution in regard to the Pennsylvania case; but it seems that it can not be done this week. If it can be done at any reasonable time in the future, I think that the business of the Senate could be proceeded with to greater advantage both to the public and to the Senate itself. I would suggest, if the time can not be fixed now, that we fix a later time than that suggested by the Senator from New Hampshire, so as to give every member of the Senate who desires to speak upon the case a chance to speak, and then the case can not be injected into our business constantly. I think that those who are favorable to the seating of Mr. Quay, as well as those who are opposed to it, will see the fairness of this suggestion.

I suggest to the Senator from New Hampshire, if the time he named is not agreeable, to try a date later on. I would suggest two weeks from to-day, although perhaps it would seem that I am interfering with a matter which does not particularly concern me.

Mr. CHANDLER. Mr. President, I wish to say just one word in reply to the Senator from Connecticut [Mr. PLATT], who says he does not like the way this case has been dealt with. The fault is certainly not with those who are in favor of seating Senator Quay. There seems to be an anomalous kind of unanimous-consent agreement here, which provides in the first clause for continuous consideration of this case; and, of course, that means continuous debate, just such as the Senator from Connecticut wishes; but somehow or other, while those who are in favor of seating Mr. Quay are willing to vote without debate, those who are opposed to seating Mr. Quay—and among them is the Senator from Connecticut—do not give any debate by making speeches; they are not ready; but we are ready for a vote. I will ask the Senator from Connecticut how he proposes to bring about the sort of debate upon the resolution which he thinks would be orderly and preferable, which I conceive is provided for by this continuous-consideration agreement, if it is to bind the Senate?

Now, Mr. President, I will ask, in accordance with the suggestion of the Senator from Rhode Island [Mr. ALDRICH], that unanimous consent be given for a vote upon the resolution two weeks from to-day at four o'clock.

Mr. ALDRICH. I suggest that Tuesday would be a little better day than Monday, because Senators who may leave at the end of the week may not get back until Tuesday.

Mr. CHANDLER. Suggestions are again made to me from three sources, and I will name two weeks from to-morrow at 4 o'clock in the afternoon.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that a vote be taken on the pending resolution two weeks from to-morrow at 4 o'clock. Is there objection?

Mr. PLATT of Connecticut. Mr. President, I am not going to interpose an objection to the proposed unanimous-consent agreement, but I do wish to make some remarks with relation to unanimous-consent agreements. I said in the Senate at one time that I would never consent to a unanimous-consent agreement of this sort hereafter in any case in which I felt an interest. No agreement of this sort is ever made but that when it comes to a vote it is misinterpreted and some one suffers by it. I have suffered by these unanimous agreements in a way which to me seemed serious. I do not know that I care to say anything on this case, but if I make any remarks upon it I wish to speak when the case is really under consideration.

I have not postponed or put any obstacle in the way of the consideration of this case. I do not propose to; but I do wish to enter my protest against a pro forma and nominal consideration of a case of this sort where a Senator comes and makes a speech to which no one listens, and where there is no real consideration. I think it ought to be taken up and proceeded with until it is disposed of. I think that vastly better than to make a unanimous-consent agreement about when we will take a vote. If we make an agreement as to when we shall take a vote, we shall never have any real, serious debate on this case. A Senator will come in here some morning, and having given notice, will deliver an essay on the subject, to which no one will pay any attention. I hope those in charge of the case, if this agreement is to be made, will some time within the next fortnight bring forward the case for actual consideration, discussion, and debate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire?

Mr. BURROWS. Mr. President, I desire to say only this: I am embarrassed somewhat by a dispatch which I have received from an absent Senator, who says in his dispatch that he will be here to-morrow morning and desires that no time shall be fixed for a vote. I ask the Senator from New Hampshire, if it will not make any difference, if he will wait until to-morrow morning, and then we will be able to determine it. For myself, I have no objection.

Mr. ALDRICH. Before the unanimous-consent agreement is entered into, I think it should be stated that fixing a time to vote permits any of the motions which would be in order upon the case to be acted upon—that is, a motion to postpone indefinitely, or to postpone to a fixed time, or any of the ordinary parliamentary motions which would be permissible if the agreement had not been made.

Mr. GALLINGER. All subsidiary motions.

Mr. ALDRICH. All subsidiary motions which would be in order under ordinary circumstances. Otherwise we should be in the position we were in once in this Chamber, as I remember, when we could vote upon nothing but the passage of the resolution itself. I suppose that will be understood if the agreement is made.

I suggest to the Senator from Michigan that no absent Senator, it seems to me, could expect to have this matter postponed to a very much greater extent than it has been, and I can not help thinking that the Senate is doing justice to itself and to the claimant to the seat by fixing a time. I think certainly that a sufficient amount of delay has intervened to enable every Senator to express his opinions upon this subject.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Michigan to object?

Mr. BURROWS. Well, as I said, I am embarrassed by the request that came to me this morning by wire.

The PRESIDENT pro tempore. Does the Senator from Michigan object?

Mr. BURROWS. I think I will ask the Senator from New Hampshire to wait until to-morrow morning, simply as a courtesy to an absent Senator.

The PRESIDENT pro tempore. The Senator from Michigan objects.

Mr. BURROWS. I think then the agreement can be made.

Mr. BERRY. I should like to ask if the Indian appropriation bill is to be proceeded with.

The PRESIDENT pro tempore. The Chair is not able to inform the Senator from Arkansas.

Mr. BERRY. I desire to be informed when the Indian appropriation bill does come before the Senate. I do not know whether it is the unfinished business or not.

Mr. PENROSE. Do I understand the Senator from Michigan to object to the request for unanimous consent to-day?

The PRESIDENT pro tempore. The Chair understands the Senator from Michigan to object.

Mr. BURROWS. I stated that I would ask that the matter be laid over until to-morrow, as a matter of courtesy to an absent Senator. That was all.

Mr. PENROSE. I should like to ask the Senator from Michigan whether he has any objection to mentioning the name of the absent Senator.

Mr. BURROWS. I do not think that is necessary.

Mr. PENROSE. I ask the Secretary to read from the RECORD the statement of the Senator from Michigan in reply to the Senator from New Hampshire regarding his intention to speak to-day upon this case.

Mr. GALLINGER. Mr. President, I inquire what is before the Senate?

The PRESIDENT pro tempore. The resolution touching the seating of the Senator from Pennsylvania is before the Senate.

Mr. BURROWS. Mr. President——

The PRESIDENT pro tempore. The Secretary will read as requested.

Mr. PENROSE. I have asked for the reading of a statement from the RECORD.

Mr. BURROWS. Mr. President, although I dislike very much, in view of the dispatch I have received, to consent to this arrangement, yet I am so anxious that this matter shall be brought to a conclusion that I am tempted to forego what I otherwise ought to do—insist upon waiting until to-morrow, and to say that I will agree, so far as I am concerned, that a vote shall be taken two weeks from to-morrow, with the understanding, as stated by the Senator from Rhode Island, that all motions which are ordinarily in order upon a resolution shall be in order at that time.

Mr. JONES of Arkansas. Mr. President, I did not understand the conclusion of the Senator from Michigan, but two weeks from to-morrow is two weeks away, and I can see no objection, as a matter of courtesy to any absent Senator who does not want a unanimous-consent agreement made for a vote in his absence, why it should not lie over until to-morrow, when he can be here, without any regard to who that Senator may be. If the Senate is willing to-morrow or day after to-morrow to agree to a unanimous-consent agreement to take a vote two weeks from to-morrow, or two weeks from day after to-morrow, the matter will not be delayed one hour by simply postponing the making of the unanimous-consent agreement until the other Senator can be present; and if no Senator will object under the circumstances, I will.

The PRESIDENT pro tempore. Objection is made.

Mr. STEWART. I do not want it understood that this debate goes over until to-morrow by any consent, because I do not want the unanimous-consent agreement to be waived by the person in charge of the case. It has to give way to the Indian appropriation bill, of course, under the consent agreement. When the Indian appropriation bill is disposed of I hope this resolution will be called up and continued, according to the consent.

The PRESIDENT pro tempore. The resolution is now before the Senate.

Mr. PENROSE. I ask for the reading from the RECORD which I sent to the desk of the statement of the intention of the Senator from Michigan to proceed in this case to-day.

The PRESIDENT pro tempore. The Secretary will read, as requested.

The Secretary read as follows:

[Page 3874 of the CONGRESSIONAL RECORD, April 7, 1900.]

The PRESIDENT pro tempore. The appropriation bill is not before the Senate.

Mr. THURSTON. I understand that. I ask that the resolution concerning Mr. Quay be informally laid aside and that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. CHANDLER. I object to that if anyone is ready to speak on the Pennsylvania resolution. I had supposed some Senator would be ready to speak after the notice which I gave the other day, and that Senators who intended to speak might properly be asked to be ready and not to longer delay the Senate in the consideration of this resolution. I will ask the Senator from Michigan if he is ready to proceed this morning?

Mr. BURROWS. I will say to the Senator from New Hampshire that I am not, and I do not know of anyone who is prepared this morning to proceed. We shall be ready next week, probably on Monday, to go on with the consideration of the resolution.

Mr. PENROSE. Mr. President, the Senator from Michigan not only stated that he would himself be prepared to speak to-day upon this case, but he also declared, and so did the Senator from New Hampshire [Mr. GALLINGER], that there were probably ten or twelve Senators who desired to be heard on the other side of this question. I have already referred to the fact that the Indian appropriation bill will hardly occupy an hour. I ask the Senator from Michigan, if he is unable to keep his agreement to go on to-day himself, whether any of the ten or twelve gentlemen to whom he referred are present in the Chamber and ready to proceed.

Mr. BURROWS. It is hardly necessary for me to reply to the Senator from Pennsylvania that I made no such agreement as that to which he alludes. I expressed the hope that probably I should be able to proceed at this time. That is all the answer I desire to make.

Mr. PENROSE. I should like to ask the Senator what has become of his ten or twelve orators?

Mr. BURROWS. The Senator will hear them in due time.

Mr. PENROSE. I should like to hear them.

Mr. FORAKER. I have been absent from the Chamber two or three days, unavoidably, and have just returned. I gather what is under consideration. I rise to inquire what is the objection, if this resolution is under consideration, to voting now, if there is no one here who wishes to speak in opposition? Every time this matter comes up it is to be voted on at some indefinite time in the future, and we have never yet been able to agree upon a day. I do not understand why we should be continually occupying the attention of the Senate with agreements that are unnecessary, it seems to me, if we proceed in due order with the consideration of this matter to its disposition. I am prepared to vote upon it now, and if there is no Senator who wishes to speak in opposition or who desires to speak in favor of it, I do not see why we should not take a vote now and dispose of it.

Mr. BURROWS. I call for the regular order.

Mr. FORAKER. I understand this is the regular order.

The PRESIDENT pro tempore. The regular order is the amendment offered by the Senator from New Hampshire [Mr. CHANDLER] to strike out the word "not."

Mr. BURROWS. I understood there was an understanding that this case should be voted upon two weeks from to-morrow. That was the request of the Senator from New Hampshire.

The PRESIDENT pro tempore. Objection was made by the Senator from Arkansas [Mr. JONES].

Mr. BURROWS. I did not understand that. Then I repeat to the Senate that I desire to be heard in this case, as I know other Senators do, and that I shall be ready to speak day after to-morrow; and if the Senate thinks it is courteous and proper to push this case to a vote now, without further discussion, of course I shall have to submit, so far as I am concerned.

Mr. STEWART. Undoubtedly it would be highly proper. It is the unanimous understanding, and I am opposed to the idea that it would be proper, under the unanimous-consent understanding, to give a man several more months to get ready to make a speech when he is ready with his speech always on all other occasions and waive the unanimous-consent agreement. I want to vote upon the case according to the unanimous-consent agreement, if there is nobody ready to speak.

The PRESIDENT pro tempore. The Chair lays before the Senate a House bill for reference.

Mr. PENROSE. Do I understand that the Quay resolution is before the Senate?

Mr. FORAKER. I wish to say before this matter is passed that I did not understand that the Senator from Michigan had given notice that he wanted at any particular time to make a speech on this subject.

Mr. BURROWS. I stated that I desired——

Mr. FORAKER. I understood the Senator at times stated that he contemplated making a speech on this subject and at other times that he had some doubts in his own mind whether or not he would speak. I was of the impression that now he did not intend to speak.

Mr. BURROWS. I stated——

Mr. FORAKER. Will the Senator from Michigan allow me to conclude?

Mr. BURROWS. I stated, before the Senator from Ohio came in, that I desired to make some remarks on this case and would do so Wednesday morning, as to-morrow is to be occupied with another matter.

Mr. PENROSE. Before the Pennsylvania resolution goes over until to-morrow, I desire to have a distinct understanding as to what is the present purpose of the Senator from Michigan. I thought I knew it last week, and I have had the RECORD read reciting his statement. It appears that I was wrong, and most of the Senate was wrong, and the public press was wrong as to the character of his intention. I understand now that he is ready and determined to proceed on Wednesday next, that he has some ten or twelve gentlemen who desire to be heard on behalf of the majority of the Committee on Privileges and Elections, and that at

the request of a Senator, unknown to this body, he desires the case to go over until to-morrow. If I am wrong in my understanding of the present status of the matter, I trust that the Senator from Michigan will relieve me of my error.

Mr. BURROWS. I will correct the Senator from Pennsylvania if he will allow me.

Mr. PENROSE. I shall be very glad to be corrected.

Mr. BURROWS. I have already consented that a final vote shall be taken upon this matter and that it shall be concluded two weeks from to-morrow. I do not object. As to the ten or twelve gentlemen who desire to speak, I have the list of Senators—not that I have secured them to speak, but they are Senators who have expressed to me a desire to be heard; and they will be heard in due time, if they have the opportunity.

Mr. STEWART. There is no consent to put the case over two weeks from to-morrow.

Mr. CHANDLER. There is reason in all things. I think under the circumstances this case had better go over until to-morrow, in view of the objection made by the Senator from Arkansas; and when the resolution comes up after the routine business to-morrow morning, I shall ask that two weeks from to-morrow at 4 o'clock in the afternoon the subject may be disposed of by a vote of the Senate, without further debate, and I shall expect that that request will meet with unanimous consent. I do not think it is worth while to undertake, after the Senator from Nebraska finishes with the Indian appropriation bill, to force anyone to discuss the subject to-day. If there is anyone ready to go on to-morrow, he will proceed; the Senator from Michigan will speak on Wednesday, and I humbly entreat the Senator from Nevada, whose zeal in behalf of the same cause that I have espoused is great, to allow this disposition to be made of the case to-day.

Mr. BURROWS. That statement is entirely satisfactory to me.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 5763) to extend the coal-land laws to the district of Alaska;

A bill (H. R. 6250) extending the time for proof and payment on lands claimed under the desert-land law of the United States by the members of the Colorado Cooperative Colony in southwestern Colorado; and

A bill (H. R. 9634) to set apart certain lands in the Territory of Arizona to be known as The Petrified Forest National Park.

The bill (H. R. 8963) to fix the terms of the district and circuit courts of the western judicial district in the State of Louisiana was read twice by its title, and referred to the Committee on the Judiciary.

NATIONAL BANKING LAWS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing.

Resolved by the House of Representatives (the Senate concurring), That there be printed, in black cloth binding and wrapped for mailing, 5,000 copies of the national banking laws, for the use of the office of the Comptroller of the Currency.

INDIAN APPROPRIATION BILL.

Mr. THURSTON. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Arkansas [Mr. JONES], on which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. BERRY. Mr. President, the yeas and nays were ordered, but there being no quorem present, I presume the amendment is still open to debate. It is pending with the yeas and nays ordered upon it.

The PRESIDENT pro tempore. The Chair thinks not. The Chair thinks that upon demand the yeas and nays having been ordered and partially completed, they must be completed.

Mr. BERRY. There having been no quorum present, I suggest that the vote was not taken and could not be said to have been taken. It stands now that the yeas and nays are ordered as though no vote had been attempted. It is certainly open to debate. That has always been the rule here. That is my understanding of it.

The PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. BERRY. Mr. President, I wish to make a few remarks in regard to the pending amendment. I ask the Secretary to read the amendment offered by my colleague.

The SECRETARY. It is proposed to insert at the end of line 14, on page 54, the following proviso:

Provided, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during the fiscal year ending June 30, 1901, but shall only make such contracts at places where the Government has not provided school facilities for all the children of school age residing thereat, and to an extent not exceeding the number of children in attendance at said contract schools at the close of the fiscal year ending June 30, 1900.

Mr. BERRY. Mr. President, I desire to say that in all matters pertaining to Indian affairs, of which committee my colleague is a member and I am not, it has always been my pleasure to take his judgment on questions arising about which there was any doubt and with which he was unquestionably more familiar than I could be. But this particular question has been before the Senate so long and has been so often discussed that every Senator upon this floor has had an equal opportunity to determine as to its merits.

Now, as has already been stated on this floor, some six years ago strong opposition arose to contract schools. The Senator from Missouri [Mr. VEST] stated Saturday that that was due and attributable to the prejudice against the Catholic Church, which church was teaching most of these Indians. I think a large part of that opposition is probably due to the cause to which he ascribes it, but it was not due wholly to that. There were a great many American citizens who have no prejudice against any church who oppose any legislation that tends to violate the principle upon which this Government is founded, that church and state should always be kept separate and that no aid should be granted to any particular denomination, and who believed that this legislation, having that tendency, ought to cease.

The House of Representatives was opposed to these contract schools. They came here, and the Committees on Appropriations of the two Houses realized that if such schools were abolished at once, there would probably be a number of Indian children who would be left without school facilities, and realizing that it was impossible to get the House to agree to continue the appropriation for contract schools, schools taught by the churches, unless there was an understanding, they made an agreement that these appropriations for contract schools should be decreased 20 per cent per year. It was no secret agreement made by these two committees. It was stated upon the floor of the Senate. It was stated by the Senator from Iowa [Mr. ALLISON] and by the senior Senator from Missouri [Mr. COCKRELL]. It was agreed that at the end of that time the Interior Department would provide for the education of these children by the Government, and thereafter there would be no appropriation for contract schools. But for that agreement the House of Representatives would never have consented to continue the appropriation for the five or six years past.

It was stated, if I remember correctly, that the time expired one year ago; and while the Commissioner of Indian Affairs and the Secretary of the Interior stated then that they were able to make provision for these children, yet there were Senators on this floor who doubted it and believed that some of them would be left without such facilities. They asked that one year more be given, notwithstanding this agreement, and the House of Representatives were reluctant, but agreed to it. They said if it was put in the law that after that no such appropriation should be made, so that there could be no misunderstanding hereafter, they would consent to it. It was put into the law.

I assert that these appropriations for the last four years never could have passed both Houses but for this agreement. I assert that the Committee on Appropriations, of which I was a member, secured votes to continue that here by stating that this agreement had been made. It otherwise never would have been done. I submit whether it is good faith and in keeping with that agreement, stated publicly in the Senate, to again insist at this time on further appropriations for these contract schools.

Mr. VEST. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Arkansas yield to the Senator from Missouri?

Mr. BERRY. I yield.

Mr. VEST. Probably I am anticipating what the Senator is about to say, but I wish to ask him a question. Does he think any agreement made in a former Congress or at a former session should bind the Senate or the Congress of the United States if an unforeseen emergency should arise for different legislation. If I am incorrect I want to know it, but I understand by the statement of the Senator's colleague and other Senators that while this agreement was unquestionably made and a year added to the five years, there are now for some reason, and I do not care to discuss that, 2,600 Indian children who are not provided with any means of education at all for the next fiscal year. Is it in violation of any agreement heretofore made if we provide for this emergency; or shall we, because of an agreement having been made, the facts having changed and an emergency arisen, call it a breach of faith

because we legislate? I would not violate any agreement, but I do not understand that we are violating it.

Mr. BERRY. I understand as well as the Senator from Missouri that one Congress can not bind another, and I understand that we can, if we desire to do it, violate any agreement. We can violate the agreement we made with the Cubans or rather disregard the promise we made to give them a free and independent government; but I do not think we could be justified in our minds or retain the respect of mankind if we did it.

In regard to the remainder of his question, I have heard it stated—the Senator from Nebraska stated it on the floor Saturday—that the Secretary of the Interior and the Commissioner of Indian Affairs had stated before the committee that they could provide for these children and that none would be left without school facilities; and I know that the Commissioner of Indian Affairs made that statement one year ago. Yet Senators said he did not know what he was talking about, and that he could not do it, but if they had one year, then there could be no doubt about it. We gave them that year. He says he can do it. Whether he can or not I do not know.

Mr. VEST. If my friend will permit me, I think it only fair that he should state also what is the fact, as I am informed by members of the Indian Affairs Committee, that what the Commissioner means by providing for these children is by taking them three or four or five hundred miles from their reservations to other schools.

Mr. BERRY. I did not so understand it.

Mr. VEST. The Senator's colleague can state.

Mr. JONES of Arkansas. He stated that he could take care of them by removing them to other places.

Mr. BERRY. Not specifying three or four hundred miles.

Mr. JONES of Arkansas. He did not say anything about the distance, but removing them from their own reservations.

Mr. BERRY. The agreement may not be binding on others, but I was a member of the Committee on Appropriations, and the committee realized that the House did not want to make an appropriation for these contract schools five years ago, and a majority of the committee and the Senate agreed with the House. It was because it was said, and repeatedly said, in the Senate that these children would be left without educational facilities that they finally consented to this arrangement which was made upon the floor of the Senate. There may be Senators who were not then Senators who may not feel that it is binding upon them. So far as I am concerned individually—I question no man's right to vote in any other way—I would feel, after what I have said in order to get this matter finally arranged, that I was guilty of bad faith and of failing to keep the agreement I made if I did not oppose this amendment. I do not say that that applies to my colleague or to the Senator from Missouri, but it would apply to me.

My colleague stated that this amendment did not make an appropriation. That is true; but the bill makes appropriations, and the amendment provides that the Secretary of the Interior may use the money to continue these contract schools, and it seems to me that is as much a violation of the spirit of the agreement as though the appropriation was made direct.

I can see no difference in it to my mind. As I said a while ago, it is not at all pleasant for me to vote against an amendment in regard to Indian affairs proposed by my colleague, as I am always delighted to follow his judgment in such matters because of his superior information as to Indian affairs; but I do believe that after that agreement by which we got an extension one year ago and put it in the law, then for the Senate to seek to put on the House bill an amendment which is in violation of either the letter or the spirit is not treating the House of Representatives fairly, and it is unjust to those Senators who voted for the bill before and who would not have voted for it but for that agreement.

Mr. STEWART. Mr. President, what troubles me with regard to this matter is how we are to keep our agreement. It was based on the idea that preparations were to be made by the Government to take care of these children. I should like to inquire of the chairman of the committee, or of anyone who may know, whether any recommendation has been made by the Department or any action taken in the estimates for the Indian service for buildings in which to take care of these schools.

Mr. THURSTON. I stated very fully on Saturday, and what I stated is in the RECORD, if the Senator had been present or had read the RECORD, that the Commissioner of Indian Affairs says that he has school facilities adequate to take care of Indian children for the ensuing year without providing for any of them in contract schools. He also has full authority to buy any of the buildings. His appropriation is sufficient to buy any of the buildings now used for contract schools. He has been ready at all times to buy those buildings. He has bought two or three of them already.

But the fact remains that the school buildings are not for sale. The fact further remains, Mr. President, as a practical question, as I stated fully on Saturday last, that the church using these schools in pursuance of a great and good and beneficent purpose do not propose to give up their schools and do not propose to turn the Indian scholars out; and as a practical question the scholars now educated at the expense of the Government in the Indian schools, whether we pass this amendment or not, will be educated there another year, and another year, and another year, and will not be turned back to the care and custody of the United States.

Mr. STEWART. In case the Government should erect buildings at the localities where these Indians live and offer to take them, does the Senator still believe that the children would be retained in the Catholic schools, where they are now?

Mr. THURSTON. I do. That has been in substance the statement of the representatives of these schools as far as they have been heard from.

Mr. STEWART. Then erecting buildings at those localities would be useless, because the Government could not get the scholars.

Mr. THURSTON. In my judgment, yes; at the present time. The Catholic Church, Mr. President, has been engaged for many years in a great missionary enterprise among the Indians. I believe in it myself. I believe they have done a wonderful and a splendid work, and they have large mission schools now in different parts of the country where they are educating Indian children. In those schools they have never asked one cent from the Government of the United States to assist them. They have also had these schools on the reservations that are called contract schools, where we have paid for the education of the Indians. But in my judgment it is the settled purpose of that church, and I am glad of it, to continue their great scheme of education of the Indian children both at the missions and in the schools on the reservations, whether the Government provides the expenses or not.

Mr. STEWART. I concur with the Senator from Nebraska that they have done a great work. I have visited many of their schools, and the church is organized to do the work. No other church appears to have the facilities. Others can not get the teachers and have not the organization to carry it on. The Catholics have done a great work not only in the United States, but on the Western Hemisphere. They have their faults, and all that, but on the Western Hemisphere they have made a great many millions of Indians citizens of the countries where they live and have vastly improved their condition.

Take Mexico. Nine-tenths and perhaps more of the people of Mexico are Indians that have been civilized mostly through the agencies of the Catholic Church, and that is the case in all South America. They have done a great work. Abuses grow up in that church as in all others. There were many abuses when Diaz became President. He took hold of the work with a strong hand and remedied the abuses. That created great friction for the time being, but I believe the church now recognize that he was a real reformer, and they are in favor of his remaining in office.

That church is like all other churches. It is like human nature. It must come in contact with opposition. There must be competition in everything in civilization to make it reach its highest perfection. I think all the churches of the United States have reached a higher plane on account of the freedom of religion than they would otherwise occupy. Where all can worship God according to the dictates of their own consciences and each is emulating the other, it raises them to a higher plane. Where there is diversity of opinion, where they discuss questions freely, zealous men and women on all sides always raise religion to a higher plane than where it is left confined to one church, no matter what church it may be.

In the United States all churches, I believe, on an average, are of a higher grade than in any other country in the world, owing to our free institutions. The Catholic Church in the United States, in dealing with the Indians in their education, can hardly be criticised. I have seen its work, and anybody who follows it up will approve of it, I think. But the other churches, the people at large, do not think that the Government ought to get entangled with any church, and for that reason this law has been passed. I do not think many Senators who voted for it voted for it at all upon the ground that the Catholic Church was not doing its duty and doing a great work with the Indians, but on the ground that the Government ought not to patronize any particular church under our system of government; that it might lead to abuses. That, I think, was the only reason for changing the system. It was determined to change the system, and that is going to be done now by the decision of both Houses of Congress. I do not know but that this is as good a time as any, and under the circumstances I shall vote to sustain the committee.

Mr. JONES of Arkansas. My colleague [Mr. BERRY], a few minutes ago, in giving the reason why he was not willing to vote for this amendment, stated that it was agreed a year ago, in the Appropriations Committee, perhaps, that that should be the last appropriation for contract schools and that the Commissioner of

Indian Affairs would have sufficient accommodations for the schools the next fiscal year.

Now, if that agreement was made it was twofold: It stipulated, first, that we would make no more appropriations for contract schools, and, second, that the Commissioner of Indian Affairs would have sufficient accommodations for the school children. If he has sufficient accommodations for the school children, then this amendment proposed by me can do no possible harm, because there is not one word in the amendment directing that he shall do anything, but it simply gives him permission, if it is necessary and these children can not be taken care of in Government schools, that he may then have them taken care of in contract schools.

If we must break the agreement that my colleague thinks was made a year ago, the question is, Would it be better for us to break it in the matter of disappointing the children or in the matter of using some money to have the children educated in contract schools? That is all.

The Secretary of the Interior, if this agreement is adopted, will not be required to put one single Indian child in a contract school. There is not one word in this proposed amendment making an appropriation of one dollar nor one cent for any such purpose. It simply leaves the discretion in the Secretary of the Interior, if he finds that these children can not be taken care of on the reservation, where they ought to be, that instead of having them without school facilities during the next year he may make provision for them in the contract schools. During that year he may, if he sees fit to do so, have necessary buildings put up—necessary schools provided.

This amendment will apply only to a single year. It does not propose to return to the contract-school system, but simply provides that for the time being, when there is no other means of educating the Indian children, he may have them taken care of by making contracts with schools on the outside. This is all the amendment proposes to do; and it seems to me there can be no objection to it by the most bitter opponent of the contract-school system.

Mr. PETTIGREW. Mr. President, there has been considerable discussion about an agreement, and I think it is proper that I should say something in that connection.

I had charge of the Indian appropriation bill, as a member of the Committee on Appropriations, for four years during the time when these reductions were being made for the contract schools, and, as far as I am concerned, there was no agreement whatever and no understanding that this appropriation should cease at the end of any definite period. On the contrary, an amendment was placed on the bill by the Committee on Appropriations providing for these contract schools, and in the Senate the opponents of the appropriation contested it at every session bitterly and undertook to defeat the appropriation. If there had been an understanding, certainly they would not have taken this position. If there had been an agreement and they understood there was such an agreement, they would not have opposed the appropriation, but would have insisted that the agreement should be carried out.

The fact of the matter is that there was no agreement. The appropriations were decreased year by year, and during the time I had charge of the bill, although it was a Senate amendment, there never was any understanding in conference between this body and the other House on the subject. What may have been done last year I do not know, but I do know that I stated on this floor publicly that I would abide by no understanding, and if it was understood that an agreement was to be made that I should call up the matter again this year, unless sufficient facilities were furnished to take care of these Indian children.

Now, the facilities have not been furnished in the State of South Dakota. I know there are several hundred Indian children that the Government has not the facilities to take care of. The Government may have schools somewhere else outside of the State of South Dakota, but I do not think it is right and just that those children should be taken beyond the borders of the State. There are three schools, one with 140 children, another with 210 children, and another with over 40 children, that are supported by the Catholic Church. We provide a fund amounting to $108 per capita for a portion of those children in the schools; about 200, I think, in the three schools.

Now, I do not know where they are going to put those children if they are not to be educated in those schools, and therefore I believe the Government ought to provide for continuing them there. If they are removed to a Government school it will cost us $167 apiece for each one of the children where now it costs us but $108; and in addition to that we must furnish fuel and lights and the buildings and take care of the buildings, while when the Catholics take care of the children they furnish all this for $108. I believe it is greater economy and better for the children that their education should be finished in the schools where they are.

The PRESIDING OFFICER. The Senator from South Dakota will suspend for a moment. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. THURSTON. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, that order will be made. The Senator from South Dakota will proceed.

Mr. PETTIGREW. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Arkansas [Mr. JONES], on which the yeas and nays have been ordered.

Mr. BATE. Let the amendment be read, please.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. At the end of line 14, page 54, it is proposed to insert the following proviso:

Provided, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during the fiscal year ending June 30, 1901, but shall only make such contracts at places where the Government has not provided school facilities for all the children of school age residing thereat, and to an extent not exceeding the number of children in attendance at said contract schools at the close of the fiscal year ending June 30, 1900.

The PRESIDING OFFICER. The roll will be called on agreeing to the amendment which has just been read.

The Secretary proceeded to call the roll.

Mr. PLATT of Connecticut (when Mr. KYLE's name was called). The Senator from South Dakota [Mr. KYLE] has been called home suddenly. He is paired on this question with the Senator from California [Mr. PERKINS].

Mr. PERKINS (when his name was called.) On this question I am paired with the junior Senator from South Dakota [Mr. KYLE].

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea."

Mr. QUARLES (when his name was called). I have a general pair with the junior Senator from Texas [Mr. CULBERSON]. If he were here, I should vote "nay."

Mr. THURSTON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I do not observe him in the Chamber. If he were present, I should vote "nay."

Mr. PLATT of Connecticut. Why not transfer your pair to the Senator from Maine [Mr. HALE]?

Mr. THURSTON. Acting on the suggestion of the Senator from Connecticutt, I will transfer my pair to the Senator from Maine [Mr. HALE] and vote. I vote "nay."

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Washington [Mr. TURNER].

Mr. WELLINGTON (when his name was called). I have a general pair with the Senator from North Carolina [Mr. BUTLER]. As he is not present, I withhold my vote.

The roll call was concluded.

Mr. MCMILLAN. I ask if the Senator from Kentucky [Mr. LINDSAY] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. MCMILLAN. I am paired with that Senator, and therefore withhold my vote.

Mr. CLARK of Wyoming. I ask if the Senator from Kansas [Mr. HARRIS] has voted?

The PRESIDING OFFICER. The Chair is informed that the junior Senator from Kansas has not voted.

Mr. CLARK of Wyoming. I withhold my vote, as I am paired with that Senator.

Mr. QUARLES. I desire to state that my colleague [Mr. SPOONER] is absent from the city by reason of sickness in his family.

Mr. SCOTT. I desire to state on behalf of my colleague [Mr. ELKINS] that he is paired with the senior Senator from Texas [Mr. CHILTON].

Mr. MCMILLAN. The Senator from Montana [Mr. CLARK] is paired with the Senator from Indiana [Mr. BEVERIDGE], and I am paired with the Senator from Kentucky [Mr. LINDSAY]. A transfer of those pairs enables both the Senator from Montana and myself to vote. I vote "nay."

Mr. CLARK of Montana. I have a general pair with the junior Senator from Indiana [Mr. BEVERIDGE], but under the arrangement stated by the Senator from Michigan [Mr. MCMILLAN], I will vote. I vote "yea."

Mr. TURLEY. I have a general pair with the Senator from Wisconsin [Mr. SPOONER], as I announced on the previous vote. He is absent, and I therefore withhold my vote. If he were present, I should vote "yea."

Mr. CLAY (after having voted in the affirmative). I desire to

ask if the junior Senator from Massachusetts [Mr. LODGE] has voted?

The PRESIDING OFFICER. The Chair is informed that the junior Senator from Massachusetts has not voted.

Mr. CLAY. I have a general pair with the junior Senator from Massachusetts and therefore withdraw my vote. Were he present, I should vote "yea."

Mr. FAIRBANKS. I wish to announce that my colleague [Mr. BEVERIDGE] is unavoidably detained from the Senate. He stands paired on this vote, as has been stated, with the Senator from Kentucky [Mr. LINDSAY].

Mr. BACON. I understand the junior Senator from Rhode Island [Mr. WETMORE] has not voted. If I am correct in that, I withhold my vote, as I have a general pair with him.

The PRESIDING OFFICER. The Chair is informed that the junior Senator from Rhode Island has not voted.

Mr. TURLEY. The Senator from Wisconsin [Mr. QUARLES] is paired with the junior Senator from Texas [Mr. CULBERSON], and with his consent I transfer my pair with the Senator from Wisconsin [Mr. SPOONER] to the Senator from Texas [Mr. CULBERSON], so that we can vote. I vote "yea."

Mr. QUARLES. I vote "nay."

The result was announced—yeas 16, nays 30; as follows:

YEAS—16.

Bate,	Hansbrough,	McLaurin,	Pettigrew,
Carter,	Heitfeld,	Martin,	Taliaferro,
Clark, Mont.	Jones, Ark.	Money,	Turley,
Daniel,	Kenney,	Morgan,	Vest.

NAYS—30.

Aldrich,	Foraker,	McBride,	Scott,
Allison,	Frye,	McCumber,	Sewell,
Berry,	Gallinger,	McMillan,	Shoup,
Clark, Wyo.	Gear,	Platt, Conn.	Stewart,
Cullom,	Harris,	Platt, N. Y.	Teller,
Davis,	Hawley,	Pritchard,	Thurston.
Deboe,	Jones, Nev.	Quarles,	
Fairbanks,	Kean,	Ross,	

NOT VOTING—41.

Allen,	Cockrell,	McComas,	Spooner,
Bacon,	Culberson,	McEnery,	Sullivan,
Baker,	Depew,	Mallory,	Tillman,
Bard,	Elkins,	Mason,	Turner,
Beveridge,	Foster,	Nelson,	Warren,
Burrows,	Hale,	Penrose,	Wellington,
Butler,	Hanna,	Perkins,	Wetmore,
Caffery,	Hoar,	Pettus,	Wolcott.
Chandler,	Kyle,	Proctor,	
Chilton,	Lindsay,	Rawlins,	
Clay,	Lodge,	Simon,	

So the amendment of Mr. JONES of Arkansas was rejected.

Mr. WARREN. I wish to offer an amendment.

Mr. THURSTON. There are three or four amendments that I think will lead to no debate, which I desire to offer at the request of the Commissioner of Indian Affairs, and I prefer to offer those at this time if the other amendments can wait a moment.

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Nebraska?

Mr. WARREN. I yield to the Senator from Nebraska to complete the committee amendments.

Mr. JONES of Arkansas. There was an amendment adopted on my motion on Saturday last in which I made a mistake in the date, which I should like to correct. On page 39 I offered an amendment, and where the words "December sixteenth" are inserted the intention was to make it "December fifth and ninth," striking out the word "sixteenth" and inserting "fifth and ninth," so as to read "December fifth and ninth, eighteen hundred and ninety-nine."

The PRESIDENT pro tempore. Is there any objection to the correction? The Chair hears none, and it will be made.

Mr. THURSTON. At the request of the Commissioner of Indian Affairs, whose letter on the subject I ask leave to print in the RECORD, I submit an amendment.

The PRESIDENT pro tempore. The letter will be printed in the RECORD, without objection.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 7, 1900.

SIR: I have the honor to invite your attention to an important omission in the Indian bill. The following clause should go in on page 70, after the word "provision," line 31:

"*Provided*, That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June 30, 1901, shall be immediately available, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July 1, 1900."

This clause has been in every Indian bill for many years, except that for 1900, in which I see that it is omitted; probably an oversight. It is very important that it should go in. The office is about to open bids and make contracts for Indian goods and supplies for next year; and it is necessary to start some of the goods forward prior to June 30, so they may be on hand in time for issue on July 1.

Very respectfully,

W A. JONES,
Commissioner.

Hon. JOHN M. THURSTON,
Chairman Committee on Indian Affairs, United States Senate.

The PRESIDENT pro tempore. The amendment presented by the Senator from Nebraska will be read.

The SECRETARY. At the end of section 5, line 11, page 71, insert the following proviso:

Provided, That so much of the appropriation herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June 30, 1901, shall be immediately available, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July 1, 1900.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Nebraska.

The amendment was agreed to.

Mr. THURSTON. On Friday last an amendment was adopted after line 10, on page 54. I move to amend that amendment as adopted by adding, after the words "Tuba City," the following: "or so much thereof as may be required."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert, after the words "Tuba City," in the third line from the bottom of the amendment, the words "or so much thereof as may be required."

The amendment was agreed to.

Mr. THURSTON. At the request of the Secretary of the Interior, I submit the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Following the amendment on page 54, after line 10, it is proposed to insert:

That the Secretary of the Interior is authorized to prescribe rules and regulations for the procurement of timber and stone for such domestic and industrial purposes, to be used only in the Indian Territory, as in his judgment he shall deem necessary and proper, from lands belonging to either of the Five Civilized Tribes of Indians, and to fix the rates of royalty to be paid therefor, and collect the same for the benefit of said tribes; and every person who unlawfully cuts, or aids, or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon the land of either of said tribes, contrary to the regulations prescribed by the Secretary, shall pay a fine of not more than $500, or be imprisoned not more than twelve months, or both, in the discretion of the court trying the same.

Mr. PETTIGREW. I make the point of order against the amendment that it is general legislation and entirely out of order.

Mr. THURSTON. I admit that the amendment is subject to the point of order.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. THURSTON. In connection with the presentation of the amendment, at the request of the Secretary of the Interior, I ask to have his letter inserted in the RECORD.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, April 5, 1900.*
CHAIRMAN OF COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

SIR: The act of Congress approved June 28, 1898 (30 Stat., 495), contains no specific authority for the Secretary of the Interior to make regulations relative to the procurement and use of timber in the Indian Territory for domestic and industrial purposes, and, in my judgment, it is specially desirable that statutory authority be given the Secretary to make appropriate regulations so that such timber can be obtained as may be necessary for domestic use and the industrial development of the Indian Territory, and to be used only therein. The Secretary should be authorized to fix the rates of royalty to be collected under his direction for the benefit of the several tribes, and the law should also prescribe the penalty to be enforced against any person securing timber contrary to said regulations.

I have therefore to recommend that an amendment be incorporated, if deemed practicable, in the Indian appropriation bill [H. R. 7433], as follows:

"That the Secretary of the Interior is authorized to prescribe rules and regulations for the procurement of timber and stone for such domestic and industrial purposes, to be used only in the Indian Territory, as in his judgment he shall deem necessary and proper, from lands belonging to either of the Five Civilized Tribes of Indians, and to fix the rates of royalty to be paid therefore and collect the same for the benefit of said tribes; and every person who unlawfully cuts, or aids, or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon the land of either of said tribes, contrary to the regulations prescribed by the Secretary, shall pay a fine of not more than $500, or be imprisoned not more than twelve months, or both, in the discretion of the court trying the same."

A draft of said amendment is inclosed herewith.

Respectfully,

E. A. HITCHCOCK, *Secretary.*

Mr. THURSTON. At the suggestion of the Commissioner of Indian Affairs, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 76, line 15, after the word "dollars," it is proposed to insert:

Provided, That of this amount $3,116.25 may be used to reimburse Maj. R. H. Pratt for amount expended by him in the purchase of band instruments for the use of said school in 1898.

Mr. PETTIGREW. I should like to know what excuse there is for that amendment?

Mr. THURSTON. In that connection I will read the letter of the Commissioner of Indian Affairs, who says:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 7, 1900.

SIR: I have the honor to inclose herewith a bill of C. G. Conn, against Capt. R. H. Pratt, for band instruments furnished him in 1898, amounting to $3,116.25.

These instruments were obtained with a view of equipping Carlisle band for the Paris Exposition, and were paid for by contributions by private parties, the idea being that the band could give concerts in some cities and with the proceeds reimburse the contributors. Unfortunately this has proved a failure, and Major Pratt is confined at the school by sickness and unable to carry out his original plans. He is consequently embarrassed, and wishes that the instruments described should be paid for out of Government money, of which there will be enough in his next year's appropriation without adding anything thereto.

The band instruments at Carlisle, so far, have not cost the Government a dollar, having been contributed by private parties. At other schools in the service the Government furnishes instruments, and there seems no good reason why it should not be so at Carlisle. I am therefore of the decided opinion that the amendment which I handed you yesterday should go in the Indian bill. As has been said, it does not increase the appropriation for Carlisle School at all.

Very respectfully,

W. A. JONES,
Commissioner.

Hon. JOHN M. THURSTON,
Chairman Committee on Indian Affairs, United States Senate.

Mr. PETTIGREW. I object to any settlement of a claim in this way, and I object to the amendment. It seems to me it is subject to the point of order. It is clearly a claim on an appropriation bill; and besides, it is a claim not well founded.

The PRESIDENT pro tempore. Does the Senator from South Dakota make the point of order on the amendment?

Mr. PETTIGREW. I make the point of order on the amendment.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. THURSTON. Mr. President, on Friday last the Senator from Idaho [Mr. SHOUP] proposed an amendment on page 37, which at the time seemed to be unnecessary. In the present bill, by amendment already adopted, we have retained the agent at the Nez Perce Agency in Colorado. The provision of the bill on page 37, "for support and civilization of Nez Perce Indians in Idaho, including pay of physician, $1,000," was limited to that amount upon the theory that the agency was to be discontinued. Having continued the agency, it is necessary, as shown by the telegraphic correspondence between the Senator from Idaho and the Commissioner of Indian Affairs, to increase that appropriation. I therefore move that the word "one," after the word "physician," in line 7, on page 37, be stricken out and the word "three" inserted. That will allow $3,000 instead of $1,000 for the support and civilization of the Nez Perce Indians in Idaho.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Nebraska.

The amendment was agreed to.

Mr. THURSTON. In that connection, I will ask that the correspondence in relation to that amendment be embodied in the RECORD.

The PRESIDENT pro tempore. It will be printed in the RECORD if there be no objection.

The correspondence referred to is as follows:

APRIL 7, 1900.

To COMMISSIONER OF INDIAN AFFAIRS:

Is there any general appropriation from which employees at Nez Perces Indian Agency, Idaho, can be paid if not specially appropriated for? See line 6, page 37, Indian appropriation bill. No employees provided for there except physician. If there is no general fund from which such employees can be paid, what amount should be appropriated in Indian appropriation bill, which will pass the Senate within an hour or so? Early response requested.

GEO. L. SHOUP.

INTERIOR DEPARTMENT, *April 7, 1900.*

Hon. GEORGE L. SHOUP, *United States Senate:*

There is no general appropriation from which agency employees can be paid if not specially appropriated for. Only appropriation from which Nez Perces Agency employees can be paid next year, if amount on page 19 was omitted, are page 37, line 6, and on page 43, line 11. Salaries of agency employees present year aggregate $7,260. If agency is to be continued, it will require at least $3,000 to run it any way efficient.

W. A. JONES, *Commissioner.*

Mr. THURSTON. Mr. President, I believe that completes all the committee amendments, and all that I have been asked to offer by the Department.

Mr. WARREN. Mr. President, I offer the amendment which I send to the desk, to come in on line 10, page 6 of the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 6, line 10, after the word "dollars," it is proposed to insert:

For additional payment for the last three quarters of the fiscal year ending June 30, 1900, $750.

Mr. THURSTON. What is the proposed amendment?

Mr. WARREN. The proposition is to add $750 to the payment of the agent at the Union Agency for the last three quarters of the present fiscal year.

Mr. THURSTON. Mr. President, that matter was before the committee; and my recollection now is that we reached the conclusion that the compensation of that agent should be increased to $2,500 per year and that the general opinion in the committee was that it would only be fair to have that same compensation cover a portion of the present fiscal year. So far as I am concerned, I do not object to the amendment.

Mr. WARREN. Mr. President, I will ask to have printed some correspondence of the Department regarding this matter; also part of a letter from Agent J. Blair Shoenfelt.

The PRESIDENT pro tempore. The correspondence referred to by the Senator will be printed in the RECORD, in the absence of objection.

The correspondence referred to is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE.
Washington, August 23, 1899.

SIR: On the 10th instant the Department referred to your office for consideration and report, when estimates are submitted, a letter from the Hon. F. E. WARREN, United States Senator from Wyoming, recommending that the estimate for the salary of the United States Indian agent for the Union Agency, Ind. T., also for the chief clerk, be increased, on account of the "remarkable increase in labor and responsibilities" of said officers.

The large amount of disbursements made by said agent under the provisions of the act of Congress approved June 28, 1899 (30 Stat., 495), renders it important, both to the Government and the claimants, that said disbursements be made quickly as possible consistent with safety to all parties.

When it was proposed by your office on January 7, 1899, to require Agent Wisdom, at said agency, to give an additional bond of $275,000, on account of the collection and disbursement of moneys under the provisions of said act, objection was made by the agent that it cost him $125 more to secure a bond of $50,000 and it was unjust to require such a large special bond with no increase of salary. Thereupon the United States Indian Inspector forwarded said objections of the agent with a recommendation that "Agent Wisdom be not required to give additional bond for reasons stated and that necessary moneys be remitted to him in installments."

On January 27, 1899, you forwarded said paper with the recommendation "that the plan proposed by the agent be adopted."

On January 31, 1899, the Department advised you that "The recommendation of Inspector Wright, as approved by you, is concurred in by the Department, but it is deemed advisable that the Indian agent, in view of the large amount that will be transmitted to him for these special payments, be required to deposit in the subtreasury at St. Louis, Mo., at the end of each week, all the moneys derived from collection, rents, and royalties under the provisions of section 16 and the agreement in section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495).

Experience in the recent payments of the moneys due the Creek Nation shows that it is desirable that the agent receive installment of $50,000 instead of $25,000, and in order to accomplish this his bond should be increased to $100,000, or $50,000 additional. If the agent gives this additional bond, which must cost him, according to Agent Wisdom's statement, $125, his salary should be increased so as to cover the expense incurred and sufficiently remunerate him for his additional duties.

You will therefore request Agent Shoenfelt to give an additional bond of $50,000, and also advise him that should such bond be given the Department will recommend that Congress increase his salary so as to amount to $2,500 per annum.

Very respectfully,

THOS. RYAN,
Acting Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Washington, August 24, 1899.

SIR: I inclose herewith a copy of a letter addressed to this office by the Acting Secretary of the Interior, under date of 23d instant, relative to the desirability of your filing an additional or cumulative bond in the sum of $50,000. In compliance with the instructions contained in the last paragraph of said letter, you are hereby requested to give such a bond, and advised that should you do so, the Department will recommend that your salary be increased by Congress to $2,500 per annum. I also inclose the necessary blanks for the proposed new bond, filled up as far as practicable, and a sheet of instructions as to the proper manner of executing the same.

If you comply with the Department's wishes in this matter, you are directed to deposit all funds in your hands and to your official credit to the credit of the United States and close your accounts under your present bond on the day preceding the date of the new one.

You will then open a new set of accounts under both bonds, commencing with and including the date of the new one. Your final accounts under your present bond should be submitted to this office for adjustment without delay and accompanied by a sworn statement made by comparison of your check book with your bank account, showing the number, date, amount, and payee of each check drawn by you as United States Indian Agent and remaining outstanding and unpaid

Very respectfully,

A. C. TONNER,
Acting Commissioner.

Mr. J. B. SHOENFELT,
United States Indian Agent, Union Agency, Ind. T.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Union Agency, Muscogee, Ind. T., January 31, 1900.

The United States Indian agent, Union Agency, Ind. T., is charged by law with the following duties in connection with the administration of the affairs of the Five Civilized Tribes:

CHOCTAW AND CHICKASAW NATIONS.

First. The collection of all royalties on coal, asphalt, and other minerals. The amount received for the fiscal year 1899 was $113,313.22.

Second. The collection of all sums due on account of town lots appraised and sold by the town-site commissions.

The volume of work in connection with receiving remittances on account of town lots can only be shown relatively, as thus far but two towns—Sterrett, population, 400, and Colbert, population, 200—have been platted and appraised. In Colbert the commission appraised and sold 76 lots, and at public auction disposed of 173 lots. In Sterrett the commission appraised and sold 206 lots, and at public auction disposed of 700 lots.

Amount received from Sterrett	$4,719.45
Amount received from Colbert	1,271.48
	5,990.93

The Choctaw town site commission, having platted and appraised Atoka, Ind. T., population 2,500, is now engaged in its work at South McAlester, Ind. T., population 4,500. No remittances have been received from Atoka, as it is understood by this office that the plat has not yet met with the approval of the Department.

The Chickasaw town-site commission is at work at Ardmore, Ind. T., a

town of some 7,000 or 8,000 inhabitants. The volume of business on account of remittances from this place, as well as the other towns, will greatly increase the work of this office.

Third. Payment of salaries of the 105 neighborhood-school teachers.

Fourth. Payment of the 50 employees and teachers of the five academies of the Choctaw Nation.

These teachers and employees are paid quarterly by checks drawn on the Assistant Treasurer of the United States.

Fifth. Payment of warrants.

The Indian agent is required from time to time to disburse any funds that may be appropriated by Congress out of the moneys held in trust by the United States for the payment of indebtedness, as evidenced by warrants issued by the executives of the Choctaw Nation. For instance, during the quarter closing December 31, 1899, the Indian agent disbursed out of the $75,000 appropriated by the act of March 3, 1899, the sum of $66,093.89.

To make this payment 76 individuals signed the rolls and 443 warrants were canceled and retired. Most of this payment was conducted by correspondence, and almost invariably, the warrants having been issued for a number of years and the custom having been heretofore very lax in reference to indorsements, the warrants presented for payment were improperly indorsed. This, of course, necessitated considerable correspondence before the warrants could be paid.

CREEK NATION.

First. The collection of all royalties on minerals mined.

Second. The collection of occupation and traders' taxes.

There are in the Creek Nation at the present time 36 towns and 550 licensed traders. Amount received for fiscal year 1899, $4,913.63.

Third. The collection of all permit taxes and all other revenues, such as the royalty on hay, cattle, etc.

Fourth. The collection of all sums due and payable on account of town lots appraised and sold by the several town-site commissions.

Fifth. Payment of warrants issued by the principal chief.

During quarter closing September 30, 1899, $199,000 was disbursed and 1,800 warrants canceled and retired. All obligations incurred for every purpose by this nation are paid by means of warrants.

CHEROKEE NATION.

First. Collection of royalty on minerals.

Second. Collection of royalty on hay.

Third. Collection of all permit taxes and the tax on licensed traders.

In the Cherokee Nation there are 93 towns and 675 traders or merchants. Amount collected during the fiscal year 1899, $3,150.87.

As revenue inspectors have been appointed for the Cherokee and Creek nations, the royalties collected under the direction of the Indian agent for the fiscal year ending June 30, 1900, will be greatly increased.

Fourth. Collection of all moneys due on town lots which have been previously sold by the Cherokee authorities.

Fifth. Payment of warrants.

All indebtedness incurred by the Cherokee Nation is paid by means of warrants issued by the principal chief. All of these warrants bear 6 per cent interest, which is payable yearly. At the present time there are about $600,000 worth of warrants outstanding. About $150,000 is expended each year in paying interest and retiring these warrants.

SEMINOLE NATION.

First. Enforcement of the intercourse laws of the Seminole Nation.

Second. Protection of its citizens from the aggressions of noncitizens.

Third. Advising and counseling with the principal chief and Indian citizens whenever called upon so to do.

GENERAL EXPLANATIONS.

Every remittance must be accompanied by sworn statements in duplicate. These statements show what the remittance is intended to cover. During the quarter closing December 31, 1899, 1,181 remittances were received at this office, which involved the handling of $41,180.96. At the close of each week this money is transmitted to the assistant treasurer of the United States, St. Louis, Mo., and once a month is placed to the official credit of the Treasurer for the benefit of the tribes to which it belongs.

The remittances vary in amount from 15 cents to $3,000 and are received by check, draft, postal and express money order. There is received at this office an average of 70 or 80 letters per day, a number of which are complaints made by Indian citizens on account of encroachments made by white and negro noncitizens. The agent's time is largely occupied in investigating these complaints and answering these letters and in listening to similar complaints made personally by Indians and others on various subjects.

At the present time there are in this office over 400 petitions asking for the removal of noncitizen tenants and renters, for the reason that their leases have expired under the provisions of section 23 of the Curtis Act, which makes void on January 1, 1900, all agricultural and grazing leases.

ASSISTANTS.

To assist the Indian agent in the discharge of his duties there are 6 clerks; and if the volume of business continues to increase, the number of clerks allowed will not be sufficient to handle it.

To carry out and execute the orders of the Indian agent there are 28 Indian policemen.

SALARY.

The salary of the United States Indian agent at this agency is $1,500 per annum, and is not commensurate with the duties and responsibilities of his position. He is bonded for the faithful discharge of his duties in the sum of $100,000, which bond is given through security companies at an annual cost of about $300, thus reducing his salary to about $100 per month, or $1,200 per annum, which is the amount usually paid to chief clerks at Indian agencies. Any erroneous payments which he may make must, under his bond, be made good, and he therefore receives no compensation for the responsibility and risk taken above what a clerk or stenographer with no such responsibility would receive.

Many of the Indian agents on reservations where no money is received and very little, if any, is paid out have a salary of $1,800 per year and furnish a bond of one-half, or less, the amount that the agent at Union Agency is required to give.

Attention is invited to the annual report of my predecessor in office, Col. Dew M. Wisdom, and especially to that part wherein he states:

"In view of my probable retirement from my present position as Indian agent for the Five Civilized Tribes, I feel that as a disinterested party I may and should respectfully suggest that in my opinion the salary of the agent should be increased to one commensurate with its onerous duties and requirements."

RECAPITULATION.

Choctaw and Chickasaw nations.—Collection of royalties on minerals. Collection of money for town lots. Payment of salary of school employees. Payment of warrants.

Creek Nation.—Collection of royalties on minerals. Collection of merchandise and occupation tax. Collection of permit tax. Collection of money for town lots. Payment of warrants.

Cherokee Nation.—Collection of royalties on minerals; collection of permit tax; collection of merchandise tax; collection of money for town lots; payment of warrants.

Seminole Nation.—Enforcing intercourse laws; protection of citizens; advising principal chief.

General.—Investigating and adjusting complaints; regulating trade and intercourse; hearing and making recommendations in reference to the applications of railway companies for additional lands for station purposes. During the quarter ending September 30, 1899, the Indian agent received and disbursed $252,670.71. During the quarter ending December 31, 1899, the agent received $146,288.48, disbursed $115,460.00; balance on hand (subject to disbursement, $30,828.48.

The United States Indian agent for the Union Agency, Ind. T., has jurisdiction over the following tribes, viz: The Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws. The entire landed estate, embracing over 19,000,000 acres of land, a territory nearly equal in extent to the State of Indiana, is owned in common by Indians, negroes, and whites, aggregating about 80,000 souls. An additional population of over 400,000 white people make their homes within the Indian Territory.

To supervise and direct the management of the affairs of such a heterogeneous mass of people requires time, patience, and a familiarity with local laws and conditions.

Respectfully submitted.

_____

United States Indian Agent.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Union Agency, Muscogee, Ind. T., March 17, 1900.

DEAR SENATOR: My salary for the past year will amount to less than $1,000, as I have given three bonds since last April and the premiums have used up a third of my salary. I have received less compensation for my services than a second-rate clerk in my office, and much less than my chief clerk. * * *

I have dictated over 10,000 letters and examined and passed upon about 4,000 complaints, received and disbursed almost a million dollars the past eight months, and have over 200 employees on the pay roll, and have to carry upon my property account all property of the Government in the various schools in the Indian Territory. I am sure the Senate Committee on Indian Affairs do not expect me to do this at a salary less than my chief clerk receives.

With kind regards, I remain, sincerely,

J. BLAIR SHOENFELT.

Hon. F. E. WARREN,
Washington, D. C.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Wyoming [Mr. WARREN].

Mr. PLATT of Connecticut. Will the Senator state what the salary of the agent at that agency was before?

Mr. THURSTON. One thousand five hundred dollars.

Mr. WARREN. Mr. President, the compensation of the agent was only $1,500, and more than $500 of this salary he was compelled to use in securing bond.

Mr. PLATT of Connecticut. So that $750 is for three quarters of a year?

Mr. WARREN. Yes; as additional compensation for three-quarters of a year.

Mr. PLATT of Connecticut. I will suggest that the Senator had better add to the amendment the words "to be immediately available."

Mr. THURSTON. That will give the agent in all $2,250 for the present fiscal year.

Mr. PLATT of Connecticut. As I understand, the Senator from Wyoming wants to have that $750 paid to the agent now. In that case he ought to add to the amendment that the appropriation should be immediately available.

Mr. WARREN. The suggestion of the Senator is a good one, and I shall be glad to have that language incorporated.

Mr. THURSTON. I am willing to have those words added to the amendment.

The PRESIDENT pro tempore. The Senator from Wyoming modifies his amendment by adding the words "to be immediately available." The question is on the amendment as modified.

The amendment as modified was agreed to.

Mr. WARREN. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 14, on page 37, it is proposed to insert:

That the sum of $12,311, or so much thereof as may be necessary, is hereby appropriated, to enable the Secretary of the Interior to pay the claims for improvements as appraised by an Indian inspector under the provisions of the Indian appropriation act of July 1, 1898, of William Evans, William Jones, Nelson Yarnell, William H. Rogers, administrator of the estate of James Rogers, deceased, and Stefano Geni, made upon lands within the Wind River Indian reservation, in the State of Wyoming, which had been settled upon as unsurveyed public lands prior to their inclusion within the said reservation by the treaty with the Shoshone and Bannock tribes of Indians dated July 3, 1868, and which appears in House Document No. 228, Fifty-fifth Congress, third session.

Mr. THURSTON. The committee had this amendment under consideration and declined to place it upon the bill. Under those circumstances I must oppose it.

Mr. WARREN. Mr. President, I hope the Senator will withdraw his objection until I can very briefly state what I understand to be the case. Of course it is the privilege of the chairman of the committee to make such an objection.

This is a case where, when the Shoshone Indian Reservation was laid out many years ago, certain settlers were already upon the land, and although it was unsurveyed, still, under our common law, they had vested rights. The Government desired their

removal and provided for a board of examination, appraisal, and report. The board made an appraisal, and appraised the aggregate value of all their then improvements at $9,871.50. A report was made to Congress, and an attempt was made in the Forty-sixth, Forty-seventh, Forty-eighth, Forty-ninth, and subsequent Congresses to appropriate the money, but in every case failed until about 1889. Meantime the money not appropriated, a settlement was never attempted with those settlers until twenty-one years after their property had been appraised.

During the twenty-one years these men went on, as naturally they would, being homesteaders and home builders, with increasing families, improving their property, and by expending money increased its value, so that the later appraisement makes the difference between that first appraisal and the present appraisal, the sum I have asked for in the amendment, $12,311.

The case, as I have stated, ran along—the amount not appropriated—until 1889, when partial payment and settlement was effected. In 1893 the men were removed from the reservation. It is simply a matter of common justice and decent respect for the nation's honor, in my mind, that these settlers should be now paid exactly what the agent of the United States duly detailed for that purpose has lately brought in as the sum yet due them.

If the first appraisal had been acted upon in due and reasonable time and the nine thousand and some dollars had been paid accordingly, that would have closed the incident, and this later payment would never have been demanded. During the twenty-one years that passed before settlement was tendered, these settlers added to their improvements and expended their money to the extent that they now ask reimbursement for.

So the question is, Shall the Government, after waiting twenty-one years, pay for the improvements at the value they were then worth instead of taking into consideration the improvements that were made afterwards and the loss thus suffered by those settlers?

Mr. PLATT of Connecticut. I ask the Senator if the Secretary of the Interior, in the document to which he has referred, does not report unfavorably upon these claims?

Mr. WARREN. I have not discovered such a report.

Mr. PLATT of Connecticut. My recollection is that he does.

Mr. WARREN. As I understand it, the report from the Interior Department is very much like the reports which sometimes come in here on certain claims from the Court of Claims—that is, they find the facts; they find the amount that is due, without recommending whether it be paid or not. That is my understanding of it.

Mr. THURSTON. Mr. President, it seems to me that this is a claim pure and simple. Whether it ought to be paid or not, it certainly ought not to go on the Indian appropriation bill, and so I make the point of order against it.

Mr. WARREN. I submit that the point of order may lie against the amendment, but I wanted before dismissing the subject to get a declaration from the chairman of the committee whether his objection is on the ground that the claim ought not to be paid or whether it is simply on the matter of a point of order. I think the claim should be paid in some manner.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. PETTIGREW. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 54, at the end of line 17, it is proposed to insert:

That wherever there are trust funds in the Treasury of the United States to the credit of, or moneys due under treaties or other agreements, any tribe or band of Indians, the principal of which or any portion thereof, or the interest on which or any portion thereof, the Secretary of the Interior is authorized by law, in his discretion, to use for the benefit of said Indians, and the parents or guardians of any children entitled to the benefit of such funds shall make choice of a school or schools where they desire their children or wards to be educated, then, and in that event, if, in his judgment, such schools are proper institutions in which to educate children, the Secretary of the Interior is hereby authorized to use said funds so belonging to said Indians and set aside for their benefit to pay the expenses, or any part of the expenses, of educating said children in the schools so chosen by said parents or guardians.

Mr. PETTIGREW. I will say, in connection with this amendment, that it simply allows the Secretary of the Interior, in his discretion, to use the trust funds for the education of the Indian children in such schools as their parents may desire to send them. It seems to me it is a very proper discretion, and I am confident that the amendment, if adopted, will result in much good to those Indians and prevent the closing of some schools which ought not to be closed. That is all I care to say on the subject.

Mr. THURSTON. I feel constrained to make the point of order on the amendment. I make the point of order that it is legislation and not germane to the bill.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. PETTIGREW. I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 58, at the end of line 8, it is proposed to insert:

For support and education of 50 Indian pupils at St. Labret Mission School, at Tongue River, Montana, $5,400, at not to exceed $108 per annum for each pupil.

Mr. PLATT of Connecticut. I think that is open to a point of order.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. PLATT of Connecticut. It increases an item in an appropriation bill without ever having been sent to the Committee on Appropriations or being reported by a standing or select committee of the Senate.

The PRESIDENT pro tempore. Is it responsive to existing law?

Mr. PLATT of Connecticut. No; it is not responsive to any existing law.

The PRESIDENT pro tempore. Then the Chair sustains the point of order.

Mr. PETTIGREW. I find on page 60 this provision:

For support and education of 120 Indian pupils at the school at Hampton, Va., $20,040.

The Senate have decided that they will not make any appropriation for sectarian schools, and we have struck out every such item. The last amendment which I offered was for a school in Montana, which is controlled by the Catholic Church. It is a school where we have heretofore contracted for pupils. If we are going to adopt the policy of refusing to contract with outside schools we ought to make it uniform and treat all alike.

The Hampton school is a Protestant school; it is not a Government school; and we make contracts by this special provision for the care of 120 Indian pupils at that place. I should like to know why this exception should be made? We say the Catholics shall not educate the Indians; that we will not contract with them; that we will not deal with any institution outside of the Government schools themselves; and yet we continue this item in the bill. I should like to hear some justification for continuing it in view of the policy which we have clearly established.

Mr. THURSTON. Do I understand the Senator to move to strike out the provision to which he has referred?

Mr. PETTIGREW. Unless I shall hear some good reason why it should remain in the bill, I may make that motion.

Mr. PLATT of Connecticut. I think I can give a good reason why it should remain in the bill, Mr. President, if the Senator desires to hear it.

Mr. PETTIGREW. Certainly.

Mr. PLATT of Connecticut. The school at Hampton, whatever it may have been in the past, is not a sectarian or denominational school at present. It was originally started by the American Missionary Association, but afterwards was incorporated by the State of Virginia, and the American Missionary Association withdrew long ago from any responsibility for the school. It is not sectarian or denominational in any sense.

It is probably true that of all the outside contributions, which are used indiscriminately, I suppose, for education in negro and Indian schools, probably the largest contributions come from persons who are connected with the Protestant churches in the United States. Perhaps I overstate even that.

I presume that the largest contributions come from business people, wealthy people, who either have no church relations or who do not contribute to this school because they have any church relations—for instance, Collis P. Huntington within the past year or two has given, I believe, $100,000 to enlarge the industrial education there. I do not know what church, if any, Mr. Huntington belongs to, but largely the school is sustained by contributions from business people who have been interested in the education of the negroes and the Indians as carried on at that school.

I listened with great interest to the Senator from Missouri [Mr. VEST] when he was describing the work which was done by the Jesuits in the Catholic schools which have been established in this country, and in his commendation of the work of Mr. Washington at Tuskegee.

I think, Mr. President, the first inception of the idea of industrial training to make Indians capable of self-support, teaching them trades and occupations, was at the Hampton School; and no institution in the country, neither Carlisle nor any school of the Catholics, has had greater success or so great success in the matter of educating scholars, in training Indian boys and girls so that they shall be fitted to go out and carry on the ordinary occupations which white people carry on in this country. No institution has so good a record, I think; certainly no institution has a better record than this institution as to what the scholars who have gone from there have done. I should like to refer for a

moment to that record, if it will not occupy the attention of the Senate too long.

Of the 500 scholars who have been educated there a record has been kept as to what they have done and accomplished since they left the school. They have been educated to the trades; they have been educated as blacksmiths, as carpenters, as harness makers, indeed, in all of the trades, as well as in farming; and the record shows that more than 75 per cent of those scholars who have gone from there have turned out excellently well. Some of them are engaged in machine shops, some away from the reservations in various trades which they learned there; others are teachers at the reservations. It is a wonderful record that this school has made. I desire to put this showing in the RECORD:

The following will show how our returned students have been employed this past year—

That is, those who have been educated there—

Attending higher schools	4
Attending other schools	15
Self-supporting off the reservation (engineers and machinists, 7; printers, 2; blacksmith, 1; painter, 1; trained nurse, 1; servants and farm hands, 4 girls and 9 boys, 13)	25
Teachers, academic (camp, 5; boarding, 12; district, 2)	19
Teachers, industrial	31
Field matrons	3
Church work (catechists, 12; missionaries, 11)	23
Agency employees (interpreters, 5; clerks, 5; police, 9; carpenters and wheelwrights, 19; blacksmiths, 13; millers, 3; agency farmers, 5)	59
United States employees (surveyors, 2; postmaster, 1; soldier, 1)	4
Independent workers in the West (physicians, 2; trained nurse, 1; lawyer, 1; contractors, 3; storekeepers, 5; clerks, 5; carpenter, 1; blacksmiths, 4; painters, 5; loggers, 10; stock raisers, over 100-head farms, 23; good farms, 98)	158
Girls making good homes	88

As in past years, we have kept as perfect a record as possible of the character of the work accomplished and the influence each student seems to have exerted. The 500 now living are graded in this respect as follows:

Excellent (those of unusual ability, influence, and opportunity)	111
Good (those living civilized, Christian lives)	246
Fair (the sick and unfortunate, from whom nothing can be expected)	103
Poor (those not actively bad, but exerting an unfavorable influence)	31
Bad (those doing wrong while knowing better)	9

Out of the 500.

Thus, according to the most reliable information we have been able to obtain, we have a very fair margin to our claim that three-fourths of our returned students are doing well—346 excellent and good records to 40 poor and bad.

That is a wonderful record for any school, even for white scholars, and there is no Indian school or negro school that is doing better work than this school at Hampton. It is not a sectarian institution in any particular, as I have already said. Its contributions are from all classes of people. Catholics have contributed to it. The principal lines of training there are industrial and manual. Those are the two great departments. At the head of each of these departments a Catholic teacher is employed. A Catholic clergyman is called upon to open the services of the school whenever there is opportunity. No discrimination has ever been made against a Catholic teacher or a Catholic employee. I should like to read a word from the testimony of Dr. Frissell on this subject. I asked:

Is there any theological school there?

Mr. FRISSELL. No, sir.

Senator PLATT. You do not pretend to turn out ministers?

Mr. FRISSELL. No, sir; we are devoting ourselves to the industrial and agricultural side of the question. What I do is to make teachers of the negro and Indian race, especially along the industrial and agricultural lines; that those who come out of the schools of the West may be fitted to go back as teachers. We have made a report to the Secretary of the Interior, which has been submitted to Congress, showing that eighty-seven out of every hundred of our Indians have engaged in regular occupation.

That is the best showing that any school has made. I asked this question:

While most of your teachers are Protestants, I understand you to say that you have never in any way run a distinctively Protestant school?

Mr. FRISSELL. No, sir; I do not think so. Of course, most of us, as you say, are Protestants, but I have never asked the question. I have made the point clear since I have been in charge of the school that if he is a good man he should not be shut out because he is a Catholic.

Senator PETTIGREW. Have you a single male instructor who is a Catholic?

Mr. FRISSELL. Yes, sir; in charge of the manual training—Mr. Jenkins.

Senator PETTIGREW. Have you Catholic students?

Mr. FRISSELL. Some. There are comparatively few. We do not teach the dogmas of any church.

Senator PETTIGREW. Do you require them to attend a Protestant church on Sunday?

Mr. FRISSELL. Yes; those who board. I consider the school catholic in the best sense of the word.

Senator PLATT. There is no discrimination against Catholics in any way, shape, or manner?

Mr. FRISSELL. No, sir.

Senator PLATT. Is there any particular denomination that has any influence there?

Mr. FRISSELL. No, sir. The board of trustees, as I said, represent six different denominations, and no one of them has a majority.

Senator PLATT. There are no Catholics on the board of trustees?

Mr. FRISSELL. No, sir; of course, most of our support comes from the Protestant church.

Senator PLATT. You get some from the Catholic?

Mr. FRISSELL. We have had help from the Catholic Church—that is, from individuals.

Senator PLATT. Your help comes from individuals, I suppose?

Mr. FRISSELL. Largely so.

Dr. Frissell further stated:

As I have said, we have had Catholic inspectors and Catholic priests down there who have never made the slightest objection to the sort of training. So far as I know, there has never been a word said against the Catholic Church there.

Senator PLATT. In no sense is it anti-Catholic or pro-Protestant?

Mr. FRISSELL. No, sir; we have prided ourselves that it is nondenominational. We have had meetings all over the country and had on the platforms Catholic priests, Hebrew rabbis, and men of different denominations.

I do not need to go further except to say that when Congressman FITZGERALD appeared before us to be heard in relation to Catholic contract schools he expressed entire satisfaction with the school at Hampton.

Mr. President, it is true that the Government educates Indian children there by contract; that is, it pays for a portion of the education, but it is not true that the school is in any sense sectarian or denominational or Protestant to the extent that it is anti-Catholic. It is a broad, liberal school in those respects and in all respects, and it constitutes, to my mind, an exception to all the other schools which have been heretofore called contract schools.

This matter came up in committee, and the committee, considering it, thought it was a case in which the appropriation was properly made. They do the same thing that they do at Carlisle. There is no difference except that the one is a purely Government school and the other is a school where the Government pays for the scholars.

Mr. PETTIGREW. Mr. President, the Hampton School is a Protestant school and the scholars are compelled to attend the Protestant church service every Sunday, and religious teaching is mixed up with the other teaching during the week. At one time, and very recently, since 1894, they had a theological department; whether it is continued now or not I do not know. There they trained ministers for the Protestant church. They have a chaplain who is a Protestant. The principal of the school is a Congregationalist minister. Some of these Indian pupils have been prepared to become Protestant missionaries, and I see by the report of the Commissioner of Indian Affairs for 1895, page 414, that of the returned students six were missionaries and fifteen catechists.

Now, I think this is a good school. The other contract schools were good schools. Many of them were much better than the schools conducted by the Government—for instance, the St. Ignatius Mission School, in Montana, which, as I recall, has as high record as the Hampton School for efficiency and success in handling and educating Indian children. I am not going to move to strike out the provision for the Hampton School. It was not estimated for by the Department. It was put in by the House. It is a good school. But if we are going to be consistent, if we are going to be fair, if we are to stand upon principle in this case, we ought to treat all alike and prevent dissatisfaction and complaint which can justly be made if we make an exception in this case. The Catholics have a right to say that the Senate of the United States and the Congress of the United States make a discrimination against them in favor of the Protestant churches if they continue this item. We have shut out all the other contract schools, and I think it is our duty to shut out this one or put the others back. While I shall not make the motion now, I shall very earnestly insist that the practice shall not be continued next year, if this item again appears in the bill, unless we treat everybody the same as we treat these people.

While, Mr. President, this question has been raised often and much discussed, and I have examined the reports of the Hampton School time and again, and while I do not think they teach the special dogmas of any particular branch of the Protestant church (and I think there are some thirty or forty different creeds), they teach in general the doctrine of the Protestant church in contradistinction to the doctrines of the Catholic Church. There is no question but that the objection lies which the Catholics urge when they say that we discriminate against them if we continue this item.

No one has ever asked that this item be stricken out, but I must say that they will have good reason to say that we are inconsistent and to ask that it be stricken out in the future if the policy is now settled that no contract schools shall be tolerated.

Mr. FOSTER. I offer the amendment I send to the desk.

The SECRETARY. On page 6, line 13, after the word "thousand," it is proposed to strike out the word "five" and insert "six;" so as to read:

At the Yakima Agency, Wash., $1,600.

Mr. FOSTER. This is an increase of the pay of the Yakima agent to $1,600. Heretofore, for many years, he received $1,800 a year, but last year in preparing the appropriation bill it was cut down to fifteen hundred. That is a very important agency, and the salary should be placed back to where it was, $1,800. But still the agent says he will be satisfied if this amendment is adopted.

Mr. THURSTON. The amendment proposes an increase of a hundred dollars, as I understand?

Mr. FOSTER. Yes; $100.

Mr. THURSTON. I shall not oppose the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Shall the amendments made as in Committee of the Whole be concurred in in the Senate in gross?

Mr. PLATT of Connecticut. There was an amendment agreed to the other day, proposed by the Senator from Arkansas [Mr. JONES]——

The PRESIDENT pro tempore. Will the Senator from Connecticut pardon the Chair? Does the Senator desire to reserve an amendment?

Mr. PLATT of Connecticut. I simply wish to call attention to it, and then I shall be willing to have all the amendments made as in Committee of the Whole voted on in gross; but I wish to say before the amendment is concurred in that I think it was unnecessary, and then it can go to conference.

Mr. JONES of Arkansas. Will the Senator refer to the amendment?

Mr. PLATT of Connecticut. It is with reference to the Mississippi Choctaws.

Mr. JONES of Arkansas. That is another thing. I offered another amendment that I desire to find.

Mr. PLATT of Connecticut. On page 41 of the bill, where the appropriation is made for the Dawes commission, the bill contains this provision with reference to the work of the commission:

But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final.

That was amended so that it shall be final when approved by the Secretary. Then there is this clause:

But this shall not in any manner affect the provision of the act of Congress of June 28, 1898, respecting the Mississippi Choctaws.

The Senator from Arkansas proposed an amendment. I do not know that I have the amendment here.

Mr. JONES of Arkansas. Mr. President, let the amendment be read from the desk.

Mr. PLATT of Connecticut. Let the Secretary state the amendment. It is on page 42.

The PRESIDENT pro tempore. The Secretary will state the amendment to which the Senator refers.

Mr. JONES of Arkansas. I moved to strike out the words:

But this shall not in any manner affect the provisions of the act of Congress of June 28, 1898, respecting the Mississippi Choctaws—

and to insert the words which the Secretary will read.

The Secretary read as follows:

Provided, That any Mississippi Choctaw, duly identified and enrolled as such by the United States Commission to the Five Civilized Tribes, shall have the right at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement they shall be enrolled by the said United States commission and by the Secretary of the Interior as Choctaws entitled to allotment.

Mr. PLATT of Connecticut. I do not wish to raise in the Senate the question whether that amendment shall be concurred in, but I wish to call attention to the fact that I think it entirely unnecessary, in order that when the matter goes into conference it may be carefully considered.

I tried to find the section of the act of 1898 which is referred to in the amendment which was reported by the committee, but I was unable to find it when the amendment was under consideration. This is the language which was stricken out of the bill:

But this shall not in any manner affect the provisions of the act of Congress of June 28, 1898, respecting the Mississippi Choctaws.

That act contains this language:

No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: *Provided, however*, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States.

The Dawes commission has identified over 1,900 Mississippi Choctaws living in the State of Mississippi. It has made a report, being called upon to do so by the Congress, that in the opinion of the commission each one of these identified Mississippi Choctaws may move even now to the Indian Territory, take up his residence there in good faith, and become entitled to share in the distribution and the allotment of the land, and their rights are fully preserved, as I think, under the statute of 1898.

But, Mr. President, it has come to my knowledge that efforts are being made by attorneys and speculators to induce some of the Indians who still remain in Mississippi to migrate to the Choctaw country for the purpose of becoming entitled to land there. I am assured, and I think I can not be mistaken, that lawyers, as they are called, have been there and have made contracts with some of these Indians that if they will go to the Indian Territory, claim citizenship there, and get the land to which they are entitled, the lawyers will pay their expenses of removal and in return shall receive half of the land.

Others have proposed that they would lend the Indians a hundred dollars apiece to pay the expenses of their removal there, upon the understanding and the contract that when the land was awarded to them the persons lending the money should have a portion of the land to repay the hundred dollars and interest.

I do not wish to do anything to prevent a Mississippi Choctaw from going in good faith to the Indian Territory, take up his residence there, and thus become entitled to his share of the land; but I do not wish to do anything by way of a provision in this bill that will facilitate the speculation which I believe is on foot to take them over there temporarily for the purpose of obtaining land which they are to divide with the lawyers and attorneys and persons who take them there. I simply wish to say this before the amendment is concurred in, in order that the matter may be fully considered in the committee of conference.

Mr. JONES of Arkansas. Mr. President, I do not think the amendment offered by me enlarges the rights of these people in any sense. I think it simply preserves the rights they have under the present law. I agree fully with the Senator from Connecticut in his desire to prevent any such job as he mentions; but, if he will notice, in the amendment offered by me the proposition is that the Mississippi Choctaws may be entitled to property there if they go over and in good faith become citizens of that nation. There must be such circumstances surrounding those people as will satisfy the Dawes commission that they have in good faith removed to the Indian nation with the intention of becoming citizens and residents there. If they choose to do that, it is not necessary for them to do anything except to get money enough to pay their expenses from Mississippi to the Choctaw country to avail themselves of these rights, and there is absolutely no sense in their agreeing to give half of the property they get in the nation to lawyers for permission to do what they can do without anybody's assistance and without permission from anybody in the world. It would indicate that they are simply childish in their business relations.

If they want the land in the Indian Territory, all they have to do is to go there and get the whole of it for themselves, and I see no reason why they should make an agreement to go there and then give one-half of what they get to a lawyer. A lawyer can not help them unless he advances the money on which to make the removal, and there is no doubt that plenty of people would be willing to let them have the necessary money to make the removal on reasonable terms, without undertaking to rob them in that way. I do not see how the amendment can possibly be used for the purpose of carrying out a scheme of that kind; but if there is any possibility of it being done, I agree most cordially with the Senator from Connecticut that it ought to be prevented, and I will join him in making any change necessary to prevent that or in striking the provision out of the bill entirely. In fact, since the committee amendment was made in that section, I am not sure but that the wisest step to take in connection with it is to strike it out.

Mr. PLATT of Connecticut. Is the Senator willing that the Senate should now nonconcur in the amendment, or does he prefer to have it go into conference, to be taken up there?

Mr. JONES of Arkansas. I prefer that it should go into conference, but I would not seriously object to nonconcurring now. Still it can do no harm to let it go into conference and let the matter be carefully looked into.

Mr. PLATT of Connecticut. That is entirely agreable to me.

The PRESIDENT pro tempore. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. PETTIGREW. I offer the amendment I send to the desk.

The SECRETARY. On page 52, strike out all after the word "hereby," in line 23, and all of lines 24 and 25, and insert:

Granted the right to a patent to the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settlers to entitle him to a patent for the land covered by his entry. All sums due any Indian tribe shall be paid by the United States.

Mr. THURSTON. Mr. President, I am heartily in favor of the free-homestead proposition, and will be glad to cooperate with the Senator from South Dakota in securing legislation of that character at this session of Congress. In both Houses bills for that purpose, free-homestead bills, have been reported and are upon the Calendars of the respective Houses. I believe from what I hear that the free-homestead bill is sure to pass the House. I know from the sentiment shown at the former sessions of Congress it is sure to pass the Senate, and I have no doubt that we can secure that very desirable legislation at the present session.

I do not feel, however, that this legislation should be forced upon the pending appropriation bill in violation of the rules of the Senate, and I feel compelled to interpose the point of order that the proposed amendment is legislation and not germane to the bill.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. PETTIGREW. Mr. President, I wish to argue the point

of order a little. The amendment which I offered is to this paragraph of the bill on page 52:

That the settlers who purchased with the condition annexed of actual settlement on all ceded Indian reservations be, and they are hereby, granted—

That part of the paragraph I do not interfere with. I move to strike out after the word "granted." The bill reads:

An extension to July 1, 1901.

Instead of an extension to July 1, 1901, I propose that they shall not be required to pay at all. As the law now stands, and as it will stand if this paragraph remains in the bill unamended, they would have to pay at the end of another year, and I simply propose to change it so that they shall not have to pay at all.

This same question was up in 1898, when I offered this same amendment, although in a slightly different form, to the Indian appropriation bill, and it was adopted. I moved in that instance to strike out these words from the Indian appropriation bill:

That the settlers who purchased with the condition annexed of actual settlement on all ceded Indian reservations be, and they are hereby, granted an extension of one year, in addition to the extensions heretofore granted, in which to make payments as now provided by law.

I moved to strike out that clause. It is almost identical with the language in the bill as it now stands. Then I moved to insert the following:

That all settlers under the homestead laws of the United States upon the public lands acquired prior to the passage of this act by treaty or agreement from the various Indian tribes, or upon military reservations which have been open to settlement, etc.—

Being the language employed in this amendment.

Mr. PLATT of Connecticut. No, not the same language.

Mr. PETTIGREW. Not the same language exactly, but far more subject to the point of order than what I now propose. The Senator from Iowa [Mr. ALLISON] made the point of order against the amendment for the reason that it embraced the military reservation and did not apply solely to Indian reservations. I thereupon withdrew the amendment and offered it with the words "military reservations" stricken out. Here is the amendment which I did offer. I said:

I desire to withdraw the amendment which I have offered and to offer in its place the amendment which I send to the desk, which I ask to have read as a substitute for the other.

The VICE-PRESIDENT. The amendment heretofore submitted by the Senator from South Dakota is withdrawn, and he now submits an amendment, which will be stated.

The SECRETARY. It is proposed to strike out lines 22, 23, and 24, on page 64, and lines 1 and 2, on page 70, and in lieu thereof to insert:

"That all settlers under the homestead laws of the United States upon the public lands acquired prior to the passage of this act by treaty or agreement from the various Indian tribes, who have or who shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands in the option of any such settler, and in the time and at the prices now fixed by existing laws, shall remain in full force and effect: *Provided, however*, That all sums of money so released, which if not released would belong to any Indian tribe, shall be paid to such Indian tribe by the United States."

Mr. ALLISON. Mr. President, the amendment as now modified by the Senator from South Dakota takes away from this proposition, I think, practically any point of order that I can make against it.

Therefore the point of order was not made, or rather it was withdrawn by the Senator from Iowa, and then he proceeded to argue against the desirability of placing it upon the bill. But after mature discussion the amendment was adopted. It seems to me the amendment offered two years ago was much more objectionable in form than the one that I have offered now, and it does not appear to me that this amendment can be subject to the point of order raised by the Senator from Nebraska.

The PRESIDENT pro tempore. The Chair sustains the point of order. Has the Senator finished his remarks?

Mr. PETTIGREW. I do not know that I care to discuss the question further. Of course, if the Chair sustains the point of order, it is not open to discussion.

Mr. ALLEN. I should like to ask the Senator if this amendment has not been placed upon two Indian appropriation bills before?

Mr. PETTIGREW. It has been upon Indian appropriation bills and passed the Senate upon Indian appropriation bills.

Mr. ALLEN. On two different occasions.

Mr. PETTIGREW. And here is what the Senator from Iowa said about it:

I think a point of order does not lie against the amendment as it has been now modified by the Senator from South Dakota, and therefore I do not make it. But I would make it, of course, if it did lie.

The Senator from Iowa conceded that the point of order would not lie against the amendment. The Chair, it appears, differs with the Senator from Iowa, and as they both have had very long experience I will leave it to the next occupant of the chair to establish the precedent for the Senate upon this subject.

The PRESIDENT pro tempore. The present occupant of the chair sustains the point of order.

Mr. PETTIGREW. I understood that he did.

Mr. ALLEN. On what ground?

The PRESIDENT pro tempore. That it is general legislation on an appropriation bill.

Mr. ALLEN. Before the Chair makes a ruling, I should like to put on record an observation or two upon this matter for whatever benefit it may be in the future. The rule of law known as stare decisis is as applicable to parliamentary law as it is to the decisions of courts. That rule means that the law of the case as announced, whether it is right or wrong, is controlling in that particular instance. Now, in invoking that rule in aid of this amendment I want to observe that to my certain knowledge this amendment has been upon two appropriation bills heretofore.

Mr. PLATT of Connecticut. Not this precise amendment.

Mr. ALLEN. This precise amendment in substance. I do not know that there was any change in the language even.

Mr. PLATT of Connecticut. If the Senator will permit me, there is a provision in this amendment that if any deficiency shall arise in the payment to the agricultural colleges——

Mr. PETTIGREW. That is not in the amendment. I will inform the Senator. I struck that part out when I offered it.

Mr. PLATT of Connecticut. That is in the amendment as the Senator proposed it.

Mr. PETTIGREW. But not as I offered it.

Mr. ALLEN. Then if that is not in the proposed amendment it is the precise amendment that has been upon the Indian appropriation bill in the Fifty-fourth and Fifty-fifth Congresses. My observation has been heretofore that it is very difficult to tell what the rules of the Senate are in the light of the rulings that are made from time to time. It is not difficult to read the rules. It is not difficult to determine what they mean according to the ordinary interpretation of the English language. But it is difficult, Mr. President, to tell exactly what the Chair will hold them to be.

I recall distinctly on an occasion having the question before the Senate as to whether a proposed amendment was general legislation or not, and a temporary occupant of the chair held that the amendment was general legislation and was within the inhibition of the rule. On five different occasions before that, to my certain knowledge, the same thing in substance had been held by different occupants of the chair not to be general legislation. So the precedents, if we have any, seem to have no value unless the rule of stare decisis is applied here as it is applied in the courts, and as I understand from Mr. Cushing's work to be the proper rule to be recognized by parliamentary bodies.

Now, no man ought to stumble upon the distinction between general and special legislation. It is as marked and distinct as the difference between daylight and darkness. There can be no division of opinion, for the courts have held—and I suppose they are the final judges of these things—that that legislation is general which applies to a general class or a general condition. A law that is universal, or practically so, or reaches an entire class of individuals or interests, is general legislation. Legislation which refers to a specific subject, which is of a local character and not general, is private or specific legislation.

There is not room to discuss the question one way or the other. I suppose it is scarcely within the natural range of discussion of this measure to submit any observations respecting its merits. But, Mr. President, this is a place to talk plainly. It is a place where a man ought to speak his sentiments. It is a place where the people ought to be informed of the condition of measures that are brought before Congress and the reasons why they are before Congress for its consideration.

There is no more meritorious measure in the United States than this free-homes measure, as it is known. The people who occupy these different reservations that have been opened to the settlement of the whites have undergone all the privations of pioneer life, of which many a man in this Chamber knows absolutely nothing. They have taken these lands, it is true, under a contract to pay a given sum. They have been the pioneers of civilization. They have encountered drought after drought and difficulty after difficulty, until the few hundred dollars they took with them have been expended and are gone. Now they find themselves absolutely unable to comply with the contracts they made with the Government.

Is it not good policy under such circumstances that these people shall be permitted to remain on those reservations and keep them open until such time as the natural increase of the rainfall makes them productive, as it will, we are told by scientific men and close observers, in the course of time? Is it not good policy to permit them to remain there and give them these lands for the benefit they may do the country by opening up and holding the reservations open to settlement?

I understand, of course, that there are certain States in the Union where it is said there are no public lands, and because they have no public lands they want no other State in the Union to have public lands.

Now, Mr. President, there is no reason in that. That is the

argument of prejudice. It is the argument of selfishness. The people who have opened up those new States to settlement and who have blazed the way to civilization there have undergone privations of which the settlers in the Eastern and older States know but little; and all these privations speak loudly in behalf of a just and a humane policy to the settlers upon those lands. They can not pay this sum of money. It is impossible to expect it if conditions continue as they are in many instances. What is to be done under those circumstances? Are they to be turned out of the homes they occupy and that they built? Are all their improvements to become worthless and forfeited to the Government? Are they not to be taken into consideration at all?

This rule, Mr. President, has been invoked to do more injustice in this Chamber than all the other rules combined. Whenever a Senator finds himself arrayed against a proposed amendment he raises the question of its being objectionable under Rule XVI, and of course if he has the power behind him the objection is sustained, and if he has not it is overruled.

I want to submit, Mr. President, in all candor, in all fairness, that these things ought to be determined with judicial accuracy. It ought not to be left to the caprice of the occupant of the chair, whoever he may be. There ought to be a beaten pathway. There ought to be precedents that will be binding upon the conscience and the judgment of the occupant of the chair, and they should be as exact as a judicial decision.

The PRESIDENT pro tempore. The bill is in the Senate and still open to amendment.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I move that the Senate proceed to the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes. I will change that, on suggestion, to a request for unanimous consent.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Senate bill 3419. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CARTER. I understand the amendment of the Senator from North Dakota [Mr. HANSBROUGH] was temporarily laid aside, and pending the arrival of Senators interested in that amendment I will present several formal amendments.

The PRESIDENT pro tempore. The Senator from Montana submits an amendment which will be stated.

The SECRETARY. On page 329, section 755, after the word "States," in line 8, insert: "or has declared his intention to become such;" in the same line amend by inserting after the word "and" the words: "is a resident."

Mr. STEWART. What amendment is that?

Mr. CARTER. The amendment relates to section 755 and concerns the qualifications of persons admitted to practice law in the district of Alaska. As the section now reads only citizens of the United States could be admitted to the bar. The purpose of the amendment is to likewise admit persons who have declared their intention to become such.

Mr. JONES of Arkansas. In what section?

Mr. CARTER. Section 755, page 329.

Mr. JONES of Arkansas. Let the amendment be read again.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The amendment will be again read.

The Secretary again read the amendment.

Mr. CARTER. Let the section be read as it would read if amended.

The SECRETARY. If amended, the section would read:

First. That he is a citizen of the United States or has declared his intention to become such and is a resident of said district and of the age of 21 years, which proof may be made by his own affidavit.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. CARTER. I offer the following amendment, to be inserted on page 330 in lieu of section 758.

Mr. JONES of Arkansas. What became of the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH]? I thought that amendment was pending.

Mr. CARTER. That was temporarily laid aside, and at my suggestion, pending the arrival of Senators who are interested in that amendment, these formal amendments are being presented.

Mr. JONES of Arkansas. That amendment is still pending?

Mr. CARTER. It is still pending.

Mr. BATE. Yes, it is still pending.

Mr. STEWART. I propose to call attention to that amendment.

Mr. CARTER. Let the amendment I have now proposed be read.

The SECRETARY. Strike out section 758, on page 330, and insert in lieu thereof the following:

Whenever an applicant for admission as an attorney shall present to the district court a certificate showing him to have been duly admitted to practice as an attorney in the highest courts of any State or Territory of the United States, or in one of the circuit courts, or the Supreme Court of the United States, such applicant may be admitted to practice as an attorney without further examination.

Mr. BATE. Let the section be read that it is proposed to substitute.

Mr. CARTER. The section would read just as the amendment reads. The motion is to strike out the section and insert what has been read. The purpose is to permit——

Mr. BATE. That is what I say; but let us see what the original is, to see which is preferable. That is the point.

Mr. CARTER. Certainly.

The PRESIDING OFFICER. The section proposed to be stricken out will be read.

The SECRETARY. It is proposed to strike out section 758, in the following words:

Whenever it appears that a person of any State or Territory is an attorney of the highest court of record in such State or Territory, he may appear as counsel for a party in a particular action, suit, or proceeding then pending in court, or before a judicial officer of the district, but not otherwise.

Mr. BATE. Now let the amendment to the section be read.

The SECRETARY. The section if amended will read as follows:

SEC. 758. Whenever an applicant for admission as an attorney shall present to the district court a certificate showing him to have been duly admitted to practice as an attorney in the highest court of any State or Territory of the United States, or in one of the circuit courts, or the Supreme Court of the United States, such applicant may be admitted to practice as an attorney without further examination.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. CARTER. In the amendment heretofore offered, on page 23 of the bill, at the end of section 26, I propose, after the second proviso, immediately after the word "shall" where it first appears, to insert what I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 23, section 26, line 14, after the word "shall" where it first appears in the proviso, it is proposed to insert "be subject to such general rules and regulations as the Secretary of the Interior may from time to time prescribe, and shall."

Mr. STEWART. That amendment, I hope, will be reserved until after the argument on the amendment offered by the Senator from North Dakota [Mr. HANSBROUGH].

Mr. BATE. How will the section read as proposed to be amended?

The PRESIDENT pro tempore. The section will be read as proposed to be amended.

The SECRETARY. As proposed to be amended, it will read:

Provided further, That the rules and regulations established by miners shall be subject to such general rules and regulations as the Secretary of the Interior may from time to time prescribe, and shall not be in conflict with the mining laws of the United States, etc.

Mr. STEWART. Before that amendment is considered I have some suggestions to make that will be appropriate in discussing the amendment proposed by the Senator from North Dakota. Let that come up first.

Mr. BATE. That, I understand, is altogether a new amendment.

Mr. CARTER. This is presented for the purpose of perfecting the amendment as it now stands.

Mr. STEWART. I have an amendment to the amendment to offer.

Mr. CARTER. I will withdraw the amendment for the time being to accommodate the Senator from Nevada.

Mr. STEWART. The amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH] is the amendment now pending, as I understand.

Mr. CARTER. The amendment proposed by the Senator from North Dakota is the amendment now pending.

Mr. STEWART. I ask that that amendment may be read.

The PRESIDING OFFICER. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. In lieu of section 73, on page 469, it is proposed to insert the following:

SEC. 73. That persons who are not citizens of the United States, or who prior to making location had not legally declared their intention to become such, shall not be permitted to locate, hold, or convey mining claims in said district of Alaska, nor shall any title to a mining claim acquired by location or purchase through any such person or persons be legal. In any civil action, suit, or proceeding to recover the possession of a mining claim, or for the appointment of a receiver, or for an injunction to restrain the working and operation of a mining claim, it shall be the duty of the court to inquire into and determine the question of the citizenship of the locator: *Provided*, That no location of a mining claim shall hereafter be made in the district of Alaska

by any person or persons through an agent or attorney in fact, and all locations heretofore made by any person or persons through an agent or attorney in fact upon which $100 worth of labor or improvements had not been expended or made within ninety days first succeeding the date of such location are hereby declared to be null and void.

Mr. STEWART. Mr. President, when this amendment was first proposed and I made some remarks upon the liberal treatment extended to miners by the English Government and our own Government, I was met with the assertion that the laws of Canada and of British Columbia were extremely brutal; that they did not allow American miners to work the gold mines of that country. I was very much surprised at this statement; and I wish there were a full Senate, that I might correct the false impression that has undoubtedly gone out from the assertions that were then made. I do not like to suggest the want of a quorum, but I should like to have the Senate know what the Canadian laws are. I have them here, and I think before we proceed or undertake retaliatory measures we ought to know how we are treated by them.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the roll will be called.

The Secretary called the roll; and the following Senators answered to their names.

Aldrich,	Daniel,	Kenney,	Quarles,
Allen,	Forakar,	McBride,	Ross,
Allison,	Foster,	McComas,	Shoup,
Bacon,	Frye,	McMillan,	Simon,
Bard,	Gallinger,	Martin,	Stewart,
Bate,	Hansbrough,	Nelson,	Teller,
Berry,	Harris,	Penrose,	Thurston,
Carter,	Hawley,	Perkins,	Turley,
Clay,	Heitfeld,	Pettus,	Vest,
Cockrell,	Jones, Ark.	Platt, Conn.	Warren,
Culberson,	Jones, Nev.	Platt, N. Y.	Wolcott.
Cullom,	Kean,	Proctor,	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorom is present. The Senator from Nevada will proceed.

Mr. STEWART. Mr. President, I regard the facts as to the mining laws of Canada and British Columbia as very important. Inasmuch as there has been so much said which might be regarded by our neighbors as abusive and unjust, and which might lead to retaliation on their part, I think it is well that we should understand exactly what they have done. I have looked up all the mining laws of Canada and British Columbia and have made a synopsis of them. That synopsis is here, and if any Senator wishes to read it at length, he may do so. The "Laws of Canada, 1898," English edition, under the head of "Orders in Council," etc., page 20, are as follows:

REGULATIONS GOVERNING PLACER MINING IN THE YUKON, NORTHWEST TERRITORIES.

Title interpretation.—"'Free miner' shall mean a male or female over the age of 18 or under that age, or joint stock company, named in and lawfully possessed of a valid existing free miner's certificate and no other."

Page XL of same volume—

"Free miners and their privileges."—1. Every person, but not under 18 years of age, shall be entitled to all the rights and privileges of a free miner * * * and shall be considered a free miner upon taking out a free miner's certificate. * * *

2. A free miner's certificate may be granted for one year * * * upon the payment therefor of the sum of $10.

That is, Canadians and Americans were treated exactly alike.

At Page L of the above volume, regulations concerning quartz-mining claims, part 1, "every person over the age of 18 shall be considered a free miner. A free miner's certificate runs for one year."

Royalty to be paid: At Page XLIV, section 30, of above volume, a royalty of 10 per cent of the gross product from any placer mine is exacted, but this royalty is not to be applied where the amount of gold taken out of any single claim is less than $5,000 in any single year.

NOTE.—Formerly the amount of exemption was $2,500, but this was changed by order in council of March 30, 1899. (See Statutes of Canada, English edition, 1899, Page LXVXII.)

There is no royalty exacted from quarts miners, and there is no alien law as applied to such claims.

BRITISH COLUMBIA MINING LAWS.

In January, 1899, a law was passed by British Columbia confining the issuing of miners' licenses for placer mining to British subjects. This act applied only to claims located after February 3, 1899, the date when the news of the change from free mining reached Atlin, British Columbia. Previous to this free mining for both quartz and placer was allowed. There is a 1 per cent royalty on gross output in certain classes of mines in British Columbia in lieu of the ordinary property tax. Quartz mining is free to all persons in British Columbia. (See Engineering and Mining Journal, volume 67, at pages 107, 126.)

The Atlin district is just over the line in British Columbia. Dawson and all that region where mining has been carried on is in what they call the Yukon territory. Foreigners and citizens are treated alike. This law of British Columbia did take in the Atlin district, but that district turned out not to amount to much, and very little mining is pursued there. I do not know about the administration of the law, but so far as the law itself is concerned in the Yukon district, it is the same for foreigners as for natives; and it was the same for foreigners and natives in British Columbia and all over Canada until 1899.

As to placer claims in Canada, the law was changed in 1899, but it did not take effect until news reached Atlin that this mining district had been established. That was a very unfortunate law, because it did them very little good and broke a rule which had prevailed very long. As to quartz mining, however, which is the main thing in which our people are interested, there is nothing required but a miners' license to be taken out once a year, of $10 or $5; I think not over ten. That applies to all of them alike.

So there is no hostile legislation whatever except the act of 1899, which applies to British Columbia alone, and does not reach the Yukon region. Under the Canadian statutes and the statutes of British Columbia, so far as our country is concerned, we have had practically free mining, and foreigners have located there from time immemorial, although the statutes of 1872 of the United States provide that mineral lands shall be only open to exploration and development by citizens of the United States and those who have declared their intention to become such; but that in practical operation has had no particular value on account of the decisions of the courts upon that subject. There has been free mining to foreigners as well as to natives. The Supreme Court holds that if an alien locates nobody can take advantage of that but the Government; that his title is good if the Government does not interfere. I have here the case—perhaps the most recent case, in 152 United States Supreme Court Reports, decided in 1893, on page 505—the case of Manuel vs. Wulff. The syllabus of the case is as follows:

A deed of a mining claim by a qualified locator to an alien operates as a transfer of the claim to the grantee, subject to question in regard to his citizenship by the Government only.

If, in a contest concerning a mining claim, under Revised Statutes, section 2326, one party, who is an alien at the outset, becomes a citizen during the proceedings and before judgment, his disability under Revised Statutes, section 2319, to take title is thereby removed.

Under the decision of the court nobody can take advantage of this disability but the Government, and people have been selling there and people have been buying. The law is well settled, and we have pursued a very liberal policy, which has been reciprocated by our Canadian neighbors so far as their legislation is concerned. There is a very large amount of property now held by American citizens in British Columbia in gold and silver mines. Vast interests are involved in this, and hostile legislation will only make more friction and accomplish no good result. But, as has been stated here——

Mr. HANSBROUGH. Will the Senator allow me?

Mr. STEWART. Yes.

Mr. HANSBROUGH. I desire to call the attention of the Senator to the fact that the size of a placer claim in Canada is 250 feet on the creek line, as I understand it, and the same locator is entitled also to 250 feet on what is known there as a hill claim. On our side of the line placer claims are 1,320 feet in length; at any rate, they are 20 acres, as fixed in the statutes. There is a difference in that respect between the laws of Canada and the laws of the United States.

Mr. STEWART. That does not relate to citizenship or to aliens.

Mr. HANSBROUGH. Certainly not. Just one other word, if the Senator will permit me.

Mr. STEWART. Certainly.

Mr. HANSBROUGH. The American miner who goes to Canada and who works in the mines must pay a royalty, whilst Canadian miners pay no royalty on this side.

Mr. STEWART. They all pay the same. After they have taken out $5,000 in a placer claim, all pay 10 per cent.

Mr. HANSBROUGH. Not on our side.

Mr. STEWART. On their side.

Mr. HANSBROUGH. I admit that.

Mr. STEWART. I say the only discrimination between natives and foreigners in all the Canadian and British Columbia legislation consists in the act of 1899 of British Columbia, which is confined to British Columbia, where they prohibit foreigners from locating placer claims to go into effect after notice is given in the locality. Otherwise, up to that time, their laws treated their own citizens and foreigners precisely the same.

There has been much said about the Laplanders as an excuse for this violent legislation against foreigners. I find that that is not sustained by the facts. I will ask the Secretary to read a portion of the pamphlet which I send to the desk.

Mr. HANSBROUGH. Before the Senator passes from that——

Mr. STEWART. I have not passed from that, and I will not pass from that for half an hour.

Mr. HANSBROUGH. I say before the Senator passes from the particular phase of the subject which he has been discussing, I desire to call his attention to a decision of the court from which he read a while ago, in the case of Manuel vs. Wulff. As I understand it, in that case the locators in the mines in controversy were American citizens.

Mr. STEWART. Oh, well, we will deal with that. I want to have read from the report of Sheldon Jackson, LL. D., general agent of education in Alaska, in regard to these Lapps and their wonderful wickedness. I ask the Secretary to read what I have marked, commencing on page 46.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

NATURALIZATION OF THE LAPPS.

As an evidence of the purpose of the Norwegians and Lapps recently brought over from Lapland to become permanent citizens, the following persons have taken out their first naturalization papers: Magnusi Kjeldsberg, Johan Eira, Wilhelm Basi, Lauritz Stephansen, Johan Hilmar Hansen, Karl Johan Sacariasen, Ole M. Rapp, Alfred Hermansen, Ole Olsen Bar, Jeremias Abrahamsen, Isak Johannesen Hatta, Isak Salamonsen Nakkila, Per Andersen, Samuel Johannesen Balto, Nils Person Sara, Nils Klemetsen, Lauritz Larsen, Otto M. Leinan, Hans Samuelsen, Ole G. Berg, Thoralf Kjeldberg, Peder Berg, Ole Johansen Stenfjeld, Karl Ove Suhr, Japeth Lindeberg, Ole Krogh, and Johan Petter Stalogargo.

The Lapps are well satisfied with their new home, and promise to make a very valuable and important addition to the population of Alaska and the development of its resources.

In my estimation, next to the discovery of gold, the most important event, commercially, in the history of Alaska during this year is the importation of this colony of Lapps. Experience is rapidly demonstrating that the only possible efficient transportation service in Alaska must be through the use of reindeer, and this necessitates the trained and expert drivers of reindeer found among the civilized Lapps and Finns. The 68 men that were brought over by this expedition are all picked men and expect to be permanent settlers of Alaska. They hope ultimately to have herds of their own and raise and train reindeer to sell to the transportation companies. Their success will naturally attract others of their people and render permanent the establishment of the reindeer industry in Alaska.

In this connection I make acknowledgments of the assistance rendered in the movement of the Lapps and reindeer by Brig. Gen. Henry C. Merriam, U. S. A., commanding the Department of the Columbia; also to Capt. W. W. Robinson, jr., U. S. A., at Seattle; Capt. B. Eldridge, U. S. A.; Capt. D. L. Brainard, U. S. A.; Capt. William R. Abercrombie, U. S. A.; Lieut. W. S. Graves, U. S. A., and especially to my associate, Capt. D. B. Devore, U. S. A., who shared with me in the perplexities, difficulties, and hardships encountered in Lapland.

Mr. STEWART. I will say to the Senator that I will furnish him some further authorities on this point if he desires them. I have sent for the books. But I will go on with my remarks. I ask the Secretary, in regard to the history of this matter, to read an affidavit of Dr. Kittilsen, the recorder.

The Secretary read as follows:

DISTRICT OF COLUMBIA, *city of Washington*, ss:

Albert N. Kittilsen, M. D., being first duly sworn, on oath says, that he is a citizen of the United States, and has been a resident of the Territory of Alaska since 1896; that he arrived at Cape Nome, Alaska, about October, 1898; that prior to that time there were three men located at Cape Nome; two of them were Swedes by birth, but had been in the United States some ten or fifteen years; the third was a Norwegian. Two other persons went there with me—one of them a Laplander and one an American citizen. The Laplander had declared his intention to become an American citizen in the early spring of that year, and his declaration was filed before L. B. Shepherd, who was a United States commissioner at St. Michaels.

The six persons who were then at Cape Nome located claims; some of them had located previous to our arrival. We then formed a mining district and adopted rules and regulations under the laws of the United States. I was elected recorder. A few weeks after that miners from the surrounding country commenced coming in, and during the following winter the number rose to between two hundred and three hundred. I recorded all their claims, and in every sense was recognized and acted as mining recorder. The first Laplander located three good claims; one for himself, one for his brother, and one for an associate, who arrived soon after and took possession and worked the claims. These Laplanders worked their claims during the working season of 1899 and sold out to Mr. Lane in the fall of 1899. One Norwegian located claims on about six different streams and has been in possession of them ever since. The claims of these Laplanders, while they were in possession and working them, were relocated by other persons called "jumpers." Later on the claims of the Norwegian were relocated by "jumpers" and recorded by me, because it was my duty to record all claims presented for recordation. I was so instructed by the judge of the district court.

In the summer of 1899 three lawyers located themselves at Cape Nome whose names were Hubbard, Beeman, and Hume. These relocators, although they did not take possession or work upon the claims they relocated or "jumped," employed Hubbard, Beeman & Hume as their attorneys. Mr. Hubbard, of the firm of Hubbard, Beeman & Hume, an attorney for the relocators, is in the city of Washington. I met him on the 5th of this month in the committee room of Senator HANSBROUGH.

I have no interest whatever in any of the "jumped" or relocated claims, either as original locator or as a relocator, and no private interest that would be affected by any of the proposed legislation.

A. N. KITTILSEN, M. D.

Sworn to and subscribed before me this 6th day of April, 1900, at Washington, D. C.

[SEAL.] ELKANAH N. WATERS,
Notary Public.

Mr. STEWART. Mr. Kittilsen was elected recorder by the first six. There were very few there. He was one of them. That is usual in going into a mining district. If the rules and regulations are unsatisfactory, when the rush comes they are changed. The fact that they recognized him is a thorough confirmation of his title, and it is what occurs usually in mining regions. The few who get there first make the rules, and if when the others come the rules are not satisfactory, they have a miners' meeting and revise them. No revision was made at all. He continued to record them, and every man who came there to get his claim recorded added to the custom. He has been recorder up to the present time. Consequently he has the best means of knowing exactly what occurred.

Now, it will be observed that this amendment absolutely forfeits the claims which Mr. Lane bought to the persons who relocated them. The one Laplander who happened to be a foreigner intended to become a citizen. He made every effort to become a citizen. He went there to reside. He went before the commissioner. He supposed that was sufficient. He did it in good faith. The remainder were citizens so far as we know. One of the Norwegians had failed to declare his intention to become a citizen. These claims were relocated after Mr. Lane had bought them. The Laplanders had only a few claims, because there are only a few good claims in any district. They are claims which he bought at a high price. This is no attempt to swindle anybody. They were the pioneers. They were there first and had a right to it. They were subsequently located. The subsequent location, of course, would not stand a minute in court or before a jury, under decisions of the courts; but if this amendment is adopted these claims are transferred from the purchasers, from those who located them, from those who have invested a large amount of money in them, to men who have done nothing. They simply located them and appointed attorneys, and one of their attorneys is here in the Capitol visiting committee rooms. The affidavit so states as to one of the attorneys for these men who jumped the claims; and if they can succeed, of course they will make a very large amount of money.

Now, the question comes right down to this: Is the Senate to legislate one man's property into the hands of another? Mr. Lane is perfectly satisfied with his title in the courts. There is no doubt about that. He asks no assistance from anybody. He is in good faith; but if you nullify his title, the title of those who have located since, and have not done a day's work upon the claims, becomes good. That is what we are liable to do in a case like this, without understanding the facts. I did not anticipate that there was anything so grossly unjust in this, and of course the Senator from North Dakota would not know anything about it; none of us would have known anything about it. We take representations from far off, but unless we exercise great care in changing the laws we are liable to do great injustice.

Mr. BATE. Do I understand the Senator from Nevada to say that the owner of this property, Mr. Lane, is satisfied with the law as it now stands?

Mr. STEWART. Entirely.

Mr. BATE. What would be the situation, then, in case the amendment of the Senator from North Dakota should pass?

Mr. STEWART. He would lose his title.

Mr. BATE. How much is there involved?

Mr. STEWART. Oh, he is involved very largely.

Mr. BATE. Do I understand further that he purchased the claim from a Lapp who thought he had taken the necessary steps to become a citizen, but in point of fact had not?

Mr. STEWART. Yes; one of the best claims.

Mr. BATE. I wish the Senator would explain how it is that Mr. Lane should be content with the law as it is.

Mr. STEWART. Nobody can take advantage of that but the Government, and he does not fear that the Government will confiscate his claim. Then, if the Government should hold that he is not entitled to hold it under that title, he himself could locate it if he had a fair chance.

Mr. GALLINGER. Does the Senator from Nevada know how much Mr. Lane paid for these claims?

Mr. STEWART. I have a letter from Mrs. Lane to show the investment there.

Mr. BATE. Read it as a part of your speech, unless it is private.

Mr. STEWART. No, sir; it is not private.

WASHINGTON, D. C., *April 6, 1900.*

MY DEAR SIR: I desire to make a statement to you as to the amount of money invested by my husband, C. D. Lane, in the purchase and working of mining claims and general development of Alaska.

The amount expended in the purchase of mining claims is something over $300,000. He has already purchased a pumping plant to be used in supplying water to the miners in the vicinity of Cape Nome owning claims on which there is no natural water supply. In the purchase of this necessary pumping plant and the pipe lines and ditches connected therewith he has already and will have expended within the next season $400,000. The materials necessary for the construction and operation of about 5 miles of railroad have also been purchased, and this railroad will be constructed during the coming season at an expense of about $60,000.

I send you this communication in order that you may know what Mr. Lane has already done and what he contemplates doing, not only for himself, but also for the general development of the Cape Nome mining region, as the railroad and pumping plant are an absolute necessity for the proper development of the mining claims in that region.

Yours, very truly,

(MRS.) C. D. LANE.

Hon. WILLIAM M. STEWART,
United States Senate.

Mr. BATE. Do I understand that Mr. Lane gets any advantage by virtue of having possession of the property now? I am not familiar with the mining laws. I desire to know whether he has any advantage by virtue of holding that property for years past? Will he have an advantage in perfecting his title over any other person?

Mr. STEWART. He has the advantage of guaranteed possession. Nobody can take possession from him; not the United States.

Mr. BATE. But suppose the amendment passes; then what?

Mr. STEWART. Then the other man will be the prior locator.

Mr. BATE. Mr. Lane loses his property?

Mr. STEWART. He loses his property absolutely.

Mr. HANSBROUGH. I desire to call the Senator's attention to the fact that the letter which he has just read—it is a delicate thing to criticise a letter written by a lady—states in a general way that Mr. Lane has expended about $300,000 in Alaska. The Senator from Nevada does not desire the Senate to understand that Mr. Lane has expended $300,000 on these alien claims?

Mr. STEWART. There are no alien claims.

Mr. HANSBROUGH. I claim that there are.

Mr. STEWART. I claim there are not.

Mr. HANSBROUGH. There are a great many of them.

Mr. STEWART. There are not. He bought no alien claims. One or two of the very best claims—one, I believe—were located by a Laplander, who came to this country and desired to become a citizen, but he was advised by those who brought him out there that he could file his declaration when he got to St. Michaels before a commissioner of the United States there. All hands thought he had a right to, and that was long before he made any location. The United States, under those circumstances, would never take this advantage. He acted in good faith. If it intends to do justice the United States will ratify that declaration and make it effective. It will cure that by an act of legislation, because it was done in good faith. It was six months before this discovery that he made the declaration of his intention to become a citizen. All of his comrades who went out with him became citizens. Not one went back. They are all working in different capacities in that country, because it is to them a congenial climate like that in which they were reared, and they like the country.

Mr. BATE. May I ask one question in this connection? Do I understand the Senator from Nevada to say that the man who located one of the most valuable claims had taken steps, six months before the discovery, to become a citizen?

Mr. STEWART. Six months before.

Mr. BATE. And he is the one who located this claim?

Mr. STEWART. Yes; it was six months before.

Mr. BATE. Before it was found?

Mr. STEWART. Yes, sir; that is the man. It was six months before. He supposed he was an American and that he had a right to locate when he went into that country, where he is now residing. The Laplanders and Swedes were accustomed to the climate and could go where the others would not go, and they made these discoveries; and all of them were citizens, or declared their intention of becoming citizens, before they went there. This man supposed he had; and it would be unjust to take the best claim and give it to a man who relocated it and then employed a lawyer in Washington. He never did any work upon it and never had possession.

Mr. TELLER. What was done in the way of location?

Mr. STEWART. Nothing.

Mr. TELLER. I should like to say to the Senator, as he no doubt is aware, that the courts of the United States have repeatedly declared that when a piece of land is in possession of a miner nobody can invade that possession and get title. These people who filed their claims got no title. If the Laplanders have not got any title, the court will say so when the matter gets into court. That is the place to leave it. We have no business to take it away from them, in my judgment.

Mr. NELSON. If the Senator from Colorado will allow me to interrupt him, I will state that the object of this amendment is not to legislate for the future. It is to legislate in the interest of those who have jumped these claims.

Mr. BATE. Have it read.

Mr. NELSON. That is what it is.

Mr. TELLER. To legislate in the interest of them?

Mr. NELSON. Yes; to enable them to go into the country and get a standing in court, which they would not otherwise have.

Mr. TELLER. If they have any claim there, they have a standing in court. We do not want to give them a claim by legislation which they have not now, do we?

Mr. NELSON. No.

Mr. TELLER. The amendment may mean that; I presume it does. I think it is safe for us to leave this thing alone and let the courts settle it. The courts have said that when a man, being a foreigner, went on the public grounds, nobody but the Government could raise that question. They will be allowed to stay there, and these people who went up there in good faith and thought they were citizens, tried to be citizens, ought not to be interfered with.

Mr. BATE. But this very amendment, as I understand it, proposes to interfere with that.

Mr. TELLER. That is where the trouble seems to be. The amendment seems to take it away from the courts and to attempt to settle it here.

Mr. BATE. I read it as the Senator from Minnesota reads it.

Mr. TELLER. That is what it intends.

Mr. BATE. It is intended to disturb existing law, and it carries with it these evils.

Mr. TELLER. We do not want to settle that question. Let the court settle it.

Mr. ALLEN. If these Laplanders entered the mining claims in good faith, complied with the law on the supposition that they were citizens, or at least in a legal attitude that would authorize them to make the entry, and sold the claims in good faith, and afterwards it was demonstrated that they were not qualified to make the entry, I should like to ask the Senator from Colorado whether it does not present a case for legislation rather than for the courts?

Mr. TELLER. What does the Senator propose—to confirm their title?

Mr. DANIEL. This would destroy that.

Mr. TELLER. This would destroy their title, as I understand. Their title is all right if we let it alone.

Mr. ALLEN. I have not read the amendment. I supposed it was broad enough to cover that.

Mr. TELLER. Their title is all right if we do not pass any legislation on the subject. If we leave them alone where they are, the courts will take care of their title, unless the Attorney-General institutes a suit, which he is not likely to do.

Mr. ALLEN. Is there any question about the good faith of those who entered these mining claims, and is there any question about the good faith of the purchasers from the Laplanders?

Mr. DANIEL. Not a suggestion.

Mr. TELLER. I know absolutely nothing on that point, and I can not answer the question; but I have the feeling which a man gets who has lived in a mining camp for pretty nearly forty years. That is, that the men who make the first location, who are the first discoverers, are the men who are to be taken care of and protected; and in our country we do not care very much whether a man is a citizen or whether he is not. We all approve of that rule of the court which says "we will not hear any citizen complain of that, but if there is any complaint it must come from the Government."

If these people are let alone, the court will hold that they had good title and that they had a right to transfer the title; that is, if they complied with all the conditions of the law, of course.

Mr. ALLEN. How did the Laplanders happen to be in that country?

Mr. TELLER. They went there in the interest of the Government to take care of the reindeer, in the first place. After their term of service to the Government had expired they turned out to be farmers and stock raisers and almost everything. Some of them have gone to raising deer and others to mining.

Mr. ALLEN. Was there any understanding when they went there that they were to become permanent residents?

Mr. TELLER. That was the understanding I had at the time. They agreed to stay with the Government for a certain time and then they had a right to quit. I will say I was consulted about it. I was very anxious to get some of that class of people in there, because I believed they would make the country worth something to the people of the United States. They are adapted to that climate; Mr. Jackson took great pains to get them there, and they have been very satisfactory, I believe. If they did not make themselves citizens when they tried to, it does not make any difference so far as their right to hold this property is concerned. They have a right to hold it if they are not citizens.

Mr. DANIEL. Mr. President, it seems to me that the amendment proposed by the Senator from North Dakota is inequitable. Its sting is found in these words:

> Nor shall any title to a mining claim acquired by location or purchase through any such person or persons be legal.

The "persons" referred to being those who are not citizens of the United States. We have had a memorandum laid before us from certain American citizens who acquired mining claims from certain Laplanders who had gone into Alaska for the purpose of aiding the United States in its reindeer service, and who came with the full intent and purpose of becoming citizens of this country. Many of them did take out their papers legally and properly, and consummated that purpose. Quite a number of them, however, made the appropriate affidavits before a commissioner of the United States, being assured by him, an officer of the United States, and being assured by their friends, that this was all right. Titles have been derived through them, and to step in and destroy those titles in order that benefits afterwards discovered and afterwards accruing may go to new comers, would seem to be inconsistent with a just and an equitable spirit.

In a rude, cold, uncomfortable, little-inhabited region like Alaska, and dealing with persons who have acted in good faith, but who had natural ignorance as to the peculiar technicalities of American law, we ought to deal in no sharp and rigid spirit, but with the utmost regard for the natural principles of right and justice. I will give no opinion upon the question whether in

a court of equity, under the rules of equity jurisprudence, a claim might not be made and supported by those who, under the peculiar circumstances of these well-intentioned Laplanders, obtained these titles. That is not necessary. The rules of equity jurisprudence are for a technical science. They must leave out, by their regularity and uniformity, many cases which possess the strongest appeal to the equity of a legislative body.

Now, with respect to these people, they have excellent credentials. They are highly spoken of, and I will read a brief extract quoted from the report of Dr. Sheldon Jackson on the introduction of domestic reindeer into Alaska, which is found in Senate Document No. 34, Fifty-fifth Congress, third session, which says of them what I will read. He gives the names of 68 Laplanders who were introduced into this country. He speaks of the beneficent service they have rendered, and here is his estimate of the value that they are to that country and to us:

In my estimation—

He says—

next to the discovery of gold, the most important event, commercially, in the history of Alaska during this year is the importation of this colony of Lapps. Experience is rapidly demonstrating that the only possible efficient transportation service in Alaska must be through the use of reindeer, and this necessitates the trained and expert drivers of reindeer found among the civilized Lapps and Finns. The 68 men that were brought over by this expedition are all picked men and expect to be permanent settlers of Alaska.

The people with whom we are at present dealing are those who took every step in good faith unchallenged to execute their preconceived intention of permanent residence in that region, and for a great Government, like ours is, which needs such inhabitants, which has the opportunity to gather them into that region through the methods which have brought these pioneers, to deal with them severely seems not consistent with the just temper of the American people nor with true principles of equity.

I agree with what the honorable Senator from Colorado has said, and he is much more familiar with such topics than I am, that we had better vote down this amendment and leave these questions to settle themselves.

Mr. HANSBROUGH. Mr. President, the Senator from Nevada has referred to the fact that there are some lawyers in Washington City who are striving for the enactment of this amendment into a law. I presume that is true. In fact I know of one gentleman, at least, who is here in that interest, a gentleman by the name of Hubbard. He has been referred to in an affidavit which has been read at the desk, the affidavit of Dr. Kittilsen, who came to my committee room a few days ago with a letter of introduction from the honorable Senator from Minnesota [Mr. NELSON], and while he was there he met Mr. Hubbard. I think that affidavit referred to him by name, and therefore I think I am justified in having read at this point an affidavit from Mr. Hubbard.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Secretary will read the paper submitted by the Senator from North Dakota.

The Secretary read as follows:

DISTRICT OF COLUMBIA, *City of Washington, ss:*

Oliver P. Hubbard, being duly sworn, on oath says that he is a citizen of the United States, an attorney at law, engaged in the practice of his profession at Nome City, in the Cape Nome mining district, district of Alaska, United States of America; that he first went to Alaska in the spring of 1898; that he is a member of the law firm of Hubbard, Beeman & Hume, of Nome City, Alaska; that the members of the firm are Edwin B. Beeman, formerly a practicing attorney of Minneapolis, Minn., and William I. Hume, formerly a practicing attorney at Portland, Oreg., and this affiant, formerly a practicing attorney at Chicago, Ill.

Affiant says that the firm of Hubbard, Beeman, & Hume are attorneys in a number of mining suits now pending in the United States district court for the District of Alaska; that among others are suits brought to recover the possession of certain mining claims alleged to have been staked by alien Laplanders; that these claims were located by American citizens in the months of November and December, 1898; that all of the alleged Laplander and alien locations were located by American miners in the fall of 1898 and the winter of 1898 and 1899; that among the miners who made such locations were Louis Meising and John Waterson; that these two miners located claims on Anvil Creek, in said Cape Nome mining district, which, it is alleged, were theretofore located by Laplanders; that, on or about the month of March, 1900, Meising and Waterson were arrested at Chenik, a point on Golvin Bay, and carried to St. Michael under arrest, the arrest having been made by the military authority, the troops being under command of Lieutenant Spaulding, who was acting under instruction from Capt. E. S. Walker, in command at Fort Get There, at St. Michael; that this arrest was made by reason of the said Meising and Waterson having made the aforesaid locations on Anvil Creek; that one L. B. Shepherd, formerly United States commissioner at St. Michael, was a party to this arrest; that the two men arrested were carried to St. Michael, a distance of not less than 150 miles, and there detained for three weeks, and were then released, they having in the meantime refused to make transfers of the claims to the Laplanders, as they were pressed to do by the officers having them under arrest; that the facts herein stated are sworn to by the said Waterson and Meising in a complaint now on file in the United States district court for the district of Alaska, wherein Meising and Waterson are plaintiffs and E. S. Walker and L. B. Shepherd are defendants, with damages alleged therein at $25,000; and

This affiant further states that during the month of August, 1899, Judge Johnson, of the United States district court for the district of Alaska, visited Nome City, having with him at the time the clerk of his court and the assistant United States district attorney for said district; that the said district judge remained at Nome City about one week; that during his stay numerous suits were commenced over the disputed mining claims in the Cape Nome mining district; that among this number were suits by Meising and Waterson against two Laplanders; and

Affiant further says that he is informed that one Charles D. Lane, who came to the Cape Nome mining district in June or July of 1899, asserts that he has bought the aforesaid mining claims from the Laplanders, together with other contested property, and that the said Lane, in person or through his representative, is now in Washington City engaged in an attempt to make the Senate of the United States believe that he is an innocent purchaser of the said mining claims and that the passage of certain laws now pending would result seriously to his injury; and

Affiant further says that the facts connected with the arrest of Waterson and Meising, as also the bringing of the suits against the Laplanders and against Walker and Shepherd, are well known at Nome City; that the attorneys for the Laplanders are Mr. Lane's attorneys, and that he must have been fully advised of the situation when he made the alleged purchase.

Affiant further says that the said L. B. Shepherd referred to in this affidavit is the same party to whom reference is made in the memorial of Charles D. Lane and the affidavits attached as having attempted to naturalize the Laplanders and other claims.

OLIVER P. HUBBARD.

Sworn to and subscribed before me this 6th day of April, 1900, at Washington, D. C.

[SEAL.] BENJ. VAIL, *Notary Public.*

Mr. HANSBROUGH. The man Shepherd, who is referred to in that affidavit, is the court commissioner in Alaska, located, I believe, at St. Michael. It was this officer who assumed that he had the authority to issue first citizens' papers to the Laplanders and others in that country. The Revised Statutes, I believe, provide that citizens' papers can be taken out only in a court of record before the judge or the clerk of the court. Therefore Mr. Shepherd had no authority whatever to make citizens of the United States.

Mr. ALLEN. Will the Senator permit me a question?

Mr. HANSBROUGH. Certainly.

Mr. ALLEN. Granting that the statement of the Senator from North Dakota be true—and it is true—that the papers must be taken out in a court or before the clerk—notwithstanding that fact, were these entries by the Laplanders made, as a matter of fact, before the other entries?

Mr. HANSBROUGH. Before which entries, I will ask the Senator?

Mr. ALLEN. Before the entries of Shepherd, or whoever these other parties may be?

Mr. HANSBROUGH. I will come to that very shortly.

Mr. ALLEN. If the Senator will permit—I will not interrupt him unnecessarily. It strikes me that the whole thing can be stated in about ten lines. When were these respective entries made? If they were made by the contestants first, and in good faith, and their claims were sought to be disturbed or jumped, as it is commonly called, by the Laplanders——

Mr. TELLER. It is the other way.

Mr. QUARLES. It is the other way.

Mr. ALLEN. Then the grantee of the Laplanders ought not to be recognized. On the other hand, if the Laplanders made a bona fide entry in the first instance, and their holdings were sold in good faith to some other person, then it becomes, it seems to me, a question of morals and of equity in its broadest sense as to what to do. Were these Lapps used as a mere cat's-paw? Is there any evidence or any contention of that kind, that they entered these lands really for the benefit of somebody else, or were the contestants used as a mere instrument to enter these lands for some other person? What are the facts in the case in those respects?

Mr. HANSBROUGH. Mr. President, I hope I shall reach that phase of the discussion in a very short time, but before I reach it I desire to refer to the gentleman who has made the affidavit which has been read. Mr. Hubbard, as I understand, is a reputable attorney at law, having practiced in Chicago and in Indianapolis. Under the Harrison Administration, I am advised that he was the private secretary to Attorney-General Miller.

Mr. STEWART. Will the Senator allow me to ask a question?

Mr. HANSBROUGH. Certainly.

Mr. STEWART. Does Mr. Hubbard deny that he is the attorney for these jumpers?

Mr. HANSBROUGH. Not at all. He has the right to be the attorney for anyone.

Mr. STEWART. Does he deny that he wants his lawsuit settled here and not in the courts?

Mr. HANSBROUGH. I do not know that he denies that. I do not know that it is necessary for him to deny it.

Mr. STEWART. It is necessary for him to deny it.

Mr. TELLER. He can not very well do it after that affidavit.

Mr. HANSBROUGH. Now, I refer at length to Mr. Hubbard for the simple reason that there has been an insinuation here that because he was found in my committee room there is something wrong.

Mr. STEWART. I beg pardon; there is no insinuation against you. The fact that there was a person in charge shows that there was an agent here trying to settle it. Of course you are not presumed to know anything about it. There is no intention to reflect upon you or anybody else. Of course we may come in contact with people who come here for crooked purposes, but it is not presumed that we know it.

Mr. HANSBROUGH. An affidavit has been read at the desk

to the effect that Mr. Hubbard was seen in my committee room, and it was put in a way so as to cast some reflection upon some one. Now, I only want to say that there seems to be a disposition in certain quarters to reflect upon the integrity of those who are interested in this amendment. I find in a newspaper clipping which has been sent to me an interview under date of Seattle, Wash., the 1st of April.

The interview is with one ex-United States Court Commissioner Kenneth M. Jackson. He was a court commissioner, I believe, under President Cleveland. Mr. Jackson, I am advised, is now one of the attorneys of Mr. Lane on the Pacific coast, and is associated with a man by the name of Hatch. I am also advised that Mr. Jackson is a sort of a bird of passage, and that his reputation is exceedingly shady; but I do not care to reflect upon him.

Mr. STEWART. Mr. Jackson asks for legislation to help him in a lawsuit.

Mr. HANSBROUGH. If the Senator will allow me to proceed——

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. HANSBROUGH. Jackson in his interview goes on to say:

I have been informed, from what I consider a reliable source, that Senator HANSBROUGH, of Dakota, who introduced an amendment to the Alaska civil code providing that a judge must inquire into the location of mining claims in Alaska, and if he find that an alien made the location, then he must give the plaintiff a receiver or restraining order immediately, has a personal interest in claims relocated, but first located by individuals whom he calls aliens.

Now, Mr. President, I am not in the habit of denying newspaper reports. In common with many of my brother Senators, I have been very severely criticised in my political career, but here is a direct reflection by one of the attorneys who are engaged in prosecuting the case of Mr. Lane. I simply reply to it by saying that I have no interest in any of these Laplander or alien claims in Alaska, immediate or remote, direct or indirect, contingent or otherwise. That is my answer to that.

Now, Mr. President, I am advised that up to the time these aliens went into the Cape Nome district the rule in Alaska was that the size of a placer claim should be 500 feet up and down the creek or gulch. These people located that rich region about Nome, got together, as the Senator from Nevada stated, five or six of them, and made rules and regulations fixing the size of the claim at 1,320 feet up and down the creek or gulch, or 20 acres apiece. That was the first time that a claim was ever made of that size in Alaska, as I am advised.

Mr. ALLEN. What has been the ordinary size?

Mr. HANSBROUGH. Five hundred feet up and down the creek or gulch.

Mr. ALLEN. Who makes this change?

Mr. HANSBROUGH. The aliens who went in there and first got hold of those rich diggings.

Mr. STEWART. I beg pardon; there was but one alien. I ask if the man who declared his intention was an alien?

Mr. TELLER. I should like to call the attention of the Senator from Nevada to the fact that 20 acres is the general rule under the United States statutes.

Mr. STEWART. That is the amount designated.

Mr. HANSBROUGH. That is to say, that it shall not be larger.

Mr. TELLER. Not larger than 20 acres, and six men might take out 20 acres together if they saw fit. The courts have settled this question very positively.

Mr. ALLEN. Is not that pretty large?

Mr. STEWART. That is the law.

Mr. HANSBROUGH. I understand that thoroughly, and I understand also that six men or thereabouts, most of them aliens, have taken about 2,000 acres in Alaska. Now, what are the facts in this case? In September, 1898, three men by the name of Lindbloom, Lindeberg, and Brynteson staked for themselves four claims. I am told that two of these men were not citizens. They had applied to the court commissioner for their first papers, and I understand that he had issued some sort of writing to them to the effect that they had taken out first papers.

Mr. STEWART. That was true only as to the one.

Mr. HANSBROUGH. It is true as to two of them.

Mr. STEWART. Two declared before the court down below before they got up there.

Mr. HANSBROUGH. Then they proceeded, through alleged powers of attorney, to stake from 6 to 10 more claims on Anvil Creek alone, in all taking about 3 or 4 miles along that creek, which is considered to be the richest creek in the region. They then proceeded to Glacier Creek, where they took three claims, one each for themselves, and many others through powers of attorney; and on a gulch, the name of which I have not here now, but a tributary of Glacier Creek, they did the same thing, taking all the ground in the gulch. They did this on several creeks and gulches in that region, so that they claim that they hold from 1,000 to 2,000 acres of placer ground in that section.

Mr. ALLEN. Does the Senator say that only two individuals did all this?

Mr. HANSBROUGH. Three.

Mr. DANIEL. What is the Senator reading from, may I ask?

Mr. HANSBROUGH. From some notes that I have made.

Mr. DANIEL. Where is the evidence of that?

Mr. HANSBROUGH. I think the evidence that I furnish here is quite as good as the evidence the Senator from Nevada has been furnishing.

Mr. DANIEL. I think so. Will my honorable friend allow me to ask him a question.

Mr. HANSBROUGH. Certainly.

Mr. DANIEL. How can the Senate decide rightly a case on mere ex parte affidavits, on loose statements of attorneys, and supersede the courts of law, who can have the parties before them, cross-examine the witnesses, and settle their rights in a legal way? Does not the Senator think that it is a more appropriate method to determine a case like this in the courts of law of the country and not in a body which was not devised for that purpose?

Mr. HANSBROUGH. A portion of the amendment which I offer provides that the question of citizenship shall be considered by the court. If the Senator will examine the amendment——

Mr. DANIEL. It tells the courts how they must decide it after they have considered it. They certainly must consider it and then decide it our way.

Mr. HANSBROUGH. Mr. President, I have stated that this took place in September, 1898.

Mr. ALLEN. I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from North Dakota yield?

Mr. HANSBROUGH. Of course.

Mr. ALLEN. I wish to know how to vote on this question, and therefore I want to know the facts. I do not care anything about deductions and conclusions. Is it possible under the existing statute for the men you have spoken of to enter 2,000 acres?

Mr. HANSBROUGH. I am stating what has been related to me and what I believe to be true, and which is not denied.

Mr. ALLEN. I am entirely ignorant on the subject. The Senator thinks that several thousand acres have been entered by these three individuals?

Mr. HANSBROUGH. From one to two thousand acres, I am advised.

Mr. ALLEN. Can they, under the terms of the mining laws, enter that number of acres? Is there any limit?

Mr. CARTER. I will state for the information of the Senator that any individual who is a citizen of the United States, or who has declared his intention to become such, may locate not to exceed 20 acres of placer mining ground in one location. There is no limit to the number of locations that such an individual can make.

Mr. ALLEN. Can he go from town to town, from locality to locality, and enter 20 acres where he sees fit?

Mr. CARTER. He can locate any number of claims he may desire.

Mr. STEWART. I will state in this connection that although the statute does not limit the number of claims that he may locate, the mining rules everywhere confine him to one mining district for one claim, on one creek, on one stream, on one lode. I will get the statute and read it.

Mr. CARTER. We are speaking of the condition which obtained, presumably, from the statement of the Senator from North Dakota, in the Cape Nome country at the time these locations were made; at a time when no miners' rules or regulations existed. In the absence of local rules or regulations the individual who is a citizen, or who has declared his intention to become a citizen, may locate a placer-mining claim embracing not exceeding 20 acres upon making a discovery of gold within the limits of the claim staked out.

Mr. ALLEN. Can he go a mile from that camp and stake out another?

Mr. CARTER. He can stake out 20 acres contiguous.

Mr. TELLER. No.

Mr. CARTER. And continue that indefinitely. There is no restraint in the laws of the United States on that subject.

Mr. TELLER. I should like to correct the Senator from Montana. He can not do it in that way.

Mr. CARTER. He can not patent the two claims together.

Mr. TELLER. Nor can he stake them contiguous, either. This is the law——

Mr. CARTER. I should like to have the Senator from Colorado cite any section of the statute which restrains it.

Mr. TELLER. I do not cite any, but I can show you a ruling of the courts on that subject. Mr. President, this is the law: Any man who discovers a placer claim and finds gold on it may take up 20 acres at that point—say, on one stream. Then he has that with the burden that he has to do certain things; he has to stake

it; he has to work it; he has to put $100 worth of work on it each year, and he must keep that up until he has put $500 worth of work on the claim, and then he can get a patent.

Mr. CARTER. There is no obligation on him to take out a patent?

Mr. TELLER. He is not obliged to do it.

Mr. WOLCOTT. But he is obliged to do one hundred dollars' worth of work each year.

Mr. TELLER. He may go on doing that for fifty years, if he is content, and not take out a patent.

Mr. ALLEN. What is the limit as to the number of claims?

Mr. TELLER. Under the general law there is no limit. If a man discovers on Glazier Creek a gold-bearing placer claim, he takes a claim; and if he goes over on Mesa Creek, he may take another claim if he discovers a mine there.

Mr. ALLEN. Then the mining law is more liberal than the homestead law.

Mr. TELLER. There is supposed to be some merit in the discovery of a mine, the finding where the gold is located. Then the burden is that the miner shall work the mine each year to a certain extent.

Mr. ALLEN. Should we undertake to settle disputed titles in a bill of this kind?

Mr. TELLER. I do not think we ought to legislate in a case now pending between individuals.

Mr. ALLEN. We are attempting to try the title here?

Mr. TELLER. No; we have never tried to quiet a title which has been pending in court since I have been here.

Mr. HANSBROUGH. I have not yielded the floor.

The PRESIDING OFFICER. The Senator from North Dakota is entitled to the floor and declines to yield.

Mr. HANSBROUGH. Mr. President, I am perfectly willing that my friends here who are versed in the law shall argue these questions after I have made a statement of facts, as I believe them to be facts. I have referred to some things that took place in September, 1898. In October of the same year came the Laplanders in the employ of the Government. They went there as herders of reindeer. They were accompanied, as I am advised, by Dr. Kittilsen, a missionary, and Mr. Rice, who, I believe, is a relative of Mr. Lane, who makes this memorial to the Senate.

These Laplanders, who went to Nome with Mr. Rice and Dr. Kittilsen, took about all the claims in that mining district. Dr. Kittilsen was made the recorder of the district. The district, I am told, was about 25 miles square. On one occasion, when miners came in at a later period and voted to reduce the size of the claims, they were intimidated and driven away.

In November, 1898, quite a number of American miners, American citizens, came along dragging their sleds over the snow and ice of that country. The Laplanders had the benefit of reindeer to bring them into the country and to drag their packs into the country, but the American citizen was obliged to drag his sled over the ice and snow by hand, and hence he did not get into the diggings until November, 1898; and when he got there he found all those mines located, the very richest of that district taken by those people, who were not citizens of the United States; and they did. Mr. President, precisely what any gentleman here would do under like circumstances. They proceeded to stake over the alien and to make locations thereon, and having staked over the alien they are contestants there to-day.

Where does Mr. Lane come in? I do not know Mr. Lane, but he has friends here on this floor. I am advised, however, that he is a very wealthy man, and, as is shown by the letter which was read here, he is taking a great deal of machinery into that country, going to build a railroad, and all that kind of business. But Mr. Lane did not get into Alaska in the year 1898. He got there in July, 1899, and he made his alleged purchases of these alien claims about October of that year.

It has been stated here that Mr. Lane spent a very large sum of money for these mining claims. Does any business man believe that he (Mr. Lane)—and he must be a business man because he has acquired great wealth—would pay a large sum of money for mining property over which there was a contest or concerning which there was a controversy in regard to the title? I do not believe that any business man in this body—and I assume there are business men here—would pay a large sum of money for a mining claim that was contested or that had been jumped.

Not only that, Mr. President, but these American citizens who came in and staked over the aliens, proceeding by legal processes, brought suit against the aliens to oust them, and those proceedings were pending at the time Mr. Lane is claimed to have bought and before he was alleged to have purchased this property. Those proceedings were pending in the courts; but when Judge Johnson came on the ground in 1899 he remained at Nome only one week and could not try the case.

Mr. President, I have every reason to believe that the facts I have stated here are correct. The Senator from Nevada [Mr. STEWART] said in his remarks a little while ago that there had been no revision of the miners' rules attempted subsequent to the date that the aliens got together and made rules to govern that district. Why, sir, it was a matter of common notoriety, as everybody will tell you who has been to Nome and who was there in 1899, that the miners, the American citizens who went into that country, without reindeer or Government rations to help them in, held meetings and attempted to formulate new rules and regulations.

The American citizens who came there got together and attempted to draft rules and regulations for the governance of that district. What happened? There was a company of United States troops there under the command of Captain Walker and Lieutenant Spaulding, and those officers, with those troops behind them, broke up the meeting and drove the miners out of the building at Nome City at the point of the bayonet.

Mr. STEWART. What evidence have you of that?

Mr. HANSBROUGH. It has been told me by a hundred men.

Mr. STEWART. It has been denied by dozens I have talked with.

Mr. HANSBROUGH. I have never heard it denied until now.

Mr. STEWART. I have; but it is immaterial one way or the other.

Mr. HANSBROUGH. Very well. Mr. President, that is all I care to say on this question at this time.

Mr. TELLER. Will the Senator state the size of the claims? Are they 1,300 feet?

Mr. HANSBROUGH. The Senator from Colorado asks me the size of these claims. I am advised that they are 1,360 feet up and down the creek or gulch.

Mr. TELLER. How wide are they?

Mr. HANSBROUGH. They are sufficiently wide to make 20 acres. I do not know the exact width.

Mr. TELLER. It is enough to make a 20-acre claim.

Mr. HANSBROUGH. Yes; and up to that time the size of placer claims in Alaska had been 500 feet up and down the creek or gulch.

Mr. STEWART. Mr. President, the Senator has such a fashion for calling those men aliens that it seems to me an alien must have injured him at some time. These Norwegians and Laplanders are very good people. I do not think they would hurt the Senator particularly.

Mr. HANSBROUGH rose.

Mr. STEWART. I am not going to say anything unkind about the honorable Senator from North Dakota; but we have got the sworn statement of the recorder, Albert N. Kittelsen, and he is a man whom his neighbors give the highest character.

Mr. NELSON. Will the Senator allow me to interrupt him?

Mr. STEWART. Oh, yes; but I was just going to make a few remarks about the evidence.

Mr. NELSON. Will the Senator allow me to correct a matter just now?

Mr. STEWART. Yes.

Mr. NELSON. I desire to say to the Senate here and now that a great deal of prejudice is sought to be created because these men were Lapps. I want to call attention to the report of Dr. Sheldon Jackson, in which he says:

> Of the party that took up claims at the mines I am informed and believe 26 were Norwegians and Finns and but 14 were Lapps.

Mr. STEWART. They took up different portions. There were not that number up there. I now read from the affidavit of Dr. Kittelsen:

> Albert N. Kittelsen, M. D., being first duly sworn, on oath says that he is a citizen of the United States, and has been a resident of the Territory of Alaska since 1896; that he arrived at Cape Nome, Alaska, about October, 1898; that prior to that time there were three men located at Cape Nome; two of them were Swedes by birth, but had been in the United States some ten to fifteen years—

These men are called aliens—

> the third was a Norwegian. Two other persons went there with me; one of them a Laplander and one an American citizen.

There was only one Laplander.

> The Laplander had declared his intention to become an American citizen in the early spring of that year, and his declaration was filed before L. B. Shepherd, who was a United States commissioner at St. Michaels. The six persons who were then at Cape Nome located claims; some of them had located previous to our arrival. We then formed a mining district, and adopted rules and regulations under the laws of the United States. I was elected recorder.

There was only a pretense that one of them was an alien and that one had declared his intention to become a citizen. The other six men who were there were citizens, and there is nothing in this talk about the number of claims located and that we are trying a case that is a case for a court. We are trying a case now of a Laplander's location, whether he, having failed to declare his intention to become a citizen before the proper officer or not, although he did so declare in good faith, shall lose his claim or his grantee shall lose his claim. That is the question.

> A few weeks after that miners from the surrounding country commenced coming in, and during the following winter the number rose to between two

hundred and three hundred. I recorded all their claims, and in every sense was recognized and acted as mining recorder. The first Laplander located three good claims—one for himself, one for his brother, and one for an associate, who arrived soon after and took possession and worked the claims. These Laplanders worked their claims during the working season of 1899 and sold out to Mr. Lane in the fall of 1899.

One Norwegian located claims on about six different streams, and has been in possession of them ever since.

They located a claim on each stream. They were allowed to do that, because the policy of the law is to encourage discovery, so that the discoverer might locate another vein, if they were quartz veins, or locate on another creek, it they were placer claims.

The claims of these Laplanders, while they were in possession and working them, were located by other persons called "jumpers."

Later on the claims of the Norwegian were relocated by "jumpers" and recorded by me, because it was my duty to record all claims presented for recordation. I was so instructed by the judge of the district court.

In the summer of 1899 three lawyers located themselves at Cape Nome, whose names were Hubbard, Beeman, and Hume. These relocators, although they did not take possession or work upon the claims they relocated or "jumped," employed Hubbard, Beeman & Hume as their attorneys. Mr. Hubbard, of the firm of Hubbard, Beeman & Hume, an attorney for the relocators, is in the city of Washington. I met him on the 5th of this month in the committee room of Senator HANSBROUGH.

That does not reflect upon the Senator from North Dakota, and I have no intention whatever to reflect upon the Senator. I have here a good many decisions bearing on the question in dispute. I have not time to refer to them; but the supreme court of Utah rendered a decision which I desire to read. I have before me the Pacific Reporter, volume 56, page 300—the case of Wilson et al. *vs.* Triumph Consolidated Mining Company—in which it is held:

1. Where a mining claim is located by an alien on unappropriated Government land, and all the acts necessary to a valid location are performed by him, and he and his representatives, claiming to be the owners thereof, perform the work necessary to keep the claim good until it is conveyed to a citizen, and no rights of third parties have attached prior to the conveyance, as between private citizens, in which the Government is not interested, the conveyance vests the title in the citizen, although the original locator was an alien.

2. A corporation organized under the laws of Utah is a citizen of the State.

3. Although it is true, as a general rule, that only citizens of the United States can locate mining claims, the question of citizenship can only be raised by the Government; and in an action of ejectment, in a contest between individuals, the question can not arise.

There are other decisions of the same character, which can be had if Senators desire them.

What Mr. Lane asks is to be let alone, not to have his property taken away from him, and not to have it taken by a case tried here on the wild statements which are made in attempting to influence it on the allegation that all the men who went there and located these claims were aliens. These allegations are all denied, and any court before whom the case should be tried would very soon sift them. Mr. Lane does not want any legislation to interfere with his claims, which are undoubtedly good. I have never known a case in the United States, where a contest is pending and where a case is in litigation, that the Senate or the Congress of the United States undertook to decide it against one party and for another.

There is another very harsh thing in the amendment of the Senator. He declares in the amendment that there shall be no locations made hereafter by an attorney or an agent. I do not object to that hereafter, but then the balance of it says that none that are already made shall be valid unless $100 worth of work shall have been done. They have, under the law, a year in which to do the $100 worth of work after the location. If the location was a valid one, the locators had a year originally or some fixed reasonable time after that when the work should be done, so that it would not be a confiscation.

Three months after the passage of this act would be a short enough limitation to say that those who had not already done work, when the law did not require it, should have their claims confiscated. There are very likely men who have induced others to go to Alaska and make locations and who have spent large sums of money in sending those men up there. Of course if you deny the right to agents to locate hereafter, that will stop such proceedings. But where that has been done in good faith I do not think we ought with a law like this destroy the property they have, after they have held it according to the laws and customs which have heretofore existed. If it was located through an agent or attorney they ought to have a reasonable time to do the work hereafter.

Mr. HANSBROUGH. Mr. President, I desire to ask the Senator from Nevada if he holds that a man who is not a citizen of the United States, and who has not declared his intention to become such, is competent to take a mining claim, or a homestead claim, or any other claim under the Government?

Mr. STEWART. No; he is not competent to take a mining claim; but if he gets possession another man can not oust him; it is only the Government of the United States that can take advantage of that. You can not jump his claim. If you want to get him off you must get the Government to interfere. That is in accordance with the decisions of the courts right along, and it is a decent and humane policy. Our laws ought to be at least as good and as liberal as the laws of Canada; and the laws of Canada and British Columbia up to 1899 made no distinction between aliens and natives.

The only law which was different that they have passed was in 1889, when they prohibited aliens in British Columbia from locating mining claims; and I think it is time they ought to be ashamed of it, and if we should pass a law practically confiscating the property of persons who have gone there in good faith, thinking they were citizens of the United States, and give it to men who had jumped it, I think we should be ashamed of ourselves. But the Senate has never done and will never do anything of that kind.

Mr. TELLER. Mr. President, this is not a question of whether Mr. Lane is entitled to this property or not. He has bought these claims of some of the Laplanders or foreigners. I am going upon the theory that they are foreigners. I do not care anything about their attempt to make a title.

The statutes of the United States say that citizens of the United States may locate mining claims. The Supreme Court has decided over and over again, as did the court of appeals of the eighth circuit in a case involving at least a half million dollars, that nobody but the United States could raise that question. It has become a rule of property that is absolute.

When the Senator says that Mr. Lane bought with the knowledge that these men were aliens, he bought with the knowledge of what the Supreme Court had said the law was. He had a right to buy. He knew that unless the Attorney-General brought suit nobody in the world could raise that question, and nobody ought to be allowed to raise it except the Government of the United States itself. These men are the prior locators.

Mr. PLATT of Connecticut. How can the Government of the United States raise the question?

Mr. TELLER. I have no doubt they can.

Mr. PLATT of Connecticut. But how?

Mr. TELLER. It is an old right which the Senator remembers; the alien would hold until "office found," until it was alleged that he was an alien, and when that question was raised the Government would determine it.

Mr. PLATT of Connecticut. I know; but could the United States Attorney-General bring a suit without being authorized by Congress?

Mr. STEWART. Certainly.

Mr. TELLER. I do not know but he could, though I do not now recall any such suit brought.

Mr. STEWART. He has brought a good many suits of a similar character.

Mr. TELLER. Not in regard to citizenship, I think. I do not recall any suit upon the question of citizenship.

Mr. STEWART. But as to the want of title.

Mr. TELLER. Sometimes the Attorney-General has brought suits because title has been got in fraud of the law; but it has never been regarded that an alien could take the benefit of a fraud of the law. The policy of the law was to open this country to settlement; and it has always been presumed for hundreds of years, not only in this country but in others, that the men who took from the earth gold and silver were public benefactors; and privileges have been held out to them, as was the case under the Spanish law and under our law, as a reward for the discovery of a mine containing precious metals.

Every man for many years who has discovered such a claim was entitled to take twice as much out of it as any man who came after him. That was a measure of reward to him; and so the Government of the United States has quietly allowed foreigners to take claims; and the Supreme Court of the United States has, as I have said, repeatedly held that that is not a controversy that can be settled between a citizen and an alien.

These men took up not only these claims, but many others. At least sixty or seventy of these Laplanders were up there, and I am informed, upon what I regard as good authority, that they are the men who opened up that rich country, the men who went in there and found gold; and perhaps it would never have been found if they had not gone there. They have taken these claims under the decisions of the courts, and they have a right to take them, subject to the right of the Government of the United States to take proceedings against them. Is it possible that the Senate of the United States is going to settle a controversy which an affidavit here presented shows is now in court? Are we competent to settle these questions? Shall we determine as to questions of justice between these men?

I have lived in a mining country for nearly forty years, and of all the contemptible creatures who ever saw the light of the sun it is the man who jumps another man's claim. You take the common, honest miner, and he looks to see who is the first man who puts a spade in the ground, who is the first man that uncovered it, who has brought the mineral to light, and who has shown to the world that it is a valuable thing to hold. If you can show to a jury that any man is a jumper, they will decide against him. In ninety-nine cases out of a humdred where a claim is jumped it is

done for the purpose of blackmailing the original holder, to see if some defect can be found in his title.

I have an innate prejudice from long experience against the man who attempts to take the holdings of another; and the evidence here from the Senator himself who is advocating this shows that these people went in there; and what did they do? They simply, I suppose, went into the recorder's office and filed a claim on it, as I have known hundreds of men to do for the purpose of instituting a contest and securing a compromise. Yet men come here and ask us to act with the affidavit of this man Hubbard here showing that a suit is now pending to determine this question. Why should we interfere? Why should we make a rule that shall apply to these poor Laplanders that does not apply to everybody else? Why should we change the law of property—we who know nothing about the facts—not affecting Mr. Lane alone, but affecting every man who has taken a piece of property, affecting hundreds of others perhaps who have bought from foreigners, citizens of the United States, who are entitled to the protection of the laws?

Mr. President, this is an unheard of proposition. I never supposed until Saturday that the amendment included any such proposition. I had never read the amendment. I am willing, if the law is not strict enough, that it shall be made more strict with reference to the future and other appropriations of mining lands, but I am not willing to change the law that now exists and disturb the title of nobody knows who or how many people in the United States. The curse of the mining country has been the litigation we have had for many years. The Senator from North Dakota [Mr. HANSBROUGH] says to me that it affects the district of Alaska alone. It does not make any difference that it pertains to the district of Alaska alone. If these men have gone in there and done what they ought not to have done, the courts will settle the question.

The courts have been settling such questions for forty years, and there has grown up a class of law with which lawyers who have not practiced in a mining country are unfamiliar; but the court up there will be familiar with it, and the court will do justice between these people. If these people have taken what they are not entitled to take—that is, if they have taken more claims—the court will say, "You have taken too many." If they have taken what the law allows, they are the owners of them, and we can not take them away. We can embarrass them, we can disturb them, we can distress them, and we can destroy them, for that is what it means, although we may not have the legal power to do it. We can create such a condition as will make that property valueless to them. I am speaking not of Mr. Lane—he will take care of himself. I am speaking of the people who are not here in any shape and have not been heard of—the miner, the Laplander who is holding under his supposed citizenship.

Mr. STEWART. And the Norwegian.

Mr. TELLER. Or the Norwegian or anyone else, holding under a decision of the Supreme Court of many years' standing that nobody but the great Government of the United States can be heard to question his title.

Mr. President, thousands of dollars are put by these foreign miners into claims, and when they want to get a patent they are obliged to be citizens, and then they make their citizenship by the time they get ready for a patent. There is nothing for us to do but to let this thing alone—absolutely alone. It would be criminal for us to attempt here to pass on the rights of these people. I am astonished that it should find any support here whatever, and I do not believe it will find very much when the vote is taken.

NAVAL OBSERVATORY.

Mr. CARTER obtained the floor.

Mr. CHANDLER. Will the Senator from Montana yield to me for a moment?

Mr. CARTER. I will yield for a moment to the Senator from New Hampshire.

Mr. CHANDLER. Mr. President, I am desirous of submitting to the Senate at an early moment some remarks with reference to a very peaceful subject—that of the Government Naval Observatory in Georgetown. I shall be prepared to speak at any time. Whenever the debate lags upon the pending amendment to the Alaska bill, or on any other bill that may be before the Senate, I will endeavor to slip in my remarks.

Mr. CARTER. There has been no evidence of lagging on the part of this debate. I was about to move that the Senate adjourn.

POLICY RESPECTING THE PHILIPPINES.

Mr. HOAR. Will the Senator from Montana yield to me for a moment?

Mr. CARTER. Certainly.

Mr. HOAR. Mr. President, I should like to give notice that on Tuesday, April 17, a week from to-morrow, after the conclusion of the routine morning business, I will submit to the Senate some remarks upon the Philippine question, either upon the bill now before the Senate or some one of the resolutions pending.

MINNESOTA AND MANITOBA RAILROAD COMPANY.

Mr. NELSON. I ask the Senator from Montana to yield to me.

Mr. CARTER. I yield to the Senator from Minnesota for a moment.

Mr. NELSON. I ask unanimous consent for the immediate consideration of the bill (H. R. 8876) granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation, in Minnesota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CARTER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 10, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 9, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday was read and approved.

REARMING THE NATIONAL GUARD.

By unanimous consent, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 10508) for the rearming of the National Guard, and the same was referred to the Committee on Militia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ESCH, for ten days, on account of important business.

PRINTING OF NATIONAL BANKING LAWS.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask unanimous consent for the present consideration of House concurrent resolution 29.

The SPEAKER. The gentleman from Minnesota, chairman of the Committee on Printing, by direction of that committee calls up the following resolution and asks unanimous consent for its present consideration.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed in black cloth binding and wrapped for mailing 5,000 copies of the national banking laws for the use of the office of the Comptroller of the Currency.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the last vote was laid on the table.

FOREST RESERVES.

Mr. WILSON of Idaho. Mr. Speaker, I have a privileged resolution.

The SPEAKER. The gentleman from Idaho submits the following privileged resolution.

The resolution as amended by the Committee on the Public Lands was read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to inform the House of Representatives as to the number of acres now included within forest reserves belonging to land-grant railroad companies or other corporations or individuals at the time of the creation of said forest reserves; and also the amount of so-called forest-reserve lieu scrip, or of right of lieu location, which has been issued therefor or for which claims are pending; and also what new forest reserves and extensions to existing reserves are in contemplation, or have been recommended, and by whom requested or recommended, and where located; also the amount of railroad land or other grants included in such proposed new reserves or extensions; and also the number of acres which have been located by said so-called forest-reserve scrip or right of lieu location and where located.

Mr. WILSON of Idaho. Mr. Speaker, this resolution has been unanimously reported from the Committee on Public Lands. The information which is called for is desired from the Secretary of the Interior, in order that the Committee on Public Lands may have information sufficient to enable them to frame legislation affecting forest reserves.

The act of June 4, 1897, which was a general appropriation act, unfortunately contained a provision authorizing the settler or owner of a tract included within a forest reservation to relinquish the same to the United States and to select in lieu thereof other vacant, unoccupied land belonging to the Government.

The intention of Congress was, manifestly, to allow a settler whose claim might be included within a forest reserve to take another claim or homestead in lieu thereof, if he so desired.

Forest reserves in the Rocky Mountain States had been created

in the early spring of 1897, embracing many millions of acres. Other reserves were created after the passage of this act. The Department of the Interior construes this act to apply to lands granted to railroad companies as well as to individual settlers, and to authorize said railroad companies to relinquish their lands included within forest reserves and take other lands in lieu thereof, whether surveyed or unsurveyed. This right is held to be assignable.

The effect of this legislation is therefore to permit land-grant railroad companies to exchange land of little or no value, in many instances, for land of very great value, provided a forest reserve has been made to include lands granted to the company. This right of lieu location has become valuable, being worth, as I am informed, as much as $5 an acre, while the land which was exchanged for it was not worth, on an average, more than 50 cents an acre. The result of this exchange is therefore very profitable to the land-grant companies.

In the State of Idaho, which I have the honor to represent in this House, forest reserves have been created, or are proposed, which will include within their limits lands heretofore granted to railroad companies to the amount of 800,000 acres. These lands are not worth to exceed 50 cents per acre, or $400,000. The Northern Pacific Railroad Company will be entitled to receive lieu forest-reserve scrip, or right of lieu location, for this land, which has a market value of $5 per acre. The exchange, therefore, to this one company in this one State is worth $3,600,000. The people of Idaho have never asked that any of these reserves be created. On the contrary, many of them have protested against their creation, and their representatives have verbally and in writing protested against such creation.

There is a proposition now pending in the General Land Office for the creation of new reserves which will include 500,000 acres of railroad land. There is a further proposition pending for the creation of a reserve which will include the county of Washington and parts of Boise, Ada, and Canyon counties, in said State. This proposed reserve will include within its limits more than 100 schoolhouses, 3 towns of more than 1,500 people each, $4,000,000 worth of assessable property, and a population of many thousands of people. Four-fifths of the area within that proposed reserve is entirely devoid of timber. The creation of this reserve can work no possible good purpose and would do infinite harm to the people there. It would reserve all the land from homestead settlement or any entry except mineral entry.

It would prevent the grazing of sheep on the public lands within such reserve. In fact, it would practically stop all improvement or advancement of the section in question. The people do not want this reserve and their representatives have protested against it. Notwithstanding all this, a representative of the Interior Department has recommended its creation, and the same is now being considered by the Department.

The figures I have given as to the area of forest reserves and proposed reserves in Idaho, together with the railroad lands therein, are reliable, having been obtained by me from the General Land Office.

The information asked for in this resolution is absolutely essential in order to enable the Committee on Public Lands to prepare proper legislation to correct this great evil. The resolution as originally introduced by me has been slightly modified, and has thus been unanimously reported from the committee. I therefore hope, Mr. Speaker, that the resolution will be adopted.

The amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. WILSON of Idaho, a motion to reconsider the last vote was laid on the table.

PENSIONS TO MEXICAN SOLDIERS.

Mr. SNODGRASS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6959) to amend an act approved January 5, 1893, entitled "An act granting increase of pension to soldiers of the Mexican war in certain cases," so as to extend the provisions of said act to all Mexican soldiers pensionable under law.

The bill was read, as follows;

Be it enacted, etc., That the benefits of an act approved January 5, 1893, entitled "An act granting increase of pension to soldiers of the Mexican war in certain cases," and which granted an increase from $8 to $12 per month to all those who were then on the pension roll, be, and the same is hereby, extended so as to include all Mexican soldiers who are pensionable under the laws, irrespective of the time that they may or may not have been upon the roll.

The following amendments recommended by the Committee on Pensions were read:

Change the title so as to read:

"A bill to extend the provisions of an act entitled 'An act granting increase of pension to soldiers of the Mexican war in certain cases,' approved January 5, 1893."

Strike out all after the enacting clause and substitute therefor the following:

"That the benefits of the act entitled 'An act granting an increase of pension to soldiers of the Mexican war in certain cases,' approved January 5, 1893, be, and they are hereby, extended to all survivors of the Mexican war who are pensionable under existing Mexican war service pension laws, and who have become, or may hereafter become, wholly disabled for manual labor and in such destitute circumstances that $8 per month are insufficient to provide them the necessaries of life, irrespective of the date of the granting of the said service pension."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. Mr. Speaker, I should like to ask the gentleman just what the bill does—what is the effect of it?

Mr. SNODGRASS. I will say to the gentleman that in 1893 this Congress passed an act increasing the pensions of all indigent Mexican soldiers who were then on the rolls from $8 to $12 per month. That act created a class, and what called it to my attention was the fact that a Mexican soldier in my district, whose claim for a pension was pending before the passage of the act of 1893, but whose certificate was issued just after the passage of that act, is cut off from the benefits of that act. There is no reason why any distinction should be made between indigent Mexican pensioners, and I therefore introduced this bill to remove that distinction and to grant to all indigent Mexican soldiers equal pensions, as should have been done by the act of 1893. There are comparatively few of these Mexican soldiers——

Mr. PAYNE. Then I understand that the act of 1893 gave an increase of pensions from $8 to $12 a month to soldiers of the Mexican war who were then pensioned, in certain cases, where they were disabled.

Mr. SNODGRASS. Yes; who were then on the rolls.

Mr. PAYNE. Where they were totally disabled.

Mr. SNODGRASS. Where they were totally disabled or incapacitated from earning a living, etc., and were then on the rolls.

Mr. PAYNE. And some names have been placed on the rolls since at $8 a month, and this proposes to put them in the same class, under the law of 1893?

Mr. SNODGRASS. Yes.

Mr. COX. I should like to ask my colleague one question. Is that act broad enough to cover the widows of Mexican soldiers?

Mr. SNODGRASS. No, sir.

Mr. HENRY of Mississippi. It just puts those Mexican soldiers who have been pensioned since 1893 on an equality with those who were pensioned before 1893.

Mr. MIERS of Indiana. I think the bill is absolutely right, except it ought to be $12.

Mr. SNODGRASS. It is $12.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the amendment to the title will be agreed to.

There was no objection.

On motion of Mr. SNODGRASS, a motion to reconsider the vote by which the bill was passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Agricultural appropriation bill.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10538) making appropriations for the Department of Agriculture.

Mr. WADSWORTH. Pending that motion, Mr. Speaker, I would like to have an agreement with the gentleman from Mississippi [Mr. WILLIAMS], representing the minority of the committee, on the length of general debate. What suggestion has the gentleman to make?

Mr. WILLIAMS of Mississippi. Mr. Speaker, I think I will probably be able to yield some of the time back to the House; but from the requests I have had, I will ask for three hours upon this side; and I will also ask that gentlemen who speak be permitted to extend their remarks in the RECORD, which may save time to the House.

Mr. WADSWORTH. For myself, I have no objection to any gentleman extending his remarks in the RECORD. I would suggest to the gentleman that we close debate at 5 o'clock. I am not going to occupy any time myself more than five minutes; I prefer to explain the bill under the five-minute rule, as we read it by sections.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I expect debate will be closed at 5 o'clock, but I have received a good many requests, and amongst others some from gentlemen that I do not see in their seats now. It may be possible that they will not be here, but as little time as I can afford to take on this side by an agreement now would be three hours; but if we take on this side three hours, and you take less over there, we will get through

with general debate by 5 o'clock. But I would not be willing to agree to less than three hours. I think the probabilities are that a part of the time I ask will be given back to the House, but I can not make an agreement for less than three hours.

Mr. WADSWORTH. I suggest to the gentleman that general debate be closed at 1 o'clock to-morrow, unless sooner closed by unanimous consent.

Mr. WILLIAMS of Mississippi. Would that give us the morning hour, or would we get from 12 to 1 o'clock for debate?

The SPEAKER. There is no morning hour unless it is called for.

Mr. WILLIAMS of Mississippi. That will give us our three hours.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate close to-morrow at 1 o'clock, unless by unanimous consent it is closed sooner; and that of that time three hours be given to the side of the minority.

Mr. WILLIAMS of Mississippi. And that gentlemen who speak have consent to extend their remarks.

The SPEAKER. Also that gentlemen speaking on the bill may extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The question now is on the motion of the gentleman from New York that the House resolve itself into Committee of the Whole House on the state of the Union.

The question was taken; and the motion was agreed to.

The committee accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. O'GRADY in the chair).

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. WADSWORTH. Mr. Chairman, this is the usual appropriation bill for the maintenance of the Agricultural Department. There is no new legislation in the bill, except one item—extending leave of absence to employees of the Weather Bureau and the Bureau of Animal Industry outside the city of Washington. The other changes are simply changes in the wording in the different paragraphs under which the lump-sum appropriations are to be expended. The bill presented, according to the report, is $390,778 in excess of the appropriation for the last fiscal year, which shows an increase of about 12 per cent. The main item of increase is $40,000 additional allowed by the committee for the distribution of free seeds.

I am sorry to say that was asked for by a petition of 225 members of this House, and the committee conceded it. There is an addition of $60,000 to the Weather Bureau, part of which is to provide for the erection of iron storm-signal towers and a part of which is to meet the increased cost of paper and other material used in that Bureau. Another increase of $38,000 is allowed for the purpose of purchasing a new quarantine station at the harbor of New York, the present one having to be abandoned on account of opening the streets of the town through it. Another increase is for the erection of a new laboratory at Washington.

The Agricultural Department is at present paying $10,000 a year rent for additional service in outside buildings which are used as laboratories. Ten thousand dollars would be 5 per cent of the cost of a new laboratory. The committee, looking at it as a business proposition, thought it would be far better for the Government to own the building. There is another increase of $5,000 in the Bureau of Agrostology to carry on, in a more practical and extended manner, the introduction and distribution of roots and seed of valuable pasture and forage plants and grasses for experimental purposes in the various sections of the United States. The amount carried for the Weather Bureau is $1,057,620, which is about the same as last year.

Now, with that brief explanation of the main features of the bill, I prefer to take it up by sections when we come to read it under the five-minute rule and answer any question that may be asked.

Mr. ROBINSON of Indiana. Mr. Chairman, I would like to ask the gentleman whether there is anything involved in this bill concerning the civil pension list?

Mr. WADSWORTH. Not a thing.

Mr. ROBINSON of Indiana. Where shall I find that provision that the leave of absence shall be extended to the employees of the Bureau of Animal Industry?

Mr. WADSWORTH. Under the division of salaries and expenses of the Bureau of Animal Industry.

Mr. ROBINSON of Indiana. I understand that the general law provides that under the regulations of the Executive Departments in Washington the Government employees shall have thirty days' vacation and in addition a sick leave of thirty days in the year, and which is generally taken, and that the vacation leave is to be extended to the Agricultural Department, but limited to fifteen days as to the agricultural employees outside of Washington.

Mr. WADSWORTH. It is limited to two weeks' vacation, and applies only to employees outside of the city of Washington. The employees within the city come within the general law. We have put in an amendment applying it to the employees of the Bureau of Animal Industry outside of the city of Washington.

Mr. ROBINSON of Indiana. I think there is nothing unreasonable about that, but I think there is as to the manner in which the vacation, or rather the sick leave, is availed of here.

Mr. WADSWORTH. That can not be corrected here. I agree with the gentleman from Indiana.

Mr. ROBINSON of Indiana. The gentleman has evidenced that by the provision in this bill.

Mr. WADSWORTH. The climatic conditions are not so severe outside of the city, and a great deal of the labor of the employees outside of the city of Washington is done in the open air.

Mr. ROBINSON of Indiana. And yet Washington has always been lauded as a salubrious climate.

Mr. TALBERT. I would like to ask the gentleman if there is any contention here in regard to any particular item in the bill?

Mr. WADSWORTH. I do not think there is the slightest. We agree upon all points. The gentleman from Mississippi [Mr. WILLIAMS] I think will confirm me in that.

Mr. WILLIAMS of Mississippi. The committee is unanimous upon the bill.

Mr. TALBERT. I thought there might be some particular item about which the committee were divided, and I would like to know what it was in the beginning.

Mr. WADSWORTH. No; we are the most unanimous body of farmers you ever saw. [Laughter.]

Mr. LLOYD. Mr. Chairman, I would like to ask the gentleman in charge of the bill if there is any provision in it by which the use of vaccine matter may be continued?

Mr. WADSWORTH. There is no provision in the bill to prevent the Secretary of Agriculture from pursuing the policy he is now pursuing.

Mr. LLOYD. Does he pursue the policy he is now pursuing under a specific act?

Mr. WADSWORTH. No; the general powers granted him by the bill cover that.

Mr. LLOYD. And the general officers of the Department perform the work, and he does not need any specific appropriation for vaccine matter?

Mr. WADSWORTH. He does not. Now, Mr. Chairman, I yield to the gentleman from Ohio [Mr. SHATTUC] forty-five minutes.

Mr. SHATTUC. Mr. Chairman, I desire the Clerk to read in my time the following beautiful poetic tribute to the indefatigable zeal of the members of the House in supplying their constituents with things other than their speeches.

I think the House will agree with me after hearing it read that this constituent of mine, Mr. W. H. Settle, the author, who resides in Madisonville, Hamilton County, Ohio, and who is a free-silver, simon-pure Democrat, who knows he is a Democrat, who has voted the Democratic ticket all his life, and who is a splendid fellow, ought to be nominated for Vice-President on some one of the Democratic national tickets.

The Clerk read as follows:

THE SEEDS THAT NEVER GROW.

I nearly hate the thought of spring,
With its delightful sun,
For well I know the mail will bring
A pack from Washington;
A little package, duly franked,
No postage stamps to show,
And it contains those little seeds—
The kind that never grow.

Our good and zealous Congressman,
Remindful of our vote,
Upon his memorandum's page
Puts down a little note,
And when the proper time arrives
For us to wield the hoe,
He sendeth us the little seeds—
The ones that never grow.

There're squashes with enticing names,
And cabbages, I wot,
So large that you would think that one
Would shade a garden spot;
So with the pack from Washington
You amble forth to sow,
With many a drop of sweat, the seeds
That never care to grow.

How often have I plied the rake;
How oft I've lounged about,
With eyes alert to catch the first
Signs of the coming sprout;
In vain, in vain, my hopes have fled,
My heart has filled with woe,
Above the seeds from Washington—
The seeds that never grow.

But yet each year my hopes revive,
As spring reclothes the tree,
And to my homestead surely comes
The package marked "M. C.;"
And, foolish-like, again I wield
The sprinkler and the hoe,
And, like a ninny, plant the seeds
That never care to grow.

Mr. TALBERT. Mr. Chairman, I would like to ask the gentleman from Ohio if that is the kind of seeds he has been sending out? [Laughter.]

Mr. SHATTUC. I never sent this Democrat any. He got them from other Democrats from other sections of the country. [Laughter.]

Mr. TALBERT. I would like to ask the gentleman if they did not grow?

Mr. SHATTUC. Yes; mine grew. He is referring to Democratic seeds. [Laughter.]

Mr. TALBERT. I would like to ask the gentleman if that is the Republican policy to give the Democrats poor seeds?

Mr. SHATTUC. Oh, I would cut off the Democratic seed entirely, in all directions, if I could. [Renewed laughter.]

Mr. Chairman, the problem now confronting this country in the Philippines particularly, and in our other island acquisitions generally, is not beyond the solution of the wisdom and the statesmanship of the Republican party and the patriotism of the American people.

Graver problems have been solved by the party now in power and deservedly enjoying the confidence of the people—problems, sir, which had to deal with the treatment of high-spirited and brave, though misguided, millions of our own fellow-citizens, exceeding numerically the population of the Philippine Islands and bound to us by the ties of consanguinity, of common inheritance, and of inseparable destiny.

Then, as now, efforts were made and obstacles were raised to embarrass the Government in the enforcement of its delegated powers, the dignity of its sovereignty, and the maintenance of that authority which can alone preserve domestic tranquillity and secure the respect of the world.

It is as true as it is epigrammatical, in the issues now confronting us and which divide us from our opponents, that "history repeats itself," for along precisely the same lines the Democracy of to-day, as in the sixties, conduct their warfare on the legislation and policy of the Republican party.

If, after more than four years of the greatest civil war in history, the Republican party emerged not only triumphant in the vindication of the principles at issue, but, of equal importance to posterity, so preserved the Union of the fathers, which was sought to be disrupted, that the sons of the rebels of the sixties led the advance of our storming columns and charging lines in Cuba, Puerto Rico, and the Philippines, what great or insolvable problem lies in the Orient and affecting the future of an inferior race which warrants the impeachment of the wise policy and tried statesmanship of the Republican party? [Applause.]

In the uniforms of their fathers' foes the sons of the Southland, with the gallantry of their race, followed the flag of the Republic from Santiago to Manila. Nay! Many of the surviving veterans of Lee and Jackson, from private soldier to major-general, bivouacked on the hill of San Juan and in the rice fields of Luzon with the veterans of Grant and Sherman. Does it lie in the record of our opponents to successfully impeach before the American people the party and the policy which, while preserving the Union in a sanguinary war, has restored not alone tranquillity, peace, and prosperity to all sections of the Republic, but by its far-seeing legislation, its conspicuous humanity, its broad patriotism, and its love of justice and of country made a patriot of the rebel and a standard bearer of his son? [Great applause.]

Representatives of a loyal people on the floor of this House thirty-five years ago led armed treason and sought the life of the Republic; and I but voice the universal sentiment of a united country when I thank God that they have lived long enough to give sons to the military service of the United States, and some of them themselves become the heroic leaders of our brave soldiers on the battlefields of Cuba and the Philippines. And, sir, what prophet or the son of a prophet, though he bore a commission franked by Heaven itself, would be believed did he predict within the memory of many of us, and now within the knowledge of all, that these things would come to pass in a little over three decades after the Confederacy of the South struck its flag and the battle flags of the North were triumphantly furled? [Continued applause.]

In a little over a year we are accused of failing to accomplish that which Spain could not effect in three centuries. Imaginary obstacles are presented by our opponents as they were presented at the close of the civil war. Dire predictions are made now, as they were made then, to our successful solution of the problems confronting the Government.

Every experimental effort to gauge our difficulties is hailed with derision and pronounced a failure before trial. Every improvement on experimental policy to meet unforeseen or new conditions is loudly proclaimed a change of front, and sinister motives are ascribed as the cause; and thus it was in the period of reconstruction. Mistakes were made in details, but the general plan was the perfection of a sagacious statesmanship, which resulted in the lasting unification of the Republic.

I hold that since the commencement of our war with Spain, if we have made a mistake in the details of our policy, it was in making declarations for the future, as in the entirely superfluous and uncalled-for announcement of a policy in reference to the island of Cuba. Puerto Rico, Cuba, and the Philippine Islands are not the personal property of any political party, to be capriciously given away, exchanged, or erected into independent States by the declarations and pronunciamentos of individuals, however desirable it may seem to shorten the responsibility intrusted to us. These colonies are the wards of the American people, and the civilized world is entitled to expect that this nation will rise to the dignity of the great trust imposed upon it by, I solemnly believe, the interposition of Providence, and that we will not dishonor humanity by adopting the selfish and inhuman course of making a matter of mercantile traffic of millions of souls.

The conscience, the hearts, and the convictions of the American people rebel against the cowardly abandonment of these people and these islands until our great mission has been fulfilled. That mission, Mr. Chairman, I believe the future will disclose, and that no anticipatory speculations as to its full purport is within the compass, the knowledge, or the certainty of the present hour. We must be guided by and follow the development of events in Cuba, in Puerto Rico, and in the archipelago. One session of Congress did not effect the reconstruction of the revolted States of this Union; enactment after enactment and session after session of Congress were occupied in perfecting the measure so dear to the hearts of all—a united country. But from the inception of the Republican programme of one people, one flag, the Democracy then, as now, fought every step of progress, every inch of ground, and fell in its last intrenchment when the tocsin of war sounded from the North and the South, the East and the West, to fight a monarchical foe oppressing our neighboring people of the island of Cuba. [Great applause.]

Having zealously advocated the late war with Spain, no sooner was it over, or, indeed, fairly started, than the old policy of our opponents manifested itself in opposition to an issue which of right ought to be a national instead of the partisan question the blind fatuity of the Democracy has made it.

Imperialism is the intentional crime we are accused of being ready to commit; bad faith with Puerto Rico and with Cuba is alleged; and while our soldiers are being shot down by armed insurgents in the Philippines, so-called anti-imperialistic societies are publishing and circulating inflammatory, treasonable, and untruthful libels upon their Government and country. While brave men are falling in the enforcement of law and order and while the armed enemies of the Government of the United States defy its authority, men like Edward Atkinson and "aithers of his ilk" are engaged in the treasonable propaganda of libelous literature, under the protection of the flag our soldiers are heroically maintaining the supremacy of in the Philippines.

The question of the future disposition, government, or status of these islands do not enter at this time into the issue at stake. That issue is simply and wholly, shall the armed enemies of the United States be permitted or encouraged to defy its authority in the Philippines? And if in the Philippines, why not elsewhere? The future of these islands and their political status will be determined further along. Then, and not until then, should their status be made an issue or a question of rival policy. At present the great question confronting us is the supremacy of the Government of the United States in those islands.

Men may honestly and parties rightfully differ on expansion and anti-expansion, but I hold, Mr. Chairman, that discussion of that subject at the present time is designedly premature and is for the sole purpose of party capital. No declaration has or ought to be made, in my opinion, by the Republican party outlining its policy toward these islands until the process of development now going on shows us the wisest course to pursue with a view to the paramount interest of the United States. This is the first and essentially the paramount duty of the Government—to subserve the interests of this country and the welfare of our own people. We shall act toward others in that generous and just spirit, and with that helping hand the Republic has ever extended to the unfortunate and the distressed; but it is very properly, I think, regarded in the domain of practical statesmanship that to subserve the

interests of one's own country is the highest and first duty of the legislator and patriot. [Applause.]

On this platform there ought not to be any division in this House, however we may disagree on the treatment or disposition of other peoples, when we reach that issue or question. I am perfectly content to leave the settlement of the future of the possessions which have lately fallen to us through the war with Spain to the future, as in this, like all other problems of governmental affairs, the developments as they occur will be met by suitable and appropriate legislation in harmony with the genius of our country and the spirit of a free people.

The assumption is as unfounded and unjust as the charge is dishonest and untruthful, that the Republican party stands for imperialism or any other ism detrimental to the interests of the United States or representing disloyalty to its flag. We are for the enforcement of law and order in Luzon and the suppression of anarchy and murder there, as well as in the States of the Union. The American people will not tolerate an Aguinaldo when they execute a Parsons; they will not condone in Manila what they punish in Chicago. Riot, murder, and hostility to constituted authority calls for either the abolition of government or the suppression of the malefactor. [Applause.]

The American people will trust the solution of this colonial problem to the party which preserved civil liberty, a republican form of government, and destroyed the slave oligarchy of the South, giving civil and religious liberty to millions of human beings, whom it has raised to the dignity and responsibility of citizenship.

The anti-imperialistic literature, emanating principally from a coterie of New England self-constituted guardians of a republican form of government, at the head of which, as high priest and prophet, is one Edward Atkinson, former superintendent of a Massachusetts cotton mill, and celebrated as the notorious author of the Science of Nutrition and the inventor of the Aladdin oven.

Descended from the Atkinsons of the Revolution, on the wrong side of which his loyal ancesters fought, bled, and held office, he poses before the American people as their guide and conscience in dealing with the natives of the Philippines. Theodore, senior, and Theodore, junior, of the Revolutionary period, were Atkinsons whose names became as infamous to the patriot colonists as the present Edward's is to the patriotic people of to-day. The former refused to surrender to the provincial congress of New Hampshire the records and papers of his office as chief judge of the superior court, and his worthy son, who was secretary of the colony, was the first husband of the notorious Wentworth woman, who married Sir John, governor of the colony, two weeks after the demise of Theodore, junior.

Edward Atkinson, LL. D. and Ph. D., inventor of the Aladdin oven and the workingmen's dinner pail, still keeps up the connection with the de-cendants of his expatriated Tory ancestors and friends, for, in speaking of his celebrated oven, he says:

> One of my friends in England, in a great ancestral hall, roasts his own pheasants, venison, and 4-year-old grass mutton in my Aladdin oven instead of in the old way of on a spit before a grate fire.

But it was not for the purpose of simplifying the cooking of pheasants, venison, and 4-year-old grass mutton that Edward Atkinson invented the Aladdin oven. Here is the account he himself gives of this stupendous and revolutionary invention in social economy. Mr. Atkinson says:

> I was a cotton factory superintendent, and I noticed the dinner pails of the employees and the mess of indigestible food their pails contained, and I marveled if the stomach of an ostrich could digest so much food.

From this cogitation the genius of invention seized him in a firm grasp, and he says:

> I devoted my spare time to the study of pecuniary or social economy.

"And the mountain labored and brought forth a mouse," or rather a pair of mice, for Mr. Atkinson not only invented the Aladdin oven, but the workman's dinner pail. In the design of this universe the great Creator of all placed the first man and woman in paradise, and surrounded them with every delight and luxury his infinite mind could conceive. Nor did He think man was deserving of a less delightful and charming existence. Even after his fall man was given the earth for his sustenance and the luxuries his own labor could secure. [Great applause.]

It remained for this Massachusetts pecuniary and social philosopher to discover that man—that is, the working men and women—were eating too much, at least one thousand million dollars' worth per annum more than was necessary to sustain life and work in cotton mills, factories, and mines. Hence, after the manner of the Chinese, Mr. Atkinson first addressed himself to the discovery of a "patent fuel." The Chinese for ages mixed coal dust with clay and bitumen, and in England the poor people mixed the refuse of the mouths of the pits with sand, marl, clay, and sawdust, but Mr. Atkinson wanted something which would give out less heat and cost less for his dear workingmen. He therefore addressed himself to chemical physics, studied Bunsen's Gasometry and Miller's Chemistry. The Aladdin oven and the workman's dinner pail, the latter with a lamp attachment, after the pattern of those found at Tarsus, Pompeii, and Herculaneum, were the result. When the created articles first greeted his longing eyes he thus soliloquized—I quote from Mr. Atkinson's Science of Nutrition:

> What does this man mean? Does he himself more than half believe what he says? And to that question my answer might be, "I doubt if he does."

[Laughter.]

There is the modesty of genius for you; he doubts and only half believes what he says and what he claims for his inventions, notwithstanding that he beholds them in all their completed beauty. Further along he has another spasm, and he says:

> Why, that is so simple that nobody but a fool would ever have thought of it.

And he adds:

> That is about the aspect in which the Aladdin oven and workman's pail are presented to my alter ego.

[Laughter.]

Having perfected his social and pecuniary economical utensils, he startled the world—that is, Boston—with the announcement that by the use of his Aladdin's oven and workman's dinner pail any and every hard-working man and woman could live on twelve and a half cents a day! Employers of cotton mills and factory operators cocked their ears to the welcome information and mentally calculated that if their employees could live on less than a dollar a week it would be a pure waste of money to continue paying the wages then prevailing. And so thought Edward Atkinson, LL. D. and Ph. D. Hear him:

> I could live well on $1 per week.

[Laughter.]

But the workingmen, sad to state, repudiated his philanthropic intentions and were rude enough, as quoted in his book, to greet him, their benefactor, with such expressions as "We don't want your bone soup nor your pig wash." [Great applause.]

The pecuniary economist was compelled, perforce, to turn to the women, who, he rightly concluded, were more impressionable in things savoring of domestic and household economy. After he had lectured in all the cheap halls and female institutes he could find, and after he had given exhibitions with his Aladdin oven and workman's dinner pail to exclusive lady audiences, he felt encouraged and that the reward of meritorious labors for the good of humanity was not denied him by the softer sex, for he says—I quote from Mr. Atkinson's Science of Nutrition:

> I suppose everyone has a mission, whether conscious or unconscious of it. My own mission appears to be to overcome the inertia of woman.

[Continued laughter.]

As superintendent of the cotton mill, no doubt Mr. Atkinson exercised his mission in overcoming the inertia of the female employees, for whose special benefit he published the following bill of fare. It is intended for six persons, and only to be eaten at midday:

	Cents.
Sicilian lentel soup	1
Three-fourths of a pound vegetables, chopped fine	3
1 pound of the nape of halibut	6
Potatoes and skimmed milk and salt	1
Entrée, breast of lamb, 1 pound	5
Rice, one-eighth of a pound	1
Curry powder	1
Dessert, bread and butter pudding	5
Brown and table bread	2
One cup of tea or coffee to each person	6
Total	30

Or just 5 cents each for the midday meal. [Laughter.]

His diary for thirty days' sustenance for an adult workingman, using his Aladdin oven and workman's dinner pail (page 171, Science of Nutrition; Edward Atkinson, author), is just $2.99, without extras, or 12½ cents per day with extras.

In one of his lectures he tells his lady auditors that—I quote from Mr. Atkinson's Science of Nutrition:

> I have imported from Egypt the small red lentil, of which Esau's mess of pottage purports to have been made.

The girls in the cotton factory who participated in the 5-cent dinner were as impressed as the princess in the story of Aladdin and his wonderful lamp.

This time, Mr. Chairman, I quote from "Aladdin's Lamp," and not from Atkinson's Aladdin oven:

> At the extraordinary manner in which the sumptuous repast was obtained the princess could not conceal her astonishment—

And if the cotton factory operatives were not equally astonished, surely Mr. Atkinson's office boy must have been semi-paralyzed, as Mr. Atkinson says:

> One day I told him to prepare just a dinner of five courses for ten people—

And he adds the extraordinary fact that, while the office boy could not tell a lentil from a head of cabbage and had never before cooked even a potato, he got the dinner of five courses ready on time with the aid of Mr. Atkinson's wonderful Aladdin oven—not lamp.

Bills of fare for seven days, 21 meals, containing, he says, "all the requisite elements for nutrition for a workingman, should cost but $1, or at the very furthest $1.50 per week," and this to include fuel and tea or coffee!

Why, Mr. Chairman, if Aguinaldo and his Filipino followers were made acquainted with Mr. Atkinson's Science of Nutrition they would be much more encouraged to hold out in their rebellion than they ever have been by his anti-imperialistic and treasonable literature, for the Science of Nutrition would teach them something practical—how to live on wind and husband their resources with a view of wearing out the overfed (vide Atkinson) soldiers who are pursuing them. [Laughter.]

It is inconceivable, sir, to a plain man like myself how this individual, however expert, studious, and scientific, either in the invention of fuel-saving ovens or in the doctrine of nutrition for workmen, can command the attention of any considerable number of people with sound common sense. But I hold now more than ever to a conviction based on observation, that of all asses the literary one has the loudest and the most sonorous bray. [Great applause.]

What weight should be attached to the inflammatory literature of a writer and a student who, after years of study in the science of social economy, declares that a hard-working, honest toiler can live on a dollar a week, when that writer assails the policy of his Government, impugns its motives, accuses it of attempting to subvert liberty, assumes and charges his assumptions as the intentions of the Government to establish an imperialistic dynasty, and incites the armed enemies of the Republic to defy its authority, I shall leave to the common sense of the country to determine, conscious that the verdict will be in his Philippine misrepresentations what it was in his wonderful Aladdin oven and workman's dinner pail—a chimerical, wild, and visionary scheme for the subversion of the natural appetite and a substitution in its stead of the bill of fare in the Science of Nutrition, Edward Atkinson, author. [Great applause.]

The cultured author of the Science of Nutrition resents as a personal affront the return or refusal of his disloyal publications. His enmity and ire, notwithstanding his titles of doctor of law and philosophy are easily aroused, as I have the pleasure of recalling in the matter of some personal correspondence which passed between us. Edward Atkinson, esq., author of the Science of Nutrition, the inventor of the Aladdin oven and workman's dinner pail, toplofically propounded this query: "Who is this man SHATTUC?" [Laughter and applause.]

Perhaps it was expected of me by Mr. Atkinson to confess my insignificance in comparison with the inventor of the Aladdin oven and workman's dinner pail, and acknowledge that "SHATTUC" was unknown in those circles the members of which boast of their loyal (British) colonial descent and refer to their "friends in England who occupy ancestral halls," but I did not do either. On the contrary, I undertook to find out who this man Atkinson is. [Laughter and applause.]

I present the information to the House and to my constituents, who he has been flooding with his visionary grievances. Whether the latter have also been treated to his pamphlets and essays on the Science of Nutrition I know not, but I am reasonably certain that the workingman element, at least, have no more use for his Aladdin oven and his dinner pail than they have respect for or confidence in any statement emanating from a source which asserts that a hard-working man can live on a dollar a week. [Long-continued applause.]

Mr. Chairman, touching the correspondence to which I have referred, I will read the same as explanatory to my remarks:

ATKINSON TO SHATTUC.

BOSTON, *August 15, 1899.*

DEAR SIR: A copy of the Anti-Imperialist returned to me with this indorsement—

"Respectfully returned. Take my name off your list. I am no traitor to my country"—

has been received. I am very glad to have the information that you are not a traitor. Had you been, I should have taken your name off the list of members of Congress, to all of whom my pamphlets in support of Senator HOAR and others are sent. I may add that since we may assume that you do not support the opponents of criminal aggression, our effort to take your name off the list of members of Congress at the next election will be fully justified. In the interval you may receive other copies of documents similar to that which you have returned, because I can not at present expurgate my mailing list.

Yours, very truly,

EDWARD ATKINSON.

Hon. W. B. SHATTUC, M. C.,
Madisonville, Ohio.

SHATTUC TO ATKINSON.

CINCINNATI, OHIO, *August 25, 1899.*

DEAR SIR: I have received your letter of the 15th instant, and beg to tell you that I would not, even for the nomination to Congress, support those guilty of criminal aggression against this Government (as you are guilty of). Your intimation that you may be able to have my name taken off the list of the members of the next Congress because I decline to receive your treasonable documents is another evidence of your monumental gall and egotism. You would succeed in your effort about as well as you did in getting your criminal literature in the hands of Aguinaldo and his followers. You know what you were doing when you tried to get this trash in the rebels' hands. Your purpose was to give the rebels encouragement, to embarrass the Government of the United States, and to induce the rebels to hold out until perhaps you could try your luck in having the names of the loyal Congressmen taken off the list at the next election.

Not a precinct in the First Ohio Congressional district would elect you or one of your kind as a delegate to a convention to nominate a director for the county poorhouse. The citizens of this district are loyal, patriotic people, and I am sure that they are not in sympathy with those who are doing all they can to embarrass President McKinley and the Government in the effort to restore order and suppress the rebellion in the Philippine Islands. When that is accomplished, it will be time to determine what form of government shall be established in those islands.

Our people applaud the speech made by our President recently when he said, speaking of our flag: "It is the flag of the free, the hope of the oppressed, and wherever it is assailed, at any sacrifice it will be carried to triumphant peace." That is the kind of talk our people like here.

For fear that you will forget it, let me suggest that you make a memorandum that the nomination for Congress in the First Ohio district will be made about September, 1900. It will be necessary for you, to secure the results you desire, to commence your work a little before that time; the earlier the better, for I am assured that your friend Aguinaldo will cease to exist as a military chieftain long before that date.

Very respectfully,

W. B. SHATTUC, M. C.

EDWARD ATKINSON, Esq., *Boston, Mass.*

ATKINSON TO SHATTUC.

BOSTON, *August 29, 1899.*

DEAR SIR: I have the honor to acknowledge your letter of August 25. I note with approval that you have published my letter and your reply, which has brought to me many letters of sympathy and approval, with a large demand for the pamphlets, which you do not desire to have sent to you. Perhaps you will also publish this.

Yours, very truly,

EDWARD ATKINSON.

Hon. W. B. SHATTUC, M. C.,
Cincinnati, Ohio.

SHATTUC TO ATKINSON.

CINCINNATI, OHIO, *September 2, 1899.*

DEAR SIR: Your letter of the 29th ultimo has been received. No doubt you have received many letters of sympathy from your people in this country, and I am confident that your friend and coworker, Aguinaldo, would have written one, thanking you, had not the Government of the United States effectually prevented further communication between you two chieftains. Neither do I doubt in the least that my protest to you (which was published) against your sending your seditious literature to my home had the same effect as a preacher's denunciation of a disreputable theatrical show. You would not have sent your seditious publications to the Philippine Islands unless you had reason to believe that your friend and coworker, Aguinaldo, would be comforted and aided thereby. Webster says that "treason is confined to the actual levying of war against the United States, or adhering to their enemies, giving them aid and comfort." Webster was a New England gentleman, too.

During the civil war in this country Lincoln was denounced, Grant was vilified, the Government was assailed, and the war was declared unconstitutional, inhuman, and a failure by some people in Boston as well as by people in other sections of the North, and peace was demanded at any price. The men at the front called the authors of such declarations "copperheads" and "traitors."

In your last letter you do not renew your threat to have my name left off the Congressional list for the Fifty-seventh Congress, but you suggest that I publish the letter. I will do so with pleasure, and I may add that I also have received many letters from Boston and the rest of the United States, but not one of them was a letter of sympathy for me or for Aguinaldo. I am sure that those who wrote me had no sympathy for Aguinaldo, and probably thought I needed none.

Yours, very truly,

W. B. SHATTUC, M. C.

EDWARD ATKINSON, Esq.,
Boston, Mass.

ATKINSON TO SHATTUC.

BOSTON, *September 6, 1899.*

DEAR SIR: It has given me great satisfaction to receive your letter of September 2, in answer to mine of the 29th.

I beg you to observe that I am still without a reply to my letter of August 31, in which, in reply to your invitation to make the attempt to remove your name from the list of members of Congress, I asked for an outline of the district, stating the principal points, so that I might make a good beginning in the distribution of documents.

As I hardly expected much assistance from you in this matter, I have taken other measures, and have dropped an anchor in the center of your district, from which to carry our anti-imperial chain around and through the whole of it.

A very large edition of No. 5 is called for for general circulation, but it is my intention to print a separate edition of 5,000 copies, more or less, as we may find use for them, for distribution in the First district of Ohio. I find from my correspondence that a large body of your Republican constituents will not join you in denouncing as "traitors," "public enemies," and "seditious persons" men like Senator HOAR, ex-Governor Boutwell, ex-Senator Edmunds, and all the other living men with whom and through whose efforts the Republican party originated. It was my privilege to support them in that undertaking, and for many years in the conduct of the Republican party to which you have proved yourself a recreant by surrendering the principle of liberty at the dictation of the present Administration.

As it is evident to me that you have not had a long experience in what might be called good political society, I therefore venture to suggest to you that in your reply (if you send one) to this letter, which, with your other correspondence, will be published in the special edition for the First Congressional district, you do not use bad language or attempt to apply epithets like that of "copperhead" and "traitor" upon the leading members of the Republican party especially, or upon others of your opponents. It is not good form, and those names are stale. Better invent some good old English terms of a more original character if you desire to indulge in that sort of thing. I would not, if I were in your position. When one engages in sharpshooting with opponents of skill and experience, it is not judicious to use a blunderbuss. These ancient and played-out implements are apt to kick back. I hope it will not hurt you when you get your first fall, and when you come to time again I would advise you not to use a blunderbuss.

My special edition is now in the printer's hands. Several days will elapse

before it is ready for the press; therefore there is plenty of time to include your reply to this letter. In the interval the various anchors are being fixed throughout your district and our chains will be riveted ready to pull together on election day.

Yours, very truly,

EDWARD ATKINSON.

Hon. W. B. SHATTUC, *Cincinnati, Ohio.*

SHATTUC TO ATKINSON.

CINCINNATI, OHIO, *September 12, 1899.*

DEAR SIR: I am in receipt of your letter of September 6. Your pretended desire for information concerning the boundaries of the First Congressional district of Ohio, and your childish insistence upon an answer; your ridiculous and quixotic programme for carrying said district against me, as well as your bald assertion, unsupported by any evidence, that I have surrendered to the dictation of the present Administration, may be dismissed as the vaporings of a distempered imagination. So far as your presence in the First Congressional district of Ohio is concerned, it would have about as much terror to me as the presence of a copperhead with his fangs drawn.

Your reference to my alleged lack of experience in "good political society" is the old, familiar Boston sneer, thinly veiled, at the social standing of anyone not born in the shadow of Bunker Hill Monument or whose ancestors did not come over in the *Mayflower*.

On the other hand, taking your words literally, if you and your environments fairly represent what you consider good political society, you are entirely correct in assuming that I have had no such experience—nor do I crave any. I would be as much out of place in such society as you would be in loyal, patriotic company. I observe that you wish to suggest to me what you would do if you were in my place. If you were in my place you would not remain there fifty-nine minutes, notwithstanding the anchor you talk so much about as being in the center of my district. You are not of the kind that would be acceptable in this district.

You really grow hysterical over my use of the words "copperhead" and "traitor." You flutter like one who is hit. I have not tried to be original in using them. They have each a well-defined meaning, the precise meaning that I intended to convey. If they are stale, so are "honor" and "loyalty" stale.

Let me suggest that it is not good form for one like you, who has had long experience in "good political society," to deliberately misrepresent, as you do, when you say I have denounced as traitors Senator HOAR, ex-Governor Boutwell, and ex-Senator Edmunds. You will not find the name of one of these men mentioned in my correspondence with you or with anyone else. I did, however, call your attention to Webster's definition of treason, and you are safe to assume that I would classify the whole bunch in accordance with his definition.

I have no doubt that you have letters from alleged Republicans in Ohio who are as sensitive as you are about the reputation of the alleged Republicans in Boston and the New England States and who will render you all the assistance in their power in defaming and vilifying the good name of Ohio's distinguished and patriotic son, President William McKinley.

Notwithstanding the support you have given the Republican party in past years the party still lives. You have now become a reminiscence. You are now telling what you have done in the past, the great men with whom you have been associated, and you crowd in the name of another friend every time you are denounced as you should be. When you first wrote me, you had Senator HOAR. Your letter was answered, and you now parade the names of half a dozen other men whom you allege to be your brother conspirators, and you hide behind the name of some distinguished man like a wanton who pulls down a good name to the level of her own.

Your sharpshooting from the beginning has been from the rear. From 1861 to the present time your skill and experience have never been developed in a place where you were in any danger of getting your hide punctured. You have always kept at a safe distance from the firing line. I assume this is the reason your hide has become so callous and case-hardened, as it were. You chose to join with your brother conspirators in an attack on the conduct of the Government rather than to go to the front, where the sharpshooting is done by the men who carry guns to back up their opinions. You are now playing the same tactics—your friends are on the other side, rebels against this Government, and you keep at a safe distance, as you have always done, from the scene of hostilities. You are not on the "firing line." You would rather print documents and use them in the endless-chain system at 25 cents a copy, the profits to go to Edward Atkinson, and this manner of doing business has been developed by "your skill and experience."

I care nothing about your theories of expansion or nonexpansion, imperialism or anti-imperialism. A man has a right to believe what he pleases. What I do object to and protest against is your seditious literature being sent to my home, because you advocate the discouragement of enlistments in the Army and because you advised citizens to keep recruits from joining the service. You have done as much as in you lies to embarrass the Government, and you have vilified the good name of our President. You have given aid and comfort to those in rebellion against the authority of the United States and have sent your vicious literature to Manila in the hope that it would be circulated among our soldiers, to the end that they might become dissatisfied and mutinous, and also with the hope that it might reach the rebels and encourage them.

This war is the people's war. They inaugurated it, and they will stand by the Administration, which is endeavoring to carry out their will—that the rebellion be suppressed and order restored in the Philippine Islands, without regard to the bullets in front and the snapping of copperheads like you in the rear. Congress, and not the President, will in due time determine what kind of government should be established in the Philippines; but this question will never be definitely settled while our Government is confronted by an armed force.

Very respectfully,

W. B. SHATTUC, M. C.

EDWARD ATKINSON, Esq., *Boston, Mass.*

ATKINSON TO SHATTUC.

BOSTON, *September 14, 1899.*

DEAR SIR: Yours of the 12th instant has been received too late to be included in my special edition of No. 5, addressed to the voters of the First Ohio district and others, which will be in circulation next week, having taken your advice in making an early beginning in securing a change in the representation from that district. The document is already going through the press.

Yours, very truly,

EDWARD ATKINSON.

Hon. W. B. SHATTUC, M. C., *Cincinnati, Ohio.*

SHATTUC TO ATKINSON.

CINCINNATI, OHIO, *September 18, 1899.*

DEAR SIR: Replying to your letter of the 14th instant, I thought I could start your rebel press in a hurry. I was quite sure you would not want to print a pen picture of yourself, true to life, in one of your own publications.

I observe that you are less frisky, less demonstrative, in your last letter than you were when you commenced this correspondence. I had an idea when you sent your first egotistical, patronizing letter that you might possibly discover your mistake before you got through with the correspondence.

You say in your letter of the 6th instant that I "should not use bad language." My "language" expresses my sentiments. Any "language" that stands for patriotism, love of country, and loyalty to same is "bad language" to you. Any "language" that breathes the spirit of secession, sedition, and treason is approved by you. Now, let me call your attention to the fact that my "language" has not been prohibited by this Government from passing through the mails. Your "language" has been so prohibited. It was prohibited, too, because it was treasonable, seditious, and disloyal.

W. B. SHATTUC, M. C.

EDWARD ATKINSON, Esq.,
President Anti-Imperialist League, Boston, Mass.

ATKINSON TO SHATTUC.

[Special dispatch to the Cincinnati Enquirer.]

BOSTON, *September 22, 1899.*

Edward Atkinson, one of the vice-presidents of the Anti-Imperialist League, is out with a defi to Congressman WILLIAM B. SHATTUC, of Ohio, who returned one of Atkinson's anti-imperialist circulars with the indorsement, "Take me off your list. I am no traitor to my country." Mr. Atkinson mailed Congressman SHATTUC to-day a copy of his new manifesto. In the latest copy of the Anti-Imperialist Atkinson devotes a whole section for distribution in the First Ohio district, now represented by SHATTUC. A part of the edition is published in the German language, for the benefit of the Congressman's constituents who are of that race.

CHALLENGE ACCEPTED.

Mr. Atkinson said: "It would not be good form for the citizens of another State to attempt to influence the voters of the First Ohio district on the matter of an election of a member of Congress unless he had been invited to address them. Having received such an invitation from WILLIAM B. SHATTUC, I feel warranted in accepting his challenge and in making the effort to expurgate the list of members of the present Congress by representing to the voters of the First district the reason why he ought not to be returned. Mr. SHATTUC can not name a single man of any high public repute of those recently dead—Senator Morrill, of Vermont; John M. Forbes and Henry Lee, of Massachusetts, and others—or of those who are now living, by whom the Republican party was established, who is not now opposed to the policy of the present Administration, or who would to-day support him by their influence or their vote were he a candidate in the district in which the living among them now dwell.

A LITTLE SARCASM.

"I never happened to have met or heard of Mr. W. B. SHATTUC before.

INFERENCE DRAWN.

"I should infer from the tone of his correspondence that he might be one without any personal convictions of his own, but resembling in many ways the able-bodied persons of arms-bearing age who, from the safe security of the pulpit, the public office, or of the staff room of a newspaper, attempt to influence public opinion by using bad language and unseemly epithets in respect to men whose 'shoe latchets they are not worthy to tie.'

"This class of persons is at the same time endeavoring to induce the ignorant and unwary to enlist in the service in the troops destined for the Philippines, in which they would never expose their own health or their own lives.

"Respectfully submitted to the voters of the First Ohio district and others."

SHATTUC TO ATKINSON.

CINCINNATI, OHIO, *September 25, 1899.*

DEAR SIR: I see that you have again broken loose, through your organ here, in its issue of Saturday, September 23, and that you are to publish a part of your edition in the German language for the benefit of my constituents who are of that nationality. I write you thus hurriedly, suggesting that you add to your tracts (in the German language) the statistics you have published from time to time in favor of restricting and preventing German immigration to this country, and also copies of the puritanical local and State laws you have assisted in passing in restraint of personal liberty far beyond what is consistent with good government.

But, before I forget it, let me say that during this correspondence you have uttered two distinct falsehoods: First, when you say that I have invited you to address the citizens of this Congressional district, and second, when you say that I have called anyone other than yourself a traitor.

It is possible, as you say, that I can not give a single name of those dead or living who were founders of the Republican party who would not approve your conduct. I can, however, give you the names of ninety-nine out of every hundred Republicans, both leaders and laymen, now living, who will say that you are guilty of treason. You have recommended and you are now recommending that our citizens do all they can to stop enlistments for the Army and that Congressmen only be elected who will vote against supplying munitions of war, who will vote against sustaining the Army, and who will do all they can to defeat our armies in the field.

For a man like you, who has always been too cowardly, though "able-bodied and of arms-bearing age," to accept any place of danger in any of our wars, to characterize our patriotic citizens who support the Government and stand by the flag, because they do not themselves enlist in the Army, is another manifestation of your unlimited gall. In the sixties you were, as a statistician, urging the prosecution of the war, encouraging enlistments in the Army, and sanctioning drafts to fill up the depleted ranks. Give me the name of the company and the number of the regiment in which you enlisted at that time. Why do you characterize others for doing just as you have always done?

You are slandering and vilifying the President and the members of his Cabinet. You are doing all you can to embarrass the Government in the prosecution of this war in every conceivable way. Your literature has been barred from the United States mail because it was seditious. The Government itself has declared you, not in so many words, but in reality, a traitor. I do not understand that the authorities have criticised your grammar, or charged you with using "bad language" in a grammatical sense. One can be a traitor and still use good language. A man may be a patriot and not speak French.

I notice you say you "never have happened to have met or heard of W. B. SHATTUC before." There are at least 44,000 patriotic gentlemen residing in

the First Congressional district of Ohio who have been as fortunate in this respect as I have been, and very many thousands of the residents of this district will accept your statement as to your having not heard of me before as being literally true. Your grandiloquent, egotistical, and patronizing (first) letter to me proves conclusively that you were serious when you made that statement.

I have heard of you nearly all my life. While a boy in the Union Army, on the firing line, shooting as I talked, against secession, I heard of you. You were at home in your luxurious, velvet-carpeted, mahogany-finished, steam-heated office in Boston making statistics at so much a page (for the benefit of Edward Atkinson), showing the resources of the North and the South, and presenting all the arguments that could be presented to encourage patriotic people to support the Administration in its efforts to put down the rebellion and restore order. You claimed that the Southern people (as brave a people as the world ever saw) should be subdued and governed without their consent.

Now, you are the chief rebel of this country. You have done everything in your power to prevent our army being successful in the island of Luzon, in order that rebellion might succeed there, on the plea that we have no right to govern except with the consent of the governed. You are deceiving yourself very much when you imagine that your efforts will have any appreciable effect in Ohio. Our people, as a rule, hold you in utter contempt. The President, a citizen of Ohio, is carrying out the express wishes not only of the people of Ohio but of all the patriotic citizens of the United States. He did not commence this war. It was the people's war. They inaugurated it and demanded action, and it was a long time before the Chief Executive yielded to the public demand.

The patriotic people of this country will stand by the President in his effort to carry out their wishes in suppressing the rebellion and restoring order in the Philippine Islands. Every American citizen has a right to entertain and express his opinions as to the future of the Philippine Islands, but it is another thing when anyone endeavors, as you have done, to obstruct and embarrass our Government in the maintenance of our Army and the conduct of a campaign already in operation under the direction of the Government.

Judging from your correspondence, you no doubt group the population of the United States in three classes:

First. Edward Atkinson.

Second. Ex-Governor Boutwell, Senator HOAR, ex-Senator Edmunds.

Third. The rest of the United States.

In every letter you write you name these three gentlemen as your supporters, and assume that they possess all the brains and patriotism of the country. I have no doubt that it was one of your own ancestors who stated in a public address in Boston over a hundred years ago that civilization might extend as far west as Buffalo, N. Y., but not beyond that point, and the man who made that statement had about as much knowledge of the West as you seem to have of the First Congressional district of Ohio. Your relations with the great men of this country and your connection with the public affairs in the past thirty-six years have been just about as potential in influencing and determining results as the scorer in a base ball game has in determining the result of the contest. Because you have "kept tab" on events as they occurred, you imagine you have been a potent factor in shaping them.

Yours, etc.,

W. B. SHATTUC, M. C.

EDWARD ATKINSON, Esq., *Boston, Mass.*

Now, Mr. Chairman, Mr. Atkinson has said (and I quote from his Science of Nutrition): "I suppose everyone has a mission. My own mission appears to be to overcome the inertia of woman," and that being so, I suggest that he had better in future apply himself to his mission.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ALLEN of Maine having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 2924. An act to provide for the purchase of a site and the erection of a public building thereon at Colorado Springs, in the State of Colorado;

S. 2493. An act authorizing and directing the Secretary of the Interior to issue patents for land in certain cases;

S. 3616. An act to authorize the payment of traveling allowances to enlisted men of the regular and volunteer forces when discharged by order of the Secretary of War and stated by him as entitled to travel pay;

S. 3430. An act to increase the efficiency of the Subsistence Department of the United States Army;

S. 3075. An act granting an increase of pension to Marie J. Blaisdell;

S. 2883. An act to change the characteristic of Cape Cod light, Massachusetts; and

S. 2581. An act to incorporate the National White Cross of America, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 8063. An act to legalize and maintain the iron bridge across Pearl River at Rockport, Miss.;

H. R. 10311. An act to authorize the Shreveport and Red River Valley Railway Company to build and maintain a railway bridge across Red River at or near the town of Alexandria, in the parish of Rapides, State of Louisiana;

H. R. 60. An act to create the northwestern division of the northern district of Georgia for judicial purposes and to fix the time and place for holding court therein;

H. R. 9284. An act to attach the county of Foard, in the State of Texas, to the Fort Worth division of the northern district of Texas, and providing that all process issued against defendants residing in said county shall be returned to Fort Worth; and

H. R. 9713. An act permitting the building of a dam between Coon Rapids and the north limits of the city of Minneapolis, Minn., across the Mississippi River.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. WADSWORTH. The gentleman from Mississippi [Mr. WILLIAMS] who controls the time on the other side will now say to whom he yields.

Mr. WILLIAMS of Mississippi. Mr. Chairman, there are several gentlemen on this side to whom I promised to yield, but as I do not see any of them upon the floor just now, I ask the gentleman from New York [Mr. WADSWORTH], if he can possibly do so, to yield time now to some one on his side.

Mr. WADSWORTH. I yield thirty minutes to the gentleman from Kansas [Mr. BAILEY].

Mr. BAILEY of Kansas. Mr. Chairman, I wish to thank the gentleman from New York for the courtesy he has extended me in granting me a few minutes of the time devoted to general debate. I assure the committee that I will not impose upon their patience or their time by attempting a logical discussion of the merits of the great questions that are now before Congress, but rather will give some impressions that have come to me as a new member, as I have been sitting here for four months a silent listener to those who, by their experience and their ability, have demonstrated their fitness to discuss the issues that are to become the policies of the two great parties in the contest upon which we are about to enter for the purpose of controlling the affairs of our common country for the four years that are to follow.

This debate has been as general as the geographical, commercial, and political interests of the country are diversified. During the early days of the session, when the financial bill was under discussion—that great measure by the enactment of which the Republican party kept its plighted faith to the country and to the world—I felt like congratulating my colleague from Kansas, Mr. RIDGELY, who is all that is left of the Populist party in our State, upon what must have been a very pleasant experience to him—that of seeing the great Democratic party of this country espousing with such vehemence the doctrines which have been the cardinal principles of Populism in Kansas for more than a decade. Out in Kansas every voter is a post graduate in financial discussion.

We have been the storm center of Populism. It was in Kansas that Jerry Simpson made his barefoot race for Congress upon the financial question. It was in Kansas that the wind blew through Peffer's whiskers and landed him in the United States Senate upon the money question. It was in Kansas that the distinguished gentleman, Mr. LIVINGSTON, of Georgia, who now occupies a seat in this House, came to organize the Farmers' Alliance, which gave birth to Populism, and which was run upon the money question and has become such a powerful adjunct of Democracy in the West.

As I listened in the early part of this session to the discussions of the financial question, the expressions used, especially by the gentleman from Colorado and the gentleman from Texas, were wonderfully familiar to us as they talked about basic money, the money of final redemption, and the free coinage of silver at the ratio of 16 to 1. And as they made their drastic prophecies of misfortune and calamity that would come to us as a people if the gold standard were adopted, I thought to myself history is again repeating itself, for I remember four years ago that the same prophecies were made with a great deal more unanimity upon the other side of the Chamber than at present of the terrible results that would befall us as a people if the Republican party were put into power pledged to such legislation as we were about to enact. Four years ago the discussion started here and was taken up by the great majority of the Democratic press, and he who is the incarnation of Popocracy—and let me define what Popocracy is; it is a cross between Democracy and Populism, with Populism as the mother, and the maternal side has had the best of it in the results. I repeat: He who is the incarnation of Popocracy traveled from ocean to ocean and from the Lakes to the Gulf, declaring that the commercial depression that was then upon the people and the country could never be relieved until the free coinage of silver at the ratio of 16 to 1 was enacted into law, and that without the aid or consent of any other nation.

I remember very distinctly in the campaign of 1896 that the Demo-Pops of Kansas carried in their torchlight processions transparencies that read: "Vote for Bryan and dollar wheat!" "Vote for McKinley and 25-cent wheat!" And the honest farmer, who was then suffering under the hard times and business depression, incident to a Democratic Administration that was then upon us, and was selling his wheat at 35 cents and his corn from 12 to 16 cents, said, "Things can not be any worse than they are now, and we will take a dose of this new political nostrum and try it once anyway." But Mr. McKinley was elected President. The gold standard is enacted into law, and to-day the farmers of the great Middle West are getting 60 cents for their wheat, 30 cents for their corn; hogs, cattle, and horses are selling for from 50 to 100 per cent more than they did in 1896, and then you prophets of evil have the audacity to stand up in the American Congress and again make your prophecies of misfortune that will come to the American

people if the party is retained in power under whose Administration prosperity has come in spite of your predilections.

"Oh, but," say our Democratic friends, "you Republicans are trying to give McKinley's Administration credit for the famine in India, failure of crops in other countries, and other misfortunes that have befallen the human race during the past three years that are largely responsible for better prices that now exist, and it is simply good luck rather than good management upon your part." My answer is as logical as your premises. For you may call it luck if you choose, but I would rather belong to a party that always has luck follow its administration of the affairs of this country than to belong to a party that never has any luck and only thrives on calamity and despair. [Applause on the Republican side.]

But, Mr. Chairman, the great cause of the prosperity that has come to us is the fulfillment of the pledges made by the Republican party in 1896.

We have placed upon the statutes the Dingley bill. We opened the factories rather than the mints, and have given employment to labor everywhere, and we have placed the credit of the country upon a sound financial basis, that has restored confidence and sent a thrill of life through the great commercial heart of our nation that has brought prosperity to us all.

Be not deceived, my Democratic friends, in cherishing the belief that you can any more easily deceive the people in 1900 than you did in 1896. The laboring man who everywhere is receiving better wages with permanent employment, the farmers both North and South, East and West, with the great object lesson of the past four years before them, the burden bearers and the breadwinners everywhere in this great country of ours, will be slow to accept as true any prophecies you may make regarding the future, remembering, as they must, what a colossal failure the Democratic party made in the prophesying business in 1896. And indeed, as I look back half a century, I discover that the Democratic party of to-day is occupying the same position in regard to all the great questions that mark national progress and national development that she has occupied in the past. Simply the party of negation, and is usually a decade behind the times, only acknowledging that as a nation we are making progress when the stern logic of events forces such confession.

I remember that in the latter part of the eighties there appeared in Kansas a little book entitled "The Seven Financial Conspiracies." It was adopted as the text-book of the Populist and Democratic parties in the West. They commenced with the financial history of our country at the time the Republican party came into power and branded each one of the great laws that have been placed upon our statute books by the Republican party. These great laws that mark the milestones of our national growth and progress were characterized as conspiracies against the public welfare, and this sentiment was taken up by the allied forces of Democracy and Populism in 1896, and the crime of 1873 was made their battle cry in that memorable contest. My Democratic friends, did you ever stop to think that when you have a conspiracy you must have a conspirator? The so-called conspiracies, the exemption clause upon the greenbacks, the national banking act, the credit-strengthening act, each one of these great measures that became laws from 1861 to 1865, whose signature, I ask, was necessary to complete these great acts into law and thereby became a part of the conspiracy and one of the conspirators?

I pause with reverence as I take the name of Abraham Lincoln upon my lips and leave it to the great jury of humanity whether he was a conspirator against his country's welfare and his country's honor. And thus they followed along each one of these great provisions until they reached the culmination of all the conspiracies in the so-called crime of 1873. Again I ask you whose signature made that enactment of Congress a law? It was the silent man of destiny who received the sword of General Lee beneath the knotted boughs of the apple tree at Appomattox. I leave history and future generations to render the verdict whether U. S. Grant was a conspirator against the country for which he had done so much and he loved so well; and to say that such a law was passed without knowing its purport is an insult not only to the intelligence of President Grant, but to the American Congress as well.

No bitter denunciations, no glittering generalities, can detract from the splendid history of the Republican party in the past or can swerve it from accepting the responsibilities of the present.

No, my Democratic friends, you may take the most eloquent words that ever fell from the lips of William Jennings Bryan and write them in letters of light across the arch of heaven, with one base of that arch, if you please, resting upon his crown of thorns and the other upon his cross of gold, and just beneath I will write one word in letters plain that will live in the hearts of grateful humanity after Bryan and Populism are forgotten, and that word is Appomattox.

Appomattox, with all the meaning that it conveys; for at that place and that hour the approval of the people of this country was placed upon national sovereignty and national unity, and this approval was sealed by the blood of the manhood of the North and chivalry of the South.

And now the Democratic party, as they are making up the issues for another national campaign, find themselves in this position: They are afraid to make the slogan of 1896 the main issue in 1900, and they can not abandon free coinage of silver at 16 to 1, for that would mean the passing of Mr. Bryan, who, if he is not discreet, is at least consistent, for having once said the horse is 16 feet high, adheres to it with a tenacity of purpose worthy of a better cause. So they are compelled to make an issue by tendering sympathy and hope to those who are in open rebellion with the armies of the United States.

And now, Mr. Chairman, I ask the attention of the committee for a few minutes, as I shall give the impressions that have come to me as I have listened to the debates upon the new issues that are forced upon us as a result of the war with Spain.

I have listened to this great debate, not as a lawyer, but as a layman, one whose busy life has been spent in the mart rather than the forum, in the producing and in the buying and selling the articles that enter into the commerce of our great country, rather than in the theoretical jugglery with financial theories as expounded by unpronounceable French authors or by men who have no practical knowledge of affairs. And while, upon many of the questions that Congress is called upon to consider, a technical knowledge of the law is of great benefit, and while I have the highest regard for the legal profession, yet, like my distinguished friend from Illinois [Mr. CANNON] I am consoled in the thought that my mind is not legal to that extreme degree that constitutional rabies or hydrophobia may take possession of me and lead me to do strange things and follow after strange gods.

I believe the Constitution of the United States is admissible of an interpretation broad enough and generous enough to meet every condition that shall come into our national life that bears upon its face merit and is found to stand for the nation's honor and welfare, for the nation's growth, and the advancement of human progress and Christian civilization.

Then, Mr. Chairman, let us consider briefly the facts as they exist to-day with reference to the relations of our Government to our insular possessions, which have come to us primarily as the fortunes of war, but have brought new and great responsibilities which we must either accept or deny. I believe that from the very hour that Admiral Dewey sunk the Spanish fleet in the harbor of Manila, the duty and the responsibility has been resting upon our Government to establish law and order, and to guarantee life and liberty and the pursuit of happiness to the people of those unfortunate islands.

The Administration, realizing this great duty, accepted the responsibility. And I most sincerely believe, had it not been for the sympathy and encouragement extended by some of our own people to the insurgents who were opposing, in the Philippines, what seems to me to be the manifest duty of our Government—I believe that order and good government would have been restored there long since, and hundreds of lives of our brave boys would have been saved, and millions of treasure as well.

Mr. Chairman, what would have been the result to the people of the Philippines had the Administration ordered our fleet to sail away after the destruction of the Spanish fleet on that memorable 1st of May? Had this been done there would have been precipitated an internal strife and chaos that would have jeopardized the lives and property of citizens of every country that might have been represented there, and would have been the excuse for some of the other nations of the world to have taken possession and done what was our manifest duty to do.

Had the American fleet sailed away and left that hapless island to its own internal strife and dissension or to be subdued by some of the other nations, the Administration would have justly deserved not only the execration of our own people, but of the civilized world as well.

And I believe I assert the truth when I say that immediate independence for the Filipinos has never for one moment been a possibility since Dewey's guns were booming at Manila Bay. And were it not for the mean political advantage which is hoped to be gained, and I assure you it is only a hope, every honest man who has studied the history and character of these people would agree with me.

And the men who to-day are expending sympathy upon the liberty-loving Filipinos, and are talking loudly of the desecration of the Declaration of Independence, I want to ask them if they know of any flag that stands for a better or greater liberty than does ours? And what country is better equipped to instruct these people in the science of self-government? Oh, but says our Democratic friends, we are drifting toward imperialism, and this is but the beginning of the ending of popular government. Imperialism in its better sense has no terrors to me and need have to no loyal American citizen. If by imperialism you mean our right to govern and control our new possessions until such a time as they have demonstrated their ability for self-government, then I am in favor of imperialism.

But if by it you mean that we are to hold these people, as the Democratic party apparently want the world to think we will, in bondage and slavery, denying to them the blessings of our civilization, imposing upon them unjust taxes for our own benefit, and making no effort to improve their condition, then I am, and all loyal men will be, opposed to imperialism.

But shame, thrice shame, upon the American citizen and a greater shame still upon a great political party that promulgates the theory that a Congress which is to be the guardians of our new possessions will ever be elected by the people of the United States that will not deal fairly and honorably by the people of these dependencies.

I am willing to stake the future not only of our country, but our dependencies as well, upon the common sense, the business judgment, the humanity and patriotism of the people of the United States. And a Congress that shall dare to do other than what is best for the welfare of the people of our new possessions will be deposed by an indignant and outraged people.

The hue and cry that has been raised by the Democrats, assisted by a few misguided Republicans, over the Puerto Rican tariff is a tempest in a teapot, and time will justify the position the Republican party has taken upon this matter, as it has justified the positions she has taken upon all the great questions for nearly half a century. Men who are the unfortunate victims of the constitutional mania, I presume, see in our present position a future freighted with great peril. But to me, as a layman, after listening to the exhaustive debates upon the constitutional phase of this question from both sides, I am thoroughly convinced that there is plenty of law and Constitution for us to take either course we may choose in this matter.

Then, this being the case, let us take a plain, businesslike view of the situation, and adopt that course that can cause us the least embarrassment in the future and at the same time permit us to fulfill the great obligation we are under to the people of these new possessions and to civilization.

And that course will be to hold these new possessions under such government and laws as Congress shall provide until such a time as we can demonstrate to them, or they can demonstrate to us, their fitness for self-government.

When that time shall arrive we can trust the Congress of the United States to mete out to them full and impartial justness.

To admit these people, at this time, to the free rights of American citizens under the Constitution would be both unwise and impolitic.

But in the course of time, if they take kindly to the principles of self-government and liberty, then the question of extending the Constitution to these islands can be discussed with open justice to all. But the great question that confronts us now is to give our new possessions such a form of government that will better their condition morally and commercially, and will develop in them that self-reliance and independence, that love of liberty—not liberty without license, but liberty under law—that is the foundation and the very genius of our Government. [Applause on the Republican side.]

Mr. WILLIAMS of Mississippi. I yield to the gentleman from Colorado [Mr. BELL] such time as he may desire.

Mr. BELL. Mr. Chairman, the gentleman who has just taken his seat [Mr. BAILEY of Kansas] seems to be very much worried about the Populist party and the Democratic party. He seems to think we have gone into "the sere and yellow leaf." I want to say to the gentleman that the Populist party has never abandoned an issue by working with other parties or sacrificed a principle. The Populist party contended, in common with the great mass of the Democratic party, the Silver Republican party, and, really, with the rank and file of the Republican party, that a sufficiency of money is as necessary to prosperity as is a sufficiency of blood to the health of the human body.

The Populist party has always contended that the quantitive theory of money and not the material from which it is made is the gist of the controversy, so the material is good. We have always insisted that neither gold nor silver is in itself sacred, but the object to be reached is to have the amount of good money commensurate with the business to be transacted, and issued and controlled by the Government, and that when such a condition is reached we will have prosperity. That contention has been proven beyond any question, and the Republican party is now on the back track toward this theory; it is now flooding the entire country with its literature, and especially with a speech delivered here a few weeks ago by the gentleman from Pennsylvania [Mr. SIBLEY], elected as a Democrat, but who is now seeking to get the Republican nomination of his district in the State of Pennsylvania, if he has not already gotten it.

That speech which they are now circulating states our position pretty clearly. It argues from our original principles that the quantitive theory of money is the thing that has been dividing parties for many years, and the gentleman from Pennsylvania gives as his excuse for abandoning his former position that the production of gold has become so enormous that it is now furnishing us abundantly, and more currency than both gold and silver did in the past, and he comes forward now as a Republican, taken into the fold of the party, and is now attempting to be elected by the Republican party on its platform, and he says accordingly that the abundance of money furnished through the increased production of gold and the money furnished by the bank circulation have been so great that it has greatly contributed to the prosperity that is now supposed to exist and dispenses with the necessity for silver, and says that the increase of gold has proven our contention and his former contention.

But I want to say to my friend Mr. BAILEY of Kansas that the Populist party, the Bryan Democratic party, and the Silver Republican party are made of the rank and file of the American people. They represent the manhood of the American people; they represent the individual in our body politic; while the Republican organization is now known all over the country to represent essentially and only accumulated wealth and the classes as against the masses.

Now, sir, we might analyze for a moment how it is that the present Administration is in power.

I want to say to you, Mr. Chairman, that if the voter in the last election had been untrammelled; if that vote had been the honest expression of the individual voter, without extraneous influences, Mr. McKinley never could have occupied the White House of this nation. [Applause on the Democratic side.] The Republican party, bear in mind, did not get the vote of the laborer on the farm; it did not get the majority out of the white English speaking people of the United States; it did not get the support of the masses without the use of the enormous corruption fund; but it did get the election and how did it secure it? I want to remind our friends on the other side, that the nomination of Mr. McKinley was not spontaneous, I want to remind them of conditions that prevailed then, and let them analyze for a moment how it came about that he did get the nomination. Go to your own leaders, and what do you find?

There appeared in the public press before his nomination, under the signature of a Republican Senator from New Hampshire [Senator CHANDLER of New Hampshire], an article stating that a campaign fund had been contributed by the manufacturing interests and the corporations of the country amounting to about a quarter of a million of dollars. Not that this sum was to be used against the Democratic party in that campaign, but he complained that $250,000 had been raised for the purpose of securing the nomination of the present incumbent as against any other Republican in his party. And, Mr. Chairman, he not only put that over his own signature in the public press, but he reannounced it on the floor of the Senate of the United States, and gave warning then, before this Administration came into power, that if the moneyed interests raised a quarter of a million of dollars for a favorite son and expended that money on him, the same interests would demand its return when he entered into the duties of the Executive office.

Now, Mr. Chairman, I would like for our friends on the other side to examine this question and see who have occupied and who now occupy the offices under him in pursuance of that election. I would like them to examine and see where the farmer, where the agriculturist, where the laborer, where the teacher, where the intelligent ordinary citizen of the country has been recognized in the Cabinet of the present Administration and in the control of the Government of this country. I would like them to say whether the manhood, whether the intelligence, of the country has been amply and fully recognized, or whether the mere representatives of wealth are not found as turning the scales in the makeup of the governing forces of the nation.

Now, let us look for a moment at what is going on in governmental circles. But before proceeding with that branch of the subject, I wish to pursue the question of the electors, and of this election in particular, a little further. I wish to ask where and how the electors were obtained. If you take the colored man out of the voting machinery of the United States, the present occupant of the White House never could have succeeded in securing the place which he now holds. That position for him would have been an utter impossibility without the vote of the colored man, as he is numerous enough to make a balance of power.

But, Mr. Chairman, ever since the days when Abraham Lincoln set the pace that gave deserved freedom to every black man in the United States, most every colored man who was the beneficiary of that act has given a Republican vote, as a rule, not from conviction, not from love for living Republican principles, but as an act of gratitude for what the Republican party did for him back in the days of the sixties. But now march these voters to one side; deprive the colored men of their rights as voters, and those who hold office now in the Republican party would certainly be defeated.

But take another view of the case. Leave him and go and take the foreign population of the country—that part of the population who can not speak the English tongue; take that part of the population who have just reached our shores and know nothing of our Government, and who care nothing about the votes they cast;

who vote year in and year out at the behest of the great manufacturers and combinations who work them; put them aside, and the Republican party could never occupy power in this country. Pass them over and take from them the unlimited campaign fund that is used in every portion of the country to buy newspapers, to put in office men who control great bodies of men, and the corrupt disposition of patronage, and you never could occupy positions of trust in this country which are determined by the popular voice.

If there is one thing, Mr. Chairman, that I am proud of, it is that I belong to a party that is in the interest of the men who vote from principle, in the interest of the men who toil, in the interest of the great masses of the people, rather than in the interest of the accumulated wealth and especially favored classes. [Applause on the Democratic side.] Now, sir, I have no objection to the Democratic party, to the Silver Republican party, to the Populist party, to the Prohibition or any other parties that believe in the same doctrines, as I believe in uniting their good efforts. I shall be glad to have them come forward and join hands and say, "We are working for the great principle, and not for any partisan or spoils purpose."

Now, what is the Republican party that the gentleman talks so much about in this Hall doing now? What is it doing at the present time? It is dodging and endeavoring to run the gantlet of an outraged constituency. I noticed in the Denver Evening Post of April 1 a cartoon very significantly delineating its attitude on the Puerto Rican bill. That cartoon shows a box like a ticket office of a theater. Uncle Sam is standing in the box with a bunch of pamphlets containing the Constitution in his left hand and a line of Puerto Ricans walking up to the box office. Uncle Sam says, "Come up, Puerto Ricans, and get your copy of the Constitution." The first one steps up and holds out his hand to take the Constitution of the United States and Uncle Sam hits him in the nose and he drops backward, while Uncle Sam throws up his hands and says, "April fool." [Applause on the Democratic side.]

Now, sir, this morning I picked up the North American, of Philadelphia, a Republican paper, which congratulates the Republican party that it is going to bring General Otis away from the Philippines. It says that the mistake has been going on long enough and that the managers of the Republican party in Washington are to be congratulated that they are going to allow the Republicans of the country to have at least a fighting show for the fall campaign.

Mr. GAINES. Will my friend from Colorado yield?

Mr. BELL. Certainly.

Mr. GAINES. The reason why they are bringing him home is probably that they want to stop the war over there.

Mr. BELL. Yes; the war stops every morning.

We find that last night a gentleman who had occupied a high office under this Government, Hon. Webster Davis, made a speech to an enormous audience in this city in favor of the Boers in South Africa. That gentleman has had to lay down his commission within the last few days in order to raise his voice for liberty and humanity. [Applause on the Democratic side.] The teachings of liberty and humanity are inconsistent with the action of the Republican party as it is now operated. The rank and file of all parties love liberty and fair play.

Now, sir, let us go on a little further. When President McKinley was running for office we found that the railroads were pressed into service all over the country. He remained in Canton, Ohio, and men were marched to him by the great employers of labor all over this land, and he sung those beautiful platitudes to them in most dulcet, cadent strains day in and day out, while the Republican press held up Mr. Bryan as subject to the severest criticism for swinging around the circle and talking to the people at their own homes and in their own halls. But I want to suggest to our friends that from the day this Administration came into office, Cabinet officers and other officers of the Administration have been used right along as campaign speakers, and they are trekking over this country; employees often for thirty days at a time off duty, while under the pay of the Government of the United States, speaking for the Republican party.

I know of men who are drawing big salaries who have stayed away from their official places for thirty or forty days to take the platform for the Republican party while under the pay of the people of the United States.

Now, let us see why the bank trusts, sugar trusts, oil trusts, railroads, and all other combines are aligning themselves with the Republican party. One of the best tests for the voter is to find out where the enemies of good government think they are most secure; then the friends of the Government can safely take the other side.

Soon after the last Presidential election the Republican clubs had a meeting in Baltimore, and Senator THURSTON, the chairman of the last Republican convention, addressed those clubs and told them in plain language that all the combinations of capital in the Democratic party, all of the trusts and many of the combines in that party, had been scared out of it by William J. Bryan with his advocacy of 16 to 1, and he said they all came in and voted for William McKinley in the last campaign. Should he not be loved also for the dangerous elements he deters?

Not only that, but soon after that campaign, the Republican governor of Michigan, before an audience in that State, warned his people of the same thing. He said, "My fellow-citizens, every great combination of capital in the State of Michigan last year moved into the Republican party, and I want to say to you that these are birds of ill omen. I want to say to you that if they keep flocking to the Republican party, they will certainly oust and remove from that party the representatives of the Republicans of Lincoln and Grant. I want you to understand that; and while I believe you are all right, and while I believe the rank and file of all parties are honest, it is the leadership that is wrong." He says: "You may talk about leadership; you may put a man like Lincoln at the head of the Republican party or any other party and you will have a government by the people and for the people."

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I ask unanimous consent that the gentleman be permitted to conclude his remarks.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I yield ten minutes additional to the gentleman from Colorado.

Mr. BELL. "But," he says, "you may put some other persons at the head of the Republican party or any other party, and I want to warn you that you will have a government only for syndicates and combines."

That was very significant. Any man can trace the reference; and I want to say, with all due respect to the present Administration, that there never has been before a line of officials in those high places or a party that has come so near wrecking the American government as has the present Administration.

Property interests have run riot. They have had the whole thing. Human beings have not been considered. There has been a combination of capital that has run every department, and it is impossible for this House to attract attention to abuses of that line of persons. I have called attention to the fact before that in your mail contracts and every other contract with this Government the railroads may charge three or four prices for services rendered the Government, and you can not make an official of this Administration cast his eyes in that direction; but you let some poor, unfortunate, weak-dispositioned individual steal $25 out of the post-office, and they will throw the entire weight of the American Government after him and pursue him until they lodge him in the penitentiary. The same un-American policy runs all along the line.

Now, sir, going further, the Bryan Democrats, Populists, and Silver Republicans are advocating the same doctrines that Jefferson advocated, that Lincoln advocated, that every lover of liberty and good government in this nation and all other nations have advocated, so far as we understand it—that is, a government for and by the people. We have a party of the people; we have a party that is impoverished, that can not raise a campaign fund, and the other side can raise more campaign funds than they can possibly use. Why? Because it is wealth, aggregated greed, it is special privileges, that now have possession of the Government. They put up the expenses, and therefore claim the right to operate it for capital. Men are forgotten. I have become very tired of listening to this harping about patriotism and this harping about patriotic duties by those who ever put capital above men, and what this man and that man is doing for humanity.

Now, our friends talk so much about patriotism for the Cubans and patriotism for the Puerto Ricans and patriotism in connection with the Philippine Islands, when every man in this House knows that the object of the moving powers is not the good of these individuals, but the chief aim is to obtain a control of what they have. That is the ultimate object. It is not to give to the individual freedom or liberty, to benefit him, but to benefit certain investors of this country. Now, nobody can be fooled about this here with what we have seen and heard.

Take it on Puerto Rico alone; one of the Puerto Rican officers, whom I heard in a public meeting here, said there were 93 per cent of the great dailies of the United States that insisted upon free trade being given to Puerto Rico, and all the Puerto Ricans demanded it. Yet we find men stand right up here and say they are doing this for the benefit of the Puerto Ricans; that the Puerto Ricans do not know what they want. Now, everybody knows that what has been done is at the dictation of the sugar men, and especially at the dictation of the tobacco men; yet Representatives are asserting here and they are asserting it to the American people that it is for the benefit of Puerto Ricans. I do not believe they can fool the American people much longer.

If you wipe out coercion among the American voters, they will wipe you out. If you do not use money in elections, you know and I know that this Administration never could succeed itself, and without these depraved methods this Administration never could have gotten its first hold on the American people. Twenty-five or thirty million dollars expended, with its great coercive powers, in the last campaign did the work. I saw it. You go to

the coal miners. There you will find they coerced many of the employees; men who can not speak the English language were voted by you. They secured a change in the precincts so that they might not be mixed with the town people, so if men tried to conceal their votes their employers could detect it if they had voted against them, and if the vote does not go to the Republican party they go out of employment. That is done all over the United States.

I was in Chicago during the last campaign, I was in Nebraska during the last campaign, and I know how they marched them there; I know numerous men who lost their places for even wearing a Bryan button concealed, and yet they call this a free government! These men who benefited through these methods stand up here and prate about freedom, and liberty, and human rights, and freedom of the ballot. Why, I want to say to our friends the abuse of the ballot in the South is not an atom compared with the abuse of the ballot in the great States of the East. Philadelphia, Delaware, New Jersey are hotbeds of political corruption. It is not a drop in the bucket compared with the coercion and force used on the labor vote in the United States.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I yield the gentleman time to conclude his remarks.

Mr. BELL. Now, Mr. Chairman, I want to say further that with all this pretense about government for and by the people, you have not got it, neither are you trying to get it. You can not have a free government purchased, and you can not have a free government coerced; you can not have a free government where every man does not go forth and cast his ballot untrammeled. The powers that control the laborer and the means by which he lives can in many cases coerce his vote against his better judgment.

Now, our friends talk a great deal about the small chances of success of William Jennings Bryan. Why, if they had a man like William Jennings Bryan on their ticket and they had used the same coercion and the same moneyed influence for him that Mr. McKinley had in the last campaign, he would have carried almost every State in the Union. All the success Mr. Bryan has secured is by force of principles for which he contends. His party is without means and has no disposition to use a large fund or to coerce votes. The Republicans have every dollar that they can possibly use.

I saw men in the last campaign, men that had been leaders in our party, claiming to go off and buy sheep and cattle in distant countries, and they turned up in distant States with their pockets full of railroad passes; they turned up in those places working for the Republican party. We had supported them here, this little coterie of Populists in this House, had relied on them, and when the time came they were influenced.

I can pick you out among the appointees of the present Administration lifelong Democrats that are now drawing large salaries, and before election spending thirty and forty days for the Republican party in the campaign, at the expense of the people of the United States. Not only that, but you will bear in mind that when a certain Senator was to be elected in Ohio, the Republican papers all over this country stated that all of the appointees from the State of Ohio had been ordered home; and they were kept there, at the expense of the American people, until a certain man succeeded. And yet these gentlemen talk about free government; they talk about economical government; and they talk about the right to vote and the privileges of American citizenship.

Then they talk about prosperity. There is no extraordinary prosperity where so many men are working for a dollar and a dollar and a quarter a day, when the necessaries of life are elevated as they have been since these wars began.

Now let us see about this prosperity. I say there is not a general prosperity. There is this: We have been going on a war footing for over two-thirds of this Administration, and but for the war picking a hundred thousand men out of the labor ranks, putting them in the Army, and starting up all these factories and foundries, and consuming and wasting innumerable tons of material, including breadstuffs, meat, and everything else, there would not have been anything in your supposed prosperity of to-day except such as the increased gold output made.

The increase in money has raised general prices, but that is not great; the cause of the great rise in prices is the trusts, and nothing else. In reference to this great rise in prices you may take up fence wire, and it is doubled to your farmer, while he gets 10 or 15 cents extra for his wheat. Take up nails, and the price has doubled; iron piping doubled; take up the broom you sweep your floor with, and it has almost doubled; take up your oil, and it has greatly enhanced in price. I do not believe to-day that the laboring man of the United States, in purchasing power of his wages, has benefited much except in increased employment.

This prosperity never was made by the Republican party. This same supposed prosperity is in Germany; it is in Europe; it has invaded even China as a result of the enlarged money supply. The world is getting now the benefit of the great inventions that have been maturing so long. Things are tending higher, men are using more, but the proportion between the men who are running the mill and the men who are working in the mill—the proportion of increase is more than 100 per cent in favor of the men who own the machinery.

The farmer is not getting rich; he never can get rich in a government that gets its wealth by taxing him continually for every other purpose except the one in which he is engaged. The farmer exports a good deal more than one-half of the material that makes up the great balance of trade to Europe. Yet when you talk about the exports you infer that these new islands are the cause. The fact is that you export but a little more than you did formerly to them, if even as much. The statistics show no influence of territorial expansion accounting for our increased trade. No policy of any political party affects it. It is the development of our resources and the great demands of Great Britain, Russia, Japan, and other foreign countries that made these changes.

There is no comparison between the exports to Puerto Rico now and when Spain was in charge. They have grown less. You never did do any business with the Philippines of any consequence outside of our war business over there; you never will do a great deal, because they use but few of our products.

Now, I want to say, in conclusion, that our friend [Mr. BAILEY of Kansas] makes the criticism just indulged in for the purpose of trying to prevent a combine of the Populists, the Bryan Democrats, and the Silver Republicans, but he and his party will make a dismal failure. We do not care whether you say that we have quit the Populist party, or have quit the Democratic party, or that we quit the Silver Republican party, or whatever else you say about us. We intend to work and to vote, as long as we keep our senses, for the human being, for human rights, and human liberty as against corporate greed and the imposition of a heartless power, that is now controlling this and all civilized nations on the face of the globe—the greatest curse with which civilization is now threatened. [Applause.]

Mr. WILLIAMS of Mississippi. I yield ten minutes to the gentleman from North Carolina [Mr. SMALL].

[Mr. SMALL addressed the committee. See Appendix.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I desire now to yield twenty minutes to the gentleman from Tennessee [Mr. GAINES], and after that to yield such time as he may desire to the gentleman from South Carolina [Mr. STOKES].

Mr. GAINES. Mr. Chairman, a few moments ago my friend from Mississippi [Mr. WILLIAMS] kindly agreed to give me a few minutes of his time, and, although I have no prepared speech, I feel that there are certain matters which should be brought clearly before Congress and the people of this country on the so-called "plain duty" policy of the President. The President of the United States in his annual message, December last, stated that it was our "plain duty" to give to the people of Puerto Rico "free access to our markets."

I shall undertake, and shall prove, I think, conclusively, that the President has abandoned his plain-duty policy, and that, too, without giving Congress the benefit of his reasons, if he has any, for so doing. He said: "Our plain duty is to abolish all customs tariff between the United States and Puerto Rico and give her products free access to our markets." Where, I ask, does the President stand to-day on this question?

Let us investigate for a few moments. This question was asked no longer than three days ago in the Senate by a distinguished Republican Senator, and the American people are asking the same thing to-day. The people, Mr. Chairman, have the right to know, and certainly Congress, the lawmaking power, is entitled to know, since this question involves particularly the welfare of our country and involves the integrity of our Government.

It has been stated by Republican members of this body outside of this House with particularity, and, sir, in a general way in the House, that the President has reversed himself upon this plain-duty proposition which was involved in the infamous measure swept through this body by a bridled Republican majority, although it undertook to and will yet strip the people of Puerto Rico of their inalienable rights and those guarded and granted by our Constitution, which I contend is the law of that island, as much so as of New Mexico and Arizona.

The President to-day stands in a doubtful position before Congress and the public, but shall not longer if my voice, feeble as it may be, can be raised to state and prove that he has completely reversed himself in the "plain duty" path so clearly marked out for us and himself. I shall lay before the "plain" people of this country the "plain" facts, and I challenge here and now a successful refutation of the plain facts which I shall now state.

I read, first, the conversation had at the Republican caucus on the Puerto Rican bill between the gentleman from Ohio [Mr. SHATTUC] and the gentleman from New York [Mr. PAYNE], wherein the former asked the latter the question as to how the

President stood on the 15 per cent tariff bill then pending before the caucus. The gentleman from New York [Mr. PAYNE] said:

I saw the President this afternoon, and he told me that he had no doubt of the constitutionality of the bill. He told me also that if the bill is passed by Congress he will sign it.

This statement has never been disputed, though published the next morning after the caucus in the Washington Post, an Administration paper. But I have other proofs than this. The gentleman from Indiana [Mr. WATSON], who supported this 15 per cent bill, in replying to the protest against his vote made by his constituents, used this language, still undisputed, which was published in the Indianapolis Journal, the leading Republican paper, of March 6:

I voted for the bill at the earnest solicitation of President McKinley and the leaders of the Republican party.

"Earnest solicitation!" To do what? Abandon our plain duty, mapped out by the President himself. Again, his colleague, Mr. BRICK, stated to his indignant constituents, in the same paper, this:

I say to you it—

The 15 per cent tariff bill—

is an Administration measure. You are standing by the President, you are making expansion easy and practicable, you are blessing the Puerto Rican people when you support this measure.

This interview has never been disputed. "Making expansion easy!" You are making "expansion easy and practicable" when you pervert the principles of our Constitution—indeed, its very words—which says that our tariff duties shall be levied uniform "throughout the United States." You must undermine the principles that have upheld this country for over a hundred years to make "expansion easy and practicable." We must abandon our "plain duty" to ourselves and to these people to make "expansion easy and practicable." We make "expansion easy and practicable" by stripping the Puerto Rican people of their natural right of free trade with all the world.

If we must rob these people of their liberty, if we must grind into powder the American Constitution, if we must break our promises to these people, if we must turn our backs upon our friends in need, as these people were, who willingly yielded their allegiance to the Stars and Stripes, who love our institutions and our flag, who are now a part of us, to "make expansion easy and practicable," may the God of heaven visit a prohibition on such an unpatriotic and un-American act. [Applause on the Democratic side.]

But I introduce another witness. In a carefully-prepared interview, a column in length, in this same paper, the gentleman from Indiana [Mr. OVERSTREET], the secretary of the Republican national machine for making Presidents against the will of the people, who, in voting for this measure, brought down the wrath of his constituents, to appease whom, said:

I realized throughout all much doubt. I felt justified in my course, supported as I was by a united party, with six exceptions, and under the leadership of the Executive, who is the head of our party.

This interview has never been disputed, and is published in the Indianapolis Journal, a Republican sheet, of March 6.

"Under the leadership of the Executive, who is the leader of his party," he says he supported this measure, and that, "with six exceptions," his party was unanimous. Mr. Chairman, the day will come when those "six exceptions" will be canonized by the American people. They are known. Their names are familiar to every household on the American continent. "Their fame is no more to be hemmed in by State lines than their patriotism is capable of being circumscribed within the same narrow limits." [Applause on Democratic side.]

Mr. Chairman, the gentleman from Ohio [Mr. BROMWELL], a leading Republican, was addressing the House on February 21, and used this language:

Now, I presume, the gentleman who is about to interrupt me [Mr. DALZELL] is prepared to say, as I am informed he has said to others, that the President is in favor of this bill. I do not dispute that, but I say that no longer ago than day before yesterday a representative of one of the great Republican papers of this country was sent to the President of the United States by his paper for the purpose of ascertaining the views of the President. The paper wanted to support the Presidential policy; they wanted to know whether they should continue editorially the support of the position the President had taken in his message; and the representative of that paper was assured at that time, no longer ago than day before yesterday, that the President was of the same opinion still and that the paper should go on as it had been doing.

Mr. DALZELL did not dispute this statement and has not to this good hour, so far as I know.

Now listen, gentlemen. This "great Republican paper" wanted to know February 19 last whether it should continue editorially the support of the position the President had taken in his message—that is, his free-trade or "plain-duty" policy—

and the representative of that paper was assured at that time, by the President, that the President was of the same opinion still and that the paper should go on as it had been doing.

That speech, Mr. Chairman, was delivered February 21. Now, let us study that. The newspaper wanted to know if they should continue to support his free-trade policy, his "plain-duty" policy, and the President informed the great newspaper to continue parading before the American people his pretended position, his free-trade position, while at the same time the President was lobbying with the members of this House to carry through this House a measure imposing a tariff of 15 per cent.

Did the American people ever hear of such a humiliating, such an outrageous, such an unpatriotic and weak position taken by any President we have ever had? So weak he can not stand alone and do his "plain duty" with even six leaders of his party in this House and as many more in the Senate plus the Democratic party in Congress and 76,000,000 people, and all because the sugar and tobacco lords oppose his free-trade policy!

The able lawyer who opposed this bill as unconstitutional and otherwise wrong, the gentleman from Vermont [Mr. POWERS], says he voted for the bill "at the request of the President" in an undisputed interview in the Washington Post of March 27, which I will insert in my remarks:

[Interview in Washington Post, March 27, 1900.]

VERMONT AFLAME FOR FREE TRADE.

Representative H. H. POWERS, who has returned from a week's trip to his home in Vermont, said yesterday that he was surprised at the sentiment for free trade prevailing in the Green Mountain State. "I heard talk in favor of free trade and in condemnation of the tariff everywhere I went," said he. "The Vermonters are ridiculing the idea of Puerto Rico not being a part of this country and under our Constitution. Many of the voters illustrate the absurdity of such a doctrine with quaint illustrations quite to the point."

"On what do they base their objections to a tariff?" he was asked.

"Oh, they call up the proclamation made by General Miles," replied Judge POWERS. "They tell one that the islands came under our rule without resistance, and that it is a breach of faith for us now to set up a barrier and tell them that they are not a part of the United States. I do not suppose they care so much for the legal arguments of the case; they look at the matter from the standpoint of squareness and fair dealing."

"But it is generally believed that the people of New England are paying little attention to the Puerto Rican question, and care little whether there be tariff or free trade."

RESPECT FOR M'KINLEY'S POLICY.

"Well, as far as political support of their members of Congress is concerned," answered Judge POWERS, "the voters may not waver in their loyalty. I told my people that I was for free trade; they knew I had made a speech in favor of free trade. I explained that I voted for the tariff bill after it had been modified, and that I did so at the request of the President."

Mr. Chairman, let me read from the Constitution a passage that has not been read in the House during this session. Speaking of the President's duties, section 3, Article II, says:

He [President] shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

And what else? The Constitution says furthermore that "he shall take care that the laws are faithfully executed," which, by abandoning his "plain-duty" policy, he fails to do, because the law is, our duties must be uniform throughout the domain of the United States.

Mr. Chairman, he is sworn to support the Constitution of the United States, and by the same provision of the Constitution he is required "from time to time" to recommend to Congress such "measures" as he shall "judge necessary and expedient" and at the same time give us information on the state of the Union, "our great Republic"—we find in his message, saying that it was "our plain duty"—his duty and the duty of Congress—to give to Cuba and Puerto Rico free trade.

Yet we find this same great magistrate, who is sworn to support the Constitution, lobbying against the very message which he has sent under the mandate of the Constitution to Congress, pushing through Congress a measure diametrically opposed to every proposition which he, in cold black ink, upheld by his Cabinet and his Secretary of War, Mr. Root, had previously recommended to Congress. But here is the reprehensibility of his position particularly: Congress as such does not find him saying that he has changed his views; that he finds it not to be his "plain duty" to do as suggested in his message, but to do something directly opposite to it.

Mr. Chairman, Congress is entitled to have his reasons for his change. There is no question that he has changed. The Speaker of this House, who administers the parliamentary law of this great body with such preeminent fairness, justice, and openheartedness as to commend him most kindly to everyone in this House, says, in an open letter, that he is "cooperating with the President" and two or three great Senators in supporting this measure that imposes upon these cyclone-swept people this tariff. I quote the distinguished Speaker's words:

What the Senate is going to do is problematical. It has its share of cowards. The Senate is always the body upon which the great interests concentrate their efforts to defeat proper legislation. But this fact remains, that I have the knowledge that I have done my simple duty, and have done it in consultation and in cooperation with the President of the United States, whose heart is quick to feel the afflictions of this little island; I have done it in conference with such men as ALLISON, FORAKER, and the earnest patriots of the Senate.

Then clearly the President abandoned, and early in the fight, his "plain duty."

Mr. Chairman, the President has said a great many beautiful things. He seems to say them because they are beautiful. He has said more beautiful things, he has been more of a Chesterfield

on more occasions, than any other man who ever occupied the White House. And then he is charming beyond expression to all of those who have the honor of being in his presence.

He has repeatedly said, "Our flag does not mean one thing here and another thing in Cuba or Puerto Rico." He uttered those words on August 25 before 20,000 Methodist people at Ocean Grove and elsewhere. If our flag means something different in Puerto Rico now than in 1899, why not give his reasons to Congress? Or at least let him hang himself on the hind end of a Pullman car, as he has often done, and tell the people that the American flag means something in Puerto Rico, something different from what it has always meant here, which is the protection to life, liberty, and pursuit of happiness, inalienable rights, and their complete protection by the Constitution.

Mr. Chairman, the President, gifted in beautiful declamation, has said that "imperialism does not lurk in the minds of the American people." How many times has that sweet sentence fallen upon our willing ears! Yet, Mr. Chairman, the very thing that the Republican party, headed by the President, is doing now shows that imperialism not only lurks in America, but that it lurks about the precincts of Republican Congressional legislation, and that it means, as it does and will always mean, that humanity shall be controlled by the dictum of individuals and not by a written Constitution. But I must hurry on.

Mr. Chairman, I have proven the President has changed from his "plain-duty" policy, and I contend Congress is entitled to know his reasons. He has changed on his imperialism policy, and we are entitled to know his reasons from "time to time." But it may be he changes so often he has not the time. [Applause.] But instead of that we find, Mr. Chairman, to use the very significant, always interesting, language of my friend from Ohio [Mr. SHATTUC] in that remarkable Republican caucus, "Now, look here; I want to know what the President wants done. I will not take any whispering here under broad-brimmed hats."

Mr. Chairman, he was right; and the American Congress wants to know what the President thinks about his "plain duty;" and if he has any fundamental reasons for changing his views, let him give them to Congress, and not whisper them around under the sombreros of the Republican party. The Constitution nowhere says, and never will say, thank God, that the President must give his views to the Republican party. It says his message must be given to the Congress of the United States; and in addition to that, to giving it to us regularly from time to time, he must do so from time to time as the exigencies of the case may require. Here is an opportunity at hand.

Mr. Chairman, the President has changed from the plain duty he owed Congress and himself as President, the people of Puerto Rico, and our country at large. He was reminded of the fact that he owed a plain duty to his party that placed him in the White House and turned Congress over to the Republicans that now control it. Clearly, he has put duty to party above duty to country. The sugar lords and tobacco kings representing the trusts, the friends and allies of him and his party, demanded that he abandon his plain duty and bend his knee, and he and his party have done so.

The people of Puerto Rico had free trade with Spain before we annexed this island to the United States. Spain has barred the people of Puerto Rico from her markets, and now we bar them, and yet they are part of us. Our forefathers said to King George they would no longer stand this very thing—that rather than longer remain slaves they would die. And now we are about to do for the people of Puerto Rico what we dare not and have no power to do with the people of the States of this Union and our old Territories.

Can we do this and longer say that ours is a land of the free and the home of the brave? Can we do this and say, as we have said in the past, and prove it, that our country is the asylum for the oppressed of all nations? Mr. Chairman, I was delighted during my recent illness to read the dulcet strains of my distinguished friend from Iowa [Mr. DOLLIVER], who in this House some twelve months ago said that the Puerto Ricans, when our Army marched into the confines of that little island, received us without bullets; that we greeted them with the American flag, the emblem of liberty and justice.

And, said the distinguished orator, the demonstration of these soon-to-be-reenslaved people was like "an old-fashioned Fourth of July celebration." [Great applause.] And in my heart of hearts, though writhing in pain, I asked myself the question, If our Army were to again go there, or if the American Congress was to go there, if the reception this good and brave people once gave our representatives would be an old-fashioned or a new-fashioned Fourth of July reception? [Applause.] And I asked myself another question, When will it be that these poor people, if the Republican party continues in power, have their Fourth of July celebration? [Applause.]

Mr. Chairman, methinks I know when. It will be when that unterrified, unbent, and unpurchasable leader and patriot, William J. Bryan, is in yonder White House as President of this Republic. When that occurs, as it will, then these poor people will meet, whether in summer or winter, in spring or fall, and make for themselves a day of celebration, and call it their "Fourth of July." For under the administration of our great leader deliverance will come to these soon-to-be-enslaved people. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STOKES. I desire, Mr. Chairman, before taking the floor, to yield to the gentleman from Indiana [Mr. MIERS] such time as he desires.

[Mr. MIERS of Indiana addressed the committee. See Appendix.]

[Mr. STOKES addressed the committee. See Appendix.]

[Mr. HAUGEN addressed the committee. See Appendix.]

Mr. WADSWORTH. Mr. Chairman, I do not think there is anybody else who wants to be heard in general debate.

Mr. ROBINSON of Indiana rose.

Mr. WADSWORTH. I beg the gentleman's pardon.

Mr. ROBINSON of Indiana. Mr. Chairman, this bill provides on page 31 that "the employees of the Bureau of Animal Industry outside of the city of Washington may hereafter, in the discretion of the Secretary of Agriculture, be granted leave of absence not to exceed 15 days in any one year."

That provision does justice, even though it may be but limited justice, to the employees mentioned. I rise more particularly now to call the attention of members of the House to the condition which prevails with reference to employees in all the Executive Departments here in the city of Washington.

This system has brought protests from all familiar with its operations and not interested as beneficiaries, and from the distinguished gentleman from Pennsylvania [Mr. BINGHAM] on account of the abuse of the sick-leave privileges granted to employees. His suggestions in 1897 on that subject are germane and appropriate now. Under the rules of the Executive Departments, employees in Washington who labor seven hours a day are granted a vacation leave of thirty days with pay, and in addition to that they are granted a sick-leave vacation of thirty additional days with pay.

Under the provisions of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1899, contained in section 7, page 316, volume 30, United States Statutes at Large, 1897 to 1899, is found a law giving to the select Government clerks and employees in the Executive Departments at Washington special privileges and advantages.

These positions in Washington, with the large salaries paid, with their usual and reasonable burdens, are considered sinecures, and are sought after by thousands of good, industrious, and intelligent men and women from every State in the Union. Under these conditions no reasons exist why they should be singled out as special favorites of the Government and given benefits not accorded to other employees who labor with equal fidelity and efficiency and whose only misfortune seems to be that they are not residents of Washington and of the District of Columbia.

The oft-repeated sentiment, "Equal rights to all, special privileges to none," would seem to have an application here.

In 1897 the number of Department employees who availed themselves of the sick-leave privileges was astounding, and I understand that the same general abuse exists to-day, and the same amount of sickness prevails. We know that the climate of Washington is healthy, the air salubrious, and the water and the food not objectionable; and there is no condition that would produce the degree of sickness that is evinced by the number of clerks that are granted this sick-leave absence. Sixty per cent of the Government employees after receiving thirty days' leave of absence with pay availed themselves of this sick-leave privilege, as shown by this previous report. I believe that the members should protest against this system, especially when we know that some of the Departments are so far back in their work, and especially can this be said of the Pension Department.

The law now in force amended in part the act passed by the Fifty-second Congress, found in Statutes at Large, volume 27, page 715, which law is the first I have been able to find giving such exclusive privileges to Washington department employees. The former law gave to such of these clerks and employees as were specially ambitious to get pay without rendering services and who could make themselves believe that they were sick, either in fact or in imagination—this law of 1893 gave such the opportunity of getting ninety days each year, vacation and sick leave, with full pay. An abridgment of this privilege was ingrafted on the bill of March, 1898, and this allowance is now limited to sixty days for sick and vacation leaves.

The law as it exists, so far as applicable to this subject, provides that—

Hereafter it shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other employees, of whatever grade or class, in their respective Departments,

not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order: * * * *Provided further*, That the head of any Department may grant thirty days' annual leave with pay in any one year to each clerk or employee: *And provided further*, * * * when a clerk or employee is personally ill, and when to limit the annual leave to thirty days in any one calendar year would work peculiar hardship, it may be extended, in the discretion of the head of the Department, with pay, not exceeding thirty days in any one case or in any one calendar year.

It will be seen how a provision like this may be abused by people upon whom the burdens of official duty do not sufficiently rest to bring efficiency to the public service.

Now, to show how the former law was abused, I desire to read from the remarks of the distinguished gentleman from Pennsylvania, General BINGHAM, chairman of the committee presenting the measure at that time, and on whose advocacy and on the report of whose committee the present law limiting to sixty days this privilege was enacted. He said:

To-day the Departments in Washington grant leaves of absence of thirty days with pay, which is called "vacation absence." It next takes up those cases of sick—sick because of contagious diseases in the family or individually sick—and may allow in such cases an additional thirty days. Besides that, when a case is specially meritorious, it is allowed thirty days more. You will find in the appendix to the report of the committee, on page 24, the correspondence with all of the Departments of the Government, wherein we have asked them to submit to what extent this leave-of-absence privilege has been carried, and the report shows in a table on page 24—and I need not go into details—the extent to which it has been carried.

There seems to have been a lack of care in the administration of this privilege under existing law. There has been a general acceptance, perhaps an unreasonable availing, on the part of subordinate officials of the Government, of the privileges of the law; but all we desire at the present time is to make this limitation of thirty days, as now provided by the law, and thirty days under specific restrictions, in meritorious cases, for the prevalence of obnoxious and contagious diseases in the families of the departmental employees, or where the clerk or subordinate is personally ill.

Leaves of absence.

Department or bureau.	Employees authorized.	Number in classified service who availed of sick leave in addition to 30 days' annual leave.	Average number of days of sick leave granted to each in preceding column.	Employees who were granted additional sick leave in "exceptional and meritorious" cases.	Average number of days of additional sick leave granted in each "exceptional and meritorious" case.
Department of State	79	41	9.12	7	30.43
Department of War	1,158	581	10.96	12	23.30
Department of the Treasury*	2,745	1,486	14.32	99	14.27
Post-Office Department	649	232	16.30	19	15.47
Department of Justice	131	40	10.66	4	16.25
Department of the Navy	401	227	13.30	17	20.35
Department of the Interior	3,410	2,383	14.76	119	19.79
Department of Agriculture	695	170	14.73	9	21.33
Department of Labor	104	42	13.48	1	53
Civil Service Commission	62	26	9.88	2	22.25
Fish Commission	183	70	9.43	1	22.50
Interstate Commerce Commission	125	29	20.80	5	19.40
Government Printing Office	3,087	------	------	------	------
National Museum	185	55	15.66	10	9.40
Bureau of International Exchanges	14	2	6	------	------
National Zoological Park	96	1	11	------	------
Astrophysical Observatory	5	2	1.62	------	------
Bureau of American Ethnology	21	4	15.75	------	------

*Does not include the Bureau of Engraving and Printing.

And as the Government is generous not only in its compensation to its subordinate force, of seven hours of labor, but generous in a thirty-days' leave of absence, the twelfth of a year, generous in its recognition of physical distress in family, or disease or inability by sickness on the part of the subordinate to perform work, to the extent of thirty days more, we claim, as was exhibited to us in our every investigation, that the Departments of this Government are behind in their work; and the logical conclusion is that they are behind in their work because of the thirty days' leave of absence, one-twelfth of a year, to the entire subordinate force.

The exhibit will also show an exceedingly large percentage, in some cases running to 60 per cent, of the entire subordinate force of a Department on sick leave during the fiscal year.

This special Washingtonian system is not only an unjust discrimination against Government employees outside of the capital, but is an unjust discrimination against the faithful and conscientious employee here who will not feign illness to get the benefit of the sick leave.

The bill now before the House allowing a vacation of but fifteen days to the employees of the Department outside of Washington is certainly an indorsement of my views by the distinguished chairman in charge, the gentleman from New York [Mr. WADSWORTH], and of his committee reporting this bill, and emphasizes the inequalites in, and injustice of, this system.

Why is it that the mail carrier over the country can only secure fifteen days when the clerks and employees in Washington get sixty days with pay? Why is it that other employees of the Government all over the country, who are rendering equally efficient services, and in most instances for less pay, are limited to a vacation of fifteen days, when these are so specially favored in Washington with seven hours a day labor and sixty days vacation and sick-leave privileges?

I mention this matter now to call the attention of the members of the House to it, and to the great number of deserving, available, and patriotic people who are willing to take these places in Washington, and are willing to take these offices, rendering full services for the full pay accorded, and without having this sixty-day privilege of leave of absence each year with pay. I hope that the proper committee, having special information and special charge of this branch of the service, will permit a bill to be reported favorably, destroying this system, which encourages idleness and which promotes sickness in the District of Columbia.

I hope that some measure for the correction of this abuse will be presented to this House and passed, and then if those who are now in the service can not submit to the burden of a law which makes them work for at least eleven months in the year for twelve months' pay, and work seven hours a day, then their places will be filled by others who are willing to do so. I wanted to call attention to this matter, and this was an appropriate time. The gentleman in charge of this bill and his committee are not unreasonable in asking for a vacation leave of fifteen days to those outside of Washington, and this provision is more to be commended than the one that gives to Washington employees of the same and all other Departments sixty days' vacation. [Applause.]

Mr. WADSWORTH. Mr. Chairman, I now yield fifteen minutes to the gentleman from North Dakota [Mr. SPALDING].

[Mr. SPALDING addressed the committee. See Appendix.]

Mr. WILLIAMS of Mississippi. I understand, Mr. Chairman, that no one on the other side of the House desires to participate further in this debate, and as there is no one on this side who wishes to speak, I move, with the consent of the gentleman from New York [Mr. WADSWORTH], that we proceed with the consideration of the bill under the five-minute rule; and an agreement has been made between the gentleman and myself that the debate under the five-minute rule shall be confined strictly to the bill itself.

The CHAIRMAN. Is there objection? If not, the Clerk will proceed to read the bill.

Mr. BALL. I understand the arrangement was that general debate should continue until 1 o'clock to-morrow.

Mr. WADSWORTH. But by unanimous consent we can dispense with that order.

Mr. BALL. I do not wish to participate in any debate, but I think it would be proper that no amendments be voted on to-day.

Mr. WADSWORTH. The gentleman will have his opportunity for further discussion under the five-minute rule.

Mr. BALL. I do not care to indulge in any discussion. My only concern is that some gentlemen interested in particular parts of this bill were under the impression that it would not be taken up to be voted on under the five-minute rule until to-morrow.

Mr. WADSWORTH. The matter was very clearly stated when the order was made in regard to general debate.

Mr. WILLIAMS of Mississippi. Mr. Chairman, debate in Committee of the Whole House on the state of the Union has been exhausted, and therefore the rule would be to proceed with the five-minute debate for the consideration of the bill by paragraphs. No unanimous consent is necessary. We are compelled to do it. There is nothing else to do. Of course we can not control the question as to whether amendments shall be offered or voted upon. If amendments are offered and a vote is called for, we can not help it. That is all.

Mr. BALL. I have no objection, personally, to proceeding with the consideration of the bill. But a number of gentlemen are absent, with the understanding that the general debate would be continued until 1 o'clock to-morrow.

The CHAIRMAN. The Chair has already directed the Clerk to proceed with the reading of the bill.

The Clerk read as follows:

Division of Forestry: One forester, who shall be chief of division, $2,500; 1 superintendent of working plans, who shall be assistant chief of division, $1,800; 1 clerk class 2, $1,400; 1 clerk class 1, $1,200; 1 clerk, $900; 1 clerk, $720; in all, $8,520.

Mr. SHAFROTH. Mr. Chairman, I would like to ask the chairman of the committee, relative to that paragraph or provision of the bill, What are the duties of the persons who are to be appointed under this provision?

Mr. WADSWORTH. This paragraph carries only the statutory salaries of the Division of Forestry, mostly expert foresters who are looking after the preservation of the forests of the country; teaching the preservation of them and the general questions relating to lumbering—what trees to cut and what should not be cut, etc.

Mr. SHAFROTH. Have they any duties in connection with the reservations which are set aside by Executive proclamation?

Mr. WADSWORTH. They have not. Their duties are entirely different.

Mr. SHAFROTH. Has the United States any other forest reservations than those set aside by Executive proclamation?

Mr. WADSWORTH. No; the United States has not. But the gentleman is aware that there are forests all over the country, and this is for the purpose of teaching the proper method of preserving them.

Mr. SHAFROTH. And this is expert work?

Mr. WADSWORTH. Yes.

Mr. SHAFROTH. And does not intend to allow supervision and control of the forest reservations?

Mr. WADSWORTH. Not at all.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Animal Quarantine Stations: To purchase, establish, and maintain quarantine stations, and to provide proper shelter and equipment for the care of neat cattle and domestic animals imported, at such ports as may be deemed necessary, $50,000 (to be immediately available).

Mr. HENRY of Connecticut. Mr. Chairman, in connection with the paragraph just read I wish to call the attention of this committee to the great need of this quarantine station. The Government has for many years occupied leased grounds at Garfield, N. J., for quarantine purposes. The Government erected and owns the buildings. These barns—or rather sheds—are in a neglected and tumble-down condition. The sanitary situation is simply horrible, endangering the health of the valuable stock compelled to be quarantined therein, and the necessity for this appropriation is apparent.

I wish to insert in the RECORD, for the benefit of the House and for the information of the country, a brief extract from the Country Gentleman relating to this matter and setting forth the conditions of these buildings.

The article referred to is as follows:

The first thing to attract attention was the frightful condition of the roadways and the generally run-down appearance of the whole place. Samples of water from each well were secured in bottles by the inspectors for analysis, and almost every sample was of a dirty color, due, Mr. Miller said, to quicksand at the bottom of the wells. The water certainly looked unfit for use. Any breeder who at home is particularly careful to give his animals clear and pure water has every reason for complaint. This same water is believed to have caused scours in many animals recently, and owners were compelled to erect temporary boilers to sterilize it.

The wells in nearly all cases are directly alongside of barns—"barns" is a misnomer; they are simply sheds—and the drainage from the sheds can hardly escape the wells. The place is the last in the world one would select for a quarantine station. It is a series of hills and dales, with the cattle sheds on the former, the latter composed of swamps and brush 2 or 3 feet high. The writer saw cattle wading in mud, ankle deep. The yards back of the sheds, where the cattle range, slope abruptly, and at the bottom of nearly every one may be found stagnant pools of water where the cattle drink, unless tethered, which is not generally the case. The yards are usually close together, and being very hilly, the washings from one yard find their way into adjoining ones.

The manure is placed uncovered at the end of each shed, and much of it was in a steaming condition when seen. In many places manure was scattered over fields on the grounds. It was stated to our representative by good authority that afterbirth of cows was thrown into manure heaps and that much of the manure was sold to a farmer, living a short distance from quarantine, for fertilizer, and carted to him over the public highway, where cattle graze along the roadside. Cattle are placed in quarantine to ascertain if they have any infectious or contagious disease. During that period they should be looked on as suspected and treated as such. To dispose of offal in the manner stated is to leave animals open to possible infection from this source. Farmers are frequently told in bulletins issued by the United States Department of Agriculture to erect the best sanitary barns to insure the health of their animals and to look carefully after the excrement of the animals when disease is suspected. Does the Department practice what it preaches? The sheds for the accommodation of animals are ill lighted and the floors are almost on the ground.

One importer said he could not keep the stalls dry where the cattle stand, as the boards were so rotten they absorbed all the urine. The trenches back of the cattle for the reception of manure and urine were in a similar condition. If one pressed his foot in the ditch, the urine immediately appeared on the surface, and none seemed to run off at end of shed, for there was not a sufficient slant to gutter for it so to do. The only ventilation is through small windows above the heads of the cattle. These are dropped down on a little shelf, but no pure air reaches the cattle that stand so close to the side of the barn as to be constantly breathing their own breath. There was no ventilator for the carrying off of foul odors. In summer large doors at either end of the sheds might be thrown open as occasion demanded, but in cold weather, when closed, the air the cattle breathe must certainly be refreshing! Around many of the sheds and outside of doors were standing pools of discolored water. In some of the sloping yards where cattle grazed large stumps of trees were conspicuous, which are very dangerous if the cattle should ever happen to slip.

The property consists of 57 acres of about as poor land as could be selected for the purpose, although we are informed the selection was made by a cattle commission appointed by the United States Treasury Department, consisting of an editor of a Western live-stock paper and two prominent veterinarians. There are 22 cattle sheds, which will accommodate 500 to 600 animals, varying in size and holding from 18 to 60 animals each. Northeast of the grounds is the Passaic River. Along its banks are a number of manufactories, the refuse from which finds its way into the river. To the right of the superintendent's house is a small pond which empties into the Passaic and into which flows the water from the various pools on the grounds, thus affording another avenue for infection of cattle along the river banks.

The receiving and shipping station is situated on the northwestern part of the grounds, the outgoing cattle passing over the same platform as the incoming, instead of having two separate stations. This, too, is in very poor condition. There are two roadways leading from the platform, one for the passage of incoming animals, the other for outgoing; but we learn from an onlooker that the same passageway has been frequently used for both purposes. Another source of infection, if disease exists.

Importers, moreover, have had great difficulty in having animals examined promptly after arrival in port. They have been compelled sometimes, we are told, to wait days before the Government officials at quarantine would make an examination. In several cases, the story goes, they came to examine animals late in the afternoon, and informed owners that they could not work overtime, and made other remarks that were interpreted as being a strong bid for a "tip." On receiving it, the animals were speedily examined and forwarded to the quarantine station. One man is said to have recently paid $30 and another $10 to expedite delivery.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Entomological investigations: Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture; ascertaining the best means of destroying those found to be injurious; investigations in apiculture; purchase of chemicals, insecticide apparatus, and other materials, supplies, and instruments required in conducting such experiments and investigations; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere; freight and express charges, and necessary traveling expenses; preparing, illustrating, and publishing the results of the work of the division, $20,000.

Mr. WILSON of Idaho. Mr. Chairman, I wish to offer an amendment at this point.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Idaho.

The Clerk read as follows:

Insert after the word "arboriculture," on line 12, page 13, as follows:
"Including an investigation into the ravages of the coddling moth, with a view of ascertaining the best method of its extermination."

Mr. WILSON of Idaho. Mr. Chairman, this amendment is offered in order that the Department of Agriculture—and this particular branch of the Department—may investigate the habits, characteristics, and ravages of the codling moth, which has been so destructive to the fruit industry throughout the United States, and particularly the far Northwest. It is believed that a parasite has been discovered which will tend to destroy this pest and relieve the fruit growers from its ravages. Certain sections of the country are comparatively free from its destructive effects on account of the presence of this parasite to which I refer or for other reasons not yet thoroughly understood. Numbers of the States are conducting investigations along this line which are more or less successful, but it is believed that in order to complete the remedy a general investigation should be undertaken by the Government itself and through this division of the Department of Agriculture.

Mr. Chairman, the evil complained of and which this amendment is intended to reach is one of far-reaching effect. It is the most destructive insect to apple and pear culture known to the United States. Its destructive work has brought about a loss to this country of many millions of dollars annually. Its general habits and character are fairly well understood, but I undertake to say that a thorough investigation by the Division of Entomology will result in such a knowledge of the subject as will result in great good to those who have suffered so severely from its work in the past.

We already know that it can be successfully attacked and its destructive results very materially lessened. This has been demonstrated by practical tests, particularly in the far West. I can conceive of no field where the work of the Division of Entomology can be more effective of good results than along this particular line. It may not be inopportune to say in this connection that the Department of Agriculture is to-day rendering better service in the interests of the people than ever before in its history. Its work is being felt and appreciated by those engaged in this great industry throughout the country, particularly in the arid regions of the West, which I have the honor to in part represent. My district, which embraces the State of Idaho, is rapidly coming to the front as a fruit-producing section. Thousands of acres are already planted, including nearly all the deciduous fruits known to the Temperate Zone.

Owing to the character of our soil and climate, which are both particularly favorable, we produce as fine apples as are raised anywhere in the world. Samples of this fruit have been sent to the Pomologist of the Department, who has skillfully and artistically imitated them in wax for the Paris Exposition, so that a Jonathan apple from Ada County, Idaho, will represent the United States at that great exposition as the most ideal apple of this variety ever produced.

I believe, Mr. Chairman, if the Government will assist us in this investigation, to the end that we may effectively combat this destructive insect, the time will come when the apple industry of the far Northwest will be one of the most important of the country. I hope this amendment will be adopted.

Mr. WADSWORTH. Mr. Chairman, I have no objection to the amendment. On the contrary, I accept it, but suggest that it be inserted in line 13, after the word "injurious."

Mr. WILSON of Idaho. That is satisfactory to me.

The amendment was considered, and agreed to.

The Clerk read as follows:

Grass and forage-plant investigation and animal foods, Division of Agrostology: To enable the Secretary of Agriculture to conduct investigations of grasses, forage plants, and animal foods; to employ local and special agents

and assistants; to collect and purchase seeds, roots, and specimens of valuable economic grasses and forage plants for investigation, experimental cultivation, and distribution, and for experiments and reports upon the best methods of extirpating Johnson and other noxious and destructive grasses; to purchase tools, materials, apparatus, and supplies; to pay freight, express charges, and traveling expenses, and labor required in conducting experiments; to prepare drawings and illustrations for circulars, reports, and bulletins; and the agricultural experiment stations are hereby authorized and directed to cooperate with the Secretary of Agriculture in establishing and maintaining experimental grass stations, for determining the best methods of caring for and improving meadows and grazing lands, the use of different grasses and forage plants, and their adaptability to various soils and climates, the best native and foreign species for reclaiming overstocked ranges and pastures, for renovating worn-out lands, for binding drifting sands and washed lands, and for turfing lawns and pleasure grounds, and for solving the various forage problems presented in the several sections of our country, $17,000: *Provided*, That $6,000 of the amount hereby appropriated be used to purchase and collect seeds, roots, and specimens of valuable and economic grasses and forage plants, to be distributed to the various experiment stations in the several States and Territories, to be by them used, under the direction of the Secretary of Agriculture, to ascertain their adaptability to the various soils and climates of the United States: *And provided further*, That not more than $6,000 of the amount hereby appropriated shall be expended for salaries in the city of Washington, D. C.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

In line 4, page 20, after the word "grasses," insert:
"And for experiments and reports upon the best methods of destroying prairie dogs."

Mr. STEPHENS of Texas. Mr. Chairman, it is a fact well known to everybody who lives in the arid parts of the United States that prairie dogs destroy more grass than is destroyed by any other animal, and it is very necessary that there should be some experiments along the line indicated in this amendment.

Mr. WADSWORTH. Mr. Chairman, I have no objection to that amendment. It hardly belongs in that paragraph, but I have no objection to it.

Mr. HOPKINS. I should like to have that amendment again read. I remember reading Washington Irving on the prairie dog, when I was a boy, and I should like to know whether the dog is to be injured or not.

Mr. STEPHENS of Texas. The intention of this amendment is to discover means for his destruction.

Mr. LACEY. What is the matter with the shotgun?

Mr. STEPHENS of Texas. That is not effective.

The CHAIRMAN. The gentleman from Illinois [Mr. HOPKINS] asks that the amendment be again read. If there be no objection, it will be again reported.

The amendment was again read.

The amendment was agreed to.

The Clerk read as follows:

Agricultural experiment stations: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," and to enforce the execution thereof, $780,000; $33,000 of which sum shall be payable upon the order of the Secretary of Agriculture, to enable him to carry out the provisions of section 3 of said act of March 2, 1887, and $12,000 of which sum may be expended by the Secretary of Agriculture to investigate and report to Congress upon the agricultural resources and capabilities of Alaska; and to establish and maintain agricultural experiment stations in said Territory, including the erection of buildings and all other expenses essential to the maintenance of such stations, of which sum $5,000 shall be immediately available; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required by section 3 of said act of March 2, 1887; shall ascertain whether the expenditures under the appropriation hereby made are in accordance with the provisions of the said act, and shall make report thereon to Congress; and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary, in the city of Washington and elsewhere, and to incur such other expenses for office fixtures and supplies, stationery, traveling, freight, and express charges, illustration of the Experiment Station Record, bulletins and reports, as he may find essential in carrying out the objects of the above acts, and the sums apportioned to the several States shall be paid quarterly in advance.

And the Secretary of Agriculture is hereby authorized to furnish to such institutions or individuals as may care to buy them copies of the card index of agricultural literature prepared by the Office of Experiment Stations and charge for the same a price covering the additional expense involved in the preparation of these copies, and he is hereby authorized to apply the moneys received toward the expense of the preparation of the index. To enable the Secretary of Agriculture to establish and maintain an agricultural station in the Hawaiian Islands, including the erection of buildings, the printing (in the Hawaiian Islands), illustration, and distribution of reports and bulletins, and all other expenses essential to the maintenance of said station, $10,000, which sum shall be immediately available. To enable the Secretary of Agriculture to investigate and report to Congress on the agricultural resources and capabilities of Porto Rico, with special reference to the selection of locations for agricultural experiment stations, and the determination of the character and extent of agricultural experiments immediately demanded by the condition of agriculture in that island, and to prepare, print, publish, and distribute in Porto Rico circulars of inquiry and bulletins of information in the English and Spanish languages, $5,000, which sum shall be immediately available.

Mr. ROBINSON of Indiana. Mr. Chairman, I should like to ask the chairman if this establishes a separate head of the Agricultural Department in the Hawaiian Islands?

Mr. WADSWORTH. I did not understand the gentleman's question.

Mr. ROBINSON of Indiana. Does this establish a separate department of agriculture there?

Mr. WADSWORTH. Oh, no; simply an experiment station.

Mr. ROBINSON of Indiana. Under the genera head?

Mr. WADSWORTH. Under the general management of the Department.

Mr. CORLISS. Mr. Chairman, I notice this paragraph carries an appropriation of some $780,000 for the purpose of carrying into execution the provisions of the act of 1887, which is limited to the following purposes:

And in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture and to promote scientific investigation and experiment respecting the principles and application of agricultural science, there shall be established, etc.

Now, it seems to me this is a very large sum of money. This appropriation is constantly increasing, and I should like to know from the chairman of the committee what the committee found upon investigation to justify this large appropriation.

Mr. WADSWORTH. If the gentleman will read a little further, he will see that the law provides that $15,000 shall be annually distributed to each one of these stations, and that the lump sum of this appropriation has not been increased, excepting for the three new experimental stations—one in Alaska, one in the Hawaiian Islands, and one in Puerto Rico.

Mr. CORLISS. Is it not true that this appropriation has gradually and persistently increased in every Congress?

Mr. WADSWORTH. No; it is the same as in the last Congress with the addition of Hawaii and Puerto Rico. Alaska was in the last bill.

Mr. CORLISS. This money is appropriated and given to the States?

Mr. WADSWORTH. To these different stations.

Mr. CORLISS. Is it distributed under the Secretary of Agriculture?

Mr. WADSWORTH. It is distributed under the authority given in that law which you have just quoted and appropriated for in this agricultural appropriation bill, and the money goes to the experiment stations, not to the State.

Mr. CORLISS. Does the chairman of the committee think that this appropriation is not excessive?

Mr. WADSWORTH. I do not think it is excessive. It is the same as it has been for the last few years.

Mr. STEELE. I want to ask the gentleman about Alaska, whether or not the experiments of last year seem to justify further experiments in Alaska?

Mr. WADSWORTH. In answer to the gentleman from Indiana, I will say that the gentlemen who visited that far-off territory reported some facts which seem to cast a shadow of doubt at least upon the utility of that station; but after consulting with the Secretary of Agriculture and talking the matter over with him, he mailed me a letter which I have here and which I will have the Clerk read, if the gentleman from Indiana desires it. If not, I will ask leave to print it in the RECORD, as it is quite long.

The CHAIRMAN. If there be no objection, the request of the gentleman will be granted.

There was no objection.

The letter is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., January 31, 1900.

DEAR SIR: I beg leave to offer the following reasons for my request that $15,000 be appropriated for the maintenance of the agricultural experiment stations in Alaska.

First. The success of our investigations, as far as they have gone, indicates that the agricultural possibilities of that vast region surpass the most sanguine expectations of the friends of the Territory.

The history of these investigations is briefly as follows: For thirty years after the acquisition of the Territory the Government did absolutely nothing to ascertain whether or not anything to support life could be grown there. On the theory that it was simply a vast ice box, in which no civilized person would want to live or could live, it was left severely alone. In 1897 Congress authorized this Department, at my request, to begin investigations in a tentative way. A commission was sent up to examine the country. Their report to Congress was sufficiently encouraging for Congress to direct a continuance of the work for 1898. That year the Department began actual experiments in growing grains and vegetables on a small scale, using for that purpose gardens tendered by citizens of Sitka and Skagway. These experiments are recorded in detail in last year's report to Congress. Briefly stated, the results were that barley and oats matured and produced grain of excellent quality and a superior article of fiber flax was grown, as were also all the common hardy vegetables.

Reservations of land for experimental purposes were made at Sitka and Kodiak and Kenai, Cook Inlet. On the strength of these results the last Congress increased the appropriation for these investigations for the fiscal year ending June 30, 1900, and the law directed the establishment and maintenance of experiment stations in Alaska. As this indicated the purpose of Congress to place the work on a permanent basis, plans were laid accordingly. A headquarters building was begun and partly completed, land was cleared, and experiments begun in the drainage and treatment of the soil. Experimental crops were grown at the stations at Sitka and Kenai, in Cook Inlet. The results were more successful than we had dared to hope. Eleven varieties of wheat matured a good quality of grain that will be valuable for hybridizing and for early maturing in lower latitudes, as did also a dozen kinds each of barley and oats. Both winter and spring rye matured; clovers sown the year before matured seed; fiber flax of fine quality was again produced, and so were all the common vegetables and buckwheat. Samples of the grain are in evidence at the Department, and speak for themselves. The report of these operations was transmitted to Congress some time ago.

It is evident the Territory has agricultural possibilities and the question now is how best to develop them. The appropriations have not been sufficient to begin work in the interior. For want of funds we have been obliged to confine our operations to the coast region. I now plan for the establishment of at least one experiment station in the interior the coming season with a view to ascertain what can be done in that vast region which, in its valleys and plains, contains probably not less than 100,000 square miles of land that will admit of the prosecution of agriculture in some form.

Besides the experiments carried on by our agents, reports were received from persons residing in the Territory, showing that successful attempts have been made in growing potatoes, turnips, cabbages, lettuce, and other vegetables in numerous localities along the coast and in the interior, and even in some places north of the Yukon River. Grasses and forage plants grow luxuriantly over large areas and already a considerable number of sheep and cattle are maintained in the Territory. The success of the reindeer experiments conducted by the Department of the Interior indicates that with the aid of this animal, useful for meat and work, even the northern portions of the Territory may develop considerable industries, as is the case in similar regions in Europe and Asia.

It is estimated that only about 5 per cent of the area in southeastern Alaska can be reduced to cultivation, but its very scarcity makes it all the more important that we should demonstrate to the people how to make the most of it. In the Kenai Peninsula and the Cook Inlet region there are thousands of square miles of land which can be converted into good farms, and the reports we have from the interior indicate that probably 30 or 40 per cent of the country can be utilized for farming or grazing.

Our headquarters station is located at Sitka, because it had to be located where we could reach it at all times of the year. Sitka is the seat of government; mails go there regularly. We can communicate with the men in charge at all times. It is important to locate the headquarters where they can be reached. The problems presented at Sitka in the subjugation of the land and the growing of crops are of such a nature that whatever succeeds there can succeed anywhere else in the coast region.

Secondly. This work deserves the support of Congress because it will aid materially in the development of the Territory. Alaska's mineral resources appear to be unbounded; we have not begun to measure them. In addition to this, its fur trade, its fisheries, and its wealth of timber are acknowledged to be valuable. It would aid and cheapen the cost of the development of these resources if the men who are engaged in the work can be fed from products grown in the Territory. The 100,000 people who in the near future will inhabit Alaska will be fed by San Francisco and Seattle, and the cost of their living increased by expensive transportation by sea and land unless we encourage them to produce their food stuffs themselves, if such a thing be possible.

That people can live in these latitudes and become important factors in national life is proved by the inhabitants of Norway, Sweden, and Finland. They have resided where they now live since the dawn of history, because they find agriculture possible there. Nature is no more rigorous and forbidding over a large area of Alaska than she is in these countries. If anything, she favors Alaska. I believe that the possibilities of farming in Alaska are greater in the same latitudes than in these countries, and I base my belief on geographical and meteorological data.

Comparing Finland with Alaska, I find that the northern boundary of both is latitude 70°, but while the southern boundary of Finland is 60°, the southern boundary of Alaska is 54° 30'. In 1895 Finland produced:

Wheat	bushels..	146,870
Barley	do....	6,117,402
Flax	pounds..	3,561,615
Oats and barley, mixed	bushels..	449,537
Rye	do....	13,254,842
Oats	do....	18,811,839
Hemp	pounds..	1,466,682
Buckwheat	bushels..	82,581
Peas	do....	425,250

During the same year Finland exported 22,750,000 pounds of butter and 400,000 pounds of cheese.

Finland has a population of 2,520,437 people. Meteorological observations, taken in like latitudes in Alaska and Finland, show that temperatures are higher in Alaska. So that there is every encouragement for the belief that Alaska will in the future produce food for the support of very large numbers of people.

Having made experimentation along the southern coast and learned what can be done there on a small scale, it is our intention to move northward and ascertain what can be done along and north of the Yukon River. Reports come to us incidentally that grains left on the ground by tourists have grown and matured north of the Yukon. Barley has ripened as far north as Fort Yukon in latitude 66° 45'; and on the Yukon volunteer wheat has been found ripe that had been scattered there by accident. Grains grown and ripened along the southern coast during the past year will be of great value in the scientific work of the Department and of our experiment stations, where cross fertilization is being carried on for the purpose of getting a multiplicity of varieties in order that grains may be found suitable for different conditions within the United States. The grains brought down from Alaska are exceedingly vigorous and will be valuable for seed use in our Northern States.

One of the great requirements in latitudes where spring wheat is now grown is a variety that will ripen before the hot, moist season of early July arrives, in which rust is developed. It is possible that some of our Alaska wheats, maturing rapidly there in almost perpetual sunshine, may meet this requirement; or, having early maturity impressed upon them, may be valuable in hybridization.

Experimentation along the line of reducing to cultivable condition, by underdraining, lands which now produce mosses, are being undertaken, and must be prosecuted throughout the Territory.

In view of the facts that the Territory is so extensive, and the interests involved so great, I respectfully urge that the sum of $15,000 be appropriated for the work.

I have the honor to be, very respectfully, yours,

JAMES WILSON, *Secretary.*

Hon. JAMES W. WADSWORTH,
Chairman Committee on Agriculture,
House of Representatives United States, Washington, D. C.

Mr. STEPHENS of Texas. What I desired to ask was, Are the experimental stations provided for?

Mr. WADSWORTH. They are. They were in the bill of last year.

Mr. HOPKINS. And they have proven the best of any investment you have made in that line.

Mr. STEELE. I happened to be in that country last year, Mr. Chairman, and I have very grave doubts of Alaska ever becoming an agricultural country, or any part of it. At the same time, I defer to the judgment of the Secretary of Agriculture; and if it is possible to find anything that will grow and mature up there that will be of advantage to those people, I will be glad of it. I want him to try it for another year.

Mr. HENRY of Connecticut. I think the gentleman saw but a small portion of the territory in Alaska, and I doubt very much if his opinion is of very great value to this House in connection with the agricultural resources of Alaska. In any military matter I would defer to the gentleman's usually excellent judgment; but I have in my hand, and will not detain the House by reading it, a communication from Professor Georgeson, in charge of the experimental station work in Alaska during the last two years, in which he sets forth the agricultural possibilities of Alaska, and compares the territory with the Grand Duchy of Finland.

Finland contains something more than 140,000 square miles, or about one-third the area of Alaska, with a similar climate, within about the same parallels of latitude. Finland supports a population of about two millions and a half. It is an agricultural country, producing much more than is consumed. It is the opinion of Professor Georgeson, a Scandinavian, and entirely familiar with the agricultural and climatic conditions prevailing in northern Europe, that Alaska is capable of supporting a population of from twelve to fifteen millions. And inasmuch as Russian oppression is likely to drive a large number of Finlanders to seek new homes—I hope under our flag—and as immigration is apt to follow the same parallels of latitude, we may hope to attract a valuable and industrious population to our northern country. For these reasons I think it is important that the country should have these facts. I insert this communication in the RECORD, under the general leave already given:

FACTS CONCERNING ALASKA.

Alaska lies between latitudes 54° 30' and 70° north and between longitudes 132° and 168° west. It covers an area of 580,000 square miles. So far as agriculture has been tried in a systematic manner in this Territory, it has been a success. The Department of Agriculture matured no less than 11 varieties of wheat and about a dozen varieties each of barley and oats, as well as flax and buckwheat, and also produced all the common vegetables during the past year. This was at Sitka, in about latitude 57° 30'; but reports received by the Department from all over the Territory show that the hardy vegetables can be successfully grown everywhere. There are large and successful market gardens at Dawson, north of latitude 64°.

Barley has been ripened as far north as Fort Yukon, in latitude about 66° 45'. Volunteer wheat has been found ripe at places on the Yukon where it had been accidentally scattered. The whole of southwestern Alaska, embracing the Peninsula of Alaska and the adjoining islands, is covered with an abundance of grass and, as pointed out, cattle can live and in certain localities do live outdoors the year round on this natural pasturage. While it is true that Alaska is much more mountainous than Finland, it is also true that it is more than four times larger than Finland and contains an area of land as large as Finland which can be utilized for agricultural purposes in some form.

It is further noted concerning Alaska that experiment stations have already been established at Sitka and at Kenai on the Kenai Peninsula.

That grains and vegetables have been grown with marked success at both of these places.

That the Government has erected a headquarters building at Sitka, with a view to the perpetuation of the work.

That the investments by the Government for the equipment of these stations, including buildings, work animals, and implements, so far amounts to something over $8,000.

That this property, which has been transported there at great cost, should not be abandoned or given away.

That the Department is very desirous of establishing an experiment station during the coming summer somewhere on the Yukon River, with a view to testing the agricultural possibilities of that vast region.

That in order to do this work in a systematic and scientific way it is necessary to organize the service properly and to maintain it from year to year for at least six or eight years before it can be said with certainty what may be expected in that region.

That the distances in Alaska are very great. From Seattle to Skagway is about 1,100 miles; from Sitka to Kadiak, about 800 miles; from Kadiak to Unalaska, 700 miles; from Unalaska to St. Michael, 750 miles. These distances are in straight lines across the open sea, and not along the coast lines. From St. Michael to Circle City is about 1,100 miles, up the Yukon River.

That Skagway, which is the northernmost point touched by pleasure steamers, which follow along the inland passage, is 200 miles east of the one hundred and forty-first meridian, where Alaska proper begins, and that, consequently, gentlemen who think they have seen Alaska and are prepared to pass judgment upon its possibilities when they have traveled along the inland passage and viewed the hillsides from the deck of a steamer, as a matter of fact have seen nothing of Alaska except the rocky promontories which are characteristic of southeastern Alaska. The Department does not maintain that southeastern Alaska is likely to be of any great importance agriculturally, although there is land enough to raise the food for all miners who will ever locate there.

Sitka was made the headquarters for the experiment stations because it was the seat of government. It was a place readily accessible the year round, whereas places in the interior or farther westward could not be reached at all times. The success of growing grains and vegetables and in raising live stock in Alaska are positive proof that the country has agricultural possibilities. Its resources in minerals and timber, its fisheries and fur trade, are certain to cause a large population to flow to the Territory, and it is a measure of sound political economy to encourage the development of agriculture in order to cheapen the living of those who go there and to give stability and permanence to the population.

FACTS CONCERNING FINLAND.

Area.—Finland has an area of 144,221 square miles. Of this 12 per cent consists of inland lakes.

Boundaries.—The southern boundary is in latitude 60; northern boundary, latitude 70. Alaska's southern boundary, 54° 30'; northern boundary, 70°. Latitude 60, the southern boundary of Finland, runs across Cook Inlet and the coast of the northernmost bend in the Gulf of Alaska, leaving all of southeastern Alaska and all of the peninsula of Alaska to the southward.

Population.—In 1895 the population of Finland was 2,520,437.

Crops.—In the year 1895 Finland had the following among its leading crops:

Wheat	bushels..	146,370
Barley	do....	6,117,402
Flax	pounds..	5,561,615
Oats and barley, mixed, grown for feed	bushels..	449,537
Rye	do....	13,254,342
Oats	do....	18,811,839
Hemp	pounds..	1,436,682
Buckwheat	bushels..	82,581
Peas	do....	425,250

Live stock in 1895.—Horses, 300,650; cattle, 2,398,183; sheep, 1,067,324; hogs, 197,350.

For each thousand persons Finland had, in 1895, 119 horses, 559 head of cattle, and 423 sheep.

EXPORTS.

Oats.—For the five years 1891-1895, inclusive, Finland exported yearly, on an average, 1,396,200 bushels of oats. It appears that oats is the only grain they have exported.

Live stock.—During the same period of five years Finland exported a total of 20,837 horses, 62,628 cows and calves, 7,896 sheep, and 62,582 hogs.

Dairy products.—During the same period of five years Finland exported 113,743,216 pounds of butter, which is an average yearly export of 22,750,000 pounds, in round numbers. In the same period of five years the exports of cheese amounted to 1,972,185 pounds, or nearly 400,000 pounds as a yearly average. During the same period of five years Finland exported nearly 2,000,000 gallons of milk.

Meteorological data for Finland and Alaska.

Month.	Finland.			Alaska.			
	Mustiala, lat. 60° 49′ N.	Kajana, lat. 64° 13′ N.	Sodankyla, lat. 67° 24′ N.	Skagway, lat. 59° 30′ N.	Orca, lat. 60° 45′ N.	Fort Davidson, lat. 64° 50′ N.	Kadiak, lat. 57° 45′ N.
January	16.5	9.7	10.7	22.2	.....	.....	30
February	18.8	12.4	7.7	19.2	.....	.....	28.2
March	24.1	19.6	13.4	23.4	.....	7.1	32.6
April	34.7	32.3	23.9	41.4	.....	23.6	36.3
May	47.3	43.1	36.5	47.1	.....	45	43.2
June	57.9	55.9	45.5	54	51.1	57.2	49.5
July	61.9	60.8	55	61.4	61	60.3	54.7
August	59.2	56.8	50.5	.....	57.1	52.1	55.2
September	50.7	46.7	42.9	50	49.2	50	50
October	40.4	35.2	33.4	35.7	38.8	39.5	42.3
November	28.9	23.7	16.7	.....	34.4	.....	34.7
December	22.3	17	4.1	.....	.....	.....	30.5

As yet we do not have records for places farther north than Camp Davidson, which corresponds to the settlement now called Eagle City, located on the border between Canada and Alaska, in latitude about 64° 50′, or nearly the same as the latitude of Kajana, Finland.

Orca is located in almost the same latitude as Mustiala, namely, about 60° 45′. We do not have records from the station for more than the past summer, but it will be seen that the temperatures for the six months, June to November, inclusive, run very closely with those of Mustiala. Skagway, which is at the head of Lynn Canal and the most northerly point that pleasure steamers touch, is in latitude about 59° 30′. It will be seen that the temperatures here also correspond very closely with those of southern Finland.

As for the temperature of the coast region, the average record for more than eighty years shows that it is mild the year round. As a matter of fact, the report of the special agent who has had these investigations in charge shows that cattle have run out for years at Kadiak both summer and winter without food or care of any kind. Kadiak is located in latitude about 57° 45′, some 800 miles west of Sitka.

Mr. LLOYD. Has the gentleman any other information with reference to the capabilities of Alaska except that given by Professor Georgeson?

Mr. HENRY of Connecticut. Oh, yes; I have, although I do not care to detain the House in the matter. I had a personal friend in the Cook Inlet country last summer. He was there for mining purposes, but he took seeds along, and raised the ordinary vegetables in his garden.

Mr. LLOYD. Is there any part of Alaska now engaged in agricultural pursuits?

Mr. HENRY of Connecticut. There are the Russian settlers in Cook Inlet country, who have been there a hundred years, and living there as agriculturists.

Mr. LLOYD. Have you any estimate of the amount of their products?

Mr. HENRY of Connecticut. No.

Mr. HOPKINS. They have eleven varieties of wheat in Alaska. They grow barley there, buckwheat, and grass, and everything of that kind is grown there for the sustenance of cattle, horses, and other kinds of live stock.

Mr. LLOYD. In that connection, I want to inquire if it is not a fact that all that is grown is grown on a very small tract of land, and nearly all grown on one tract of land?

Mr. HOPKINS. The area now under cultivation is not large; but it is not from the fact that the soil is not productive, but because of the sparseness of population. These experimental stations are placed there for the purpose of showing what developments can be made in the way of agriculture in that country. And, as the gentleman from Connecticut has said, it is three or four times as large as Finland; it is no farther north than Finland, and that country supports a population of between two and three millions of people. They raise there a large amount of all kinds of agricultural products. They have 2,398,000 cattle, more than 1,000,000 sheep, and nearly half a million horses, besides hogs and other live stock.

Now, this appropriation is to have an investigation of the subject made most carefully, to see whether this great area, that a great many people have thought heretofore was not susceptible of cultivation, can be cultivated as successfully as Finland; and, as the gentleman has said, instead of having a population of a few thousands, by proper cultivation and development of the resources of that land we can care for a population of 10,000,000 people.

Mr. STEELE. Now, Mr. Chairman, this is out of my time. The gentleman has been reading from a paper.

Mr. HOPKINS. I have not. I have been reading from nothing. I stated some facts that had come to my knowledge.

Mr. STEELE. He is reading from a paper that he has before him.

Mr. HOPKINS. I was stating a number of facts that have come to my knowledge from an investigation I have made upon this subject.

Mr. STEELE. Something that the gentleman has never given a moment's attention to until five minutes ago, probably. Now, the fact of the business is that I am a farmer. [Laughter.]

Mr. HOPKINS. No one will believe it.

Mr. STEELE. I know farming land when I see it. If I did not know more about it than Mr. Georgeson, who makes this report, or the gentleman from Connecticut, I would not claim to be a farmer. [Laughter.]

Mr. HENRY of Connecticut. I have been a farmer all my life.

Mr. STEELE. A Connecticut farmer. You are not in it. You want to go to the West or South.

Mr. LLOYD. I want to suggest to the gentleman that he lives in a different country from the gentleman who lives in New England.

Mr. STEELE. I am not yielding. The truth about it is that I visited the agricultural station to which reference has been made. It consists of the governor's garden or yard and a very few other very small lots or yards. The land cultivated there has been cleared, I suppose, about a hundred years, or in that neighborhood—ever since the traders went up there.

Never until they made the appropriation of two years ago did they attempt any agriculture. At Killisnoo we found a gentleman who catches herring for the oil, and about eleven months of the year he has nothing to do. He had a little patch of ground up against his house where he was raising pansies and a few other things more adapted to deep planting, that he planted in the fall, and they came up in the spring. He said that he thought each pansy cost about a dollar apiece. He had nothing else to do; he could not fish all the time. He amused himself raising pansies and a few other plants which he could plant in the fall.

There were a few yards in Sitka where this agricultural station is. In some little patches they were trying to raise oats or wheat. I know these when I see them. I saw specimens in the committee room on Agriculture supposed to be brought from up there. But I want an affidavit from the agent that these articles ever grew in that country before I will believe it, and yet when you examine the heads, you find that they are not matured. I am not deferring to the judgment of Mr. Jordan; I want the Secretary of Agriculture by experiment to find out that it is not an agricultural country. Now, gentlemen, do not decry me as a farmer; I am an excellent farmer and know how to farm.

Mr. RICHARDSON. What do you raise mostly?

Mr. STEELE. Corn and wheat, cattle, hogs; I pull stumps, drain my land, rotate crops, etc. I know all about it.

Mr. TALBERT. The gentleman will have hell raised up in Indiana, too. [Laughter.]

Mr. STEELE. Oh, no; they raise that down South. [Laughter.]

Mr. HOPKINS. Mr. Chairman, the gentleman from Indiana in the closing sentence of his remarks indicated the extent of his knowledge of farming—that is, he announced that he knows a farm when he sees it—he knows, of course, that a farm lies outdoors. [Laughter.]

Mr. STEELE. Not necessarily so. [Laughter.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WILLIAMS of Mississippi. It is inexpedient for Congressmen to inform the public what they do not know about agriculture. [Laughter.]

The CHAIRMAN. The point of order is well taken.

Mr. HOPKINS. Members of the committee will note, however, that all of the information that the gentleman from Indiana obtained was upon a pleasure trip, and he only visited one or two places in this country. Now, the statement that I made was that this large area of territory is as far south as Finland; and I find by examination of some statistics which I have before me that the southern boundary of Finland is 60° north, and the southern limit of Alaska is 54° and some minutes north.

I have just shown the production of Finland—that all sorts of agricultural products are raised there, that a population of between two and three millions of people are supported on an area

that is only about one-quarter of the area of Alaska; and it seems to me if they are as successful as is shown here, that we ought to be equally as successful in Alaska. The gentleman from Indiana, with all his knowledge of farming, does not dispute any facts relating to Finland. Why can not we develop this great territory of ours up there as well as Finland? It seems to me that if a tithe of the information that has been furnished here is correct, and I believe the whole of it to be correct, that it is a profitable investment for this Government to go on with these experiments.

The Clerk, proceeding with the reading of the bill, read as follows:

Nutrition investigations: To enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestions of full, wholesome, and edible rations less wasteful and more economical than those in common use, $15,000; and the agricultural experiment stations are hereby authorized to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories, and as may be mutually agreed upon; and the Secretary of Agriculture is hereby authorized to require said stations to report to him the results of any such investigations which they may carry out, whether in cooperation with said Secretary of Agriculture or otherwise.

Mr. SIMS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after line 2, page 24, the following:

"To enable the Secretary of Agriculture, through the Division of Chemistry, to investigate the chemical composition of cotton seed and its economic uses, the sum of $10,000, or so much thereof as may be necessary, to include the expenses of chemical investigations, services of special agents, cost of apparatus and materials, necessary traveling expenses, and expert and other labor."

Mr. WADSWORTH. Mr. Chairman, that is subject to a point of order, and I will reserve the point of order. I will say to the gentleman from Tennessee that what he desires can be accomplished through the Division of Chemistry and nutrition investigation, on page 23. There is full power in the Secretary to investigate the subject of cotton seed.

Mr. SIMS. Mr. Chairman, this section that has just been read only provides $15,000 for all purposes, and the amendment which I sent up provides $10,000 for the investigation of the economical uses of cotton-seed products.

Mr. Chairman, I do not think less than that would accomplish the purposes as thoroughly as it ought to be, and if not necessary, the use of it would not be made. It is well known to those acquainted with the cultivation and gathering of cotton that the cotton crop is more valuable and more important than any other one crop. Therefore it is more necessary that it should be so used and its uses so encouraged as to get the greatest amount of profit or value out of it.

There are more poor people in the South, more laborers, engaged in the cultivation of cotton, the picking of cotton, the preparation of it for market, than those engaged, perhaps, in connection with all other crops in the South combined. There is more money derived from foreign countries in connection with this crop than in connection with any other crop in the United States.

I know that something has been done along this line, but I do not think sufficient has been done. It is true that private individuals and companies have made sufficient and satisfactory investigations as to the food products of cotton seed; but the results of those investigations lack official confirmation, and by proper investigation of the food products of the cotton seed, we can extend the trade in those products with European and Asiatic countries.

Cotton-seed oil is a cheap substitute for many products of lard, butter, etc.; and if the nutritive properties and the harmlessness of these products were well known in Europe as well as in this country by means of official investigation, I have no doubt millions of dollars would be added to the value of the products of cotton seed in the United States.

I offer this amendment because this paragraph appropriates only $15,000 for investigation of all kinds in this direction, and I do not think the field has been sufficiently covered. I believe the same amount of money could not be expended in any other way which would be likely to result in so great benefit to so great a number of people of so large a section of our country. I offer the amendment in good faith, and I hope the gentleman will withdraw his point of order, if the amendment is subject to a point of order, and let us have a vote upon it.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the chemical composition of cotton seed has been a matter of investigation with the Department of Agriculture at Washington. There have been full investigations and full reports on the subject. We find as we go on with the work of the Department of Agriculture that we must consider that the Department at some time finishes a part of its work so as to take up new work. Not only has the Department at Washington investigated the chemical constituents of cotton seed for the purpose of determining what is the best fertilizer for cotton, but it has investigated the nutritive properties of cotton seed as an animal food, and full report has been made on that subject.

One of the most interesting pamphlets issued by the Department of Agriculture—quite a long one; I think about one hundred and twenty-odd pages—is on this subject, very full in every respect, giving the chemical composition of the seed, just exactly what it is worth as a fertilizer in comparison with commercial fertilizers of every sort, just exactly what it is worth as a component part of animal food for fattening cattle, and for various other purposes.

Now, in addition to that, the agricultural experiment stations of several Southern States have undertaken this work, and several letters have been received by me and others in relation to the work which they have done. The agricultural experiment station of my own State has made some very interesting investigations along that line. The work has been attended to about as fully as it could possibly be attended to from a scientific or chemical standpoint.

Now, it may be possible that a proviso to this bill, or a separate bill, directing a report from the Secretary of Agriculture for the purpose of showing the harmless qualities of cotton-seed products as a substance of human food might do some good. That, however, would not come within the scope of the gentleman's amendment.

But, sir, there never has been any dispute as to the absolute harmlessness or the nutritive qualities of cotton seed, either as forming part of various food products for animals or as a substitute for olive oil, butter, lard, and all that sort of thing; nor has there been any question as to its harmless and nutritive qualities as a raw animal food, as in the case of cotton-seed cake.

Mr. SIMS. Is it not a fact that a bill is now pending to tax oleomargarine or butterine, composed largely of cotton-seed oil, on the ground that this product is not good for human food—is unhealthy?

Mr. WILLIAMS of Mississippi. I am glad the gentleman has asked this question, because it enables me to tell the House something which will be a matter of information to some members at least. There is a bill pending for the purpose indicated by the gentleman, but not a single advocate of that bill has *dared* at any time to advance the idea that cotton-seed oil is not an absolutely harmless and absolutely healthful product. So that the introduction of that bill does not imply what the gentleman supposes; it is not based upon any such reason as the unhealthfulness of cotton-seed oil. I am glad to be able to make this statement, because there may be some men in the House who may think that it is on such grounds that oleomargarine legislation is being urged. No one on cross-examination before the committee has ever dared to say that cotton-seed oil was unhealthful or not nutritious.

Mr. SIMS. May I ask the gentleman from Mississippi a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. SIMS. Do you think the investigation in this direction, with reference to the use of this product for human food, is sufficiently provided for without the amendment?

Mr. WILLIAMS of Mississippi. The amendment would not accomplish that.

Mr. SIMS. But my question is, Do you think the investigation has gone sufficiently far to indicate the adaptability of this product for human consumption?

Mr. WILLIAMS of Mississippi. It indicates to every man who desires to learn the fact that cotton-seed oil is harmless—not only harmless as human food, but is nutritious, just as much as olive oil, or any other vegetable oil known to the world, and as healthful as any other human food.

Mr. WADSWORTH. Mr. Chairman, in view of the investigations already made along the line of this proposed investigation and in view of the fact that there are $45,000 available, $30,000 under the one head and $15,000 under another, a portion of which may be used in the further pursuance of this investigation, I must insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Publications, Department of Agriculture: For the preparation, printing, illustration, publication, indexing, and distribution of documents, bulletins, and reports, $85,000; of which sum $37,500 shall be available for the preparation and printing of farmers' bulletins, which shall be adapted to the interest of the people of the different sections of the country, an equal proportion of two-thirds of which shall be delivered to, or sent out under the addressed franks furnished by, Senators, Representatives, and Delegates in Congress, as each Senator, Representative, or Delegate shall direct: *Provided*, That the Secretary of Agriculture shall notify Senators and Representatives of the title and character of each such bulletin, and also of any other publication of the Department of Agriculture not sent to the folding rooms of the Senate and House, with the total number to which each Senator, Representative, and Delegate may be entitled for distribution; and on the face of the envelope inclosing said bulletins shall be printed the title of each bulletin contained therein: *Provided further*, That all such bulletins included in the quotas of Senators, Representatives, or Delegates not called for on or before the 30th day of June in each fiscal year shall revert to the Secretary of Agriculture, and be available to him, either for miscellaneous distribution or in making up Congressional quotas for the next fiscal year; for the pay of artists, draftsmen, and engravers, and of proof readers and indexers when

necessary; for the purchase of manuscript for publication, and of tools, instruments, and artists' materials; for printing proofs, charts, and maps; for drawings, engravings, photographs, paintings, lithographs, other illustrations, and electrotypes, and for traveling expenses when necessary; for labor, paper, envelopes, gum, twine, and other necessary materials; for the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $47,500; in all, $85,000.

Mr. LATIMER. Mr. Chairman, I desire to offer an amendment to this section. In line 6, on page 25, I move to strike out "eighty" and insert the words "one hundred and;" so that it will read "$105,000."

Mr. WILLIAMS of Mississippi. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS of Mississippi. The section to which the gentleman refers has been read and a part of the preceding section, for the purchase and distribution of seeds.

Mr. LATIMER. No; the gentleman is mistaken. I asked the attention of the Chair immediately on the conclusion of the reading of the paragraph in question.

Mr. WILLIAMS of Mississippi. I beg pardon, but I think a part of the succeeding section was also read—the paragraph headed "Purchase and distribution of valuable seed."

The CHAIRMAN. The gentleman from Mississippi is mistaken. The Clerk had just completed the paragraph relating to the publications of the Department of Agriculture when the gentleman from South Carolina offered his amendment. The Clerk will report the amendment proposed by the gentleman from South Carolina.

Mr. LATIMER. Mr. Chairman, I desire to offer an amendment to this section. In a word, I desire to increase the appropriation for farmers' bulletins by the amount of $20,000; and in order that the section may be in harmony, I desire, in line 7, on page 25, to strike out the words "thirty-seven" and insert "fifty-seven," making the increase of $20,000, as I have proposed.

In line 11 I moved to strike out the words "two-thirds" and insert in lieu thereof "four-fifths."

In line 1, on page 26, strike out the word "June" and insert the word "March."

In line 15, on the same page, strike out "eighty" and insert "one hundred and;" so as to read: "in all, $105,000."

Mr. Chairman, this bill appropriates $37,500 for the purpose of printing farmers' bulletins. One-third of these bulletins are allotted to the Secretary of Agriculture and two-thirds of them are for Congressional distribution. In other words, each member of the House has allotted to him about 5,000 bulletins to be sent to his constituents. There is hardly an agricultural district in this Union that has not more than 15,000 farmers in it. There are more than 100 bulletins on different subjects, every one of them of great interest to our farmers, and yet we are denied by this committee and this appropriation the right to have more than 5,000 bulletins, hardly enough to send one-third of our constituents one each.

Why this niggardly appropriation touching a matter of such great importance? This committee has in this bill appropriated $780,000 for the experiment stations. Why spend this large sum of money in furnishing means to carry on experiments in farming? Why pay large sums of money in salaries to experts in agriculture and then refuse to print the results of these experiments? Mr. Chairman, it is this valuable information, obtained at such great cost to the Government, that the people want. Thousands of dollars are appropriated to maintain an army in Luzon for the purpose of plunder, murder, and to rob the poor Filipinos of liberty and their homes; but when we ask for the sum of $20,000 for the purpose of printing farmers' bulletins and distributing them where they will be read and prove valuable to the great agricultural interest that feed the nation and furnish two-thirds of the exports to foreign countries and that enrich this nation, we meet the complaining lawyer, not with his usual claim that it is unconstitutional, but that it is a waste and that the people do not want the bulletins because they have not asked for them.

Mr. Chairman, the people do want them, and they expect, and have a right to expect, their representation in Congress to look out for their interest and not wait to be written to for what they want, but to send them every good and valuable thing that belongs to them or that they are entitled to. Mr. Chairman, I charge this committee with disrespect to a majority of this House, when they failed to write $20,000 in the bill for increase in appropriation for farmers' bulletins. I canvassed this House with a petition to the Committee on Agriculture, asking that the appropriation for seed be increased by $40,000; for bulletins, $17,000; for agrostology, $8,000; and 226 members signed that petition. I went before this committee and urged this increase in the different items. The committee wrote in the bill $40,000 for seed and $5,000 for agrostology, and the chairman admitted upon this floor this morning that this increase was allowed in compliance with that petition, and yet they denied the increase for bulletins.

Mr. Chairman, one member stood upon this floor and charged that members who signed that petition did not know what they were signing; that seed was wanted and not bulletins. I hardly think in this great legislative body of intelligent men they will let such a statement be proven by the record when the vote has been taken. The fact is, the committee was opposed to any increase, but, thinking the increase for seed was popular, they put that in and ignored the bulletins. Now, gentlemen of this House, you who signed the request for this increase and you who believe it just to the farmers of this country, I call upon you to stand by this amendment. It has been submitted as you requested. The committee, as I have said, turned down 226 of us, and it is our turn now. Let us vote it in the bill and turn the committee down. I feel sure you will do it.

Mr. Chairman, I do not desire to consume the time of the House. I have said about all I had to say, except that it is provided in this amendment that I have offered that on page 26, line 1, instead of "June," the word "March" shall be inserted. The object of this is that these bulletins, when unclaimed by members, may lapse to the Secretary of Agriculture, so that he may reallot them to members of the House after the 31st day of March instead of the 30th of June.

Now, it is hoped that Congress will adjourn by the 15th of June. If we leave here by that time, these bulletins, under this bill, will not lapse to the members until the 30th of June. I ask that that change may be made, so that the members of the House may have the privilege of these bulletins which may lapse on account of members not taking them. All that any member has to do in order to retain his quota is to notify the Secretary of Agriculture that he desires his quota of bulletins, which can be held there. Without this notice, let them lapse on the 31st of March, to be redistributed by the Secretary.

Mr. BUTLER. Will the gentleman from South Carolina allow me to put a question to him?

Mr. LATIMER. Certainly.

Mr. BUTLER. Does the gentleman contemplate asking for an additional appropriation by way of an amendment to the bill to provide for additional Yearbooks, increasing the number when that part of the bill is reached?

Mr. LATIMER. No, sir; this amendment that I have offered is simply in regard to agricultural bulletins.

Mr. BUTLER. I understood the gentleman to say that he intended also to ask for an increase in the appropriation for Yearbooks. Did I misunderstand the gentleman?

Mr. LATIMER. You did. I should be glad to vote for an increase in the Yearbooks and horse books, but that is not contemplated in this amendment.

Mr. WADSWORTH. Mr. Chairman, I trust that the motion to increase the appropriation by $20,000 will not prevail. The amount appropriated in the bill is the amount that has been recommended by the Secretary of Agriculture, and supplies us with 5,000 bulletins each. Now, so far as the dissemination of useful agricultural information is concerned, that number is sufficient, and doubly so for the reason that wherever a bulletin is of particular interest in a district the local papers are very glad to take it up and publish it and scatter it broadcast over that district.

Mr. LATIMER. Will the gentleman allow an interruption?

Mr. WADSWORTH. Yes.

Mr. LATIMER. I would like to ask the gentleman if he thinks the Secretary of Agriculture has anything to do with the distribution of these bulletins? I ask him if that is not a thing that belongs to the members of this House, and if the Secretary did not say that?

Mr. WADSWORTH. That may be so; but we must rely in a great many things upon his judgment. If you want to consider these bulletins as a part of our electioneering perquisites, 5,000 copies are only a drop in the bucket. I have thirty-five or forty thousand voters in my district. Is the House willing to give me thirty-five or forty thousand of these bulletins? The gentleman from South Carolina, I believe, has four or five thousand votes in his district. How are you going to arrange that inequality? Are you going to supply each member with a sufficient number, so that he can send one to every voter in his district? I see no good reason whatever for increasing this appropriation, and I do not think the gentleman from South Carolina has mentioned any good reason.

Mr. LATIMER. What was the statement which you made about the gentleman from South Carolina?

Mr. WADSWORTH. I made the statement that the gentleman polls between four and five thousand votes in his district, whereas in my district there are between thirty-five and forty thousand votes, and that in order to attempt to furnish each member with the number requisite to supply each of his constituents there would be no end to it.

Mr. LATIMER. How often is it necessary to explain on this floor that when a man in the South receives a nomination for Congress at the primaries that settles the question?

Mr. WADSWORTH. I never explained it before that I know of.

Mr. LATIMER. It has been repeatedly explained.

Mr. SIMS. I wish to ask the gentleman a question.

Mr. WADSWORTH. What is the gentleman's question?

Mr. SIMS. Why do you think the farmer who does not vote ought to be entitled to a bulletin?

Mr. WADSWORTH. That is not the question before us. They want to supply every farmer who wants them. I only want the House to understand precisely what they are doing if they adopt the amendment offered. In that case I would need 35,000 or 40,000 bulletins to supply my district in accordance with the suggestions made by some gentlemen.

Mr. SIMS. A whole lot of the bulletins would go to the gentlemen who voted. No doubt they would send to those who did not vote.

Mr. SHACKLEFORD. If you had 35,000 bulletins, to whom would you send them?

Mr. WADSWORTH. I would send them to every voter in the district.

Mr. SHACKLEFORD. Do you think they would appreciate them?

Mr. WADSWORTH. Ninety per cent of them would, as I represent an agricultural district.

Mr. SHACKLEFORD. If they would appreciate them, why not let them have them?

Mr. WILLIAMS of Mississippi. Mr. Chairman, the object of this publication bureau is to disseminate information upon subjects relating to agriculture. Now, I have been a member of this House for eight years, and I stand here and say that I have never during that time received a single request for an agricultural bulletin which I was not able to supply either out of my own quota or else by dropping a note to the Secretary of Agriculture and asking him to forward it. So much, then, for that. Now, as to the need of an increase of these bulletins. There is absolutely no need of it. The committee has granted every dollar for the publication of the agricultural bulletins which was asked for by the Secretary of Agriculture and by the Chief of the Division of Publication. Moreover, we have granted all we need for the purpose of distribution as proved by the experience of each one of you.

Now, as to this "canvass of the House" which was made by the gentleman from South Carolina, from what I understand from gentlemen upon this floor, and I know what seven or eight of them said to me, is this: That they understood the petition to be for an increase of the seed to be distributed by members. The committee has made an increase in the appropriation of $40,000 for seed, which doubles the quota of each member. Nine-tenths of the gentlemen who signed that petition neither read it nor could they say they knew anything about it except they thought it was for an increase of seed. So far as I have been able to ascertain, no demand exists among our constituents for an increased number of the farmers' bulletin. If any member upon this floor has ever received a request for a farmers' bulletin which he could not supply from his own quota or from the Secretary of Agriculture, I would like that gentleman to rise and say so.

Mr. SHACKLEFORD. I will say to the gentleman I have had a number of requests that I have not been able to fill.

Mr. WILLIAMS of Mississippi. Did not you send your bulletins out on request, or regardless of requests and generally? Have you received requests for bulletins that you have been unable to supply out of your own quota or get from the Department?

Mr. SHACKLEFORD. I have a number that I have not.

Mr. WILLIAMS of Mississippi. Well, I wish you would give me the number of the farmers' bulletins that you want, and I will undertake to say that the Secretary of Agriculture will send them out to the party who makes the request.

Mr. SHACKLEFORD. Here are something like a hundred of these requests for farmers' bulletins in my district. There are several who are able to read, and they would be glad to read one or read the entire hundred if they could get them. We only ask for $20,000 for the publication of these bulletins, and it is a mere drop in the bucket. When you come here with propositions affecting the commercial interests of the country, or the manufacturing interests of the country, you come here asking for commissions and appropriations couched in the hundreds of thousands or the millions and they get it, but when the farmers ask for a few thousand dollars they can not get it.

Mr. WILLIAMS of Mississippi. I am as much a farmer as the gentleman. Nearly every dollar I own in this world is invested in farming lands. I am totally dependent upon that; and so anything addressed to the farmer's interest would be as apt to meet my ear as that of anybody else. The practical point is, Do we need the bulletins for the purpose for which they are being published? Now, the gentleman says that perhaps every farmer in his district that can read would like a copy of each of the bulletins published by the Government. Where is that going to lead us? There are not only a hundred but there are more than three hundred bulletins published and to be published each year.

Now, there are 35,000 registered Democratic voters in my district, and I am said to have a district which has comparatively few voters. Are you going to multiply the number of these bulletins, 35,000, multiplied by 200, so as to give each one of the voters a specimen of each of the farmers' bulletins published by the Government of the United States? If so, that would be 7,000,000 bulletins to each Congressional district. If you are not going to do that, where are you going to draw the line? The proper place is the line of the demand and supply of bulletins; and I say advisedly, after a service of eight years on the committee, that the demand for bulletins does meet the supply of them. I for one have never received a request I have not complied with by taking it out of my own quota or dropping a note to the Secretary of Agriculture, who has acknowledged the receipt and said, "We have sent Mr. Smith, at your request, Bulletin No. so-and-so."

Mr. MADDOX. Is it not a fact that there are two or three important bulletins that are out of print?

Mr. WILLIAMS of Mississippi. There are.

Mr. MADDOX. My experience concurs with that of the gentleman from Mississippi, except in one or two instances where I have been obliged to inform them that these important bulletins are out of print.

Mr. WILLIAMS of Mississippi. Yes; and I am glad the gentleman from Georgia called this up. I want to say that the Secretary of Agriculture has the power under the general law, which has been a law for a long while, to republish bulletins which have been exhausted, provided the republication does not cost over a certain amount of money; I have forgotten what that amount is.

Mr. WADSWORTH. I think it is a thousand dollars.

Mr. WILLIAMS of Mississippi. Yes; I think it is a thousand dollars for any one bulletin. We can always call upon the Secretary of Agriculture to republish a given bulletin if it comes within the appropriation. Congress can do this regardless of limit of cost.

Mr. RICHARDSON. The gentleman from Mississippi means a thousand copies.

Mr. WILLIAMS of Mississippi. No; I mean a thousand dollars. The bulletins do not cost over 5 or 6 cents apiece.

Mr. MADDOX. I have several times had occasion to say to my constituents that such a bulletin was exhausted, but as a rule they are all furnished that are called for.

Mr. WILLIAMS of Mississippi. I have been obliged to say on several occasions that a certain bulletin was exhausted, but afterwards I have been able to get it.

Mr. LATIMER. Will the gentleman yield?

Mr. WILLIAMS of Mississippi. One further remark and I will yield to the gentleman. Now, Mr. Chairman, to show how important it is to legislate with a full knowledge by the committee investigating the matter in hand, and knowing what they are doing, I want to call attention to the fact that the gentleman from South Carolina [Mr. LATIMER] offers an amendment to change the word "June," in line 1, page 26, to the word "March," under the impression that members of Congress are thereby assisted. He is so far from being right in that respect that he is exactly wrong. The law reads this way:

Provided further, That all such bulletins included in the quota of Senators, Representatives, or Delegates, not called for on or before the 30th day of June in each fiscal year shall revert to the Secretary of Agriculture.

So now he wants to change the word "June" to "March," so that if we do not get them out by the last of March they shall revert to the Secretary of Agriculture.

Mr. LATIMER. What does the Secretary do with them?

Mr. WILLIAMS of Mississippi. No matter what he does with them. He will generally give them to your or my constituents or send them to people on our request; but if we keep them we can do that without the necessity of making a request. As far as I am concerned, my bulletins have not yet been sent out fully, and I do not want to be compelled to send them as early as March.

Mr. LATIMER. The gentleman desires to be fair——

Mr. WILLIAMS of Mississippi. Certainly I do.

Mr. LATIMER. Will he look at the bottom of page 25 and see that it provides if they are not "called for" they shall revert; but can you not write a line to the Secretary saying that you reserve them?

Mr. WILLIAMS of Mississippi. Oh, yes; but practically the way we call for them is by addressing our franks and sending then to the Department, which sends them out. I do not want to have to write there and say, "Send up my bulletins to my house" or "my city address," and have them cumber up my room or my library. I want them to remain in the Department without useless cost to the Government until the 1st of July, and when I find out what are the important bulletins and who wants them, and what are the interesting portions of the literature published, have them sent out by the Department. I want to take my own time in distributing the bulletins, and in distributing precisely the bulletins that my constituents want. I do not want to be limited to the 30th of March, I want until the 30th of June.

Mr. LATIMER. Why can not you notify Mr. Hill, who has charge of the bulletins, that you reserve your quota of bulletins

and then serve notice on him, if you want them sent, when you get ready? The point I want to make is this, and the reason I offer my amendment is, that if you wait until the 30th day of June before the bulletins revert to the Secretary, the most of the members have gone home and it is too late to send them out for that session of Congress.

Mr. WILLIAMS of Mississippi. But they can go out under your direction after members of Congress have gone home.

Mr. LATIMER. Well, in March we are here to look after them, and a great many revert to the Secretary, and June is too late for the members to get them.

Mr. WILLIAMS of Mississippi. It is not too late. I have been in Washington more Junes during the off years than I have been at home; but suppose you are at home, you do not cease distributing literature while at home. We make up our franks and send them to the Department, and the Department sends out literature with the franks just as much and just as well as if we are here.

Mr. STEELE. I ask that the gentleman be allowed to continue for five minutes more.

There was no objection.

Mr. SIMS. The gentleman from Mississippi will allow me to say that he does not seem to understand as I do the proposition of the gentleman from South Carolina. I talked with the Assistant Secretary of Agriculture about this matter, and he stated that there were some members from the cities who do not dispose of or call for their quota of seeds and bulletins within the time required by law, and meanwhile the Department can not supply them to anyone else. He made the suggestion to me that if members were required, both as to seeds and bulletins, to notify the Department more promptly as to what they wished to have done with these articles, and if it were provided that in default of such notification within a limited time the articles would be forfeited, to be distributed by the Department, this business would be facilitated. This is the suggestion of the Department itself, not of the gentleman from South Carolina.

Mr. WILLIAMS of Mississippi. Mr. Chairman, of course I understand why the Assistant Secretary of Agriculture would desire to have our bulletins revert to the Department several months earlier than they now do. Of course I understand that it is in the nature of every Department of the Government, as it is in the nature of a court, to grow in its jurisdiction, to try to increase its control over matters and things. I understand, therefore, why the Assistant Secretary of Agriculture should desire that my bulletins and yours should be forfeited to the Department several months earlier than they are now forfeited. But I understand, also, that what we desire, in the interests of our constituents, is that we should keep control of these bulletins as long as may be.

Mr. SIMS. Why should not members send notice to the Department in good time if they do not require their seeds or documents?

Mr. WILLIAMS of Mississippi. That does not make any difference; I can not keep up with these "notices," nor can other members; we are too busy.

One word about the people who read these bulletins. The gentleman from South Carolina [Mr. LATIMER] comes from a cotton district; so does the gentleman from Tennessee [Mr. SIMS]; so do I. Now, in March the people in my part of the country are not reading farmers' bulletins; they are at work and very hard at work. It is when they have laid by their crop in the summer time and before cotton picking begins that the people do most of their agricultural reading. I would rather send my farmers' bulletins to my constituents in July and August than in March, April, or May, if I want them to be read.

Now, I want to make one other observation, in conclusion; and this is an important question in connection with the Department of Agriculture. There is not a single division or bureau of that Department upon which we could not expend advantageously $1,000,000 each year. Take the Chemical Division, the Agrostological Division, the Publication Division, the Entomological Division, the Biological Division, the Weather Bureau, the Bureau of Animal Industry—there is not one of those upon which a million dollars a year might not be advantageously expended in forwarding the work of that particular division in such a way as to prove of immense advantage to the people and the world. But we must have some thought of symmetry and proportion in the expenditures of the Department.

If we undertook to do all that could be done by any one bureau or division of the Agricultural Department consistently with the good of the farming community in one year, we could take every dollar appropriated for the entire Agricultural Department and give it to that bureau or division alone, and we could with sufficient employment of force expend every dollar of it advantageously. But we must do our work, especially in scientific matters, slowly and gradually. We must put a certain amount of money at the behest of each bureau and keep it engaged on a given subject until it gets through with it, when it can be laid aside and some other subject taken up. We have a long time in which to complete these various branches of work. So that when I take the position that we should not at a given time grant an enlarged appropriation for a particular bureau, I do not ignore the fact that an additional appropriation would perhaps result in some good.

We have in this bill increased the appropriations for agriculture alone a third of a million dollars. Since I have been on this committee we have increased the aggregate of this bill every year to a very large extent. We are trying to do the very best we can. The problem is how to be liberal and at the same time to be wise in the expenditure of money.

I yield a moment to the gentleman from South Carolina [Mr. LATIMER].

Mr. LATIMER. I want to say a word on this question, and I want the House to hear what I say. The Secretary of Agriculture has been quoted here as to the number of these bulletins that we must print.

The Secretary of Agriculture recommended an appropriation of $8,000 for the use of the Division of Agrostology. You ignored his request and reported only $5,000. Now, the Secretary says that it would be a good idea to allow the bulletins to lapse on the 31st of March, and you say he would like it, but that you do not like the suggestion, and therefore you ignore him. You ignore him, in other words, when it does not suit you to adopt his suggestion; and when the suggestion pleases you, then you fall in with him and make the appropriations accordingly.

Now, I wish to say that this is a question——

Mr. WILLIAMS of Mississippi. Well, Mr. Chairman, I do not think I can yield to the gentleman for a speech.

Mr. LATIMER. Just a word in this connection.

Mr. WILLIAMS of Mississippi. No; let me answer the gentleman first. I have but a few moments remaining.

The gentleman from South Carolina says that on some subjects we join with the Secretary of Agriculture and on some others we ignore him. I plead guilty to that suggestion, and plead guilty to the fact that I stand in accord with nearly every man I ever knew in all my life on some things, but not on all things. Why, my friend joined me only last week or the week before in standing by the President in favor of free trade between Puerto Rico and other parts of the United States. [Laughter.] And yet I dare say that neither of us would stand by the President in many other things which he would recommend.

Now, when we reach the Division of Agrostology, the gentleman quotes the Secretary of Agriculture as asking for a larger appropriation; but when we reach the provision relating to the publication and distribution of these bulletins, there is quite a difference. In other words, you quote him for what he is worth on that question and I on this. The Secretary has asked for what we have given him for publication of bulletins, and we have granted him what he asked—nothing more and nothing less.

Mr. LATIMER. What I tried to say before, but the gentleman from Mississippi refused to allow me, was with reference to what the Secretary did request. The Secretary said that it was a question for the House and not for himself. It is for the House to determine the question as to these bulletins. It is for the House to determine how many bulletins may be printed. It is a question that affects each member of the House individually. The bulletins are allotted to us, and the extra appropriation asked for is to give each member a double quota instead of what he now gets.

Mr. WILLIAMS of Mississippi. Well, Mr. Chairman, so far as I am concerned, I do not consider that these publications or distributions of any kind should affect members other than in a legitimate way. The object is not a personal one to the member. The object is to furnish information for the farmers as far and as fully as it is possible to do. Now, if the gentleman means to say that the use of these bulletins affects each member of the House in order to enable him to retain his seat in Congress or to secure his renomination or election to Congress, I scorn the use of the argument in that behalf. I do not think that gentlemen have the right to spend the public money with a view to their renomination or reelection. Public money expended in any one of the several Departments of the Government ought to rest solely upon the argument of the public good. I do not believe that it is the wish of any gentleman on this floor who deserves membership in this body to appropriate the public moneys to help himself, or for any purpose save the public good and in answer to a useful and beneficent demand.

Mr. WADSWORTH. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. O'GRADY reported that the Committee of the Whole House on the state of the Union, having had under consideration the Agricultural appropriation bill, had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 292. An act granting an increase of pension to Martha G. D. Lyster—to the Committee on Invalid Pensions.

S. 1593. An act granting an increase of pension to Clara H. Inch—to the Committee on Invalid Pensions.

S. 2994. An act granting an increase of pension to Fanny F. Robertson—to the Committee on Invalid Pensions.

S. 3075. An act granting an increase of pension to Marie J. Blaisdell—to the Committee on Invalid Pensions.

S. 1907. An act granting an increase of pension to Rebecca Paulding Meade—to the Committee on Pensions.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8063. An act to legalize and maintain the iron bridge across Pearl River at Rockport, Miss.;

H. R. 9713. An act permitting the building of a dam between Coon Rapids and the north limits of the city of Minneapolis, Minn., across the Mississippi River; and

H. R. 10311. An act to authorize the Shreveport and Red River Valley Railway Company to build and maintain a railway bridge across Red River at or near the town of Alexandria, in the parish of Rapides, State of Louisiana.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 2679. An act declaring certain trestles of the Washington County Railroad Company to be lawful structures.

REPRINT OF A BILL AND REPORT.

On motion of Mr. FOSS, by unanimous consent, it was ordered that the bill (H. R. 10450) making appropriation for the naval service for the fiscal year ending June 30, 1901, and for other purposes, and the report accompanying the same, No. 930, be reprinted for the use of the House; the report and views of the minority to be printed separately.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RIDGELY, indefinitely, on account of sickness.

CHANGE OF REFERENCE.

The SPEAKER. The joint resolution (H. J. Res. 162) providing for preliminary examination and survey of Burlington Bay, Lake County, Minn., will be changed from the Committee on Interstate and Foreign Commerce to the Committee on Rivers and Harbors.

And then, on motion of Mr. WADSWORTH (at 5 o'clock and 2 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a copy of a communication from the Paymaster-General, together with the draft of a bill, relating to allotments to enlisted men—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of increase of limit of cost for public building at Aberdeen, S. Dak.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for the post-office and court-house building at Norfolk, Va.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a letter from the Chief of Engineers submitting a report on designs for a memorial bridge across the Potomac River—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Tennessee River between Bridgeport and Decatur—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and fact in case of the ship *Eunice*, Thomas Seal, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a communication from the Quartermaster-General of the Army with reference to the purchase of land on Cushing's Island, Portland Harbor, Me.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10097) to authorize the Atlantic and Gulf Short Line Railroad Company to build, construct, and maintain railway bridges across the Ocmulgee and Oconee rivers, within the boundary lines of Irwin, Wilcox, Telfair, and Montgomery counties, in the State of Georgia, reported the same with amendment, accompanied by a report (No. 953); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8921) to authorize the Butters Lumber Company to construct and maintain a bridge across the Lumber River between the town of Boardman and the town of Fairbluff, in Columbus County, N. C., reported the same with amendment, accompanied by a report (No. 954); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8962) to authorize the New Orleans and Northwestern Railway Company, its successors and assigns, to build and maintain a bridge across Bayou Bartholomew, in the State of Louisiana, reported the same with amendment, accompanied by a report (No. 955); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9884) authorizing the construction of a bridge across the Red River of the North, reported the same without amendment, accompanied by a report (No. 956); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4065) to remove the charge of desertion against David Edwards, reported the same with amendment, accompanied by a report (No. 957); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 4142) to increase the pension of Katharine R. Prince; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LACEY: A bill (H. R. 10553) to amend an act entitled "An act for the protection of the lives of miners in the Territories"—to the Committee on Mines and Mining.

By Mr. MUDD (by request): A bill (H. R. 10554) to establish a representative form of government for the citizens of the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMALL: A bill (H. R. 10555) authorizing a survey and estimate of cost of dredging a channel through the bar at mouth of Scuppernong River, North Carolina—to the Committee on Rivers and Harbors.

By Mr. DOVENER: A bill (H. R. 10556) to establish a fish-hatching and fish station in the State of West Virginia—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 10557) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky.—to the Committee on Interstate and Foreign Commerce.

By Mr. DE VRIES: A joint resolution (H. J. Res. 229) providing for a preliminary survey of a ship canal from the city of Stockton to a suitable point on San Francisco Bay or other waterway, and so forth—to the Committee on Rivers and Harbors.

By Mr. ALEXANDER: A joint resolution (H. J. Res. 230) authorizing and directing the Secretary of War to make a preliminary examination and survey for deepening the Buffalo River and Blackwell Canal—to the Committee on Rivers and Harbors.

By Mr. WATERS: A concurrent resolution (H. C. Res. 37) for the printing of 20,000 copies of Bulletin No. 20 of the Division of Vegetable Physiology, United States Department of Agriculture—to the Committee on Printing.

By Mr. NAPHEN: A resolution (H. Res. 219) directing the Secretary of War to furnish information regarding the status of so-called "volunteer aids" attached to the United States Army in the Philippine Islands, and to inform the House of Representatives whether such "aids" are a great source of evil—to the Committee on Military Affairs.

By Mr. LEVY: A resolution (H. Res. 220) directing the Commissioner-General of the United States to the Paris Exposition of 1900 to submit a detailed report of his expenditures, and for other purposes—to the Committee on Appropriations.

Also, a resolution (H. Res. 221) calling upon the Secretary of War for information regarding complaints against the operation of Army transports, purchase of commissary and quartermaster supplies, etc., in the Philippines; also authorizing the appointment by the Speaker of a committee to make such investigation as may be deemed necessary—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 10558) for the relief of the heirs and legal representatives of Alfred Robinson, deceased—to the Committee on War Claims.

By Mr. BROMWELL (by request): A bill (H. R. 10559) for the relief of Eliza C. C. Arnim—to the Committee on War Claims.

By Mr. DRIGGS: A bill (H. R. 10560) granting an increase of pension to James Merrick—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 10561) for the benefit of D. N. Williams—to the Committee on War Claims.

Also, a bill (H. R. 10562) granting a pension to Rev. S. S. Deering—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 10563) granting a pension to Rebecca J. Hall—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 10564) granting an increase of pension to James R. Husted—to the Committee on Pensions.

By Mr. MARSH: A bill (H. R. 10565) authorizing the disposing of subsistence stores—to the Committee on Military Affairs.

By Mr. MAY: A bill (H. R. 10566) to correct the military record of Thomas Inslee—to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 10567) granting a pension to Mary L. Tweddle—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 10568) granting an increase of pension to James R. Swim—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 10569) for the relief of Rufus Neal—to the Committee on War Claims.

Also, a bill (H. R. 10570) granting a pension to John Kinsie—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 10571) for the relief of the Baltimore and Ohio Railroad Company—to the Committee on War Claims.

By Mr. QUARLES: A bill (H. R. 10572) for the relief of the estate of Hugh L. Gallaher, deceased, late of Augusta County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 10573) for the relief of William Wheeler Hubbell—to the Committee on Patents.

Also, a bill (H. R. 10574) for the relief of Abraham Stover, Augusta County, Va.—to the Committee on War Claims.

By Mr. SHAFROTH: A bill (H. R. 10575) granting an increase of pension to Augustus M. Dickson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10576) granting an increase of pension to William R. Blare—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 10577) granting a pension to William Cash, alias Renfro—to the Committee on Invalid Pensions.

By Mr. SPRAGUE: A bill (H. R. 10578) granting an increase of pension to Charles A. Marsh—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 10579) granting an increase of pension to Carol C. Krayenbuhl—to the Committee on Pensions.

By Mr. TERRY: A bill (H. R. 10580) for the relief of L. J. Lawrence—to the Committee on War Claims.

Also, a bill (H. R. 10581) granting a pension to Joseph B. McGahan, of Pulaski County, Ark.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10582) for the relief of A. C. Kerr, of Patterson Bluffs, Logan County, Ark.—to the Committee on War Claims.

By Mr. WISE: A bill (H. R. 10583) for the relief of James Mitchell, of Elizabeth City County, Va.—to the Committee on War Claims.

By Mr. DENNY: A bill (H. R. 10584) to grant an honorable discharge to Jacob Hahn, of the Navy—to the Committee on Military Affairs.

Also, a bill (H. R. 10585) for relief of Elvira M. Cooper—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the Philadelphia Hardware Association, Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Columbus (Ohio), Trades and Labor Assembly, protesting against the passage of House bills placing a tax on process butter—to the Committee on Ways and Means.

By Mr. BABCOCK: Petition of M. E. Sexton Post, No. 185, of Sextonville, Wis., and O. D. Chapman Post, No. 80, of Grays Mills, Wis., in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BARTHOLDT: Petition of the St. Louis Merchants' Exchange, in favor of a system of free public schools in the Indian Territory—to the Committee on Indian Affairs.

Also, petitions of Captain Bauer Post, No. 447, of Berger, Mo., and Colonel Hassendeubel Post, No. 13, of St. Louis, Mo., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BARTLETT: Petition of J. B. English, J. P. Silas, R. W. Johnston, and A. T. Warneke, of Macon, Ga., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERSOCK: Resolution of Topeka (Kans.) Pressman's Union, favoring House bill No. 6872, to print the label of the Allied Printing Trades on publications of the Government—to the Committee on Printing.

Also, resolutions of the Columbus (Ohio) Trade and Labor Assembly, against sundry bills taxing oleomargarine and butterine—to the Committee on Ways and Means.

By Mr. BRENNER: Petition of Hiram Strong Post, No. 79, Department of Ohio, Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BROMWELL: Resolution of August Willich Post, No. 195, Department of Ohio, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolution of the Military Order of Loyal Legion, of Cincinnati, Ohio, recommending the purchase of additional ground for Fort Thomas—to the Committee on Military Affairs.

Also, resolution of the Cincinnati (Ohio) Police Relief Association, favoring the passage of the bill to equalize the salary of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Ohio Association of Local Fire Insurance Agents, of Columbus, Ohio, for certain modifications of the war-revenue tax relating to insurance—to the Committee on Ways and Means.

By Mr. BROWNLOW: Petition of Samuel Gills's estate, State of Tennessee, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, resolutions of James B. Campbell Post, No. 424, of Redwood, N. Y.; L. W. Shepard Post, No. 628, of Quincy, Ill.; Headquarters Post, No. 339, of Carlinville, Ill.; D. B. Sackett Post, No. 268, of Cape Vincent, N. Y., and Wisner Post, No. 70, of Badaxe, Mich., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BULL: Petition of the Business Men's Association of East Providence, R. I., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Petition of citizens of Holland, Nebr., to amend the present law in relation to the sale of oleomargarine—to the Committee on Ways and Means.

Also, petition of the Nebraska Federation of Woman's Clubs, in favor of a national park being made of the Calaveras grove of sequoias in the State of California—to the Committee on the Public Lands.

Also, petition of W. P. Aylesworth and other citizens of Bethany, Nebr., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER: Petition of F. E. Harrison and other druggists and citizens of Ridley Park, Pa., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of F. P. Rogers, for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of

Eddystone, Pa., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. CALDWELL: Petition of Estill Post, No. 71, and F. O. Spoon Post, No. 294, Department of Illinois, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CAPRON: Petition of the Business Men's Association of East Providence, R. I., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Middletown, R. I., urging the enactment of House bill 5475, known as the anti-canteen bill—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Petitions of Good Templars Order, Young People's Society of Christian Endeavor, Epworth League, Baptist Church, and Methodist Episcopal Church, of Burlington, Wis.; Young People's Society of Christian Endeavor of the Congregational Church of Rochester and Racine, Wis., against the sale of intoxicants in the Army—to the Committee on Military Affairs.

Also, petition of druggists of Darlington, Evansville, and Janesville, Wis., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of citizens of Monroe, Footville, and vicinity, State of Wisconsin, in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. CUMMINGS: Petition of George G. Meade Post, No. 38, Grand Army of the Republic, of New York City, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CURTIS: Petition of W. C. Elwood and other citizens of Troys, Kans., to amend the present law in relation to the sale of oleomargarine—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of Colonel William H. Moody Post, No. 155, of Pittsburg, Pa., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DENNY: Petition of employees of the Baltimore (Md.) post-office, in favor of House bill No. 4351, for the classification of clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. DE VRIES: Papers to accompany House bill No. 277, relating to the claim of B. F. Myres, of Placer County, Cal.—to the Committee on Claims.

By Mr. DOVENER: Petition of Ralston & Bare, of Weston, W. Va., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. GAMBLE: Petition of Laura G. Trimble, publisher, of Whitewood, S. Dak., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of C. W. Gillman and others, of Milltown, S. Dak.; M. C. Hedman and 8 others, of Stockholm, S. Dak., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. GREENE of Massachusetts: Papers to accompany House bill No. 317, to correct the military record of Stephen H. Borden—to the Committee on Naval Affairs.

Also, resolution of the Thirty-fourth Annual Encampment of the Department of Massachusetts, Grand Army of the Republic, praying that the 12th of February be made a legal holiday—to the Committee on the Judiciary.

Also, petition of the Massachusetts stock fire insurance companies, praying for the repeal of the stamp act—to the Committee on Ways and Means.

Also, resolutions of a mass meeting of citizens of Charlestown, Mass., for the construction of gunboats and cruisers in the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. GRIFFITH: Petition of Platter Post, No. 82, of Aurora, Ind., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GROSVENOR: Petition of J. Holliday Cline, of Athens, Ohio, for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

Also, petition of the Methodist Episcopal Church of Kingston, Ohio, and the Sailors and Soldiers' Department of the Woman's Christian Temperance Union of the State of Ohio, to prohibit the sale of intoxicating liquors in Army canteens, etc., and in our insular possessions—to the Committee on Military Affairs.

By Mr. HOPKINS: Petition of citizens of Kane County, Ill., urging the passage of the Grout bill taxing oleomargarine—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of Kearney Janeway Post, of New Brunswick, N. J., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Young People's Society of Christian Endeavor of the First Presbyterian Church of Metuchen, N. J., for the suppression of liquor selling in our new islands and in our Army—to the Committee on the Territories.

By Mr. KETCHAM: Petition of T. W. Roberts and others, of Poughkeepsie, N. Y., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. LACEY: Petition of H. F. Pierce and others, of Kellogg, Iowa, favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Ways and Means.

By Mr. McDOWELL: Petition of Dill Post, No. 463, Department of Ohio, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of Gratiot and Orrville, Ohio, favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Ways and Means.

Also, papers to accompany House bill granting an increase of pension to John C. Campbell—to the Committee on Invalid Pensions.

By Mr. MANN: Paper to accompany House bill for the relief of Lieut. Hugh T. Reed—to the Committee on Military Affairs.

Also, petition of the Martin Dawson Company, of Chicago, Ill., favoring the passage of House bill No. 6246, known as the pure food and drug bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of A. H. Veeder, Franklin McVeagh & Co., W. M. Hoyt Company, of Chicago, Ill., favoring the passage of House bill No. 7667, to prevent false branding or marking of food and dairy products—to the Committee on Interstate and Foreign Commerce.

Also, petition of M. W. Martin, of South Chicago, Ill., relating to civil-service appointments—to the Committee on Reform in the Civil Service.

Also, petition of Harvey Post, No. 724, of Department of Illinois, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petitions of H. J. Houghton and other druggists of Chicago, Ill., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. NORTON of Ohio. Resolutions of the Trades and Labor Assembly of Columbus, Ohio, against the passage of the Grout, Tawney, and other bills to increase the tax on butterine—to the Committee on Ways and Means.

By Mr. OVERSTREET: Papers in support of House bill for the relief of John Kinsey—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Rufus Neal—to the Committee on War Claims.

By Mr. PEARRE (by request): Petition of O. A. Honer Post, No. 70, of Rockville, Md., Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of Frostburg, Md., for public ownership of railroads, telegraphs, and telephones, and asking for the passage of Senate bill No. 1770, and against the passage of bill No. 1439—to the Committee on Interstate and Foreign Commerce.

By Mr. PRINCE: Petition of G. E. Small and others, for the construction of a levee on the east bank of the Mississippi River, from Drury's Landing to New Boston, State of Illinois—to the Committee on Rivers and Harbors.

Also, petition of business men and citizens of Moline, Ill., expressing the need of a suitable harbor for Moline, on the Mississippi River—to the Committee on Rivers and Harbors.

Also, resolutions of Reynolds Post, No. 559, and G. W. Trafton Post, No. 239, Department of Illinois, Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of Rock Island County, Ill., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of Rufus Aldrich and others, of Whiteside County, Ill., favoring House bill No. 5457, to abolish the Army canteen—to the Committee on Military Affairs.

Also, petition of Moses Dillon and others of a committee of citizens of Sterling, Ill., for the construction of a lock in the dam to be built at Sterling in the feeder of the Hennepin Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. Hanna and others, of Albany, Ill., and citizens in the Mississippi Valley, in relation to the Gear bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ROBINSON of Indiana: Petition of Jacob Marguaredt and 9 others, of Monroeville, Ind., favoring the passage of the Grout oleomargarine bill—to the Committee on Ways and Means.

Also, petition of Maple Grove Christian Endeavor Society, of Lagrange, Ind., urging the passage of House bill No. 5457, prohibiting the sale of liquor in Army canteens—to the Committee on Military Affairs.

By Mr. SHAFROTH: Petition of representative stockmen, at a meeting held at Yampa, Colo., and Cigar Makers' Union No. 129, of Denver, Colo., relating to the leasing of public lands, etc.—to the Committee on the Public Lands.

Also, petition of citizens of Wild County, Colo., in favor of the Grout bill taxing oleomargarine—to the Committee on Ways and Means.

Also, petition of Local Union No. 264, Carpenters and Joiners, of Boulder, Colo., favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

By Mr. SIBLEY: Petition of the Young People's Society of Christian Endeavor of Pleasantville, Pa., to prohibit the sale of liquor in canteens, etc.—to the Committee on Military Affairs.

By Mr. SPRAGUE: Petition of R. A. Pierce Post, No. 190, and C. L. Chandler Post, No. 143, Department of Massachusetts, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, protest of citizens of Walnut Hill, Mass., against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of a mass meeting of citizens of Charlestown, Mass., for the construction of gunboats and cruisers in the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. STARK: Petition of Post No. 17, Department of Nebraska, Grand Army of the Republic, in support of House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

Also, petition of William Mills and 21 citizens of Beatrice, Nebr., and affidavit of Dr. G. L. Rowe, to accompany House bill for the relief of the said William Mills—to the Committee on Invalid Pensions.

By Mr. STEWART of New Jersey: Resolution of G. R. Paul Post, No. 101, of Westwood, N. J., Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SULZER: Resolutions of the Transvaal Committee of California, signed by L. K. P. Van Baggen and others, requesting Congress to take steps for immediate intervention between Great Britain and the South African Republic—to the Committee on Foreign Affairs.

By Mr. TAWNEY: Petition of citizens of Steele and Dodge counties, Minn., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. TERRY: Paper to accompany House bill for the relief of Joseph B. McGahan—to the Committee on Invalid Pensions.

By Mr. VREELAND: Petitions of the Woman's Christian Temperance Union, Methodist Episcopal Church, and Baptist Church of Busti, N. Y., and Union Grange, of Kennedy, N. Y., to prohibit the sale of intoxicating liquors in Army canteens and at military posts—to the Committee on Military Affairs.

By Mr. WILSON of New York: Resolutions of the Columbus (Ohio) Trades and Labor Assembly, against increase of taxation on oleomargarine—to the Committee on Ways and Means.

By Mr. WRIGHT: Petition of 55 citizens of Forest City, Pa., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

SENATE.

TUESDAY, *April 10, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

AGES OF EMPLOYEES IN EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 16th ultimo, a statement showing the ages and number of clerks, messengers, etc., in the Department, and also the number of those who are incapacitated for manual labor, etc.; which, with the accompanying paper, was ordered to lie on the table and be printed.

SCHOONER POLLY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Polly*, Benjamin Shillabar, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

CUSHINGS ISLAND, MAINE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Quartermaster-General relative to a proposed amendment to the Army appropriation bill providing for the purchase of land on Cushings Island, Portland Harbor, Maine, to be used to erect additional batteries and for buildings for the troops thereon; which, with the accompanying papers, was ordered to be printed, and referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the concurrent resolution of the Senate to print 14,000 copies of the general summary entitled Review of the World's Commerce for the year 1899.

The message also announced that the House had passed the joint resolution (S. R. 77) authorizing the printing of a special edition of the Yearbook of the United States Department of Agriculture for 1899.

The message further announced that the House had passed a bill (H. R. 6959) to extend the provisions of an act entitled "An act granting increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 2679) declaring certain trestles of the Washington County Railroad Company to be lawful structures;

A bill (H. R. 60) to create the northwestern division of the northern district of Georgia for judicial purposes and to fix the time and place for holding court therein;

A bill (H. R. 6063) to legalize and maintain the iron bridge across Pearl River, at Rockport, Miss.;

A bill (H. R. 9284) to attach the county of Foard, in the State of Texas, to the Fort Worth division of the northern district of Texas and providing that all process issued against defendants residing in said county shall be returned to Fort Worth;

A bill (H. R. 9713) permitting the building of a dam between Coon Rapids and the north limits of the city of Minneapolis, Minn., across the Mississippi River; and

A bill (H. R. 10311) to authorize the Shreveport and Red River Valley Railway Company to build and maintain a railway bridge across Red River at or near the town of Alexandria, in the parish of Rapides, State of Louisiana.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a memorial of the Central Trades and Labor Council of Rochester, N. Y., remonstrating against the enactment of legislation regulating electrical wiring in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Groton, N. Y., praying for the enactment of legislation requiring the labeling of oleomargarine and all kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Sydney Post, No. 41, Department of New York, Grand Army of the Republic, of Ithaca, N. Y., praying for the adoption of a certain amendment to Senate bill No. 1477, granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, etc.; which was referred to the Committee on Pensions.

He also presented a petition of the Real Estate Board of Brokers of New York City, praying for the enactment of legislation providing for the reduction of stamp-tax duties imposed on mortgages, leases, rent receipts, etc.; which was referred to the Committee on Finance.

He also presented petitions of the Woman's Christian Temperance Union of Cuba, of the Woman's Christian Temperance

Union of Perry, of the Woman's Christian Temperance Union of Syracuse, and of the congregation of the First Presbyterian Church of Wolcott, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. PETTIGREW. I present a petition of sundry citizens of Vale Summit, Md., praying for the passage of Senate bill No. 1770, to provide for the acquisition, purchase, construction, and condemnation by the United States of America of all railroads lying in the Territories of the United States, the respective States, and the District of Columbia engaged in interstate commerce in carrying the mails and to provide for the said roads of the United States, and amending the act of Congress of February 4, 1887, entitled "An act to regulate interstate commerce, and for other purposes." I ask that the petition be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the petition was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Petition for public ownership of railways, telegraphs, and telephones and for passage of bill No. S. 1770 and against bill No. S. 1439.

To the Congress of the United States:

Whereas the Constitution has reposed in Congress power to regulate interstate commerce and provide for the carriage of the mails, both of which are long likely to be carried by railroads, which are public highways, and their administration of function of government; and

Whereas it is the constitutional right of your petitioners that the foregoing function of government be administered equally and justly to all citizens, that they be not denied the equal protection of the laws; and

Whereas experience has demonstrated the futility of more regulation to obtain such just and equal treatment from private corporations while they possess the active powers of government inherent in the ownership of such railways, now, in fact, irresponsible monopolies; but, on the contrary, unjust tolls have long been exacted from many persons and localities, and secret and unjust preferences granted to favored persons and corporations whereby trusts and monopolies have been created and are still sustained to the great injury of innocent persons and the demoralization of the business community, and all this in open defiance of law and the equal principles of our Government, and in the very teeth of both State and Federal regulation, which are powerless to protect the people; and

Whereas such railway monopolies and other consequent trusts tend to corrupt the public conscience, forestall commerce between the States, destroy competition, and confiscate the property of innocent persons by their discriminations and favors; which conditions render it necessary that the Government should acquire the said highways and operate the same as one of its own functions, to secure for its citizens the equal protection of the laws and those equal opportunities to insure which government is ordained, some forty out of fifty nations of the world now operating directly their respective railways free from the great evils of our private system; and

Whereas it is certain that the unification of the railways of this country under Government ownership and operation would secure for the people:

First. The stability of the capital now invested in railways at its just worth.

Second. Its ultimate payment and retirement, and the elimination, thus of one-third of the burdens of commerce, etc.

Third. Absolutely equal treatment to the patrons of the railways.

Fourth. An eight-hour work day for railway employees.

Fifth. A cent a mile passenger fare for the entire country, and penny postage.

Sixth. A better development of the resources of the country, and a just distribution of railway mileage.

Seventh. The establishment of postal express at one-half of present cost.

Eighth. A system of accident insurance for passengers, employees, and shippers.

Ninth. The prevention of strikes and many monopolies, trusts, etc.

Tenth. The emancipation of public men, primaries, and elections from the growing evils of railway politics, and the security of railway employees by a rigid system of merit, tenure, etc.

Therefore, the undersigned, citizens of Vale Summit, Maryland State, respectfully remonstrate against the passage of Senate bill No. 1439, as a further experiment of "regulation," but in fact an act to legalize railway trusts, and do petition Congress to at once enact legislation for Government ownership and operation of railways, as well as telegraphs and telephones, and to acquire the same at a fair valuation by purchase or condemnation, to the end that equality of opportunity in the use of transportation may be guaranteed to all citizens of the Republic; and we recommend for immediate consideration the pending bill S. 1770, introduced in the Senate by the Hon. Senator RICHARD F. PETTIGREW.

Mr. PETTIGREW presented a petition of sundry citizens of Hoffman, Md., praying for the enactment of legislation to provide for the Government ownership and operation of railways, as well as telegraphs and telephones, and to acquire the same at a fair valuation by purchase or condemnation, etc.; which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Lempster, N. H., praying for the enactment of legislation to prohibit the selling of or dealing in beer, wine, or any intoxicating drinks in any post exchange, or canteens, or transports, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

Mr. BARD presented a petition of the bar association of Fresno County, Cal., praying for the enactment of legislation to divide the southern judicial district of California into two divisions; which was referred to the Committee on the Judiciary.

Mr. BATE presented a memorial of the American Society for the Prevention of Cruelty to Animals of New York, remonstrating against the enactment of legislation extending the time for transportation of live stock from one State to another; which was referred to the Committee on Interstate Commerce.

Mr. TELLER presented the memorial of C. W. Boynton, of Longmont, Colo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Fort Lupton, of the congregation of the First Baptist Church of Grand Junction, and of the congregation of the Congregational Church of Grand Junction, all in the State of Colorado, praying for the enactment of legislation to prohibit the sale of intoxicating liquors on premises used for military purposes; which were referred to the Committee on Military Affairs.

Mr. PENROSE presented a petition of sundry citizens of Pennsylvania, praying for the enactment of legislation to provide for the reclassification of clerks in the Railway Mail Service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance unions of Millville, Oxford, Allentown, and Reading; of the congregation of the Baptist Church of Oxford; of the Nottingham Meeting of Friends, of Chester County, and of the congregations of the United Presbyterian and Methodist Episcopal churches of Oxford, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. FORAKER presented a petition of Mountville Grange, No. 1403, Patrons of Husbandry, of Mountville, Ohio, praying for the election of United States Senators by a popular vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Mountville Grange, No. 1403, Patrons of Husbandry, of Mountville, Ohio, praying for the enactment of legislation to secure more adequate anti-trust laws; which was referred to the Committee on the Judiciary.

He also presented a petition of the Fire and Marine Underwriters of Cincinnati, Ohio, praying for the adoption of a certain amendment to the war-revenue law; which was referred to the Committee on Finance.

He also presented memorials of the Soldiers and Sailors' Department of the Woman's Christian Temperance Union of Dayton, Ohio, remonstrating against the sale of intoxicating liquors in the newly acquired possessions and in the Army; which were ordered to lie on the table.

He also presented the petition of Rev. Edwin Sherwood, pastor of the Methodist Episcopal Church, and A. L. Ellis, trustee, of Kingston, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in canteens at Army and Naval Soldiers' Homes, immigrant stations, and Government buildings, and on all grounds and premises used by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of the congregation of St. Paul's Methodist Episcopal Church, of Delaware, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in canteens and on all Government property; which was referred to the Committee on Military Affairs.

He also presented a petition of Mountville Grange, No. 1403, Patrons of Husbandry, of Mountville, Ohio, praying for the enactment of legislation to secure protection in the use of adulterated food products; which was referred to the Committee on Manufactures.

Mr. SEWELL presented a petition of the Young People's Society of Christian Endeavor of the First Presbyterian Church of Metuchen, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Army and also in our new island possessions; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Daretown, N. J., and a petition of the Christian Endeavor Society of Daretown, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and premises; which were referred to the Committee on Public Buildings and Grounds.

Mr. HOAR presented the memorial of Rev. Joseph H. Johnson, of Los Angeles, Cal., bishop of the Protestant Episcopal Church of the United States, remonstrating against the extension of sovereignty over foreign territory; which was referred to the Committee on the Philippines.

He also presented the memorial of Rev. Edward Everett Hale and sundry other citizens of Massachusetts, remonstrating against the enactment of legislation extending the time for transportation of live stock from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Woman's Christian Temperance Union of Natick, Mass., and a memorial of the Woman's Suffrage League of Natick, Mass., remonstrating against the sale

of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

He also presented resolutions of the legislature of Massachusetts, favoring the enactment of legislation for the establishment of a harbor of refuge upon the eastern shore of Cape Cod; which were referred to the Committee on Commerce.

He also presented a memorial of the Woman's Suffrage League of Natick, Mass., and a memorial of the Woman's Christian Temperance Union of Natick, Mass., remonstrating against the importation, manufacture, and sale of intoxicating liquors in Hawaii; which were ordered to lie on the table.

He also presented the petition of Joseph J. Corbett, chairman, and James J. Mellen, secretary, of a mass meeting of sundry citizens of Charlestown, Mass., praying for the enactment of legislation providing for the construction of one or more Government vessels at the Charlestown navy-yard; which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. LINDSAY, from the Committee on the Judiciary, to whom was referred the bill (S. 3250) to protect the fresh-water mussels in the rivers of the United States, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3119) granting an increase of pension to Lewis Terry;
A bill (S. 2729) granting a pension to Eliza L. Reese;
A bill (S. 3082) granting a pension to Elizabeth F. Wolfley; and
A bill (S. 1126) for the relief of Mrs. Narcissa G. Short.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 1901) granting a pension to Elvira Hunter, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3790) to increase the pension of Anna M. Collier, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4006) granting an increase of pension to Edward M. Tucker; and
A bill (S. 2400) granting an increase of pension to Edith Lockwood Sturdy.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1975) granting a pension to Annie D. M. Wood; and
A bill (S. 4030) granting a pension to Helen M. Glenny.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6731) granting an increase of pension to William F. Tait;
A bill (H. R. 6486) granting an increase of pension to Orange F. Berdan;
A bill (H. R. 4795) granting an increase of pension to John O'Conor;
A bill (H. R. 8397) granting an increase of pension to John White;
A bill (H. R. 3758) granting an increase of pension to Joshua Ricketts; and
A bill (H. R. 3821) granting an increase of pension to Frances D. Best.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (H. R. 1992) for the relief of Mathias Pederson, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes, to report it with amendments, and to submit a report thereon.

I desire to call the attention of the Senate to this bill and to the report accompanying it. It is a very important bill, and I expect to call it up soon.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4007) granting an increase of pension to Bernard Dunn; and
A bill (H. R. 8599) granting a pension to Ellen J. Williams.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1569) granting a pension to Mrs. Phebe E. C. Priestly;
A bill (H. R. 3941) granting a pension to Samuel B. Weeks; and
A bill (H. R. 8390) granting an increase of pension to Joshua Mitchell.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 3137) granting an increase of pension to Lunsford Ellis, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3436) granting a pension to Caroline Wienhimer; and
A bill (S. 825) granting an increase of pension to J. B. Coons.

Mr. BARD, from the Committee on Public Lands, to whom was referred the bill (H. R. 8585) to amend an act entitled "An act to prevent forest fires on the public domain," approved February 24, 1897, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 78) granting a pension to Samuel W. Childs, reported it with an amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3924) to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss., reported it with amendments.

REPORT OF COMMISSION TO FIVE CIVILIZED TRIBES.

Mr. PLATT of New York, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,500 additional copies of the Annual Report of the Commission to the Five Civilized Tribes for the fiscal year ending June 30, 1899, of which 250 copies shall be for the use of the Senate, 500 copies for the use of the House of Representatives, and 1,750 copies for the use of the Commission to the Five Civilized Tribes.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 4098) granting a pension to Rebecca L. Price; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4099) for the relief of Thomas J. McGinnis; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON introduced a bill (S. 4100) granting an increase of pension to Samuel J. Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 4101) for the relief of Everett B. Curtis, administrator of John J. Curtis, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4102) for the relief of Robert Logan May; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4103) granting a pension to George R. Warner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DEBOE introduced a bill (S. 4104) granting a pension to Annie B. Sharrard; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4105) granting an increase of pension to John Coombs; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4106) to correct the military record of Nathan Frolick; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4107) to correct the military record of Squire Stinson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4108) to correct the military record of William Wallace; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BAKER introduced a bill (S. 4109) granting an increase of pension to Robert R. Moore; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4110) for the relief of Annie Catharine Mettier; which was read twice by its title, and referred to the Committee on Claims.

Mr. BACON (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4111) for the relief of Thomas G. Verdine;
A bill (S. 4112) for the relief of Pinkney Persons; and
A bill (S. 4113) for the relief of the estate of Charles Coulter, deceased.

Mr. McMILLAN introduced a bill (S. 4114) to prevent the placing of certain signs upon private property in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORGAN introduced a bill (S. 4115) for the relief of the estate of Samuel Noble; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 4116) for the relief of George S. Ayre; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 4117) granting a pension to Margaret J. Carpenter; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4118) granting a pension to Peter McDonald; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4119) granting an increase of pension to Andrew Morse, jr.; which was read twice by its title, and referred to the Committee on Pensions.

MEDALS FOR NORTH ATLANTIC SQUADRON.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the joint resolution (S. R. 98) authorizing the Secretary of the Navy to cause to be struck bronze medals commemorating the naval engagements on the Cuban coast and to distribute such medals to the officers and men of the ships of the North Atlantic Squadron of the United States; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Naval Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment providing for the filling of vacancies in the staff of the Regular Army, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. DAVIS (by request) submitted an amendment providing that members of the District militia and notaries public in and for the District of Columbia, not otherwise in Government employ, shall not be debarred from practicing before the Executive Departments or the Court of Claims, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to lie on the table and be printed.

Mr. GEAR submitted an amendment relative to the hours of labor of clerks and employees in post-offices of the first and second class below the grade of chief clerk, intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

CAROLINE L. GUILD.

On motion of Mr. PERKINS, it was

Ordered, That the papers in the case of Senate bill No. 4612, second session, Fifty-fifth Congress, granting a pension to Caroline L. Guild, be withdrawn from the files of the Senate, there being no adverse report thereon.

GOVERNMENT OWNERSHIP OF RAILROADS.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 3,000 copies each of Senate bill No. 1770 and Senate Document No. 53, this Congress.

DEMANDS UPON CHINA.

Mr. PETTIGREW. I submit a resolution, and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the President be, and is hereby, requested to inform the Senate, if not incompatible with the public interest, whether the United States has through its representatives joined with any other nation in making demands upon China; and, if so, what is the nature of the demands.

The President is also requested to inform the Senate whether any threat accompany the demands as a penalty for noncompliance.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALDRICH. Let that go over.

Mr. HALE. Let it go over.

The PRESIDENT pro tempore. It will go over under the rule.

INVESTIGATION OF FOOD SUPPLIES FOR THE ARMY.

Mr. JONES of Arkansas submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there shall be printed for the use of Congress the usual number of copies of the "record of the court of inquiry, convened February 20, 1899, in accordance with the instructions of the President of February 3, 1899, to investigate certain allegations of the Major-General Commanding the Army in respect to the unfitness for issue of certain articles of food furnished by the Subsistence Department to the troops in the field during the recent operations in Cuba and Porto Rico;" and that when the same is printed that the original record shall be returned to the War Department for file.

EXPENDITURES FOR PARIS EXPOSITION.

Mr. JONES of Arkansas. I submit a resolution for which I ask immediate consideration.

The resolution was read, as follows:

The Senate, by unanimous consent, proceeded to consider the resolution.

Resolved, That the President be, and he is hereby, requested to transmit to the Senate for its information the "detailed statement of expenditures of the Commissioner-General of the United States to the Paris Exposition of 1900," as provided for under the act of 1898, creating the office of "Commissioner-General to the Paris Exposition, and for other purposes."

Resolved further, That said detailed statement should, in the opinion of the Senate, state the number and names, places of residence, and salary paid to experts, clerks, officers, and employees, and should in like manner set out the details of other expenditures.

Mr. JONES of Arkansas. Mr. President, the law requires that there shall be a detailed statement made by the Commissioner-General of the United States to the Paris Exposition. A day or two ago the President sent the following message to the Senate:

I transmit herewith a copy of a letter from Mr. Ferdinand W. Peck, Commissioner-General of the United States to the Paris Exposition of 1900, dated November 17, 1899, submitting a detailed statement of the expenditures incurred under authority of law.

The letter accompanying the message of the President has no statement whatever in the body of the letter about expenditures. There is appended to it, however, a "statement of expenditures made from appropriation for Paris Exposition of 1900 from November 15, 1898, to November 1, 1899, as submitted by Frederick Brackett, secretary and disbursing officer," which is as follows:

Salaries of experts	$72,045.14
Salaries of clerks	34,929.11
Officers' salaries	17,765.08
Salaries of employees	2,732.27
Traveling expenses	26,245.15
Buildings	98,647.91
Rent, Chicago, Paris, and New York	13,490.95
Furniture	7,252.69
Stationery and printing	5,493.75
Telegraph and cable	1,775.00
Miscellaneous	10,400.46
Total	240,633.51

Here is a total expenditure of $240,633.51, summed up in less than a dozen items, such as "salaries of experts, $72,000." It seems to me that this statement submitted by Mr. Frederick Brackett does not comply with the law, which requires that Mr. Peck shall make a detailed statement of his expenditures to Congress, which shall be transmitted through the President to Congress.

The resolution which I have presented asks the President to have such a detailed statement presented. If Mr. Peck has made such a report to the President and it has been overlooked, of course it will be forwarded by the Executive. If he has not made such a detailed statement, then, in my opinion, it is his duty to do so, and when his attention is called to it by the President he will doubtless make it.

The resolution was agreed to.

READJUSTED SALARIES OF POSTMASTERS IN GEORGIA.

Mr. BACON submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Postmaster-General be, and he hereby is, directed to report upon a schedule to the Senate the readjusted salaries of all postmasters who served in the State of Georgia between July 1, 1864, and July 1, 1874, whose names as claimants appear in the Court of Claims in the case entitled "John T. Paxson and others *vs.* The United States," No. 18194. Each such stated account to conform in all respects to the order of the Postmaster-General published by circular under date of June 9, 1883, and to the requirement of the act of March 3, 1883, as said requirement was published by the Postmaster-General in the newspapers of the country under date of February 17, 1884, and with such report transmit to the Senate a full copy of the text of the construction by the Postmaster-General of the act of March 3, 1883, embodied in the said circular and publications in the newspapers and in circular form No. 1223, the text of each of which, under date of November 8, 1897, was transmitted by the Postmaster-General to the Attorney-General for use in the case of Jane Yarrington and others *vs.* The United States, No. 1645.

HOUSE BILL REFERRED.

The bill (H. R. 6959) to extend the provisions of an act entitled "An act granting increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893, was read twice by its title, and referred to the Committee on Pensions.

SENATOR FROM PENNSYLVANIA.

Mr. ALLEN. I ask unanimous consent to call up Order of Business 679, House bill 445.

The PRESIDENT pro tempore. The morning business is closed. The Senator from Nebraska will allow the Chair to lay before the Senate, under the unanimous agreement, the following resolution.

Mr. ALLEN. Certainly.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution which will be read.

The Secretary read the resolution reported from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. CHANDLER. Mr. President——

The PRESIDENT pro tempore. The Senator from Nebraska was recognized.

Mr. CHANDLER. Will the Senator allow me to make a request for unanimous consent?

Mr. ALLEN. Certainly.

Mr. CHANDLER. I ask that the resolution be disposed of without further debate two weeks from to-day at 4 o'clock.

Mr. BURROWS. Mr. President, I trust there will be no objection to the request, and that the Senate will agree to vote upon the resolution at that time.

Mr. ALLEN. The Senator from New Hampshire asks that it may be disposed of in two weeks without further debate?

Mr. CHANDLER. Without debate after that time.

Mr. ALLEN. But it will be debatable up to that time?

Mr. CHANDLER. The resolution will be debatable up to that time.

The PRESIDENT pro tempore. The Senator from New Hampshire will state exactly his request.

Mr. CHANDLER. I avoided any question as to what motions will be in order by asking that there shall be unanimous consent that two weeks from to-day, at 4 o'clock, the resolution shall be disposed of without debate after that time.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the pending resolution shall be disposed of without debate at 4 o'clock two weeks from to-day.

Mr. HALE. That does not cut off subsidiary motions.

Mr. PETTUS. Without debate after 4 o'clock?

The PRESIDENT pro tempore. Without debate after 4 o'clock.

Mr. HALE. That does not cut off subsidiary motions?

Mr. CHANDLER. I have made the request in intelligible language, and I am willing to modify it to suit any one who can suggest better. The object was not to exclude any kind of motion——

Mr. HALE. That is right.

Mr. CHANDLER. Any Senator chooses to make at that time, but that debate shall cease and the resolution shall then be voted on and disposed of.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire?

Mr. PENROSE. I understood the Senator from Alabama to make some suggestion as to the phrase "without debate after 4 o'clock."

The PRESIDENT pro tempore. No; he merely suggested that the agreement would not prevent debate up to 4 o'clock. The Chair hears no objection.

Mr. JONES of Arkansas. I do not think there will be any difficulty in this case, but where a day is fixed for the disposition of a subject of this kind any Senator who chooses to debate it prior to the time of voting ought to have the right to do so, and he ought to have the right to the exclusion of everything else between now and the time fixed for the vote. I suppose there will be no difficulty about that.

Mr. CHANDLER. I suppose the continuous-consideration agreement still continues, so that any Senator who wants to speak before that time would have preference over all other matters.

Mr. HALE. A Senator can speak at any time between now and then.

The PRESIDENT pro tempore. The resolution is continuously in order. The exceptions made in the unanimous-consent request were appropriation bills, the Porto Rican bill, conference reports, and the bill reported from the Committee on the Philippines by the Senator from Massachusetts [Mr. LODGE].

Mr. JONES of Arkansas. I take it for granted that an opportunity will be given to debate this question and that even an appropriation bill should give way when a Senator wishes to make a speech on this resolution after the time for taking the vote has been agreed upon.

Mr. CHANDLER. Undoubtedly; there will be no difficulty about that.

Mr. JONES of Arkansas. I do not think there will be, but still it is better to have these things understood and to have the matter made plain.

Mr. CHANDLER. We are expecting to hear from the Senator from Michigan immediately.

Mr. JONES of Arkansas. I do not expect to say anything about it, and I only submit that those Senators who desire to do so should have the right to be heard as against anything that comes up between now and the time agreed upon to take the vote.

Mr. CULLOM. Mr. President——

The PRESIDENT pro tempore. The Senator from Nebraska [Mr. ALLEN] was recognized.

Mr. CHANDLER. The Senator from Michigan [Mr. BURROWS] having given notice that he will speak to-morrow on this resolution, if no other Senator desires to speak at this time, I will ask that the resolution may go over until after the routine business to-morrow.

Mr. HOAR. Mr. President, I understand the unanimous-consent agreement has been announced by the Chair as agreed to.

The PRESIDENT pro tempore. It has.

Mr. HOAR. I should like to inquire whether any motion to amend the resolution has yet been made?

The PRESIDENT pro tempore. A motion to amend has been made and is pending.

Mr. HOAR. To strike out the word "not?"

The PRESIDENT pro tempore. The motion is to strike out the word "not."

Mr. CULLOM. With the consent of the Senator from Nebraska, I will call up the bill that is on the table.

Mr. HOAR. I wish to debate the Quay resolution at this moment for about three minutes.

Mr. CULLOM. Let me have a conference committee appointed, and then I will get out of the way.

Mr. HOAR. All right.

GOVERNMENT FOR HAWAII.

Mr. CULLOM. I ask the Chair to lay before the Senate the amendment of the House of Representatives to the bill (S. 222) to provide a government for the Territory of Hawaii.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendment of the House of Representatives to the bill.

Mr. CULLOM. I move that the Senate nonconcur in the amendment of the House and request a conference on the disagreeing votes of the two Houses.

Mr. PETTIGREW. Mr. President, I see that the House have passed a substitute for the Senate Hawaiian bill and that on page 8 of the House bill, section 10, they provide "that all obligations, contracts, rights of action, suits at law and in equity," etc., "shall continue to be as effectual as if this act had not been passed." This would allow the enforcement of all existing civil contracts. Contract or slave labor is held by the courts of Hawaii to be a civil contract, and under the Hawaiian law they enforce all contracts by imprisonment and can go to the extent of imprisonment for life. I trust the conferees will see that this provision is so amended as to prevent the enforcement of the existing slave-labor contracts of that island.

The House have adopted the provision that all contracts made since August 12, 1898, are declared null and void and shall terminate, but section 10 also provides:

That no suit or proceedings shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except in a civil suit or proceeding instituted solely to recover damages for such breach.

Inasmuch as the courts have held that these contracts are civil contracts, I do not know but that there are laws existing in Hawaii that we perpetuate (for we perpetuate a large body of their laws) which provide that damages for a breach of one of these contracts may be collected, and that prior to their collection the person against whom the recovery was secured could be imprisoned. Perhaps their laws so provide. If they do, then until we repeal those contract-labor laws and provide that a suit for damages for the breach of these contracts may be had, these men might still be held for service and compelled to work out the damages upon the plantations under the whip and lash of the slave master. I hope the conferees will carefully guard that provision and see that there is no question about it.

The House bill also provides that the provisions of this section 10 shall not apply to merchant seamen. In other words, it indirectly provides that the existing laws with regard to merchant seamen may be enforced. The existing law of Hawaii makes a seaman a slave during the term of his contract. If he is engaged in foreign service, that is the law of the United States. But in 1898 we passed a law by which a seaman engaged in the domestic trade of the United States could not be compelled to carry out the provisions of his contract or be imprisoned if he failed to do so. I hope the conferees will see that this provision is modified so that at least the laws of the United States with regard to seamen, so far as they apply to our domestic trade, shall apply to seamen engaged in the trade with Hawaii.

I am particularly anxious about this for the reason that on page 50 of the bill the House have provided—

At the expiration of one year after the passage and approval of this act the coasting trade between the islands aforesaid and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

We put off the time when the coasting laws of the United States shall apply for one year, and I hope this provision will be stricken out entirely. It seems to me that the provision in relation to our coasting trade should apply at once, and I can see no good reason why this provision should be continued.

I find also, on page 26 of the House bill, that there is the following provision:

Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for representatives for his district.

I do not know what the Hawaiian law is with regard to registration, but if a law should be so constituted, or if the last legislature should have enacted a law by which no persons could vote at the next election unless they were registered previous to the passage of this bill, which would shut out all the people except the sugar planters of that country, upon whom especially the right of suffrage is conferred, this provision ought to be modified so that any person who is registered previous to the next election, or if not registered can qualify by affidavit, shall be allowed to vote, and that there may be no question upon that score.

We continue the election laws, generally, of Hawaii. I have not examined them, but I think, with the modifications made in this bill, they are reasonably fair, with the correction with regard to registration.

I see the House has also provided that the Federal court appointment shall be for life. It seems to me that provision ought not to be agreed to on the part of the Senate. After a long debate, I believe we changed that provision in the Senate, and insisted that it should be a term, and that the judge could be removed by the President.

I simply wish to call the attention of the conferees to these points in the record, as I think the Senate ought to insist upon them.

Mr. CULLOM. I do not care to say anything now. I ask for a vote on my motion.

The PRESIDENT pro tempore. The Senator from Illinois moves that the Senate nonconcur in the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. CULLOM, Mr. LODGE, and Mr. MORGAN were appointed.

Mr. ALLISON. I wish to call attention to the form in which this bill is printed. The original bill is not printed.

Mr. TELLER. It is omitted.

Mr. ALLISON. It is omitted. I think on the record this copy is attached to the original bill.

Mr. CULLOM. The bill as it passed the Senate is in print, and there will be no difficulty in the matter on the part of the conferees.

Mr. ALLISON. Is that the original bill on the Senator's desk?

Mr. CULLOM. This is the original bill, and here is the print which I got from the House before it was printed here.

Mr. PETTIGREW. I should like to ask the Senator from Illinois if the bill is in print exactly as it passed the Senate?

Mr. CULLOM. It is, exactly as it passed the Senate.

Mr. PETTIGREW. Then there should be a reprint of it, together with the House print.

Mr. ALLISON. That should be done. There should be a reprint of the original bill with the amendment of the House.

Mr. PETTIGREW. I ask that we may have a reprint of the bill as it passed the Senate, together with the House amendment.

The PRESIDENT pro tempore. The Senator from South Dakota asks that there be a reprint of the Senate bill with the House amendment attached.

Mr. CULLOM. I have no objection to that.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

Mr. CULLOM. I wish to say in justification——

Mr. TELLER. It has always been the custom, so far as I recollect, to have bills printed in that way. I do not understand this new arrangement. We have not the Senate bill here at all now. The amendment should have been printed with a copy of the bill showing what was stricken out and what was substituted by the House. That is the proper way to keep the record. I want to protest against this method of sending bills to us. I do not know whose fault it is.

Mr. CULLOM. I wish to say that the proper officer of the Senate came to me with the bill as it passed the House and asked me whether both bills should be printed, and it occurred to me at the time that as we had plenty of copies of the original bill as it passed the Senate it might not be necessary to reprint it, and I told him I thought that would not be necessary. So if there was any fault about it on the part of the Senate it was mine. I want to justify the action of the clerk.

Mr. TELLER. It is not a very serious fault, but I do not want to depart from the usual custom of sending bills here that has been in vogue ever since I have been in the Senate, because that is the convenient way.

Mr. CULLOM. I presume the Senator means to criticise what was done by the House, and not what was done by the Senate.

Mr. TELLER. I do not know whom it is a criticism of, and I do not care. What I want to insist upon is that when a bill goes to the House from this body and is acted upon there, and a substitute bill has been passed by the House, the Senate text and the House text shall come here together as one bill.

Mr. ALLISON. And be printed.

Mr. TELLER. And be printed. That has been the custom.

Mr. CULLOM. I do not think it came in that way.

Mr. TELLER. Lines should be drawn through the Senate bill showing that the House had stricken it out, and then let the House bill be printed following it. That is the way the bill should come, so that we may compare the bill of the Senate with the substitute passed by the House.

Mr. ALLEN. Mr. President——

Mr. HOAR. I should like to ask the Senator from Nebraska if he rose with reference to the pending election case?

Mr. ALLEN. No, sir; I have been upon the floor for some time on another matter.

Mr. HOAR. I wish to address the Senate on the Quay election case, which I understand is now up, and I think I shall occupy not more than two minutes.

Mr. ALLEN. I have had recognition here for nearly half an hour, but have yielded to other matters.

Mr. HOAR. Perhaps the Senator will allow me a few moments.

Mr. ALLEN. I yield to the Senator from Massachusetts.

SENATOR FROM PENNSYLVANIA.

The Senate resumed the consideration of the following resolution, reported by Mr. TURLEY, from the Committee on Privileges and Elections, January 23, 1900:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. HOAR. Mr. President, among the arguments which have been presented to the Senate with a good deal of earnestness in opposition to the construction of the Constitution which makes it the duty of the governor of a State to appoint a Senator whenever there is a vacancy and the legislature is not in session has been the argument that there is likely to be intrigue on the part of the executive of the State to prevent a choice in order that he himself may exercise this power, which is supposed to be a desirable one.

It never has seemed to me that there was very great practical force in that argument, or that it was a contingency which the framers of the Constitution would ever have dreamed of; but it has made an impression on so many able and intelligent Senators that I have no doubt I am wrong in underestimating its force. I wish to point out to the Senate that the force of the motive to prevent an election, in order that it may go over to another year, when it is hoped that there may be a change of political parties, is a much stronger one than the one which may operate upon the governor, and it is a motive which would be likely to affect members of the legislature itself.

I wish to introduce into this discussion a chapter of the history of the State of Indiana, where the election of a Senator was put over three times in the expectation that by defeating an election by a majority the other party would get a majority twelve months later, and would then elect its own Senator; and I think in the third instance the object was accomplished.

Mr. President, the history of this transaction is very well stated in the Tribune Almanac of 1859, occupying a little more than two pages; and if I may be permitted to have that history printed as part of my remarks in the RECORD, I can save the time of the Senate and not read it. I therefore ask that this may be printed as part of my remarks as if I had read it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

HOW THEY ELECT BOGUS UNITED STATES SENATORS IN INDIANA.

In 1845, fourteen years ago, it became the duty of the Indiana legislature to elect a United States Senator. The house was Whig by 10 majority, the senate a tie, and Jesse D. Bright, as lieutenant-governor, presided over it. Although the house repeatedly invited the senate to meet them in joint convention to elect a Senator, every one of their resolutions was lost in the senate by the casting vote of Mr. Bright, its president. The election was thus staved off for the session; the next legislature was "Democratic," and Mr. Bright received the vacant Senatorship as his reward.

In 1855 another Senator was to be elected. In the senate, in consequence of half of its members being hold-overs, there was 2 Democratic majority; but in the house there were 16 anti-Nebraska majority, making 14 Republican majority on joint ballot. The house sent resolution after resolution to the senate for joint convention to elect a Senator and the numerous State officers which the constitution and the laws required to be filled by that session of the legislature. But the senate, by a party vote, steadily refused to join the house, leaving the Senatorial seat vacant and the entire patronage of the State in the hands of the Democratic governor.

Two years passed by and in 1856 Indiana elected her next legislature—a majority on joint ballot, under the issue of "Buchanan and fair play for Kansas," being Democratic. But, as it happened, while the house had a Democratic majority, the senate now, by the change in the former hold-overs, had an opposition majority of 4. In giving a narrative of what subsequently

occurred it should be borne in mind that the Republicans were willing, from the first to the last, that both Senators (to fill the vacancy and for Mr. Bright's full term) should be chosen by a concurrent vote of each house, acting separately, and they demanded as their right only the Senator for the vacancy which they had fairly won by the 12,000 anti-Nebraska majority of the people and 14 majority in the legislature at the previous election, and which they had been deliberately cheated out of by their opponents.

The constitution of Indiana requires that the votes for governor and lieutenant governor shall be counted in the presence of both houses of the legislature, and the Democracy determined to use this to trap their opponents into a joint convention, which, as no law for electing Senators exists in Indiana, should immediately after the counting elect two gentlemen to that office. The Republicans insisted that, in the absence of law, the Constitution of the United States was the only guide in the matter. That instrument declares that Senators shall be elected by "the legislature;" and the constitution of Indiana defines the legislature to be the senate and the house, and requires all acts of legislation by them to be assented to by a majority of the entire membership of each, acting separately.

From the official report and the official copies of the journals of both branches of the legislature appended to Senate Report No. 275 (volume 2, Reports U. S. Senate, 1857-58), we find the following facts:

On the 12th of January, 1857, the house sent to the senate a resolution inviting them to be present in their hall at half past 2 p. m. "to open and publish the returns of the election."

The Republican senators offered to concur, with a proviso that as soon as the counting and swearing in was over the joint meeting should be adjourned sine die. But while this was pending, and before any vote was taken on the invitation of the house, and thirty-five minutes before the time designated in the resolution, Lieutenant-Governor Willard, who was presiding and who was also the governor-elect, vacated his seat, and, followed by a minority of the senate, repaired to the representative hall, leaving the senate still in session. Arrived there, this sham joint convention opened, the speaker of the house in the chair. After counting the votes, one of the Democratic senators was, without any motion or any vote, called upon to preside. He took his seat and, without any proposition from any member whatever or any vote being taken, adjourned the joint convention till Monday, the 2d of February, without stating any reason or pretext for its reassembling.

It becoming evident that a fraudulent election of Senators was about to be attempted (all persuasions to seduce the majority of the senate into a joint convention having failed), the senate, on the 29th of January, four days before the time at which the unauthorized convention was to meet, adopted a solemn protest against it by a vote, by ayes and noes, of 27 to 20, declaring that they had given no assent to any joint convention for any purpose whatever; that any pretended assemblage of that sort would be illegal and fraudulent, and branding in advance any attempt to thus elect Senators as insulting to the senate and disgraceful to the State.

This formal and solemn protest, thus adopted by 27 out of the 50 State senators, staggered the conspirators; and when the 2d of February arrived, although the new lieutenant-governor, with a minority of the senate, again repaired to the representative hall, leaving the senate still in session and going on with their business, nothing whatever was done or attempted; but the presiding officer, without any motion or any vote, and without stating any object whatever, declared the joint convention again adjourned till the following Wednesday.

On Wednesday, the 4th of February, the pretended joint convention again assembled—and it should be borne in mind that the affidavits of the secretaries of the senate set forth the fact that the senate was never even invited by the House to meet them in joint convention for the purpose of electing Senators from the first day of the session to the last—when, without any motion or resolution by any member of this illegal assemblage, the lieutenant-governor instructed them "to proceed to choose United States Senators by a viva voce vote." Whereupon 23 senators (out of 50) voted for Bright and Fitch, one senator, who was present looking on, refused to vote; 60 out of the 100 representatives (it requires by the State constitution two-thirds of the whole number of members to make a quorum for transacting business in either branch) voted for the same candidates, and two other representatives voted for George G. Dunn and R. W. Thompson.

The lieutenant-governor declared Bright and Fitch elected, and again, without any motion or vote, adjourned the joint convention till February 11. The intention was at that time to go on and choose the State officers whose election they had prevented two years before, but finding that the incumbents, though of their own party, would not consent, without a legal contest, to be ousted by any such bogus election, the joint convention, when the 11th of February arrived, was adjourned sine die and the patronage again left in the hands of the governor for the ensuing two years.

The senate having protested against this fraud on the 29th of January in advance of its commission, again repudiated it the day after its alleged consummation. On the 5th of February 27 senators out of the 50 signed and placed on their journals a protest, a copy of which they sent to the United States Senate, declaring that their body had not participated in the election, was in session when it pretended to have occurred, and most solemnly protesting against the recognition of this fraud.

With these papers came up also a petition to the United States Senate, signed by 27 senators and 55 representatives, remonstrating against this fraudulent election, which was not participated in by a quorum of either branch, declaring this alleged joint convention unauthorized by any law of the State, by any resolution adopted by the legislature, or by any provision of the State or National Constitution, and that to affirm it would destroy the existence of the senate of Indiana as an independent branch of the legislative department of the State. And to make their argument unanswerable, the sworn affidavit of 26 senators accompanied these protests, each of them solemnly declaring that they did not participate in this so-called joint convention, but were, at the very hour of its alleged assembling, sitting in their seats in the senate, in open session.

Thus it will be seen that this case differs from the Harlan or Iowa case most materially. In that election both branches had agreed to the joint convention, and had voted repeatedly but ineffectually for Senator; but finding at last that a Republican was about to be elected, a majority of the senate, being Democratic, absented themselves; and although Mr. Harlan had a clear majority of the whole legislature, the Democrats in the United States Senate turned him out of his seat. After this decision, the above high-handed and disgraceful outrage was carried through in Indiana in the very teeth of the Harlan decision. And the same United States Senate, after staving it off for over a year, with the usurpers meanwhile in their seats, voting Lecompton, appropriation bills, etc., ratify it at last, in the expiring hours of the last session, by 7 majority.

The sitting members at the regular session of 1857—at the extra session and again at the last regular session—insisted that they must have more testimony than the records afforded; and finally, on February 16, 1858, a resolution passed giving them ninety days to take it in, before any judge, by giving notice thereof to the protestants. But, after this long delay on this pretext, they did not give a single notice under the resolution, and the only evidence they proffered was ex parte affidavits of political friends, taken when no cross-examination was allowed.

The Republicans, however, gave notice, and proved by Governor Willard himself, by William Sheets, ex-secretary of state, and O. H. Smith, ex-United States Senator, that no joint convention to count gubernatorial votes had ever even attempted to adjourn over for the transaction of other business; and the two latter witnesses, who had known the usage in Indiana for electing United States Senators for thirty years past, testified that there never had been a precedent or a parallel for this. As one reason for retaining these Senators in their seats was that there were no contestants claiming them, the Indiana legislature now in session and fresh from the people, having passed in each branch, by decisive majorities, a resolution denouncing the pretended election as fraudulent, unconstitutional, and void, propose to elect two others, legally and regularly, and to instruct them to demand the two seats in the United States Senate, which belong to the sovereign State of Indiana, but to which that body, in spite of the above protests, saw fit to elect and install these fraudulent claimants.

Mr. STEWART. I should like to suggest to the Senator that he might add to that the record of the contest in California, lasting for about eight years, when, on each occasion, the effort was made to defeat an election for the purpose of postponing, as was the case in the contest between the Broderick and the Gwin factions, which lasted for a number of years. That was the issue before the legislature.

Mr. HOAR. Of course that was in the old times when the Senator was elected by concurrent vote of the two houses, and not by a majority on joint ballot.

Mr. STEWART. That was the case.

Mr. PLATT of Connecticut. For the purpose of having the record complete, I should like the Senator from Massachusetts and the Senator from Nevada to state whether in any of those cases the governor assumed to appoint a Senator.

Mr. HOAR. I do not understand that he did. I do not remember about that; I have not looked it up.

Mr. STEWART. I was residing in California at the time, and was perfectly familiar with the transaction.

Mr. PLATT of Connecticut. The governor did not attempt to appoint.

Mr. STEWART. No; he did not attempt to appoint.

Mr. HOAR. I do not think, Mr. President, that the opinion of the then governor of California or the then governor of Indiana as to this constitutional question is of much importance in a case where so great a constitutional authority as the Senator from Connecticut has expressed his opinion.

Mr. CHANDLER. Mr. President, if no other Senator wishes to speak on this resolution, I ask that it may go over until to-morrow after the routine morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIGHT AND FOG SIGNAL, DELAWARE BAY.

Mr. PENROSE. I ask unanimous consent for the present consideration of Senate bill 3639. It is only a few lines in length, and will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3639) authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay. It authorizes the Secretary of the Treasury to establish a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay, at a cost not exceeding $30,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALLOTMENTS OF LANDS IN SEVERALTY.

Mr. QUARLES. I ask unanimous consent for the present consideration of Order of Business 890, being Senate bill 3901. It is a measure, against which there is no objection, to provide for the allotments of lands in severalty to the Indians in one of the Wisconsin reservations. It has been recommended by the Indian Bureau and unanimously recommended by the Committee on Indian Affairs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3901) providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation in the State of Wisconsin.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLARE M. ASHBY.

Mr. ALLEN. I ask unanimous consent for the present consideration of the bill (H. R. 445) for the relief of Clare M. Ashby, widow of W. W. Ashby, late United States consul at Colon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Clare M. Ashby, the widow of W. W. Ashby, $2,866, being the balance of one year's salary.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC R. DUNKELBERGER.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (S. 3383) for the relief of Isaac R. Dunkelberger.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to nominate, and, by and with the advice and consent of the Senate, appoint Isaac R. Dunkelberger, late a captain, First United States Cavalry, and brevet lieutenant-colonel, United States Army, a captain of cavalry in the Army, and provides that when so appointed he shall be placed on the retired list.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALPHONSO M. POTVIN.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 1710) for the relief of Alphonso M. Potvin.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Alphonso M. Potvin, late of Colon, Republic of Colombia, $11,270.85, in full payment and satisfaction of all indebtedness of the United States to him, arising from his purchase, on July 21, 1888, at public auction, of the then United States consul at Colon, of three houses located in that city belonging to the estate of Susannah Smith, who had previously died there intestate, the houses being sold to Potvin by the United States consular representative, who, being unable to protect the title in the local courts of Colombia, caused a loss to said Potvin of all moneys paid by him for the property, as well as other losses and expenses, amounting to the sum aforesaid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE BLAND.

Mr. COCKRELL. I ask that the resolutions from the House of Representatives on the death of the late Representative BLAND may now be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolutions from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *April 7, 1900.*

Resolved, That the business of the House be now suspended in order that suitable tribute may be paid to the high character and eminent public services of the Hon. RICHARD PARKS BLAND, late a most distinguished member of the House of Representatives of the United States from the State of Missouri.

Resolved, That as a mark of respect for the memory of the deceased, the House, at the conclusion of these memorial exercises, shall stand adjourned.

Resolved, That the Clerk of the House transmit a copy of these resolutions to the family of the deceased statesman, and inform the Senate of the action of this body.

Mr. COCKRELL. I offer the resolutions which I send to the desk and ask for their present consideration.

The PRESIDENT pro tempore. The resolutions will be read.

The Secretary read as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. RICHARD P. BLAND, late a Representative from the State of Missouri.

Resolved, That the business of the Senate be now suspended in order that fitting tribute be paid to his memory.

Resolved, That the Secretary be directed to communicate a copy of these resolutions to the House of Representatives and to the widow of the deceased.

Mr. VEST. Mr. President, "If a man die, shall he live again?" has been the great question presented to our race in every age as generation after generation has come and gone. Happy is the human being whose intellect and conscience with divine faith answers this question, "I know that my Redeemer liveth." He of whom I shall speak briefly to-day could so answer.

For twenty years Mr. BLAND and myself were intimate personal and political friends. I knew him well, and shall speak of his career and character to-day without exaggeration.

There was nothing spectacular nor sensational about Mr. BLAND. He was not a political graphophone, always speaking, nor an "importunate mendicant for popular applause." He was an earnest, honest, modest man of strong intellect and profound convictions of duty. So profound were those convictions that they caused his death. I know from his own lips that his health became impaired years ago when he stood by the side of Samuel J. Randall in the House of Representatives and fought to exhaustion against the first force bill introduced in that body. I know that the immediate illness which caused his death was produced when, in feeble health, on the last night of the last Congress, he remained without sleep at his post of duty guarding the interests of his constituency in the large appropriation bills then pending.

Mr. BLAND was the father and pioneer of bimetallism in the United States and gave his life to that cause. He had studied the question in all its phases, not only in the writings of eminent financiers, but in the canyons and mining camps of the far West, where Pikes Peak towers with its snow-crowned brow above the smaller mountains like some hoary-headed monarch of the feudal ages surrounded by his grim nobility.

He was a real bimetallist, not a pretender. He believed with Daniel Webster and James G. Blaine, that gold and silver were the money of the Constitution and that Congress had no right to strike down either of the precious metals in order to increase the purchasing power of the other. He believed that never could there be more gold and silver taken from the earth than was necessary for the legitimate pursuit of business.

He was no stickler for ratio, although he preferred the old ratio of 16 to 1, because our people were accustomed to it and large expense would be put upon the Government in order to make a new ratio suitable to the silver coinage in circulation.

In 1893, when the bill was pending in the House of Representatives repealing the purchasing clause of the Sherman Act, Mr. BLAND, as leader of the bimetallic party in the United States, offered amendments providing for the free and unlimited coinage of siver at the ratios of 16, 17, 18, 19, and 20 to 1; and when these were rejected he proposed the reenactment of the provisions of the old Bland-Allison Act of 1878, which declared that not less than two nor more than four million silver dollars should be coined each month. All these propositions were defeated. It then became evident that no compromise was admissible; that the advocates of the single gold standard intended to close the mints of the United States against the coinage of silver as standard money of ultimate redemption.

Believing that bimetallism was the cause of humanity, that the welfare of the laboring masses, not only in this country, but throughout the world, was imperiled by the combine of the single gold standard, which is intended to enhance the value of incomes and to make the labor of mankind subservient to capital, Mr. BLAND declared for the free coinage of silver at the ratio of 16 to 1, without the consent of foreign nations. He believed that this was the last chance for bimetallism in all time. He knew, and never concealed it from others, that if successful this proposition would involve financial disturbance and even panic; but he preferred what he thought would be a temporary disturbance to permanent disaster. He believed that this great Republic, made for the people and by the people, should, like France, stand for bimetallism, with all its great productive and exporting powers, because it meant liberty, the corner stone of free institutions.

Mr. President, RICHARD PARKS BLAND should have been the nominee of the Democratic party naturally and logically at the great national convention of 1896, held at Chicago. I know personally that he did not desire that nomination. I know that he, above all others, knew his precarious health, that the icy finger of Death might touch him at any moment. I know from his own lips that he dreaded the labor and responsibilities of the Presidential canvass and of the great office for which he was named. He was defeated, as all leaders of great popular movements who have borne the heat and burthen of the day and excited the bitter antagonism of opponents have always been defeated in all ages and countries when success was about to crown their efforts. Political parties are actuated not by gratitude but by the hope of success. It has always been so, and will be so to the end of time. The regicides of England who beheaded Charles I before his palace at Whitehall did not long retain the power they had grasped, but surrendered in a short time to Cromwell and his associates.

Vergniaud and the other great leaders of the Girondists, who inaugurated the French Revolution and dragged the King and Queen of France to the guillotine, followed in a few short months over the same gloomy road.

In our own political history, Henry Clay, the great leader of the old Whig party, the father of "the American system" which now dominates this country, the most magnetic orator who ever spoke in the Senate of the United States, was shoved aside in 1848 to make room for Zachary Taylor, whose political opinions were almost unknown to the convention that nominated him. William H. Seward and Charles Sumner sat by the cradle of the Republican party and defended its childhood against the vitriolic eloquence of the Southern leaders, but both were superseded in 1856 by John C. Frémont, the Pathfinder, and William H. Seward was defeated in 1860 by Abraham Lincoln, who but two years before was unknown outside the limits of his own State.

So, in 1896, RICHARD PARKS BLAND, the veteran leader of bimetallism, who had stood by its banner when others faltered and deserted, was put aside for a young and brilliant orator, who was a schoolboy when BLAND introduced and passed through the House of Representatives in 1878 the first bill providing for the free and unlimited coinage of silver at the ratio of 16 to 1. Always has it been so. The hands that place to-day upon the pedestal of popular favor their idol will shatter that idol on the morrow. Varied is "the mind of desultory man, studious of change and pleased with novelty."

Mr. President, in his domestic and social life Mr. BLAND was the most lovable and loyal man I have ever known. His heart was in his home, and he infinitely preferred the pure steady light of domestic love to the garish glare of public life. How true and loyal he was to wife and children was shown in an incident of the preliminary canvass for the nomination at Chicago in 1896, when

the bigots and fanatics and slimy demagogues assailed him because his wife was a Roman Catholic and was educating her children in that communion. His answer touched the heart of manhood throughout the world: "Yes," he said, "my wife is a Roman Catholic and I am a Protestant, and shall live and die one; but my great regret is that I am not half such a Christian as the woman who bears my name and is the mother of my children."

When he left this city he went to his modest home in the Ozark Hills of Missouri, all of the estate he had after twenty-two years' service in the National Congress, and, when death had taken from him the power of speech, his last act was to extend his hands in mute benediction above the heads of the dear ones kneeling around him.

Mr. President, his body lies in the soil of the great Commonwealth whose people loved and honored him so long, and his spirit has passed across the dark river to be greeted on the other side by the five children who went before him.

The night is gone,
And with the morn those angel faces smile
Which I have loved long since, and lost awhile.

Statesman, patriot, stainless gentleman, and dear friend, farewell.

Mr. JONES of Nevada. Mr. President, it is a time-honored custom that amid the clash and turmoil of debate and disputation in our legislative halls a truce is called on occasions such as this in order to note with solemnity the departure of one of our number upon the vast and silent journey to Eternity. The time thus spent could not be better occupied. It affords us an opportunity to pay a tribute of affection and respect to a departed friend and colleague; at the same time it brings before the mental vision of each and all of us the insecurity and uncertainty of life, and the fact that there is no escape for mortal man from the inexorable call of Death.

The Representative in whose memory the usual proceedings of the Senate are to-day suspended was a familiar figure in this Capitol for a period of nearly a quarter of a century.

RICHARD PARKS BLAND was born in 1835 in the State of Kentucky, where he resided until he was 20 years of age, when he moved to Missouri. Thence, touched by the spirit of adventure, he went, first to California, and later to that portion of the Pacific coast which afterwards became the State of Nevada. Locating in Virginia City, Mr. BLAND entered upon the practice of the law and the development of the mineral resources of the country. In 1865 he returned to Missouri, where he practiced his profession until called by the electors of his district to represent them in the National Legislature. He was elected a member of the Forty-third Congress, and took his seat in December, 1873. With the exception of a single term, he continued to represent that district with distinguished ability from that time to the date of his death.

I made his acquaintance in the early days in the far West, and then formed of him that high opinion which time and further acquaintance only strengthened and confirmed.

In 1876 and 1877 it was my fortune to be closely associated with Mr. BLAND upon the monetary commission created by joint resolution of Congress of August 15, 1876.

The resolution creating that commission and defining its duties is as follows;

Resolved by the Senate and House of Representatives, That a commission is hereby authorized and constituted, to consist of three Senators, to be appointed by the Senate; three members of the House of Representatives, to be appointed by the Speaker; and experts, not exceeding three in number, to be selected by and associated with them; with authority to determine the time and place of meeting, and to take evidence, and whose duty it shall be to inquire—

First. Into the change which has taken place in the relative value of gold and silver; the causes thereof, whether permanent or otherwise; the effects thereof upon trade, commerce, finance, and the productive interests of the country, and upon the standard (of) value in this and foreign countries;

Second. Into the policy of the restoration of the double standard in this country; and, if restored, what the legal relation between the two coins, silver and gold, should be;

Third. Into the policy of continuing legal-tender notes concurrently with the metallic standards, and the effects thereof upon the labor, industries, and wealth of the country; and

Fourth. Into the best means for providing for facilitating the resumption of specie payments.

In the course of the proceedings of that commission its members had ample opportunity to observe the earnestness, zeal, and ability displayed by Mr. BLAND and the warm interest which he took in the important inquiry that had been committed to the charge of the commission.

This is not an occasion, Mr. President, for the discussion of the merits of great controverted questions, but the work done by our colleague who is no longer with us, and the noble motive which inspired his conduct, can not be understood without the statement that in the remonetization of silver Mr. BLAND perceived the only effective means of arresting the ruinous fall of prices that for so many years had depressed the business conditions of the United States and had relegated to idleness large numbers of his fellow-countrymen.

With the insight of a statesman and political philosopher he saw that one of the great aims of a nation should be the adoption of policies that will automatically set in motion the forces necessary for the uninterrupted employment of all the people, and that for this purpose there is needed such constant and regular increase in the quantity of money as will preserve from artificial and unnatural depression the prices of the products of labor.

For him it was not enough that the laborers actually employed were able in certain cases, with greater or less success, to uphold the wages paid; it was also necessary that the large numbers of laborers who were compulsorily idle should be called to employment by those who could profitably utilize their services.

By a restoration to silver of the unrestricted access to the mint, which it had enjoyed from the dawn of civilization, Mr. BLAND saw one of the great instrumentalities for maintaining, in connection with the annual yield of gold and carefully regulated issues of paper, a quantity of money sufficient for all the purposes of industry.

From his wide reading of economic literature and his experience and observation in the mining regions, he was aware that the world had never had and never would have too much of either of the precious metals or of both combined. To him the refusal of Governments to utilize to the fullest degree the output from the silver mines seemed like a deliberate rejection of one of the most beneficent of the bounties of nature.

The silver cause, therefore, appeared to Mr. BLAND to be the great humanitarian cause of the closing years of the century. It evoked the deepest sympathies of his nature, and appealed to him, not as an economical necessity merely, but, as well, as a high religious duty. With all the fervor of a crusader he entered upon its propaganda, and during all the years of his public life he was a tower of strength to those associated with him in the effort to restore silver to its historic place as a money metal of unrestricted coinage.

It is with this question of silver remonetization that Mr. BLAND'S public career will always be linked and associated, and it is undoubtedly with that question that he would wish history to especially connect him. He held, with all the force of religious conviction, that every interest of society and civilization demanded the unrestricted coinage of both gold and silver; and he devoted the best years of his life to the attempt to ingraft such a result upon the legislation of the United States.

Wherever, throughout the world, the money question has been discussed—and it has been discussed everywhere—the name of Mr. BLAND has become a synonym for silver. The terms "Bland law" and "silver law" are recognized the world over as synonymous. It is, however, but justice to the memory of Mr. BLAND to say that the so-called "Bland law"—the law of February 28, 1878—as proposed by him and passed by the House of Representatives, was a bill to authorize the free coinage of the standard silver dollar.

This was changed in the Senate to a bill which, instead of unrestricted coinage, provided for the purchase of from two to four million dollars per month of silver bullion, in which form, as the only practicable one in which its final passage could be secured, it was accepted by him and the other friends of silver and passed over the veto of the President.

The personal characteristics of Mr. BLAND were such as to endear him to all who knew him. While strong, determined, and unfaltering in the pursuit of duty, he was always genial, patient, and kindly. He was one of the few men in public life who knew how to make friends and yet could avoid making enemies. He had not an enemy in the world. All who came in contact with him knew that he carried into his public work every element of conscience and of rectitude that distinguished his perfect private life.

Like all men of true greatness, Mr. BLAND was a man of exceeding simplicity of character. His intellectual processes were of the most direct kind. He did not seek the aid of the false, the meretricious, or the gaudy. He disdained to resort to any argument that was not based upon what he believed to be immutable truth. Notwithstanding the bitterness sometimes caused by heated political debate, he never lost the esteem of his opponents. They knew him for what he was and respected him for the noble qualities of head and heart that they knew him to possess. Above all else, he was a man of profound sincerity of conviction and rectitude of purpose.

In private life Mr. BLAND was the soul of honor; he was the ideal husband, father, friend, citizen. In every relation and transaction his conduct was guided and governed by the highest standards.

We shall miss the genial smile and hearty greeting with which he was wont to meet his many friends; but the work which he performed will long continue to influence the minds and consciences of men.

Mr. BLAND leaves to his family a name and reputation of priceless value, and to his country an imperishable example of a noble,

dignified, true, and faithful leadership in a great cause. His fame rests secure in the hearts of his countrymen.

He was a man of the class so well described in the lines of one of our own writers:

God give us men! A time like this demands
Strong minds, great hearts, true faith, and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office can not buy;
Men who possess opinions and a will;
Men who have honor—men who will not lie;
Men who can stand before a demagogue
And damn his treacherous flatteries without winking!
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking.

Mr. BERRY. Mr. President, in the few words which I shall utter to-day in regard to the life and character of Mr. BLAND I shall endeavor to speak of that life and character as it seemed to me. I shall endeavor to speak of him as I think he would have desired a friend to speak—that is, to tell the simple truth, without exaggeration in any way whatever.

Mr. President, I think it can be truthfully said that no man has served in Congress for the last twenty-five years who had a stronger hold upon the affections of the great body of the American people than RICHARD P. BLAND, of Missouri. While his life was conspicuous in many ways, it was preeminently so as the earnest, sincere, and devoted friend of the poor people; of the people who move in the humbler walks of life; the people who daily toil for their daily bread.

He had been intimately associated with them in their everyday life; he knew the difficulties under which they labored, the privations which they endured, and how hard the battle of life was for them, and every sympathy of his heart went out to them, and he spent his life in an earnest, constant, and never-ceasing effort to better their condition and to contribute to their happiness. Whatever in his judgment promised or tended to better their condition and to make their pathway less rugged and less difficult, he supported and advocated. And whatever added to their burdens or brought to them additional toil he opposed and resented as though it were a personal injury to himself.

Mr. BLAND believed that the change of policy upon the part of the Government in 1873 from a double to a single standard of money was a crime against the class of people to whose service his life was devoted. He believed that this change from the policy taught by the founders of the Republic brought suffering and want to many thousands of people whose condition in life made them least able to bear injustice and wrong; and, so believing, he began the great battle which he waged unceasingly for twenty-five years to right that wrong. He was the great and universally acknowledged leader in the fight.

Others grew weary, lost hope, ceased to battle or deserted to the enemy, but the faith of Mr. BLAND never wavered and his courage never faltered. He met defeat after defeat, but his purpose grew stronger and all the energies and resources of his great mind were brought to bear in the great contest that he waged against wealth and power. And while he did not live to see the great principles for which he contended triumphant in the nation, yet he did see the great party in which he was a conspicuous leader make the idea and the principle for which he had so long contended the leading and overshadowing issue in the contest for control of the Government.

It has been sometimes said that Mr. BLAND felt keenly disappointed that he was not selected to lead the Democratic ticket in 1896. This I know personally to be untrue. He said to me but a short time before the convention in 1896 that he thought it a mistake for his own State to have given instructions for him for President; that the cause was everything and the individual nothing; that his highest ambition in life was to see the cause succeed, and that the convention ought to be left entirely free to select that man whose leadership would contribute most to bring about the great reform that was so dear to his heart.

And his manly conduct while the convention was sitting and the earnestness and enthusiasm that he displayed on behalf of the ticket tended to show that he felt relieved rather than disappointed at the nomination made. That he felt keenly and deeply disappointed at the failure of Mr. Bryan to succeed, all of his intimate friends know; and while he never lost faith in the final triumph of the great cause, and while his voice was still heard urging his friends and followers to continue the contest, I think the great hope that it might be accomplished while he yet lived had passed away. I think that the disappointment which came from the defeat of the cause in 1896 contributed in part to the death of this great man.

It has been said that Mr. BLAND was a man of one idea, but this also is untrue. The records of the House show that in all the great questions which came before Congress while he was a member that he took a leading part in the discussions, always showing the highest intelligence and the most accurate and thorough knowledge of the issues involved. And in the great fight he made for the restoration of silver he believed there were other great questions involved. He believed that if the policy of our Government could be changed in regard to the money metals, the same power which brought about this change would be sufficiently potent to bring other changes, but that sooner or later, if the wrong was not righted, the Republic, which was founded on the idea of equality, would cease to be a Republic of the people, for whom he felt such a keen interest.

I know it seems commonplace to say that he was a thoroughly honest man, a truthful man, and earnest, sincere, unselfish man, a generous and just man, yet it was because of these great qualities that he was a great man—great because he has shown to the youth of this land that a man simple in his habits, modest and unpretending in his life, can, by the practice of the virtues I have named and by earnest effort to better the condition of his fellowman, leave behind him a name and a fame that will long be cherished as a precious heritage by his fellow-countrymen. And I earnestly believe that as the years go on the fame of RICHARD P. BLAND will grow greater and greater, as the history of his pure life and his high and lofty purposes become better known.

The people of every land and every clime who struggle for liberty, who fight for justice, who contend against the tyranny and injustice of great wealth and great power will long remember the name of the great Missourian, who was their friend, who fought their battle, who devoted his life to an earnest and sincere effort to better their condition.

The people of Missouri were not more devoted to him than were the people of my own State. He was our near neighbor. Hundreds of the people of Arkansas knew him personally, and when the news came that his life was at an end the sorrow and grief were universal.

I was present at his funeral. There were many thousands of people assembled around his grave. They came from every part of Missouri and from Arkansas. Hundreds in his own and the adjoining counties came in wagons, in buggies, on foot, and on horseback. They were the sturdy farmers of southwest Missouri—the men with whom he had been associated in his daily life—and as they looked upon his face for the last time each seemed to feel that he had suffered a personal loss and that the truest and best friend that the poor and helpless had ever known had passed to the great beyond.

And the thought came to me then that this love and this devotion of these people was far dearer to Mr. BLAND in his lifetime than all the wealth the world can bestow; and, having devoted his life to relieving the distress and suffering of the people, when the end of life drew near, that thought must have tended to illuminate the dark river over which he was soon to cross and tended to make the farther shore seem less to be dreaded and less to be feared.

Mr. LINDSAY. Mr. President, born and reared to early manhood in the State which I have the honor in part to represent in this body, the personal and public career of RICHARD PARKS BLAND was always looked to by the people of Kentucky with the most affectionate interest. When we can say of one who has completed the life work set before him and joined the innumerable caravan that passes on before, that he was a good citizen, a kind and considerate neighbor, a loving husband, and an affectionate father, and that to all these ennobling attributes he added the graces of the Christian gentleman, we have the embodiment of a good man, and the words of legitimate eulogy are almost exhausted.

All these things can be truthfully said of RICHARD PARKS BLAND. When he gave up the duties he had to perform in this life and passed to the other side to rest under the shade of the trees, there was no man who more completely represented American manhood, the conscientious American public servant, the unselfish American patriot than did RICHARD PARKS BLAND.

No man who has been a public servant for a quarter of a century almost, as was Mr. BLAND, and who was a participant in questions that excited the greatest public interest and the fiercest controversy ever excited less uncharitable or ungenerous criticism. Every man knew him to be honest. Everybody looked on him as an upright man. All of us, whether we differed from or agreed with him, recognized that he was following the course pointed out by the conscientious investigation of the question with which he was dealing and felt he was serving, to the best of his ability and according to the lights before him, the interests of the people who honored him with a seat in the American Congress, and, as he believed, the best interests of the people of the entire country.

Amiable he was, but his amiability was not the attribute of weakness. His amiability was the evidence of the innate gentility that came upon the earth when RICHARD BLAND was born.

He was in every sense of the word a national character, and it was that of the statesman and not the politician.

This, Mr. President, is not the time to discuss political differences. Questions which assume the gravest importance in the deliberations of the Federal Congress, questions which attract the

widest attention with the American people, are temporal and transitory in their character, and in the face of the great unknown sink into comparative insignificance. It is a consoling reflection to the family and friends of Mr. BLAND that those who differed with him the most widely nevertheless regarded him with the same high estimate in which he was held by his closest political friends.

When he came to die, when the news flashed across the continent that this great and good man was about to be lost to his country forever, there was universal regret. National sorrow manifested everywhere, and it was to no degree tempered by any feeling of past political differences with this representative American.

I never heard a man speak of Mr. BLAND except in terms of affectionate regard, and I know that in his native State all the people of every party and persuasion looked on his life and on his career as an honor to the State that gave him birth, and they joined with the people of their sister State, the home of his adoption, in mourning his death as they to-day join in doing honor and reverence to his memory.

Mr. CARTER. Mr. President, in the closing days of the Fiftieth Congress I formed the acquaintance of RICHARD PARKS BLAND. During the Fifty-first Congress it was my privilege to serve with him on the Committee of Coinage, Weights, and Measures of the House of Representatives. The acquaintance then formed ripened into a friendship which extended over a decade, growing warmer as the years passed. Death claimed Mr. BLAND on the 15th day of June, 1899. On that day his loyal and gentle life went out, leaving friendships to crystallize into sanctified memories. In conformity with an ancient and beautiful custom we this day devote a session of the Senate to paying tributes of respect to the memory of our lamented friend and official associate. The life and character of RICHARD P. BLAND need not the charity always benevolently extended to the dead. His was a pure and praiseworthy life.

He was unusually modest and retiring. He was neither self-asserting nor self-seeking. He sought the back seat rather than the front place in any meeting he happened to attend. His voice was low, his manner unobtrusive. Being of medium height and fair proportions, his physical presence harmonized with his disposition to avoid conspicuous notice. He was slow to enter into conversation with strangers, and the glamour of the social life of the capital had no charm for him. Anyone acquainted with his record as a public servant would have been at a loss on first meeting him to account for the source of his strength and the basis of his just fame as a parliamentary leader. Although an able and experienced jurist and a statesman of world-wide reputation, his was the manner and the dress of the well-to-do, well-read, and no ghborly farmer. His mildness of manner and gentleness of disposition in the home circle or in the committee room gave no forecast of the bold, fearless, and irrepressible representative, whose masterful advocacy of his settled and unchangeable convictions promptly secured and, without design, held for him an exalted place in the American Congress for more than twenty years.

The dashing, self-confident young college man encountering him unawares would have yielded the ground, not before a torrent of offensive declamation, but through self-confessed inability to answer the apparently simple interrogatories of a kind country gentleman in quest of knowledge.

He was a patient student. His inquiries were directed toward a definite purpose and all his energies were concentrated for the accomplishment of that purpose. He explored the realms of literature that he might reduce the strength of all recorded thought to the service of his cause. His knowledge of books was extensive, but of that knowledge his speeches only convey a partial view. To him the productions of imagination were of little service. His sympathies were moved by the matter-of-fact features of the problems confronting men. The ceaseless struggle of humanity for better average conditions touched his heart, engrossed his mind, and absorbed his life.

With earnestness amounting to intensity he devoted himself to the study and advocacy of such public measures as seemed to him calculated to crystallize justice into law. He believed that a great wrong was inflicted on the world by the demonetization of silver, and without variation or sign of change he addressed himself to the task of restoring that metal to its former privileges at the mints of the United States. The great contest for the restoration of silver has engaged the attention of the civilized world for a generation. Men of world-wide renown have given to the subject their best thought. With some it may have been a theme for mere academic debate; with others a stimulus for spasmodic effort and pyrotechnic display; but with RICHARD P. BLAND it was an issue—living, vital, momentous.

To his steady hand, unfailing constancy, and well-equipped mind, the honor and responsibility of leadership were given in this country without solicitation, question, or dispute. He was the leader of a movement rather than of a party. He was the exponent of a thought which found support in all parties and in all sections of the country. To him the scattered elements looked as to a standard bearer. With the assistance of able men from the ranks of every party, Mr. BLAND kept the issue so prominently before the country that for over sixteen years all parties felt constrained to promise fair terms to him and to his people. Defeat did not discourage him. With constancy, courage, and tenacity unsurpassed, he braved sneers, jeers, and opposition of every sort. Feeling conscious of the worth of his cause and the rectitude of his purposes, defeat left him instructed but not conquered. That success did not crown his efforts is a fact not recorded to his discredit. With him the fight closed only when the Master's summons came.

Had he been more inclined to assert himself, he would doubtless have been the Presidential candidate of the Democratic party in 1896, when for the first time the cause for which he had stood so long and so faithfully was approved by a convention of his party associates. But the valiant commander was not chosen to lead. His neighbors continued to reelect him to the House of Representatives, but failing health weighed heavily upon him during his last term of service in that body. I spent many evenings with Mr. BLAND at his Washington residence during the last session of Congress he was permitted to attend. He was my neighbor in this city, and in the light of a neighbor and a friend I knew him well. To know him was to become bound to him by ties of affectionate regard. In him simplicity of life and sincerity of heart were united with clearness of intellect, strength of purpose, and dauntless courage. During our last visit he seemed inclined to talk seriously of the future of his family. At the time my attention was not specially arrested, but on hearing of his unexpected death shortly thereafter I recalled what he had said as indicating that he must have then realized that his end was near and that his guiding hand would soon fail those he loved.

At the close of a long life spent in the public service he left his family in limited circumstances. Like many other distinguished members of Congress who had gone before him, Mr. BLAND had looked so steadfastly to his country's interests that he had neglected to give due attention to his own affairs. An honored name is the chief legacy left by him to his family. A celebrated Roman orator defined true honor as the concurrent approbation of good men. Measured by this fair test the name of RICHARD P. BLAND is a priceless treasure to his family. He was a man of honor. Men differed with his views sharply, and his positions on public questions were often assailed with bitterness; but no man ever had reason to question his integrity or the purity of his motives. Indirection was foreign to his nature. The makeshifts of concealment or evasion never found place in his public service. He was an open, frank, honest man. His character was his capital, and it never diminished in value. He was not the slave of vulgar ambition.

His was the ambition of the philanthropist seeking the triumph of a cause for the good of humanity. His repeated elections to Congress were accepted by him and recognized by his opponents as the victory of his cause rather than the glorification of the man. He became the embodiment of an idea to which his life was devoted. Public station was accepted as an opportunity to advance that idea. With the high office of Representative in Congress came many duties, which Mr. BLAND discharged with scrupulous regard for the public welfare, but the central and controlling object of his personal and official efforts was the remonetization of silver. His pronounced identity with that great question gained for him the sobriquet of "Silver Dick" and "Silver Dollar" BLAND. His name has been indelibly set in our laws and parliamentary history on the subject of coinage. This is not a fitting occasion to indulge in the task of weighing the merits of his contentions nor in speculating on the future of the issue on which the force of his life was expended. On the contest over that issue, inspired and ably maintained by him, his fame rests secure, irrespective of the merits. His motive rested on the immutable foundation of honesty.

The honest and able efforts of our departed friend will be remembered alike by his adherents and by his opponents with the sense of pride and gratification always felt by patriotic men in the presence of the demonstrated courage, fidelity, and virtue of a countryman.

Seclusion was his desire; unsolicited fame his reward. Detraction, that missile flung from little minds by vicious tongues, can not impair his fair fame. In every relation of life he was true and faithful. He endeavored, to the full measure of his ability, to leave the world better than he found it. Through example, he still lives among us. To him the mystery of death has been disclosed, and with the aid of Christian faith we may, with consolation, perceive immortality beyond that mysterious line.

The most eloquent agnostic of this generation, standing by the uncovered grave of one he had tenderly loved, said in anguish of spirit, "We cry aloud, and the only answer is the echo of our

wailing cry." The absence of faith made room for that pitiable despair. I would not call the figure despicable, as the offspring of fear or the child of dishonesty. It springs not alone from want of faith in the truths of divine revelation, but likewise from a failure to fairly consider and justly estimate the necessary attributes of the higher, the nobler, the purer, the immortal elements combined with human nature. That part of man returned by mourning friends to mother earth was weak, dependent, and in peril from the moment of birth to the instant of death, and yet in death it is indestructible. During life it was the tenement of the invisible spirit which, vitalizing and illuminating, made of it the inspiration of our affections, the correspondent of our intellects, and the companion of our souls. The separation of the spirit from its tenement of clay is what we call death. The body, through decay, changes form, but is not destroyed.

Knowing that the gross objects visible to our imperfect sight can not be destroyed, how foolish seems the faithless one who would consign to a dark and boundless abyss of insensibility and nothingness the bright, vivifying, resplendent force which, even while fettered to common clay, penetrates the mysteries of the stars, solves the problems of the earth, measures the depths and conquers the currents of the seas, subjugates the passions of animal life, and brings to the aid of existence here an ever-increasing measure of order, love, benevolence, and lofty aspiration. The force is primary. It can not die. It is the soul of man. His conscience, his emotions, his thoughts, his yearnings for a higher and better life are but manifestations of its existence. A man of gigantic intellect and unfaltering faith has said that "to reason about faith is to doubt and deny."

As to faith in the immorta'ity of the soul, I take issue with the statement. The infidel mind must reason out of existence too many things of which every human being is more or less conscious before finding a firm basis for unbelief, accompanied by mental repose. Our friend was not annihilated when his weary mortal body surrendered to its final impulse. The earth could not reclaim more than its own. As by the eternal law of attraction each primary source recalls its scattered fragments, so to its Omnipotent Creator the spirit of our departed friend has been recalled. The legacy of his life and its ennobling example is the common heritage of all mankind. His lifelong course of undeviating rectitude secures to his afflicted family an imperishable title to honorable distinction. Well may the widow and children who mourn him find consolation in the words—

God gave, He took, He will restore.
He doeth all things well.

Mr. JONES of Arkansas. Mr. President, no man ever laid down his life with a reputation freer from spot or blemish than did RICHARD P. BLAND. He served his State and country with a fidelity and singleness of purpose which has never been surpassed. Simple in his tastes, intensely domestic in his feelings, devoted to his family, he was a pure patriot, an honest man, and a faithful public servant.

In my public service it was my good fortune to be intimately associated with him for years and to reckon him amongst my warm personal friends, and in all the years of this intimate association I never saw an action of his nor heard a word from him which was not becoming a Christian and a gentleman. No man of purer character or more blameless public or private life ever honored an American constituency by faithful and honorable service. If a good name is better than great riches, then he left to his family an inheritance most desirable and one which will endure when the great fortunes of those who have devoted their lives to money getting shall have passed away.

Mr. BLAND was preeminently a man of the people. Utterly incapable of being swayed from their interest by an advantage to himself, he was so splendidly poised that no prospect, no matter how alluring, could disturb his equilibrium. When he was being voted for in a great convention of his countrymen, by the political party in which he had spent his life, for the highest place in the gift of the people, he, away from telegraphic communication, with no party of friends about him, was pursuing the even tenor of his everyday life at his quiet home in Missouri in the happy association of his wife and children. He was ready then, as he was at all times, to assume any responsibility which his countrymen might impose on him, or to follow the quiet, even tenor of his own home life, without regret and without repining, if permitted to do so.

Unselfish and patriotic, he gave his life to his country, and left to his family a name which will live in the hearts of his countrymen. He was one of the men to see at a very early day, clearly and distinctly, what he believed to be a great wrong perpetrated upon civilized mankind by the financial legislation of this country and others about 1873, and to the repeal of that legislation in this country he devoted his days and his nights. While his efforts were unavailing, while he failed to accomplish the great purpose he had in view, no bitterness disturbed the calm serenity of his mind, and no loss of hope for the future or of faith in the Republic ever found lodgment in his heart. With an unfaltering trust in an overruling Providence, and an unshaken faith in the integrity and intelligence of his countrymen, he had no doubt that the best would result from agitation and discussion, and that whether he had his way or not, that the best results to the American people would at last be brought about.

No one who had the honor and pleasure of knowing the man as I did could fail to love him, to admire and respect him, and I shall cherish through all my future life the memory of his friendship as one of the blessings which a kind Providence has granted me. His name, his family, and his memory belong to the nation.

Mr. TELLER. Mr. President, it is but natural when we rise to speak of our dead associates that words of praise come to our lips. I shall speak of the Hon. RICHARD P. BLAND, now dead, as I have frequently spoken of him living. I have discovered no excellencies since his death that I did not recognize and appreciate when he was living.

The Hon. RICHARD P. BLAND for many years filled an important position in American legislative affairs, and it is but fitting that we should pay respect to one who has discharged all the great duties devolving upon him with so much ability and with so much credit not only to himself but to his country.

He was left an orphan when very young, and struggled with adverse conditions, but did not fail. By his unaided energy he acquired an academic education and fitted himself for the responsible duties that ultimately devolved on him.

In his early manhood he went to Missouri; later to California, where he remained a number of years. I am not familiar with the details of his life in the far West, but I know he was interested in the great mining industries of that country and that he practiced his profession and held an office of honor and trust.

In 1865 he returned to Missouri and entered on the practice of his profession. He was elected to the Forty-third Congress as a Democrat. He was repeatedly reelected, and when he died he was still bearing the commission of the people of Missouri in the House of Representatives. He was a member of every Congress from his first election to the last, save the fifty-fourth Congress, for which he was defeated by a majority of 70 votes out of a total vote for himself and opponent of 33,700. He was reelected to the Fifty-fifth Congress by a majority of nearly 5,000.

My first acquaintance with Mr. BLAND was in the last session of the Forty-fourth Congress. He was at that time chairman of the Committee on Mines and Mining. I soon learned to appreciate his sterling qualities and formed an admiration and an affection for him that lasted until his death.

At the next session of Congress he introduced a bill for the free coinage of silver at the ratio of 16 to 1 and passed it through the House of Representatives by a large majority. It did not pass this body, but the result was the passage of a compromise measure known as the Bland bill, which restored the silver dollar to the circulation of the country.

From 1876 to the time of his death his name was closely associated with the great economic struggle, begun in the United States largely by his influence and support, for the restoration of silver as primary money in the currency of the world.

He believed that the restoration of silver as primary money was in the interest of all classes, but especially to the interest of the producing classes. His earnest and intelligent support of the measure in Congress and out of Congress made his name and fame familiar, not only to the people of United States, but to the political economists throughout the world.

It is not strange that when his political party, after a spirited contest, incorporated that principle in its platform thousands of men of that faith turned to him as the logical candidate of their party for President. But Mr. BLAND had never advocated a financial policy for the advantage that might accrue to him; and when another received an honor that many thought belonged to him, he accepted the result without criticism or complaint and gave the candidate his untiring support.

The great economic principle for which he had contended for so many years had secured a permanent place in the political creed of his party, and that was enough for one who had always put principle above personal and party advantage.

RICHARD P. BLAND was an earnest, courageous supporter of what he considered right, an equally earnest opponent of what he considered wrong.

He was independent, self-reliant, obedient to his conscience, impartial in judgment, and could not be swerved from duty by policy or public clamor. He was an honest man, a patriot, an American statesman of the best type.

His devotion to duty, as he saw it, with reference to the financial questions before Congress; his clear comprehension of the character and importance of the questions, and what it involved; his logical and forcible presentation of his views on many occasions, will always associate his name with that important and still

unsettled question, whether the world can dispense with the use of silver as primary money or not, and his influence on that question has not ceased with his death.

It may be well doubted whether anyone who has served in Congress during the last twenty-five years has created for himself a more enduring memory than RICHARD P. BLAND, a memory untarnished, a memory that may well be the pride of the people who honored him with their support, and whom in turn he honored by his worthy conduct in public and private life.

No higher praise can be bestowed on living or dead than to say his life is a worthy example for American youth, and this we may say of RICHARD P. BLAND.

As a Representative in Congress he secured and maintained the confidence of his constituents and the country at large for loyalty to principle, devotion to duty, courage and capacity in the discharge of the obligations and duties of a great trust, and his life and public service must be an encouragement to welldoing to those who may have aspirations to succeed him in public life. Good and faithful public servant, the only reward he desired was the approval of his own conscience and the approbation of the people for the discharge of his public duties in a way to serve the great body of the American people.

This meed of praise will not be withheld by even his political opponents.

[Mr. ALLISON addressed the Senate. See Appendix.]

Mr. DANIEL. Mr. President, death has stricken the name of RICHARD PARKS BLAND from the roll of the House of Representatives.

Another now fills the seat which he occupied for nearly a quarter of a century, and the world goes on in its accustomed ways, even as the sea rolls on in restless, unchanging mood when some noble craft has sunk into its depths. But hard by the rolling waves are those who miss and mourn and weep for the unreturning sail.

It is the old, old story, often repeated in manifold phases in our American life, that is told to-day. The poor boy going west, far away from his old Kentucky home, plunging into the frontier life, fighting Indians and mining metals; the struggling youth gaining little by little the rewards of toil; the lawyer growing into confidence and competence; the husband and father planting his home in Missouri and gathering to it the things that conduce to refinement, comfort, hospitality, and good cheer, and making it the center of his life work amidst those whom he loved and who in turn loved him. Then the representative of the people in the Congress of the United States and the ripe and forceful statesman, trustworthy and trusted in all things, seeking no sordid or selfish end, veraciously acting up to the admonition of Wolsey, "Let all the ends thou aimest at be thy country's, God's, and truth's."

The House of Representatives is the training school and the strenuous battlefield of American public life. There the Paladins have fleshed their maiden swords. The Representative is the one person of all the hundred thousands of Federal agents who is chosen by the people and in him more than in any other is reflected the genius of a people's government. There can be no loftier office. Success in that forum, as in the conflict of arms, must be and is accepted as the just test of merit.

Orators, scholars, authors, lawyers, and men distinguished in all the walks of human endeavor often go there with high reputations for ability and disappear and make no sign. Others hitherto unknown to the country rise there to eminence, honor, and power. Mr. BLAND fitted the House of Representatives and the House of Representatives fitted him. He studied the questions of the day with conscientious diligence, and his speeches upon them reflect the best thought in favor of the propositions he maintained.

He was always at his post, attentive to his duties, ready, logical, earnest, cogent in debate, the peer of any who crossed his lance. Force of energy and force of character, a certain adaptability to the rough and ready fight, are the elements of success in that body, and only the strong and the sufficient man can succeed. Mr. BLAND was a success. His name became a fortress and a sword and a flag to his followers, and the countersign that he gave them was worthy of him—"Put the cause above the man."

For twelve terms he was chosen a Representative. The tie that binds united the faithful constituency and the faithful public servant. Nothing but death or promotion could have dissolved it. The fact speaks, and the fact will forever speak, his deathless eulogy when the lips that praise him to-day are silent.

Jackson, Van Buren, Polk, Pierce, Lincoln, Garfield, and McKinley found in the House of Representatives the stepping-stones to the highest office that any man on earth can hold, the Presidency of the United States; and for a time the star of promise hovered over BLAND. The great historic party to which he belonged, and of which he was in all his life a true type and representative, contemplated him as its candidate for this great office.

The tenor of events favored him. The convention met. It was spurred to aggressive action by the vain makeshifts and disappointments which had attended previous efforts to restore to its place the ancient hard silver money of the Constitution and the country, the money whose story is the history of civilization. It was quickened in its hopes by an aroused public opinion formed under conditions that gave omens of victory. It adopted as its leading principle the idea of which BLAND had been a pioneer and the constant and leading champion, and it cleared deck for action. His friends were justly elated. The door seemed to swing open for him to vast possibilities of usefulness and honor. And then the star of his destiny declined as quickly as it had shone forth.

But it left him as it had found him, in the unruffled repose of his country home and in equanimity and sweetness of spirit. If ambition did not lead him up the shining heights, neither did it fling him from the Tarpeian Rock. No words of complaint or reproach or disappointment fell from his lips. He was ready for duty, and duty he did with loyal fervor. He emerged from the conflict higher in the respect and good will of the people than when he entered it, unscathed in reputation, approved in character, superior to the illusions of ambition, and undisturbed by its fickle blandishments. The world knew him now as a well-balanced, right-hearted, and just-thinking man, worthy of its honor and its trust.

Xanthippe, the wife of Socrates, said that in the myriad revolutions that had overtaken Athens and their own home she had always seen the same expression on the face of Socrates going forth in the morning and coming back in the evening. In serenity of temper, in philosophic mood, and in the even conduct of life the Missouri statesman was not unlike the great Greek; and the great Commonwealth of the Middle West that has sent to field, House, and Senate so many illustrious sons has given to our history no worthier name.

The delegation from Virginia, of which I had the honor to be a member, voted for Mr. BLAND for the Presidential nomination, and stuck to him until his own delegation recognized the then self-evident fact that the able and brilliant orator from Nebraska had won the convention's favor by his wonderful eloquence, and had so fixed its choice. He was well worthy of it, and no one recognized his merit more readily than BLAND, and no one had a higher opinion of BLAND than Bryan.

Whatever had been the result, BLAND would have been an excellent candidate. Had he been elected we would have had an old-fashioned Democrat in the White House, worthy of the party of Jefferson and of Jackson. He would have felt his responsibilities as conscientiously as any man who ever sat in the Executive chair. Accessible to all, he would have heard and considered all, and would have acted with discretion and decision. He would have been the relentless foe to monopoly, the devotee of equal rights, the lover of the Constitution, and the friend of the people, without sectional hatred or partiality. His simplicity would have attracted to him that ingenuous affection that delights in plain, direct, and unostentatious ways, for he was indeed, as the laureate says of Wellington, "in his simplicity sublime," and like Washington in that "his modesty was equal to his merit."

Mr. President, "there is a moral to all human tales." That which belongs to the career of RICHARD PARKS BLAND is worthy to be cherished. His life was characterized by no particular feats of brilliancy, but its force and influence were steady and constant, pertinacious, continuous, and faithful, "enduring to the end." There was nothing of dramatic incident about it. He was a real man, and the cast of his mind was realistic. He took life seriously and dealt with it honestly and bravely, seeing its plain facts and plain obligations in no grotesque or fanciful shapes nor in lurid or colored lights, but in just proportions and in the white light of truth. He had no affectations or attitudes or poses, and as it never occurred to him to mislead or deceive others, so he did not mislead or deceive himself. Of this character are the world's great body of most useful and successful men.

"I must dazzle and astonish," said Bonaparte, and he did dazzle and astonish the world. But none were more dazzled and astonished than himself. He was dazzled by Moscow, and he lost his army in the Russian snows. Who more astonished than he when the holdfast grit of Prussia and England wrenched the scepter from his grasp? Who more astonished than he when the matter-of-fact "nation of shopkeepers," as he called them, and, in truth be it said, hard and bluff conqueror, rejected his theatrical overtures of protection and hurried him off to his island cage, an extinct volcano like himself.

BLAND was nothing of "the dazzle and astonish" kind. He would have been a poor actor in a melodramatic troup. He was an Anglo-Saxon, an American through and through. He stood for the common weal and the common right. His life was dominated by the genius of his race, whose highest expression is found in its steadfast common sense.

Nature is altruistic. She has so made man that he can not live unto himself alone save as an unfinished and insufficient creature. Neither can he do anything for himself alone save in scant and imperfect manner. She has correlated, interlaced, and fused

together the lives and fortunes of men in social unity. The food and clothing of the laborer are the products of many climes and many hands, of many toils and many tears. A cotton handkerchief, a tin cup, a pin, a nail, a match—who can make one of them by himself alone? Yet by the united toil of others how cheap to everyone!

This thought is the germ of union and the bond of fraternity. Throughout all human kind each must of necessity contribute his just part to the common weal. Nothing is sadder than working for self, the fruit unshared by others. And well is this illustrated in the story of Enoch Arden, who, deemed dead by his wife, found her wedded to another, and who, concealing himself, that she might not know he lived, was forced to work for himself alone.

> Yet since he did but labor for himself,
> Work without hope, there was not life in it
> Whereby the man could live.

The poorest man on earth is he who has piled up riches by selfish and sinister methods and who is constrained by his surplus and cumbrous wealth to look around for objects which may stir to life his latent and long-suppressed regard for others and make company for his lonely and discontented spirit. But rich indeed is he who spends as he goes his life and his work and his means and whatever is his for others with a free, unstinting hand and makes himself no bankrupt debtor to lost opportunity for doing good.

The life of BLAND was altruistic, like that of many worthy representatives, and it is the glory and safety of our race and of our country that it has many such of all shades of political opinions. He lived and worked for home, country, and friends. His democracy was a religion. It possessed him heart and hand and soul. Offending none, he made no enemies. All gave him respect and all trusted him; a tribute rare and honorable and blessed to those who gave as well as to him who received; a tribute bespeaking in the giving the love of truth and justice that lies forever in the human heart. Clear in his great office as representative of the people, he died in peace, with their confidence and love about him, and he leaves to them and to his country and to his family and friends a memory of sweet savor and a name without a stain.

They laid him to rest beneath a hickory tree in the churchyard at Lebanon, in the Ozark hills of Missouri, his home, and there he sleeps well. The strong, stout-fibered tree is a fitting emblem of his life. The melodies of the birds which sing in its branches as the springtime renews its green leaves are his fitting requiem.

Mr. STEWART. Mr. President, RICHARD PARKS BLAND was of the highest type of American manhood. His life was devoted to doing good, and his name is a household word.

On the discovery of the Comstock, in 1859, Carson County, of Utah, included the country which now composes the State of Nevada. Within a year after this great discovery more than 30,000 people were assembled in the mining region of which Virginia City was the center. It was a genuine mining excitement. Under such conditions, in protecting the rights of the weak and maintaining law and order, individual character was rapidly developed.

Mr. BLAND, although quite a young man, immediately became a marked figure. Judge Cradlebaugh, one of the judges of Utah Territory, was assigned to Carson County. Judge Childs, a Mormon, was judge of the Utah probate court, which had very large jurisdiction under the Utah statutes. Genoa, about 30 miles from Virginia City, was the county seat.

In August, 1860, after some months' residence in the Territory and active participation in mining operations, Mr. BLAND was, on my motion, admitted to the bar, and at once engaged actively in the practice of the law. He was a strong character, courageous and industrious, and enjoyed from the first confidence and respect in a community where weak men were ignored. In the fierce excitement of conflicting interests which made others waver, falter, and fail, he was firm and constant. The judges frequently remarked in my hearing that Mr. BLAND'S preparation of his cases was thorough, and that his clear and straightforward presentation of them was most convincing. If the members of the bar who were associated with him during his residence in Nevada were still living, they would gladly bear testimony to the virtues and manhood of Mr. BLAND. But so far as I am able to learn, I am his only surviving associate at the bar while Nevada was a part of Utah.

It gives me great pleasure to say of him that he was kind, generous, intelligent, industrious, and good. He won the love of those who knew him well and the respect of all to an extent that few, if any others, enjoyed. He did not remain in Nevada long enough to take part in the events of bonanza times, but a future was open to him when he left, and his name is still cherished by the surviving pioneers of Nevada wherever they may be found. The independence of character, the firmness of resolution, and the adhesion to principle which were shown during his short career in Nevada were fully exemplified and made known to the whole country during his long service in the House of Representatives.

Mr. BLAND'S views on all great national questions were known of all men. His position was never doubtful. His life in the West and in Congress furnishes an example which will not be forgotten, but will be emulated by the strongest and best of those who shall come after us.

Mr. COCKRELL. Mr. President, RICHARD PARKS BLAND, to whose memory we pay tribute to-day, was born on August 19, 1835, in the county of Ohio, in the State of Kentucky.

His father, Stoughton Edward Bland, was a native Kentuckian and a descendant of the Blands of Revolutionary fame and was educated for a Presbyterian minister. Owing to ill health, he engaged in farming and was so engaged at the time of his death in the year 1842.

His mother was a Miss Nall, daughter of Richard Parks Nall, of Kentucky, and died in that State in the year 1849. By the death of the father the family was left largely dependent upon their own labor.

Anxious to obtain an education, young BLAND worked during the summer for six and seven dollars per month to enable him to attend school during the winter. He attended Hartford, Ky., Academy and took a teacher's course one year.

On leaving that institution at the age of 18, he began teaching; taught two terms in his native county, and then, going to Wayne County, Mo., taught one term, and went to California in 1855, where he taught school and studied law.

From California he went to the then Territory of Utah, and was elected treasurer of Carson County and held that office from 1860 until the organization of the State government of Nevada. He was admitted to the bar by the United States district court in Utah.

In 1865 he returned to Missouri and located at Rolla, in Phelps County, for the practice of law, in partnership with his brother, Charles C. Bland, now one of the judges of the court of appeals in the eastern district of Missouri.

In 1868 he removed to Lebanon, Mo., which was his home thereafter, continuing the practice of the law and conspicuously participating in the discussion of the public questions then agitating the country. In November, 1872, he was the nominee of the Democratic party for Representative in Congress from the Eighth Congressional district, and was elected to the Forty-third Congress, beginning March 4, 1873.

In 1873 he married Miss Virginia Elizabeth Mitchell, daughter of Gen. E. Y. Mitchell, of Rolla, Mo.

He was successively renominated and reelected a Representative in the Forty-fourth, Forty-fifth, Forty-sixth, Forty-seventh, Forty-eighth, Forty-ninth, Fiftieth, Fifty-first, Fifty-second, and Fifty-third Congresses.

He was renominated for the Fifty-fourth Congress and defeated by the stay-at-home voters, caused by the discontent of the Democrats with the Administration, which resulted in the defeat of eight other Democratic nominees for Congress in Missouri.

In 1896 Mr. BLAND was renominated for Representative in the Fifty-fifth Congress and was elected.

In 1898 he was nominated for the fourteenth time and was elected, for the thirteenth time, a Representative in the Fifty-sixth Congress, beginning March 4, 1899, and died at 4.30 o'clock in the morning of June 15, 1899, before the Fifty-sixth Congress had convened, having served through eleven Congresses—Forty-third to Fifty-third, both inclusive, twenty-two consecutive years—and then through the Fifty-fifth Congress, two years more. During his illustrious career in the House his principal committee service was as a member of the Committee on Coinage, Weights, and Measures, of which he was the chairman in the Forty-eighth, Forty-ninth, Fiftieth, Fifty-second, and Fifty-third Congresses.

In the Forty-fourth Congress, on July 31, 1876, Hon. Randall L. Gibson, of Louisiana, presented a joint resolution (No. 159) for the appointment of a Congressional commission to inquire into the relative value of gold and silver and kindred questions, which was referred to the Committee on Banking and Currency.

On August 5 Hon. S. S. Cox reported a resolution similar to Mr. Gibson's, which was passed on the same day and reported to the Senate August 7 and referred to the Committee on Finance, and on August 8 Senator Sherman reported from the Finance Committee S. 1037, in substantially the same language as the House resolution.

On August 15 Senator Morrill, after explaining the slight variance of S. 1037 and the House resolution and the lateness in the Senate, asked the Senate to pass the House concurrent resolution, and it was passed. In pursuance of this joint resolution the Senate appointed Senators JOHN P. JONES, Lewis V. Bogy, and George S. Boutwell, and the House appointed Representatives Randall L. Gibson, George Willard, and Richard P. Bland, and the experts were Hon. William S. Groesbeck, of Ohio, and Prof.

Francis Bowen, of Massachusetts, with George M. Weston, of Maine, as secretary.

This "United States monetary commission" made a most thorough, critical, and exhaustive inquiry into the whole monetary question in all its relations, and through our foreign ministers obtained reports upon the monetary systems of twenty-one of the leading nations of the world, written answers to written interrogatories from many eminent persons in the United States and foreign countries, and took the testimony of twenty-five eminent persons; all of which they submitted to Congress on March 2, 1877, in the Senate by S. Report 703, in two volumes—an invaluable treasure of information and facts.

Through this investigation Mr. BLAND became thoroughly conversant with the monetary question and an intelligent, fearless, and aggressive advocate of bimetallism by the restoration of the standard silver dollar to free, unlimited, and independent coinage equally with gold at the old ratio existing from 1837 to the coinage act of 1873 depriving it of any coinage right. He never wavered or faltered in his position to the end of his life. On December 13, 1876, in the Forty-fourth Congress, Mr. BLAND offered a substitute for H. R. 3635, favorably reported by him on July 19, for the free, unlimited coinage of the standard silver dollar equally with gold with full legal-tender power. This substitute was agreed to and passed and sent to the Senate, where no action was taken.

In the Forty-fifth Congress, at the called session, on November 5, 1877, Mr. BLAND moved to suspend the rules and pass "An act to authorize the free coinage of the standard silver dollar and to restore its legal-tender character," which was agreed to and passed, and sent to the Senate and referred to the Committee on Finance.

On November 21, 1877, Senator ALLISON, from the Finance Committee, reported the bill to the Senate, with amendments, striking out the free-coinage provision and inserting the purchasing clause of not less than $2,000,000 nor more than $4,000,000 of silver per month and the provision for an international monetary conference. On February 15, 1878, the amendments were agreed to and the bill as amended was passed and returned to House, where on February 21 the Senate amendments were agreed to and the bill passed. On February 28, 1878, the bill was vetoed by President Hayes and passed over his veto on the same day and became a law. From that day to his death Mr. BLAND used every effort promising any chance of success to secure the free and unlimited coinage of silver equally with gold and to prevent the repeal of the law of February 28, 1878.

In the Fifty-third Congress, in March, 1894, Mr. BLAND's bill requiring the immediate coinage into standard silver dollars of the profit or seigniorage in the bullion purchased under the Sherman law of July 14, 1890, amounting to $55,156,680, and then the coinage of the remainder of such bullion into such dollars, to be used in redeeming and canceling the Treasury notes of July 14, 1890, issued to purchase such bullion then outstanding, to the amount of $152,951,280, was passed, sent to the Senate and passed, and vetoed by President Cleveland on March 29, 1894.

Mr. BLAND, during his service, was the earnest advocate of a tariff for revenue, and an equally earnest opponent of a high protective tariff and opposed the recharter of the national banks.

When the McKinley tariff bill was pending, Mr. BLAND offered an amendment providing, substantially, that foreign manufactured products purchased by the exchange or by the proceeds of exported farm products should be admitted free of duty.

After President Cleveland's veto of the Bland seigniorage bill bimetallism became an exciting question, and its friends began an earnest, vigorous campaign to secure delegates to the national Democratic convention in 1896 who could neither be corrupted nor intimidated to a surrender of that principle.

It was believed in Missouri that some members of the State central committee were not friendly to the free and unlimited coinage of the standard silver dollar equally with gold at the old ratio. Many meetings were held and a State Democratic convention was called, by order of the State central committee, to meet at Pertle Springs, Mo., on the 6th day of August, 1895. The convention met, with strong delegations from almost every county in the State, made Mr. BLAND chairman, and passed resolutions strongly favoring free-silver coinage equally with gold. There was in the convention a strong feeling to indorse Mr. BLAND for the nomination for the Presidency in 1896. This movement was strongly opposed by Mr. BLAND, and no action in that direction was taken.

The feeling, however, continued to grow in strength, notwithstanding Mr. BLAND took the position that it was not wise for Missouri to have a Presidential candidate. His sincerity was never questioned, but he could not control his friends.

When the State convention assembled at Sedalia, Mo., on the 15th day of April, 1896, the delegates were almost unanimous for Mr. BLAND as one of the delegates at large to the Chicago convention and for indorsing him as the choice of Missouri for the nomination for President.

Mr. BLAND's position was characteristic. He said:

If I am the candidate of this State for the Presidential nomination, it would not be becoming in me to go as a member of the delegation from this State to the convention.

He was consequently not chosen as a delegate, but was unanimously indorsed by the convention as the candidate of Missouri for the Presidency.

He returned to his home, near Lebanon, Mo., and remained there until after the national convention had made its nomination, refusing the importunities of his friends to attend meetings anywhere or to do aught that might be construed as electioneering for himself or promotive of his candidacy for nomination. His candidacy was not of his own seeking. The good people of Missouri had seen distinguished gentlemen of acknowledged abilities and high character, eminent and influential in party councils and intrusted with high official positions, who for years had been outspoken advocates of bimetallism and professed friends of silver, turn their backs upon their past records, and to the money power and executive power, freely exerted, "crook the pregnant hinges of the knee where thrift may follow fawning."

Knowing Mr. BLAND's sincerity and honesty of purpose, his uncompromising integrity, his moral courage, and unyielding firmness, and his lifelong devotion to and advocacy of the restoration of bimetallism, they naturally regarded him as the personification of that monetary principle. The Democratic national convention met in Chicago on July 7, 1896, and completed its organization and adopted its platform on July 9. Most of the nominations for the Presidency were made on the night of July 9, and the remaining ones on the morning of July 10, when the balloting began.

Fourteen distinguished gentlemen received votes on the first ballot, the result of which for the seven receiving the highest number of votes was announced as follows: RICHARD P. BLAND, 235; William J. Bryan, 137; Robert E. Pattison, 97; J. C. S. Blackburn, 82; Horace Boies, 67; John R. McLean, 54, and Claude Matthews, 37.

The result of the second ballot for the three receiving the highest number of votes was as follows: BLAND, 281; Bryan, 197, and Pattison, 100.

The result of the third ballot for the two receiving the highest number of votes was: BLAND, 291; Bryan, 219.

The fourth ballot resulted in 241 for BLAND and 280 for Bryan.

At the beginning of the fifth ballot ex-Governor William J. Stone, of Missouri, one of the delegates at large from that State, addressed the convention, saying:

Two or three days since I received this note, which I will now read in your hearing, from RICHARD PARKS BLAND:

"I wish it to be understood that I do not desire the nomination unless it is the judgment of the free-silver delegates that I would be the strongest candidate. If it should at any time appear that my candidacy is the least obstruction to the nomination of any candidate who is acceptable to the free-coinage delegates in the convention, or one more acceptable to a majority of those delegates than myself, I wish my name at once unconditionally withdrawn from further consideration. I am willing to waive the State instructions for me, if need be, and let the free-silver delegates decide the whole matter. The cause must be put above the man."

I came to this great city as one of the delegates from Missouri, voicing the sentiment of the Democracy of that State, to present for your deliberate consideration the name of that illustrious commoner for whom many of you have expressed preference by your votes in this convention. To those who have been our friends in the struggle I desire now to return my grateful appreciation. But, following the directions of Mr. BLAND himself, that whenever a majority of the silver delegates in this convention shall have expressed a preference for another he desired his name unconditionally and peremptorily withdrawn, I now, in the name of Missouri, lower the standard under which we have fought throughout this convention, and in its place I lift that of the gifted and glorious son of Nebraska.

The nominations for the Vice-Presidency were made on July 11. Mr. BLAND on the first ballot, without having been nominated and with the votes of Missouri cast for others, received 62 votes.

On second ballot, when many votes were being cast for Mr. BLAND and Missouri was called, ex-Governor Stone said:

The State of Missouri presented the name of one of its citizens for the Presidential nomination. In the wisdom of this convention another was selected. The delegation has no authority to present the name of that citizen for the second place upon the ticket. If it is done by this convention, it must be done of its accord, without solicitation by the Missouri delegation—

And cast the votes of Missouri for other names.

On the second ballot 294 votes were given to Mr. BLAND.

On the third ballot 255 votes were given to Mr. BLAND.

After the announcement of the result of the third ballot, ex-Governor Stone addressed the convention, saying:

I desire on behalf of Missouri, and as the friend of Mr. BLAND, to express to you our grateful appreciation of your kindness. I am now in receipt of a telegram from Mr. BLAND, in which he says, substantially, that he would deem it unwise and impolitic to nominate both candidates from the west side of the Mississippi River. He directs me to say that the nomination of Mr. Bryan has his warm and hearty approval, and he thinks the nomination for the Vice-Presidency should be made with one object alone in view, and that is the strengthening the ticket. Accordingly, he directs me to say that he wishes his name withdrawn from the consideration of this convention for that purpose.

Mr. BLAND remained quietly at his home during the sessions

of the Chicago convention, gracefully accepted the result, and entered most heartily into the campaign for the success of the nominees. Immediately after the convention an effort was made to induce him to become a candidate for the nomination for governor of Missouri. He positively declined, saying he would prefer to continue in Congress. He was then again nominated for Congress in the Eighth Missouri Congressional district—in which he was defeated in 1894—and was triumphantly elected.

The most conspicuous efforts of Mr. BLAND in his long and historic career in public life were his earnest, able, and persistent advocacy of the restoration of bimetallism by the free coinage of the standard silver dollar equally with gold at the old ratio, his opposition to the recharter of the national banks, and his advocacy of the right of the Government to issue the paper currency of the country, and, of the reduction of tariff taxation to a revenue basis.

His public life was exceptionally upright, exemplary, and honorable; free from any suspicion, even, of anything disreputable, corrupt, or dishonorable.

His success in public life did not in the least affect him in his manner or bearing. He continued through life the same plain and unassuming gentleman, avoiding, rather than seeking, public attention, notoriety, or ostentation.

His habits were simple, abstemious, and exemplary.

He was a pleasant associate, a true friend, a faithful and devoted husband, a loving and kind father.

He has bequeathed to his country, his friends, and his bereft wife and children an honored name, "a good name better than precious ointment," "rather to be chosen than great riches," and a private and public life worthy of all emulation.

Mr. President, I ask for the adoption of the resolutions.

The resolutions were unanimously agreed to.

Mr. COCKRELL. Mr. President, as a further mark of respect and love for Mr. BLAND, I move that the Senate do now adjourn.

The motion was unanimously agreed to: and (at 3 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 11, 1900, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 10, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PORTO RICO.

Mr. PAYNE. Mr. Speaker, by direction of the Committee on Ways and Means, I report back the bill (H. R. 8245) to provide revenues for the relief of the island of Porto Rico, and for other purposes, with the recommendation that the Senate amendments be concurred in.

The SPEAKER. The Clerk will report the title of the bill.

The title of the bill was read.

The SPEAKER. The bill will be ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON. All points of order on the bill are reserved, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] reserves all points of order on the bill.

REVIEW OF THE WORLD'S COMMERCE FOR 1899.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask unanimous consent for the present consideration of Senate concurrent resolution No. 31.

The SPEAKER. The gentleman from Minnesota, by direction of the Committee on Printing, asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 14,000 copies of the general summary entitled Review of the World's Commerce for the year 1899, of which 1,000 shall be for the use of the Senate, 3,000 for the use of the House of Representatives, and 10,000 for the use of the Department of State; and 8,000 copies of Commercial Relations of the United States for the year 1899, including the general summary, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 5,000 for the use of the Department of State.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

YEARBOOK OF THE DEPARTMENT OF AGRICULTURE FOR 1899.

Mr. HEATWOLE. I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of Senate joint resolution No. 77.

The SPEAKER. The gentleman from Minnesota, by the same authority, asks unanimous consent for the present consideration of a joint resolution which the Clerk will report.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed of part 2 of the Annual Report of the Department of Agriculture for 1899, issued in accordance with section 73, paragraph 2, chapter 23, Statutes at Large, 1895, issued under the title of "Yearbook of the United States Department of Agriculture," a special edition of 5,000 copies, on sized and supercalendered paper, to be bound in best quality of book cloth, subject to the approval of the Secretary of Agriculture, for distribution abroad, and especially during the Universal Exposition at Paris, 1900, to agricultural, educational, and other public and scientific foreign institutions and libraries and to public men especially engaged in work beneficial to agriculture: *Provided*, That in the distribution of this edition abroad, paragraph 79 of said section 73, of chapter 23, volume 28, Statutes at Large, 1895, is hereby suspended.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HEATWOLE, a motion to reconsider the several votes was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed, with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 7433. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 8876. An act granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation, in Minnesota.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9384. An act to attach the county of Foard, in the State of Texas, to the Fort Worth division of the northern district of Texas, and provide that all process issued against defendants residing in said county shall be returned to Fort Worth; and

H. R. 60. An act to create the northwestern division of the northern district of Georgia for judicial purposes and to fix the time and place for holding court therein.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2581. An act to incorporate the National White Cross of America, and for other purposes—to the Committee on the District of Columbia.

S. 2493. An act authorizing and directing the Secretary of the Interior to issue patents for land in certain cases—to the Committee on the Public Lands.

S. 2883. An act to change the characteristic of Cape Cod light, Massachusetts—to the Committee on Interstate and Foreign Commerce.

S. 2924. An act to provide for the purchase of a site and the erection of a public building thereon at Colorado Springs, in the State of Colorado—to the Committee on Public Buildings and Grounds.

S. 3430. An act to increase the efficiency of the Subsistence Department of the United States Army—to the Committee on Military Affairs.

S. 3616. An act to authorize the payment of traveling allowances to enlisted men of the regular and volunteer forces when discharged by order of the Secretary of War and stated by him as entitled to travel pay—to the Committee on Military Affairs.

NICARAGUA CANAL.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent for a reprint of House bill 2538 and the report. It is the bill providing for the Isthmian Canal.

The SPEAKER. The gentleman from Iowa asks unanimous consent for a reprint of House bill 2538, and also of the report. Is there objection?

Mr. RICHARDSON. What is the title of the bill, Mr. Speaker?

Mr. HEPBURN. A bill providing for the construction of a canal to connect the waters of the Atlantic and Pacific oceans. The present edition of the bill has been entirely exhausted.

Mr. WHEELER of Kentucky. Mr. Speaker, pending the request for unanimous consent, I should like to ask the gentleman

a question. Is it the purpose of the gentleman to bring this bill up for consideration during the present session of this Congress?

Mr. HEPBURN. That, you know, the gentleman from Iowa can not answer. He can say that it is his purpose to bring this bill up if he can.

Mr. WHEELER of Kentucky. Well, Mr. Speaker, I should like to know what is the purpose of the gentleman's colleagues?

Mr. HEPBURN. I will refer the gentleman from Kentucky to my colleagues.

Mr. WHEELER of Kentucky. I have no objection to a reprint of the bill, but it does seem to me unnecessary unless we are going to consider the bill. I feel warranted in saying that there is no objection to the consideration of it on this side, and I think the gentleman ought to give the House some information as to what his ultimate intentions are with regard to the consideration of the measure.

Mr. HEPBURN. Mr. Speaker, the gentleman from Kentucky knows as well as I that no individual member can state whether a bill will be considered by this House or not. All I can say is that if I can effect that consideration it will be done.

The SPEAKER. Is there objection to the request for a reprint of the bill?

There was no objection.

The SPEAKER. The Clerk will call the committees.

SIOUX CITY AND PACIFIC RAILROAD.

Mr. POWERS (when the Committee on Pacific Railroads was called). Mr. Speaker——

The SPEAKER. The unfinished business on this call is with the Committee on Pacific Railroads—on the Sioux City and Pacific Railroad bill.

Mr. POWERS. Mr. Speaker, this bill has been before the House before for consideration.

The SPEAKER. The gentleman from Vermont has fifteen minutes reserved of his time.

Mr. TALBERT. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. TALBERT. As I understood, on yesterday when the House adjourned we had under consideration the agricultural appropriation bill, under the five-minute rule, and my idea was that that business was to be resumed this morning and continued until 1 o'clock.

The SPEAKER. That is hardly a point of order; but the Chair not seeing the chairman of the committee in the House, could not keep the House waiting, and of course the next thing was a call of the committees.

Mr. POWERS. I would say, Mr. Speaker, that the bill provides for the appointment of a commission consisting of the Secretary of the Treasury, the Attorney-General, and the Secretary of the Interior, to settle the indebtedness in favor of the Government against the Sioux City and Pacific Railroad Company, which amounts in round numbers to about $4,000,000. The Committee on Pacific Railroads presents this as a unanimous report, and urges it upon the House for many reasons, principal among which are the facts that a like commission succeeded in settling the indebtedness of the Union Pacific and of the Central Pacific railroads, to the great satisfaction of the people of this country, and we believe that this commission will realize more money out of this indebtedness than any other tribunal that can be provided.

Now, Mr. Speaker, I desire to yield to the gentleman from Iowa [Mr. HEPBURN] such time as he may need in the discussion of this question.

Mr. SHAFROTH. Mr. Speaker, I would like to ask the gentleman or the Chair a question.

The SPEAKER. Does the gentleman yield to the gentleman from Colorado?

Mr. POWERS. I yield.

Mr. SHAFROTH. I would like to ask the Chair if I could be recognized in opposition; and if so, for how long a time would I be entitled to the floor—an hour?

The SPEAKER. The gentleman from Mississippi [Mr. WILLIAMS], who antagonized the bill, has thirty minutes of his time remaining.

Mr. SHAFROTH. Oh, well, that is satisfactory.

Mr. HEPBURN. Mr. Speaker, I believe when this matter was last under consideration, the discussion then being had was upon an amendment offered by the gentleman from Mississippi. That amendment, as I now remember, was a provision requiring a report of the action of the commission to the House of Representatives. I am opposed to that amendment. I do not believe it would be effective of any good result; and I know of no sufficient reason why the matter should not be determined by this commission. This is the same commission that has been in existence heretofore, with an interest much greater than this. The action of that commission met the approval of every man in the country. It resulted in the securement of every dollar claimed by the United States. I know of no reason now why that commission would be less efficient than on the other occasion.

I know if this matter comes back to the House, it will simply be a source of controversy, and there will probably be no decisive action by the House; and if there is, from the very nature of the subject, it will not have been so studied by the House and its membership as will enable them to have ideas correct and proper upon the subject. It is simply a postponement without the possibility of benefit. I have been a member of the Committee on Pacific Railways for many years. I know that the members of this committee study these questions. I know that there are but few of the other members of the House that do. They are intricate. They require time; they require study; they require an effort upon the part of the membership of the House that they have not time to give to them, nor the inclination; and therefore I am opposed to that amendment.

The road is not an important one. It was 101 miles in length. It runs from the city of Sioux City down 40 miles southward to a connection with the Northwestern Road and then goes about 30 miles, and in that way forms a portion of that great railway system. That portion of the track, some 30 miles in length, is important. The other is inconsequential. It is paralleled on both sides by other roads. In the hands of any other corporation than the Northwestern Road it would be of little value. As a part of that system, however, it is able to earn 6 per cent on a valuation of $24,000 a mile. It would not be valuable to any other system that I have any knowledge of.

Now, there are reasons why the people of Sioux City are desirous that this settlement should be made at an early day, and the entire business community of that city has petitioned to Congress for a settlement at once and in the manner provided in this bill. The other reason is that they want an additional connection by another line of this road that gives them a more direct eastern outlet. The Northwestern Road very naturally does not propose to make that connection, to improve to a certain extent this property, until they know who is to have the ownership, they having now but a lease. Therefore I believe the whole delegation from my State approve of this, and all the members of this House, too, from districts contiguous to the line approve of it; I believe it will be absolutely fair; that the United States will get the largest possible sum due to it, and therefore I hope the bill will pass without amendment. It has also been recommended unanimously by the Senate committee corresponding to our own.

I reserve the balance of my time, Mr. Speaker.

The SPEAKER. The gentleman from Vermont [Mr. POWERS] has eight minutes remaining, and the gentleman from Mississippi [Mr. WILLIAMS] has thirty minutes remaining.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I wish to yield ten minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, I think that a bill providing for the settlement of the differences between the Government and this railroad company is wise and proper. I do think, however, that there ought to be an amendment to this bill, and with that amendment the bill would be a much better measure.

This railroad, as I understand it, is not a railroad that is impecunious or bankrupt. I find from the report of the Commissioner of Railroads for 1899 that the net earnings of that road for the year ending June 30, 1899, were $189,771.68; the net earnings for the year ending June 30, 1898, were $167,050.74, and the net earnings of the road for the year ending June 30, 1897, were $94,301.89. These earnings show that the road has gotten into a very prosperous condition and is now yielding a large revenue upon the investment. The $189,771.68 revenue for last year is sufficient to pay annually 3½ per cent upon the entire indebtedness of the road, including the indebtedness to the United States, principal and interest. A road that can show a net earning of 3½ per cent upon the entire indebtedness can not be considered as a bankrupt road, and I believe that the Government, by proper amendment that can be made to this bill, can get out of this railroad company every dollar of the indebtedness due to the Government.

The bill, I have no doubt, was reported by the committee in the utmost good faith. I have no doubt but what they have reported a bill that they thought guarded all the points, but I want to call attention to the fact that there is nothing in this bill that permits competition in the settlement of that indebtedness, and that is the one thing that I think ought to be included, and which is included in the amendment which I shall offer at the proper time.

Mr. SHATTUC. I should like to ask the gentleman if there is anything in the bill that prevents competition?

Mr. SHAFROTH. I think there is, impliedly.

Mr. SHATTUC. I wish the gentleman would point it out.

Mr. SHAFROTH. I think that the committee intended to cover it, but failed.

Mr. SHATTUC. Does the gentleman think the commission would not take into consideration all of the elements of competition?

Mr. SHAFROTH. I do not know what might be in the minds of the commission.

Mr. SHATTUC. Does not the gentleman think they did pretty well with the other roads?

Mr. SHAFROTH. Yes; but you had a clause limiting the commission in making that settlement—that it should not accept a settlement for less than the principal and interest—and it obtained in that settlement principal and interest. But this bill only authorizes the commission to settle with the Sioux City and Pacific Railroad Company; it does not authorize a settlement or sale of the mortgage; it does not authorize the commission to accept or receive propositions for any other person or corporation; it practically puts the commission at the mercy of the Sioux City and Pacific Railroad Company, or of whatever corporation owns and controls the majority of the stock thereof.

Now, I find that running into Sioux City there are four trunk lines, neither of which has a direct line to Omaha, Nebr. They are the Chicago and Northwestern, which company now owns a majority of the stock of the present Sioux City and Pacific Railroad Company; the Great Northern Railroad enters Sioux City; the Illinois Central enters the city, and the Chicago, Milwaukee and St. Paul also enters that city. There is no direct route from Sioux City to Omaha except by this line, which the Government holds the mortgage on. It is likely that every one of these railroad companies wants a direct line to Omaha. There are other ways of reaching Omaha, but they are circuitous. This route does not extend all the way to Omaha, but it extends, I think, some 70 miles in that direction, and consequently you can readily see that there are four corporations that ought naturally to compete for this road.

Now, the amendment which I propose, and which I shall offer at the proper time, will make the bill read as follows:

That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General of the United States are hereby authorized and empowered to make settlement and adjustment [with] of the Sioux City and Pacific Railroad Company's [of its] indebtedness to the Government of the United States—

I have inserted "of" instead of "with" and have stricken out "of its" in the next line; and here is what I wish to insert—

and to that end may receive and determine upon any proposition from said Sioux City and Pacific Railroad Company, or from any other person or persons, corporation or corporations, or may sell or assign the mortgage given by said company to the United States and do any and all things proper and necessary to effect such settlement and adjustment and secure to the United States the largest possible sum in the payment of said indebtedness up to the full amount thereof.

I do not see how anyone can object to that amendment. It gives a broader scope to the commission. It permits them to receive bids from any other person or corporation that may want the road; and inasmuch as there are trunk lines that enter Sioux City, and inasmuch as this is the only direct route to Omaha, it seems to me that there should be four competitors for that road. These four competitors would naturally bring the price to be received by the Government to the highest amount obtainable.

I will show why, under this bill, the commissioners could not take into consideration the propositions of any other company. The bill reads as follows:

That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General of the United States are hereby authorized and empowered to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the United States.

It will be seen that under this provision this commission is to make settlement with that company. It does not leave the commission open to receive bids from any other company or person who might be interested and might want to become a purchaser of that railroad. The amendment will open the field, will give broader scope to the commission, will permit them to receive bids, will permit them to sell the mortgage of the Government, and under this broad authority the commissioners may get out of this railroad the highest amount which the Government could possibly receive under the circumstances.

This road consists of a north and south line from Sioux City to California Junction, and there it branches westward. The part of the road which lies in Iowa consists of 70 miles north and south and 10 miles going westward to the bridge across the Missouri River. The report of the State railroad commissioner of Iowa says that the earnings of this company per mile in Iowa, where all the north and south part of the road is located, amount to $5,008.36 net per mile. That is the revenue for last year. It further says that of the roads existing in Iowa this road ranks eighth in point of net revenue per mile; in other words, there are only 7 roads in Iowa that yield greater returns per mile for the operation of their roads in that State than this part of the Sioux City and Pacific Railroad. It will thus be seen that this is not an insolvent road.

Mr. SHATTUC. Would not those figures be accessible to the gentlemen of the commission? Is it not to be assumed that they will take into consideration all such matters?

Mr. SHAFROTH. I think they will try to get at all the facts; but my objection is, that this bill seems to permit a settlement with this road only. The language, as I have already quoted it, is that the commissioners "are hereby authorized and empowered to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the United States;" whereas the amendment which I advocate will permit a settlement not only with the Sioux City and Pacific road, but with any other company or person that may want to compete for the ownership of the same.

Mr. SHATTUC. It is not mandatory that the commissioners should make settlement with this road only.

Mr. SHAFROTH. Oh, no, it is not; but if the act of Congress tells the commissioners that they are authorized to make settlement with this company, and if they are not expressly authorized to receive bids from anyone else, the result would naturally be that if the commissioners deemed it advisable to dispose of the property to some other company they would have to come to Congress for new legislation, which would involve delay. Under these circumstances the commissioners might feel disposed to take a much less sum than if they were permitted to close a settlement with anybody who might want to buy the road.

Mr. SHATTUC. Has the gentleman any idea that the commissioners would take less from the Chicago and Northwestern road than from any other line?

[Here the hammer fell.]

Mr. POWERS. If the gentleman from Colorado will send up his amendment, I will accept it.

Mr. SHAFROTH. The chairman of the committee says that he will accept this amendment. With the amendment the bill will be perfectly satisfactory to me.

The Clerk read the bill as proposed to be amended by Mr. SHAFROTH, as follows:

Be it enacted, etc., That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General of the United States are hereby authorized and empowered to make settlement and adjustment of the Sioux City and Pacific Railroad Company's indebtedness to the Government of the United States; and to that end may receive and determine upon any proposition or propositions from said Sioux City and Pacific Railroad Company or from any other person or persons, corporation or corporations, and may sell or assign the mortgage given by said company to the United States and do any and all things proper and necessary to effect such settlement and adjustment, and secure to the United States the largest sum possible in the payment of said indebtedness up to the full amount thereof: *Provided*, That they deem the same for the best interests of the Government; and when such settlement is approved by the President it shall become operative, and the Attorney-General shall make the necessary acquittances to said railroad company.

Mr. WILLIAMS of Mississippi. I now yield ten minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL. Mr. Speaker, when we had this Pacific Railroad bill up before, the same policy was assumed in this House as at present. The fact is, the committee ran down our property; they seemed to think it was of little value and tried to push through bills here which would force a settlement out of which the Government would get practically nothing. We happened to have in this House at that time, as a Representative, Mr. HARRIS, of Kansas, now a Senator. He was a civil engineer by profession, and he had helped build the different lines of this road, had accepted much of it, and knew its whole history. When he took the floor the time for debate was very much limited, but by unanimous consent the limitation was removed, and he held the floor by the hour. His advice was taken. Now, when we had this matter up before, I was referring to that gentleman and to his work in securing a settlement that surprised us all. After our former controversy over this bill I dropped him a note and received a reply which I would like to have read in my time.

Mr. POWERS. That is not regular.

Mr. BELL. Why not?

Mr. POWERS. This is from a Senator.

Mr. BELL. I will read it myself. I ask the page to bring back the letter, if the gentleman from Vermont is going to object. He seems to be afraid of information.

Mr. POWERS. I am not afraid of information, but I submit——

Mr. BELL. Bring the letter back. I do not want my time consumed.

Mr. POWERS. I submit it is not in order to put into the proceedings of the House a statement by a gentleman who is a member of the Senate. He can express his views in the Senate.

Mr. BELL. But I have asked to have this read as a part of my remarks.

The SPEAKER. The Chair understands the gentleman to have withdrawn the article.

Mr. BELL. I asked, Mr. Speaker, and I now ask, to have it read in my time from the desk. It is a letter from a Senator, and is an expression of his individual views upon the question presented by this bill.

Mr. POWERS. And I submit, Mr. Speaker, that he may only make his argument in the other body. He is a member of the Senate and may present his views there. He should not submit them to the members of the House to influence legislation here.

Mr. BELL. Senator HARRIS shows in this letter some facts which are important. It is not his action in the Senate, but simply his private views.

The SPEAKER. The Chair would have to examine the article itself in order to form an idea as to whether it would be admissible under the point of order made by the gentleman from Vermont.

Mr. BELL. I will read it myself as a part of my remarks.

The SPEAKER. Is the gentleman proceeding to quote from the Senator in open Senate?

Mr. BELL. No, Mr. Speaker; I am quoting from a letter from Senator HARRIS addressed to myself personally.

The SPEAKER. But the point of order is made against the reading of the article in the House.

Mr. BELL. Under a misapprehension, I think. This is a private letter—a personal matter, addressed to myself. It is not the action of Senator HARRIS in the Senate, and has no connection with his action as a Senator. It is a personal letter to myself. I asked him for some information upon this question, and he responded in this personal letter to me which I propose to read.

The SPEAKER. Does this purport to be a speech from the Senator in open Senate?

Mr. BELL. Oh, no; only his individual views on a question relating to the settlement of this controversy, addressed to myself in response to an inquiry. It has nothing to do with the Senate.

The SPEAKER. The gentleman will proceed, on his statement that this language was not uttered in the Senate.

Mr. BELL. I hope this interruption does not come out of my time.

Senator HARRIS says:

In this whole matter from the beginning we have had the singular spectacle of officers and representatives of the Government holding the claim against property, having the apparently determined effort to depreciate its value and to accept only the valuation put upon it by the very parties most interested in undervaluation. In the Union Pacific and Central Pacific the facts ultimately worked out to show the absolute folly of this position.

Now, I wish to show you exactly what this means. Senator HARRIS insisted that this was not the proper way to deal with the matter; that the bill under consideration ought to be amended, for the report of these officers comes back to Congress, the power from which it emanates; and because if we have this bill to be approved by the President, he, in the multifarious duties of his office, can not possibly look personally into the question for himself, but must get his information from the Attorney-General, who is a member of the commission itself, and is equivalent to having no approval of it at all on the part of the Executive. Now, we know that the President has not the time to get at the bottom facts in a case of this kind. He must take the advice of his subordinates. The Attorney-General is a member of the commission, and therefore the report should be approved by Congress, from which their power originated.

Senator HARRIS continues:

And the same thing would have been true on the Kansas Pacific. * * * I inclose you a report which I made last year on this subject, by which it is clearly shown that the average net receipts for four dull years—1893, 1894, 1895, and 1896—on the 100 miles of road was over $129,000. This is taken from the reports of the railroad commissions, and is absolutely net earnings. This certainly shows that the 100 miles might be valued at $3,500,000 or $4,000,000, and would certainly justify the payment at least to the Government of the face value of the bonds ($1,600,000).

But this road has a valuable bridge across the Missouri River—

And I wish to call your special attention to this point—

But this road has a valuable bridge across the Missouri River, and if you will examine the original acts you will find in all cases Congress required the construction of a continuous line of road; and in the Omaha Bridge case, where the company attempted to have the bridge released from the Government lien, the Supreme Court decided that the continuous line of road from the initial point to the terminus must include the bridge, and decided that the bridge was subject to the Government lien. This case is in no way different except that the railroad company was authorized to permit a separate corporation, which was one and the same thing under another name, to construct the bridge, and it is an absurdity to suppose that the Government ever contemplated the construction of two detached pieces of road with a bridge of another corporation separating and disconnecting the two pieces.

I think this is a point upon which we should have a decision of the Supreme Court. * * * If this bridge is, as I believe it is, covered by the Government lien, there is no question but what we should have the whole amount of the Government indebtedness, $4,200,000. If it is not, we ought to get the face value of the bonds. I think by all means the amount which the commission should accept should be specified, as was the case in the Central Pacific—

Now, we specified the amount that must be received in all former bills—

where the commission was absolutely required to obtain the whole amount of the debt due the United States, and was limited to ten years with semi-annual payments, with 3 per cent interest, as the terms upon which it should be paid. You will find that we added this requirement to the commission bill, and it was on the general deficiency bill of June 30, 1898, page 8. * * *

Now, that bill passed through this House with the committee itself depreciating this property and saying that it was of no value to the Government of the United States; but the Senate put on the bill a provision, and insisted that we must have the amount of the debt or there could be no settlement, and they walked right up and paid the bill.

The Union Pacific was settled, as you remember, through the courts by invoking public sentiment to compel the Attorney-General to either accept full payment or obtain a postponement until Congress could act.

If you remember, there was a great cry by the newspapers from New York and everywhere that this property was going to be sacrificed, and forced a settlement.

Either one of two things should be insisted upon—the full amount should be obtained or the settlement referred back to Congress for approval.

Now, we thought that amendment ought to go in. If they get the full amount of our claim, let them settle. If they do not get the full amount of the claim, let them send it back to us, from whom they got their authority, for our approval or disapproval.

Of course I need not comment on that part of the House report which speaks of the debt as a payment of principal and accrued interest, when, in fact, the interest was advanced by the Government owing to the default of the company, and the interest is as much a part of the principal debt as the face of the bonds.

The interest mentioned here is interest that we paid on the bonds.

The report of the Chicago and Northwestern Railway Company to the Interstate Commerce Commission for the year ending June 30, 1896, shows that the dividends for that year on the bridge amounted to $1,486,000. Other years were much less, but we understand how unreliable railroad reports are, but in this case they seem to have been forced to acknowledge the tremendous income derived from the bridge.

[Here the hammer fell.]

Mr. WILLIAMS of Mississippi. Mr. Speaker, the amendment which I have offered and which is pending is a very simple one. It is to require the commission appointed by this bill to report back to Congress the settlement at which it shall arrive, for the approval or the disapproval of that body.

In the discussion of the question when it was up here before, some little difference of opinion arose between me and the gentleman from Vermont [Mr. POWERS] and the gentleman from Iowa [Mr. HEPBURN], which grew out of the assertion on the part of one of them that what was wanted in this bill was to settle the debt by a commission, "in the same way in which the debts of the other land-grant aided roads had been settled." I then said that my recollection was that this was not at all the same settlement; but concluding that they had been more familiar with the details of Pacific Railroad legislation than I, I was disposed to concede that they were right and I probably wrong.

I have looked into the matter since that time, however, and I find that I was right. The Union Pacific debt was settled in the course of court proceedings, after there was an attempt made to foreclose. No commission had anything in the world to do with the settlement of the Union Pacific debt. And yet, without a commission, we procured from that railroad every dollar which they owed the Government of the United States, except, I believe, upon the Kansas Pacific branch, where we got a compromise. On the balance we got the principal of the debt and the interest, treated as interest, not upon the theory of treating our payment of their interest on their bonds as principal, as might, perhaps, have been done theoretically.

Now, I find this, Mr. Speaker, that when we came to settle the Central Pacific and the Western Pacific we inserted this language in the act which created the commission for the settlement of our claim:

That said commission shall not agree to accept a less sum in settlement of the amount due to the United States than the full amount of principal and interest, and all amounts necessary to reimburse the United States for moneys paid for interest or otherwise.

Now, I would have offered that amendment to this bill but for the fact that I did not feel assured in my own mind that that would be right and proper in this particular case. I do not know enough about it to know whether it is possible to get the full principal and interest.

But I do want this commission to get all it can get, and I read this to show that you are not bringing to this House a bill on all fours with the previous legislation creating commissions for the settlement of the Pacific Railroad debts. The act in case of Central Pacific and Western Pacific railroads also had another proviso:

Provided further, That unless the settlement herein authorized be perfected within one year after the passage of this act, the President of the United States shall at once proceed to foreclose all liens now held by the United States against said railroad companies and to collect the indebtedness herein sought to be settled, and nothing in this act contained shall be held to waive, etc.

In other words, you not only provided there that the commission should not accept a dollar less than the principal and interest, but provided that if they did not settle in one year the President should proceed in a court procedure to foreclose; and it was not until they were ready to put the spurs of the law into their flanks that they did settle, and then they settled by giving us everything which was due. Now, gentlemen will remember when the settlement of these other railroad debts was up for discussion—and in the case of the Union Pacific we did not appoint a

commission—that the best-informed men of this House said it was altogether absurd to think of getting the value of the debt of these roads. They said that the part subject to our liens had not any termini, that they could not go into San Francisco, could not cross the Omaha bridge, and that we could not get anything.

Mr. COOPER of Wisconsin. Will the gentleman permit me right there?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. COOPER of Wisconsin. In line with what the gentleman from Mississippi suggests, I wish by way of corroboration to say that I was on the Committee on Pacific Railroads in the Fifty-third Congress when the settlement of this commission came up. Those who advocated what may be termed the railroad interests said just what the gentleman from Mississippi has stated—that the Government of the United States would never recover anything, some ready debaters stating that at the end of a hundred years' litigation the Government of the United States might possibly recover $10,000,000, but the majority of them thought nothing at all, no matter how protracted the litigation. I was on the minority.

Mr. WILLIAMS of Mississippi. That is true. They said that the first mortgage would take up the whole railroad.

Mr. COOPER of Wisconsin. And they proved it by the figures.

Mr. WILLIAMS of Mississippi. And they proved it by the figures. That is a sort of excuse for using some figures in connection with this road, and I quote from a minority report signed by Senators MORGAN, RAWLINS, HARRIS, in the Senate of the United States. I find that the net earnings for the years 1893, 1894, 1895, and 1896 of this line were:

1893	$132,845.73
1894	157,247.71
1895	120,542.61
1896	106,764.93
Total for four years	517,400.98
Average for four years	129,350.24

The average of the net earnings for the last four years, amounting to the sum of $129,350.24, we believe indicates clearly that the value of the property on a basis of 4 per cent is considerably in excess of the sum of $3,000,000.

What is the debt? They owe us, of principal, $1,628,320; interest, $2,612,388, making a total of $4,240,708.

Now, I understand there is a tacit understanding or agreement, or rather a coming together of minds, to the effect that $1,000,000 would be a satisfactory settlement with these people.

I do not think so.

Now, Mr. Chairman, in addition to that, I want to call attention to the matter of this bridge, which was mentioned by the gentleman from Colorado. Here is a bridge that was built under a charter granted to the Sioux City and Pacific Railroad. I am informed that the Chicago and Northwestern Railroad, the president of which, I understand, is also the president of this road, has reported that this bridge earned in the year ending June 30 $1,400,000.

Now, they contend that the Government can not foreclose on the bridge; that the Government has no lien on it. They made that contention in the case of the Omaha bridge on the Union Pacific, and in 91 United States Supreme Court Reports that case was decided, and the court decided that the Government could fasten its lien upon that bridge; and upon what reasoning? For the reason that the act provided that the corporation was to build "a continuous line of road," and they could not be heard to say that the Omaha bridge they traveled over was not a part of their road, since it had to be in order to be "a continuous road."

Mr. HEPBURN. Will the gentleman yield there?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. HEPBURN. The gentleman will see that this bridge is not a part of the road.

Mr. WILLIAMS of Mississippi. Oh, yes; a part of the railroad who built the bridge, in effect, by assignment of the charter rights.

Mr. HEPBURN. Who does the gentleman give as authority for the statement that they were to build a continuous line of road?

Mr. WILLIAMS of Mississippi. The charter which enabled them to use the money, as I understand, was to build a continuous line of road between certain termini. I think that is the case with all the Pacific aided roads; that the charters used that language.

Mr. HEPBURN. It is not built upon the line contemplated in the charter. It was a diversion.

Mr. WILLIAMS of Mississippi. I understand that.

Mr. HEPBURN. After legislation; and it is not connected in any way at its southern terminus with the Pacific Railroad, except as another company—not the Pacific Railroad—built a portion. It is not connected with the Pacific system.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, I beg the gentleman's pardon. The Congress of the United States granted a charter for the construction of the Sioux City and Pacific Railroad, and later a charter to erect this bridge. It also granted in that charter, in which the grantees were the Sioux City and Pacific Railroad, a right to the railroad to assign that charter, and the contention is that they had the right to assign it so as to take the bridge, when built by the assignees, out from under the lien of the United States. Then our contention is that, notwithstanding the right of assignment, the assignment must be subject to the equities of the United States as shown to exist in the railroad charter and in the bridge charter.

Mr. POWERS. Now, will the gentleman yield?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. POWERS. Mr. Speaker, the gentleman from Mississippi is partly right and partly wrong. The Sioux City and Pacific Railroad Company had a charter granted by the Iowa legislature, and authorized the building from Sioux City to a connection with the Union Pacific, and it could only be done by building across this river to some point in Nebraska, and then Congress, as the gentleman states, afterwards authorized it to build this bridge.

Mr. WILLIAMS of Mississippi. Yes; Congress afterwards came to its aid, passed a bill in aid of the construction of a railway, with bonds, lands, etc., and in the act they provided that they should build a continuous line of railway between certain points. In connection with the bridge, the grantee in the charter to erect the bridge was the Sioux City and Pacific Railroad Company, and the only ground upon which they claim exemption is that in the same charter they were granted the right to assign the bridge charter, and they claim that the right to assign the power to construct the bridge carried with it an exemption of the bridge from the claims of the United States Government. Now, we deny that. The Omaha Bridge case was not exactly on all fours with this, but in many respects similar to it, and the United States Supreme Court decided that case in favor of the Government and against the railroad.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. POWERS. Has the time of the gentleman from Mississippi fully expired, Mr. Speaker?

The SPEAKER. It has; and one minute more.

Mr. POWERS. I yield to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. SHAFROTH. Mr. Speaker, do I understand the amendment that I have offered has been accepted by the committee.

Mr. POWERS. Yes.

Mr. LIVINGSTON. I undertake to say, Mr. Speaker, that if the House wants a settlement and an adjustment with the Sioux City and Pacific Railroad Company, that the amendment of the gentleman from Colorado clearly protects the Government, and ought to be adopted. It gives to the commission, the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General all the competition that possibly can be had in negotiating a settlement. Now, the only question is, Do we want a settlement; do we want the matter adjusted? And if so, the amendment of the gentleman ought to be accepted. I have grave doubts about the amendment of the gentleman from Mississippi [Mr. WILLIAMS] that the report of the commission should come back to the House.

There is no telling when that would be ended or concluded. If you have any confidence in the Attorney-General, the Secretary of the Interior, and the Secretary of the Treasury, guarded as it is by the amendment of the gentleman from Colorado, you had better let them have the full power to close up the bids under these restrictions and with these privileges. If it comes back here, the party with whom they negotiate will feel as though it never may be concluded. It may be in a year, and it may be in five years, and perhaps it will not be accepted at all; or it may be slightly amended and sent back and kept traveling backward and forward for many years. No party or parties would like to be held down to a settlement thus handicapped.

Mr. TERRY. Why should we give this commission more power in this case than we have ever done in any similar case?

Mr. LIVINGSTON. I think the gentleman from Arkansas did not listen to the amendment offered by the gentleman from Colorado or he would not have asked that question.

Mr. TERRY. I not only listened to it carefully, but I asked the gentleman about it afterwards. It does not say that they shall get the full amount of the debt——

Mr. LIVINGSTON. I know it does not. The gentleman from Mississippi [Mr. WILLIAMS] covered that in his suggestion that perhaps it would be unwise to limit the commission in that respect.

Mr. TERRY. And there is no provision in the gentleman's amendment that the commission shall report back to Congress, and you are against that.

Mr. LIVINGSTON. I am arguing against its coming back to Congress, because if you instruct the commission as is provided in the amendment of the gentleman from Colorado, there is no good reason, in my humble opinion, in making them report back to Congress to have a wrangle over it for months and years, and

perhaps afterwards defeat the whole negotiation by reference to Congress.

Mr. TERRY. But this amendment proposed by the gentleman from Colorado——

Mr. LIVINGSTON. Mr. Speaker, I yield back the balance of my time to the gentleman in charge of the bill.

Mr. TERRY. The gentleman declines to yield to me for a further question?

Mr. LIVINGSTON. No.

Mr. TERRY. Well, I call attention to the fact that the amendment of the gentleman from Colorado does not limit this commission as to the amount for which they shall settle; they can take one-half of the debt due the Government; and then it does not provide that they shall report back to Congress.

Mr. LIVINGSTON. They are limited in that respect, and the reason is the House is not clearly settled in its mind as to what can be done or ought to be done.

Mr. WILLIAMS of Mississippi. Does not the gentleman think that, if the proposed settlement is reported back to Congress, together with the data upon which they base their conclusions, Congress will be in possession of sufficient information to better judge of it?

Mr. LIVINGSTON. Perhaps they would.

Mr. WILLIAMS of Mississippi. For that reason I want it to come back.

Mr. LIVINGSTON. Yes; and then comes the question whether we want a settlement or not. Now, Mr. Speaker, I yield back the balance of my time.

Mr. POWERS. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has three and one-half minutes.

Mr. POWERS. I yield two minutes to the gentleman from Iowa [Mr. THOMAS] who introduced this bill.

Mr. THOMAS of Iowa. Mr. Speaker, the general provisions of this bill and the necessity for its passage have, I think, been pretty fully discussed by a number of gentlemen who have preceded me. I shall direct my remarks entirely to the amendment of the gentleman from Mississippi [Mr. WILLIAMS].

I believe it to be wholly impracticable to attempt to create this commission and then hedge them about with a limitation as provided for by this amendment. The indebtedness against this road is now about $58,000 per mile, or a little less than that. Now, it is evident that this railroad could be paralleled for very much less. With the information before the House we are not in a position at the present time to attempt to place such limitation upon this commission. We might just as well authorize the commission to receive bids for the settlement with this road, and to authorize it to confer with the several railroad companies that might feel inclined to bid, and then report to the House the best bid offered.

It amounts to nothing more than authorizing the commission to receive bids, without any authority or power whatever to negotiate with any of the companies upon a plan of settlement. The bill as it now stands, without the amendment, gives to the commission power, with the approval of the President, to confer with the several railroad companies that may desire to obtain control of the road and settle the indebtedness to the Government on the best terms obtainable. And with the experience before us of the settlement of the claims of the Government against the other Pacific railroads, I feel assured that we make no mistake in investing this commission with full power to make settlement of the Government's claim, subject to the approval of the President.

[Here the hammer fell.]

Mr. POWERS. Mr. Speaker, the proposition of this bill, as it now stands with the amendment of the gentleman from Colorado, is practically the same proposition that was adopted in the case of the Central Pacific Railroad, with the exception that in that case the commission was directed to require full payment of the indebtedness. Now, here is a case about which there is a great deal of question whether we can secure the full indebtedness. But we refer the matter to this independent tribunal who have possession of all the papers in the Department and who have experts at their command who can investigate the whole matter and do precisely as we directed the commissioners to do in the case of the Central Pacific.

In that case we adopted a settlement without any reference back to Congress; and if this proposition had been put upon that bill, it never would have passed this House. The House would then have said, as I expect it will say now, that if Congress is to settle the question it might as well settle it now, without going through the farce of referring it to a jury for determination and then requiring the jury to refer it back to us for our decision. Now, if there is nothing further to be said, I call for a vote.

The SPEAKER. The question is first on agreeing to the committee amendment.

Mr. WILLIAMS of Mississippi. I ask unanimous consent that the amendments may be read.

There was no objection.

The Clerk read the amendment, as follows:

In line 8, after the word "States," insert the words "*Provided*, That they deem the same for the best interests of the Government."

The amendment was agreed to.

The SPEAKER. The question is now on the amendment offered by the gentleman from Mississippi.

The amendment was read, as follows:

In line 10, strike out the word "President" and insert "the Congress of the United States."

The question being taken on agreeing to the amendment, there were—ayes 67, noes 69.

Mr. WILLIAMS of Mississippi. I call for the yeas and nays on this question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 93, nays 109, answered "present" 12, not voting 133; as follows:

YEAS—93.

Adamson,	Driggs,	McDowell,	Sparkman.
Allen, Ky.	Finley,	McRae,	Spight,
Atwater,	Fitzgerald, N. Y.	Maddox,	Stark,
Ball,	Fitzpatrick,	Mann,	Stephens, Tex.
Barber,	Fleming,	Meekison,	Stokes,
Bell,	Gaines,	Moon,	Sulzer,
Benton,	Gilbert,	Needham,	Sutherland,
Brantley,	Glynn,	Neville,	Swanson,
Breazeale,	Griffith,	Newlands,	Talbert,
Brewer,	Hay,	Pierce, Tenn.	Tate.
Brundidge,	Henry, Conn.	Quarles,	Terry,
Burnett,	Henry, Miss.	Rhea, Ky.	Thomas, N. C.
Campbell,	Henry, Tex.	Rhea, Va.	Underhill,
Chanler,	Howard,	Richardson,	Underwood,
Clark, Mo.	Jett,	Riordan,	Wheeler, Ky.
Clayton, Ala.	Jones, Va.	Robinson, Ind.	Williams, J. R.
Clayton, N. Y.	Kleberg,	Robinson, Nebr.	Williams, Miss.
Cusack,	Kluttz,	Rucker,	Wilson, Idaho
Cushman,	Latimer,	Ruppert,	Wilson, N. Y.
De Armond,	Lester,	Ryan, N. Y.	Wilson, S. C.
De Vries,	Little,	Ryan, Pa.	Ziegler.
Denny,	Lloyd,	Shackleford,	
Dinsmore,	McClellan,	Sims,	
Dougherty,	McCulloch,	Snodgrass,	

NAYS—109.

Adams,	Eddy,	Lanham,	Russell,
Aldrich,	Emerson,	Linney,	Shattuc,
Allen, Me.	Fletcher,	Littlefield,	Shelden,
Bailey, Kans.	Fordney,	Livingston,	Sheppard,
Barham,	Foss,	Long,	Sherman,
Bartholdt,	Gardner, Mich.	Lorimer,	Sibley,
Bingham,	Gibson,	Loud,	Smith, Ill.
Boutell, Ill.	Gill,	Loudenslager,	Smith, H. C.
Bowersock,	Gillett, Mass.	Lovering.	Smith, Samuel W.
Bromwell,	Graff,	McCleary,	Smith, Wm. Alden
Brosius,	Graham,	McPherson,	Spalding,
Brown,	Grosvenor,	Marsh,	Sperry,
Bull,	Grout,	Mercer,	Steele,
Burleigh,	Grow.	Metcalf,	Stevens, Minn.
Burton,	Hamilton,	Miers, Ind.	Stewart, Wis.
Butler,	Haugen,	Miller.	Sulloway,
Cannon,	Heatwole,	Moody, Mass.	Thomas, Iowa
Capron,	Hedge,	Moody, Oreg.	Tompkins,
Clarke, N. H.	Hepburn,	Morris,	Tongue,
Corliss,	Hill.	Noonan,	Vreeland,
Cousins,	Hoffecker,	O'Grady,	Wadsworth,
Cromer,	Hopkins,	Payne,	Wanger,
Crump,	Howell,	Pearce, Mo.	Waters,
Crumpacker,	Jones, Wash.	Phillips,	Weaver,
Curtis,	Joy,	Powers,	White.
Dalzell,	Ketcham,	Prince,	
Davidson,	Lacey,	Pugh,	
Dolliver,	Lane,	Reeder,	

ANSWERED "PRESENT"—12.

Bartlett,	Connell,	Gordon,	Mahon,
Brownlow,	Cowherd,	Hall.	Norton, S. C.
Burleson,	Gaston,	McAleer,	Packer, Pa.

NOT VOTING—133.

Acheson,	Cochrane, N. Y.	Fox,	Lewis,
Alexander,	Cooney,	Freer,	Littauer,
Allen, Miss.	Cooper, Tex.	Gamble.	Lybrand,
Babcock,	Cooper, Wis.	Gardner, N. J.	McCall,
Bailey, Tex.	Cox,	Gayle,	McLain,
Baker,	Crawford,	Gillet, N. Y.	May,
Bankhead,	Crowley,	Green, Pa.	Mesick,
Barney,	Cummings,	Greene, Mass.	Meyer, La.
Bellamy,	Dahle, Wis.	Griggs,	Minor,
Berry,	Daly, N. J.	Hawley,	Mondell,
Bishop,	Davenport, S. A.	Hemenway,	Morgan,
Boreing,	Davenport, S. W.	Hitt,	Mudd,
Boutelle, Me.	Davey,	Hull,	Muller,
Bradley,	Davis,	Jack,	Naphen,
Brenner,	Dayton,	Jenkins,	Norton, Ohio
Brick,	De Graffenreid,	Johnston,	Olmsted,
Broussard,	Dick,	Kahn,	Otey,
Burke, S. Dak.	Dovener,	Kerr,	Otjen,
Burke, Tex.	Driscoll,	Kitchin,	Overstreet,
Burkett,	Elliott,	Knox,	Parker, N. J.
Calderhead,	Esch,	Lamb,	Pearre,
Caldwell,	Faris,	Landis,	Polk,
Carmack,	Fitzgerald, Mass.	Lawrence,	Ransdell,
Catchings,	Foster,	Lents,	Ray,
Cochran, Mo.	Fowler,	Levy,	Reeves,

Ridgely,	Showalter,	Tawney,	Warner,
Rixey,	Slayden,	Tayler, Ohio	Watson,
Robb,	Small,	Taylor, Ala.	Weeks,
Robertson,	Smith, Ky.	Thayer,	Weymouth,
Robertson, La.	Southard,	Thropp,	Williams, W. E.
Rodenberg,	Sprague,	Turner,	Wise,
Salmon,	Stallings,	Vandiver,	Wright,
Scudder,	Stewart, N. J.	Van Voorhis,	Young,
Shafroth,	Stewart, N. Y.	Wachter,	Zenor.

So the amendment was rejected.

The following pairs were announced until further notice:

Mr. SHOWALTER with Mr. NORTON of South Carolina.

Mr. CONNELL with Mr. STANLEY W. DAVENPORT.

Mr. LYBRAND with Mr. GASTON.

Mr. VAN VOORHIS with Mr. GORDON.

Mr. TAWNEY with Mr. COWHERD.

Mr. LANDIS with Mr. SCUDDER.

Mr. ESCH with Mr. SLAYDEN.

Mr. BROWNLOW with Mr. CARMACK.

Mr. DRISCOLL with Mr. BURLESON.

Mr. ACHESON with Mr. CROWLEY.

Mr. GILLETT of Massachusetts with Mr. THAYER.

Mr. DAHLE of Wisconsin with Mr. COCHRAN of Missouri.

Mr. HAWLEY with Mr. COOPER of Texas.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. TAYLER of Ohio with Mr. FOX.

Mr. BURKETT with Mr. BURKE of Texas.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. BROMWELL with Mr. MCDOWELL.

Mr. MAHON with Mr. OTEY.

Mr. BARNEY with Mr. ALLEN of Mississippi.

Mr. MINOR with Mr. RIXEY.

Mr. FOWLER with Mr. BARTLETT.

For the session:

Mr. PACKER of Pennsylvania with Mr. POLK.

Mr. WRIGHT with Mr. HALL.

Mr. HULL with Mr. HAY.

Mr. GARDNER of New Jersey with Mr. GREEN of Pennsylvania.

Until April 20:

Mr. OTJEN with Mr. BRENNER.

Until April 7:

Mr. ZENOR with Mr. FARIS.

For two weeks:

Mr. STEWART of New York with Mr. MITCHELL.

For one week:

Mr. WACHTER with Mr. SMALL.

Until Wednesday:

Mr. STEWART of New Jersey with Mr. MCALEER.

Mr. KERR with Mr. JOHNSON.

For this day:

Mr. OLMSTED with Mr. WILLIAM E. WILLIAMS.

Mr. LITTAUER with Mr. GRIGGS.

Mr. YOUNG with Mr. RIDGELY.

Mr. THROPP with Mr. DAVIS.

Mr. DICK with Mr. DE GRAFFENREID.

Mr. JACK with Mr. BAILEY of Texas.

Mr. MONDELL with Mr. NORTON of Ohio.

Mr. PEARRE with Mr. LENTZ.

Mr. SOUTHARD with Mr. LEWIS.

Mr. MUDD with Mr. CALDWELL.

Mr. DOVENER with Mr. CATCHINGS.

Mr. BARTLETT. Mr. Speaker, I desire to withdraw my vote and be recorded simply as "present."

Mr. BURLESON. Mr. Speaker, I am paired with the gentleman from New York, Mr. DRISCOLL, and desire to withdraw my vote and be marked "present."

Mr. GORDON. Mr. Speaker, I am paired with the gentleman from Ohio, Mr. VAN VOORHIS, and withdraw my vote and desire to be recorded as "present."

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the amendment proposed by the gentleman from Colorado [Mr. SHAFROTH].

Mr. POWERS. Mr. Speaker, that amendment has been accepted.

The SPEAKER. It is not in the power of the gentleman to accept an amendment when the matter is pending before the House. The vote will be taken on the amendment of the gentleman from Colorado.

The amendment of Mr. SHAFROTH was again reported, and agreed to.

The bill was ordered to be engrossed and read a third time; and being read the third time, was passed.

On motion of Mr. POWERS, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. WADSWORTH. Mr. Speaker, I am directed by the Committee on Agriculture to move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, pending the motion of my colleague from New York, I would like to ask unanimous consent that the House nonconcur in the Senate amendments to the Indian appropriation bill, and ask a conference on the disagreeing votes of the two Houses thereon.

The SPEAKER. Is there objection to the request of the gentleman from New York, that the House nonconcur in the Senate amendments to the Indian appropriation bill and ask a conference on the disagreeing votes?

There was no objection.

The SPEAKER announced the appointment of Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE as conferees on the part of the House.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. I now renew my motion that the House resolve itself into Committee of the Whole for the further consideration of the Agricultural appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. O'GRADY in the chair).

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House bill 10538.

Mr. WADSWORTH. Mr. Chairman, there are three amendments——

Mr. SHACKLEFORD. Mr. Chairman——

Mr. WADSWORTH (continuing). There are three amendments pending to the paragraph in the bill relating to publications of the Department of Agriculture, and I wish to address myself particularly to the one asking an increase in the appropriation of $20,000 in that item.

Mr. SHACKLEFORD. Do I understand, Mr. Chairman, that I was recognized?

Mr. WADSWORTH. I had not yielded the floor.

The CHAIRMAN. The gentleman from New York is entitled to the floor.

Mr. WADSWORTH. In regard to this proposed increase, I want to repeat what I said last evening. The amount appropriated by the bill is the amount estimated for by the Agricultural Department. It gives 5,000 bulletins to each member, and in the judgment of the Agricultural Department that is all that is necessary for the proper dissemination of useful agricultural information; and, as I said yesterday, whenever there is a bulletin that is particularly interesting to the agricultural industries of a district, the local press take it up and publish it, so that the information goes broadcast all over the country.

Now I want to read a paragraph in the report of the Secretary of Agriculture, on page 40, under the head of Farmers' bulletins:

Of the total number of copies of farmers' bulletins printed (2,437,000), Senators, Representatives, and Delegates in Congress took only 1,100,985—

Now mark—

considerably less than last year and the year previous.

That shows that Congressmen and Senators and Delegates are not asking for these bulletins as they were in the past.

Under the law, when Senators, Representatives, and Delegates do not avail themselves of the entire number of copies of farmers' bulletins allotted to them, the same revert to the Department for miscellaneous institutions or for satisfying further Congressional orders. I am, therefore, able for the current year to increase the quota of farmers' bulletins allotted to members of Congress from 4,000 to 5,000.

In addition to this the committee have seen fit, on the recommendation of the Secretary to give him $5,000 additional over the current year. This item of $20,000 may be looked upon as a small increase, but I can see no reason why Congress should allow it. This thing was gone over pretty thoroughly yesterday afternoon, but I wanted to call particular attention to what the Secretary of Agriculture says in regard to the demand for bulletins, because that is the point that my friend from South Carolina [Mr. LATIMER] bore particularly upon.

Mr. SHACKLEFORD. Mr. Chairman——

Mr. HENRY of Connecticut. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HENRY of Connecticut. I make the point of order that debate on this paragraph is exhausted.

The CHAIRMAN. The point of order is well taken.

Mr. SHACKLEFORD. I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. SHACKLEFORD. Mr. Chairman, I do not like to take up the time of the House in the discussion of this proposed amendment increasing the number of bulletins that members may have to send out to their constituents, but I stand here to speak for the people of my district, and I assume that there are other districts with demands similar to mine.

These experimental stations have been established at a great cost to the Government. In this bill we appropriate something like eight or nine hundred thousand dollars to be expended for

that purpose. Now, what is the object of that experimental work? Shall it be said that this experimentation shall be carried on and that the people shall know nothing of it? The object of these bulletins is that the people may be informed upon these subjects, and I know of no way in which the money could be so well expended. I understood the gentleman from New York [Mr. WADSWORTH] to say yesterday that he wanted to send out 35,000 copies to his district, and that he expected only 10 per cent of them to be read.

Mr. WADSWORTH. No, I did not say that. I said 90 per cent of them would be appreciated.

Mr. SHACKLEFORD. I was in error, but I understood the gentleman in that way. I see by the RECORD to-day he says that 90 per cent would be read. If 90 per cent of his 35,000 copies that he would like to send to his district would be read, then I say in all justice to the people of his district they should be furnished with those copies.

I was amused yesterday at the colloquy between my friend from Mississippi [Mr. WILLIAMS] and my other friend from Tennessee [Mr. SIMS] on the cotton seed question. It was proposed to investigate the cotton seed and its products. The gentleman from Mississippi [Mr. WILLIAMS] called the attention of his colleague [Mr. SIMS] to the fact that that had already been done, and I find here among these bulletins one upon that subject. I commend that bulletin to the gentleman from Tennessee and to the gentleman from Mississippi, and I think they should give the people of their districts an opportunity to know something of what has been done on this subject.

Mr. WILLIAMS of Mississippi. This gentleman has done that. He has sent out about a thousand copies of them to his district.

Mr. SHACKLEFORD. It seems that results speak louder than words, because, although these copies have been sent out, the people do not seem to be informed on this subject.

Another thing: the gentleman from Mississippi says that when the people want these bulletins they call for them. They are like some members of Congress—they do not know that they are in existence. The farmers can not know that these bulletins are published until they see copies of them, and it is the duty of members of Congress to know what is to be had for the people of their districts, and to furnish the things that they want, and not wait until the people become informed on the subject and then send for the information. If we spend a million dollars for experimentation, I say it is but fair and proper and just that we should spend $30,000 in carrying the results of that experimentation to the people. We have not time to discuss this question to-day as it should be discussed.

It so happens in the natural order of things that the gentleman on the other side, the chairman of this committee [Mr. WADSWORTH], and the gentleman on this side [Mr. WILLIAMS of Mississippi] have denied the members of this House an opportunity to discuss the amendment that we propose, and all that we can do is to get in a few remarks here under the five-minute rule. Yesterday when we wanted to discuss this, the gentleman said to us that if we wanted to discuss general political issues we could get time to burn, but that if we proposed to advocate any amendment to this bill there would not be one minute of time at our disposal.

Now, I wish, under the five-minute rule, to call attention briefly to the demands of the people on this subject, and I call attention here in these running, rambling remarks, so that you can understand something of this amendment proposed by the gentleman from South Carolina. I speak for my district, that has 40,000 voters, 30,000 of whom would read every one of 50 copies of these bulletins, and I do your constituency the credit to believe that they would read them likewise if you sent them there. I believe that is true of every constituency. They want to be informed, and it is but right that this House should give them an opportunity to be informed, by sending the bulletins provided by this Department; and the pittance of $57,000 is a very small amount to be appropriated for this purpose. I was taunted yesterday with demagoguery when I said that agriculture did not receive its proper consideration in this House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LATIMER. I ask unanimous consent that the gentleman may be allowed to continue for five minutes.

Mr. SHACKLEFORD. Now, I repeat what I said on yesterday. What I said yesterday I say again to-day, and gentlemen who desire may give the "horselaugh" for the statement if they choose. There is a bill pending here now in this House, and favorably reported, to spend $200,000 to send a commission to China to investigate the conditions there with reference to selling our manufactured goods; and yet of the exports from this country 75 per cent are from the farms. Still we can not have $57,500 in order to make the agriculturists of this country familiar with the work that is carried on at the experimental stations provided at great cost to the taxpayers.

The gentleman from Mississippi assumes that when we send one of these bulletins out we do it for the sinister purpose of getting a vote. I do not know what his motive is when he sends a bulletin to one of his constituents, but when I send one to a constituent of mine I send it out for no such base and ignoble purpose. I send it out not only that my friends may read it, but that they may obtain the best information upon these subjects that lie at the very foundation of this Government. This is the greatest agricultural country in the world, and our people are agriculturists, and he who would withhold from them anything that tends to give them more enlightenment upon their vocation is doing that which is injurious to the very principles of our great Government.

I say, then, Mr. Chairman, that this increase of $20,000, making a total appropriation of $57,000 for the publication of this literature, is too small, entirely too small; but we must do the best we can.

These gentlemen are holding us down with hard hands, and we will have to take just what we can get. But I believe the members of this House will see the justice of our proposed amendment and vote it accordingly.

The farmer is not sitting here asking for anything. He sends his representatives here to do what they think ought to be done in his behalf. To speak in that way is in no sense demagoguery, as was intimated yesterday when a gentleman said that he could make a farmer's speech. The farmer does not come here. He looks to his representative; and I say it is our duty to urge this amendment, and to urge all other similar propositions in his behalf. Now, as the time is up, I must stop. I would like to have had thirty minutes in which to discuss the bill itself, and not to discuss some general political subject that had nothing to do with it. I yield back to the gentleman from South Carolina any time not consumed.

Mr. WILLIAMS of Mississippi. I ask unanimous consent that the gentleman from Missouri may have thirty minutes to speak on this bill.

The CHAIRMAN. The gentleman from Illinois has been recognized.

Mr. HOPKINS. Mr. Chairman, I suppose that there is no gentleman upon this floor who represents a better agricultural district than the one which I have the honor to represent, and during my entire Congressional career I have always voted for every measure which in my judgment was in the interest of the agriculturist. The Agricultural Department, now presided over by that distinguished gentleman, Secretary Wilson, was created during my service in this House; and I have seen that Department of the Government, that has now become so great in the distribution of information throughout the country, develop from year to year under appropriations that have been made by the different Congresses since its establishment. I am not, however, in favor of the amendment which is proposed here, which will take $20,000 additional money out of the Treasury of the United States, and the reason that I am not in favor of it is that I believe it would be a waste of the money.

Mr. WILLIAMS of Mississippi. In connection with what has just been said, let me say that a million of these pamphlets last year were unused; Members of Congress and Senators did not call for them.

Mr. HOPKINS. I was about to make the remark when interrupted by the gentleman from Mississippi that the record shows that the Agricultural Committee has in the past, as it has in this bill, made ample provision for these bulletins, so that every intelligent farmer of America could have one if he desired it; and my experience is——

Mr. SHACKLEFORD. Will the gentleman allow me a question?

Mr. HOPKINS. I can not yield. My experience is that many of the farmers do not care for these bulletins, and for that reason we have found that appropriations made in the past have been sufficiently ample. Now, in the last Congress we made appropriation so that two million and three or four hundred thousand copies of these pamphlets were published, and only a million and some odd thousand were called for by members, leaving a million and over two hundred thousand bulletins to be distributed by the Secretary himself. Many of them have not been distributed at all. The appropriation in this bill provides for an increase of $5,000 over previous appropriations, so that instead of having pamphlets to the amount provided for in previous bills this appropriation will provide for 2,500,000 of these pamphlets.

Now, it seems to me, Mr. Chairman, that with the facts here before us no man who is a lover of his country, no man who desires to see the affairs of this Government economically administered, can for a moment insist on taking $20,000 additional money for this purpose.

The Secretary of this great Department is himself a practical farmer. He has as much interest in this great industry, aye, a thousand times more than the gentleman from Missouri [Mr. SHACKLEFORD], who has just been criticising this committee. The Secretary of Agriculture does not ask for this increased

appropriation. In his report he says that the committee has given for this purpose all that can be properly used by the Department. He says in his report to Congress that if $85,000 is granted, that is all the money he wants. Now, why should this House, simply because the gentleman from Missouri or some other gentleman desires an additional number of these bulletins, make an appropriation, when the facts show that it will be impossible to send them all out? If the gentleman exhausts the amount allotted to him, let him go to the Secretary of Agriculture, who has a million and a half extra pamphlets there, and he can get all he wants.

Mr. LATIMER. Does not the gentleman know that that million and a half copies that lapsed last year have been put into the quota allotted to members this year?

Mr. HOPKINS. Well, why should they not?

Mr. LATIMER. And if you go to-day you can not get an allotment of bulletins.

Mr. HOPKINS. Well, I disagree entirely with the gentleman.

Mr. LATIMER. I have been there and asked for them.

Mr. HOPKINS. Any gentleman that desires bulletins, or any series of bulletins, can get all he requires, and it is perfectly evident, in my judgment, that for anybody to get a proper number of bulletins it is not necessary to adopt this amendment, and I hope it will be voted down.

Mr. HENRY of Connecticut. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HENRY of Connecticut. Debate is exhausted on this amendment.

Mr. LATIMER. Mr. Chairman, I ask unanimous consent that I may have five minutes. I moved the amendment, and I have not occupied much time yet.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that he may have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LATIMER. Mr. Chairman, no man in this House has greater respect for the Secretary of Agriculture than I have. I think every member of this House will agree with me that no man has filled that position since the Department has been organized who has given such universal satisfaction. I went to the Secretary to find out if I could get an additional allotment of bulletins. He said to me that all the bulletins that have been appropriated for have been allotted to Members of Congress and Senators; and if bulletins lapsed last year, it is for the reason that they did not lapse until the 30th of June.

Members had probably gone to their homes. Bulletins were allotted, and those that lapsed are now in the allotment for this year, and divided pro rata among the members of the House and the Senate. I say to members of this House that the Secretary of Agriculture does not object to our having an increase of $20,000 for the publication of these bulletins. It matters not whether he has recommended it to Congress or whether he has advised the committee to make the appropriation or not; that is not the question involved. He did ask you to give $8,000 for the purpose of assisting the Agrostologist in his work, and you refused and only gave him $5,000.

You have not followed the Secretary and his recommendations excepting when they met your will. The publication of these bulletins is a matter of interest to every member of this House. We are spending $780,000 for maintaining experiment stations throughout the country. I want to ask gentlemen of this committee and members of this House, why continue these experiment stations at a cost of $780,000 annually if we refuse to send out the information acquired through these institutions?

It is valuable information which every farmer ought to have; and I want to say to the gentleman from Illinois that out of the 200 bulletins which have been printed there are at least 100 that every farmer in your district would like to read, because they deal with subjects of vital interest to him. There is no greater interest in this country than that of agriculture. The gentleman from Missouri stated that about two-thirds of the exports from this country were furnished by the farms; yet the gentleman refused to agree to increase this appropriation so that the valuable information gathered by our experiment stations might be sent out to the farmers of the country, and thereby aid in increasing this export trade and thus adding to our national wealth.

Now, a word with regard to the position taken by the Secretary of Agriculture. He said if we wanted to increase the appropriation for seeds the members of this House have a right to so provide in the bill; that they send out these seeds to the country; that the Secretary of Agriculture gets one-third of the seeds and one-third of the agricultural bulletins, and that is all he cares to send out. But what becomes of the members of the House? What are 5,000 bulletins to Representatives having a constituency of perhaps 20,000 farmers?

Mr. CANNON. Will the gentleman allow me a question? I think it quite important that these bulletins should be sent out to agricultural districts; but does not the gentleman think that if any member desires to send out to his constituents more than his quota he has friends on both sides of the House who do not need these bulletins for distribution, and who would be very glad to draw them and hand them over to those who do need them?

Mr. LATIMER. I am glad the gentleman has made that point. There are members who represent city districts and who are willing to give their bulletins to those who represent rural districts. But does not the gentleman know that, while only 5,000 bulletins are issued to each member of the House, there are members who have twenty or thirty thousand men in their district who would be glad to receive them; and that the number issued is not one-third enough to go round among the farmers of the country? This valuable information, which is being printed in these bulletins, is not fully distributed to the people, because there are thousands of farmers in our districts who would like to have fifteen or twenty of these bulletins, as they are written on different subjects.

I hope that this amendment appropriating $20,000 for this purpose will be adopted. The result will be that each member will get 10,000 bulletins instead of 5,000. I hope, also, that the Secretary of Agriculture will be allowed to furnish to members who have not enough bulletins to distribute in their agricultural or rural districts the surplus undisposed of on the 31st of March, instead of the 1st of May, as provided in this bill. The gentleman from Illinois [Mr. HOPKINS] states that the people in our districts have not asked for these bulletins.

In reply to that I ask the gentleman if he sits here and waits for his constituents to call upon him for every valuable publication intended for their use? And I ask him if that is his idea of a true representative of the people? The people have commissioned us to come here in order that we may look out for their interest in all lines, and if it is true that a million of these bulletins lapsed to the Secretary last year and were not sent out by members to whom they were allotted, it is proof to my mind that they have neglected their duty to their constituents. Many of your constituents are not informed in regard to the number of bulletins you are entitled to——

[Here the hammer fell.]

Mr. HOPKINS. Mr. Chairman, in reply to the gentleman who offered this amendment, and who claims that there are not enough bulletins to go around among the people who desire them, I wish to call the attention of members of this committee to this fact: It is shown by the statistics in the report of the Secretary of Agriculture that under the appropriations we have heretofore made not one-half of the bulletins heretofore published have ever been sent out.

Mr. LATIMER. It is the fault of yourself and other gentlemen if they have not been.

Mr. HOPKINS. Before we make a greater appropriation for this purpose than has ever been made, let us wait until members take these bulletins in the quantity heretofore issued and allotted to them and send them out.

As the chairman of the Committee on Agriculture has said, under the bill now being considered by this committee, $5,000 addition is granted over any appropriation heretofore made for these bulletins; in other words, more than 200,000 more bulletins will be published under this bill than have ever heretofore been published. If any member of Congress who exhausts his own quota will apply to the Secretary of Agriculture within the time limited by law, he can get all the bulletins that he desires. It is simply an absurdity to say that an increased appropriation of $20,000 should be granted to procure these bulletins, when the records show that a large number of those already issued are not used or distributed.

Mr. TALBERT. I move to amend by striking out the last two words. I hope that the amendment offered by my colleague [Mr. LATIMER] will prevail, because it will be but simple justice to the farmers of our country, who will be benefited by it; and in benefiting the farmers we help all other classes.

Gentlemen take very extraordinary positions in regard to the little pittance asked here. The gentleman who has just taken his seat says that the bulletins now issued are never all of them sent out, because they are never called for by their constituents.

I do not know what the case may be in other districts, but in the district that I have the honor to represent there is a strong demand, an increasing one, for every document issued by the Government, and an increasing interest is being taken in everything that pertains not only to agriculture but in every other department of the Government; and, Mr. Chairman, I want to say that in the district I have the honor to represent I have sent out year after year every bulletin that has been given to me by the Secretary of Agriculture, and after I have sent those out I have had demands upon top of demands for bulletins of various kinds and have been unable to furnish as many of them to my constituents as I would like to have done. I have gone to the Department to see what there was there for my constituents, and in justice to the Commissioner I will say that I have been kindly treated. I am astonished to hear gentlemen on this floor get up and say they

have no demand for these bulletins. Maybe it is because their constituents do not know that they are there for them. Then, why not inform them of these things?

Gentlemen, what were you sent here for if not to find out the things that your people want and send them to them? It is your duty to look into every Department and see what is there for your people and then send it out to them without waiting to be called upon by them.

I represent an agricultural district—a district of farmers as pure and patriotic as ever lived—who would be glad to get information upon all of these subjects. The gentleman from Mississippi [Mr. WILLIAMS], who is generally right, has intimated, or at least his language might be construed to mean, that in the South we raise nothing but cotton, and consequently we want nothing for our constituents except treatises upon how to raise cotton. Now, I know the gentleman did not mean any such thing as that.

I will say to the gentleman that in my district, at least, and I think that is the case generally throughout the country from which I come and from whence he came, that we raise many other things besides cotton. We have been driven to this, because to raise cotton exclusively would starve us. We raise cattle and hogs, horses and mules, sheep and goats, and fowls of all kinds; we pay attention to beet culture, we pay attention to bee culture, we have dairy farms and dairy interests, and we want to get the latest information on all these subjects from the Agricultural Department in all of these various branches relating to the farmer's life—and these bulletins are a godsend to them in this way, and we want more of them published to be scattered broadcast over the land to give aid to the farmer in his calling.

Mr. WILLIAMS of Mississippi. Mr. Chairman, if the gentleman will permit me. I know the gentleman from South Carolina is, in my opinion, the last man to do injustice to anybody, and especially to myself.

Mr. TALBERT. Certainly I would not do an injustice if I knew it, for I have very great respect for my friend.

Mr. WILLIAMS of Mississippi. And therefore I can not understand exactly how the gentleman should entertain the opinion that I have given utterance to the expression that we raise nothing in our country but cotton. I said nothing to that effect.

Mr. TALBERT. I only said that the position assumed by the gentleman might be so construed, and I want to say that the gentleman did not mean that, and I was showing that that was an improper construction of his language. I know the farmers have no better friend than he is upon this floor, and whatever position the gentleman may take I believe him to be honest in it.

Now, Mr. Chairman, the farmers do not ask very much of this country. They have not been in the habit of doing so in the past. They trust to themselves and their Representatives, and while others, associations of capitalists and the trusts, have their lobbyists here at the doors of Congress, the farmers remain at home and attend to their work and only ask of their Representatives here to comply with the promises made to them upon the stump preceding the election.

Mr. GROSVENOR. Mr. Chairman——

Mr. TALBERT. Now, Mr. Chairman, it is entirely too far off from Christmas for Santa Claus to appear on the scene. I can not yield to my friend from Ohio except in Christmas times. [Laughter.]

I want to say that the questionable methods employed by the trusts and the combines, the whittling process of speculation, the sharp and questionable practices of trade and exchange, the grinding methods that are employed in many avenues of trade and commerce, and the chameleon deals of the law tampering with right and justice with the facile ease of the acrobat find no place in the life or vocabulary of the farmer. He is plain and unsophisticated. He is the only one who has no protection, or at least but little protection, at the hands of the Government. He spends his life in the hot sunshine, with all of the conditions of climate, with rain and drought to oppose him, and it does seem to me while you appropriate millions of dollars every year for others that something at least should be done for him in the line of the suggestion of my colleague from South Carolina.

Why, Mr. Chairman, you even give the Indians three times as much as you give to the farmers. You give to the Indians in this very Congress by your appropriation bill some nine millions of dollars, and you give to the farmers less than $4,000,000 in this bill. They are the people who make it possible for the rest of you to enjoy life. By their labor they feed and clothe the world and make it possible to clothe and feed themselves, although it is sometimes a very hard task, and many of them are almost compelled to go naked and without shoes in order to keep the little farm going. Now, they ask this little trifling pittance at your hands. It is true that the committee has been more liberal than usual. They have doubled, for instance, the seed which are to be distributed, and this is most satisfactory to the farmers, as some of them only know the Government as they get a few seeds.

My distinguished friend over here, in the course of his discussion, said or intimated that the farmer had no time to read. There was a time, Mr. Chairman, I admit, when the farmer sat around with mouth open like a mocking bird, waiting for any pebble that might be thrown into it. [Laughter.] They listened then to the language and the promises of the demagogues. But they are reading for themselves now. They have found out some things, and they are learning a good many others, and we want to recognize them in some little way other than by the assessor and tax collector. That is all I desired to say at present in advocacy of the amendment. [Applause.]

Mr. BAILEY of Kansas. Mr. Chairman, I wish to say simply a word upon the pending proposition. I have listened to the remarks of gentlemen, and the expressions of sympathy they have given utterance to here as to the farmers of the country. But in view of the fact shown, that the bulletins for which this appropriation is to be made are not exhausted, the reasoning which gentlemen bring in support of their proposition is fallacious.

Mr. WILLIAMS of Mississippi. They can get them as long as the supply is not exhausted.

Mr. BAILEY of Kansas. But my point is this: In every State——

Mr. SHACKLEFORD. Will the gentleman permit an interruption?

Mr. BAILEY of Kansas. In a moment.

Mr. SHACKLEFORD. But just in that connection. Do you not know, sir, that members of Congress who have applied to the Department for bulletins have been told that they can not be supplied, that they are not printed, and that there is no appropriation available for printing them?

Mr. BAILEY of Kansas. I do not believe that a request for a bulletin, coming from a member of Congress, has been denied.

Mr. SHACKLEFORD. I have been unable to get them.

Mr. BAILEY of Kansas (continuing). I do not believe that the bulletins can not be procured if proper efforts are made.

But the point I was going to make, Mr. Chairman, is that some $15,000 is appropriated to each and every State for experimental agricultural stations, and these stations are sending out their reports all over the country. They are compiled in the report of the Department of Agriculture, but are first sent out by the agricultural experimental stations, and the $15,000 appropriated to each State is used in this way.

So I say that the experience of the committee and the experience of the Department of Agriculture is against this increase. Gentleman say it is a pittance. Yes; but a great many little pittances make up a large sum. It has been the purpose of the Committee on Agriculture to keep this appropriation within reasonable bounds. They have labored industriously and honestly to bring in a liberal and just bill that would meet the demands of the people of this country, and we believe we have done it.

If we were to listen to all the officials who come before our committee, and were to act upon all that they said with reference to the extreme utility of their Departments to the country, we could appropriate $25,000,000 here in the agricultural appropriation bill. Gentlemen, I am opposed to the amendment.

Mr. GROSVENOR. The gentleman from South Carolina [Mr. TALBERT] stated the farmers are sitting at home "dumb as oysters." That accounts for some of the representation on this floor. [Laughter.] The gentleman may speak for the farmers of his district, but not for the farmers of my district. If the gentleman would only have allowed me, when he said that the farmers of his district were suddenly coming to their senses and were about to expurgate the demagogues, I was about to bid the gentleman a fond and affectionate farewell [laughter], but he would not allow me to do it.

Mr. TALBERT. The gentleman had better look out for himself. The gentleman from South Carolina is all right, and he is looking out for his people.

Mr. GROSVENOR. Well, the gentleman may be all right as long as the farmers sit at home as "dumb as oysters."

Mr. TALBERT. I should like to ask the gentleman why it is that the Republicans of Ohio will not let you be governor? You have been trying to be long enough.

Mr. GROSVENOR. The gentleman is inclined to be personal. I never was a candidate for governor and never considered the subject in my life.

Mr. TALBERT. They would not let you be.

Mr. GROSVENOR. How do you know?

Mr. TALBERT. They would not even let you be a candidate, much less elect you.

Mr. GROSVENOR. Oh, well, the gentleman's constituents doubtless are as "dumb as oysters."

Mr. TALBERT. I mean that they have no lobbyist here as other professions have.

Mr. GROSVENOR. Now, Mr. Chairman, the farmers' bulletins are very valuable, and if the gentleman himself wants any I can give him several thousand that I find myself unable to dispose of. I have sent them wherever called for, and I have an agricultural district. The people there are not as "dumb as oysters," and I will say to the gentleman from South Carolina that a very

large majority of them can read and write. I will give the gentleman several thousand copies of these bulletins rather than have them pile up in an accumulation here that nobody wants.

Mr. LATIMER. I want to ask the gentleman what right he has to give those bulletins away?

Mr. GROSVENOR. Oh, well, I do not know that I have any; but they are published for the benefit of the people who want them.

Mr. LATIMER. For the farmers of your district.

Mr. GROSVENOR. I would give my friend from Missouri a hundred agricultural reports if I thought that they would do more good in his district than they would in mine.

Mr. CLARK of Missouri. I will take them. [Laughter.]

Mr. GROSVENOR. There is no need of any reports in a district which my friend CLARK of Missouri represents. It does not need anything but his own intelligence to enlighten that district. I am opposed to this amendment, because I do not believe that the farmers of the country want this additional appropriation.

Mr. LATIMER. I want to say to the gentleman——

Mr. WADSWORTH. I move that all debate on this paragraph be now closed.

The CHAIRMAN. The gentleman asks that debate on this paragraph be closed. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

Mr. WADSWORTH. I ask for a vote on the first amendment, which is the amendment offered by the gentleman from South Carolina, increasing the appropriation $20,000.

Mr. DALZELL. Let us have the amendment reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

Mr. BARTLETT. I desire to have that amendment divided up. There are some parts of it that some of us may desire to vote for.

Mr. WADSWORTH. I propose to ask for a separate vote on each amendment. I have no objection to the other amendments. They are not material.

The CHAIRMAN. The question is on the amendment, which the Clerk will report.

The Clerk read as follows:

Page 25, line 6, strike out the word "eighty" and insert the words "one hundred and," so that instead of reading "$85,000" it will read "$105,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. LATIMER. Division.

The committee divided; and there were—ayes 76, noes 61.

Mr. WADSWORTH. Tellers, Mr. Chairman.

The question was taken on ordering tellers.

The CHAIRMAN. Evidently a sufficient number. Tellers are ordered; and the gentleman from New York [Mr. WADSWORTH] and the gentleman from South Carolina [Mr. LATIMER] will act as tellers.

The committee again divided; and tellers reported—ayes 81, noes 55.

So the amendment was agreed to. [Applause.]

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

On page 25, line 7, strike out "thirty" and insert "fifty."

Mr. WADSWORTH. One moment. What is that amendment?

Mr. LATIMER. Making the language conform.

Mr. BARTLETT. I ask to have that reported again.

Mr. WADSWORTH. That is all right, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment again.

The amendment was again reported.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

In line 7, strike out the words "two-thirds" and insert the words "four-fifths."

Mr. WADSWORTH. I have no objection to that amendment, Mr. Chairman.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

On page 26, line 1, strike out the word "June" and insert the word "March."

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. LATIMER. Division.

Mr. BARTLETT. I make the point of order that the division was called for too late. The Chair had announced the result.

The CHAIRMAN. The Chair had not announced the result before the division was called for.

The committee divided; and there were—ayes 6, noes 42.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Line 15, page 26, strike out "eighty" and insert "one hundred and;" so as to read "$150,000."

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the next section.

The Clerk read as follows:

PURCHASE AND DISTRIBUTION OF VALUABLE SEEDS.

For the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere; transportation, paper, twine, gum, printing, postal cards, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, $170,000, of which amount not more than $22,000 shall be expended for labor in the city of Washington, D. C.

Mr. CORLISS. Mr. Chairman, I desire to offer an amendment; and pending the consideration of the amendment, I desire to reserve the point of order on that paragraph.

The CHAIRMAN. The gentleman from Michigan offers an amendment which the Clerk will report, and pending the consideration of the amendment, the gentleman reserves the point of order on the paragraph.

The Clerk read as follows:

Amend by inserting after the word "seed," in line 18, page 26, the words "dinner pails for the laboring people."

[Laughter.]

Mr. LOUD. How can the gentleman offer an amendment and also reserve the point of order against it?

Mr. CORLISS. I do not reserve the point of order against the amendment, but against the paragraph.

Mr. Chairman, I find upon investigation that the law authorizing this appropriation to be made for the distribution of seed expressly provides that the purchase of seeds shall be confined to seeds rare and uncommon to the country. Instead of complying with that provision, the Secretary of Agriculture has from time to time purchased all kinds of common seeds, such as cabbage seeds, turnip, and other common seeds, for distribution, until the appropriation has become very much abused in the distribution and in the purchase of seeds. Why, you discover with proper care not to exceed 10 per cent of all the seeds purchased and distributed are sufficiently valuable to grow; and I think that the result and the practice under this paragraph is simply to benefit the seed trust that every year seeks to dispose of its accumulated worthless seed and have them distributed gratuitously by members of Congress to their constituents.

It is a waste of public money. Mr. Chairman, it is an infringement of the rights of our citizens. In every city, in every little hamlet of our country, you will find grocery men who derive some revenue from the sale of seed, and it is an infringement of their rights. I have offered this amendment, and will offer another one in a few moments upon this paragraph, in good faith. There are in this country two citizens that obtain their living by the sweat of their brow to one who acquires his living by tilling the soil. You are appropriating for a special class; you are giving them a special benefit. My amendment asks that dinner pails shall be furnished to the laboring men. I represent a city that has probably 25,000 laboring men in it and not to exceed 1,000 farmers who cultivate the soil within my district, outside of a little garden. Why should you appropriate for the benefit of your constituents $175,000 for cabbage seeds and not give the laboring men in my district a dinner pail?

Mr. McRAE. I would like to ask the gentleman if he does not also represent D. M. Ferry & Co.?

Mr. CORLISS. I represent all the people that live within my district, but I do not want the Secretary of Agriculture to go into D. M. Ferry's establishment and buy worthless seeds that they want to sell and give them to the farmers, when not a dozen of them will come up.

Mr. McRAE. Do you mean to say that this Administration does that?

Mr. CORLISS. I mean to say that 10 per cent of all the seeds distributed by the Agricultural Department are common seeds and valueless seeds that do not grow, and you can not prove to the contrary.

Mr. McRAE. I can prove to the contrary.

Mr. CORLISS. Now, what is the law under which you are misappropriating this money? The law says that you shall confine your appropriations to such seeds as are rare and uncommon. Is it cabbages, turnips, and cucumbers, and some corn that you may buy in Indiana? Are they uncommon and rare?

Mr. STEELE. If you buy Indiana corn, it is rare in quality. [Laughter.]

Mr. CORLISS. It rarely grows anywhere outside of Indiana.

Mr. STEELE. It will grow anywhere, but we will not agree to buy rare dinner buckets for people who do not want them.

Mr. CORLISS. If it grows anywhere outside of Indiana, it runs to stalk and does not make corn.

Mr. SHATTUC. Will the gentleman yield to me?

Mr. CORLISS. Yes.

Mr. SHATTUC. Will you amend that by making it one of Mr. Atkinson's dinner pails? [Laughter.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WADSWORTH. Mr. Chairman, I ask that the gentleman from Michigan may continue for five minutes.

The CHAIRMAN. The gentleman from New York asks that the gentleman from Michigan may continue for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DOLLIVER. Mr. Chairman, I would like to ask the gentleman a question. He made the statement that 10 per cent only of these garden seeds grow. I am informed that they are all tested by the Department of Agriculture, and that the best seeds in the world are bought and distributed, and that is my experience. I believe he has made an unwarranted attack on the Department, and I think also an unwarranted attack on his constituent, D. M. Ferry & Co.

Mr. CORLISS. I am making no attack on the Department.

Mr. MOODY of Massachusetts. The gentleman read from the Revised Statutes the law relating to the distribution of seeds. Now, I sympathize with the gentleman in his position, but I call his attention to the fact that two years ago we amended that law, I am sorry to say, so as to permit the distribution of seeds which are not rare and valuable.

Mr. CORLISS. I would like to have the gentleman point it out.

Mr. MOODY of Massachusetts. The amendment was on a general appropriation bill, and offered, I think, by the gentleman from Arkansas [Mr. MCRAE].

Mr. CORLISS. Making it within the power of the Secretary——

Mr. MOODY of Massachusetts. To buy any kind of seeds and distribute them anywhere.

Mr. CORLISS. I regret that Congress will go on in that way. You are authorizing the Secretary of Agriculture to do business, to go into the jobbing business of seeds.

Mr. MOODY of Massachusetts. That is correct.

Mr. STEELE. That is where the pinch comes.

Mr. CORLISS (continuing). I submit that it is wrong. I do not care whether I represent a municipal district or an agricultural district; it is wrong. When you attempt to appropriate money from the Treasury that belongs to the people, give it to one class and deny another the same privilege, you are violating your oaths as members of this House.

If you authorize the Secretary of Agriculture to distribute rare and uncommon seeds for the benefit of the farmer, I will vote with you; but I submit that if you are going to buy common seeds that are known throughout the world to everybody, that can be bought from every corner grocery, then I submit that you should stop. I have offered this amendment because Congress is pursuing a course that is wrong; and if you are bound to give to the farmer one advantage, I ask for the laborer an opportunity to take his dinner pail with him to his place of work every day. I shall offer, Mr. Chairman, an amendment to this paragraph limiting it back to the original law, providing that none but rare and uncommon seeds shall be purchased, if you vote this present amendment down.

Mr. HOPKINS. I want to ask the gentleman if it is not a fact that the Secretary of Agriculture has not in every instance exercised his discretion and sought to get rare varieties of seed, and has done the best he could to distribute them over the country for the benefit of all the people?

Mr. CORLISS. I believe that the Secretary of Agriculture has exercised great care in buying the best seeds he can buy, and has carried out the law as it has been enacted by Congress; but I want to say to you that it is impossible for the Secretary of Agriculture to buy in this country the quantity of seeds that you compel him to buy unless he buys them of the seed trust, and they have——

Mr. HOPKINS. One moment——

Mr. CORLISS (continuing). In their hands a large quantity of seed they desire to impose upon the farmer through the Secretary of Agriculture.

Mr. HOPKINS. If the gentleman will allow me, the Secretary has provided against that.

Mr. CORLISS. How?

Mr. HOPKINS. There was some complaint during the last Democratic Administration that the Secretary of Agriculture had been imposed upon in this respect, and the present Secretary has carried out the spirit of the law——

Mr. CORLISS. I have not any doubt about that, and I have as much appreciation and admiration for the present Secretary of Agriculture as you can have; but I want to say to you——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HILL rose.

The CHAIRMAN. Does the gentleman from Connecticut rise to oppose the amendment?

Mr. HILL. Yes, Mr. Chairman, I am opposed to the amendment; but I am more interested in a place to put seed than I am in dinner pails. I would like to ask a question of the chairman of the Committee on Public Lands. I understand there is a large immigration from Finland to the southeastern part of Alaska and the Aleutian Islands. I should like to ask the chairman of the Committee on Public Lands if it is possible for foreigners to locate under existing land laws in Alaska or take up land and improve it?

Mr. LATIMER. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. LATIMER. The agreement was when we went in under the five-minute rule that we should be confined to the bill before the House.

The CHAIRMAN. The point of order is well taken.

Mr. HILL. I ask unanimous consent that in my five minutes the question I have put may be answered by the chairman of the Committee on Public Lands.

Mr. LATIMER. I object.

The CHAIRMAN. Objection is made.

Mr. MCRAE. Mr. Chairman, a word in reply to what the gentleman from Michigan [Mr. CORLISS] has had to say about the distribution of seeds. We expected from him, a city member, such insults as he has offered to the laboring men and the farmers by this amendment, but we did not expect that he would so far forget himself as to make unjust reflections upon the present worthy Secretary of Agriculture as to the character of the seed sent out. I presume also that the Parke-Davis Drug Company of Detroit is fighting the Secretary because of his free distribution of vaccine for blackleg in cattle. We can expect on the seed question the opposition of the gentleman, who has within his district, as disclosed by this debate, the great seed house of D. M. Ferry & Co., and the gentleman appears to be representing them as against the great body of the farmers of the United States.

The distribution of seeds does the people more good than any other equal amount of money spent by the Government. The seeds that are sent out are the most valuable that can be had, and the people want them because they are better than they can buy. Since the seed distribution began there has been a great improvement in all sections of the country in gardening and more of it. We find on the large country farms as well as the little homesteads in and around the cities more vegetables with which to support life and make people independent than we did before this practice began. It is a benefit to the people and they want the seeds.

So far as my vote is concerned, it shall be given to retain the law as it is—to permit the Secretary of Agriculture to buy such valuable seeds as are adapted to our soil, and permit them to be distributed among the people who desire to experiment with them.

Since the gentleman claims to be so economical, I will ask him to answer, in my time, whether he is in favor of the Payne-Hanna ship-subsidy bill and the Pacific cable bill, which will require millions. He refuses to pay any attention to my question. I therefore assume he is in favor of both of them.

So far as I am concerned, I hope the laboring men of his district and the farmers, if he has any such constituents, will rebuke the insult that he has offered to them by his ridiculous amendment. This "dinner-pail" business should not aid him with any laboring man, for they do not object to the seeds being sent to the farmers. It is an insult to that class of honest voters to make such an appeal to them. I see the gentleman rise, and I again ask him to tell the House whether he is in favor of the Pacific cable bill and in favor of the Payne-Hanna ship-subsidy bill. I can not get him to answer, and yet he objects to this small appropriation for seed.

Mr. HILL. I make the point of order that the gentleman is out of order, under the ruling just made.

The CHAIRMAN. The point of order is well taken.

Mr. WADSWORTH. I wish to call the attention of members of the committee to the different kinds of seeds appropriated for in this bill. Seeds distributed by Congressmen come under the provision beginning on line 17, page 26, of this bill. It is in these words:

For the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants.

Now, if you will turn to the top of page 29 you will find this proviso:

Provided further, That $20,000 of the sum thus appropriated, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries for experiments with reference to their introduction into this country.

The seeds distributed by us are simply valuable seeds, not rare seeds. The seeds distributed by the Secretary of Agriculture under the $20,000 appropriation are rare seeds, mostly obtained abroad for experimental purposes in this country.

Mr. TALBERT. Mr. Chairman, this is a very singular amendment offered by the gentleman from Michigan. I would like to ask him what kind of a plant the "dinner pail" is. I know that in my district and my part of the country we have various kinds of seeds, but I have never yet seen any of that kind. Down in my district we have good, pure, healthy seed furnished by the Agricultural Department, which, in fertile soil and under a generous sun, have brought forth manifold fine products with which to support both man and beast. I want to ask the gentleman what kind of a pail he proposes to introduce among the laboring people of this country, or did he say piggin?

Does he propose to ridicule the farmers of our country or does he propose to insult them? It seems to me an insult to the laboring people of this land that he should get up here and offer to give them a piggin with nothing in the world in it—just as the Republicans always treat the great mass of the people of this country, feeding them only on promises. The gentleman has uncovered the policy of that party with regard to the farmers and the laboring people, whom they are always trying to deceive by the merest bosh and demagoguery, pretending to be their friends; and now you come forward with an empty piggin, with nothing in the world in it, instead of giving them something in reality. The gentleman himself looks as if he had been standing for some time by the side of an empty piggin [laughter], and he desires to place that kind of a piggin before the laboring people of the country in order to reduce them to a helpless and forlorn condition.

The gentleman has spoken of class legislation. Let me say that no legislation in the interest of the great mass of the farmers can be characterized as class legislation; because when you pass a law that benefits the agricultural people, you thereby benefit every other man, woman, and child belonging to every other class or profession; because agriculture is the foundation stone of all prosperity and all happiness. It is the farmers who raise up the men and the "boys" to fight the battles of our country and to run the machinery of our great factories. It is the farmers who pay 80 per cent of these appropriations which are passed by these billion-dollar Congresses—these Republican Congresses—of late, and now you want to cap the climax by giving them an empty piggin. Stop the farm and the fire goes out in the furnace. Stop the plow and your streets in the great cities will grow up in grass.

Why, Mr. Chairman, just think for a moment. Think of the old farmer at the end of the year, when he is becoming old, when he is growing tired, weary with hard work, hardly able to make both ends meet. But he goes around to every other class of people in the community to pay his honest obligations in the fall of the year. He goes to the lawyer's office—and many of the lawyers are here present—to pay his fee. And, with his hands in his vest, he says, "Well, it has been a hard time; you are the bone and sinew of the land; and I will not charge you so much as I otherwise would. I hope you will have better crops next year." And all the time he is cramming the money into his pocket which has been raised by the sweat and the toil of the old man. He goes to the teacher, to the professor, who has already put his bill up to a pretty high notch and he can afford to scale it down, and says, "I have come to pay my bill." He says to the farmer, "You have had a hard time this year; you are the bone and sinew; crops have been bad, and I won't charge you as much as I otherwise would." And all the time he is cramming the money into his pocket. He goes to the merchant and pays up his bill, and the merchant tells him he must keep out of politics.

He goes to the doctor and finds the same treatment there; and finally he goes to the preacher, the good old preacher, who takes him into his study and says, "I know you are behind this year, for you have been sick and have had poor crops." The old farmer says, "I came to pay the pastor's salary," and the pastor, while he is cramming the money into his pocket, says, "I know that you are the bone and sinew of the country; you have had a hard time this year, but if you do not get your blessings now you will in the 'sweet bye and bye.'" [Laughter and applause.] So it goes; he pays the money that keeps things going for all other classes.

And the gentleman from Michigan, on the top of all of this, comes up here with his little piggin, can, or something of that kind, to force it upon the working people of this country with nothing in it; because it appears that he has been standing for some time inside of one of them, with nothing in it whatever. [Laughter and applause.]

Let us do away with any such stuff in the shape of an amendment and give a liberal appropriation to those who are the very foundation of this great Government in time of peace or war.

Recognize the great mass of the farmers, who furnish 70 per cent of our export product to settle our balances with foreign nations. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Michigan.

Mr. SHATTUC. Mr. Chairman, I desire to amend by inserting in the fourth line, before the word "dinner," the words—— [Cries of "Louder!" "Louder!"] Amend in the fourth line, before the word "dinner"—— [Renewed cries of "Louder!" and laughter.] I ask the Clerk to read. [Laughter and applause.]

The Clerk read as follows:

In the fourth line, before the word "dinner," add the words "Atkinson's workingman's;" so that it will read, when amended, "Atkinson's workingman's dinner pail for the laboring people."

The amendment to the amendment was rejected.

Mr. TALBERT. I move to lay the amendment and the gentleman from Michigan both on the table. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Michigan.

Mr. WILLIAMS of Mississippi. What is the amendment?

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. CORLISS. Mr. Chairman——

Mr. WADSWORTH. Mr. Chairman, has not debate been exhausted upon the amendment?

The CHAIRMAN. The Chair is of the opinion that it has been.

Mr. TALBERT. I ask unanimous consent that the gentleman from Michigan be allowed to put something in the pail. [Laughter.]

The CHAIRMAN. If there be no objection, the gentleman will be recognized by unanimous consent.

Mr. WADSWORTH. For five minutes?

The CHAIRMAN. For five minutes.

Mr. CORLISS. Mr. Chairman, this amendment was offered by myself in perfect good faith. I am satisfied the members of this House are determined to have the privilege of sending to their constituents seeds that are purchased and have been purchased for a great many years for the purpose of pleasing certain members and certain numbers of people in each district throughout the country. It is wrong in principle and it ought not to be tolerated any longer. Now, if the Agricultural Department——

Mr. HEPBURN. Will the gentleman yield for an instant?

Mr. CORLISS. Unless I can have my time extended——

Mr. HEPBURN. I would like to ask the gentleman simply what he does with his own quota of seed?

Mr. CORLISS. I will be perfectly frank with the gentleman. I have given nearly all of them to my people in my district. Many do not desire them; others do. I send them where they are desired. I have traded them off in some instances for good maps and valuable documents, which my people are interested in and do want, and in that way I utilize the privilege which has been extended under the law. It is wrong and I desire to go upon record as opposed to it; but as you are disposed to give to a few of the farmers to whom you want to extend a little courtesy some seeds that perhaps are mere shells with nothing in them, I insist that the laboring men of my district shall be permitted to have dinner pails, because under the Administration of the Republican party during the last three years, thank God, the laboring people of my district have something to put in their dinner pails, which they did not have under the Democratic Administration.

Mr. GAINES. What did the Administration put in our Spanish war soldiers' pails? Rotten beef.

Mr. CORLISS. I want to say to you that the Agricultural Department would buy a pail that would be large enough to fill with the dinner that a good, honest laboring man of this country would desire, and that he could fill with the wages he now receives.

Mr. ATWATER. Will the gentleman yield for a question?

Mr. CORLISS. Yes.

Mr. ATWATER. Has the gentleman ever received any notice from any one of his constituents that they did not want the seeds that were sent to them?

Mr. CORLISS. I have been told by a great many people in my city that they did not want the seed and that they could not use them; and not only that, but there are 500 little corner groceries in my district that sell seed to the agricultural districts outside, who are thereby deprived of a little revenue that they would get by the sale of the seeds.

Mr. ATWATER. I should like to ask the gentleman if he has ever been notified by any farmers that they did not want the seeds that were sent them?

Mr. CORLISS. I have been notified by farmers that they tried these seeds that I sent them two years ago and a year ago, and that they did not grow, and they thought they were worthless; that they were seeds that had been taken from old stock and had been sold to the Department by men who desired to impose upon the public.

Mr. ATWATER. Will the gentleman yield for another question?

Mr. CORLISS. Farmers and gardeners have told me, and men

who have planted the seeds in their gardens have told me, that the seeds would not grow, and, in my opinion, Mr. Chairman, not to exceed 10 per cent of these seeds will grow.

Mr. ATWATER. Does the gentleman undertake to say to this House that the Secretary of Agriculture is buying seeds that are worthless?

Mr. CORLISS. I lay the blame right here in this House and in the Senate, where it belongs. I say that when you pass laws appropriating money contrary to the spirit of the original act creating that Department, you are violating your oaths of office. If the law has been amended, it is unjust and ought to be corrected; and I will offer an amendment further on to correct it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CORLISS].

The question being taken: on a division (demanded by Mr. CORLISS) there were—ayes 2, noes 65.

Accordingly, the amendment was rejected.

Mr. CORLISS. Mr. Chairman, I have another amendment here.

Mr. BAILEY of Kansas. Mr. Chairman, I move to strike out all after line 16 on page 26, all of page 27, and all on page 28. That strikes out all the appropriation for the common garden seeds and leaves in that part which appropriates $20,000 for rare and valuable seeds.

Now, Mr. Chairman, on that amendment I wish to make a few remarks. I represent, perhaps, the largest agricultural constituency of any man on this floor; and while I have no authority to speak for them, still I am willing to go back and meet them upon this question. The principle that appropriates money to send out garden seeds is wrong. I can just as conscientiously come before you and ask you to send out improved breeds of cattle, hogs, and horses to the people of the United States as to send out these garden seeds. I offer this amendment on principle, because we are following a custom here that is wrong. I want to say to members that if you think you are pandering to the farmers, on the theory that you can buy a farmer for 13 cents' worth of seed, you are putting a low estimate upon the farmers of this country.

Mr. BALL. Will the gentleman allow me to ask him a question?

Mr. BAILEY of Kansas. Certainly.

Mr. BALL. Has the gentleman anything against the farmers of Kansas?

Mr. BAILEY of Kansas. Have I got anything against them? No, sir; nothing. I am a farmer myself; a de facto farmer and not an agriculturist. I simply say that the principle is wrong; but I believe this House is going to pass this provision. You see the iniquity of the proceeding and the tendency that it has when it has already doubled the money expended. Why have you any right to send out garden seed?

We want seed corn and seed wheat, and yet you want to go on; and you are pandering to the farmer, to obtain his good will, thinking you can do so by sending him a small package of garden seed that can be bought in any city or town in this country for 13 cents a package. I say such a proposition is ridiculous. I will send them out if the appropriation is made, but I do not believe in the principle, which is simply to give a fellow 13 cents' worth of garden seeds. I do not believe that anybody can be elected to Congress by a package of garden seed.

Mr. STEELE. What are the rare seeds worth?

Mr. BAILEY of Kansas. Oh, the original proposition of this was all right. The principle of the Government was to buy rare seeds and let those to whom they were sent make experiments. The gentleman from Indiana who has just interrupted me spoke in regard to Alaska yesterday. He says that in Alaska they never have had any agriculture. That is the thing that the experimental station was instituted for; to make experiments in new country, where it has never been done, and it is the province of the Agricultural Department to make experiments in new and rare seeds and to get new markets; but beets and turnips and cabbages are not rare seed, and it is ridiculous to say that they should be distributed. I hope, gentlemen, the amendment I offered will be adopted. [Cries of "Vote!"]

Mr. CORLISS. My dinner pail is bearing fruit. I have got another man to stand with me, and I earnestly hope that this motion will prevail. It has been discussed, I know, in Congress a long time. [Cries of "Vote!"]

The CHAIRMAN. The Chair will announce that the amendment of the gentleman from Kansas can apply to only that portion of the bill which has already been read, but it will be accepted as a notice of a proposed amendment to that portion which has not been read. The question is on agreeing to the amendment offered by the gentleman from Kansas.

The question was taken; and the amendment was rejected.

Mr. LATIMER. Mr. Chairman, I desire to offer an amendment to the section just read. On page 27, after the word "Columbia," insert "and not less than $90,000 shall be allowed for Congressional distribution." I want to say to the House that this amendment has been agreed to by the chairman of the committee.

Mr. WADSWORTH. If the House is content to have the appropriation. I am willing that the amendment should be made.

Mr. LATIMER. The object is simply to give Members of Congress and Senators a larger share in this appropriation, that they may pay for the seed, and then they will be given to them to distribute instead of doing so in the other words used in the bill. We have already appropriated $175,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 27, line 2, after the word "Columbia," insert "and not less than $90,000 shall be allowed for Congressional distribution."

The amendment was agreed to.

The Clerk read as follows:

And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase and distribution of such valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seed so purchased shall include a variety of vegetable and flower seeds, suitable for planting and culture in the various sections of the United States. An equal proportion of two-thirds of all seeds, bulbs, trees, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks; and the person receiving such seeds shall be requested to inform the Department of the results of the experiments therewith: *Provided*, That all seeds, bulbs, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for on the 1st of May shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before, during the same season, been supplied by the Department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-second parallels of latitude shall be ready for delivery on the 10th day of January, or at the earliest practicable time thereafter: *Provided further*, That $30,000 of the sum thus appropriated, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, from foreign countries for experiments with reference to their introduction into this country; and the seeds, bulbs, trees, shrubs, vines, cuttings, and plants thus collected, purchased, tested, and propagated shall not be included in general distribution, but shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment stations.

Mr. LATIMER. Mr. Chairman, I desire to offer an amendment. Line 25, page 27, strike out the word "May" and insert "March."

The Clerk read as follows:

In line 25, page 27, strike out the word "May" and insert the word "March."

Mr. WADSWORTH. Mr. Chairman, I am perfectly willing to have the House decide that question for itself. It is a matter for its own convenience, and is not important.

Mr. LATIMER. I want to state the object of the amendment. Under this bill all seed not called for by May 1 revert back to the Secretary of Agriculture. This is too late to send seed to the South, so that if the 1st of March is substituted for May all seed not called for by members will be left with the Secretary two months earlier, and can be given to members by the Secretary in time to distribute. Those who desire their full quota have only to notify the Secretary of this fact, and they will be kept for them; but if you fail to notify him and they revert to the Secretary, they ought to by the 1st of March, so that he can allot them to members who desire to send them out. That is the object of this amendment.

Mr. LLOYD. Mr. Chairman, I would like to ask the gentleman if he has any information as to the percentage of allotments that do not go out among the people, that are not distributed by members?

Mr. LATIMER. I think most of the seed are given out, although late. But it will be a great advantage to members to have it early enough to send them out. The Assistant Secretary told me that no more seed could be allotted until after May 1. If then the members failed to claim their quota, we might get some more; but if they do not come in until the 1st of May, it is too late for the South.

Mr. LLOYD. I want to ask if there is not a suggestion made anywhere here with reference to what he shall do with the allotments that lapse?

Mr. LATIMER. Under the law the Secretary gives them to the members of Congress.

Mr. LLOYD. But he does not distribute them again?

Mr. LATIMER. He has the authority to distribute them himself.

Mr. LLOYD. But he only distributes them to persons who ask for them?

Mr. LATIMER. Yes.

Mr. LLOYD. It does not add anything to the allotment of members?

Mr. LATIMER. Only as the Secretary may give them out on request will it add to their allotment.

Mr. WADSWORTH. I want to say to the gentleman from South Carolina that if he will turn to the bill——

Mr. JAMES R. WILLIAMS. I would like to ask the gentleman from South Carolina what his proposition is?

Mr. LATIMER. It is to change the time that seeds shall lapse from May 1 until March 1.

Mr. JAMES R. WILLIAMS. I think that is a very unfair proposition to submit to the House.

Mr. LATIMER. I do not believe the gentleman would make that statement if he understood the proposition.

Mr. PACKER of Pennsylvania. It may be of some convenience to the gentleman from South Carolina, but it would be a very great inconvenience to gentlemen from the North.

Mr. WADSWORTH. Well, I will show that it is no great inconvenience to the gentleman from South Carolina.

Mr. PACKER of Pennsylvania. I want to say to the gentleman that the great bulk of our seeds are sent out after the 1st of March.

Mr. LATIMER. That will be no inconvenience to gentlemen from the North. Members can notify the Secretary of Agriculture that they shall want their full quota and they will be retained for them.

Mr. PACKER of Pennsylvania. I do not think the Representatives from the North should be required to notify the Secretary of Agriculture.

Mr. WADSWORTH. If the gentleman will permit me, he will notice on page 28, at the bottom, the following provision:

> That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-second parallels of latitude shall be ready for delivery on the 10th day of January, or at the earliest practicable time thereafter.

Now, that gives gentlemen from the South from the 10th of January until the 1st of May. We do not need our seed in the North until about the 1st of April.

Mr. MOODY of Massachusetts. We do not get thawed out until the 1st of May.

Mr. LATIMER. This was a suggestion made by the Assistant Secretary of Agriculture, and he said it was a suggestion that he thought would meet with the approval of the House. I am perfectly willing to leave it with the House.

Mr. SIMS. Mr. Chairman, I talked with the Secretary of Agriculture and the Assistant Secretary, and I hope members will give me their attention, not so much for the way in which I say it as for what I say. The way it is now, the quotas of Congressmen are not subject to the action of the Secretary of Agriculture until the 1st of May; therefore, all such quotas as fall to the Secretary after the 1st of May go entirely to the North. Why? The planting season for garden seeds has gone by in the South, and the operation of the law as it now stands is entirely sectional.

I went down there and wanted to get an additional quota of seeds, because I had such a demand for them from our people, and the Secretary says: "I shall have some quotas that have been allotted by the 1st of May, but until then I do not know how many or what I shall have." Well, after that time every quota that is forfeited, let it be a Southern, a Northern, an Eastern, or a Western, and they must go entirely to the North, where it is not too late for garden purposes. The suggestion of the Secretary to make it the 1st of March would enable him to redistribute the quotas all over the country, because it is early enough to plant in gardens over the entire country.

Mr. CLARK of Missouri. The best way would be to give us a quota and a half apiece to start with.

Mr. SIMS. We are doubling the quota now. Consequently, if there should be any number of quotas forfeited to the Agricultural Department because not called for, there would be an additional number go to the North, because it would be too late for planting in the Southern country and the South would have no use for them. So the Secretary of Agriculture has made this suggestion himself. It does not force members to send their seeds any earlier. All that is necessary is to notify him before the 1st of March that they will want their quota, and those who do not so notify him can be used just as is that portion that is given to the Secretary of Agriculture. That is the object of the amendment; not to draw the line or take any advantage, but to keep the law as it now is from operating so as to make it an advantage for one part of the country and a disadvantage for the other.

Mr. JAMES R. WILLIAMS. Why not have an amendment requiring those seeds for the South to be forfeited by the 1st of March, and when forfeited to go to the South, and leave the others just as they are?

Mr. WADSWORTH. I think one date can be made satisfactory to both sides.

Mr. KLUTTZ. Mr. Chairman, I hope the gentleman from South Carolina will consent to April 1 instead of March 1.

Mr. LATIMER. Mr. Chairman, I think it is the desire of the House to harmonize on this question, and so I agree to change it from the 1st of March to the 1st of April; and then I call for a vote.

The CHAIRMAN. If there is no objection, the amendment offered by the gentleman from South Carolina will be changed from March 1 to April 1. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, line 25, strike out "May" and insert "April."

The question was taken; and on a division (demanded by Mr. PACKER of Pennsylvania) there were—ayes 71, noes 38.

So the amendment was agreed to.

Mr. CORLISS. Mr. Chairman, I offer the following amendment.

The Clerk read the amendment, as follows:

Line 10, page 27, after the word "shall," insert "only such as are rare and uncommon seeds."

Mr. WADSWORTH. That amendment would destroy the whole effect of the bill.

Mr. WILLIAMS of Mississippi. I make the point of order that we can not hear anything that is being said.

Mr. McRAE. I make a point of order against the amendment.

Mr. WILLIAMS of Mississippi. Nobody has heard the amendment.

Mr. McRAE. I heard part of it; and I make the point of order that it changes existing law, and it therefore is not in order.

Mr. WILLIAMS of Mississippi. Let us hear the amendment read.

The amendment was again read.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CORLISS] desire to debate the point of order?

Mr. CORLISS. I will simply say that the law now provides—I refer to the statute—that these purchases of seeds shall be confined to rare and uncommon seeds; and I submit there is no law contradicting that, notwithstanding the statement of the gentleman from Massachusetts; at least I have not been able to find any.

Mr. MOODY of Massachusetts. Mr. Chairman, a word upon the question of order. Although my memory is that the law has been altered so as to permit the distribution of all kinds of seeds, yet there is nothing in parliamentary law which would prevent Congress from declining to appropriate for some of the seeds for which under the law it would be permitted to appropriate. That is to say, under the old law the only kind of seeds which could be provided for in an appropriation bill was rare and valuable seeds.

Now, the law has been so amended that all kinds of seeds can be appropriated for. Under the old law a point of order would lie against any appropriation for any kind of seed except rare and valuable seed; but now that the law is extended so as to cover all kinds of seeds, it is not out of order for the House of Representatives to decline to appropriate for some part of the seeds which it might appropriate for if it saw fit. There is no change of existing law; there is simply a refusal on the part of the House of Representatives—if they should adopt the amendment of the gentleman from Michigan—to appropriate for some purposes for which they were authorized by law to appropriate. I submit respectfully to the Chair that the amendment of the gentleman from Michigan is in order under the rules of this House.

Mr. McRAE. Mr. Chairman, the mere statement of the gentleman from Massachusetts [Mr. MOODY] shows that this amendment, if adopted, would be a change of law. Congress, after due consideration, so changed the law that the Secretary of Agriculture would not be required to spend the seed money for the class of seeds of which the amendment speaks, except in his own discretion, and now to instruct him by law to use all this money or any part of it for that kind of seeds—rare and uncommon—would be to change the law and take from him the discretion to use this money as he might see fit in the purchase of valuable seed adapted to the soil in the various States. There can be no question about the fact that the amendment would change the law.

Mr. WILLIAMS of Mississippi. One moment, Mr. Chairman, on the point of order. The point is that the amendment changes existing law. We need first to know what the existing law is and then what the amendment is. The existing law—and the provision of the bill is a repetition of the existing law—is that "the Secretary of Agriculture is hereby directed to expend the said sum as nearly as practicable in the purchase and distribution of such

valuable seeds, etc., the best he can obtain at public or private sale."

Now, if the gentleman's amendment is adopted, the law will provide that he is to expend this money for valuable seeds, the best he can obtain at public or private sale, but only such as are rare and uncommon. Now, when we undertake to confine the expenditure of this money to the purchase of seeds which are rare and uncommon, there is undoubtedly a change of existing law.

Mr. MOODY of Massachusetts. I desire to call the attention of the Chair to a single authority which I think is conclusive upon this question. It is a decision made on the 17th of January, 1896, by Mr. Dingley, of Maine, then acting as Chairman of the Committee of the Whole House on the state of the Union. It was a decision made after two weeks of debate. A point of order had been reserved, and the decision was withheld for two weeks; therefore the greatest consideration was given to the question of order.

Now, Mr. Chairman, I desire only to refer to a single sentence from the decision found on page 309 of Hinds's Digest. I quote from the decision:

The House in Committee of the Whole has the right to refuse to appropriate for any object which it may deem improper, although that object may be authorized by law.

And while, by existing law, the House may make appropriations for all kinds of seeds, it is not for that reason bound to appropriate for them, but it may decline to appropriate for seeds altogether or may decline to appropriate for such seeds as in its wisdom it sees fit to exclude. So long as the seeds conform to the description prescribed by law, an added qualification limits the seeds, but does not change the law.

It seems to me, Mr. Chairman, there can be no question, not on the merits of the amendment, for that is an entirely different question, but on the parliamentary status of the amendment, and I submit that the point of order is not well taken.

Mr. McRAE. If, Mr. Chairman, the amendment involved the question of the refusal to appropriate at all, unquestionably the point of order should not be sustained against it. But that is not the question involved. Of course the whole or any part of the appropriation could be stricken out. But the gentleman does not make that motion. He simply moves that this appropriation shall not be used in accordance with existing law and directs another way for it to be used. If that was not the purpose of it, the amendment would not be offered at all.

It is proposed here to require the Secretary of Agriculture to purchase an entirely different character of seeds from what the statute requires, destroying his discretion under the law and compelling him to buy rare and uncommon seeds. The law requires him to purchase valuable seeds adapted to the various sections of the United States.

It is manifestly a change of existing law, and I hope the Chair will so hold.

Mr. HOPKINS. Can we have the amendment read again for the information of the committee?

The CHAIRMAN. Without objection the amendment will be again read.

The amendment was again reported, as follows:

In line 10, page 27, after the word "shall," insert the words "be only such as are rare and uncommon seeds."

Mr. HEPBURN. Mr. Chairman, in 1897 there was a change in the law with reference to the purchase of seeds. The law provided for—

The purchase, propagation, and distribution of valuable seeds.

The other words that have been quoted here in this debate it will be seen are omitted.

Again, in 1898, the language is:

For the purchase, propagation, and distribution of valuable seeds, bulbs, etc.

It will be seen that the words "rare and uncommon seeds" are not used in that connection.

Mr. WADSWORTH. That was also the law in 1899.

Mr. HOPKINS. Mr. Chairman——

Several members addressed the Chair.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. HOPKINS. The gentleman from Massachusetts [Mr. MOODY] I think is in error in the position he takes. A slight analysis of his argument will show that his position is not well taken. This Congress may refuse to make the appropriation altogether. But if it attempts to make the appropriation, that appropriation must be made in accordance with the law; and the law has provided how this shall be done.

Mr. MOODY of Massachusetts. Will the gentleman, before he proceeds, permit me to call his attention to a paragraph from the ruling of Mr. Dingley, from which I have already quoted?

Mr. HOPKINS. Certainly.

Mr. MOODY of Massachusetts. Mr. Dingley, in that ruling, referred to a precedent which had been cited, which authorized the printing of greenbacks of certain denominations. And the proviso in the following words was held to be in order on an appropriation bill:

Provided, That the Secretary of the Treasury shall not use any money appropriated by this paragraph for the printing of greenbacks of a larger denomination than those that are canceled.

In connection with that proviso Mr. Dingley uses this language:

Now look for a moment at the principle of limitation or restriction as established by that proviso. In that case the law authorized the printing of greenbacks of any denomination in the discretion of the Secretary of the Treasury. The proviso limited the use of the money which was appropriated in that single year to the printing of denominations which should not be smaller than those that were canceled. Now, observe that the limitation was simply this: The appropriation could not be used for a purpose authorized by law. That is all the limitation there was to it.

And he goes on and approves this decision, which it seems to me is precisely the question presented here.

Mr. HOPKINS. Yes; but, Mr. Chairman, that is a limitation, and this is an absolute change of the law as it has been read by the gentleman from Iowa [Mr. HEPBURN]. It is entirely different from the law as proposed in the pending amendment. I agree with the gentleman that we can withhold an appropriation if we see fit, but if we attempt to make an appropriation we must make it in accordance with existing law.

The CHAIRMAN. The Chair is of the opinion that the point of order made by the gentleman from Arkansas [Mr. McRAE] is well taken, for the reason that existing law provides that a certain kind or class of seeds shall be purchased and distributed, while the amendment would entirely change the character of the seeds now permitted by law; therefore the point of order is sustained. The Clerk will read.

The Clerk read as follows:

Salaries and expenses, Bureau of Animal Industry: For carrying out the provisions of an act of May 29, 1884, establishing the Bureau of Animal Industry, and the act of August 30, 1890, providing for an inspection of meats and animals, and also the provisions of the act of March 3, 1891, providing for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate and foreign commerce, and for other purposes: *Provided*, That live horses and the products and carcasses thereof be entitled to the same inspection as other animals, carcasses, and products thereof herein named: *Provided further*, That the Secretary of Agriculture may in his discretion waive the requirements of a certificate with beef and other products, which are exported to countries that do not require such inspection, $1,000,000; and the Secretary of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, in such manner as he may think best, in the collection of information concerning live stock, dairy, and other animal products, and to prevent the spread of pleuro-pneumonia, blackleg, tuberculosis, sheep scab, glanders or farcy, hog cholera, and other diseases of animals, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia, tuberculosis, or other diseases of animals from one State to another, for improving and maintaining the Bureau Experiment Station, at Bethesda, Md.; for printing and publishing such reports relating to animal industry as he may direct; and the Secretary of Agriculture may use so much of this sum as he deems necessary for promoting the extension and development of foreign markets for dairy and other animal products of the United States, and for suitable transportation of the same; and such products may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such products toward the continuation and repetition of such experimental exports; and the Secretary is hereby authorized to rent a suitable building in the District of Columbia, at an annual rental not exceeding $1,800, to be used as a laboratory for said Bureau of Animal Industry, and the employees of the Bureau of Animal Industry outside of the city of Washington may hereafter, in the discretion of the Secretary of Agriculture, be granted leaves of absence not to exceed fifteen days in any one year.

Mr. MAHON. I desire to give notice that I shall raise a point of order against the next paragraph, because it is new legislation.

Mr. WADSWORTH. I did not hear the gentleman's point of order.

The CHAIRMAN. The gentleman from Pennsylvania gave notice that he intended to raise a point of order to the next section when read.

Mr. CORLISS. I desire to offer an amendment to the section just read.

The CHAIRMAN. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend line 24, page 30, by striking out the word "blackleg."

Mr. CORLISS. Mr. Chairman, the purpose of this amendment——

Mr. WILLIAMS of Mississippi. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WILLIAMS of Mississippi. The section has been passed by the committee.

Mr. CORLISS. I submit, Mr. Chairman, that it had not.

The CHAIRMAN. The point of order is not well taken. The gentleman from Michigan.

Mr. CORLISS. Mr. Chairman, my purpose in offering this amendment is to eliminate from the Agricultural Department the manufacture of what is known as blackleg vaccine. I have in my district the largest manufactory of drugs in the world. Two

years before the Agricultural Department commenced the development of the remedy known as blackleg vaccine the concern in my district which I have mentioned had manufactured it, demonstrated its value, and placed it upon the market, and for years they have been selling the blackleg vaccine against the free distribution thereof by the Agricultural Department.

Now, I submit that the true purpose of the Agricultural Department is to develop, experiment, and ascertain remedies for disease, that when they ascertain a result they should publish it to the world. They should give the citizens of our country the knowledge and information that they have obtained by their investigations. They should show how the application can be made, but they should not go into the business of supplying a well-known remedy like this. They might just as well undertake to usurp the right to manufacture all the remedies for the suppression of yellow fever, smallpox, and other well-known diseases which are prevalent among the human family as to undertake to manufacture in large quantities, as they do, this blackleg vaccine, and furnish free to the public a product that is perfectly well known in the market and that is sold universally throughout this country.

I say when the Agricultural Department has reached the stage that it has reached with reference to this article it should go out of the business and permit private enterprise to continue it, and proceed to the investigation of other questions which are not well determined. They have done this in many other instances. Why should they continue the manufacture of this article? We have in my city, as I say, a manufacturing institution that can supply the world. They commenced the manufacture of this remedy before the Agricultural Department ever thought of going into the subject, and they can furnish it to anyone who wishes it.

Mr. HEPBURN. At 15 cents a dose.

Mr. CORLISS. At 15 cents a dose; yes. Why should you in your district get blackleg vaccine for nothing and I in my district be compelled to pay the taxes for the benefit of a few citizens in your district?

Mr. HEPBURN. The Government furnishes it at the tenth part of a cent.

Mr. CORLISS. Why, there are men in my city who are engaged in this enterprise, and must depend upon this for a livelihood, and why should your farmer be supplied with the blackleg vaccine which they can manufacture? I hope and trust that this particular article will be eliminated from the bill, and that the Agricultural Department, in this instance at least, will be confined to experiments, to investigation and promulgation of knowledge, and not to competition with private enterprises in our country.

Mr. WADSWORTH. Mr. Chairman, it does not make any difference whether this language remains in the bill or not. It does not matter whether the word "blackleg" is stricken out. It was simply inserted there at the request of the cattle interests of the West; but even if stricken out, the Secretary of Agriculture would go on, under the general power given him by the bill, with the experiments with vaccine for the cure of blackleg.

Mr. McRAE. You do not want it stricken out?

Mr. WADSWORTH. Oh, no; I only say that even if the House should strike it out, it would make no difference; that the Secretary would go and make his experiments. He says in his last annual report:

LOSS FROM BLACKLEG.

According to the latest report, it is estimated that the annual loss of cattle from the disease known as blackleg, or symptomatic anthrax, in the districts principally affected has ranged from 5 to 35 per cent. The Bureau of Animal Industry has been for some time distributing a vaccine for the prevention of this disease, and this, it is estimated, has reduced the loss to 0.54 per cent among the animals treated. As it is known that a large percentage of this loss was due to careless operators, it is believed that with more care in the use of the vaccine future investigations will show a still further reduction. Vaccine is still being sent out, and during the fiscal year 545,289 doses were distributed. The indications are that the contagion gradually dies out where systematic inoculations are practiced, and it was with the hope of eradicating the disease from many sections that the preparation of vaccine was undertaken.

The law gives him power to prevent the spread of pleuropneumonia and other diseases; so I say that the Secretary is still within the power given him by Congress.

Mr. SLAYDEN. Mr. Chairman, I hope the motion of the gentleman from Michigan will not prevail. The Secretary is making an intelligent and effective effort to stamp out this disease, which is so fatal and so destructive to large property interests. I represent a district which is perhaps as largely devoted to the raising of cattle as any represented on this floor. The people who keep cattle in my district are unanimous in demanding that the Secretary shall be allowed to continue the distribution of blackleg vaccine. The cost to the Government is trifling. The Secretary assures me that this blackleg vaccine can be manufactured for about one-tenth of a cent a dose. The vaccine manufactured by private manufacturers is found to be an inferior article.

According to the testimony of not one but dozens and hundreds of cattlemen that has been coming to me for the last three months the vaccine distributed by the Government is almost uniformly effective, and that which is manufactured by private enterprises is almost uniformly ineffective. In my district in one of the counties largely given to the raising of cattle this blackleg has broken out to an alarming extent, and about two weeks ago the daily losses were said to be very heavy. At the request of the cattle growers of that county I induced the Secretary to send out a special supply of vaccine, and from the information that has come to me by mail and telegraph I am advised that the efforts that are being made there to stamp out the disease have met with the most satisfactory results. I hope, sir, that these cattlemen who get this little benefit from the Government will not have their right interfered with now.

Mr. KLEBERG. Will the gentleman allow me to ask him a question?

Mr. SLAYDEN. Yes, sir.

Mr. KLEBERG. Is it not a fact that all the stock associations in Texas and all over the West ask for this?

Mr. SLAYDEN. I was going to mention that fact. The cattle raisers' association which lately assembled at Fort Worth, which has quite a large membership from the cattle raisers of Texas, New Mexico, Colorado, Indian Territory, Oklahoma, and Arizona, passed a resolution unanimously requesting that the Secretary of Agriculture continue to exercise the right of distributing this vaccine.

Mr. STOKES. The gentleman stated a moment ago that the cost of producing this vaccine by the Department of Agriculture was about a tenth of a cent a dose.

Mr. SLAYDEN. Yes.

Mr. STOKES. Have you any information what it costs when it is purchased from private manufacturers?

Mr. SLAYDEN. From 20 to 25 cents a dose for an inferior quality. The Secretary assures me that it cost probably the tenth of a cent a dose to manufacture.

Mr. CORLISS. Will the gentleman permit me to ask him a question?

Mr. SLAYDEN. Certainly.

Mr. CORLISS. If you are willing that the Agricultural Department shall manufacture an article of supply because it costs more to produce it by private enterprise, why not have the Secretary go into the oil business, and go into competition with the Standard Oil Company? I think it would be just as wise.

Mr. SLAYDEN. I did not hear the gentleman's question.

Mr. CORLISS. Are you in favor of the Secretary of Agriculture going into refining oil?

Mr. SLAYDEN. Mr. Chairman, the Secretary of Agriculture, as I understand it, has the right to carry on this experiment of trying to find a remedy for diseases of cattle, although in my section of country, and with the cattle of my State, so far as the effect of this remedy is concerned, it is no longer an experiment. He is now entitled to the right to continue the experiment, just as he would have the right to continue experiments with strange forage plants, and to do anything else that is for the accommodation of agriculture.

Mr. CORLISS. I would like to ask the gentleman if there is nothing more than experiment about it? Is there anything further to develop? Do you contend that there is anything further in the shape of experiment necessary to produce blackleg vaccine?

Mr. SLAYDEN. I do not know that there is anything necessary, and I do not know that there is anything not necessary.

Mr. HENRY of Connecticut. Perhaps I can answer that question.

Mr. SLAYDEN. Just one moment. I want to say that I do not know that this vaccine may not be improved; but I do know this, that the Secretary of Agriculture has made improvements lately, and he tells me he believes that he has succeeded in securing a serum which will prevent hog cholera, the commercial advantage of which no gentleman in this House will undertake to estimate, and I do not want to see his intelligent and useful work interfered with.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HENRY of Connecticut. Mr. Chairman, answering the gentleman from Michigan, I am informed by the Chief of the Bureau of Animal Industry that this cultivation and production of vaccine virus for blackleg is still in its experimental state. They do not regard the present product as perfection; they are still experimenting, and they desire the privilege of continuing their experiments.

Mr. CORLISS. I do not object to that. What I object to is the manufacture and distribution of it over the country to the exclusion of an article well known on the market.

Mr. SHAFROTH. Mr. Chairman, I would like to know why the distribution of vaccine matter is not proper and just as a sanitary measure and why it is not a proper thing for the Government to see that diseased meat is not sold in the market. I can not see why it is not a just and proper regulation of the Government. The proper distribution of this vaccine matter unquestionably has a tendency to insure the purity of the meat. Now,

gentlemen may say that it is spoiling some business in the country. Well, it may to a limited extent.

Mr. CORLISS. Parties were manufacturing this long before the Agricultural Department commenced it.

Mr. SHAFROTH. That may be. We appoint inspectors. We have persons appointed to see that cattle that are diseased do not come into the country. We take a great many precautions against diseased meat, and it is a proper governmental regulation.

Mr. WADSWORTH. And under this very paragraph, too.

Mr. SHAFROTH. As the gentleman says, under this very paragraph. Unquestionably the tendency might be to produce an interference with the business of some manufacturer, but if we stop this disease it would make the meat better, and consequently it comes clearly within the sanitary power of the Government.

Mr. STEPHENS of Texas. Mr. Chairman, I come from a very large district of cattlemen who are deeply interested in this subject. I have numerous letters from them to the effect that the Government virus is far superior to that manufactured by the private industries referred to by the gentleman from Michigan. There is nothing that the Government can spend money for that would be of greater benefit to the people than to continue the experiments along the line that are now being conducted. The blackleg is a disease that attacks young animals, calves and yearlings, and, as has been stated, from 5 to 35 per cent of them are lost each year. Since the Agricultural Department has taken up this question they have greatly reduced the losses. I think it would be for the benefit of the entire country that this blackleg vaccine should be continued to be used and that the industry be not stifled at the present time.

Mr. FLYNN. Mr. Chairman, I desire to state with reference to this matter that I have had at least a thousand lettlers within the last ninety days concerning this very matter, and every one of the men having cattle state that they have tried the other matter furnished them by the private firms and the losses are in a great measure larger after the use of that purchased from these firms than after that which they get from the Government.

I do not believe there is a man in the West, where blackleg is prevalent, who would not sanction and urge the passage by this House of an appropriation by the Government to maintain the distribution of this vaccine matter. Of course it is hard upon some individual firms. Everything the Government does interferes, in a measure, with some kind of individual industry. But here is the distribution of a virus to prevent disease that all the people of the United States are interested in stamping out. The cattle business is asking and praying for the distribution of this virus and asking Congress that this matter may be left as it is.

Mr. BAILEY of Kansas. Mr. Chairman, I represent a great cattle State; and while I sympathize with the gentleman from Michigan, it is in line with my position on the garden-seed matter. The vaccine matter is still a matter of experiment. It is only within a year or so that it has begun to be used on the range, and the fact of the matter is that the vaccine matter sent out by the Department is not the same as that manufactured by the parties that the gentleman from Michigan speaks of. The original matter put out by these firms took two inoculations to be effective, and it only takes one of this used by the Agricultural Department. Now, when this is finally determined and is no longer an experiment, these gentlemen will get the benefit of it. The Government will introduce it so it will be popular, and then the manufacturing firms will reap the benefit.

Mr. CORLISS. Mr. Chairman, the gentleman is laboring under a misapprehension. This question I have had occasion to investigate, and I say that long before the Agricultural Department ever considered this question of manufacturing blackleg vaccine virus it was manufactured in this country by private enterprise, and I say to you that the product of private enterprise has proven to be as valuable as that manufactured by the Government.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. CORLISS. I can not now; I will in a moment. In answer to my protest it was not contended that the product manufactured by private enterprise was not just as valuable and just as effective as that produced by the Secretary of Agriculture. But he did contend that the disease existed, and he said that the owners of cattle would not buy the blackleg vaccine for the purpose of eradicating the disease. I submit that this statement was not made in the right spirit. It is not the purpose of our Government to compel men to use a particular remedy; and if so, this is not the way to do it. The proper course would be to prosecute men who allow their diseased cattle to go at large.

Mr. SLAYDEN. Does the gentleman say that the product of the laboratories of these manufacturing chemists who sell this vaccine is as good as that which is made and distributed by the Government?

Mr. CORLISS. Yes, sir; and the Secretary of Agriculture does not deny it.

Mr. SLAYDEN. Who is the best witness as to that—the man whose cattle get disease and die or the Secretary——

Mr. CORLISS. I can understand that if you have any cattlemen in your district——

Mr. SLAYDEN. We have a few.

Mr. CORLISS. Who want vaccine from the Government gratis, they will tell you that the product of any private enterprise is not as good.

Mr. SLAYDEN. Will the gentleman permit me to make a statement?

Mr. CORLISS. Certainly.

Mr. SLAYDEN. I have received hundreds of letters from gentlemen of honor, repute, and veracity who say that they have tried the product of these manufacturing chemists and that the results show it is nothing like so good as that supplied by the Government.

Mr. CORLISS. The point I make is that the Government of the United States should not go into the business of supplying gratis manufactured products which are well known and which are furnished by private enterprise. The time will come when gentlemen here who speak and vote for provisions of this kind will regret it. The great mass of the people are not getting this product gratis. By its free distribution the Government is benefiting a few; but the people will find out that a few men get all the fruits of this kind of legislation; and then they will wake up to the importance of private enterprise. I ask a vote on the amendment.

The question was taken on agreeing to the amendment; and it was rejected.

Mr. CORLISS. I have another amendment. I move to amend by striking out all after the word "same," in line 13, page 31, to and including the word "exports," in line 18, page 31. The language which I propose to strike out is as follows:

And such products may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such products toward the continuation and repetition of such experimental exports.

Mr. Chairman, as will be observed, this little paragraph authorizes the Secretary of Agriculture to go into the open market and buy any product of this country and sell it in foreign lands, and then to take the proceeds and go on thus buying and selling. In other words, he is to go into the jobbing business, buying and selling any product of the farm or any product of our manufactures. He is thus established in a good-sized jobbing house with a million dollars back of him. If you want to authorize such a thing as that, I am willing you should. I want to go on record against it. I have no more to say. I am ready for a vote.

Mr. WADSWORTH. One brief word of explanation. The Secretary of Agriculture has been making some experiments in regard to the manufacture of butter, cheese, and other articles for export. This is a difficult problem to deal with; and this provision authorizes him, in the prosecution of his experiments, to buy small quantities of these articles, and to dispose of them after he has no further use for them.

A MEMBER. This work that he is doing is purely experimental?

Mr. WADSWORTH. Absolutely.

Mr. CORLISS. Does the gentleman contend that the Secretary is limited in his purchases? By this paragraph you appropriate a million dollars; and under this provision he can buy, within the limits of the appropriation, any articles that he chooses.

Mr. WADSWORTH. That is a pretty broad construction.

Mr. CORLISS. The language "such products" is broad enough to include any products of the farm or the dairy; and these "may be bought in open market and disposed of at the discretion of the Secretary of Agriculture." There is no limit upon his discretion as to what he may purchase.

Mr. WADSWORTH. Let the gentleman read the whole provision together; not a part of it.

Mr. CORLISS. It authorizes the Secretary to go into a wholesale jobbing business.

Mr. WADSWORTH. I call the gentleman's attention to the clause immediately preceding where the products are specified. The language is:

And the Secretary of Agriculture may use so much of this sum as he deems necessary for promoting the extension and development of foreign markets for dairy and other animal products of the United States, and for suitable transportation of the same; and such products may be bought in open market and disposed of at the discretion of the Secretary of Agriculture.

Mr. CORLISS. Certainly, Mr. Chairman, there is no limit as to the discretion of the Secretary of Agriculture in this matter, or as to what he may purchase under this provision of the bill. He may buy $500,000 worth of the products of our farms, and take the money and buy the same quantity over again. [Cries of "Vote!" "Vote!"]

Mr. DOLLIVER. Mr. Chairman, I do not desire to delay a vote upon this proposition for a single instant. But I do wish to say to the members of the committee that no practical work of the Department of Agriculture since its organization has produced more useful and beneficial results than the experimental work prosecuted by the present Secretary in the direction contemplated

by this appropriation, and no money has been more wisely expended than that which has heretofore been expended by the Department for the extension of the foreign market of our dairy products.

The proposition in the pending bill is in line with the recommendation of the Secretary himself, after careful consideration and application of the working of the system, and is in line with the experiments now in progress, which have not only been successful in themselves but have been vastly useful and beneficial to the whole dairy interest of the United States.

I do not desire to enter into a discussion of the merits of the amendment. I am only stating facts of my own knowledge. This same provision has been in the Agricultural appropriation bill for two years—last year and the preceding year.

When the Secretary of Agriculture began work under that appropriation it was found that there was not a ship carrying goods to Europe from this side of the water which had facilities to transport butter or dairy products; not only so, but nobody here knew how to pack butter for the foreign trade, and no merchant in Europe had ever seen a first-rate specimen of the article; and these are only some of the many difficulties with which the Secretary had to contend. To-day, in every market in Europe where imported butter is sold, the dairies of the United States are represented by specimens of the best creamery products of our country; ships are being equipped with refrigerating apparatus, and I repeat that no more effective service has ever been rendered to American agriculture, and especially to the dairy business of the country, than has been rendered by this experimental exportation of its products. [Applause.]

I trust the gentleman from Michigan will withdraw the amendment.

Mr. CORLISS. Mr. Chairman, I desire the gentleman to understand that I have as high an appreciation of the value of the services rendered by the Secretary of Agriculture as any other man within the sound of my voice. I do not expect or anticipate in any way that he would take undue advantage of the law or abuse the right which is accorded to him under it, but I am opposing this proposition on general principles. I am talking of the law which you are placing on the statute books, that not only applies to the present Secretary of Agriculture but to all other Secretaries for all future time, unless the law is changed.

I believe that the present Secretary will judicially, properly, and fairly exercise this provision of the law, but do you know—have you assurances—that all Secretaries in the future will do the same thing? You are giving him the right to go into the jobbing business of buying and selling, and the next step will be to furnish him a ship to carry the products to purchasers abroad and enable him to go into that line of business on an entirely independent scale.

I submit that it is wrong in principle; it is bad practice in legislation; and I do not care whether this has been adopted in the last Congress or the Congress before. It is unwise, and we should stop it right now.

Mr. SHAFROTH. Mr. Chairman, in answer to the suggestion of the gentleman from Michigan [Mr. CORLISS] as to the Government going into the jobbing business, buying and selling the dairy commodities of the country abroad, it is only necessary to refer him to a fact which will completely meet his argument. The answer to his suggestion is plain and clear, that this bill gives to the Secretary of Agriculture no machinery with which to go into the jobbing business. He can not do that to any considerable extent without a clerical force, and no such force is authorized by the bill. That is a check upon the Secretary of Agriculture going into the business of jobbing. He is doing simply a limited work under a small appropriation, in an experimental business, which has resulted most beneficially in the past, and we have reason to believe that it will result beneficially in the future. It is at all events desirable to continue it for awhile and see whether it will not be of vast benefit to our people. That is all I desire to say.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Michigan.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Buildings for laboratories, Department of Agriculture: For all labor, materials, heating and power apparatus, plumbing, lighting, ventilating, and other necessary expenses in erecting and fitting up suitable fireproof laboratory buildings for the use of the United States Department of Agriculture, on reservation No. 2, in the city of Washington, D. C., all plans and specifications to be approved by and the work to be done under the supervision of the Secretary of Agriculture, $200,000, to be immediately available.

Mr. MAHON. Mr. Chairman, I raise the point of order that that is new legislation on an appropriation bill.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that this is new legislation.

Mr. WADSWORTH. Mr. Chairman, I admit that it is new legislation, and I suppose it will have to go out if the point of order is insisted on. I am exceedingly sorry, however, because it is simply a business proposition for the Government.

The Government is now paying $10,000 a year rent for buildings used as laboratories, and that is 5 per cent on $200,000. It has the land to put these buildings on, and it is a good business investment to put up the buildings called for. It is new legislation and I suppose the point of order, if insisted on, will have to be sustained.

Mr. HOPKINS. Unless the point of order was made on this bill when it was reported, it comes too late now.

The CHAIRMAN. Does the gentleman from Pennsylvania insist on his point of order?

Mr. MAHON. I do.

The CHAIRMAN. The point of order is well taken.

Mr. MOODY of Massachusetts. Mr. Chairman, when the point of order was under discussion on a previous paragraph, I stated that there had been a change of the general law relating to the distribution of seeds. Several gentlemen expressed a doubt upon that subject. I desire to send to the Clerk's desk, so that it may go in as a part of the debate upon the point of order, the change which was made in the law on a general appropriation bill which became a law without the approval of the President in April, 1896, in the first session of the Fifty-fourth Congress. Gentlemen will see that I was right in stating that there had been a change of the general law. I desire to say nothing further about it, except to have it go in with the debate on the point of order.

The CHAIRMAN. Does the gentleman desire to have it read?

Mr. MOODY of Massachusetts. Simply to have it read by the Clerk.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That section 527 of the Revised Statutes be amended so that it will read as follows:

"SEC. 527. That purchase and distribution of vegetable, field, and flower seeds, plants, shrubs, vines, bulbs, and cuttings shall be of the freshest and best obtainable varieties and adapted to general cultivation."

Mr. MOODY of Massachusetts. That was offered by the gentleman from Arkansas [Mr. MCRAE], constituting an amendment to the general law.

Mr. MCRAE. The gentleman does not offer this as anything against the decision rendered by the Chair.

Mr. MOODY of Massachusetts. Not at all.

Mr. MCRAE. It simply confirms the ruling of the Chair.

The CHAIRMAN. The Chair was aware of the statute at the time he made his ruling.

The Clerk resumed and completed the reading of the bill.

And then, on motion of Mr. WADSWORTH, the committee rose; and the Speaker having resumed the chair, Mr. O'GRADY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901, and had directed him to report the same back to the House with sundry amendments and with the recommendation that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, the amendments will be voted upon in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WADSWORTH, a motion to reconsider the last vote was laid on the table.

ILLINOIS AND MISSISSIPPI CANAL.

By unanimous consent, the Committee on Interstate and Foreign Commerce was discharged from the consideration of House joint resolution 225, providing for a preliminary survey and estimate for the construction of a lock in the dam across Rock River, at the head of the feeder for the Illinois and Mississippi Canal; and the same was referred to the Committee on Rivers and Harbors.

And then, on motion of Mr. WADSWORTH (at 4 o'clock and 17 minutes p. m), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a statement of the receipts, expenditures, and estimated surplus in the Treasury—to the Committee on Ways and Means, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the brig *Clio*, R. M. Ball, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the schooner *Polly*, Benjamin Shillaber, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from

the Chief of Engineers relating to certain disallowances of the mileage accounts of Maj. E. H. Ruffner—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a report of the Supervising Inspector-General of the Steamboat-Inspection Service on bill H. R. 9925—to the Committee on the Merchant Marine and Fisheries, and ordered to be printed (all except bill).

A letter from the Secretary of the Treasury, transmitting report of the Supervising Inspector-General of the Steamboat-Inspection Service on bill H. R. 10154—to the Committee on the Merchant Marine and Fisheries, and ordered to be printed (all except bill).

A letter from the Secretary of War, transmitting a letter from the Surgeon-General of the Army, with the draft of a bill for establishing the status of acting hospital stewards—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9825) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain, reported the same with amendment, accompanied by a report (No. 980); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SPALDING, from the Committee on War Claims, to which was referred the joint resolution of the Senate (S. R. 66) authorizing and directing the Secretary of the Treasury to pay certain claims of the State of Indiana, reported the same with amendment, accompanied by a report (No. 981); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 2938) to create a board of health and to regulate the practice of medicine and surgery in the Indian Territory, reported the same with amendment, accompanied by a report (No. 984); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10590) to set apart a preserve for the American bison, and for other purposes, reported the same in lieu of H. R. 6062, accompanied by a report (No. 985); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 8245) to temporarily provide revenue for the relief of the island of Porto Rico, and for other purposes, reported the same with Senate amendments, accompanied by a report (No. 986); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 5296) establishing terms of the United States circuit court at Newbern and Elizabeth City, N. C., reported the same with amendment, accompanied by a report (No. 987); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10210) granting a pension to Ellen Miles Brown, reported the same with amendment, accompanied by a report (No. 959); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8404) to increase pension of Timothy A. Lewis, reported the same with amendment, accompanied by a report (No. 960); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8157) granting an increase of pension to T. C. Mills, reported the same with amendment, accompanied by a report (No. 961); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5192) granting a pension to Mrs. Louise Adams, reported the same with amendment, accompanied by a report (No. 962); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1748) for the relief of Mrs. Ellen V. McCleery, reported the same with amendment, accompanied by a report (No. 963); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9915) granting a pension to Madison T. Trent, reported the same with amendment, accompanied by a report (No. 964); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1570) granting a pension to Susie Margarite Landrum, reported the same with amendment, accompanied by a report (No. 965); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3252) for the relief of Sarah Somerville Lion, reported the same with amendment, accompanied by a report (No. 966); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6564) granting a pension to Anna M. Starr, reported the same with amendment, accompanied by a report (No. 967); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4118) granting an increase of pension to Enos H. Kirk, reported the same with amendment, accompanied by a report (No. 968); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3495) granting a pension to Levi G. Wilgus, reported the same with amendment, accompanied by a report (No. 969); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6151) granting a pension to Zylpha J. Kelley, reported the same with amendment, accompanied by a report (No. 970); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3082) granting a pension to J. H. Sparks, reported the same with amendment, accompanied by a report (No. 971); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2652) granting an increase of pension to Louisa E. Baylor, reported the same without amendment, accompanied by a report (No. 972); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7588) granting a pension to Robert Patterson, reported the same with amendment, accompanied by a report (No. 973); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3983) for the relief of the Merchants and Miners' Transportation Company, of Baltimore, Md., reported the same without amendment, accompanied by a report (No. 974); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7887) for the relief of B. F. Moody & Co. or their legal representatives, reported the same without amendment, accompanied by a report (No. 975); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5428) for the relief of John M. B. Walker, administrator of the estate of James Walker, deceased, reported the same without amendment, accompanied by a report (No. 976); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6339) for the relief of Thomas Stack, reported the same without amendment, accompanied by a report (No. 977); which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9727) for the relief of St. John's Hospital, of Springfield, Ill., reported the same without amendment, accompanied by a report (No. 978); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1136) for the relief of parties for property taken from them by military forces of the United States, reported the same without amendment, accompanied by a report (No. 979); which said bill and report were referred to the Private Calendar.

Mr. ROBB, from the Committee on Claims, to which was referred the bill of the Senate (S. 2311) for the relief of Mrs. Ella M. Shell, reported the same without amendment, accompanied by a report (No. 982); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. ROBB, from the Committee on Claims, to which was referred the bill of the House (H. R. 7705) for the relief of Langhorne D. Lewis, reported the same adversely, accompanied by a report (No. 983); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 329) for the relief of John E. Welch, a citizen of the United States—Committee on Appropriations discharged, and referred to the Committee on Claims.

A bill (H. R. 7012) to increase the pension of Emma C. Stevenson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10564) granting an increase of pension to James R. Husted—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10584) to grant an honorable discharge to Jacob Hahn, of the Navy—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HAY: A bill (H. R. 10586) providing for the erection of a public building in the city of Charlottesville, Va.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 10587) to prevent the placing of signs "For sale" or "For rent" upon private property in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GRIFFITH: A bill (H. R. 10588) for the erection of a monument or memorial building at the scene of the Lochry massacre near the mouth of Laughery Creek, Indiana—to the Committee on the Library.

By Mr. SHERMAN: A bill (H. R. 10589) to amend section 12 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890—to the Committee on Ways and Means.

By Mr. LACEY, from the Committee on the Public Lands: A bill (H. R. 10590) to set apart a preserve for the American bison, and for other purposes—to the Union Calendar.

By Mr. CUMMINGS: A bill (H. R. 10591) to amend section 2 of the act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. ALLEN of Maine: A bill (H. R. 10592) to further protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CALDWELL (by request): A bill (H. R. 10593) granting pensions to teamsters of the war of the rebellion and Indian wars from 1861 to 1865, inclusive—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A joint resolution (H. J. Res. 231) for preliminary examination and survey of Manitowoc Harbor, Wisconsin, with a view of making a harbor of refuge—to the Committee on Rivers and Harbors.

By Mr. WILSON of New York: A resolution (H. Res. 222) authorizing the Sergeant-at-Arms to purchase an emergency case of medicine and suitable instruments for minor operations, for use in case of illness or accident to persons in attendance at the House—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CLARKE of New Hampshire: A bill (H. R. 10594) granting an increase of pension to John M. Bickford—to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 10595) for the relief of Francis J. Smith, late of Maury County, Tenn.—to the Committee on War Claims.

By Mr. CRUMPACKER: A bill (H. R. 10596) to correct the military record of John Fagin—to the Committee on Military Affairs.

Also, a bill (H. R. 10597) to correct the military record of Walter S. Mulford—to the Committee on Military Affairs.

Also, a bill (H. R. 10598) to remove the charge of desertion from the military record of John R. Edwards—to the Committee on Military Affairs.

Also, a bill (H. R. 10599) increasing the pension of George Lambert—to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 10600) to remove the charge of desertion standing against the military record of Frank Hamner—to the Committee on Military Affairs.

By Mr. GAMBLE: A bill (H. R. 10601) granting a pension to Eber Robbins—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 10602) granting an increase of pension to William H. Whipple, of North Dana, Mass., late private, Company B, Twenty-seventh Massachusetts Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10603) granting an increase of pension to Erastus E. Edmunds, late private, Company H, Fifty-first Massachusetts Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 10604) for the relief of James S. Fruit, collector of internal revenue at Pittsburg, Pa.—to the Committee on Claims.

By Mr. GRIFFITH: A bill (H. R. 10605) granting a pension to Henry H. Sarver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10606) granting a pension to George Kegrice—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 10607) granting increase of pension to Nathan Disbrow—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 10608) granting an increase of pension to John M. Seydel—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 10609) granting an increase of pension to John S. Randlett—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 10610) for the relief of the estate of Mrs. Sarah A. Gayle, deceased, late of Amite County, Miss.—to the Committee on War Claims.

By Mr. MADDOX: A bill (H. R. 10611) for relief of estate of Charles Coulter—to the Committee on War Claims.

By Mr. MIERS of Indiana: A bill (H. R. 10612) granting an increase of pension to Richard Hardin—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Nebraska: A bill (H. R. 10613) to correct the military record of H. Lofland—to the Committee on Military Affairs.

By Mr. SHERMAN: A bill (H. R. 10614) for the relief of Nettie B. Smith—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 10615) for the relief of Mrs. Matilda Jones, administratrix of Abraham Jones, deceased, late of Union County, Miss.—to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 10616) granting an increase of pension to Jonathan Mead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10617) granting an increase of pension to Kate E. Duffy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10618) granting an increase of pension to Martin O'Connor—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petition of Allen McVay Post, No. 154, of Lafarge, Wis., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Lena M. Clarson and others, of Fennimore and vicinity, Wisconsin, against the sale of intoxicants in the Army, etc.—to the Committee on Military Affairs.

By Mr. BARTHOLDT: Petition of the St. Louis Merchants' Exchange, favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. BRENNER: Petition of D. B. Huston and others, of Butler County, Ohio, in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. BURTON: Petition of Memorial Post, No. 141, Grand

Army of the Republic, Department of Ohio, indorsing the bill for service pensions—to the Committee on Invalid Pensions.

By Mr. BUTLER (by request): Petitions of the Woman's Christian Temperance Union and the Baptist, Methodist Episcopal, Presbyterian, and United Presbyterian churches of Oxford; Nottingham Monthly Meeting of Friends, Chester County, and the Prospect Christian Endeavor Society, of Moore, Delaware County, Pa., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. CRUMPACKER: Petition of Hobart Post, No. 411, Grand Army of the Republic, of Hobart, Ind., in relation to amending Senate bill No. 1477, in regard to pensions—to the Committee on Invalid Pensions.

By Mr. ELLIOTT: Petition of citizens of Georgetown, S. C., for public building—to the Committee on Public Buildings and Grounds.

By Mr. EMERSON: Papers to accompany House bill for the relief of Frank Hamner—to the Committee on Military Affairs.

Also, petitions of citizens of Plattsburg, Schuyler Falls, Burke, and Wright, N. Y., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. FINLEY (by request): Petition of N. C. Lane, for and on behalf of certain other contractors and business men in the District of Columbia, in the matter of advertising for proposals for public works—to the Committee on the District of Columbia.

By Mr. GAINES: Resolutions of Holston Division, No. 239, Brotherhood of Locomotive Engineers, in favor of House bill No. 8021, to restrict the sale of convict-made goods to the State or Territory in which they are manufactured—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of Thomas Vandervelde and other citizens of Big Stone City, S. Dak.; W. Roby and others, of Parker, S. Dak., in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. GRAHAM: Petition of the Chicago Federation of Labor and the Columbus (Ohio) Trades and Labor Assembly, against any legislation increasing the tax on oleomargarine—to the Committee on Ways and Means.

By Mr. GRIFFITH: Petition of Grange No. 1107, Patrons of Husbandry, of Hamilton Township, Jackson County, Ind., in support of House bill No. 3717, to control the sale of imitation dairy products; also in favor of Senate bill 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill to grant a pension to Henry H. Sarver—to the Committee on Invalid Pensions.

Also, statement of facts to accompany bill for the erection of monument to the memory of Colonel Lochry and other soldiers massacred by the Indians July 24, 1778—to the Committee on the Library.

Also, petitions of T. P. Jones and W. G. Larimore, of Union Station, Ohio, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petitions of union gospel temperance meetings held in the Baptist and Methodist churches in Seymour, Ind., to prohibit the sale of intoxicating liquors in Army canteens and at military posts—to the Committee on Military Affairs.

By Mr. HOPKINS: Petitions of citizens of Richmond, Elgin, and Richardson, Ill., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

Also, petitions of the Christian Endeavor Society, of Marengo, Ill., and citizens of Rockfalls, Ill., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. JACK: Petition of W. F. Barkley and others, of Ebenezer, Pa., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. KETCHAM: Resolution of D. S. Cowles Post, No. 540, W. H. Appleby, commander, James Brant, adjutant, Department of New York, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Lewis J. Henry and other citizens of La Grange, N. Y., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LANE: Petition of Silas Jackson Post, No. 255, of West Liberty, Department of Iowa, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LITTAUER: Petition of Canby Post, No. 17, of Gloversville, N. Y., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Petition of Christian Endeavor Society of Daretown, N. J., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Alcoholic Liquor Traffic.

By Mr. McALEER: Petition of the Trades and Labor Assembly of Columbus, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of the Quaker City Rubber Company, of Philadelphia, Pa., favoring provision for irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, petition of Local Union No. 8, of Philadelphia, Pa., United Brotherhood of Carpenters and Joiners, asking that some of the battle ships be built in the Government navy-yards—to the Committee on Naval Affairs.

Also, petition of the Central News Company and J. B. Lippincott Company, of Philadelphia, Pa., in opposition to the passage of House bill No. 10275, as being detrimental to the publishing interests of the country—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Philadelphia Hardware Association, favoring the passage of House bill No. 897, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of E. L. Rogers & Co. and others, of Philadelphia, Pa., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Samuel B. Woods, president of the Virginia State Horticultural Society, Charlottesville, Va., approving House bill No. 6246, known as the Brosius pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. McDOWELL: Petition of Frys Valley Grange, No. 1136, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Frys Valley Grange, No. 1136, in favor of House bill No. 3717, relating to dairy products—to the Committee on Agriculture.

Also, petition of labor associations of Newark, Ohio, favoring the passage of House bill No. 4911, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MIERS of Indiana: Petition of Noah Moser and other citizens of Loogootee, Ind., against the passage of House bill No. 8754, placing a tax on process butter—to the Committee on Ways and Means.

By Mr. NAPHEN: Resolutions of the Thirty-fourth Annual Encampment of the Department of Massachusetts, Grand Army of the Republic, to have February 12 made a national holiday in honor of the birthday of Abraham Lincoln—to the Committee on the Judiciary.

Also, petition of D. J. Driscoll and other druggists of Boston, Mass., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. NORTON of Ohio: Petition of John Fangboner and 26 others, of Fremont; John Wren and others, of Dennquat, and Jacob Wetz and others, of Wharton, Ohio, in favor of Senate bill 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. Faris Brown and 20 others, of Tiro, Ohio, favoring the passage of House bill No. 9151, to regulate the sale of liquor in the Philippine Islands—to the Committee on Insular Affairs.

Also, petition of Modern Woodmen's Society of Gallion, Ohio, and W. E. Shephard and others, of Huron, Ohio, in favor of an amendment to the Loud bill so as to admit fraternal papers at second-class rates—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Petition of churches of Wolcott, N. Y., to prevent the dealing in intoxicating drinks upon premises used for military purposes—to the Committee on Military Affairs.

By Mr. PEARRE: Petition of Margaret J. Beall, administratrix, with affidavits, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RAY of New York: Petitions of Tracy Post, of Apalachin; Banks Post, of Greene, and England Post, of Delhi, Grand Army of the Republic, Department of New York, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Grange No. 788, Patrons of Husbandry, New York, for State control of imitation dairy products as provided in House bill No. 3717—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Indiana: Petition of William C. Vollmer, L. C. Griffith, and R. K. Miller, of Fort Wayne, Ind., favoring the passage of the Grout bill, No. 1051, relating to grading of substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: Papers to accompany House bill for the relief of Nettie B. Smith—to the Committee on Invalid Pensions.

Also, petition of members of Curran Circle, No. 17, of Utica,

N. Y., urging the enactment of House bill 5457, known as the anti-canteen bill—to the Committee on Military Affairs.

Also, petitions of Ballard Post, No. 551, of Taberg; Leyden Station Post; Skillen Post, Rome; Star Post, Lee Center, Department of New York, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petitions of citizens of Millers Mills Grange, citizens of Oriskany, and citizens of Lee, N. Y., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, petitions of Clinton Grange and Millers Mills Grange, New York, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. SIBLEY: Petition of fourth-class postmasters of Crawford County, Pa., praying for the passage of the Cummings bill increasing the compensation of postmasters of the fourth-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. WM. ALDEN SMITH: Petitions of George Hall, George H. Chappell, Douglass D. Cook, and others, in the State of Michigan, for amendment to the homestead laws—to the Committee on the Public Lands.

By Mr. SPALDING: Resolutions of the Congregational Church of Oriska, N. Dak., for the passage of the anti-canteen bill—to the Committee on Military Affairs.

Also, petition of A. Fetter and others, of Ypsilanti, N. Dak., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fred Steingrueber and others, of Hebron, N. Dak., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. SPIGHT: Paper to accompany House bill for the relief of Abraham Jones—to the Committee on Claims.

By Mr. SULZER: Petition of J. L. Riker Post, No. 62, Grand Army of the Republic, of New York City, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. THOMAS of Iowa: Papers to accompany House bill No. 2617, for the relief of the legal representatives of Edwin De Leon, deceased—to the Committee on Claims.

Also, paper to accompany House bill No. 5872, for the relief of the Pittsburg, Shenango and Lake Erie Railroad Company—to the Committee on Claims.

Also, petitions of the Methodist Episcopal Church, Presbyterian Church, and Woman's Christian Temperance Union of Battle Creek, Iowa, to prohibit the sale of liquor on premises owned or used by the Government—to the Committee on Military Affairs.

By Mr. WEEKS (by request): Petition of the Woman's Christian Temperance Union of Memphis, Mich., to prevent the selling of intoxicating drinks upon premises used for military purposes, etc.—to the Committee on the Territories.

Also, petitions of Thomas Stephenson and citizens of Marlette, Carsonville, and Applegate, Mich., and of the National Hay Association, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES R. WILLIAMS: Petition of Parish Post, No. 265, Grand Army of the Republic, favoring an amendment to the pension laws—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *April 11, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

JORGE CRUZ.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 7th instant, a statement of the action of the Department in the case of Jorge Cruz, a resident of Porto Rico, alleged to have been brought to New York under contract to labor in the United States, etc.; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

AGES OF EMPLOYEES IN EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 16th ultimo, a statement showing the ages and number of clerks, messengers, etc., in the Department, and also the number of those who are incapacitated either physically or mentally for manual labor, etc.; which, with the accompanying paper, was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 2864) to create a commission to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of Street and Building Laborers' Union No. 7405, American Federation of Labor, of Rochester, N. Y., praying for the enactment of legislation to increase the pay of the male laborers in the Government Printing Office; which was referred to the Committee on Printing.

He also presented a petition of West Groton Grange, No. 818, Patrons of Husbandry, of West Groton, N. Y., and a petition of the Christian Endeavor Society of the Methodist Episcopal Church of Potsdam, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors on any premises or grounds used for military purposes by the United States; which were referred to the Committee on Military Affairs.

He also presented a petition of Canaan Grange, No. 821, Patrons of Husbandry, of New York, and a petition of Millers Mills Grange, No. 581, Patrons of Husbandry, of New York, praying for the enactment of legislation to secure to the people of the country the advantages of State control of imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of A. C. Wilson, of Fairfield; of Millers Mills Grange, No. 581, Patrons of Husbandry, and of Canaan Grange, No. 821, Patrons of Husbandry, all in the State of New York, praying for the enactment of legislation granting additional powers to the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. PENROSE presented a petition of the Hardware Association of Philadelphia, Pa., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of 51 citizens of Philadelphia, Pa., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Medical Society of Crawford County, Pa., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Grand Army Association of Allegheny County, Pa., praying for the enactment of legislation to establish the Fredericksburg and Adjacent Battlefields Memorial Park in the State of Virginia, and also that an appropriation be made for the construction of an Army and Navy General Hospital at Hot Springs, Ark.; which was referred to the Committee on Military Affairs.

He also presented a petition of Pomona Grange, No. 19, Patrons of Husbandry, of Wyoming County, Pa., praying for the enactment of legislation taxing oleomargarine 10 cents per pound when it is colored in imitation of butter; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Woman's Christian Temperance Union, the Baptist Young People's Union, the Epworth League, and the Presbyterian Young People's Society of Christian Endeavor, all of Tunkhannock, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in our new island possessions; which were ordered to lie on the table.

Mr. MCMILLAN presented petitions of the congregation of the Swedish Methodist Episcopal Church of Ishpeming, the Young People's Society of Ishpeming, and the congregation of the Baptist Church of Ishpeming, all in the State of Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors by the Government to members of the Army and Navy of the United States; which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Memphis, Mich.; of the congregation of the Free Will Baptist Church of Hillsdale, Mich., and of sundry citizens of Minneapolis, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors upon any premises used for military purposes; which were referred to the Committee on Military Affairs.

He also presented a petition of the East Washington Citizens' Association of the District of Columbia, praying that a board of trustees, having full control of the public schools in the city of Washington, be appointed by the Commissioners of the District of Columbia, to consist of at least 11 members, who shall be citizens of the United States, residents of the District of Columbia for five years immediately preceding their appointment, and representatives of the school division in which they reside; that they shall not hold any other office under the United States or in the District of Columbia and shall not receive a salary of more than $300 per annum; which was ordered to lie on the table.

Mr. GEAR presented a petition of 45 citizens of Iowa, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. MASON presented the petition of J. J. Clem and sundry other citizens of the United States, praying for the enactment of legislation granting a pension to soldiers and sailors of the war of 1861 to 1865 who are incapacitated for the performance of manual labor; which was referred to the Committee on Pensions.

He also presented the petition of Walter H. Gale and sundry other druggists of Chicago, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Methodist Episcopal Church of St. Joseph, Ill., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was ordered to lie on the table.

Mr. HALE presented a petition of Cherryfield Grange, No. 436, Patrons of Husbandry, of Cherryfield, Me., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry druggists of Calais, Me., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented petitions of Company M, First Regiment of Infantry, National State Guard; of Company C, Second Regiment of Infantry, National State Guard, and of the Officers' Association, First Regiment National State Guard, all in the State of Maine, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

Mr. WARREN presented a petition of sundry railway conductors of Wyoming, praying for the passage of the so-called initiative and referendum bill; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Trades and Labor Assembly of Columbus, Ohio, remonstrating against the imposition of the proposed tax on butter, oleomargarine, and all other kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. HOAR presented a petition of sundry citizens of Massachusetts, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Philippines; which was referred to the Committee on the Philippines.

Mr. QUARLES presented the petition of Lee C. Munns and 29 other citizens of Grant County, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors on premises owned by the United States Government; which was referred to the Committee on Military Affairs.

Mr. CULLOM presented the petition of E. Schroeder and 14 other citizens of Quincy, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Christian Endeavor Society of the First Baptist Church of Urbana, Ill., and a petition of the Christian Endeavor Society of Geneva, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

He also presented petitions of Montmorency Union, of Montmorency; of the Young People's Christian Endeavor Society of Marengo, and of sundry citizens of Chicago, all in the State of Illinois, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

He also presented a petition of the Tri-City Musical Society, of Davenport, Ill., praying for the enactment of legislation relative to the employment of enlisted men in competition with local civilians; which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Albany, Ill., remonstrating against the enactment of legislation to protect the fresh-water mussels in the rivers of the United States; which was ordered to lie on the table.

He also presented a memorial of Local Union No. 247, Cigar Makers' International Union, of Blue Island, Ill., remonstrating against the enactment of legislation giving land speculators an opportunity to appropriate the public lands, and praying that an appropriation be made for the construction of reservoirs and irrigating canals for the irrigation of arid lands; which was referred to the Committee on Public Lands.

He also presented a petition of Charter Oak Grange, Patrons of Husbandry, of Pottstown, Ill., praying for the enactment of legislation to secure to the people of the country the advantages of State control of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of I. T. Essary and 12 other citizens of Illinois, praying for the enactment of legislation granting pensions to soldiers and sailors of the war of the rebellion who are incapacitated for the performance of manual labor; which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 703, United Mine Workers, of Ridge Prairie, Ill., praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of laborers and mechanics employed upon the public works of the United States; which was referred to the Committee on Education and Labor.

He also presented petitions of Charter Oak Grange, Patrons of Husbandry, of Pottstown; of the National Hay Association of Chicago, and of the National Hay Association of Neoga, all in the State of Illinois; of the National Wholesale Lumber Dealers' Association of Baltimore, Md.; of the Chamber of Commerce of Baltimore, Md., and of the National Hay Association of Oceola, Ohio, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of Creamer Lodge, No. 236, Independent Association of Machinists, of Aurora, Ill., and of Local Union No. 800, United Mine Workers, of Streator, Ill., praying for the enactment of legislation requiring the labeling of oleomargarine and all kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Trades and Labor Assembly of Kewanee, Ill., praying for the enactment of legislation to increase the pay of the male laborers in the Government Printing Office; which was referred to the Committee on Printing.

Mr. FRYE presented the petition of William F. Wiener and 165 other citizens of Nunda, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

OFFICERS IN THE LINE FORCE.

Mr. HALE. I present a communication from the Secretary of the Navy, relative to the appointment to the Naval Academy of officers in the line force in that branch of the Government. I move that the communication be printed as a document and referred to the Committee on Naval Affairs.

The motion was agreed to.

THE SLADE-BENDER AWARD.

Mr. MORGAN. I present a memorial of the Cherokee Nation, praying for the payment of the sums found due by the award of the Secretary of the Interior as authorized by the act of Congress of March 3, 1893, known as the Slade-Bender award. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3922) granting an increase of pension to Mary Corinne Blandin; and

A bill (H. R. 3454) granting a pension to Joseph E. Baldwin.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 3683) to increase the pensions of widows of the Mexican war soldiers and sailors to $16 per month, to submit an adverse report thereon. I desire to call the attention of the Senator from Mississippi [Mr. SULLIVAN] to this bill, with the suggestion that if the Senator desires it may go to the Calendar.

Mr. SULLIVAN. Let the bill be placed on the Calendar.

Mr. GALLINGER. At the request of the Senator, I ask that the bill be placed on the Calendar.

The PRESIDENT pro tempore. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 2501) granting increase of pension to soldiers of the Mexican war, to submit an adverse report thereon. As the Senator from South Carolina [Mr. TILLMAN] who introduced the bill is not in the Chamber, I ask that this bill likewise go to the Calendar.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4604) to amend the charter of the East Washington Heights Traction Railroad Company, reported it with amendments, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3268) granting an increase of pension to Elisha F. Barton;

A bill (S. 3634) granting a pension to Mary P. Hunter; and

A bill (S. 3900) granting a pension to Sarah Clark.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 3708) granting a pension to John H. Harrison, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3899) granting a pension to James Cook, reported it without amendment, and submitted a report thereon.

Mr. DEPEW, from the Committee on Claims, to whom was referred the bill (S. 758) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 4696) granting an increase of pension to Ruthven W. Houghton, reported it without amendment, and submitted a report thereon.

DAVID LANAUX AND OTHERS.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 890) for the relief of David Lanaux;

A bill (S. 1095) for the relief of the estate of S. N. Clark, deceased, late of Hinds County, Miss.;

A bill (S. 2070) for the relief of Richard H. Marshall, only heir and legatee of Louisa Summers, deceased;

A bill (S. 2449) for the relief of the estates of John Flower and Thomas B. Flower, deceased;

A bill (S. 2568) for the relief of Ellen Mary Anderson;

A bill (S. 2831) for the relief of the estate of Joseph Alstott, deceased;

A bill (S. 3095) for the relief of Margaret J. Parks;

A bill (S. 3318) for the relief of the estate of John W. Cunyus, deceased; and

A bill (S. 3588) for the relief of the estate of David S. Greer, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims represented by the following bills, to wit, S. 890, 1095, 2070, 2449, 2568, 2821, 3095, 3318, and 3588, for the relief of David Lanaux; for the relief of the estate of S. N. Clark, of Hinds County, Miss.; for the relief of Richard H. Marshall, only heir and legatee of Louisa Summers; for the relief of the estates of John and Thomas B. Flower; for the relief of Ellen Mary Anderson; for the relief of the estate of Joseph Alstott; for the relief of Margaret J. Parks; for the relief of the estate of John W. Cunyus; and for the relief of the estate of David S. Greer, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

GEORGE W. CHEDIC.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2277) for the relief of George W. Chedic, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 2277) entitled "A bill for the relief of George W. Chedic," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

EXPERIMENTAL FARM AT ARLINGTON, VA.

Mr. MONEY. I am directed by the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 1092) to set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office, to report it favorably without amendment, and I submit a report thereon. I ask for the immediate consideration of the bill, as there will be no objection to it, I think.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT OF DIRECTOR OF THE MINT.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment, and it was considered by unanimous consent and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be 6,000 additional copies of the report of the Director of the Mint on the production of the precious metals for the calendar year 1898, bound in cloth and wrapped, 2,000 copies for the use of the House of Representatives, 1,000 for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

Resolved, That there also be printed 7,500 additional copies of the report of the Director of the Mint covering the operations of the mints and assay offices of the United States for the fiscal year ended June 30, 1899, to be bound in cloth and wrapped, 3,000 copies for the use of the House of Representatives, 1,500 for the use of the Senate, and 3,000 for the use of the Director of the Mint.

NATIONAL BANKING LAWS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed, in black cloth binding and wrapped for mailing, 5,000 copies of the national banking laws, for the use of the office of the Comptroller of the Currency.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 4120) granting an increase of pension to Nathan Derr; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4121) granting a pension to Susannah Ryan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4122) to correct the military record of John C. Webb; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4123) to correct the military record of Harrison Brecht; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FORAKER introduced a bill (S. 4124) for the relief of acting assistant surgeons, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4125) granting a pension to Harriet E. Green; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 4126) for the relief of Mrs. Annie Jane Oglesbee; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4127) granting an increase of pension to Simeon Pierce; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KENNEY introduced a bill (S. 4128) granting a pension to Hester A. Phillips; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURLEY introduced a bill (S. 4129) to detach the county of Dyer from the eastern division of the western district of Tennessee and to attach the same to the western division of the western district of said State of Tennessee; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 4130) for the relief of the estate of Thomas Williams, deceased;

A bill (S. 4131) for the relief of A. L. Dunlap;

A bill (S. 4132) for the relief of Mary Jane Hubbard;

A bill (S. 4133) for the relief of the estate of H. C. Singleton, deceased;

A bill (S. 4134) for the relief of William M. Beasley;

A bill (S. 4135) for the relief of the estate of Dr. Jesse Brown, deceased;

A bill (S. 4136) for the relief of Carrick Park, D. A. Deaderick, Virginia D. Allen, William McCall, T. D. Tipton, R. S. Cannon, and W. H. Sneed;

A bill (S. 4137) to carry into effect a finding of the Court of

Claims in favor of Emma R. Bailey, executrix of the estate of J. J. Bailey, deceased;

A bill (S. 4138) to carry into effect a finding of the Court of Claims in favor of Charles O. Spencer;

A bill (S. 4139) for the relief of James D. Lane; and

A bill (S. 4140) for the relief of the estate of William H. Neel, deceased.

Mr. GEAR introduced a bill (S. 4141) granting an increase of pension to Sarah A. Whitcomb; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCMILLAN introduced a bill (S. 4142) for the purchase of a replica of the bronze equestrian statue of Gen. George Washington by Daniel Chester French and Edward C. Potter; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 4143) for the relief of Dewillius B. Cook; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SCOTT introduced a bill (S. 4144) to provide for the purchase of a site and the erection of a public building thereon at Huntington, in the State of West Virginia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4145) granting an increase of pension to Thomas Reed;

A bill (S. 4146) granting a pension to James Whitney;

A bill (S. 4147) granting a pension to Samuel N. Hoyt; and

A bill (S. 4148) granting an increase of pension to Mell Moore (with accompanying papers).

Mr. ELKINS introduced a bill (S. 4149) for the relief of Gideon C. Corley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4150) to promote the circulation of reading matter among the blind; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. DAVIS (by request) introduced a joint resolution (S. R. 111) concerning certain Chippewa Indian reservations in Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GEAR submitted an amendment relative to the unpaid interest on judgments and allowed claims for transportation services rendered for the United States by the Central Pacific Railroad Company and the Southern Pacific Company, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WARREN submitted an amendment relative to the filling of vacancies in the staff of the Regular Army, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. COCKRELL submitted an amendment proposing to appropriate $2,000 for improving Quincy street, Petworth, from Brightwood avenue to Eighth street, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment extending the provisions of section 7, act of March 2, 1867, 14 United States Statutes, page 487, to volunteers discharged at any place beyond the borders of California and Nevada, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HAWLEY submitted an amendment proposing to appropriate $2,500 for the reburial of certain Confederate soldiers in the National Cemetery at Arlington, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CARTER submitted an amendment proposing to appropriate $20,000 to enable the Secretary of the Treasury to establish a refinery for gold and silver in accordance with the provisions of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $4,201 for reimbursement of the traveling expenses, etc., of 218 contract nurses, whose names were forwarded by the Quartermaster-General to the Auditor for the War Department, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

PAYMENT OF CERTAIN CLAIMS.

Mr. WARREN submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was referred to the Committee on Claims, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

Mr. MCBRIDE submitted an amendment intended to be proposed by him to the bill (S. 1005) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; which was referred to the Committee on Indian Depredations, and ordered to be printed.

EFFICIENCY OF THE MILITARY ESTABLISHMENT.

Mr. KENNEY submitted an amendment intended to be proposed by him to the bill (S. 3240) to increase the efficiency of the military establishment of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed.

REPORT OF BOARD ON GEOGRAPHIC NAMES.

Mr. BURROWS submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed, and bound in cloth, 3,000 copies of the Second Report of the United States Board on Geographic Names, transmitted to Congress by the President February 26, 1900, 1,000 copies of which shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 5,000 copies for distribution by said board among the Government Departments, public libraries, and other suitable depositories.

JAMES B. LLOYD.

Mr. BUTLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That James B. Lloyd, a citizen of the State of North Carolina, be, and he is hereby, appointed to the office of Second Acting Assistant Doorkeeper of the Senate, at a compensation of $1,800 per annum, to be paid out of the contingent fund of the Senate.

EXECUTION OF CRIMINALS IN PORTO RICO.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be, and is hereby, requested, if not incompatible with public interest, to inform the Senate whether persons have been executed in Porto Rico by the Spanish method of garrote since he has been governing that country as Commander in Chief of the Army and Navy of the United States; and if so, the President is requested to inform the Senate why this mode of execution was adopted.

READJUSTED SALARIES OF POSTMASTERS IN MASSACHUSETTS.

Mr. HOAR submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Postmaster-General be, and he hereby is, directed to report upon a schedule to the Senate the readjusted salaries of all postmasters who served in the State of Massachusetts between July 1, 1864, and July 1, 1874, whose names as claimants appear in the Court of Claims in the case entitled Abel R. Proctor and others *vs.* The United States, No. 18238, each such stated account to conform in all respects to the order of the Postmaster-General published by circular under date of June 9, 1883, and to the requirement of the act of March 3, 1883, as said requirement was published by the Postmaster-General in the newspapers of the country under date of February 17, 1884, and with such report transmit to the Senate a full copy of the text of the construction by the Postmaster-General of the act of March 3, 1883, embodied in the said circular and publication in the newspapers and in circular form No. 1223, the text of each of which, under date of November 8, 1897, was transmitted by the Postmaster-General to the Attorney-General for use in the case of Jane Yarrington and others *vs.* The United States, No. 16345.

INDIAN APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. THURSTON. I move that the Senate insist upon its amendments disagreed to by the House of Representatives and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. THURSTON, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas were appointed.

SIOUX CITY AND PACIFIC RAILROAD COMPANY.

The bill (H. R. 2864) to create a commission to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States was read twice by its title.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Pacific Railroads, in the absence of objection.

Mr. ALLISON. A similar bill has been reported from the Committee on Pacific Railroads of the Senate; and I ask that the bill which has come from the House of Representatives may be printed and for the present lie upon the table.

Mr. MORGAN. For the present?

Mr. ALLISON. Yes. The House bill which has come to us and the Senate bill which has been reported are very nearly the same. I think it is, therefore, not necessary to refer the House bill. My colleague [Mr. GEAR], who is in charge of the bill, is not now in the Chamber, and I ask that it lie upon the table until he comes in, so that he can propose such disposition of it as he thinks proper.

The PRESIDENT pro tempore. The bill will be laid upon the table.

DEMANDS UPON CHINA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the President be, and is hereby, requested to inform the Senate, if not incompatible with the public interest, whether the United States has through its representatives joined with any other nation in making demands upon China; and if so, what is the nature of the demands.

The President is also requested to inform the Senate whether any threat accompany the demands as a penalty for noncompliance.

Mr. DAVIS. I move that the resolution be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. PETTIGREW subsequently said: I should like to know what became of the resolution that came over from yesterday.

The PRESIDENT pro tempore. It was referred to the Committee on Foreign Relations.

Mr. PETTIGREW. I was not aware that that disposition was made of it. My attention was called to something else at the moment.

The PRESIDENT pro tempore. The motion was made by the Senator from Minnesota [Mr. DAVIS], and declared carried.

FISH STATION IN WEST VIRGINIA.

Mr. ELKINS. I ask unanimous consent to call up the bill (S. 2438) to establish a fish-hatching and fish station in the State of West Virginia. It is a very short bill, reported favorably, and with a written report from the Committee on Fisheries.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of West Virginia, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the United States Commissioner of Fish and Fisheries.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution reported by Mr. TURLEY from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. BURROWS. Mr. President——

Mr. ALLISON. I ask the Senator from Michigan to yield to me that I may at this time call up for consideration the District of Columbia appropriation bill. It will greatly, I think, suit the convenience of the Senate, and certainly my convenience, if I can have that bill disposed of to-day, and I trust, now that a day has been fixed for a vote upon the Quay case, the Senator will allow me to call up the appropriation bill and for the moment waive his opportunity to speak to-day.

Mr. BURROWS. I suppose, under the spirit of the order which was made in this case, if not by its express terms, the matter now before the Senate would have to give way to an appropriation bill. I should like very much to proceed this morning, but the Senator from Iowa suggests that it is important not only for the general business, but as a matter in which he is interested personally that the appropriation bill shall be taken up to-day; and if it can be concluded to-day, I shall be willing to accede to the request of the Senator. But I desire to proceed in the morning with what I have to say on this case.

Mr. ALLISON. I hope the appropriation bill will be concluded to-day, but the Senator will see how impossible it is for me to make an arrangement that it shall be completed to-day. However, I will say that if it is not completed to-day I would like very much if the Senator would yield long enough to-morrow to complete it. I think it will not take long to-morrow if it is not completed to-day.

Mr. BURROWS. We can undoubtedly come to some understanding about that.

Mr. ALLISON. I hope so.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the bill known as the District of Columbia appropriation bill shall be taken up. Is there objection?

Mr. PENROSE. Mr. President, I desire simply to make a brief statement. While it is not stated in the unanimous-consent agreement, which provides that the Quay resolution shall be voted upon on the 24th of April, whether it shall yield to appropriation bills, it was distinctly understood, I believe, upon the suggestion of the Senator from Arkansas [Mr. JONES], that even appropriation bills, under the understanding reached yesterday, should yield to this resolution.

I, of course, now that a date has been fixed for the final disposition of the Pennsylvania case, do not desire to further insist upon Senators speaking upon this question, but understanding that the Senator from Michigan has extensive remarks to make upon the subject, and that some ten or twelve other Senators have notified him that they desire to be heard, I do not think that the friends of the resolution should be asked to yield even to appropriation bills or to any other legislation.

The mere fact that a day has been fixed upon which the question shall be finally disposed of renders it all the more important that it shall be fully and thoroughly debated, so that Senators may be enlightened upon this most important question and be enabled to cast their votes at the proper time considerately and intelligently.

Therefore, Mr. President, while I do not object at this time, I deem it my duty to call the attention of the Senate to these circumstances surrounding the case.

Furthermore, I desire to give notice now that if these delays shall be made upon the 24th of April a basis to further postpone this case upon the ground that opportunity has not been given to sufficiently debate it, I shall call the attention of the Senate to the fact that these delays have been made fully with the consent of those gentlemen supporting the majority report of the committee, who will be the larger portion of the Senators who desire to be heard upon the case.

Mr. ALLISON. I understand that the arrangement on yesterday for a vote did not interfere with the unanimous agreement made some days ago. I think I can assure the Senator from Pennsylvania that there are not many appropriation bills that are likely to intervene during the twelve days.

The PRESIDENT pro tempore. There being no objection, the Chair lays before the Senate the appropriation bill.

SOUTH AFRICAN REPUBLIC.

Mr. PETTIGREW. Mr. President, I desire to give notice at this time that I shall address the Senate on Friday, immediately after the routine morning business, in support of the resolution offered by me extending sympathy to the people of the South African Republic in their struggle.

Mr. HALE. On Friday of this week?

Mr. PETTIGREW. On next Friday, day after to-morrow.

NAVAL OBSERVATORY.

Mr. CHANDLER. Mr. President, I also give notice that at the earliest opportunity I shall submit my remarks concerning the Naval Observatory. I do not like to name a particular time when I shall insist upon going on, but I will say, as I said before, that whenever there is nothing else before the Senate, or Senators are dilatory in proceeding with other business, I shall endeavor to slip in my remarks.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill may be dispensed with, and that the bill be read for amendment, and that the amendments of the committee be acted upon as they are reached in the reading.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "General expenses," on page 2, line 20, before

the word "dollars," to strike out "seven hundred and eighty" and insert "nine hundred:" in line 21, after the word "dollars," to strike out "fireman, $480" and insert "two firemen, at $480 each;" and on page 3, line 12, before the word "dollars," to strike out "fifty-nine thousand six hundred and ninety-three" and insert "sixty thousand two hundred and ninety-three;" so as to make the clause read:

For executive office: For 2 Commissioners, at $5,000 each; Engineer Commissioner, $1,768 (to make salary $5,000); secretary, $2,160); 2 assistant secretaries to Commissioners, at $1,000 each; clerk, $1,500; clerk, $1,400; 3 clerks, one of whom shall be a stenographer and typewriter, at $1,200 each; messenger clerk, $900; messenger, $900; stenographer and typewriter, $720; 2 drivers, at $480 each; laborer, $365; veterinary surgeon for all horses in the departments of the District government, $1,200; inspector of buildings, $2,400; principal assistant inspector of buildings, $1,600; 2 assistant inspectors of buildings, at $1,200 each; 4 assistant inspectors of buildings, at $1,000 each; clerk, $900; messenger, $480; janitor, $900; steam engineer, $900; 2 firemen, at $480 each; 2 elevator operators, at $360 each; messenger, $480; 3 watchmen, at $480 each; 2 laborers, at $360 each; property clerk, $1,000; deputy property clerk, $1,200; clerk, $720; messenger, $600; inspector of plumbing, $2,000; 5 assistant inspectors of plumbing, 1 at $1,200 and 4 at $1,000 each; 5 members of the plumbing board, at $300 each; harbor master, $1,200; boiler for harbor boat, $1,500; in all, $60,293.

The amendment was agreed to.

The next amendment was, on page 4, line 5, after the word "dollars," to insert "assistant cashier, $1,400;" and in line 11, before the word "dollars," to strike out "sixteen thousand" and insert "seventeen thousand four hundred;" so as to make the clause read:

For collector's office: For collector, $4,000; deputy collector, $1,800; cashier, $1,800; assistant cashier, $1,400; bookkeeper, $1,600; 3 clerks, at $1,400 each; 2 clerks, at $1,300 each; clerk and messenger, $1,000; messenger, $900; in all, $17,400.

The amendment was agreed to.

The next amendment was, on page 4, line 16, after the word "dollars," to insert:

Deputy disbursing officer, who shall hereafter, in the absence of the disbursing officer, be authorized to transact all duties pertaining to said disbursing officer, and who shall be required to give bond to the said disbursing officer in the sum of $25,000, conditioned on the faithful performance of the duties of his office, but said disbursing officer to be responsible to the United States, District of Columbia, and the people whom he pays, as now required by law, $1,500.

And on page 5, line 3, before the word "hundred," to strike out "nineteen thousand four" and insert "twenty thousand nine;" so as to make the clause read:

For auditor's office: For auditor, $3,600; chief clerk, $1,800; bookkeeper, $1,800; clerk, $1,600; disbursing officer, $2,500; deputy disbursing officer, who shall hereafter, in the absence of the disbursing officer, be authorized to transact all duties pertaining to said disbursing officer, and who shall be required to give bond to the said disbursing officer in the sum of $25,000, conditioned on the faithful performance of the duties of his office, but said disbursing officer to be responsible to the United States, District of Columbia, and the people whom he pays, as now required by law, $1,500; 2 clerks, at $1,400 each; 3 clerks, at $1,200 each; clerk, $1,000; messenger, $900; in all, $20,900.

The amendment was agreed to.

Mr. ALLISON. In line 25, on page 4, by instruction of the Committee on Appropriations, I move to strike out "two" and insert "three."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In the appropriations "For auditor's office," on page 4, line 25, before the word "clerks," it is proposed to strike out "two" and insert "three;" so as to read:

Three clerks, at $1,400 each.

The amendment was agreed to.

Mr. ALLISON. In the same clause, on page 5, line 1, before the word "clerks," I move to strike out "three" and insert "two;" so as to read:

Two clerks, at $1,200 each.

The amendment was agreed to.

Mr. ALLISON. On page 5, line 3, in consequence of the amendments just adopted, I move to amend by striking out "twenty thousand nine" and inserting "twenty-one thousand one;" so as to make the total appropriation for auditor's office $21,100.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 5, line 8, after the word "dollars," to insert "stenographer, $900;" and in line 10, before the word "dollars," to insert "nine hundred;" so as to make the clause read:

For attorney's office: For attorney, $4,000; assistant attorney, $2,000; special assistant attorney, $1,600; law clerk, $1,200; stenographer, $900; messenger, $300; in all, $9,800.

The amendment was agreed to.

The next amendment was, on page 6, line 9, to increase the appropriation for the salary of computing engineer in the Engineer's Office from $2,400 to $2,750; on page 7, line 3, to increase the appropriation for the salary of the superintendent of sewers from $2,400 to $3,000; in line 9, to reduce the appropriation for the salary of clerk from $1,400 to $1,200; in line 12, to increase the appropriation for the salary of permit clerk from $1,200 to $1,400; and in line 15, to increase the total appropriation for the Engineer's Office from $64,972 to $65,922.

The amendment was agreed to.

The next amendment was, on page 7, line 24, after the word "four," to strike out "district supervisors" and insert "inspectors;" on page 8, line 1, before the word "inspectors," to strike out "assistant;" in line 2, before the word "hundred," to strike out "eight" and insert "nine;" and in line 4, before the word "hundred," to strike out "four" and insert "seven;" so as to make the clause read:

Street sweeping office: For superintendent, $2,200; assistant superintendent and clerk, $1,600; clerk, $900; 4 inspectors, at $1,200 each; 10 inspectors, at $1,100 each; 3 inspectors, at $900 each; foreman of public dumps, $900; messenger and driver, $600; in all, $24,700.

The amendment was agreed to.

The next amendment was, under the head of "Contingent and Miscellaneous Expenses," on page 9, line 19, after the word "books," to insert "law books, books of reference, and periodicals;" on page 10, line 8, before the word "dollars" to strike out "twenty-three thousand five hundred" and insert "twenty-five thousand," and in line 11, after the word "purposes," to insert:

Provided further, That the accounting officers of the Treasury are hereby authorized to audit and allow in the accounts of the District Commissioners expenditures made for law books, books of reference, and periodicals from appropriations made for contingent and miscellaneous expenses of the District for the fiscal years 1899 and 1900.

So as to make the clause read:

For contingent expenses of the government of the District of Columbia, namely: For printing, checks, books, law books, books of reference, and periodicals, stationery; detection of frauds on the revenue; repairs of market houses, painting; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; maintaining and keeping in good order the laboratory and apparatus in the office of the inspector of asphalt and cement; damages; care of horses not otherwise provided for, horseshoeing; fuel, ice, gas, repairs, insurance, repairs to pound and vehicles, and other general necessary expenses of District offices, including the sinking-fund office, office of the superintendent of charities, harbor master, health department, surveyor's office, sealer of weights and measures' office, and police court, $25,000; and the Commissioners shall so apportion this sum as to prevent a deficiency therein: *Provided*, That horses and vehicles appropriated for in this act shall be used only for official purposes: *Provided further*, That the accounting officers of the Treasury are hereby authorized to audit and allow in the accounts of the District Commissioners expenditures made for law books, books of reference, and periodicals from appropriations made for contingent and miscellaneous expenses of the District for the fiscal years 1899 and 1900.

The amendment was agreed to.

The next amendment was, on page 11, after line 18, to insert:

For furniture for municipal building, $500.

The amendment was agreed to.

The next amendment was, on page 12, line 1, before the word "thousand," to strike out "seven" and insert "three;" in line 3, before the word "cents," to strike out "one dollar and twenty" and insert "fifty;" and in the same line, after the word "advertised," to insert the following proviso:

Provided, That in lieu of the notice now required to be given by the Commissioners of the District of Columbia of the pamphlet containing the list of taxes in arrears, the said Commissioners shall give notice, by advertising twice a week, for three consecutive weeks, beginning on the third Monday in March of each year hereafter, in the regular issue of two or more daily newspapers published in said District, that the said pamphlet has been printed and that a copy thereof will be delivered to any taxpayer applying therefor at the office of the collector of taxes of said District; and all acts or parts of acts inconsistent herewith are hereby repealed.

So as to make the clause read:

For advertising notice of taxes in arrears July 1, 1900, as required to be given by the act of March 19, 1890, $3,000, to be reimbursed by a charge of 50 cents for each lot or piece of property advertised: *Provided*, That in lieu of the notice now required to be given by the Commissioners of the District of Columbia of the pamphlet containing the list of taxes in arrears, the said Commissioners shall give notice, by advertising twice a week, for three successive weeks, beginning on the third Monday in March of each year hereafter, in the regular issue of two or more daily newspapers published in the said District, that the said pamphlet has been printed and that a copy thereof will be delivered to any taxpayer applying therefor at the office of the collector of taxes of said District; and all acts or parts of acts inconsistent herewith are hereby repealed.

The amendment was agreed to.

The next amendment was, on page 12, after line 19, to insert:

For the purpose of improving the municipal wholesale market on the reservation between Tenth and Twelfth and B and Little B streets NW., in the city of Washington, in such manner as the Commissioners of said District shall decide, $25,000, or so much thereof as may be necessary.

Mr. ALLISON. The committee, on further examination of the question involved in that amendment, think that it ought not to be agreed to at this time, and therefore I ask that it may be disagreed to.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Assessment and permit work," on page 14, line 11, to increase the appropriation for assessment and permit work from $130,000 to $150,000.

The amendment was agreed to.

The next amendment was, under the head of "Improvements and repairs," on page 14, line 17, to increase the appropriation for

work on streets and avenues named in Appendix X, Book of Estimates, 1901, from $100,000 to $175,000.

The amendment was agreed to.

The next amendment was, on page 14, line 22, to increase the appropriation for the Georgetown schedule from $6,300 to $11,025.

The amendment was agreed to.

The next amendment was, on page 14, line 24, to increase the appropriation for Northwest section schedule from $30,700 to $53,725.

The amendment was agreed to.

The next amendment was, on page 15, line 2, to increase the appropriation for Southwest section schedule from $12,500 to $21,875.

The amendment was agreed to.

The next amendment was, on page 15, line 5, to increase the appropriation for Southeast section schedule from $24,400 to $42,700.

The amendment was agreed to.

The next amendment was, on page 15, line 7, to increase the appropriation for Northeast section schedule from $26,100 to $45,675.

The amendment was agreed to.

The next amendment was, on page 15, line 15, before the word "asphalt," to strike out "concrete or;" so as to make the clause read:

Under appropriations contained in this act no contract shall be made for making or relaying asphalt pavement at a higher price than $1.80 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1896, and with same depth of base.

The amendment was agreed to.

The next amendment was, on page 16, after line 9, to insert:

For paving Fifteenth street from V to W streets, $3,500.

The amendment was agreed to.

The next amendment was, on page 16, after line 11, to insert:

For paving with asphalt or asphalt block, Seventh street NW., between Pennsylvania avenue and E, and between G and K streets, $24,000.

The amendment was agreed to.

The next amendment was, under the head of "Sewers," on page 17, after line 12, to insert:

For damages and losses occasioned by the construction of the Tiber Creek and New Jersey avenue high-level intercepting sewer, through Arthur place, between B and C streets NW., $18,000, to be immediately available; said amount to cover and be in full of all damages and losses on account of such construction.

The amendment was agreed to.

The next amendment was, on page 18, after line 22, to insert:

For constructing the L street sewer from near Twenty-first and L streets NW. to the east side of Sixteenth street, $30,000.

The amendment was agreed to.

The next amendment was, at the top of page 19, to insert:

For preparation of detailed plans and specifications for sewage-disposal system complete, $20,000.

The amendment was agreed to.

The next amendment was, under the head of "Streets," on page 19, line 7, to increase the appropriation for repairs, streets, avenues, and alleys, from $180,000 to $200,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 4, to insert:

For grading and regulating Blagden avenue, $10,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 6, to insert:

For improving Bladensburg road from Fifteenth street northward, $15,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 8, to insert:

For grading and macadamizing Frankfort, Twenty-second, and Twenty-fourth streets, Langdon, $3,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 11, to insert:

For grading and macadamizing Erie street, $5,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 13, to insert:

For improving Connecticut avenue west of Rock Creek, $7,500.

The amendment was agreed to.

The next amendment was, on page 20, after line 15, to insert:

For grading Illinois avenue, $5,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 16, to insert:

For grading and regulating streets in Woodridge subdivision, $2,500.

The amendment was agreed to.

The next amendment was, on page 20, after line 18, to insert:

For completing the paving of Nineteenth street extended, between Florida avenue and Columbia road, $5,600.

The amendment was agreed to.

The next amendment was, on page 20, after line 21, to insert:

For grading and macadamizing Eleventh street extended, between Florida avenue and Lydecker avenue, $30,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 24, to insert:

For grading, repairing, pavement of gutters, and improving Thirty-seventh street between New Cut road and Tennallytown road and other streets in Burleith addition, $4,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 3, to insert:

For grading and regulating Cathedral avenue from Connecticut avenue to Woodley road and the highway along the west border of the Zoological Park from Woodley road to Cathedral avenue, as shown on the plan of the permanent system of highways, third section, $21,000: *Provided*, That parties interested first deposit with the collector of taxes of the District of Columbia an equal sum to be used toward defraying the cost of the work: *And provided*, That the full width of the highway bordering the Zoological Park be donated to the District of Columbia whenever it lies within the limits of Woodley Park.

The amendment was agreed to.

The next amendment was, on page 21, after line 14, to insert:

And the Commissioners of the District of Columbia are hereby authorized to use as a highway so much of the Zoological Park as lies within the lines of said proposed highway.

The amendment was agreed to.

The next amendment was, on page 21, after line 17, to insert:

To construct a masonry retaining wall between Cincinnati street and Woodley road to define the limits of a new driveway which the Commissioners of the District of Columbia are hereby authorized to lay out along the east side of Rock Creek from Connecticut avenue to Zoological Park, $4,000: *Provided*, That all the land within the limits of said highway between Cincinnati street and Woodley road shall first be dedicated to the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 22, line 5, to increase the total appropriations for repairs, streets, avenues, and alleys from $49,000 to $151,600.

The amendment was agreed to.

The next amendment was, on page 22, line 14, after the word "streets," to insert "and for cleaning snow and ice from cross walks and gutters, and so forth, under the act approved March 2, 1895;" in line 17, before the word "thousand," to strike out "forty" and insert "seventy;" on page 23, line 8, before the word "thousand," to strike out "twenty-five" and insert "sixty;" and in line 10, after the word "contract," to insert "and said amount shall include all necessary expenditures for cleaning snow and ice from cross walks and gutters, and so forth, under the act approved March 2, 1895;" so as to make the clause read:

Sprinkling, sweeping, and cleaning: For sprinkling, sweeping, and cleaning streets, avenues, alleys, and suburban streets, and for cleaning snow and ice from cross walks and gutters, and so forth, under the act approved March 2, 1895, $170,000: *Provided*, That the Commissioners of the District shall make specifications for the manner of sweeping and cleaning the streets by machinery and by hand labor, and shall advertise to let the work to the lowest responsible bidder, according to such specifications, and if the same, or any part thereof, can not be procured to be done at a price not exceeding 20 cents for hand work and 20 cents for machine work per thousand square yards, then they may do said work under their immediate direction, but the same shall be done according to the said specifications: *Provided further*, That the specifications for bids shall provide that the payment for labor in the execution of said contract shall not be less than that now paid by the Commissioners of the District of Columbia for cleaning the streets by hand: *And provided further*, That of the amount hereby appropriated, $60,000, or such part thereof as the Commissioners may deem advisable, may be expended under the immediate direction of the Commissioners without contract, and said amount shall include all necessary expenditures for cleaning snow and ice from cross walks and gutters, and so forth, under the act approved March 2, 1895.

The amendment was agreed to.

The next amendment was, on page 23, after line 14, to strike out:

For cleaning snow and ice from cross walks and gutters and so forth, under the act approved March 2, 1895, $1,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 17, to insert:

For the collection and disposal of ashes and similar refuse in the city of Washington in connection with the street-cleaning service, $40,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 20, to strike out:

That hereafter when any street railroad company or corporation or any steam railroad company owning or using tracks in the District of Columbia shall cause snow removed from said tracks to be piled, banked, or ridged upon any portion of any paved street or other highway in said District, it shall be the duty of such company to immediately commence the removal of said accumulations and to complete such removal within twelve hours after such accumulations have been made.

The amendment was agreed to.

The next amendment was, on page 24, line 18, before the word "thousands," to strike out "seventy-three" and insert "eighty;" and in line 20, after the word "gas," to strike out "or" and insert "and no more than $24 for;" so as to make the clause read:

Lighting: For illuminating material, lighting, extinguishing, repairing and cleaning public lamps on avenues, streets, roads, and alleys; purchasing and expense of erecting and maintaining new lamp-posts, street designations, lanterns, and fixtures; moving lamp-posts, painting lamp-posts and lanterns; replacing and repairing lamp-posts and lanterns damaged or unfit for service; for rent of storeroom, cartage of material, and other necessary items and services, $180,000: *Provided*, That no more than $30 per annum for each street lamp shall be paid for gas and no more than $24 for oil, lighting, extinguishing, repairing, painting, and cleaning, under any expenditure provided for in this act, etc.

The amendment was agreed to.

The next amendment was, on page 25, line 22, after the word "Washington," to insert the following proviso:

Provided further, That the Commissioners of the District of Columbia are hereby directed to investigate and report in detail to Congress, at the beginning of the next regular session, the cost of furnishing the arc lights provided for in this paragraph: *Provided further*, That hereafter the Commissioners of the District of Columbia are hereby authorized to grant permits for the repair, enlargement, and extension, under proper regulations, of existing electric-lighting conduits, and in every conduit constructed or to be constructed under the provisions of this paragraph, three ducts shall be reserved for the use of the United States and the District of Columbia, and as a condition for the right to use conduits heretofore built, or to be built under the provisions of this act, the electric-lighting companies shall be required at all times to furnish to the public and to private consumers in all parts of the District of Columbia standard arc lights of not less than 1,000 actual candlepower, at a rate not exceeding $72 per annum for each arc light; and on and after the 1st day of June, 1900, the maximum price of electric current sold or furnished to any consumer in the District of Columbia shall be reduced from the present maximum of 15 cents per kilowatt hour to not exceeding 10 cents per kilowatt hour. That if consumers other than the Government shall not pay monthly electric bills within ten days after the same shall have been presented, said companies may charge and collect from said consumer so failing to pay said bill as aforesaid 11 cents per kilowatt hour for the electric current furnished to said consumer during said month: *And provided further*, That the right to amend, modify, or repeal the privileges herein granted, and to further limit the prices herein specified, is hereby expressly reserved; any company charging or collecting an amount in excess of the rates herein prescribed shall be deemed guilty of a misdemeanor, and shall pay to the District of Columbia the sum of $50 for each and every offense, to be collected as other fines are now collected in the District of Columbia.

Mr. ALLISON. I desire to modify the amendment on page 26 by striking out all after the word "shall," in line 19, down to and including the word "to," in line 20.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee on page 26, line 19, after the word "shall," by striking out "be reduced from the present maximum of 15 cents per kilowatt hour to."

The amendment to the amendment was agreed to.

Mr. ALLISON. I desire also to modify the amendment in line 20 by changing the word "exceeding" to "exceed;" so as to read "shall not exceed 10 cents per kilowatt hour."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 27, line 15, to increase the appropriation for the improvement and protection of the harbor and river front from $2,600 to $3,000.

The amendment was agreed to.

The next amendment was, under the head of "Bridges," on page 28, line 14, after the word "purpose," to strike out "not exceeding $5,000 of the sum hereby appropriated" and insert:

So much of the sum hereby appropriated as may be necessary; and the proceedings for condemnation, if the same be necessary, shall be in accordance with the provisions relating to the condemnation of land as contained in section 3 of the act approved August 30, 1890, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes;" and the Commissioners of the District of Columbia, upon the confirmation by the court of the award of the commissioners appointed to appraise the land to be taken, and after payment into said court of the amount thereof, may enter upon said land and proceed with the construction of said bridge, notwithstanding any appeal or other proceeding at law or in equity of any person interested in the proceedings: *Provided, however*, That the Commissioners of the District of Columbia may, within fifteen days after the filing of the award of said commissioners, reject the same, in which event new commissioners shall be summoned to appraise the land to be taken, and the same proceedings shall be had as in the case of the first commission.

So as to make the clause read:

For continuing the construction of a bridge across Rock Creek on the line of Massachusetts avenue extended, $50,000: *Provided*, That the Commissioners of the District of Columbia are hereby authorized to purchase or condemn so much of the land within the lines of Massachusetts avenue extended to which the District does not now possess title, and such adjacent land for side slopes, embankments, etc., as may be necessary, and to use for such purpose so much of the sum hereby appropriated as may be necessary; and the proceedings for condemnation, if the same be necessary, shall be in accordance with the provisions relating to the condemnation of land as contained in section 3 of the act approved August 30, 1890, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes;" and the Commissioners of the District of Columbia, upon the confirmation by the court of the award of the commissioners appointed to appraise the land to be taken, and after payment into said court of the amount thereof, may enter upon said land and proceed with the construction of said bridge, notwithstanding any appeal or other proceeding at law or in equity, of any person interested in the proceedings: *Provided, however*, That the Commissioners of the District of Columbia may, within fifteen days after the filing of the award of said commissioners, reject the same, in which event new commissioners shall be summoned to appraise the land to be taken, and the same proceedings shall be had as in the case of the first commission.

The amendment was agreed to.

The next amendment was, on page 29, after line 10, to insert:

Toward the construction of a bridge across Rock Creek on the line of Connecticut avenue extended, $40,000.

The amendment was agreed to.

The next amendment was, under the head of "Washington Aqueduct," on page 29, line 16, to increase the appropriation for operation, maintenance, and repair of the aqueduct and its accessories, including Conduit road, from $22,000 to $25,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 19, to insert:

For repairing the by-conduit, Dalecarlia Reservoir, $10,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 21, to insert:

For building combined storehouse and stable at Great Falls, $3,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 23, to insert:

For preliminary surveys for additional conduit from Great Falls, $8,000.

The amendment was agreed to.

Mr. ALLISON. On behalf of the committee, I offer an amendment to come in on page 29, after line 25.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 25, on page 29, it is proposed to insert:

For establishing those portions of a filtration plant which are essential to the operation of either system of filtration adopted, including necessary land, grading, masonry, and appurtenances, $300,000, to be available immediately and until expended.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Public schools," on page 30, after line 6, to strike out:

For officers: For superintendent first eight divisions, $3,600; superintendent ninth, tenth, and eleventh divisions, $2,500; assistant superintendent, who shall be appointed by the Commissioners and give bond and oath, to be approved by them, and perform such duties as they shall prescribe, $2,000; clerk to superintendent of first eight divisions and secretary to board of trustees, $1,200; clerk to superintendent of ninth, tenth, and eleventh divisions, $800; messenger to superintendent first eight divisions, $300; messenger to superintendent ninth, tenth, and eleventh divisions, $200; in all, $10,600.

And to insert:

The President of the United States is hereby authorized to nominate and, by and with the advice and consent of the Senate, to appoint seven persons, bona fide residents and taxpayers of the District of Columbia, and who have been such for five years immediately preceding their appointment, who shall constitute a board of education, and whose term of office shall be seven years, except that the terms of the persons first appointed shall terminate as follows: One each year, to be determined by lot among the seven members of the board first appointed. The compensation of members of the board shall be $10 each for personal attendance at each meeting, but shall not exceed for any member $500 per annum. The board shall have complete jurisdiction over all administrative matters connected with the public schools of the District of Columbia, except that all expenditures of public funds for such school purposes shall be made and accounted for as now provided by law under the direction and control of the Commissioners of the District of Columbia. The board shall make all needful rules and regulations which may be proper for the government and control of said schools, and shall make annual report to the Commissioners of the District of Columbia, who shall transmit the same to Congress, of the condition and operations of said schools, and the sanitary and structural condition of all buildings in use as well as those in course of construction, with recommendations as respects needed changes.

The board shall have power to appoint 1 superintendent for all the public schools of the District of Columbia, 2 assistant superintendents, a secretary, and 3 clerks, and to remove said officers at its pleasure, and shall also have power to employ and remove all teachers, officers, and other employees connected with the public schools not already specified: *Provided*, That the graduates of the normal school shall have preference in all cases when appointment of teachers for the public schools are to be made. The superintendent shall annually submit to the board for its approval the course of studies and list of text-books and other apparatus to be used in said schools.

The board shall annually transmit to the Commissioners of the District of Columbia an estimate in detail of the amount of money required for the public schools for the ensuing year, and said Commissioners shall include the same in their annual estimate of appropriations for the District of Columbia.

The foregoing provisions under the head of "Public schools" shall take effect on the 1st day of July, 1900, except the provision authorizing the appointment of the members of said board of education, which shall take effect immediately: *Provided*, That members of said board shall not enter upon their duties until the 1st day of July as aforesaid; and all acts and parts of acts in conflict herewith are hereby repealed.

For officers: For 7 members of the board of education, at $500 each, $3,500, not more than $1,750 of which shall be used during the first half of the fiscal year; 1 superintendent of public schools, $5,000; 2 assistant superintendents, at $3,000 each; 1 secretary, $2,000; 3 clerks, at $1,500 each; 1 messenger, $720; in all, $21,750.

Mr. ALLISON. I wish to modify the amendment on page 32, line 2, by inserting the letter "s" after "normal school;" so as to read: "the graduates of the normal schools."

The amendment to the amendment was agreed to.

Mr. ALLISON. Also, on page 31, after the word "superintendents," in line 23, I move to insert the amendment I send to the desk.

The SECRETARY. After the word "superintendents," in line 23, page 31, it is proposed to insert:

One of whom, under the direction of the superintendent, shall have charge of schools for colored children.

The amendment to the amendment was agreed to.

Mr. HAWLEY. Mr. President, I wish to make a remark or two concerning this paragraph. I have taken a great deal of interest in this plan for remodeling the schools of the District of Columbia, and I am greatly pleased to find that what I and a great many others of more consequence desired has been done practically. On page 30, the beginning of the paragraph concerning schools reads as follows:

The President of the United States is hereby authorized * * * to appoint seven persons, bona fide residents and taxpayers of the District of Columbia, * * * who shall constitute a board of education.

Their duties and salaries, etc., are defined. I urged something like that so far as I could, but it was the confident hope of many people that one or two of them should be women, and I understand that in not saying that it was in the minds of the committee that the President would be likely to appoint one or two now. It should be remembered that the vast majority of the teachers are women, many of them young women. In one case there is a male superintendent and all the others are women, and good teachers, so far as I know, so far as they can be under the dreadful system of textbooks, a monstrous innovation which will doubtless be removed. I certainly hope that the President of the United States will see that an excellent woman of experience in teaching will be put upon the board of education, if not two. I make no motion in regard to it.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment reported by the Committee on Appropriations as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 33, line 9, after the word "For," to strike out "director of high schools" and insert "one;" so as to make the clause read:

For 1, $2,500.

The amendment was agreed to.

The next amendment was, on page 33, line 11, after the word "eleven," to strike out "supervising principals;" so as to make the clause read:

For 11, at $2,000 each.

The amendment was agreed to.

The next amendment was, on page 33, after line 12, to insert:

For 2, at $1,800 each.

The amendment was agreed to.

The next amendment was, on page 33, line 14, after the word "For," to strike out "five principals of high schools" and insert "four;" so as to make the clause read:

For 4, at $1,600 each.

The amendment was agreed to.

The next amendment was, on page 33, line 16, after the word "For," to strike out:

Principal of White Normal School, principal of Colored Normal School, director of primary instruction, director of manual training, 3 heads of departments of high schools, head of high school manual training shop, and 2 grammar school principals, 10 in all.

And insert "nine;" so as to make the clause read:

For 9, at $1,500 each.

The amendment was agreed to.

The next amendment was, on page 33, line 22, after the word "four," to strike out "principals of buildings;" so as to make the clause read:

For 4, at $1,300 each.

The amendment was agreed to.

The next amendment was, on page 33, line 24, after the word "For," to strike out:

Director of music, 2 directors of drawing, director of physical culture, director of manual training, 2 normal training teachers, 12 high school teachers, and 11 principals of buildings, 30 in all.

And insert "thirty-one;" so as to make the clause read:

For 31, at $1,200 each.

The amendment was agreed to.

The next amendment was, on page 34, line 4, after the word "For," to strike out "director of primary work, high school teacher, and principal of building, 3 in all," and insert "three;" so as to make the clause read:

For 3, at $1,100 each.

The amendment was agreed to.

The next amendment was, on page 34, line 7, after the word "For," to strike out "eighty-six" and insert "eighty-five;" so as to make the clause read:

For 85, at $1,000 each.

The amendment was agreed to.

The next amendment was, on page 35, line 8, after the word "For," to strike out "fifty" and insert "one hundred and fifty-eight;" so as to make the clause read:

For 158, at $450 each.

The amendment was agreed to.

The next amendment was, on page 35, after line 9, to strike out:

For 60, at $425 each.

The amendment was agreed to.

The next amendment was, on page 35, line 11, before the word "in," to strike out "For 48, at $400 each;" and in line 13, before the word hundred," to strike out "fifty-one thousand seven" and insert "fifty-six thousand three;" so as to make the clause read:

In all, $856,300.

The amendment was agreed to.

The next amendment was, under the subhead "For janitors and care of buildings and grounds," on page 36, line 4, after the word "Building," to insert "and the Western High School, at;" and in line 5, after the word "dollars," to insert "each;" so as to make the clause read:

Of the Jefferson Building and the Western High School, at $1,400 each.

The amendment was agreed to.

The next amendment was, on page 36, line 6, after the word "School," to strike out "Western High School;" so as to make the clause read:

Of the Eastern High School, Business High School, high school of the ninth, tenth, and eleventh divisions, and Stevens School buildings, five, at $1,200 each.

The amendment was agreed to.

The reading of the bill was continued to the end of line 9, on page 37.

Mr. ALLISON. In line 7, page 37, I move to insert the word "Hillsdale" after "Garfield;" so as to read:

Of the Garfield, Hillsdale, Thompson, Van Buren annex, and Woodburn buildings.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 37, line 19, to increase the total appropriation for janitors and care of buildings and grounds from $66,991 to $67,191.

Mr. ALLISON. In line 18 I move to change the total to "$67,441."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 38, line 1, after the word "purchase," to insert "and repair;" so as to make the clause read:

For the purchase and repair of tools, machinery, material, and apparatus to be used in connection with instruction in manual training, $10,000.

The amendment was agreed to.

The next amendment was, on page 38, line 13, before the word "stationery," to insert "books of reference and periodicals;" so as to make the clause read:

For contingent expenses, including furniture, books, books of reference, and periodicals, stationery, printing, insurance, and (other necessary items not otherwise provided for, including maintenance of horse and carriage for the two principal superintendents, $30,000.

The amendment was agreed to.

Mr. ALLISON. In line 20, page 38, I move to strike out the word "Commissioners" and insert "board of education;" so as to read:

For text-books * * * to be distributed by the superintendent of public schools under regulations to be made by the board of education of the District of Columbia, etc

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 39, line 20, after the word "site," to strike out "Twining City;" so as to make the clause read:

For one 4-room building and site, eighth division, $20,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 2, to insert:

For additional amount for 4-room school building, Takoma Park, $8,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 4, to insert:

For improving and inclosing grounds of the Hubbard School, Columbia Heights, $2,500.

The amendment was agreed to.

The next amendment was, on page 41, after line 6, to insert:

For the purchase and improvement of lot 11, block 13, for the enlargement of the playgrounds of the Brookland School, $1,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 41, line 23, after the word "therewith," to insert the following proviso:

Provided, That hereafter in the purchase of sites and in preparing plans for new school buildings proper regard shall be had for future enlargement of said buildings.

The amendment was agreed to.

The next amendment was, under the head of "For Metropolitan police," on page 42, line 15, to increase the number of lieutenants from 9 to 10; in line 16, to increase the number of sergeants from 32 to 35; in line 18, to increase the number of privates of class 1 from 25 to 50; in line 19, to increase the number of privates of class 2 from 200 to 220; in line 21, to increase the number of station keepers from 20 to 21; in line 23, to increase the number of laborers from 10 to 11; on page 43, line 4, to increase the number of drivers from 23 to 25; in line 6, to increase the salary of drivers from $480 to $540 each; and in line 8, to increase the total appropriation for the Metropolitan police from $625,500 to $678,040.

Mr. ALLISON. I wish to modify the amendment by inserting in line 21, page 42, the word "twenty-two" instead of "twenty-one."

The amendment to the amendment was agreed to.

Mr. ALLISON. In line 8, page 43, because of the amendment just made, the total should be changed to $678,760.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 43, line 15, after the word "books," to insert "books of reference, and periodicals;" and in line 23, before the word "dollars," to strike out "twenty-two thousand five hundred" and insert "twenty-five thousand;" so as to make the clause read:

For miscellaneous and contingent expenses, including stationery, books, books of reference, and periodicals, telegraphing, photographing, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bedclothing, insignia of office, purchase and care of horses, bicycles, police equipments and repairs of same, harness, forage, repairs to vehicles, van, ambulances, and patrol wagons, and expenses incurred in the prevention and detection of crime, and other necessary items, $25,000.

The amendment was agreed to.

The next amendment was, on page 44, line 5, to increase the total appropriation for miscellaneous expenses for the Metropolitan Police from $60,785 to $63,285.

The amendment was agreed to.

The next amendment was, on page 44, after line 6, to insert:

To enable the Commissioners of the District of Columbia to provide a suitable place for the reception and detention of the children under 16 years of age and (in the discretion of the Commissioners) of girls and women over 16 years of age, arrested by the police on charge of offense against any law in force in the District of Columbia, or held as witnesses, or held pending investigation, examination, or otherwise, $8,000, or so much thereof as may be necessary: *Provided*, That all persons held or detained under public authority prior to the ajudication of cases in which they may be involved shall be held at the place so provided.

Mr. ALLISON. In line 8, page 44, after the word "reception," I move to insert "transportation;" so as to read "reception, transportation, and detention."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "For the fire department," on page 44, line 19, to increase the number of assistant chief engineers from 2 to 3; in line 21, to increase the appropriation for the salary of clerk for the fire department from $900 to $1,000; and on page 45, line 4, to increase the total appropriation for fire department from $211,620 to $212,920.

The amendment was agreed to.

The next amendment was, on page 46, after line 7, to insert:

For additional stable, to be erected in the rear of No. 8 engine house, North Carolina avenue SE., between Sixth and Seventh streets, $5,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 10, to insert:

For improving and inclosing the grounds of the Georgetown engine house and providing paved entrance thereto, $1,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 13, to insert:

For the purchase of a chemical fire engine, to be located at Cleveland Park, $700.

The amendment was agreed to.

The next amendment was, on page 46, line 16, to increase the total appropriation for miscellaneous expenses for fire department from $40,100 to $46,800.

The amendment was agreed to.

The next amendment was, on page 46, after line 17, to insert "Telegraph and telephone service;" in line 19, after the word "For," to insert "superintendent, $1,600; electrician, $1,200; inspector of lamps, $1,000; 3 inspectors, at $900 each;" and on page 47, line 2, before the word "hundred," to strike out "eight thousand seven" and insert "fifteen thousand two;" so as to make the clause read:

TELEGRAPH AND TELEPHONE SERVICE.

For superintendent, $1,600; electrician $1,200; inspector of lamps, $1,000; 3 inspectors, at $900 each; 3 telegraph operators, at $1,000 each; 3 telephone operators, at $600 each; expert repairman, $900; 3 repairmen, at $720 each; 2 laborers, at $400 each; in all, $15,220.

The amendment was agreed to.

The next amendment was, on page 47, line 10, to increase the appropriation for general supplies, repairs, new batteries, and battery supplies, telephone rental and purchase, etc., from $12,000 to $15,000.

The amendment was agreed to.

The next amendment was, under the head of "Health department," page 48, line 5, to increase the appropriation for salary of sanitary and food inspector from $1,500 to $1,800, and on page 48, line 19, to increase the total appropriation for the health department in this clause from $39,400 to $39,700.

The amendment was agreed to.

The next amendment was, on page 48, after line 22, to strike out—

For collection and disposal of garbage and dead animals, $57,000.

And insert:

For the collection and disposal of city waste, including garbage and dead animals, $70,000; and the Commissioners of the District of Columbia are hereby authorized, after advertisement for not less than ten days in two or more newspapers of the city of Washington, to enter into a contract or contracts, under such regulations as they may prescribe, for the collection and disposal of the city waste, including dead animals and garbage, of the District of Columbia, for the five years next ensuing after July 1, 1900; and in the event of the inability of said Commissioners to enter into any such contract or contracts, as aforesaid, or in the event of the failure of any contractor or contractors to proceed with the work on July 1, 1900, said Commissioners are hereby authorized to enter into a contract or contracts, without advertisement, for the removal and disposal of all such material, so as to secure the continuous collection and disposal of garbage and dead animals, until a new contract for the period of five years can be entered into and work commenced thereunder, at a rate not to exceed the amount named in this act.

The amendment was agreed to.

The next amendment was, on page 50, line 2, after the word "dollars," to strike out the following proviso:

Provided, That no part of this sum shall be expended for additional employees.

So as to read:

For maintaining the disinfecting service, $3,000.

The amendment was agreed to.

The next amendment was, on page 51, line 3, after the word "thousand," to insert "six hundred;" so as to read:

For the police court: For two judges, at $3,600 each.

Mr. BERRY. Mr. President, the present salary of the police judges in the District of Columbia is $3,000 each. That amount is found in the bill as it came from the other House, which is the present law, as I understand. The Senate Committee on Appropriations propose to increase it to $3,600.

I do not think I heard any reason whatever given in the committee why this increase should take place. It was not asserted that the judges who are serving at that salary are not efficient, and it seems to me that the raising of the salary to $3,600 is unwarranted by anything that appeared before the committee at least. I do not know what can be said here in the Senate. I know that in my own State—I do not know how it is in the other States in the Union—the supreme court judges receive only $3,000 a year and the district or circuit judges receive $2,000 a year. There has never been a complaint that we did not get efficient service. It may be said that living is higher here, but it seems to me, for police judges, $3,000 is sufficient, when there is no complaint that the men who are serving are not sufficiently qualified. I think there is no reason why the Senate should increase salaries simply because they desire to increase them or to give some man $600 a year more than he is getting.

It seems to me the amendment proposed by the Senate committee ought not to be agreed to. I state this, Mr. President, because there appears to be a general disposition in the present Congress, in the Senate at least, to increase a number of salaries, and I think the attention of the Senate ought to be called to it. I am not in favor of this increase. For that reason I voted against the amendment in committee, and I shall vote against it here. If there is any good reason, or if any showing can be made by the Senator from Iowa or anyone else, as to why these salaries should be increased $600 a year each, then probably it might change my opinion, but simply to increase them because the judges want more money seems to me an insufficient reason.

Mr. ALLISON. I will say, in response to the suggestion of the Senator from Arkansas, that the committee looked into this question of an increase of the compensation of these judges very carefully. The estimate was $4,000, but the committee concluded that there should be an increase and inserted the amendment, making the salary $3,600.

Mr. BERRY. I did not hear the statement of the Senator in regard to $4,000.

Mr. ALLISON. I say the committee considered this question very carefully. The estimate was $4,000.

Mr. BERRY. The estimate by whom?

Mr. ALLISON. In the regular Book of Estimates. I suppose it began with the judges, probably; I do not know. Under the circumstances, as these judges are very active, busy people, and the business, I am sorry to say, of the police court in this District is constantly increasing, it was deemed that the salary proposed here is a fair and just compensation. I know the Senator from Arkansas objected to the increase, and for reasons satisfactory to himself, but the remainder of the committee, I believe, or at least a majority of the committee, proposed to increase the pay of the judges.

Mr. DANIEL. May I ask the Senator a question? Is the increase here proposed under any existing law, or have the committee put in matters that are not provided for by existing law? If there is a law which provides what these salaries shall be, ought not an amendment of that law to be proposed instead of tacking it on an appropriation bill?

Mr. ALLISON. The Senator is possibly right. I think the statutory compensation is only $3,000, but it has been customary,

without objection, to change the compensation of public officers. The statutory compensation is $3,000.

Mr. BERRY. Then I submit that the amendment is subject to the point of order if it changes existing law. I make the point of order that it does change existing law.

The PRESIDING OFFICER. The point of order is sustained.

The reading of the bill was resumed. The next amendment was under the head of "Courts," on page 51, in line 6, after the word "dollars," to strike out "one deputy clerk, $1,500," and insert "two deputy clerks, at $1,500 each;" in line 8, before the word "deputy," to strike out "three" and insert "two;" in line 10, before the word "dollars," to insert "and thirty-nine;" in line 11, before the word "dollars," to insert "and thirty-nine;" in line 14, before the word "dollars," to strike out "eighteen thousand five hundred" and insert "twenty thousand three hundred and fifty-six;" and in the same line, after the word "dollars," to strike out the following proviso:

Provided, That hereafter each of the judges of said court shall be entitled to six weeks' vacation annually, and that the provision herein made for justices of the peace shall cover the services rendered by such justices of the peace, each of whom shall serve for six weeks as above provided;

So as to make the clause read:

For the police court: For 2 judges, at $3,000 each; compensation of 2 justices of the peace, acting as judges of the police court during the absence of said judges, not exceeding $300 each; clerk, $2,000; 2 deputy clerks, at $1,500 each; 2 deputy clerks, at $1,000 each; 3 bailiffs, at $939 each; 1 deputy marshal, $939; doorkeeper, $540; engineer, $900; janitor, $360; in all, $20,356.

Mr. ALLISON. That total must be changed, in view of the point of order made by the Senator from Arkansas. I move to strike out "twenty thousand three hundred and fifty-six," before the word "dollars," in line 14, and to insert "nineteen thousand one hundred and fifty-six."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment was, on page 52, after line 5, to insert:

Defending suits in claims: For defending suits in the United States Court of Claims, $2,000: *Provided*, That no judgment heretofore or hereafter rendered under the act of June 16, 1880, entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," shall be paid by the Secretary of the Treasury until said judgment shall have been reported to, and specific authority for payment thereof granted by, Congress.

The amendment was agreed to.

The next amendment was, under the head of "Rock Creek Park," on page 53, line 17, after the word "For," to insert "care and improvement of Rock Creek Park, to be expended under the direction of the board of control of said park, $30,000; and for;" so as to make the clause read:

For care and improvement of Rock Creek Park, to be expended under the direction of the board of control of said park, $30,000; and for the purpose of securing better alignment of boundaries the Commissioners of the District of Columbia and the board of control of Rock Creek Park are hereby authorized to adjust and change the boundary between said park and the tract of land near Brightwood, D. C., recently purchased by the District of Columbia for a reservoir site: *Provided*, That the area of Rock Creek Park shall not be diminished by such adjustment or change.

The amendment was agreed to.

The next amendment was, under the head of "For reformatories and prisons," on page 54, line 7, to increase the appropriation for support, maintenance, and transportation of convicts transferred from the District of Columbia, etc., from $45,000 to $48,000.

The amendment was agreed to.

The next amendment was, on page 54, line 25, to increase the appropriation for expense for maintenance of the jail of the District of Columbia, etc., from $41,000 to $43,000.

The amendment was agreed to.

The next amendment was, on page 55, line 20, after the word "dollars," to strike out "hospital" and insert "hostler."

The amendment was agreed to.

The next amendment was, on page 56, line 12, to increase the appropriation for contingent expenses, including improvements and repairs, etc., for the Washington Asylum from $50,000 to $60,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 20, to insert:

For building and furnishing a receiving ward that will protect the hospital from contagion and disturbances of all kinds, $15,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 23, to insert:

For special hospital supplies and appliances, $500.

The amendment was agreed to.

The next amendment was, at the top of page 57, to insert:

For repair of water-closets in the female wards of the hospital, $1,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 2, to insert:

For bathroom fixtures and plumbing in nurses' home, $100.

The amendment was agreed to.

Mr. ALLISON. I offer an amendment to come in after line 4, page 57. I move to add:

For erection of porch to north wing of the almshouse, $1,300.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 58, after line 7, to insert:

For additional amount for construction of assembly hall, $5,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 9, to insert:

Reform School for Girls: Superintendent, $1,000; treasurer, $600; matron, $600; two teachers, at $480 each; overseer, $720; four teachers of industries, at $250 each; engineer, $480; assistant engineer, $360; night watchman, $365; laborer, $300; in all, $6,385.

The amendment was agreed to.

The next amendment was, on page 58, after line 19, to insert:

For groceries, provisions, light, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicines, medical attendance, hack hire, transportation, labor, sewing machines, fixtures, books, stationery, horses, vehicles, harness, cows, pigs, fowls, sheds, fences, repairs, and other necessary items, $8,000.

The amendment was agreed to.

The next amendment was, at the top of page 59, to insert:

For furnishing and equipping new building, $5,000.

The amendment was agreed to.

The next amendment was, in the items for the Industrial Home School, on page 61, after line 2, to insert:

For erection of new four-room school building, $20,000.

The amendment was agreed to.

The next amendment was, on page 61, after line 17, to strike out.

Reform School for Girls: Superintendent, $1,000; treasurer, $600; matron, $600; two teachers, at $480 each; overseer, $720; four teachers of industries, at $250 each; engineer, $480; assistant engineer, $360; night watchman, $365; laborer, $300; in all, $6,385.

For groceries, provisions, light, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicines, medical attendance, hack hire, transportation, labor, sewing machines, fixtures, books, stationery, horses, vehicles, harness, cows, pigs, fowls, sheds, fences, repairs, and other necessary items, $8,000;

For furnishing and equipping new building, $5,000;

In all, $19,385.

The amendment was agreed to.

The next amendment was, on page 63, line 5, after the word "For," to strike out "care of dependent children, under a contract to be made with," and in line 7, after the word "Children," to strike out "by the Commissioners of the District of Columbia, not to exceed," and insert "maintenance, including repairs;" so as to make the clause read:

For the National Association for the Relief of Destitute Colored Women and Children, maintenance, including repairs, $9,960.

The amendment was agreed to.

The next amendment was, on page 63, line 12, after the word "For," to strike out "care of dependent children, under a contract to be made with;" in line 13, after the word "Society," to strike out "by the Commissioners of the District of Columbia, not to exceed" and insert "maintenance;" so as to make the clause read:

For the Newsboys' and Children's Aid Society, maintenance, $1,000.

The amendment was agreed to.

The next amendment was, on page 63, line 20, after the word "For," to strike out "support and medical and surgical treatment of patients who are destitute, under a contract to be made with," and in line 22, after the word "Hospital," to strike out "by the Commissioners of the District of Columbia, not to exceed" and insert "maintenance;" so as to make the clause read:

For the Children's Hospital, maintenance, $10,000.

The amendment was agreed to.

The next amendment was, on page 63, line 24, after the word "For," to strike out "support and medical and surgical treatment of patients who are destitute, under a contract to be made with" and, on page 64, line 2, after the word "maintenance," to strike out "by the Commissioners of the District of Columbia, not to exceed;" so as to make the clause read:

For the National Homeopathic Hospital Association of Washington, District of Columbia, for maintenance, $8,500.

Mr. GALLINGER. I ask the Senator from Iowa if he prefers that the committee amendment shall be acted on before any suggestion of amendment is made to the clause. If so, I will withhold the amendment.

Mr. ALLISON. I would prefer, if the Senator will allow, that the amendments of the committee shall be acted upon. That course was agreed upon by unanimous consent.

Mr. GALLINGER. All right.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 64, line 5, after the word "for," to strike out "support and medical and surgical treatment of patients who are destitute, under a contract to be made with;" in line 7, after the word "Incurables," to strike out "by

the Commissioners of the District of Columbia, not to exceed" and insert "maintenance;" and in line 9, before the word "dollars," to insert "five hundred;" so as to make the clause read:

For the Washington Home for Incurables, maintenance, $2,500.

The amendment was agreed to.

The next amendment was, on page 64, after line 9, to insert:

For the Church Orphanage Association of St. John's Parish, maintenance, $1,800.

Mr. GALLINGER. Before the amendment is agreed to, I should like to ask the Senator from Iowa why the committee thought it advisable to restore this item to the appropriation bill, which last year or the year before was stricken from the bill and, I think, with the understanding that it was unnecessary and perhaps improper that it should have a place in the bill. I presume the committee have some good reason to give for restoring it to the bill.

Mr. ALLISON. I will say to the Senator from New Hampshire and to the Senate that the people who are in the management of the St. John's Orphanage appeared before the subcommittee of the Senate committee and stated that because of the failure to appropriate last year they had been compelled to reduce the number of children taken care of, and also that for the current year, at least up to this time, there is a considerable deficiency in the maintenance of the orphanage. The committee believed that it was a proper thing for us to give them the sum they have had for several years prior to the current fiscal year. They made such a case as brought the situation fairly within the other appropriations provided for in this bill.

The same is true practically as to St. Joseph's Asylum, which is the next item. The committee believed that these two cases were exceptional and ought to be provided for. Of course it is for the Senate to decide.

Mr. GALLINGER. Mr. President, I am not going to make any factious opposition to this amendment, because I do not believe it will be in the bill when it is finally agreed to, but it surprises me to see a great and rich church, one of the greatest and richest churches in the District of Columbia, asking Congress for the paltry appropriation of $1,800 to help carry on their work.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. ALLISON. I ask unanimous consent that the unfinished business be laid aside temporarily for the purpose of continuing the consideration of the District of Columbia appropriation bill.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside that the Senate may proceed with the consideration of the pending appropriation bill. The Chair hears no objection, and the Senator from New Hampshire will proceed.

Mr. GALLINGER. Mr. President, so far as the next item is concerned, I know little about it beyond the fact that that likewise was excluded from the last appropriation bill, I think, and is now restored. Of course these worthy people want whatever money they can get for their work. If they can not get it from private subscription, they want to get it from Congress. Everybody in this District does want to get some money from Congress if it possibly can be obtained.

I have been looking up one or two facts in connection with this matter during the last hour. I want to call attention to the fact that we have an institution in the District that we partly support, called the District of Columbia Industrial Home School. The report of the superintendent for that school shows that there are now empty rooms in that building and two dormitories that will accommodate a considerably larger number of children than are now in that institution. In other words, the capacity of an institution that we are supporting, and properly supporting, is not full by any means; and yet we are appropriating money to other institutions to take care of these children.

When I turn to the report of the superintendent of charities of the District I find that he has some very pronounced ideas in regard to this matter. He says:

For the Board of Children's Guardians an increase of $1,500 is estimated in the fund for administrative purposes. This is to cover the expense of supervision of 200 children added to the number under the guardianship of the board, but residing in the homes of persons to whom they are indentured or apprenticed. One hundred were added to this number during 1899, and it is expected that an equal or larger number will be added during 1900. Certainly $7.50 per child per year is a small enough estimate for this service.

I understand that under the direction of the superintendent of charities in this District there is no difficulty in getting all the white children that are a charge upon the public Treasury in some form or other put in good homes and cared for, where they are taught certain useful occupations, and it costs the board only seven dollars and a half each to get them so placed; and if I am correctly informed there is no difficulty in getting homes for all those boys especially. Then in regard to the general proposition the superintendent says:

Five child-caring institutions were dropped from the list of those receiving public assistance for 1900. Three of these have asked that they be restored to their former places in the appropriation bill. There is no public reason why these requests should be granted. The public agencies for the care of dependent children in the District are able, and in most respects well equipped, to take care of all the children who would otherwise be received by the institutions which seek the restoration of their appropriations. The Government has laid upon them no duty or responsibility in the premises, and they have therefore no equitable claim upon the Government for support. If they continue to care for children for whom the public agencies would otherwise care, they will do so in obedience to their own desires and upon their own responsibility.

Those, Mr. President, are the words of the superintendent of charities of the District of Columbia, in which he enters a very emphatic protest against the proposed appropriation in these two items in the District appropriation bill.

Now, Mr. President, that is all I care to say about the matter. I am satisfied that if those two items should again find a place in the bill others will follow, and that pretty nearly every institution of that kind in the city, especially those connected with the churches of the city, will come here asking for some help. But if the Committee on Appropriations have in their wisdom looked this matter over carefully and have concluded that it is their duty and that a public benefit can be subserved by these appropriations, I certainly shall not enter any factious opposition to them. However, I will venture to express the hope that when the bill is finally matured these items will not appear in it.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 64, after line 11, to insert:

For St. Joseph's Asylum, maintenance, $1,800.

The amendment was agreed to.

The next amendment was, on page 64, after line 13, to insert:

For the care, maintenance, and instruction of the indigent blind who are actually residents of the District of Columbia, $5,000, to be expended under the direction of the Commissioners of the District of Columbia.

Mr. ALLISON. I desire to modify the amendment on page 64, line 14, by striking out the word "indigent."

Mr. GALLINGER. That is right.

Mr. ALLISON. I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Militia of the District of Columbia," on page 65, line 7, to increase the appropriation for cleaning and repairing uniforms, arms, and equipments, and contingent expenses, from $700 to $1,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 15, to insert:

For pay of troops, other than Government employees, to be disbursed under the direction of the commanding general, $17,600: *Provided*, That members of the National Guard of the District of Columbia who receive compensation for their services as such shall not be held or construed to be officers of the United States, or persons holding any place of trust or profit, or discharging any official function under or in connection with any Executive Department of the Government of the United States within the provision of section 5498 of the Revised Statutes of the United States.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. ALLISON. We passed over one item which I desire to have amended. On page 7, line 22, I move to strike out the word "two," before "hundred," and insert "four;" so as to read:

Street sweeping office: For superintendent, $2,400.

The amendment was agreed to.

Mr. ALLISON. On page 8, line 4, I move to strike out the amendment already inserted, "seven," and insert "nine;" so as to make the total for the street sweeping office read:

In all, $24,900.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I desire the attention of the Senator from Iowa in charge of the bill. I gave notice of a proposed amendment to the bill providing for an appropriation of $2,000 for the Woman's Clinic. It went to the Committee on the District of Columbia, and I was directed by that committee to report it back favorably and send it to the Committee on Appropriations, which I have to confess I neglected to do. But I explained to the committee in the presence of the chairman that my instructions were that I might do so. I think I will have to say that I had reason to believe when I presented the matter to the committee that some appropriation would be made for this worthy purpose.

I have not the data before me at the present moment concerning the Woman's Clinic in the District of Columbia, but I will say that it is a charity where women have practical work in surgery, and it is, I think, wholly in charge of a staff composed of women physicians, with some of the most eminent members of the profession in the city as consulting physicians. They treat women, especially the surgical diseases of women, and infants under 5

years of age. They have never had an appropriation from the public Treasury. They have raised their money by private contribution, and, of course, have had some pay patients. They are now, as I understand the matter, a little in debt. They have plans for enlarging this charity.

I have very great sympathy for an institution of this kind. I think we ought to encourage women who have prepared themselves for medical and surgical practice to have an opportunity of establishing an institution of this kind in the District of Columbia.

Now, Mr. President, I am not going to insist that they ought to have as an initial appropriation $2,000, but I will ask the Senator from Iowa if he has any objection to inserting an amendment at the end of line 19, page 63, reading as follows:

For the Woman's Clinic, maintenance, $1,000.

Mr. ALLISON. Mr. President, the Senator from New Hampshire [Mr. GALLINGER], representing the Committee on the District of Columbia, sent this matter to the Committee on Appropriations, but in the final adjustment of the bill respecting these charities the committee did not feel that we had such information as would justify us in reporting in favor of the amendment proposed by the Senator. I shall not, however, object to the insertion of $1,000, as proposed by the Senator.

Mr. GALLINGER. Then, Mr. President, I will offer the amendment, and I will say that I appreciate very much the courtesy of the Senator from Iowa. I will promise him that during the time this matter is in conference I will see that the friends of this charity shall furnish the committee of conference with further information than they now have concerning the matter.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 63, after line 19, it is proposed to insert:

For the Woman's Clinic, maintenance, $1,000.

The amendment was agreed to.

Mr. MCMILLAN. I offer the amendment which I send to the desk, to come in on page 60, after line 15.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 15, on page 60, it is proposed to insert:

For the purchase by the Commissioners of the District of Columbia of not to exceed 10 acres of land in the District of Columbia for a municipal hospital, $100,000, or so much thereof as may be necessary.

Mr. MCMILLAN. Mr. President, this hospital is needed as much as anything in the District of Columbia. It has been recommended by the joint committee of the two Houses of Congress appointed to look into the hospital and charity matters of the District of Columbia. It has been recommended by the Commissioners of the District of Columbia, by medical experts, and by the Committee on the District of Columbia. As a preliminary step to the erection of the hospital the land proposed to be purchased is necessary. I think we ought to make this appropriation at this time. There are large numbers of patients applying to be permitted even to sleep on the floors of the Washington Asylum Hospital on account of the want of accommodations. This hospital is intended to take care of chronic cases. I think the chairman of the Committee on Appropriations understands as well as I do the great necessity of doing something in this direction, and I hope he will accept the amendment.

Mr. GALLINGER. Mr. President, in connection with the amendment, I desire simply to say that I sat with the Senator who has just spoken, the chairman of the Committee on the District of Columbia, during a hearing on this subject, and was profoundly impressed with the opinion that a hospital for municipal purposes was one of the crying necessities of this District. I will further add that recently I visited the Washington Asylum, which is the only institution in this city that can possibly be called a municipal hospital, and I found there an overcrowded condition that is not to the credit of the District of Columbia. Beside that, the hospital is located almost on the edge of the Eastern Branch of the Potomac River, a place where human beings ought not to be compelled to spend an hour of their time, even if they are criminals. It is a malarial and unhealthy portion of the city, and certainly has no adaptation whatever to a site for hospital purposes. I feel very deeply impressed with the necessity for this proposed addition to the hospitals of Washington; and I may add that I think the committee of medical experts who visited this city for the purpose of examining our hospitals recommended that an institution of this kind should be constructed. They were physicians, I think, from Philadelphia and perhaps New York, and I feel sure that this is one of the appropriations that ought to be immediately made.

Mr. MCMILLAN. The physicians referred to by the Senator from New Hampshire were Dr. Hurd, superintendent of the Johns Hopkins University Hospital, and Dr. Chapin, superintendent of the Philadelphia Hospital for the Insane. They recommended the creation of this hospital after very thoroughly examining the hospitals of the District.

Mr. ALLISON. There is no municipal hospital in this city. The committee looked into this question as far as they could, and concurred with the people of the District of Columbia that a municipal hospital would be necessary here at some time.

The almshouse, alluded to by the Senator from New Hampshire [Mr. GALLINGER], is, I agree, quite unfit for hospital purposes; but there were so many more urgent things pressing upon the Committee on Appropriations, and in view of the large appropriations for sewers, water, and other like purposes, the committee did not feel that they could enter into the question of purchasing ground for a municipal hospital at this session, especially when the amount is so large. But in view of the strong urgency on behalf of the hospital by the Committee on the District of Columbia, I shall make no objection to its insertion, and shall submit the question to the consideration of the House of Representatives.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Michigan [Mr. MCMILLAN].

The amendment was agreed to.

Mr. MCMILLAN. I offer the amendment which I send to the desk to come in on page 21.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 21, after the word "dollars," in line 3, it is proposed to insert:

For grading and paving Connecticut avenue (extended) between Columbia road and Kalorama avenue, $25,000.

The amendment was agreed to.

Mr. ALLISON. In consequence of that amendment, the total appropriation should be changed on page 22, line 5, by adding $25,000.

The SECRETARY. It is proposed to amend the total in line 5, on page 22, so as to read: "$176,000."

The amendment was agreed to.

Mr. CHANDLER. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 24, line 9, after the word "dollars," it is proposed to insert:

For the purchase of lot 12, block 8, in Commissioners' subdivision of Washington Heights, so as to cause the public park on Eighteenth street extended to front on Eighteenth street, $11,800.

The amendment was agreed to.

Mr. CHANDLER. I ask that the letter which I send to the desk may be inserted in the RECORD in connection with the amendment.

The PRESIDENT pro tempore. The letter will be inserted in the RECORD in the absence of objection.

The letter referred to is as follows:

OFFICE OF THE ENGINEER COMMISSIONER OF THE DISTRICT OF COLUMBIA,
Washington, April 9, 1900.

SENATOR: In reply to your inquiry of this date concerning lot 12, block 8, Commissioners' subdivision of Washington Heights, I would state that the lot is somewhat triangular in shape, being 63 feet deep at its south end, 10 feet deep at its north end, and fronting 200 feet on Eighteenth street. It lies between the ground owned by the United States and used for the purpose of the Champlain avenue shaft to the tunnel and Eighteenth street. It completely blocks access from said ground to Eighteenth street.

The lot immediately back of the sidewalk is 2 feet above the grade of the sidewalk. It can be considered, however, as being practically all on grade throughout its entire area.

It is understood that parties are endeavoring to purchase the lot for the purpose of erecting an apartment house upon it. This would block the entire frontage of the park, against which the house would abut in the rear. It is believed that this should be prevented, if possible, as a matter of public policy.

A portion of the park next to Champlain avenue is below grade, and when the work of construction on the aqueduct tunnel is completed it will have to be regraded; but this can be done at very slight expense, and will then afford a good grade between Eighteenth street and Champlain avenue, which borders the park on the east.

The acquirement of the lot in question will cause the park to abut, for its entire length, upon Eighteenth street.

Very respectfully, yours,

LANSING H. BEACH,
Captain, Corps of Engineers, United States Army,
Engineer Commissioner, District of Columbia.

Hon. W. E. CHANDLER,
United States Senate.

Mr. CHANDLER. I move to amend, on page 56, by striking out lines 14 and 15.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend, on page 56, after line 13, by striking out:

For continuing erection of a workhouse for males, $50,000.

Mr. CHANDLER. That will throw the subject into conference, I will suggest to the Senator from Iowa. I do not believe that that appropriation ought to be made, but I will say no more on the subject if the Senator from Iowa is willing to take it into conference.

Mr. ALLISON. This appropriation is for continuing the erection of a workhouse at the Washington Asylum. Last year we appropriated $50,000 for this purpose, and authorized a contract to be made for its completion, limiting the cost to $100,000. I

submit to the Senator that this is only in pursuance of the arrangement of last year.

Mr. CHANDLER. If that is so, the committee of conference will find it out. I will change the motion by moving to strike out the word "fifty," before "thousand," in line 14, and to insert "ten;" so as to make the appropriation $10,000. Then the Senator can ascertain whether it is necessary to any existing contract to appropriate $50,000. I shall not detain the Senate, because I know the Senator is anxious to get the bill through and go away. I will not undertake to present the views on this subject of the board of trade, because I have confidence that the committee of conference will do what the obligations of the Government require and what on the whole is best, as they always do.

Mr. ALLISON. I will compromise with the Senator. If he will make the amount $40,000 instead of $50,000, we shall then have the matter before the conference.

Mr. CHANDLER. No; but it will be before the conference just as surely with $10,000 as $40,000, if the Senator will allow me to say so. I do not want to debate the question.

Mr. ALLISON. I shall be very glad to hear the reasons the board of trade gives why this workhouse for people who are condemned to the workhouse in the District of Columbia should not be completed as provided for. If they have reasons for it which are sufficient to the Senator, I shall be glad to hear them.

Mr. CHANDLER. That opens the whole question that I did not want to open in order to detain the bill, but out here, not a great way east of the Capitol, are these three institutions—the jail, the workhouse, and the almshouse. They are inconveniently near; the burial lot is close by, and there is a feeling on the part of citizens of Washington, who are entitled to be heard, that at no very distant day the workhouse certainly ought to be taken 2 or 3 miles away, and not be in such close proximity to the Capitol.

The Senator understands the question perfectly well, better than I do; though I sometimes wonder that he remembers everything that he has occasion to know about appropriation bills, and has been able to carry them so many years in his mind. The Senator knows the merits of this question, and he knows there is a fair argument in favor of arresting the extension of the workhouse right where it is if it can be done consistently with existing contracts.

Mr. President, if the sum is reduced to $10,000, the Senator will have the whole range from $10,000 to $50,000 to consider in the conference committee; and that will save me the necessity of expounding this subject at greater length.

Mr. ALLISON. I shall be very glad to hear from the Senator further upon this subject. I regard this as so important that I can not consent to a large reduction of the amount. I have here the report of the Commissioners of the District of Columbia. They certainly ought to be familiar with the views of the board of trade and other people who study these subjects.

Mr. CHANDLER. But there is an appeal, as the Senator knows, from the District Commissioners to the Senate.

Mr. ALLISON. I know; but not to the board of trade.

Mr. CHANDLER. The Senator assumes that if the board of trade differ with the District Commissioners, the views of the board of trade are to have no weight.

Mr. ALLISON. No; I do not assume that. I assume that the District Commissioners are supposed to investigate the different public institutions in this city; and the Commissioners say in their report of this year as follows:

> The need of a new building is most imperative, and it is to be hoped that good progress will be made on the portion appropriated for, and that a like sum will be promptly appropriated for a further extension of the new building, and a steel-cell system provided for.

Mr. President, it is possible that at some future time the 40 acres of land in the District of Columbia which the Government of the United States owns in this particular place will be needed and used for other purposes, and that we may be required to go farther out into the country to establish an almshouse, a workhouse, etc.; but I submit that that will not be in the very near future, and that this workhouse is absolutely needed here for that class of inmates who are from time to time assigned there by the courts. I prefer that the suggestion made by the Commissioners of the District of Columbia, and agreed to by the House of Representatives, shall stand in the bill.

Mr. CHANDLER. Mr. President, the Senator from Iowa conveyed a wrong impression in his first statement.

Mr. ALLISON. I did.

Mr. CHANDLER. He conveyed the impression that $50,000 was necessary to carry out the existing contract for the extension.

Mr. ALLISON. If the Senator will allow me, I wish to make that correction. It is for a new wing that this appropriation is proposed to be made.

Mr. CHANDLER. The Senator unintentionally created a different impression. I do not object to the fulfillment of existing contracts, but the Senator admits now that in these two lines of the bill there is a provision for a further extension beyond the one already contracted for. It is exactly that further extension which I wish to provide against, and I certainly think it is not unreasonable to have the Senator confer with the House committee, not as to whether existing contracts shall be fulfilled, but as to whether $40,000 more shall be expended. I will modify my motion by moving to strike out "fifty" and insert "ten," so as to make the appropriation $10,000.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from New Hampshire. [Putting the question.] The "noes" appear to prevail.

Mr. CHANDLER. I shall have to see if I can not convince more of the voters in the affirmative, if I have not succeeded in convincing the Senator from Iowa. I appeal to the Senator again to let this amendment be made. The matter will then still be entirely within his control and the control of the committee of conference.

Mr. ALLISON. I am willing that the appropriation may be reduced to $40,000 with a view to any examination we can make as respects the necessity for this appropriation either in the other House or in conference.

Mr. CHANDLER. I will ask the Senator a question on that point. The Senator knows how much it will require to fulfill the existing contracts. If it is $10,000, no more need be appropriated. But when the bill goes into conference, if no amendment is made as to this provision, the House committee will say that it has been a decision of the Senate to grant this further extension of the workhouse; then the question will not be open in conference, and I want to have open in conference the whole question whether or not this recommendation of the District Commissioners for a new and additional extension of the workhouse beyond that now provided by law shall be made. The Senator knows whether the whole question will be in conference or not.

Mr. ALLISON. The $50,000 appropriated is already under contract in building one wing of this workhouse. The Commissioners, when they were before the Senate committee, insisted upon this additional $50,000 in order that they might complete another wing of the workhouse. Therefore it is not necessary that this appropriation shall be made to complete the wings already contracted for, as I understand now from the testimony, having refreshed my memory in regard to the subject.

Mr. CHANDLER. There is no need, then, of any additional money, as I understand the Senator?

Mr. ALLISON. For that particular wing.

Mr. CHANDLER. To fulfill existing contracts?

Mr. ALLISON. I think not.

Mr. CHANDLER. Well, then, Mr. President, I certainly hope the Senate will not decide to still further enlarge the workhouse. I will read some extracts on that point from the report of the committee on charities and corrections of the board of trade. They say:

> This District of Columbia, the seat of government of our great nation, has at the close of the first century of its existence a jail, workhouse, and almshouse system far behind what a city of the size and character of Washington ought to have.
>
> PRESENT SITE UNFIT FOR PRESENT USES.
>
> These three institutions, under the control of two different branches of the Government, are located close to each other, directly east of the Capitol, and so located that they have long blocked the way to improvement and growth in that direction of our city. It is only a question of a few years when every interest, including (1) the growth of the city eastward and the extension of its streets; (2) economical administration, and (3) the health of officers and employees and of the hundreds if not thousands of the wards and inmates maintained and confined therein, will be compelled to unite in the effort to secure the removal of these institutions from the site now occupied by them.
>
> The estimates submitted for the current fiscal year by the management of one of these institutions include a sum of $30,782.80 for the purchase of three additional squares, bringing these unfortunates so much nearer the Capitol building, and so much the more blocking the eastward extension of streets, which without these institutions would long since have been prosperous thoroughfares and the site of many private residences. It should never be forgotten that a century ago the more desirable section of the new nation's new home was not west but eastward of the Capitol and extending to the river on the east, then navigable as far as Bladensburg, which section, when the Anacostia flats are reclaimed, will again be recognized as in every way fitted for residential use and made proportionately valuable.
>
> UNANIMOUS RECOMMENDATIONS.
>
> Your committee therefore unanimously recommend that at as early a day as possible the authorities of the District government be requested by the Board of Trade to formulate jointly a plan for—
>
> 1. The ultimate removal from their present sites of the jail, the workhouse, and the almshouse, with their respective necessary adjuncts of potter's field, isolated wards, etc.
>
> 2. A plan for the separation of the administration of these three institutions.
>
> 3. The location of each on a site specially adapted for its needs, to the end that each one of these necessary institutions can, at a minimum of cost and annoyance to the community, perform the maximum of service not only now required of each, respectively, but so located as will enable them in coming years to grow with the certain growth of the national capital.
>
> Your committee believes that the entire cost of the changes in location herein recommended and the erection of all needed structures can be more than met by the proceeds of the sale of land now occupied by these institutions.

PROTEST AGAINST FURTHER EXPENDITURE ON PRESENT SITE.

The extent of the present obstruction to the natural growth of our city in an eastward direction will be shown by a map prepared under the direction of the District authorities and submitted with this. To have this needless obstruction prolonged by the expenditure of vast sums of money for the purchase of additional land and the erection of additional structures for these institutions on their present site your committee believes to be unwise from every point of view, and your committee would here record unanimous and most earnest protest against this unwise use of public funds.

WORKHOUSE BADLY PLACED.

The workhouse, under the control of the Commissioners of the District of Columbia, should be removed north and eastward a mile or more, along one of the to-be-in-the-future extended avenues in the extreme northeastern section of the District, where the inmates could be given appropriate employment in laying out projected and sadly need thoroughfares in that section, thoroughfares that will more than repay to the District taxpayers the cost of maintenance of these visitants to the national capital, the number of whom seems to increase with the years, and to many of whom employment would be a great benefit.

The Senator from Iowa recognizes the fact that the probability is that at some time in the future the almshouse, and perhaps the jail, will be removed farther away from the Capitol than where they are now located. If that probability exists, and if we are now finishing an extension of the workhouse, I think we had better complete that extension, and not authorize another one.

I do not say that there should not be jails and almshouses, nor that they should not be in reasonable proximity to the Capitol of the nation; but they will be near enough if they are taken 2 or 3 or 4 or 5 miles out into the country. They are not wanted in this portion of the city, which is needed for residential uses. Therefore I hope, upon my statement and upon the admissions of the Senator from Iowa, the Senate will strike out this clause and will let the subject go into conference, where the able and intelligent and all-wise committee of conference can see whether it is best to put any more money into these almshouses so near to the Capitol, and whether the potter's field, in which hundreds and hundreds of people are from year to year being buried, should not be moved farther out into the country and more distant from the thickly settled portions of the beautiful city of Washington.

Mr. President, I renew my original motion, and move to strike out the whole paragraph. I hope the Senator from Iowa will do me the courtesy, as he will still retain a great deal more control over it than I, to let it go into conference.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 56, after line 13, it is proposed to strike out:

For continuing erection of a workhouse for males, $50,000.

The PRESIDENT pro tempore. The question is on the amendment. [Putting the question.] By the sound, the "noes" have it.

Mr. CHANDLER. Very reluctantly, I shall have to ask a division unless the chairman of the committee will accept the amendment.

Mr. ALLISON. I regard this proposition as so important that I can not consent to strike it out.

The PRESIDENT pro tempore. The Chair will again put the question on the amendment. Senators in favor of the amendment will rise and stand until they are counted——

Mr. ALLISON. I hope that no further count will be asked by the Senator from New Hampshire.

Mr. CHANDLER. It is no judgment of the Senate when three or four vote one way and six people, not so wise as the three or four, vote the other way. Therefore if the Senator is not willing to take this matter into conference, and wants the absolute judgment of the Senate upon it, we had better have a quorum present.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Gear,	McMillan,	Sewell,
Allison,	Hale,	Martin,	Shoup,
Bard,	Hanna,	Money,	Simon,
Bate,	Hansbrough,	Morgan,	Stewart,
Berry,	Harris,	Nelson,	Taliaferro,
Burrows,	Hawley,	Penrose,	Teller,
Butler,	Heitfeld,	Perkins,	Tillman,
Carter,	Hoar,	Pettigrew,	Turley,
Chandler,	Jones of Nev.	Pettus,	Vest,
Fairbanks,	Kean,	Platt of N. Y.	Wellington,
Forsker,	Kenney,	Rawlings,	Wolcott.
Frye,	Lindsay,	Ross,	
Gallinger,	McBride,	Scott,	

The PRESIDENT pro tempore. Fifty Senators have responded to the roll call. There is a quorum present. The amendment proposed by the Senator from New Hampshire will be stated to the Senate.

The SECRETARY. It is proposed to strike out lines 14 and 15, on page 56, as follows:

For continuing erection of a workhouse for males, $50,000.

Mr. CHANDLER. I will read again the portion of the report which the Senator from Iowa read:

The need of a new building is most imperative, and it is to be hoped that good progress will be made on the portion appropriated for, and that a like sum will be promptly appropriated for a further extension of the new building, and a steel-cell system provided for.

The $50,000 is for "a further extension of the new building and a steel-cell system provided for." I am not going to detain the Senate, now that there are one or two beyond half of the membership present, to discuss the question any further, if the Senate chooses to adopt this provision. The Senator from Iowa admits that the almshouse probably ought to be removed farther away from the Capitol, and that eventually it will be done. I am sure it will be done, and I believe, therefore, that in order to avoid the expenditure of $50,000 during the next year, which is to be thrown away whenever the removal of the almshouse is made, the amendment should be agreed to.

Mr. PETTIGREW. Mr. President, as I understand this controversy, the Senator from New Hampshire wishes the almshouse removed because he wants the locality for residences for the citizens of Washington, and the other Senator from New Hampshire wants it removed because the locality is so unhealthful that it is not a fit place for the residence of convicts. It seems to me both reasons are exceedingly good.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. COCKRELL. I offer the amendment which I send to the desk.

The SECRETARY. After line 6, on page 20, it is proposed to insert:

For grading and regulating Quincy street, Petworth, from Brightwood avenue to Eighth street, $2,000.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PACIFIC CABLE.

Mr. HALE. I move that the Senate proceed to the consideration of Senate bill No. 2.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Maine to the fact that there is an unfinished business before the Senate.

Mr. PLATT of Connecticut (to Mr. HALE). Ask unanimous consent.

Mr. HALE. Then I ask unanimous consent that the unfinished business may be laid aside informally.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the unfinished business may be laid aside temporarily. Is there objection? The Chair hears none.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (S. 2) to provide for the construction, maintenance, and operation, under the management of the Navy Department, of a Pacific cable.

The motion was agreed to.

Mr. HALE. I agreed to yield for a moment to the Senator from Vermont [Mr. ROSS], who wishes to present a matter which will not take up much time.

CIVIL OFFICES IN OUTLYING DEPENDENCIES.

Mr. ROSS. I ask unanimous consent for the present consideration of the bill (S. 2000) regulating appointments to and removals from civil offices in outlying dependencies of the United States.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent for the present consideration of a bill which will be read in full for the information of the Senate.

The Secretary read the bill, which had been reported from the Committee to Examine the Several Branches of the Civil Service with an amendment, to strike out all after the enacting clause and insert:

That all appointments to civil offices made by the President or any head of a Department in Alaska, Hawaii, or any place brought within the jurisdiction of the United States by the recent treaty with Spain, shall be made irrespective of the political opinions of the persons appointed, and, so far as consistent with the proper performance of the duties of the office, in such a manner as to represent the entire country. In case of removal from any such office, whenever practicable, charges shall be made in writing and a copy thereof furnished to the accused, who shall be afforded reasonable opportunity to make answer thereto; and the President or head of a Department making the appointment may, wherever the public interest shall seem to require it, suspend the official pending hearing or investigation of such charges.

Mr. GALLINGER. I feel constrained to object to the present consideration of the bill.

The PRESIDENT pro tempore. Objection is made.

WINSLOW WARREN.

Mr. HOAR. Will the Senator from Maine allow me to ask for the passage of a bill which I think will not take two minutes?

Mr. HALE. I will if it will not give rise to debate.

Mr. HOAR. I am sure it will not.

Mr. HALE. I yield for the moment.

Mr. HOAR. I ask unanimous consent to call up the bill (S. 248) for the relief of Winslow Warren.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Winslow Warren $500 for services rendered to the United States in 1893 and 1894 as commissioner, at the request of the judge of the United States circuit court for the district of Massachusetts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

HIRAM JOHNSON AND OTHERS.

Mr. BATE. I ask the Senator from Maine to yield to me for a moment.

Mr. HALE. The Senator from Tennessee has appealed to me, and I yield on the assurance that the bill which he wishes to have considered will not lead to debate. I wish to get the other bill through this afternoon.

Mr. BATE. I do not think it will. If it does I will withdraw it. I ask unanimous consent for the present consideration of the bill (H. R. 2356) for the relief of Hiram Johnson and others.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PACIFIC CABLE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2) to provide for the construction, maintenance, and operation, under the management of the Navy Department, of a Pacific cable, which had been reported from the Committee on Naval Affairs with an amendment, to strike out all after the enacting clause and insert:

That to the end of establishing hereafter, whenever desirable, telegraph communication between the United States and the Philippine Islands and Japan under the waters of the Pacific Ocean there shall be constructed, under the supervision of the Secretary of the Navy, a submarine telegraphic cable or cables, and connecting land lines, from the city of San Francisco, Cal., to the city of Honolulu, Hawaiian Islands, over such route as may be deemed by the Secretary of the Navy to be most practicable.

SEC. 2. That the Secretary of the Navy is hereby authorized to cause such further surveys and soundings to be made as may be necessary to determine the most practicable route upon which to establish cable communication connecting the cities of San Francisco and Honolulu, and to obtain, by concession, lease, or purchase, such lands and rights therein as may be requisite for the establishment of proper terminal stations, and for the right of way on the Pacific coast or upon any of the islands touched by the cables hereinbefore authorized.

SEC. 3. That if it shall appear that the work of laying said cable herein authorized, or any portion of such work, can be expeditiously, conveniently, and economically performed by vessels of the Navy, their employment for such purpose is authorized, and such changes in the naval vessels so employed as can be advantageously and economically made in order to fit them for such work may be made: *Provided, however*, That if, in the judgment of the Secretary of the Navy, it is more advantageous to the public interests, the vessels, and the equipments thereof necessary to carry on the work of laying said cable may be obtained by charter from any source.

SEC. 4. That the Secretary of the Navy is hereby empowered, immediately upon the passage of this act, to cause to be prepared plans and specifications, to solicit proposals by suitable advertisement, and to enter into contract or contracts for the construction, laying, and equipment of said lines of telegraphic cable, at the earliest practicable date; such contract to include the furnishing of all necessary materials, instruments, appliances, and appurtenances, and the performance of all work necessary to the laying and complete equipment and successful operation of said cable, except such materials and articles as can be more advantageously furnished, and such work as can be more efficiently performed by the Navy. Contracts for materials, articles, or labor, connected with the establishment of the cable shall be governed by provisions of existing law relating to public contracts: *Provided*, That the wires, cables, insulators, batteries, instruments, and all other materials and appurtenances shall be of such quality as to insure the satisfactory maintenance and efficient operation of said cables; and no inferior materials, instruments, batteries, or other appliances or work shall be accepted or paid for under any contract made under the provisions of this act.

SEC. 5. That the cable, wires, and other instruments, materials, appliances, and appurtenances necessary in the work of laying said cable shall be of American manufacture: *Provided*, That the same can be procured at a cost not exceeding 12 per cent above what the same can be procured for in foreign markets.

SEC. 6. That when the cable herein authorized is completed, the operation and control thereof shall be transferred to the Postmaster-General, who shall have authority to receive and transmit messages in the interests of commerce and the public, shall establish rates of toll therefor, and shall arrange and provide for the transmission of messages from news associations and agencies to the newspapers of the United States, commonly known as press messages, at a suitable reduction from the rates established for ordinary private messages.

SEC. 7. That the Postmaster-General shall establish a fund to be known as the "Pacific cable fund," into which all receipts derived from the revenues of the cable shall be deposited, and the net proceeds over and above operating expenses derived therefrom shall be paid into the Treasury of the United States.

SEC. 8. That for the purpose of carrying this act into effect the sum of $3,000,000, or so much thereof as may be necessary, is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. HALE. The bill as reported is a substitute for the original bill referred to the committee, and I ask that it may be considered as the original bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

Mr. STEWART. I should like to inquire of the Senator having this bill in charge if there are any American manufacturers of cable for use in deep sea? I have been informed that it is a question whether there are.

Mr. HALE. Of course that was the question, whether any American company can build the cable in competition with manufacturers in foreign countries.

Mr. STEWART. That is, the cable.

Mr. HALE. Build it and lay it. The committee were in sympathy with the American manufacturers who appeared before the committee and assured the committee that, as has proved true in other branches of industry in which the Government is interested—the building of ships and ordnance and matters of that kind—they could, by giving proper time, produce plant enough to furnish it, but that a discrimination ought to be made in their favor; and the committee, recognizing that, have put into the bill a discrimination of 12½ per cent in favor of American manufacturers.

Mr. STEWART. Is that sufficient?

Mr. HALE. That is a question. Nobody can say. Some of the testimony which the committee had indicated that that was enough, and some of it indicated that it was not quite enough. The committee settled upon that finally, and there is that discrimination.

Mr. SEWELL. I should like to ask the Senator from Maine a question. I did not hear the colloquy which has been going on. What are the estimates for the cable?

Mr. HALE. About $3,000,000. It can not be stated exactly.

Mr. SEWELL. The original bill contained an appropriation of $11,000,000 for a cable to the Philippines.

Mr. HALE. The committee has deemed it wise to go no further at present than to provide for a cable to the Hawaiian Islands.

Mr. SEWELL. And $3,000,000 is to be the cost of it?

Mr. HALE. That is the basis of the estimate of cost. After this is built—and it ought to be built and built speedily; everybody says that—then the question will come up about extending the cable farther. The committee concluded not to go into that question, all the more because there is a question whether with the cable laid and operating to Honolulu it is not cheaper and better to build from Seattle or San Francisco northward by the Alaskan islands to Japanese territory. Therefore the committee deemed it wise, and I think it was a very wise conclusion, not at present to embark on that question. That is all left for determination hereafter.

Mr. SEWELL. That is satisfactory to me.

Mr. PETTUS. Mr. President, I move to strike out the fifth section of the bill. We know that the people of the United States have to contribute under our tariff taxation and otherwise to manufacturers, and we have been submitting to it patiently or impatiently for a hundred years or more. But I for one am not willing that the Government itself shall be taxed on its own business for the same purpose. It seems to me to be an absurdity that the Government should be taxed twelve and a half per cent for the benefit of men who make iron or who make the materials necessary to build a cable. We know that we need iron to clothe our ships and we know that we are contributing a bounty of about $300 per ton for that purpose. We all know that, and the Government is forced to submit to it; but why should the Government itself willingly submit to be taxed on its own business for the benefit of manufacturers?

Mr. President, it is an absurdity. It is a thing that ought not to be tolerated. Even if you do unjustly tax the citizens, do not impose upon the Government a burden of this sort.

Mr. HALE. Mr. President, I will not take up any of the time of the Senate. I am very desirous of passing the bill and getting it out of the way of the Senator from Massachusetts. The committee heard American manufacturers, who are very desirous of having a chance at this work as other American establishments have had in other Government work, and the committee believed that American iron and American steel, Alabama steel, could be utilized in this wire if we made a discrimination of only twelve and a half per cent. Unless a Senator desires to debate the question, in order to get the matter out of the way I will move to lay the amendment on the table.

The PRESIDENT pro tempore. The Senator from Maine moves to lay on the table the amendment proposed by the Senator from Alabama.

Mr. PETTUS. On that motion I ask for the yeas and nays.

Mr. TILLMAN. Will the Senator from Maine withdraw the motion for a moment?

Mr. HALE. I withdraw it.

Mr. TILLMAN. Mr. President, as a member of the Committee on Naval Affairs I will state for the information of the Senate that the Democratic members of the committee all agred to this proposition as a compromise to keep a larger discrimination or tariff or bounty, or whatever you may term it, from being imposed. While we disagree in this Chamber as to the protection of American industries against foreign competition, I think a sound public policy warrants the assertion that it is to the best

interests of the people of the Unsted States as a whole to manufacture anything in this country that we need to use, if it can be done.

While I am not a protectionist in any sense and am opposed to subsidies of every kind, and while I believe the American manufacturer can compete and does compete in the markets of the world with his competitors in iron manufacture, and I know that we of the South are competing in cotton manufacture, and while there are a great many iniquities and outrages in our tariff policy that ought not to exist, I for one consented to the proposition that in this experiment of a Government cable laid by the Navy Department, a Department of the Government, as an experiment in Government ownership and control of one of the avenues of commerce, the job should be given to American cable makers, if they were willing to invest their money and put us on a basis of equality with European manufacturers in having in this country such a plant.

It is true I smelt, I thought, some little odor of another armor manufacturing establishment, which we subsidized some years ago, but we did not put any percents on that. We simply declared in bald terms that the armor should be of American manufacture, and turned around and made a contract with the steel companies to give them a price for the armor enough to pay for the extra outlay, and have since been paying tribute to those people by paying the same price, or approximately the same price, on all succeeding contracts to the first contract which we gave, which I thought an outrage and which the Senate has three or four times declared to be an outrageous imposition on the Government.

We are now face to face with a proposition coming here from the other end of the Capitol to continue to pay the tribute which the armor factories have levied upon the Government. But this is an entirely different proposition. I will state for the benefit of the Senator from Alabama that it is altogether likely that Alabama iron will go into the manufacture of this cable, because he knows that Alabama now makes iron cheaper than Pennsylvania can make it. She is preparing to make steel cheaper. While it might be objectionable to have the United States pay 12 per cent to the American manufacturers of cables, there are other products besides iron which enter into their construction. The skilled labor necessary to have this industry of cable making get a foothold in this country may need this amount of protection. If it needs it, let us give it to it, with the hope that in the near future this baby which we are now going to give a sucking bottle to will get on its feet so that it can lay cables in competition with Europe, and not have any further protection or subsidy, and be able hereafter to compete without any assistance.

Mr. PETTUS. Mr. President, I want to say most emphatically that up to this date Alabama is not willing to accept the bribe.

Mr. TILLMAN. I did not offer any bribe.

Mr. PETTUS. I do not know when it will be otherwise, because I see a movement on foot in that direction. I have seen a very great State close to us accept the sugar bottle.

Mr. President, this thing is wrong in itself. The Senator from South Carolina has illustrated the whole principle of the thing by offering this dish to Alabama on a silver plate.

Mr. TILLMAN. I beg the Senator's pardon, if he will permit me. I have not offered to Alabama anything. I am calling attention to the fact that Alabama's industries of iron are struggling in competition with other industries in this country; and while there may be no help to Alabama in this, it is nevertheless true that if we can get an armor factory in Alabama established by the Government south of the Potomac, so that that section of the country can have it demonstrated that it can make armor cheaper than it can be made in any other part of the United States, I for one will be glad to see some money spent in the South. We have been sending money North all the time and have never got any back.

Mr. PETTUS. Mr. President, the great-grandchildren of the Senator from South Carolina will some of them be here in the Senate before any armor-plate manufactory is ever built in Alabama on this plan. So far as struggling for position in the production of iron and coal, Alabama is not struggling at all; it is master of the situation both as to iron and coal.

Mr. President, we ought not to do this thing. Oh, if I had lived long enough where these great benefits have been conferred, I expect I would be a millionaire to-day and see very clearly, as clearly as the Senator from Rhode Island [Mr. ALDRICH] sees, that it is all right. I have no doubt of it.

Mr. ALDRICH. I am glad that the Senator sees in Alabama signs of a change, too.

Mr. GALLINGER. Due to our policy.

Mr. ALDRICH. Due to our policy.

Mr. PETTUS. I am afraid that the time will come; it has not come yet, but we are on this downward road, this greed for wealth, these logical deductions that we are able to make, or, as the Senator from Rhode Island makes so clearly, that every man is benefited to the same degree you raise the taxes on him except these manufacturers themselves. We can very easily see that the income of such people ought not to be taxed; it would diminish their great wealth; but the fellows who have it not, walk on them as much as you please, they may kick and quarrel, but they can not pour their millions into the election fund. Therefore let them kick.

Mr. President, it ought not to be. Senators know it is wrong; but by the logic of New England and the adjacent States, especially Rhode Island, which is at the present moment head center of this protective-tariff argument——

Mr. ALDRICH. Oh, no.

Mr. TELLER. He means the Rhode Island Senators.

Mr. PETTUS. Rhode Island, if their voice could control, would, but they could not do it entirely; New England will be heard, and will control, too. If the Senator from Rhode Island, or his people, could control this whole subject, Rhode Island would be protected and the balance of us would be out in the cold. Rhode Island has, therefore, to form an alliance, and they form it with Maine. From Rhode Island to Maine are the most favored parts of the United States.

Mr. HALE. Undoubtedly.

Mr. PETTUS. It does not produce it all, but it gets it all after it is produced.

Mr. HALE. Mr. President, I hope the Senator will not insist on calling the yeas and nays on his amendment, as the Senate is thin. I ask the Chair to put the motion to the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. PETTUS].

Mr. HALE. Let the vote be taken directly on the adoption of the amendment.

Mr. PETTUS. On that question I ask for the yeas and nays.

Mr. HALE. All right.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. McLAURIN (when his name was called). I am paired with the senior Senator from North Carolina [Mr. PRITCHARD]. He is not in the Chamber, and I withhold my vote.

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator of Illinois [Mr. CULLOM]. I do not see him present, and I will withhold my vote. I should vote "nay" if he were present.

Mr. ALDRICH. He would vote "nay."

Mr. HALE. The Senator from Virginia can vote "nay."

Mr. MARTIN. I vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. GEAR].

Mr. QUARLES (when his name was called). I have a general pair with the junior Senator from Texas [Mr. CULBERSON]. If he were here, I should vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. If he were present, I should vote "nay."

Mr. TURLEY (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Minnesota [Mr. NELSON]. I should vote "yea" if he were present.

The roll call was concluded.

Mr. BERRY. My colleague [Mr. JONES of Arkansas] is absent. I think he has a general pair with the Senator from Maine [Mr. HALE], but I am not sure.

Mr. HALE (after having voted in the negative). Yes. I transfer that pair to the Senator from Vermont [Mr. PROCTOR] and let my vote stand.

Mr. TILLMAN. I am informed that the Senator from Nebraska [Mr. THURSTON] would vote "nay" if present, and therefore I will vote; I vote "nay."

Mr. McMILLAN. I am paired with the Senator from Kentucky [Mr. LINDSAY]. He is not present, and therefore I withhold my vote.

Mr. HARRIS (after having voted in the affirmative). I have a pair with the senior Senator from Wyoming [Mr. WARREN], and as I do not see him present, I withdraw my vote.

Mr. FAIRBANKS. I wish to state that my colleague [Mr. BEVERIDGE] is unavoidably detained from the Senate.

Mr. McMILLAN. I have a pair with the Senator from Kentucky [Mr. LINDSAY], and the Senator from Tennessee [Mr. TURLEY] has a pair with the Senator from Wisconsin [Mr. SPOONER]. We have transferred those pairs so that we may vote. I vote "nay."

Mr. TURLEY. I vote "yea."

The result was announced—yeas 11, nays 38; as follows:

YEAS—11.

Bate,	Heitfeld,	Pettus,	Turley,
Berry,	Kenney,	Rawlins,	Vest.
Cockrell,	Pettigrew,	Taliaferro,	

NAYS—38.

Aldrich,	Hale,	McMillan,	Shoup,
Bard,	Hanna,	Martin,	Simon,
Butler,	Hansbrough,	Nelson,	Stewart,
Carter,	Hawley,	Penrose,	Sullivan,
Chandler,	Hoar,	Perkins,	Teller,
Clay,	Jones, Nev.	Platt, Conn.	Tillman,
Fairbanks,	Kean,	Platt, N. Y.	Wellington,
Foster,	Lodge,	Ross,	Wolcott.
Frye,	McBride,	Scott,	
Gallinger,	McCumber,	Sewell,	

NOT VOTING—38.

Allen,	Culberson,	Jones, Ark.	Pritchard,
Allison,	Cullom,	Kyle,	Proctor,
Bacon,	Daniel,	Lindsay,	Quarles,
Baker,	Davis,	McComas,	Spooner,
Beveridge,	Deboe,	McEnery,	Thurston,
Burrows,	Depew,	McLaurin,	Turner,
Caffery,	Elkins,	Mallory,	Warren,
Chilton,	Foraker,	Mason,	Wetmore.
Clark, Mont.	Gear,	Money,	
Clark, Wyo.	Harris,	Morgan,	

So Mr. PETTUS's amendment was rejected.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. HAWLEY. I ask for the consideration of Senate bill No. 3211.

Mr. LODGE. Mr. President, before the Senator goes on with that bill, I ask him to allow me one moment in regard to the unfinished business. I gave notice last week that to-day at 2 o'clock, when the unfinished business should be laid before the Senate, I would ask the Senate to fix a time for taking a vote upon it. Owing to a delay of the train I was unable to get here at that time, and I would like to make the request now that a time may be fixed for the taking of the vote on Senate bill No. 2355, the present unfinished business of the Senate.

Mr. BERRY. I object to any unanimous consent that a vote shall be taken on that bill at a particular time.

The PRESIDENT pro tempore. The Senator from Connecticut is recognized.

PUBLIC BUILDING AT HARTFORD, CONN.

Mr. HAWLEY. I ask leave to call up Senate bill 3211, and ask for its present consideration.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent for the present consideration of a bill, and that the unfinished business be temporarily laid aside for that purpose. The bill will be read to the Senate for its information.

Mr. CHANDLER. I will not object, of course, to the Senator's request, but I shall ask unanimous consent after that bill is disposed of that I may submit some remarks in reference to the United States Naval Observatory.

The Secretary read the bill (S. 3211) to authorize the construction of an addition to the public building at Hartford, Conn.; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 3, before the word "thousand," to strike out "and fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to construct an addition to the public building at Hartford, in the State of Connecticut, to contain necessary heating and lighting equipment; said addition to be constructed in general conformity with the present building: *Provided*, That the city of Hartford shall convey to the United States, without expense to the United States, and in form acceptable to the Secretary of the Treasury, such additional land as, in the opinion of the Secretary of the Treasury, may be necessary to secure a proper site for said addition: *And provided further*, That such addition shall be constructed at a cost not to exceed $200,000.

The amendment was agreed to.

Mr. HAWLEY. I have an amendment to offer to the body of the bill, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 2, after the word "*further*," strike out the word "That" and insert the following:

The plans, specifications, and estimates shall be made and approved according to law, and.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed,

PUBLIC BUILDING AT ALLENTOWN, PA.

Mr. PENROSE. I ask unanimous consent to call up the bill (S. 1992) for the erection of a public building at Allentown, Pa.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Allentown and State of Pennsylvania, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $153,000.

SEC. 2. That proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

SEC. 3. That proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to said proposed sites.

SEC. 4. That if, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after said examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all maps, statements, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department, and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

SEC. 5. That the compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

SEC. 6. That the building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CARTHAGE, MO.

Mr. COCKRELL. I ask unanimous consent for the present consideration of Order of Business 619, being the bill (S. 3309) to provide for the purchase of a site and the erection of a public building thereon at Carthage, in the State of Missouri.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with amendments. The first amendment was, in line 1, on page 2, after the word "hundred," to insert "and twelve;" and in line 2, after the word "thousand," to insert "five hundred;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Carthage and State of Missouri, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $112,500.

The amendment was agreed to.

The next amendment was, on page 3, after line 14, to strike out:

No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Missouri shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT RENO, NEV.

Mr. STEWART. I ask unanimous consent for the present consideration of Senate bill 182.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 182) for the erection of a public building in Reno, Nev.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and

cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Reno, State of Nevada, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $70,000.

SEC. 2. That proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

SEC. 3. That proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to said proposed sites.

SEC. 4. That if, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary, and said commission shall, within thirty days after said examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all maps, statements, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department, and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

SEC. 5. That the compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

SEC. 6. That the building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF PHILIP M'LOSKEY AND JOHN HAGAN.

Mr. MORGAN. I ask unanimous consent for the present consideration of House bill 2456.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2456) for the relief of the heirs and assignees of Philip McLoskey and John Hagan. It provides that the title of the heirs of Philip McLoskey and John Hagan, late of Mobile, Ala., deceased, or of such person or persons as by assignment, transfer, or conveyance from, through, or under Philip McLoskey and John Hagan may have claims thereto, to certain property in the city of Mobile, Ala., shall be confirmed, respectively, to the heirs of Philip McLoskey and John Hagan, or to their assignees or grantees to whom they may have conveyed the same or any part thereof during their lives, according to the rights which the said heirs, assignees, transferees, or grantees may have thereto from, through, or under Philip McLoskey and John Hagan; but this confirmation shall only extend to the relinquishment of any title which the United States may have to said land.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT REFORM SCHOOL.

Mr. McMILLAN. I ask unanimous consent for the present consideration of Order of Business 560, Senate bill 3490.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3490) in relation to admissions to and dismissions from the Reform School of the District of Columbia. It proposes to amend section 8 of the act entitled "An act revising and amending the various acts establishing and relating to the Reform School of the District of Columbia," approved May 3, 1876, by striking out the word "sixteen" and inserting the word "seventeen," so that the limit of the age of commitment shall be raised from 16 years to 17 years; and to amend section 15 so that it shall read as follows:

SEC. 15. That the board of trustees may make such by-laws, rules, and regulations for their own government and that of the institution, its officers, employees, and inmates, the employment, discipline, instruction, education, removal, and absolute, temporary, or conditional release of all boys committed to the school, as they may deem necessary and proper, and as are not contrary to the Constitution and to the laws of the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY H. BLOCKSON.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of Senate bill 1364.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1364) increasing the pension of Henry H. Blockson, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Blockson, late of Company F, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry H. Blockson."

HOME FOR DISABLED VOLUNTEERS, CASTLE PINCKNEY, SOUTH CAROLINA.

Mr. TILLMAN. I ask unanimous consent for the present consideration of Order of Business 888, Senate bill 1018.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1018) to establish a Branch Home of the National Home for Disabled Volunteer Soldiers at Castle Pinckney, in Charleston Harbor, South Carolina, or some other eligible site in or near that city, for the use of disabled officers and enlisted men of the Volunteer Army and Navy of the United States. It proposes that a Branch Home for the use of disabled officers and enlisted men of the Volunteer Army and Navy of the United States shall be established at Castle Pinckney, in Charleston Harbor, or some other eligible site in or near that city, and appropriates $100,000 for the construction of suitable buildings and the improvement of the surrounding grounds.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TALLAHATCHIE RIVER BRIDGE, MISSISSIPPI.

Mr. SULLIVAN. I ask unanimous consent for the present consideration of Order of Business 934, being Senate bill 3924.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3924) to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss.

The bill was reported from the Committee on Commerce with amendments. The first amendment was, on page 2, section 2, line 6, before the word "equal," to strike out "an;" and after the word "equal" to strike out "privilege of other post roads" and insert "privileges;" so as to make the section read:

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which no charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes.

The amendment was agreed to.

The next amendment was, on page 2, section 3, line 13, after the word "opening," to strike out "at" and insert "of;" in line 24, after the word "the," to strike out "full" and insert "free;" and on page 3, line 8, after the word "the," to strike out "full" and insert "free;" so as to read:

SEC. 3. That the said bridge shall be constructed as a wagon bridge, and shall contain a drawspan giving a clear opening of a width to be determined by the Secretary of War, which drawspan shall be maintained over the main channel of the river at an accessible and navigable point; and said bridge other than the drawspan shall be at right angles to the current of the river at high water: *Provided*, That the said draw shall be opened promptly, upon reasonable signal, for the passage of boats and rafts; and said board of supervisors shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time unreasonably obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, unreasonably obstruct navigation, he is hereby authorized to cause the entire removal thereof or such changes or alterations of said bridge to be made as will obviate such obstruction; and all such alterations shall be made and all such obstructions shall be removed at the expense of the owner or owners of said bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the district court of the United States of the State of Mississippi, in whose jurisdiction any portion of said obstruction or bridge may be located, etc.

The next amendment was, on page 4, section 4, line 4, after the word "be," to strike out "supplied" and insert "sufficiently;" and in line 12, after the word "construction," to insert "or after completion;" so as to make the section read:

SEC. 4. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of the said river as the Secretary of War shall prescribe; and to secure that object the said board of supervisors shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge, and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the high and low water lines upon the banks of the river, the direction and strength of the currents at low and at high water, with the soundings accurately showing the bed of the stream, and the location of any other bridge or bridges, such maps to be sufficiently in detail, to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as shall be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plans of said bridge during the progress of its construction, or after completion, such changes shall be subject to the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 4, section 5, line 16, after the word "within" where it first occurs, to strike out "two years" and insert "one year;" and in the same line, after the word "within" where it occurs the second time, to strike out "four" and insert "three;" so as to read:

SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof, etc.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BLUEFIELD, W. VA.

Mr. SCOTT. I ask unanimous consent to call up for present consideration Senate bill 1664.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1664) to provide for the purchase of a site and the erection of a public building thereon at Bluefield, in the State of West Virginia.

The bill was reported from the Committee on Public Buildings and Grounds with amendments. The first amendment was, on page 1, line 7, after the word "apparatus," to strike out "elevators and approaches;" and on page 2, line 1, after the word "of," to strike out "seventy-five" and insert "seventy;" so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, for the use and accommodation of the United States post-office and other Government offices, in the city of Bluefield and State of West Virginia, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $50,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 14, to strike out:

No money shall be used for the purpose mentioned until a valid title to the site of said building shall be vested in the United States, nor until the State of West Virginia shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD M. TUCKER.

Mr. GALLINGER. I ask unanimous consent for the present consideration of Senate bill 4006.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4006) granting an increase of pension to Edward M. Tucker.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "Battery," to insert "late of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward M. Tucker, late of Battery C, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERNATIONAL CONGRESS OF NAVIGATION.

Mr. CULLOM. I ask unanimous consent for the present consideration of Senate bill 2380.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2380) to authorize the President of the United States to invite the International Congress of Navigation to hold its ninth session in Washington, D. C.

The bill was reported from the Committee on Foreign Relations with amendments. The first amendment was, on page 1, section 2, line 8, after the word "the," to strike out "Librarian of Congress shall set apart and" and insert "Secretary of State shall;" in line 11, after the word "the" where it first occurs, to strike out "Library of Congress" and insert "city of Washington;" and in line 12, after the word "body," to strike out "*Provided*, That if the President of the United States shall deem it advisable, he may select and assign other suitable halls and rooms for the purposes in lieu thereof;" so as to make the section read:

SEC. 2. That the Secretary of State shall prepare for the use of said International Congress of Navigation suitable halls and rooms in the city of Washington for the meeting of said body.

The amendment was agreed to.

The next amendment was, on page 2, section 3, after the word "of," to strike out "twenty-five" and insert "thirty;" so as to make the section read:

SEC. 3. That the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and to be available as required and to be expended under the direction and at the discretion of the President of the United States, to meet the expenses incurred by the Government in connection with the ninth session of the International Congress of Navigation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GROSSE ISLE (MICHIGAN) LIGHT-HOUSES.

Mr. McMILLAN. I ask unanimous consent for the present consideration of the bill (S. 3176) to provide for the erection of dwellings for the keepers of the Grosse Isle (Michigan) light-houses.

Mr. CHANDLER. I should like to go on with my remarks. The afternoon is passing away.

Mr. McMILLAN. The bill is only a few lines in length, I will say to the Senator from New Hampshire.

Mr. CHANDLER. I yield to the Senator from Michigan, and then I believe I ought to go on.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $8,500 for the construction of dwellings for the keepers of the light-houses on Grosse Isle, Michigan.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901; in which it requested the concurrence of the Senate.

NAVAL OBSERVATORY.

Mr. CHANDLER. Mr. President, I ask to have read an amendment intended to be proposed by me to the naval appropriation bill concerning the Naval Observatory.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Amendment intended to be proposed by Mr. CHANDLER to the naval appropriation bill.

That the permanent organization of the astronomical force at the Naval Observatory shall consist of an astronomical director with an annual salary of $5,000, a first astronomer with a salary of $4,000, a second astronomer with a salary of $3,600, a third astronomer with a salary of $3,200, a fourth astronomer with a salary of $2,800, a first assistant astronomer with a salary of $2,400, a second assistant astronomer with a salary of $2,200, a third assistant astronomer with a salary of $2,000, and such computers, clerks, and other employees as are now or may hereafter be authorized by law. The astronomical director and the four astronomers provided for by this act shall be appointed from time to time as they may be required to fill vacancies happening in the corps of professors of mathematics performing duty at the Observatory; and hereafter there shall be no new appointments of professors of mathematics in the Navy for duty at the Naval Observatory. The astronomical director, the astronomers, and the assistant astronomers shall be appointed by the President, by and with the advice and consent of the Senate.

There shall be appointed by the President, by and with the advice and consent of the Senate, a director of the Nautical Almanac, who shall receive an annual salary of $5,000: *Provided, however*, That the President may, in his discretion, defer making this appointment so long as a professor of mathematics is available for such position of director; and all the provisions hereinafter contained providing for a board of visitors shall apply to the Nautical Almanac Office. There shall be appointed by the President from persons not officers of the United States a board of nine visitors to the Naval Observatory, six to be astronomers of high professional standing and three to be eminent citizens of the United States. Appointments to this board shall be made for periods of three years, but provision shall be made by initial appointments for shorter terms, so that two astronomers and one member of the board not an astronomer shall retire in each year. Members of this board shall serve without compensation, but the Secretary of the Navy shall pay the actual expenses necessarily incurred by members of the board in the discharge of such duties as are assigned to them by the Secretary of the Navy or are otherwise imposed upon them. The board of visitors shall make an annual visitation to the Naval Observatory at a date to be determined by the Secretary of the Navy, and may make such other visitations, not exceeding two in number annually, by the full board or by a duly appointed committee, as may be deemed needful or expedient by a majority of the board.

The board of visitors shall report to the Secretary of the Navy at least once in each year the result of its examinations of the Naval Observatory as respects the condition of buildings, instruments, and apparatus, and the efficiency with which its scientific work is prosecuted. The board of visitors shall prepare and submit to the Secretary of the Navy regulations prescribing the scope of the astronomical and other researches of the Naval Observatory and the duties of its staff with reference thereto. When an appointment or detail is to be made to the office of astronomical director, director of the Nautical Almanac, astronomer, or assistant astronomer the board of visitors may recommend to the Secretary of the Navy a suitable person to fill such office, but such recommendation shall be determined only by a majority vote of the members present at a regularly called meeting of the board held in the city of Washington.

Mr. CHANDLER. Mr. President, through the courtesy of the Secretary of the Navy, Mr. Long, extended to me at the request of the chairman of the Senate Committee on Naval Affairs, Mr.

HALE, I acted, in the summer of 1899, as a visitor to the Naval Observatory in Washington, in company with Representative ALSTON G. DAYTON, member of the House from West Virginia, and three astronomical associates. They were Prof. Edward C. Pickering, Prof. George C. Comstock, and Prof. George E. Hale. Their eminent fitness for the service they were requested to undertake must be universally conceded. Professor Pickering, director of the astronomical observatory of Harvard College, did not obtain his earliest training as an astronomer, but as a student in physics. At the Lawrence Scientific School he studied, in turn, physiology, chemistry, mathematics, and civil engineering, and after graduating in the latter branch taught mathematics in connection with the work at that school, but shortly went to the Massachusetts Institute of Technology, and at 21 years of age was its assistant professor of physics, soon being placed in charge of the department of physics, and for 10 years continued the development of the physical laboratory system which there had its origin. As the policy of the Harvard College Observatory had always been to study the physical properties of the stars, rather than their positions only, Professor Pickering's training in physics was considered a reason for offering him a position which would more naturally have been given to a professional astronomer. For twenty years his labors at that observatory have been distinguished by industry and tact, and have resulted in successful achievement sufficient to gratify his most commendable ambition to serve usefully his own institution and the observatories of the world in one of the noblest fields of human endeavor.

Professor Comstock, director of the Washburn Observatory, at Madison, Wis., was graduated in 1877 at the University of Michigan. He became connected as an assistant with the United States lake surveys and the Government improvement of the Mississippi River, and served for a time in the Nautical Almanac Office at Washington as a computer, also at the observatory at the University of Michigan, and at that of the University of Wisconsin. Varying his studies, he was graduated from the law school of the latter university, but later became a professor of mathematics and astronomy in the Ohio State University, and, returning again to the Wisconsin University, became first a professor of astronomy, later associate director, and finally, in 1889, the director. He has published five volumes of the observatory transactions, and contributed numerous papers of value to astronomical journals, and is a member of the National Academy of Sciences of the Société Astronomique de France, the Astronomische Gesellschaft, and other scientific bodies. A laborious scholar, in the maturity of his powers, and with untiring energy, he has rendered, and will continue to render, invaluable service in the absorbing vocation he has chosen.

Professor Hale, director of the Yerkes Observatory, the youngest member of the board of visitors, was born in 1868; was devoted in childhood to mechanical work and scientific experiments; studied at the Massachusetts Institute of Technology and the Harvard Observatory, and pursued his labors at a spectroscopic laboratory erected by his father, the late William E. Hale, of Chicago. In 1889 he invented the spectroheliograph, for photographing solar prominences and other solar phenomena, and in 1891 perfected the instrument which was used with a 12-inch telescope provided by his father for his special laboratory and observatory in Chicago, known as the Kenwood Observatory, and for the invention and use of the spectroheliograph he was awarded the Janssen medal by the Paris Academy of Sciences. Learning from Alvan Clark of an opportunity to purchase 40-inch glass disks for a large telescopic objective, he induced President Harper, of the University of Chicago, to invite the subject to the attention of Mr. Yerkes, who purchased the glass and presented to the university the Yerkes telescope and observatory, which were located at Williams Bay, Wis., where, in 1896, Mr. Hale went as the director.

Mr. Hale's career has already been eventful. In 1892 he became an associate professor of astrophysics and director of the observatory at the Chicago University, and an associate editor of Astronomy and Astrophysics. In 1893 he made an astrophysical expedition to Pikes Peak, and was secretary of the International Congress of Astronomy at the Columbian Exposition. In 1894 he studied at the University of Berlin; made an astrophysical expedition to Mount Ætna; secured the cooperation of European astrophysicists in establishing the Astrophysical Journal, an international review, and in 1897 organized the American Conference of Astronomers and Astrophysicists held at the dedication of the Yerkes Observatory, and repeated at Cambridge in 1898 and at Williams Bay in 1899, when the permanent society was established, of which he is a vice-president. He is also a Foreign Associate of the Royal Astronomical Society of London, and a member of other scientific societies. Mr. Hale's recognition as one of the first astronomers of the country is complete, and with his youth, his extensive knowledge and attainments, and his devotion to his work, he has before him, if his life is spared, a career of the highest possible usefulness in his fascinating profession.

The visitors met at Washington on the 30th of June, 1899, and examined the Observatory, and made another visit on September 26, and they submitted, on the 2d day of October, a unanimous report to the Secretary of the Navy. This report, on December 11, 1899, was printed by Congress as Senate Document No. 19 of the Fifty-sixth Congress, first session, and its recommendations were approved and favorably commended to Congress by the Secretary of the Navy, as follows:

NAVY DEPARTMENT, *Washington, December 7, 1899.*

SIR: I have the honor to transmit herewith, for the information of the Senate, a copy of the report of a board of visitors to the United States Naval Observatory for the year 1899. This report is referred to in the annual report of the Department to the President, and its conclusions and recommendations are, on account of their great importance, especially commended to consideration. It is believed that the enactment of the legislation recommended by the board of visitors will materially promote the usefulness of this national institution.

Very respectfully, JOHN D. LONG,
Secretary.

The PRESIDENT PRO TEMPORE,
United States Senate.

REASONS FOR THE VISITATION.

This visitation to the Naval Observatory grew out of a widespread feeling in the country among citizens interested in astronomy that something ought to be done to satisfy the great body of American astronomers and scientists that the future work of an observatory supported by the money of the whole people would be wisely, judiciously, and profitably conducted. This feeling in the country had been based upon three impressions: First, that the work at the Naval Observatory had not been carried forward on a systematic and comprehensive plan, extending over a sufficiently long period of time; second, that the results of the astronomical work of the Observatory had not been commensurate with the money cost to the Government; and third, that the naval influence and naval control are not beneficial and that a management wholly conducted by civilians would be better and more appropriate.

These feelings had found expression in various ways, notably at meetings of astronomers and astrophysicists, the first at the dedication of the Yerkes Observatory in October, 1897, 57 persons being present, and the second at the Harvard College Observatory in August, 1898, at which 92 persons were present, and by ballot Professors Pickering, Comstock, and Hale were appointed a committee to obtain the opinions of American astronomers and bring the subject to the attention of the Secretary of the Navy. In February, 1899, these gentlemen presented the result of their inquiries to the Secretary of the Navy as follows:

MEMORANDUM.

A circular was sent to the principal astronomers in the United States asking six questions regarding means of increasing its astronomical efficiency. Sixty-one replies were received, with the following approximate results, doubtful answers being counted as one-half:

1. A change in organization is recommended: 51 to 2.
2. The entire direction of the Observatory should be intrusted to an astronomer: 54 to 3.
3. Transfer of the Observatory to some other Department of the Government: 19 to 19.
4. Separation from the Observatory of various branches, such as the testing of nautical instruments: 26 to 24.
5. Tenure of office and advancement should depend on scientific efficiency rather than upon age or length of service: 50 to 2.
6. A visiting committee should be appointed: 43 to 6.

It therefore appears that opinion is nearly equally divided whether a portion or the whole of the Observatory should be transferred to some other Department, but is nearly unanimously in favor of changing the present organization, of intrusting the entire direction to an astronomer, of making advancement depend on scientific efficiency, and of appointing a visiting committee. To be efficient this committee should have power to act and should consist of experts who would serve without pay.

After considering this report the Secretary of the Navy wisely concluded to meet the issue, if there was an issue, by inviting these very gentlemen to make an examination of the Naval Observatory and to come into close contact with the subject-matter with which they had undertaken to deal, and the Secretary, whether wisely or unwisely, invited Representative DAYTON and myself to assist these distinguished astronomers in their inquiry.

CONCLUSIONS OF THE VISITORS.

The visitation was useful, I think, in reference to various minor matters of which I will not now speak, and the conclusions on the principal questions considered were as follows:

First. That it would not be feasible at this time to separate the Observatory wholly from the Navy Department. The position of the visitors was carefully stated in a resolution adopted by them on June 30, 1899, as follows:

Resolved, That in view of the absence of a national university, a department of science and industries, or other department or bureau especially suited to the conduct of scientific work, and in view of the diversity of opinion among astronomers regarding the proposed removal of the Naval Observatory from the Navy Department, the board believes it to be inexpedient at the present time to make any recommendations upon that subject.

The foregoing conclusion was justified by the votes of the various astronomers who had been previously consulted by the committee. They had been substantially unanimous on the following points: (1) That there should be a change in the organization of the Observatory; (2) that its entire direction should be intrusted

The next amendment was, on page 4, section 5, line 16, after the word "within" where it first occurs, to strike out "two years" and insert "one year;" and in the same line, after the word "within" where it occurs the second time, to strike out "four" and insert "three;" so as to read:

SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof, etc.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BLUEFIELD, W. VA.

Mr. SCOTT. I ask unanimous consent to call up for present consideration Senate bill 1664.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1664) to provide for the purchase of a site and the erection of a public building thereon at Bluefield, in the State of West Virginia.

The bill was reported from the Committee on Public Buildings and Grounds with amendments. The first amendment was, on page 1, line 7, after the word "apparatus," to strike out "elevators and approaches;" and on page 2, line 1, after the word "of," to strike out "seventy-five" and insert "seventy;" so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, for the use and accommodation of the United States post-office and other Government offices, in the city of Bluefield and State of West Virginia, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $70,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 14, to strike out:

No money shall be used for the purpose mentioned until a valid title to the site of said building shall be vested in the United States, nor until the State of West Virginia shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD M. TUCKER.

Mr. GALLINGER. I ask unanimous consent for the present consideration of Senate bill 4006.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4006) granting an increase of pension to Edward M. Tucker.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "Battery," to insert "late of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward M. Tucker, late of Battery C, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERNATIONAL CONGRESS OF NAVIGATION.

Mr. CULLOM. I ask unanimous consent for the present consideration of Senate bill 2330.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2330) to authorize the President of the United States to invite the International Congress of Navigation to hold its ninth session in Washington, D. C.

The bill was reported from the Committee on Foreign Relations with amendments. The first amendment was, on page 1, section 2, line 8, after the word "the," to strike out "Librarian of Congress shall set apart and" and insert "Secretary of State shall;" in line 11, after the word "the" where it first occurs, to strike out "Library of Congress" and insert "city of Washington;" and in line 12, after the word "body," to strike out "*Provided*, That if the President of the United States shall deem it advisable, he may select and assign other suitable halls and rooms for the purposes in lieu thereof;" so as to make the section read:

SEC. 2. That the Secretary of State shall prepare for the use of said International Congress of Navigation suitable halls and rooms in the city of Washington for the meeting of said body.

The amendment was agreed to.

The next amendment was, on page 2, section 3, after the word "of," to strike out "twenty-five" and insert "thirty;" so as to make the section read:

SEC. 3. That the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and to be available as required and to be expended under the direction and at the discretion of the President of the United States, to meet the expenses incurred by the Government in connection with the ninth session of the International Congress of Navigation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GROSSE ISLE (MICHIGAN) LIGHT-HOUSES.

Mr. McMILLAN. I ask unanimous consent for the present consideration of the bill (S. 3176) to provide for the erection of dwellings for the keepers of the Grosse Isle (Michigan) light-houses.

Mr. CHANDLER. I should like to go on with my remarks. The afternoon is passing away.

Mr. McMILLAN. The bill is only a few lines in length, I will say to the Senator from New Hampshire.

Mr. CHANDLER. I yield to the Senator from Michigan, and then I believe I ought to go on.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $8,500 for the construction of dwellings for the keepers of the light-houses on Grosse Isle, Michigan.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901; in which it requested the concurrence of the Senate.

NAVAL OBSERVATORY.

Mr. CHANDLER. Mr. President, I ask to have read an amendment intended to be proposed by me to the naval appropriation bill concerning the Naval Observatory.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Amendment intended to be proposed by Mr. CHANDLER to the naval appropriation bill.

That the permanent organization of the astronomical force at the Naval Observatory shall consist of an astronomical director with an annual salary of $6,000, a first astronomer with a salary of $4,000, a second astronomer with a salary of $3,600, a third astronomer with a salary of $3,200, a fourth astronomer with a salary of $2,800, a first assistant astronomer with a salary of $2,400, a second assistant astronomer with a salary of $2,200, a third assistant astronomer with a salary of $2,000, and such computers, clerks, and other employees as are now or may hereafter be authorized by law. The astronomical director and the four astronomers provided for by this act shall be appointed from time to time as they may be required to fill vacancies happening in the corps of professors of mathematics performing duty at the Observatory; and hereafter there shall be no new appointments of professors of mathematics in the Navy for duty at the Naval Observatory. The astronomical director, the astronomers, and the assistant astronomers shall be appointed by the President, by and with the advice and consent of the Senate.

There shall be appointed by the President, by and with the advice and consent of the Senate, a director of the Nautical Almanac, who shall receive an annual salary of $5,000: *Provided, however*, That the President may, in his discretion, defer making this appointment so long as a professor of mathematics is available for such position of director; and all the provisions hereinafter contained providing for a board of visitors shall apply to the Nautical Almanac Office. There shall be appointed by the President from persons not officers of the United States a board of nine visitors to the Naval Observatory, six to be astronomers of high professional standing and three to be eminent citizens of the United States. Appointments to this board shall be made for periods of three years, but provision shall be made by initial appointments for shorter terms, so that two astronomers and one member of the board not an astronomer shall retire in each year. Members of this board shall serve without compensation, but the Secretary of the Navy shall pay the actual expenses necessarily incurred by members of the board in the discharge of such duties as are assigned to them by the Secretary of the Navy or are otherwise imposed upon them. The board of visitors shall make an annual visitation to the Naval Observatory at a date to be determined by the Secretary of the Navy, and may make such other visitations, not exceeding two in number annually, by the full board or by a duly appointed committee, as may be deemed needful or expedient by a majority of the board.

The board of visitors shall report to the Secretary of the Navy at least once in each year the result of its examinations of the Naval Observatory as respects the condition of buildings, instruments, and apparatus, and the efficiency with which its scientific work is prosecuted. The board of visitors shall prepare and submit to the Secretary of the Navy regulations prescribing the scope of the astronomical and other researches of the Naval Observatory and the duties of its staff with reference thereto. When an appointment or detail is to be made to the office of astronomical director, director of the Nautical Almanac, astronomer, or assistant astronomer the board of visitors may recommend to the Secretary of the Navy a suitable person to fill such office, but such recommendation shall be determined only by a majority vote of the members present at a regularly called meeting of the board held in the city of Washington.

Mr. CHANDLER. Mr. President, through the courtesy of the Secretary of the Navy, Mr. Long, extended to me at the request of the chairman of the Senate Committee on Naval Affairs, Mr.

HALE, I acted, in the summer of 1899, as a visitor to the Naval Observatory in Washington, in company with Representative ALSTON G. DAYTON, member of the House from West Virginia, and three astronomical associates. They were Prof. Edward C. Pickering, Prof. George C. Comstock, and Prof. George E. Hale. Their eminent fitness for the service they were requested to undertake must be universally conceded. Professor Pickering, director of the astronomical observatory of Harvard College, did not obtain his earliest training as an astronomer, but as a student in physics. At the Lawrence Scientific School he studied, in turn, physiology, chemistry, mathematics, and civil engineering, and after graduating in the latter branch taught mathematics in connection with the work at that school, but shortly went to the Massachusetts Institute of Technology, and at 21 years of age was its assistant professor of physics, soon being placed in charge of the department of physics, and for 10 years continued the development of the physical laboratory system which there had its origin. As the policy of the Harvard College Observatory had always been to study the physical properties of the stars, rather than their positions only, Professor Pickering's training in physics was considered a reason for offering him a position which would more naturally have been given to a professional astronomer. For twenty years his labors at that observatory have been distinguished by industry and tact, and have resulted in successful achievement sufficient to gratify his most commendable ambition to serve usefully his own institution and the observatories of the world in one of the noblest fields of human endeavor.

Professor Comstock, director of the Washburn Observatory, at Madison, Wis., was graduated in 1877 at the University of Michigan. He became connected as an assistant with the United States lake surveys and the Government improvement of the Mississippi River, and served for a time in the Nautical Almanac Office at Washington as a computer, also at the observatory at the University of Michigan, and at that of the University of Wisconsin. Varying his studies, he was graduated from the law school of the latter university, but later became a professor of mathematics and astronomy in the Ohio State University, and, returning again to the Wisconsin University, became first a professor of astronomy, later associate director, and finally, in 1889, the director. He has published five volumes of the observatory transactions, and contributed numerous papers of value to astronomical journals, and is a member of the National Academy of Sciences of the Société Astronomique de France, the Astronomische Gesellschaft, and other scientific bodies. A laborious scholar, in the maturity of his powers, and with untiring energy, he has rendered, and will continue to render, invaluable service in the absorbing vocation he has chosen.

Professor Hale, director of the Yerkes Observatory, the youngest member of the board of visitors, was born in 1868; was devoted in childhood to mechanical work and scientific experiments; studied at the Massachusetts Institute of Technology and the Harvard Observatory, and pursued his labors at a spectroscopic laboratory erected by his father, the late William E. Hale, of Chicago. In 1889 he invented the spectroheliograph, for photographing solar prominences and other solar phenomena, and in 1891 perfected the instrument which was used with a 12-inch telescope provided by his father for his special laboratory and observatory in Chicago, known as the Kenwood Observatory, and for the invention and use of the spectroheliograph he was awarded the Janssen medal by the Paris Academy of Sciences. Learning from Alvan Clark of an opportunity to purchase 40-inch glass disks for a large telescopic objective, he induced President Harper, of the University of Chicago, to invite the subject to the attention of Mr. Yerkes, who purchased the glass and presented to the university the Yerkes telescope and observatory, which were located at Williams Bay, Wis., where, in 1896, Mr. Hale went as the director.

Mr. Hale's career has already been eventful. In 1892 he became an associate professor of astrophysics and director of the observatory at the Chicago University, and an associate editor of Astronomy and Astrophysics. In 1893 he made an astrophysical expedition to Pikes Peak, and was secretary of the International Congress of Astronomy at the Columbian Exposition. In 1894 he studied at the University of Berlin; made an astrophysical expedition to Mount Ætna; secured the cooperation of European astrophysicists in establishing the Astrophysical Journal, an international review, and in 1897 organized the American Conference of Astronomers and Astrophysicists held at the dedication of the Yerkes Observatory, and repeated at Cambridge in 1898 and at Williams Bay in 1899, when the permanent society was established, of which he is a vice-president. He is also a Foreign Associate of the Royal Astronomical Society of London, and a member of other scientific societies. Mr. Hale's recognition as one of the first astronomers of the country is complete, and with his youth, his extensive knowledge and attainments, and his devotion to his work, he has before him, if his life is spared, a career of the highest possible usefulness in his fascinating profession.

The visitors met at Washington on the 30th of June, 1899, and examined the Observatory, and made another visit on September 26, and they submitted, on the 2d day of October, a unanimous report to the Secretary of the Navy. This report, on December 11, 1899, was printed by Congress as Senate Document No. 19 of the Fifty-sixth Congress, first session, and its recommendations were approved and favorably commended to Congress by the Secretary of the Navy, as follows;

NAVY DEPARTMENT, *Washington, December 7, 1899.*

SIR: I have the honor to transmit herewith, for the information of the Senate, a copy of the report of a board of visitors to the United States Naval Observatory for the year 1899. This report is referred to in the annual report of the Department to the President, and its conclusions and recommendations are, on account of their great importance, especially commended to consideration. It is believed that the enactment of the legislation recommended by the board of visitors will materially promote the usefulness of this national institution.

Very respectfully, JOHN D. LONG,
Secretary.

The PRESIDENT PRO TEMPORE,
United States Senate.

REASONS FOR THE VISITATION.

This visitation to the Naval Observatory grew out of a widespread feeling in the country among citizens interested in astronomy that something ought to be done to satisfy the great body of American astronomers and scientists that the future work of an observatory supported by the money of the whole people would be wisely, judiciously, and profitably conducted. This feeling in the country had been based upon three impressions: First, that the work at the Naval Observatory had not been carried forward on a systematic and comprehensive plan, extending over a sufficiently long period of time; second, that the results of the astronomical work of the Observatory had not been commensurate with the money cost to the Government; and third, that the naval influence and naval control are not beneficial and that a management wholly conducted by civilians would be better and more appropriate.

These feelings had found expression in various ways, notably at meetings of astronomers and astrophysicists, the first at the dedication of the Yerkes Observatory in October, 1897, 57 persons being present, and the second at the Harvard College Observatory in August, 1898, at which 92 persons were present, and by ballot Professors Pickering, Comstock, and Hale were appointed a committee to obtain the opinions of American astronomers and bring the subject to the attention of the Secretary of the Navy. In February, 1899, these gentlemen presented the result of their inquiries to the Secretary of the Navy as follows:

MEMORANDUM.

A circular was sent to the principal astronomers in the United States asking six questions regarding means of increasing its astronomical efficiency. Sixty-one replies were received, with the following approximate results, doubtful answers being counted as one-half:

1. A change in organization is recommended: 51 to 2.
2. The entire direction of the Observatory should be intrusted to an astronomer: 54 to 3.
3. Transfer of the Observatory to some other Department of the Government: 19 to 19.
4. Separation from the Observatory of various branches, such as the testing of nautical instruments: 26 to 24.
5. Tenure of office and advancement should depend on scientific efficiency rather than upon age or length of service: 50 to 2.
6. A visiting committee should be appointed: 43 to 6.

It therefore appears that opinion is nearly equally divided whether a portion or the whole of the Observatory should be transferred to some other Department, but is nearly unanimously in favor of changing the present organization, of intrusting the entire direction to an astronomer, of making advancement depend on scientific efficiency, and of appointing a visiting committee. To be efficient this committee should have power to act and should consist of experts who would serve without pay.

After considering this report the Secretary of the Navy wisely concluded to meet the issue, if there was an issue, by inviting these very gentlemen to make an examination of the Naval Observatory and to come into close contact with the subject-matter with which they had undertaken to deal, and the Secretary, whether wisely or unwisely, invited Representative DAYTON and myself to assist these distinguished astronomers in their inquiry.

CONCLUSIONS OF THE VISITORS.

The visitation was useful, I think, in reference to various minor matters of which I will not now speak, and the conclusions on the principal questions considered were as follows:

First. That it would not be feasible at this time to separate the Observatory wholly from the Navy Department. The position of the visitors was carefully stated in a resolution adopted by them on June 30, 1899, as follows:

Resolved, That in view of the absence of a national university, a department of science and industries, or other department or bureau especially suited to the conduct of scientific work, and in view of the diversity of opinion among astronomers regarding the proposed removal of the Naval Observatory from the Navy Department, the board believes it to be inexpedient at the present time to make any recommendations upon that subject.

The foregoing conclusion was justified by the votes of the various astronomers who had been previously consulted by the committee. They had been substantially unanimous on the following points: (1) That there should be a change in the organization of the Observatory; (2) that its entire direction should be intrusted

to an astronomer; (3) that there should be a civilian corps of astronomers instead of military officers in charge, and (4) that there should be a board of visitors.

But on the question of complete separation of the Observatory from the Navy Department they had divided as follows: Twenty-six had voted in favor of separating the Observatory from the Navy Department and 24 had voted against the separation.

Of course the astronomers on the board of visitors might have espoused the proposition of the 26 astronomers who had given their opinions in favor of taking the Observatory away from the Navy Department and might have contended for such separation. If they had done so, however, the Congressional members would doubtless have dissented, not on theoretical grounds, but for the practical reasons stated in the vote adopted, that there is not now any other appropriate control to which Congress could transfer the Observatory if it were to be taken from the Navy Department; and with this difference in the board upon the fundamental question the visitation would have terminated.

The astronomical members therefore wisely, I think, consented to postpone the question of separation and proceeded to consider the practical question, what improvement could be made in the management of the Observatory while under naval supervision.

THAT THE ASTRONOMICAL STAFF SHOULD BE CIVILIAN APPOINTEES.

The second conclusion of the visitors was that it was inexpedient that the astronomers in charge of the actual astronomical work at the Naval Observatory should be life officers in the Navy.

This was not a new idea of the board of visitors. They only adopted literally the recommendations of Secretary Long in his report for 1897, which I reproduce, as follows:

PROFESSORS OF MATHEMATICS.

The Department recommends that the statute authorizing the appointment of professors of mathematics be so amended that, without disturbing those who now hold the office, which would be unjust to them, no further appointments shall be made. The reason for the creation of the office has passed away. These professors were, at first, teachers of midshipmen on board ship, and were thus exposed to the dangers of service in war and at sea. They were therefore properly pensioned by a place upon the retired list. To-day their name is largely a misnomer. Under the law, one is assignable to the teaching of ethics and English studies, one of Spanish, and one of drawing. In fact, only one teaches mathematics at the Naval Academy. Several of them are on duty at the Naval Observatory, two are librarians, one is engaged in ordnance work, and another in the Bureau of Yards and Docks. They have no service at sea, and there is no more reason why hereafter the retired list should be open to a new appointee to the work now done by this corps than to any other employee in civil life.

If this recommendation is adopted by Congress it will be necessary to provide for the appointment of astronomers at the Naval Observatory to take the places as they shall become vacant of existing professors of mathematics who now serve in that capacity. There should be five astronomers, as at present, and the salary of those hereafter appointed should be sufficient to make up for the refusal to them of the privilege of retirement, and also to secure men of high scientific attainments adequate to the demands of one of the most capable observatories of the world. As the above astronomical corps is now full, no appointment under the new statute proposed will be necessary until a vacancy occurs.

The foregoing recommendation of Secretary Long proposes to eventually abolish, by omitting to make new appointments, the professors of mathematics at the Naval Academy (three of whom, grotesquely enough, are by law only allowed to teach—the one ethics and English studies, another the Spanish language, and a third the art of drawing), and also the professors of mathematics engaged in astronomical work at the Observatory, making twelve in all to be finally dispensed with.

The board of visitors reenforce the argument of Secretary Long against life astronomers as follows:

In addition to the reasons for this action which are urged by you in that report, we submit for your consideration that the conditions under which astronomical work is done are so different from those which obtain in the naval service that a fixed tenure of office, with the certainty of a retiring pension in no way dependent upon the zeal or efficiency with which service has been rendered, may easily produce diminished diligence and a purely perfunctory discharge of duties. A more serious evil of the existing system of naval commissions for astronomers, which has been forcibly exemplified within the past decade, is the compulsory retirement at the age of 62 of astronomers, who are then in the maturity of their powers, and who under civilian appointments would continue to render to the Observatory a service of undiminished efficiency which they now transfer to other institutions. The reasons which impel the retirement of a naval officer from active service upon attaining a fixed age have no application in the case of an astronomer, and he should be placed upon the same footing with other officers of the Government performing strictly civilian duties.

The opinion expressed by Secretary Long that the corps of mathematical professors who "never go to sea" should be abolished has been, at all times, my own view. The law of August 3, 1848, creating the corps of not exceeding twelve professors of mathematics provided that they should not only serve at the Naval Academy and at the Observatory, but also perform their duties in instructing the midshipmen of the Navy "on board ships of war." The corps has, however, in process of time grown to be only a land force, and a professor of mathematics at sea in these times would be an anomaly and hindrance.

THERE SHOULD BE NO NAVAL OFFICERS WHO NEVER GO TO SEA.

I would carry the change much further than Secretary Long proposes, and would have no life officers, of any kind whatever, in the Navy enjoying the rank and pay appertaining to the Navy and Army, and the privilege of retirement for life on three-fourths the highest pay, who do not go to sea.

This rule I would make an inexorable law of Congress. The high privilege of belonging to the only life aristocracy which participates in the government of this Republic should be given only to those who make it their life business, for the Republic's sake, to expose their lives to the perils of the ocean and the perils of war. Army and Navy officers, Army and Navy soldiers and seamen we cheerfully support with active and retired pay so long as they live, because we can not otherwise keep in existence in peace as well as in war the military forces necessary to preserve and perpetuate the life of the nation against all its enemies and opposers whomsoever. But outside these military aristocracies, which we willingly maintain and love and cherish, there should be no life officers connected with our Government and no retired pay or pensions to civilian employees. On the contrary, rotation in all other officers of state not mere clerks should be the rule in accordance with the wise principle upon which our fathers founded this Republic and which is found so aptly expressed in the constitutions of Massachusetts, Pennsylvania, Vermont, and Virginia, as follows:

Constitution of Massachusetts, 1780 (Poore's Charters and Constitutions, page 958, Article VIII):

In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

Constitution of Pennsylvania, 1776 (Poore, page 1541, Article VI):

That those who are employed in the legislative and executive business of the State may be restrained from oppression, the people have a right, at such periods as they may think proper, to reduce their public officers to a private station, and supply the vacancies by certain and regular elections.

Constitution of Vermont, 1777 (Poore, page 1859, chapter 1, Article VII):

That those who are employed in the legislative and executive business of the State may be restrained from oppression, the people have a right, at such periods as they may think proper, to reduce their public officers to a private station, and supply the vacancies by certain and regular elections.

Virginia bill of rights, 1776 (Poore, page 1909, section 5):

That the legislative and executive powers of the State should be separate and distinct from the judiciary, and that the members of the two first may be restrained from oppression, by feeling and participating in the burdens of the people, they should at fixed periods be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all or any part of the former members to be again eligible or ineligible, as the law shall direct.

While I do not say that there should be constant rotation among astronomers and other scientists in the service of the Government, I do maintain that we should not make captains and admirals in the Navy of the astronomers, architects, and land surveyors whom the Secretary even of the Ocean Department may need to employ in useful service for the Government.

THERE SHOULD BE AN EFFICIENT BOARD OF VISITORS.

The third conclusion was that there ought to be a permanent and continuous board of visitors to the Observatory with more powers than those usually given to boards of visitors of a similar character.

The powers proposed have been well defined by various naval Superintendents of the Observatory, and notably by Capt. F. E. Chadwick when Chief of the Bureau of Equipment, in charge of the Observatory, and Capt. Charles H. Davis, the present Superintendent of the Observatory. These two officers, on September 7, 1897 (see report of board of visitors, Appendix, Exhibit B), said, as to the duties of a suitable board of visitors:

It lays down the general course of policy to be pursued for the coming year, including printing and publication of observations; fixes the estimates for the astronomical departments; nominates to fill vacancies in the astronomical staff (either by appointment or promotion); and recommends as to repairs and acquisitions of new instruments.

I may add to these views, which are accepted by the Secretary of the Navy and the board of visitors, that it is deemed essential to the success of the proposed plan for visitation that the board should possess more powers than those exercised by the boards now visiting the West Point and Annapolis academies, who merely observe and give advice.

The board of visitors to the Naval Observatory, if Congress approves our plan, are to become a part of the governing body and are to fix and establish the rules of procedure which, after approval by the Secretary of the Navy, are to govern the conduct of the Observatory staff. Their recommendations as to the selections of the personnel are necessarily only advisory. But it is expected that they shall have, sub modo, such participation in executive functions that it will be necessary to exclude Senators and members of Congress from the board.

Such a board of visitors, consisting of six astronomers of high professional standing and three eminent citizens, acting with the powers and under the limitations of the proposed law, can not fail to realize the expectations of its advocates.

To avoid any suggestion that they wish further personal recognition, the astronomical members have written to me as follows:

If at any time in the progress of the bill it should appear that serious objection to it is made on the ground that the astronomers who were members of the late board of visitors are seeking to obtain for themselves control of the Observatory, we authorize you to state at such time and in such form as you may think best that we are not candidates for appointment to any future board and shall not feel aggrieved or slighted if no one of us is included in its composition.

Very respectfully,

EDWARD C. PICKERING.
GEO. C. COMSTOCK.
GEORGE E. HALE.

JANUARY 30, 1900.

THE NECESSITY OF SOME IMPROVEMENT.

The foregoing two recommendations of the board of visitors—(1) that there shall exist under the naval head of the Observatory a corps of civilian astronomers, and (2) that there shall be a permanent board of visitors, with ample powers, on which shall be represented the astronomers of the country—make an issue which is now presented to Congress, and the plan thus proposed is the only method in sight by which public controversy can be arrested and the management of the Observatory under naval control can be helped to secure the approval and cooperation of the scientists of the country. My whole thought on this subject can be best expressed by repeating the closing words of the recommendations of the board of visitors:

In concluding its recommendations the board of visitors wishes earnestly to urge upon your consideration the necessity of making a success of the movement which you have begun in order to improve the condition of the Naval Observatory and to make its administration satisfactory to the great body of the astronomers of the country and to the public.

Some of our recommendations, if they meet your approval, can be carried into effect by departmental action, but the changes which we regard as vital can only be obtained through legislation by Congress. If such legislation is withheld, the continuance of present conditions is sure to result in a renewed, persistent, and possibly acrimonious demand for the removal of the Observatory from naval control. If, however, the legislation is enacted, and the improved system is given a fair trial, unquestionably much improvement will result, and it is not improbable that the Observatory will attain and hold that high standing in the scientific world which should be required of such an institution.

To help bring about such a desirable consummation we have complied with your request, although not made in pursuance of any law that we should visit and investigate the Observatory, and we have recommended specific measures which we hope will lead to those reforms in administration which are imperatively necessary if the Observatory is to receive and retain the confidence and support of the astronomers and scientists of the world.

THE REQUEST OF THE ASTRONOMERS OF THE NATION.

Since the report of the board of visitors and the subsequent approval by Secretary Long of their recommendations the subject has not been allowed to slumber by the astronomers and scientists of the country. On January 17, 1900, the council of the Astronomical and Astrophysical Society of America, at a meeting in the city of New York, unanimously adopted resolutions as follows:

Whereas the report of the board of visitors to the United States Naval Observatory has been brought to the attention of the council of the Astronomical and Astrophysical Society of America:

Resolved, 1. That the council learns with pleasure of the action of the Secretary of the Navy in instituting measures for increasing the efficiency of the Naval Observatory. 2. That in accordance with the provisions of article 3, section 1, of the constitution of the Astronomical and Astrophysical Society of America, the council, acting on behalf of the said society, heartily indorses the measures recommended by the board of visitors and transmitted by the Secretary of the Navy, with his approval, to the Senate of the United States under date of December 7, 1899. 3. The recommendations of the board of visitors, which in the judgment of the council are of fundamental importance and most urgently required by the present condition of the Observatory, are the following: (a) The establishment of a continuous board of visitors, composed in major part of persons having technical knowledge of the conduct of an observatory. (b) The establishment by law of directorships of the Observatory and of the Nautical Almanac, to be filled by the President, by and with the advice and consent of the Senate. (c) The amendment of the statute authorizing the appointment of professors of mathematics in the Navy, so that, without disturbing those who now hold office, no further appointments of professors of mathematics shall be made for the staff of the Naval Observatory. 4. That copies of these resolutions be transmitted to the Secretary of the Navy and to the chairmen of the Naval Committees of the Senate and House of Representatives.

Necessarily restricted, as Representative DAYTON and I were and were doubtless intended to be, to the practical side of the questions considered by the visitors, we soon came to realize the magnificent provision which has been made by the great governments of the world and by generous-minded and opulent donors for supplying the telescopes and other instruments, and the observatories containing them, by means of which new discoveries in astronomical research are being constantly made to promote the material interests and to delight the imagination and stimulate the mental activities of mankind.

THE OBSERVATORIES OF EUROPE.

The great observatories of (1) Greenwich, in England, (2) Paris, (3) Berlin, (4) Potadam, in Germany, (5) Pulkowa, in Russia, and (6) Leyden, in Holland, "their organization and methods of work," are described by Prof. Stimson J. Brown, in his report of February 19, 1896, to the Secretary of the Navy, printed as a part of the Report of the Board of Visitors, page 61, being Exhibit R.

THE OBSERVATORIES OF THE UNITED STATES.

In this country there are six observatories possessing large refractors and otherwise well equipped for the highest astronomical research, conducted by observers capable and efficient, and supported by income sufficient to properly utilize the instruments and facilities provided, and at these observatories continuous, well-planned, and efficient work is being done.

There are as many more observatories nearly as well equipped as these six, but from a lack of income, or other good reasons, their instruments and facilities are not properly utilized.

Then follow the many telescopes at colleges, schools, and in private hands, which, if faithfully used, are valuable aids to the more pretentious institutions.

Astronomy is taught at almost all American colleges, nearly all possessing telescopes larger than are needed for purposes of instruction, which requires only instruments having apertures from 4 to 6 inches. The price of a good 12-inch lens is $3,000, and for the mounting at least as much more, and for the building an indefinite sum. The price increases rapidly with the enlargement of the aperture, a 15-inch lens costing twice as much as a 12-inch lens.

I have endeavored to obtain some information about the observatories of all grades and the telescopes above 4 inches in diameter, and submit a list numbering 65, as follows:

Refracting telescopes and observatories in the United States.

Observatory.	Aperture.	Director.	Location.
	Inches.		
Yerkes (University of Chicago).	40	George E. Hale	Williams Bay, Wis.
Lick (University of California). [See also Students' Observatory below.]	36	J. E. Keeler	Mount Hamilton, Cal.
Naval, United States	26	C. H. Davis	Washington, D. C.
Leander McCormick (University of Virginia).	26	Ormond Stone	Charlottesville, Va.
Lowell	24	A. E. Douglass	Flagstaff, Aris.
Halsted (Princeton University).	23	Charles A. Young	Princeton, N. J.
Chamberlin (University of Denver).	20	Herbert A. Howe	University Park, Colo.
Smithsonian Institution	20	Samuel P. Langley.	Washington, D. C.
Dearborn (Northwestern) University.	18.5	G. W. Hough	Evanston, Ill.
Flower	18	C. L. Doolittle	Upper Darby, Pa.
Goodsell (Carleton College).	16	Wm. W. Payne	Northfield, Minn.
Lowe	16	Lewis Swift	Echo Mountain, Cal.
Washburn (University of Wisconsin).	15.6	George C. Comstock.	Madison, Wis.
Harvard College	15	Edward C. Pickering.	Cambridge, Mass.
University of Mississippi	15	Chancellor R. B. Fulton.	Oxford, Miss.
Litchfield (Hamilton College).	13.5	S. T. Saunders	Clinton, N. Y.
Columbia University	13	John K. Rees	New York City.
Western University of Pennsylvania.	13	F. L. O. Wadsworth.	Allegheny, Pa.
Detroit (University of Michigan).	12.75	A. Hall, jr	Ann Arbor, Mich.
Morrison	12.5	C. W. Pritchett	Glasgow, Mo.
Emerson McMillin (Ohio State University).	12.5	Henry C. Lord	Columbus, Ohio.
Dudley	12	Lewis Boss	Albany, N. Y.
West Point (United States Military Academy).	12	Peter S. Michie	West Point, N. Y.
Ladd (Brown University)	12	Winslow Upton	Providence, R. I.
Vassar College	12	Mary W. Whitney.	Poughkeepsie, N. Y.
Wesleyan University	12	John M. Van Vleck.	Middletown, Conn.
University of Illinois	12	G. W. Myers	Urbana, Ill.
Whiting (Wellesley College).	12	Miss S. F. Whiting.	Wellesley, Mass.
University of Cincinnati	11	J. G. Porter	Cincinnati, Ohio.
Daniel Scholl (Franklin and Marshall College).	11	J. E. Kershner	Lancaster, Pa.
Smith (Hobart College). [See also Hobart College below.]	10	Wm. R. Brooks	Geneva, N. Y.
Lawrence University	10	F. E. Millis	Appleton, Wis.
Bucknell University	10	W. C. Bartol	Lewisburg, Pa.
Haverford College	10	Wm. H. Collins	Haverford, Pa.
University of Minnesota	10	F. Leavenworth	Minneapolis, Minn.
Johns Hopkins University	9.5	Simon Newcomb	Baltimore, Md.
McKim (De Pauw University).	9.5	----------	Greencastle, Ind.
Beloit College	9.5	Clement Rood	Beloit, Wis.
Shattuck (Dartmouth College).	9.4	Edwin B. Frost	Hanover, N. H.
Hartford Public High School.	9.5	B. S. Annis	Hartford, Conn.
Catholic University	9	G. M. Searle	Washington, D. C.
Hobart College. [See also Smith Observatory above.]	8.75	H. L. Smith; Wm. R. Brooks.	Geneva, N. Y.
Vanderbilt University	8.5	Wm. J. Vaughn	Nashville, Tenn.
Yale University	8	W. L. Elkin	New Haven, Conn.
Durfee High School	8	Iram N. Smith	Fall River, Mass.
Iowa College	8	S. J. Buck	Grinnell, Iowa.
Mount Holyoke College	8	Miss A. S. Young	South Hadley, Mass.
Alabama University	8	H. A. Sayre	Tuscaloosa, Ala.
Holden Memorial (Syracuse University).	8	Henry A. Peck	Syracuse, N. Y.
Annapolis (United States Naval Academy).	7.75	Lieut. Commander C. W. Bartlett.	Annapolis, Md.

Refracting telescopes and observatories in the United States—Continued.

Observatory.	Aperture.	Director.	Location.
	Inches.		
University of Missouri	7.5	J. N. Fellows	Columbia, Mo.
Amherst College	7.25	David P. Todd	Amherst, Mass.
Boston University	7.1	J. B. Colt	Boston, Mass.
Washington University	6.5	Wm H. Roever	St. Louis, Mo.
Bates College	6.25	George C. Chase	Lewiston, Me.
Students' (University of California).	6	Armin O. Leuschner.	Berkeley, Cal.
Swarthmore College	6	Miss S. J. Cunningham.	Swarthmore, Pa.
Knox College	6	Chas. B. Thwing	Galesburg, Ill.
Central High School	6	Monroe B. Snyder.	Philadelphia, Pa.
Bowdoin College	6	C. C. Hutchins	Brunswick, Me.
Albion College	6	Henry Benner	Albion, Mich.
Creighton University	5	Wm. F. Rigge	Omaha, Nebr.
Iowa University	5	L. G. Weld	Iowa City, Iowa.
Georgetown University	4.8	John G. Hagen	Washington, D. C.
Williams College	4.8	Truman Henry Safford.	Williamstown, Mass.

In addition to the foregoing list, there appear in a "partial list of telescopes in the United States," prepared by William H. Knight and published in The Sidereal Messenger, October, 1891, the names of certain observatories at which there are telescopes of upward of 4 inches aperture. The correctness of this list I have not been able to verify, but there are undoubtedly in this country many additional telescopes of small size, which, upon a suitably arranged plan, could be continuously used and made helpful to the general astronomical work of the large observatories. But to ostentatiously give a handsome telescope to a school or a village without making provision for continuous observations by skilled eyes and hands is no real benefit to science.

Mr. Knight's list is as follows:

Buchtel College Observatory	Akron, Ohio.
Alfred Observatory	Alfred Center, N. Y.
Melville Smith Observatory	Augusta, Me.
George Gildersleeve Observatory	Baltimore, Md.
Normal School Observatory	
John R. Hooper Observatory	
Denmore Observatory	
Justice Stahn Observatory	
Edwin F. Sawyer Observatory	Brighton, Mass.
Camden Observatory	Camden, N. J.
A. B. Depuy Observatory	
Samuel Harris Observatory	Chicago, Ill.
Boswell Observatory	Crete, Nebr.
Patterson Observatory	Dansville, N. Y.
Rev. John Peate Observatory	Greenville, Pa.
B. M. Fish Observatory	Hamburg, N. Y.
John G. Jackson Observatory	Hockessen, Del.
U. W. Lawton Observatory	Jackson, Mich.
Joliet High School Observatory	Joliet, Ill.
T. E. Murrell Observatory	Little Rock, Ark.
M. A. Veeder Observatory	Lyons, N. Y.
Darwin W. Esmond Observatory	Newberg, N. Y.
Chabot Observatory	Oakland, Cal.
Charles Burckhalter Observatory	
J. H. Wythe Observatory	
F. G. Blinn Observatory	
Mills College Observatory	
Pasadena Hotel Observatory	Pasadena, Cal.
Seagrave Observatory	Providence, R. I.
I. W. Thompson Observatory	Salem, Ohio.
Davidson Observatory	San Francisco, Cal.
Charles Goodall Observatory	
James Murphy Observatory	
William M. Pierson Observatory	
University of the Pacific Observatory	San Jose, Cal.
St. Mathews Hall College Observatory	San Mateo, Cal.
Hathorn Observatory	Saratoga Springs, N. Y.
Henry Harrison Observatory	South Bergen, N. J.
J. E. Ingraham Observatory	Stanford, Fla.
J. G. W. Steedman Observatory	St. Louis, Mo.
H. P. Stark Observatory	Syracuse, N. Y.
Charles H. Rockwell Observatory	Tarrytown, N. Y.
Shannon Observatory of Colby University	Waterville, Me.
Alfred G. Du Pont Observatory	Wilmington, Del.
Elwood Garrett Observatory	
George W. Humphrey Observatory	

Yerkes Observatory of the University of Chicago, located at Williams Bay, Wis., George E. Hale, director.—The Yerkes Observatory has the form of a Latin cross, the longer axis of which lies due east and west. The 90-foot dome, which contains the 40-inch telescope, is at the western extremity of the building. At the eastern extremity is the meridian room, and the 26-foot and 30-foot domes terminate the north and south transepts. The motions of the great dome, the rising floor which gives access to the telescope in all its positions, and the telescope itself, are obtained by electric motors.

The large telescope is provided with all necessary accessories, including position micrometer, solar spectroscope, stellar spectrograph, spectroheliograph, and photoheliograph. In the 26-foot dome is mounted the 12-inch refractor, formerly at the Kenwood Observatory at Chicago, the entire instrumental equipment of this institution having been donated to the Yerkes Observatory. In the 30-foot dome a 24-inch reflecting telescope is mounted. The mirror of this instrument was made by Mr. W. G. Ritchey, optician of the Yerkes Observatory. Between the small domes is the heliostat room. Within the heliostat room are the mirrors and radiometer used by Professor Nichols for his measures of stellar heat radiations. In the meridian room a 3½-inch transit instrument is used for latitude and time observations. The body of the building, between the domes, is divided into laboratories for physical and chemical work and offices for members of the staff.

The principal work of the observatory, under the director, George E. Hale, includes: 1. Observations of double stars with the 40-inch telescope, by Professor Burnham. 2. Micrometric observations of star clusters, nebulæ, planets, satellites, comets, etc., with the 40-inch telescope, by Professor Barnard. 3. Photographic studies of stellar spectra with the 40-inch telescope, by Professor Hale and Mr. Ellerman. 4. Determination of the motion of stars toward or from the earth and of the motion of the solar system in space with the 40-inch telescope, by Professor Frost, Mr. Ellerman, and Mr. Adams. 5. Spectroscopic observations of the sun and photographic work with the spectroheliograph attached to the 40-inch telescope, by Professor Hale. 6. Stellar and nebular photography with a 6-inch portrait lens, by Professor Barnard, and with the 24-inch reflecting telescope, by Mr. Ritchey. 7. Miscellaneous spectroscopic and bolometric work. 8. Transit observations for the time service, by Mr. Adams.

Lick Observatory of the University of California, located at Mount Hamilton, California, J. E. Keeler, director.—The observatory consists of a main building containing computing rooms, library, and the domes of the 36-inch equatorial and the 12-inch equatorial, and detached buildings to shelter the Crossley reflector, the meridian circle, the transit, the horizontal photoheliograph, the portable equatorial, and the Crocker and Floyd photographic telescopes. On the ground are dwelling houses for the astronomers, students, and employees and shops for the workmen.

The observatory is fully provided with instruments, some of which are the 36-inch equatorial objective, by Alvan Clark & Son, mounting by Warner & Swasey; this instrument has also a photographic corrector of 33 inches, figured by Alvan G. Clark; 3-foot reflecting telescope; 12-inch equatorial; 6-inch Bruce comet-seeker; 6½-inch equatorial mounting; 5-inch Floyd telescope; 6½-inch meridian circle; 4-inch transit; 4-inch comet seeker; 5-inch horizontal photoheliograph; Crocker photographic telescope; a spectroscope, specially adapted for photography, given by Hon. D. O. Mills for use with the 36-inch refractor; a spectroscope specially adapted for photography with the Crossley reflector, and two photometers for use with the 36-inch and 12-inch telescopes have been provided from the proceeds of a gift from Miss C. W. Bruce, of New York City. There are, besides, many minor pieces of apparatus.

The scientific work of the observatory is under the director, James E. Keeler. The students' observatory at Berkeley, Cal., described elsewhere, belongs to the University of California.

The general policy is to carry on investigations which can not be pursued to so great advantage elsewhere. The observatory makes the most of its natural advantages, and extended theoretical researches, which can be made as well in a city as at a fine observing station, do not form a part of the general plan. The variety of instruments makes the field covered quite a wide one.

The principal work is devoted to spectroscopic determinations of the motions of stars in the line of sight, by Professor Campbell, assisted by Mr. Wright; and micrometric work and observations of the satellites of Neptune, Mars, and Uranus; measures of planetary nebulæ, for parallax; measures for determining a possible refractive effect on stars by the head of Swift's comet, by Professor Hussey and Messrs. Perrine and Aitken; observations of comets, and, in the case of expected comets, for purposes of discovery; measurement and discovery of double stars, by Messrs. Hussey and Aitken; astrophysical researches and photography of nebulæ, by Professor Keeler and Assistant Palmer; study of triple hydrogen lines, by Professor Campbell; investigation of stars in the great cluster in Hercules, by Mr. Palmer; telescopic photographs of the great nebula in Orion—an extension of the spectroscopic method to parts of the nebula which are too faint for visual observation; and a large variety of miscellaneous observations and computations.

United States Naval Observatory, located on Georgetown Heights, District of Columbia, Capt. C. H. Davis, U. S. N., director.—The instruments and accessories of the Naval Observatory consist of the great equatorial and accessories (including elevating floor); east meridian circle (Pistor & Martens, 9-inch, remodeled); south transit instrument; prime-vertical instrument; 12-inch equatorial; 6-inch transit circle (Warner & Swasey); 5-inch alt-azimuth and building (Warner & Swasey); 1 comet seeker, 4-inch (Brashear), alt-azimuth; 1 comet seeker, 4-inch (old equatorial mounting); 13 astronomical clocks; 7 chronographs (with stands and scales); 3 personal-equation apparatuses; 2 level triers; meteorological apparatus; transit of Venus measuring engine; equipment of magnetic observatory; 1 kathetometer; instruments for testing sextants. Instruments unmounted: 9.6-inch equatorial, 7½ equatorial, and Repsold transit circle (Naval Academy), transit of Venus outfits, etc.

The instrumental equipment is for the most part new, few of the instruments of the old observatory having been retained in their original form. An entirely new mounting has been provided for the 26-inch equatorial telescope, and the 9.6-inch telescope has been replaced by a new refractor of 12 inches aperture. A large spectrograph, of modern design, has been furnished for the 26-inch telescope. Two new instruments, constructed entirely of steel, have been added to the equipment. One of these is a meridian circle of 6 inches aperture, and the other is a 5-inch alt-azimuth. The 8.5-inch Pistor & Martens meridian circle has been furnished with a new objective of 9.1 inches aperture and the mounting reconstructed. All the new instruments are of American make.

The Observatory work is divided into two classes, astronomical and nautical. The first includes the department of astronomical observations and the department of the Nautical Almanac. The second includes the department of nautical instruments, the department of chronometers and time service, and the department of magnetism and meteorology. A naval assistant is provided for the superintendent, and provision is made for a director of the Nautical Almanac and for heads of the various nautical departments.

On September 20, 1894, Prof. William Harkness was appointed astronomical director. On June 30, 1897, he was also made director of the Nautical Almanac, after the resignation of Professor Hendrickson, who occupied the position for a short time after Professor Newcomb's retirement on March 12, 1897.

The work of the Observatory since its removal to the new site has included observations of the sun, moon, and planets and certain ephemeris stars (suspended from 1891 to 1894), observations of stars in the zone —15° 50′ to —18° 10′ of the Astronomische Gesellschaft, observations of selected stars with the prime vertical transit and the alt-azimuth, micrometric observations with the 26-inch and 12-inch telescopes. Some photographs of stellar spectra have been made with the spectrograph attached to the 26-inch telescope. The meteorological observations have been continued, but magnetic work (first seriously undertaken in 1881) has been given up, owing to disturbances caused by electric cars. Professor Yarnall's catalogue, containing the positions of all miscellaneous stars, observed with the mural circle and transit instrument between 1845 and 1877, was published in 1878 (second edition). A third edition has since been brought out by Professor Frisby. Professor Eastman's catalogue of 5,151 stars, observed between 1866 and 1891, appeared in 1898. Of this catalogue the astronomical director remarks that it "has absorbed the labors of about two-thirds of the Observatory staff for more than thirty years."

Leander McCormick Observatory, University of Virginia, Charlottesville, Ormond Stone, director.—The buildings are a rotunda, of 45 feet diameter, containing a 26-inch equatorial (a mate to the instrument in Washington), with computing rooms attached, containing library, clock, and chronograph; a small building containing a small equatorial and transit instrument; a residence for the director, and a small cottage for assistants.

The endowment yields an income of $4,455, of which $3,000 pays the salary of the director, and the remainder is used as a working fund.

The work consists principally of observations of satellites and nebulæ. In this work Professor Stone is assisted by the "fellows in astronomy," who are graduate students who occupy a portion only of their time in computing and observing. At present the "fellows" are Messrs. E. O. Eastwood, J. A. Lyon, jr., and Robert G. Robb.

Lowell Observatory, Flagstaff, Ariz., A. E. Douglass, assistant in charge.—The equipment is a wooden dome 40 feet in diameter, the movable part, 8½ tons in weight, floated on brine; a 24-inch Clark visual telescope; smaller visual telescopes, 6 inch, 4 inch, and a residence of six rooms.

The support is given entirely by Mr. Percival Lowell.

The chief work is "planeto-physics," the study of the physical condition of the planets, time having been especially given to Mars, Mercury, Jupiter, and Venus. A certain amount of double-star work has been done which is not expected to be continued permanently.

Halsted Observatory of Princeton University, Charles A. Young, director.—This observatory was built in 1867, but did not receive its telescope and equipment until 1882. The "observatory of instruction" connected with the director's house was built and fitted out in 1877.

There is no observatory fund. The salaries of Professor Young ($3,000) and Professor Reed ($1,500) are paid out of the general income of the university. The observatories have also an annual allowance of $500 from university funds for running expenses, fuel, lights, janitor, and electrical supplies. There is an astronomical fellowship ($10,000), which pays $400 a year to the "Thaw fellow in astronomy"—a graduate student.

Professor Reed's time is mostly given to instruction, but he does some work at the observatory in the way of spectrum photography and occasional observations of comets.

Professor Young's work has been substantially the same, but his impaired health has interfered, and no formal programme is attempted, but merely such occasional observations as are called for by some special astronomical occurrence—a new comet or an eclipse. It is to be hoped that it will not be long before the observatory will be suitably endowed with a sufficient income to permit it to be made a regularly working institution.

The building is of stone, with an iron dome 39 feet in diameter, the power for moving it and its sliding shutter being furnished by an electric motor and storage battery. The principal instrument is the great equatorial, of 23 inches aperture and 30 feet focal length, made by the Clarks. It is provided with all the usual accessories, micro-metric and spectroscopic. The building also contains a clock and a chronograph, and is in electric connection with the observatory of instruction. The observatory of instruction is devoted entirely to the use of students, and is fully equipped for its purpose. It possesses an equatorial (by Clark) of 9½ inches aperture, with a full complement of spectroscopic and other accessories. It has also a 9-inch reflector; a meridian circle with circles 2 feet in diameter and a 4-inch telescope; two transit instruments with 3-inch telescopes, both of them arranged for use as zenith telescopes; a 3-inch prime-vertical instrument; a chronograph; two standard clocks, and two chronometers. There are also a number of sextants, and all the other subsidiary apparatus required for carrying out the work involved in the courses on practical astronomy.

Chamberlin Observatory, University of Denver, Colorado, Herbert A. Howe, director.—The observatory has two buildings, costing together $29,000. The principal instrument is a 20-inch telescope of the highest class, which is being continually used in original research. Besides this there is a 6-inch equatorial and a 4-inch meridian circle, two clocks, two chronometers, a chronograph, and other subsidiary instruments. The entire plant cost $55,000. The observatory has no endowment. The donor intended to give it an endowment of $50,000, but his death has removed the last possibility of receiving this, and therefore the institution has no income apart from its connection with the University of Denver.

The university is responsible for the salary of the director of the observatory, but he also does some teaching of astronomy and higher mathematics in the College of Liberal Arts. It is, however, understood that as much of his time as possible must be given to the work of the observatory.

The principal line of work is the measurement of the positions of southern nebulæ, this being taken up at the request of a noted English astronomer, the work being done at no other observatory in the world. There are no assistants except young people who are students, and who are able to do routine computing and occasional observing.

The Smithsonian Institution, Washington, D. C., Samuel P. Langley, director.—The Astrophysical Observatory of the Smithsonian Institution has recently been greatly improved, and the equipment has been brought up to a state of unusual excellence. Its principal instrument is a 20-inch refractor. It is proposed to introduce a system of cooling by ammonia gas, to be regulated automatically, so that the apparatus can be maintained through the months of April, May, June, July, August, September, and October, as in the winter, at a standard, constant temperature. As much of the clear observing weather comes in these months, good results are hoped from this change.

In his latest published report Professor Langley summed up the result of the year's work by saying that "the positions of between 200 and 300 lines in the infra-red solar spectrum have been accurately established; an account of the researches of the observatory has been prepared for publication, and the instrumental equipment has reached a state of excellence never before equaled."

Dearborn University, Evanston, Ill., G. W. Hough, director.—The observatory building was erected in 1888 at a cost of $25,000. The residence for the director cost $7,000. The instruments are an 18½-inch refractor, costing $20,000; a 6½-inch Repsold meridian circle, costing $5,000; three astronomical clocks, a recording chronograph, a printing chronograph, and minor apparatus. The library has about 2,000 books and pamphlets.

The observatory has no separate endowment, but is supported out of the general funds of the Northwestern University.

The astronomical work is carried on by the director alone, who also gives instruction in general astronomy in the university. The work for twenty years has been especially directed to two lines, the study of the surface of the planet Jupiter and the discovery and measurement of double stars, 622 new pairs having been published. There have been made many observations for latitude and the occultation of stars by the moon.

Flower Observatory of the University of Pennsylvania, at Upper Darby, Pa., C. L. Doolittle, director.—The buildings are three in number: (1) The equatorial building, of brick and iron; (2) meridian building, of wood; (3) dwelling and library combined, also brick. The instruments consist of an 18-inch equatorial, 4-inch zenith telescope, 4-inch meridian circle, sidereal clock, chronograph, chronometers, alt-azimuth, small transit instrument, and spectroscope.

There is no independent income. The observatory is a department of the University of Pennsylvania, and every member of the staff is employed during a number of hours every week in the work of instruction. A series of latitude observations has been kept up almost continually since the mounting of the zenith telescope three years ago, by Professor Doolittle. The equatorial is kept constantly employed by Assistant Eric Doolittle in the measurement of double stars and by Assistant Henry R. Evans in observation of comets and minor planets.

Goodsell Observatory of Carleton College, Northfield, Minn., William W. Payne, director.—The photographs sent to the board of visitors show: Goodsell Observatory, 100 feet by 78 feet; cost, $30,000. The Williams equatorial, 16-inch object glass, 22 feet focal length; cost, $15,000. Eye end of large equatorial, showing spectroscope, heliostat, and battery; cost, $1,000. Repsold meridian circle; cost, $5,000. Photographic triplet; cost, $3,800.

The star catalogue shows the meridian work. Popular Astronomy, a regular publication, is issued at Goodsell Observatory. For twenty-two years the observatory has given the time of the observatory to the Northwest, reaching from Chicago to the Pacific coast, and the time signals now cover over 13,000 miles of railroad telegraph lines. Lantern slides are made from the negatives for lectures and instruction purposes, and prominent instructors in the United States purchase these on account of the quality of the work.

Lowe Observatory, Echo Mountain, Cal., Lewis Swift, director.—The equipment is a 16-inch refractor by the Clarks, 22-foot focus steel tube, finder, driving clock, filar micrometer, and eye-pieces, cost $11,000; spectroscope by Brashear, prism and grating ruled to 13,400 lines to the inch, $1,000; sidereal clock by the Howards, electric break-circuit, $450; automatic right-ascension circles, $100; astronomical library, $1,000; observing chair, bookcases, furniture, tools, etc., $450; making in all, $14,000.

The dome room is 30 feet in diameter; library, waiting room, and bedroom, probable cost, $4,000.

The work done is the same formerly prosecuted by Professor Swift at the Warner Observatory, Rochester, N. Y., namely, the discovery of nebulæ and comets. While there were 900 nebulæ and 10 comets discovered and published in various astronomical journals in this country and Europe before this observatory was built, five and a half years ago, there have since been discovered by Professor Swift, and catalogued and published 350 nebulæ and 7 comets. For the discovery of nebulæ it is claimed that Professor Swift stands next to Sir John Herschel. The instruments are his, having been brought from Rochester, and the observatory belongs to the Pasadena and Mount Lowe Railway Company. It has no endowment and there is no assistant. It is the only observatory in southern California, but unless the company purchases the equipment it will probably go to some college in the Southern States, as far south as possible, there being no sufficient astronomical observatory in the South, except the one at the University of Virginia.

For his discoveries Professor Swift has received 9 medals, 3 of gold from Austria, 1 of silver from France, 1 large bronze one from England, and 4 other bronze medals from California Academy of Science.

Washburn Observatory, Madison, Wis., George C. Comstock, director.—The Washburn Observatory, connected with the University of Wisconsin, is under the directorship of Professor Comstock; was established in 1878 through the munificence of the late Governor C. C. Washburn. Although its obligations and opportunities as a branch of a teaching university have not been ignored, the energies of its staff from the beginning have been directed mainly to astronomical research. Among its lines are the measurement of the positions and motions of the heavenly bodies, the discovery and measurement of double stars, the investigation of variable stars, the study of changes of latitude and of the amount and character of the atmospheric refraction, the determination of the amount of the aberration of light, and a systematic investigation of the parallaxes of all accessible stars which have large proper motions; and there is also maintained a tridaily meteorological service.

The principal instruments are: An equatorially mounted telescope of 15½ inches aperture, constructed by Alvan Clark & Sons, and provided with graduated circles, driving clock, a filar micrometer, double image micrometer by Steinheil, a spectroscope, astrophotometer, and a very complete set of eyepieces; a meridian circle, by A. Repsold & Sons, of Hamburg, with collimators, transit micrometer, and the usual accessories of such an instrument. This instrument is figured in the last edition of the Encyclopædia Britannica as the type of its class. The objective of the instrument was made by the Clarks, and has an aperture of 4.8 inches and a focal length of 58 inches. The circle is graduated to 2 minutes of arc. For the past three years this instrument has been employed for an extensive series of determinations of stellar parallax. A floating mirror has been added to it as an auxiliary for the determination of its horizontal points and flexures. There are also a sidereal clock, by Höhwü, of Amsterdam; two meantime clocks, by Howard, of Boston, all excellent timepieces, and a chronograph, by Fauth & Co., of Washington.

In the students' observatory are mounted a 6-inch equatorial telescope by Alvan Clark & Sons, a combined transit and zenith telescope by Fauth & Co., and a transit instrument of the broken telescope type by Bamberg. The equatorial telescope has been provided with reflecting prisms (Loewy) and is employed in an investigation of the refraction and the constant of aberration, and the Bamberg instrument is used for latitude determinations by the Talcott method and for the time service of the observatory. The observatory also possesses subsidiary instruments, such as chronometers, sextants, an engineers' transit, an alt-azimuth, a universal instrument of the German type, a spherometer caliper, seismoscopes, and a complete set of meteorological instruments.

The peculiar line of work of the observatory is upon the positions and motions of the "fixed" stars.

Harvard Observatory, of Harvard College, located at Cambridge, Mass., Edward C. Pickering, director.—The Harvard Observatory grounds cover 7 acres, having an estimated value of $50,000. These grounds are too small and too near thickly settled portions of the city. The buildings at Cambridge are valued at $52,000. They are very inadequate, and for the most part are not fireproof. A house is provided for the director, but the rent is deducted from his salary. A machine shop is provided for the instrument maker. The annual income is $16,000.

The climate of Cambridge is not suitable for astronomical observations of the highest grade. Harvard has therefore established a secondary station at Arequipa, Peru, at a height of 8,000 feet, selected, after careful study, as the location in which the atmospheric conditions are more favorable than had been found in any other part of the world. The Harvard buildings at Arequipa are valued at $12,000. Six meteorological stations, extending from the sea level to a height of 19,200 feet, are associated with the observatory. The Harvard Observatory is also closely related with the Blue Hill Meteorological Observatory.

The principal instruments at Cambridge are the 15-inch equatorial telescope, the 15-inch reflector, the 12-inch meridian photometer, the 11-inch Draper telescope, the 8-inch transit circle, the 8-inch Draper doublet, the 6-inch equatorial telescope, and the 4-inch transit photometer. The principal instruments at Arequipa are the 24-inch Bruce doublet, the 13-inch Boyden visual and photographic equatorial telescope, the 8-inch Bache doublet, the 4-inch meridian photometer, and the 4-inch transit photometer. The 8-inch transit circle is not now in regular use, but with it two of the international zones have been observed. All of the other instruments are in regular use every clear night, nearly all of them until dawn, and the work done with them is not duplicated elsewhere.

In addition to a large amount of general astronomical scientific work, the Harvard Observatory is engaged in special work in photometry, photography, and meridian-circle observations. The Harvard directors, in addition to their work in the daytime, have always taken part in the observations, the work for the last twenty-four years averaging over four hours on every clear evening. The observations consist mainly of large pieces of routine work, planned by the directors and astronomers, who may also make the observations, but the great labor of computation and reduction is done by the assistant astronomers and computers.

Later in these remarks I shall speak of the work in stellar photography done at this observatory and the great value of the Draper photographs.

Mississippi University, Oxford, Chancellor R. B. Fulton, director.—Under date of July 6, 1891, it was reported in the Sidereal Messenger, No. 97, that a "twin equatorial" (a 15-inch visual telescope and a 9-inch photographic telescope side by side on the same mounting) was under construction by Grubb. [Smithsonian Report, 1892, page 732.] The "twin equatorial" here mentioned is now in use at the observatory of the University of Mississippi.

Litchfield Observatory of Hamilton College, Clinton, N. Y., S. J. Saunders, director.—The Edwin Litchfield Observatory has long held an important scientific repute. Here Dr. Christian H. F. Peters discovered 48 asteroids and did other work even more valuable and of international fame. (Johnson's Universal Cyclopædia, volume 4, page 125.)

There are various unpublished papers of Dr. Peters, and recently steps have been taken by Professor Holden, Prof. E. C. Pickering, and the Secretary of War (Mr. Root) to promote their publication.

The Litchfield Observatory is equipped with a 13½-inch refractor.

Columbia University astronomical observatory, city of New York, John K. Rees, director.—From 1883 to 1898 the observatory of Columbia College was on top of the library building at Forty-ninth street, near Madison avenue, and possessed an equatorial refractor of 13 inches aperture, transit instruments, spectroscopes, and other instruments. Since December, 1898, when the property in

Forty-ninth street was sold, the instruments in the old observatory have been removed to the new site at One hundred and twentieth street, where they are now stored in the cellar of one of the buildings. At the new site was erected in 1892 a small house in which is a zenith telescope of 3 inches aperture, which has been used for the past seven years in observations for latitude. In 1899 was erected at the new site a little house for use of transit instruments and chronographs.

The financial resources of this department are received from the university funds and from outsiders; the trustees contribute for the running of this department about $10,000 a year, and friends have in the past seven years added to the trustees' contributions $30,000.

The special work during the past eight years has been the reduction and measurement of the Rutherford photographs, the measurement of the Rutherford plates not measured by Rutherford, observations for the purpose of determining the latitude at New York City and a new determination for the constant of aberration of light, and measurements and reductions of photographs taken of the stars about the North and South Pole.

The departmental force consists of J. K. Rees, professor of astronomy and director of observatory; H. Jacoby, adjunct professor of astronomy, and Dr. S. A. Mitchell, tutor in astronomy. This force is assisted by four computers, whose services are paid for out of the funds raised outside the university by the director of the observatory.

Allegheny Observatory, Western University of Pennsylvania, Allegheny, Pa., F. L. O. Wadsworth, director.—Its principal instrument is a 13-inch refractor.

There are post-graduate courses of instruction in astronomy and astrophysics.

Detroit Observatory, University of Michigan, Ann Arbor, Mich., A. Hall, jr., director.—The building is old fashioned, with two wings, with the 12¼-inch equatorial in a dome on top of the central portion. In the east wing is a 6½-inch Pistor & Martins meridian circle. In the west wing is the library, attached to which is the dwelling house for the professor of astronomy. There is also a small practice observatory containing a 6-inch equatorial, a 3-inch meridian transit, 2 chronometers, a sextant, and a surveyor's transit.

The observatory has no funds of its own. Professor Hall and one assistant on the list of teachers give about half of their time to instruction.

Professor Hall has been at work in his special field on aberration constant with meridian circle. His salary is $2,500. One assistant receives $300, and the repairs of instruments and buildings cost about $700, making $3,500, about one-half of which is chargeable to teaching.

Morrison University, Glasgow, Mo., C. W. Pritchett, director.—The building, erected in 1875, is 81 feet in length and has four divisions—the equatorial tower, containing insulated pier, and surmounted by revolving dome, for the equatorial made by Clark, 17 feet focal length, and 12¼-inch aperture; west of the equatorial is transit-circle room, containing meridian circle, by Troughton & Simms (6-inch aperture, 24-inch circle), London; collimators, sidereal clock (Fordsham), and chronograph; west of transit-circle room is the library and computing room (2,500 volumes).

The money for the observatory was the gift of Miss Berenice Morrison, who gave for this purpose $50,000, of which $23,000 was invested in building and instruments and $27,000 is invested for support. She also gave $50,000 for the Pritchett School.

The founding and direction has been in Professor Pritchett's hands all these years. During that time much good work has been done, as the publications will show. His sons, Prof. H. S. Pritchett, of the United States Coast and Geodetic Survey, and C. W. Pritchett, jr., mining engineer in Mexico, were with him, and they gave a good account of their work. Now, however, Professor Pritchett, at the age of 77, can only do routine work, and can not be expected to solicit money to enable him to employ the needed assistants.

Emerson McMillin Observatory, Ohio State University, Columbus, Ohio, Henry C. Lord, director.—The Emerson McMillin Observatory of the Ohio State University was founded by Mr. Emerson McMillin, of New York. The instruments are a 12½-inch equatorial telescope, mounting by Warner & Swasey, objective by Mr. Brashear; a large and powerful spectroscope by Mr. Brashear (this instrument being adapted to use either one or two prisms or a grating and provided with a double set of objectives, one corrected for the visual and one for the photographic rays); a positive micrometer with 7-inch circle, by Warner & Swasey; a combined zenith telescope and transit instrument of 3 inches clear aperture by G. N. Saegmuller; a sidereal clock by Clemens Rieffler, of Munich; a comparator by Carl Zeiss; a 4-inch portable equatorial by Alvan Clark; a chronograph by Warner & Swasey; sextants, chronometers, meteorological instruments, etc.

The research work has been largely in the field of astrophysics and in the determination of motion in line of sight. Of the 56 stars whose motion in the line of sight has been determined, 5 of these have been determined at the Emerson McMillin Observatory.

The director of this observatory is Prof. Henry C. Lord, assisted by a fellow of the university.

Dudley Observatory, Albany, N. Y., Lewis Boss, director.—The buildings are the observatory building proper, brick, 67 feet by 34 feet, two floors with attic, equatorial tower of 22 feet diameter; the dwelling house of brick, connected with the observatory by a corridor with bookcase; transit-circle house, 22 feet by 24 feet, frame and inside covering of steel and iron, outside of wood, louver work on vertical walls, roof in six sliding sections.

The instruments are transit circle by Pistor & Martens, 1856—cleaned and slightly altered in 1893; focal length, 119 inches; objective, 8 inches; two 40-inch circles graduated to 2'. Mire objective, 8 inches; focal length, 287 feet. Instrument 43 years old; still of the first rank.

The equatorial telescope, optical parts by Brashear, mechanical by Warner & Swasey, adapted both for photography and for visual work; focal lengths, visual, 15 feet; photographic, 13 feet; objectives, 12 inches in diameter; one comet seeker, two chronographs, and three clocks.

The financial means and income are: Endowment, $110,000; annual income from investments, $4,700; from gifts and other sources, at present, about $1,000.

The work is as follows: Formerly many planetary and cometary observations and computations were made in addition to the regular meridian and star work, but this has not been kept up during the past three years. Preliminary essays in astronomical photography now take up part of the attention of this observatory. Meridian observations, and calculations growing out of such work, constitute the principal occupation of the observatory. The published works are: Catalogue of 500 Stars (chiefly standard stars); Catalogue of 8,241 Stars (A. G. Zones), published by the International Astronomical Society; several star catalogues and many papers on stellar astronomy in the Astronomical Journal.

The observations are now completed for a catalogue of 11,000 southern stars, and the reductions for these are in a forward state. The equivalent of ten years' work by one person has already been expended on a compilation of facts relating to the positions and motions of 20,000 stars, including those known to have sensible motion and those of seventh magnitude or brighter. The observation and discussion of these is now on the programme and parts of them already in hand.

The observatory staff consists of the director, Prof. Lewis Boss, and two assistants, and about $750 is now expended annually for routine computation by outside assistance, the force being too small for the full operation of the plant.

The West Point Military Academy Observatory, Prof. Peter S. Michie, director.—General and practical astronomy form portions of the present course of instruction. The astronomical apparatus includes a 12-inch refracting telescope.

The report for 1896 of the superintendent gives a statement of the present course and method of instruction, the organization of the personnel, descriptions of recitations, class reports, and a critical historical review of the institution, and claims that—

> For many years this Academy has been the model for other scientific institutions. Astronomy in this country was nurtured here. Trigonometrical and topographical surveying, methods of triangulation, magnetic declination, and the systems of locating, surveying, and dividing the public lands of the United States are some of the branches which emanated from this Academy. Methods of field astronomy and some of the most valuable instruments of precision have been developed and invented by graduates of West Point.

Ladd Observatory of Brown University, Providence, R. I., Winslow Upton, director.—This observatory was built and equipped in 1890 by ex-Governor Ladd, of Rhode Island. The building is of brick, with copper dome and wooden ell, costing upward of $25,000.

The instruments are a 12-inch refractor with micrometer, spectroscope, helioscope, and eyepieces; 3-inch combined transit and zenith telescope, two high-grade clocks, chronograph, chronometer, sextants, and minor apparatus; recording barometer, thermometer, hygrometer, rain gague, and ordinary meteorological instruments—valued at $10,000.

The financial means are provided by Brown University from its general fund and there is no independent income.

The work is chiefly as adjunct to the instruction in astronomy at Brown University, undergraduate and graduate. There is local service by constant signals day and night, requiring regular transit observations and clock comparisons. There are continuous meteorological records and miscellaneous observations as opportunity offers.

The force is Professor Upton, with one assistant, Mr. John Edwards.

Vassar College Observatory, Poughkeepsie, N. Y., Mary W. Whitney, director.—There is a brick building containing a 12-inch

telescope, equatorially mounted, and with the usual equipment; also a small spectroscope; a 4-inch transit circle, with the usual equipment; a small wood structure containing a 5-inch telescope, equatorially mounted, for the special use of students. There is also a Repsold measuring machine for the study of stellar photographic plates, which was a gift.

There is no income for the observational work of the observatory. There is a college endowment for the department of instruction, out of which the salaries of the teachers are paid. Occasional appropriations are made by the trustees of the college, but these are also, for the most part, for the work of instruction.

The observatorial work for publication (Astronomical Journal and Astronomische Nachrichten) involves mainly micrometer work on asteroids and comets.

Observers, Mary W. Whitney, director, and Caroline E. Furness, assistant. Work is also done with the Repsold machine on stellar plates. At present a series of polar plates taken at Helsingfors, Finland, by Dr. Downer, is being reduced by Miss Furness.

Wesleyan University Observatory, Middletown, Conn., John M. Van Vleck, director.—The observatory contains a 12-inch refracting telescope, by Alvan Clark & Sons, and well-appointed laboratories, with chemical and physical apparatus and cabinets, illustrating the departments of geology and natural history, furnish the undergraduate with facilities for the study of physical science. (Johnson's Universal Cyclopedia, volume 8, page 712.)

The Daniel Scholl Observatory of the Franklin and Marshall College, Lancaster, Pa., Jefferson E. Kershner, director.—The principal instrument in the Daniel Scholl Observatory is an 11-inch Clark-Repsold equatorial with micrometer. In addition to this the Observatory is provided with a 3-inch transit instrument by Ertel & Son, a Fauth chronograph, a Seth Thomas precision clock, and a chronometer, together with a set of meteorological instruments. The meteorological apparatus is used to make a record of the state of the weather, which is regularly reported to the office of the Pennsylvania State Weather Service. A universal instrument with 10-inch circles, reading to seconds, a student's telescope, and an additional cylinder for the chronograph have been secured—instruments more especially available for the purpose of studying the problems of time, longitude, latitude, and azimuth. The equatorial was made in Germany by the Repsolds; the objective by the Clarks, of Cambridge, Mass. The workmanship is of the finest, and the instrument one of the best in the country of its size.

Smith Observatory, Geneva, N. Y., William R. Brooks, director.—The Smith Observatory was erected at Geneva in 1888 by William Smith, esq., and has ever since been maintained by him "for the increase and diffusion of astronomical knowledge." The observatory is a strong tower, 17 feet in diameter and 34 feet in height, surmounted by a revolving dome. Below are a reception room and a room for the fine meridian circle (by Warner & Swasey) and the astronomical clock; above, under the dome, stands the large equatorial telescope, a refractor of 10 inches aperture, with a photographic lens of the same size. The telescope was made by Clancey, of Boston, and the dome was built by Warner & Swasey, of Cleveland, Ohio, makers of the great Lick and Yerkes telescopes.

As director of the observatory, Mr. Smith early secured the services of Prof. William R. Brooks, whose remarkable cometary discoveries have given this observatory its wide reputation. The privileges of this observatory have been placed at the disposal of the students of Hobart College.

Lawrence University Observatory, Appleton, Wis., F. E. Millis, director.—The observatory is thoroughly equipped with the finest instruments for astronomical work. (Johnson's Universal Cyclopædia, volume 5, page 143.)

The Underwood Observatory in connection with Lawrence University at Appleton, Wis., was equipped at the opening of the college year of 1892-93. The outfit consists of a 10-inch Clark equatorial, 4-inch meridian circle, mean-time and sidereal clocks, chronometer, and chronograph. A local time service has been established. (Smithsonian Report, 1892, page 735.)

Bucknell University Observatory, Lewisburg, Pa., W. C. Bartol, director.—The main college building is situated on a hill 100 feet above the Susquehanna River and was designed by Thomas U. Walter, architect of the Dome and wings of the Capitol at Washington, D. C. The observatory was erected in 1887, and is designed for the use of students in practical astronomy.

The equipment represents the latest improvements in astronomical instruments. It consists of a Clark equatorial telescope of 10 inches aperture and 12½ feet focal length, furnished with a fine position micrometer and all the usual accessories; a spectroscope, with prism and grating by Brashear, the grating having 14,500 lines to the inch; a 3-inch prismatic transit, with a 13-wire movable micrometer by T. Ertel & Sons; a Fauth chronograph with Bond spring governor; a Waldo precision clock for sidereal time, with mercurial compensation, break-circuiting apparatus; Daniell's battery and telegraph sounders; a Seth Thomas clock for solar time; a sextant; a 3-inch altitude azimuth refractor; a set of meteorological instruments; celestial globes and maps, and standard works on theoretical and practical astronomy. Astronomy is treated not merely as an application of mathematics, but as a science which forms an essential part of a finished education.

The observatory work is in charge of Professor Bartol, assisted by R. L. Rentz, A. B., and by one of the students of the college. Observations are made for time and to determine the errors of the transit instrument, for azimuth, and for latitude and longitude. There is a free use by the students of the 10-inch equatorial telescope, and the use of the micrometer is taught.

Haverford Observatory of Haverford College, Haverford, Pa., William H. Collins, director.—Besides the two chief college halls there are two well-furnished astronomical observatories. (Johnson's Universal Cyclopædia, volume 4, pages 173, 174.)

Haverford Observatory has a 10-inch refractor, and good work has been done on stellar parallax and sun-spot observations.

Johns Hopkins University, Baltimore, Md., S. Newcomb, director.—A course in general astronomy is offered as an elective for third-year students. For those students who wish to take astronomy as a subordinate subject a general outline course is given each year. There is also given every year a more advanced course. The advanced courses vary from year to year. (Education Report, 1897-98, pages 883, 884.)

The principal instrument in use at Johns Hopkins Observatory is a 9.5-inch equatorial telescope.

Smith Observatory, Beloit College, Beloit, Wis., Clement Rood, director.—The Smith Observatory contains a 9.5-inch refractor, the principal work of the institution consisting of sun-spot observations.

Shattuck Observatory, Dartmouth College, Hanover, N. H., Edwin B. Frost, director.—The building known as the Shattuck Observatory of Dartmouth College was erected in 1854, and has not been enlarged since that date. It is a small building, with three wings, each about 12 by 18 feet, with a small dome for the 9.4-inch equatorial telescope.

In addition to the 9.4-inch equatorial and its spectroscopic accessories, the observatory is equipped with a 4-inch meridian circle, by Troughton & Sims, London; a sidereal clock and chronograph, a mean-time clock, a sextant, and several small telescopes of ancient construction.

The salaries of the instructors are paid from the regular college budget. Since 1898 the income of $10,000 has been given for the scientific use of the observatory, and will be chiefly used to improve and increase the instrumental equipment.

The observatory is at present used only for purposes of instruction by Professor Frost during an annual three months' winter leave of absence from the Yerkes Observatory, and by a resident instructor (during the past year), Mr. J. M. Poor.

Hartford Public High School Observatory, Hartford, Conn., B. S. Annis, director.—The principal instrument in use at the Hartford High School Observatory is a telescope having an object glass 9½ inches aperture, 11 feet 4 inches focal length, by Alvan Clark & Sons, Cambridge, Mass.; equatorial, with driving clock inside the pedestal, by Warner & Swasey, Cleveland, Ohio. The telescope is used to exhibit celestial objects to classes of students. It is in charge of Miss Clara A. Pease and B. S. Annis, A. M., professor of mathematics and astronomy.

Catholic University of America, Washington, D. C., G. M. Searle, director.—A small observatory has been built and is under the direction of Rev. G. M. Searle. The telescope is 9 inches aperture, 9 feet focus, glass and tube by Clacey, mounting by Saegmuller (Fauth & Co.). The cells and centerpiece of tube are made of aluminum. A small meridian circle and photographic and spectroscopic apparatus will also be provided. A 5-inch telescope is now in use. (Smithsonian Report, 1890, page 167.)

Hobart College observatories, Geneva, N. Y., H. L. Smith and William R. Brooks, directors.—Hobart College has two observatories—the smaller, now the private property of Prof. H. L. Smith, which he intends to give to the college, and the Smith Observatory, erected in 1888 by William Smith, esq., and hereafter described.

Students in practical astronomy receive instruction in the use of the instruments and in actual observation. To facilitate this the smaller observatory was erected near the college buildings. It contains an equatorial telescope of 6 inches aperture, by Brashear, driven by clockwork, as is also the A. R. circle, and furnished with three micrometers (one filar and two double image rock crystal), solar and stellar prisms, and a spectroscope.

Vanderbilt University, Nashville, Tenn., William J. Vaughn, director.—The observatory building is amply large for the housing of the instruments and the giving of room for computing and class work.

The equatorial is 8½ inches aperture, the meridian or transit circle is 5 inches aperture, and there are also an alt-azimuth, and stellar and solar spectroscopes and two clocks.

The observatory has no endowment, and the instruments are used only for teaching purposes.

Yale University Observatory, New Haven, Conn., W. L. Elkin, director.—The observatory consists of one brick building, containing offices, library, laboratory, clock room, and two bedrooms. Connected with it are outbuildings, containing the instruments, a transit instrument, a 6-inch heliometer, an 8-inch refractor, and a photographic apparatus, of a total cost of about $25,000.

The observatory has at present an annual income of about $7,000, derived $5,000 from the endowment created by the late Prof. Elias Loomis, $1,000 from distribution of time signals, and $1,000 from testing thermometers.

The work is carried on by Prof. W. L. Elkin, director; by Dr. Chase, astronomer; by Mr. Brown, secretary, and by Mr. Smith, assistant. It consists, in part, of researches with the heliometer on stellar parallax and triangulations, and with the photographic apparatus on meteors; also of time determination and thermometer testing. No teaching is done as observatory work.

Durfee High School, Fall River, Mass., Iram N. Smith, director.—The Durfee High School has an 8-inch equatorial telescope, made by Warner & Swasey, lenses by Clark, of Cambridge, with clockwork attached, in an observatory dome about 15 feet in diameter and 100 feet from the ground. The work consists of astronomical observations by pupils and occasional observations by the public.

Iowa College Observatory, Grinnell, Iowa, S. J. Buck, director.—Practical astronomy is a part of the requirement at Iowa College. The observatory is under the charge of S. J. Buck, who fills the chair of mathematics and astronomy in the college.

The apparatus consists of an Alvan Clark refracting telescope with an 8-inch object glass, mounted equatorially and provided with driving clock; a 6-inch reflecting telescope by Brashear; two Seth Thomas precision astronomical clocks, one set upon sidereal time, electrically connected with a Fauth chronograph, the other upon mean sun time, from which time is given to the college; a Warner & Swasey micrometer, with wires electrically lighted; a Fauth transit provided with two circles, one reading to minutes of arc, the other to ten seconds and having a micrometer reading to one-quarter second of arc; a chronometer from Negus. The sun clock is provided with a correcting electrical coil to bring it into daily accord with central time. Time is given to the college by electric bells automatically connected with the solar clock, the chapel bell being so rung. The instruments of the observatory are used for observation work, and computations are made. Advanced students in practical astronomy aid in furnishing time for the institution. Weather Bureau observations are made with Government instruments, weather flags are mounted in accordance with telegrams, and daily weather charts are received.

Mount Holyoke College, South Hadley, Mass., Miss A. S. Young, director.—The apparatus in Williston Observatory, Mount Holyoke Seminary and College, comprises a refractor of 8 inches aperture. The chief work consists of sun-spot observations.

University of Alabama, Tuscaloosa, Ala., H. A. Sayre, director.—The building is of brick and contains four rooms. In one of these is placed the equatorial, in another the transit instrument. The equatorial is an 8-inch telescope. This and the transit were good in their day, but both were made and installed long before 1861, and, together with the astronomical clocks and the chronograph, are not satisfactory instruments for use at the present day, and the entire equipment ought to be renewed if useful astronomical observations are to be pursued.

There is no independent means or income. The university as a whole has a fair and growing income, the growth of which is to be provided for, it is hoped, by royalties on mineral lands granted by the act of Congress of April 23, 1884.

With the present instruments it is not possible to undertake work of permanent value. They are used for instruction purposes by Dr. H. A. Sayre, who is a thorough and enthusiastic scientist and capable of independent and original work, which would add materially to the advancement of the science of astronomy. A new astronomical observatory at the South is very much and specially needed; and if the Lowe Observatory at Echo Mountain, Cal., is not to be maintained, Professor Swift's instruments might most wisely be transferred to the University of Alabama.

Holden Memorial Observatory of Syracuse University, Syracuse, N. Y., Henry A. Peck, director.—The observatory is the astronomical department of Syracuse University, and was founded in 1887 by E. F. Holden in memory of his son, a graduate of the university. In addition to the building and equipment, Mr. Holden also gave $25,000, the income of which is to be used for maintenance.

The principal instruments are an 8-inch Alvan Clark refractor, furnished with full sets of eyepieces, driving clock, filar micrometer, and also lamella micrometers for faint planets; 3-inch Troughton & Sons reversible transit; Strasser & Rohde sidereal clock with electrical contacts; Dent year-time chronometer; Fauth chronograph; spectroscope made by Brashear for use on the 8-inch Clark refractor from special measurements and drawings, using both prisms and Rowland grating; also sextants and other small apparatus for purposes of instruction.

The professor of astronomy is H. A. Peck, who received his astronomical training mainly with Prof. E. Becker, at the Imperial Observatory in Strasburg, Germany. He has published various papers and is at present engaged on the orbit of Gale's comet.

Annapolis Observatory, United States Naval Academy, Annapolis, Md., C. W. Bartlett, director.—Instruction in astronomy forms a part of the course at the United States Naval Academy. The departments of study are amply illustrated by models and apparatus of all kinds. The astronomical observatory contains a large collection of instruments, including an equatorial telescope with an aperture of 7.75 inches.

Observatory of the University of Missouri, Columbia, Mo., J. N. Fellows, director.—This observatory was first built in 1853, and then consisted of a small wooden structure, in which were mounted a 4-inch Fitz equatorial, a 2⅛-inch transit by Brunner, a sidereal clock, and other smaller instruments. It was used for the purpose of instructing students in astronomy, and few changes or additions were made till 1880, when a 7½-inch equatorial by Merz & Mahler was bought. The building was then removed to another part of the college grounds and enlarged by the erection of a brick tower with a dome for the newly acquired telescope. Soon after a sidereal clock, a chronograph, and spectroscope, all by Fauth & Co., were purchased. A 2-inch alt-azimuth, by Blunt, of New York, had been bought some years before.

Excellent work has been done here by Prof. Milton Updegraff, now transferred to the Naval Observatory, in the observation of planets and comets, besides a redetermination of latitude and longitude, the latter by telegraphic connection with the observatory of Washington University, St. Louis. (See Smithsonian Report, 1892, page 726.)

Amherst College Observatory, Amherst, Mass., David P. Todd, director.—This observatory contains a 7½-inch telescope by Alvan Clark, an alt-azimuth, two transits for meridian observations, surveying and engineering instruments, a 12-inch reflector, and much other apparatus, chiefly of use on eclipse expeditions. The observatory and its equipment are maintained both for educational purposes and for original research. Professor of Astronomy David P. Todd is in charge, but is now absent at Tripoli to observe the solar eclipse in May. Connected with the observatory is the division of practical meteorology, in which observations of the chief meteorological elements are systematically conducted in continuance of the work begun in 1835 by the late Professor Snell, and maintained without interruption to the present time. A bequest of the late Charles T. Wilder, of Wellesley Hills, has enabled the trustees to purchase an excellent site near the college, upon which it is hoped that a new observatory with a thoroughly modern equipment may soon be erected.

Boston University Observatory, J. B. Coit, director.—The building is an observatory room and dome for the equatorial telescope.

The instruments are the equatorial refractor, with object glass of 7.1 diameter. The glass is by Clacey, the mounting and driving clock by Saegmuller. Filar position micrometer. Polarizing helioscope and other solar pieces and attachments. Universal spectroscope by Brashear. Barometer, thermometers, chronometer.

The financial means are the general university funds and occasional donations.

The work is photographic, spectroscopic study of solar phenomena by the director, Prof. J. B. Coit; visual study of the sun by students in astronomy, and miscellaneous work.

Washington University, St. Louis, Mo., William H. Roever, director.—The observatory of Washington University, in charge of Mr. William H. Roever, is situated in one of the busiest parts of the city of St. Louis, and it has, therefore, become impossible to use it conveniently except for instruction. The observatory contains the following instruments: An equatorial, 6½-inch aperture; transit instrument, 3-inch aperture; chronograph; a break-circuit clock, mean time; a break-circuit clock, siderial; chronometers; an alt-azimuth instrument, mounted as a meridian circle; temperature boxes for thermometric and horological work, and complete equipment for electrical time service.

Bates College Observatory, Lewiston, Me., George C. Chase, director.—In laboratory work the students of Bates College have opportunity to use a variety of instruments and pieces of apparatus, including quadrant, sextant, alt-azimuth, gnomon, box-transit, telescope with 6.25-inch aperture, and spectroscope.

University of California, Student's Observatory, Berkeley, Cal., Armin O. Leuschner, director.—This observatory conducts the practical and theoretical training of students desiring to enter the profession of astronomy. In connection with the work of instruction a large amount of important astronomical work is turned out by students and instructors, who assist the Lick Observatory in its regular work.

The equipment of the observatory consists chiefly of a 6-inch refractor, a zenith and transit telescope, an alt-azimuth instrument, electrical connections for the determination of time and longitude, a Howard mean-time clock, chronometers, and a number of sextants.

Meteorological and seismic observations are regularly taken.

From time to time observations on comets and asteroids are published. The study of the variation of latitude has been commenced by two advanced students, and a long series of observations has already been secured. The advanced classes compute and send to Cambridge preliminary orbits of newly discovered comets, on the basis of the first three observations, which are regularly telegraphed to the Students' Observatory from the Lick Observatory. Many were distributed with ephemeris from Cambridge before the calculations were completed at other places.

A graduate student and former instructor has published the first part of an Investigation of the Definitive Orbit of Comet 1894 IV (E. Swift), including perturbations, with a view of settling the question of its identity with De Vico's comet. Dr. Townley is investigating the perturbations of an asteroid. Five graduate students are engaged on comet orbits, and other work is in progress. The staff of the observatory consists of Professor Leuschner, Dr. Townley, instructor, and two student assistants.

Swarthmore College, Swarthmore, Pa., Miss S. J. Cunningham, director.—Swarthmore College is a coeducational institution, founded by the Society of Friends of Philadelphia, New York, and Baltimore, for the purpose of furnishing opportunities for higher education to its own members and to persons of other denominations. Women as well as men are members of its faculty and of the board of managers. Besides the main building, there is a spacious science building containing the chemical laboratory, the physical laboratory for teaching electrical engineering, the drafting room, shops of engineering department, and an astronomical observatory. (Johnson's Universal Cyclopædia.)

The principal astronomical instrument in the Swarthmore Observatory is a telescope of 6 inches aperture.

Knox College Observatory, Galesburg, Ill., Charles B. Thwing, director.—The observatory of Knox College is a small one, useful for illustrative purposes, but not equipped for work. It is in charge of Charles B. Thwing, professor of physics and astronomy, and contains a 6-inch equatorial by Clark, mounted with driving clock in dome, a theodolite, two sextants, and a globe.

Central High School Observatory, Philadelphia, Pa., Monroe B. Snyder, director.—The old observatory of the Central High School is equipped with a 6-inch telescope and a complete list of spectroscopic apparatus, clocks, and chronographs. A unique set of cameras with spherical plates are nearing completion by Brashear, which it was intended to use in the observations of the total solar eclipse of May 28, 1900, but this can not be done because the city has not provided the mountings and other necessary appliances. A fine new observatory building is being constructed at Broad and Green streets, directly opposite the old observatory, but the equipment is far from complete. An 8-inch equatorial by Brashear is in place, but without the observing chair and other appointments. A 4-inch transit circle is also set up, but in an unfinished building and can not be used. The full equipment will include a 15-inch telescope, to which a spectroheliograph is to be attached. The work planned is largely of an astrophysical character—solar observations; spectroscopic and photometric work. Philadelphia can not without discredit longer delay the completion of this admirably planned observatory.

Bowdoin College Observatory, Brunswick, Me., C. C. Hutchins, director.—The observatory of Bowdoin College, built in 1890, consists of a tower 24 feet in diameter, capped by a revolving dome about 26 feet in height, in which is placed a 6-inch telescope, with a good equipment of eyepieces and apparatus for photographic and spectroscopic work. The objective was made by Wray, of London. The telescope is driven by a clock capable of giving either lunar or stellar motion. In a wing adjoining the tower is set a good meridian circle or transit instrument, which has an object glass 5.4 centimeters in diameter. In addition to the instruments already described the observatory has a 12-inch reflecting telescope with its fittings, and it has both sidereal and mean solar clocks and several sextants. The work in astronomy comprises a practical course at the observatory, including determination of latitude by solar and lunar observations, determination of longitude, rating of sidereal clock by transit observations and meridian-circle observations. In the absence of Professor Hutchins, Mr. John E. Burbank has charge of the astronomical work.

The Creighton University Observatory, Omaha, Nebr., William F. Rigge, director.—The building consists of two portions—an equatorial and a transit room. The former is cylindrical in shape and carries a sheet-iron dome. The telescope, made by Steward, of London, is equatorially mounted and provided with divided circles, a driving clock, seven eyepieces, a micrometer, and the necessary clamps and slow-motion screws on both axes. The lens is excellent and of 5 inches aperture. The transit room is square and faced with brick inside and outside like the equatorial room. In the center is a 3-inch transit circle, by Fauth & Co., which serves the triple purpose of transit instrument, meridian circle, and zenith telescope.

In the angle between the equatorial and transit rooms a vault houses a Howard mean-time clock and a Fauth siderial clock, and is kept at an even temperature. For years the noon signals of the Washington clock have been recorded daily on the Creighton Observatory chronograph. There is a regulator, which operates an electric dial in the college, a chronometer, barometer, thermometer, astronomical theodolite, a double mirror heliostat, completely mounted 15-inch celestial and terrestrial globes, Bailey's astral lantern, and a number of minor instruments and attachments.

The institution is under the direction of William F. Rigge, the work of the observatory consisting of thorough instruction in both practical and theoretical astronomy.

Observatory of the Iowa University, Iowa City, Iowa, L. G. Weld, director.—A student's astronomical observatory has recently been established at the State University of Iowa, Iowa City, under the direction of Prof. L. G. Weld. The main building is 12 feet square, capped by a cylindrical turret, in which is mounted a Grubb equatorial of 5 inches aperture and 77½ inches focal length. A Wurdemann transit of 1¾ inches aperture and 24 inches focus is mounted in a wing 10 by 12 feet. Subsidiary apparatus consists of a 4-inch portable Fitz equatorial, clock, chronometer, and chronograph. (Smithsonian Report, 1892, page 730.)

Georgetown University, District of Columbia, John G. Hagen, director.—Observations of variable stars have been made systematically, and experiments in photographic observations of star transits, by Father Hagen and his assistant, Father Fargis. (Smithsonian Report, 1890, page 162.)

The instrument has an aperture of 4.8 inches.

Williams College Observatory, Williamstown, Mass., Truman Henry Safford, director.—The astronomical department of Williams College possesses two observatories for illustration and scientific investigation. The older was built by Prof. Albert Hopkins, in 1838, and contains an equatorial, by Phelps, of Troy, N. Y., with an object glass, by Alvan Clark, sr., which has an aperture of 7 inches. This instrument was constructed about 1852, and is interesting as an early example of Clark's optical work. It is employed for instruction and the observation of occasional phenomena. The other rooms of the Hopkins Observatory contain meteorological apparatus and a transit instrument, now little used, by Troughton & Simms, with an aperture of 3¾ inches. This part of the equipment is in no condition for use now. It is largely of historical value.

In another part of the town a plot, comprising 5¼ acres, was purchased in 1881 for astronomical purposes. At present this inclosure contains the field observatory, an iron meridian house, built at the expense of Hon. David Dudley Field, together with a hut for the accommodation of portable instruments. The main instrument of this observatory is a fine meridian circle by A. Repsold & Sons, of Hamburg, with a telescope of $4\frac{8}{10}$ inches aperture and a circle divided to 2′ of arc, reading by four microscopes to single seconds directly. The meridian circle is provided with the necessary clock, a fillet chronograph, and collimators according to Rittenhouse. In addition, the department of astronomy is provided with a sufficient number of portable instruments, among which are two telescopes for the simpler observations, a portable transit which can be used for a zenith telescope, and two theodolites, one of them a Wanschaff universal with 7-inch limb, latitude level, and microscopes reading to 5″ directly. There are also several instruments of reflection, including sextants, a prismatic circle, sailors' octants, with chronometers and artificial horizons, and other small pieces of apparatus. The meteorological apparatus has been kept in regular use since about 1816.

The astronomical work is in charge of Prof. Truman Henry Safford, who is assisted by Professor Mifham.

AMPLE INSTRUMENTS AND FACILITIES—THE NEED OF A BETTER SYSTEM.

From the above long lists yet concise descriptions of the observatories of America it will be easily understood that here is an enormous wealth of preparation for astronomical observation, discovery, and discussion. Ample physical means are at hand, while learned, industrious, and devoted observers are ready to use these means to their utmost for the development of the marvelous science of astronomy. Therefore, it can not be doubted that it is of the highest importance that all the astronomers in charge of these munificently endowed observatories in this country should work in complete harmony; and, moreover, that the national Observatory, which is particularly the property of all these astronomers, should be conducted on a plan properly correlated to the work which is carried on at the other observatories throughout this vast national domain of astronomical inquiry, and should, if possible, be made the model observatory in the United States.

THE BROAD SCOPE OF MODERN ASTRONOMICAL WORK.

It should be borne in mind that the scope of the work of modern astronomers is vastly broader than that of the earlier centuries. To practical and mechanical astronomy, concerning itself first with the movements of the sun and moon, the planets, satellites, comets, and meteors of our solar system, and next with the movements of the stars and the nebulæ, has been added inquiry into

the facts revealed by astrophysical science, through the investigation of the physical properties of the heavenly bodies, made possible in years comparatively recent by the invention of the spectroscope and its application between 1817 and 1860 to astronomical research, and the increasing achievements of photography. Daguerreotypes began in 1839; photography applied in astronomy, eighteen years later.

With the field of astronomical work thus indefinitely extended, unquestionably the great need of the present day, at least in this country, is not more telescopes and more observatories, but a better organization of our astronomers, a better adjustment of the work of all to the work of each and of the work of each to the work of all, and more systematic and continuous labors on the part of the whole force engaged in utilizing the magnificent astronomical endowments which have been provided for them. To this end Congress can make a most important contribution by enacting the legislation now recommended by the board of visitors and the Secretary of the Navy.

STAR CATALOGUES.

Without entering upon a field the extent and the revelations of which I am unable even feebly to comprehend, the field where astrophysical science is undertaking, at vast expense and with arduous and incessant labor, to ascertain the physical properties of the worlds beyond ours to find out for men before they leave this world "what the stars are made of," I may be permitted to call the attention of Congress to the work yet to be done in order to even catalogue the stars which are now visible and can be photographed by instruments now in use. How many stars are there in the skies? Prof. C. A. Young says:

The total number that can be seen well enough for observation with such instruments as were used before the invention of the telescope is not quite 1,100. With even a small telescope the number is enormously increased. A mere opera glass an inch and a half in diameter brings out at least 100,000. The telescope with which Argelander made his Durchmusterung of more than 300,000 stars—all north of the celestial equator—had a diameter of only two inches and a half. The number visible in the great Lick telescope of 3 feet diameter is probably nearly 100,000,000.

The Durchmusterung of Argelander (Bonn Beob. III, IV, and V) contains 324,189 stars north of declination —2°. This number is incorrectly given by Argelander as 324,198. (See Harvard Annals, Volume XIV, page 478.) Argelander's successor, Schönfeld, extended this work to the southern stars from declination —2° to —23° (Bonn Beob. VIII). His catalogue contains 133,659 stars. Thome, at Cordoba, is now extending this work to the South Pole. He has published (Resultados del Observatorio Nacional Argentino, Volumes XVI and XVII) positions of 340,380 stars from declination —22° to —42°.

Consider how many stars yet remain to be photographed and catalogued which are rendered visible by the photographic telescope now in use.

One of the plates taken at Cambridge, Mass., with the Bruce photographic telescope, shows about 400,000 stars, or, excluding those near the edges, it shows about 250,000 in a region 5° square. One thousand six hundred plates would cover the entire sky, and, at this rate, would contain 400,000,000 stars. As, however, the stars are much less numerous in other parts of the sky, the actual number within our present reach possibly does not exceed 100,000,000. How many millions are there beyond the present reach of our existing telescopes and the appliances of photography?

In 1886 a conference of astronomers was held in Paris, which led to the attempt to obtain photographs of the entire sky. Seventeen observatories agreed to take part in this work, each having a particular portion of the sky assigned to it. Photographic telescopes of the usual form and having an aperture of 13 inches were prescribed for this work, each photograph covering a region only 2° square. Only a small portion of these photographs has so far been taken. The Harvard Observatory did not take part in this work, as the director had advised the conference that the whole work could be better done with 1 telescope than with 17 if a photographic doublet having an aperture of 24 inches was employed.

In 1892 Miss C. W. Bruce, of New York, gave the Harvard Observatory $50,000 to construct such an instrument, and it is now in regular use every clear night at the Arequipa Station. Regions 5° square are photographed on each plate. Prof. Herbert H. Turner, of Oxford, England, who at first opposed the use of the doublet, has recently published measures he has made of the Harvard photographs, from which he concludes that the dangers he had apprehended from distortion were unfounded. The entire sky could easily be photographed with this instrument every two or three years, but not to interfere with the work of the Paris conference, the instrument is used mainly for other purposes, such as charts having long exposures and photographs of spectra.

The northern sky is photographed several times every year at Cambridge, and the southern sky at Arequipa with two similar 8-inch doublets. The entire collection of Harvard photographs therefore includes, on the average, a hundred photographs of each portion of the sky on a hundred different nights. The Draper photographs, taken with the 8-inch telescope only, now number 23,704.

As an illustration of the use of this collection, a letter was received not long ago at Cambridge from the director of the Royal Observatory at the Cape of Good Hope, asking that search be made for a star recently observed there and which he thought might be new. In a few minutes the Harvard observers were able to see that the star was in the sky on June 13, 1889, and in a few days sent to him an account of all changes in its light which had happened during the preceeding ten years.

On another occasion search was made in the Draper photographs for the planet Eros during its opposition of 1894. It comes nearer to the earth than any other known celestial body except the moon, and approaches very closely every thirty-seven years, the last close approach being in 1893. Eros, however, was not discovered until 1898, and then Dr. S. C. Chandler made a laborious computation which indicated what its position was in 1893, and after along search among the photographs it was found, and appears, in all, upon 26 plates—15 charts and 5 spectrum plates between October, 1893, and May, 1894, and upon 6 chart plates in 1896—so that its position was accurately determined from these Draper photographs.

If Mr. Chandler finishes his calculations, they should give a better value of the distance of the sun and of the mass of the earth than that derived from the transit of Venus, in observing which the United States spent more than a million of dollars.

I hand to the President pro tempore, who is sitting near me, the photograph showing the course of Eros during its opposition of 1894, as discovered from those photographs, when the planet itself was not discovered until 1898.

After May 20, 1898, when Madame Ceraski, of the Moscow Observatory, discovered a variable star of the Algol type—that is, one having its light diminished at regular intervals by a dark companion revolving around it—observations were continued at Moscow for nearly a year and only one eclipse noticed. After June 1, 1899, when the discovery of the star was made known at Cambridge, there were found in one week in the Draper collection 200 photographs taken between 1890 and 1899 showing the star faint on twenty nights; and its period was determined with an uncertainty of about one second! The stellar timepiece is still running without rewinding and the predicted observations are being regularly fulfilled. No telescope is powerful enough to show the planet which causes this alternating brightness and faintness of this new Algol variable in Cygnus. More recently a second Algol variable has been discovered by Madame Ceraski; and it is found on the Draper photographs as far back as 1890, and its variations in magnitude for nine years have been computed at Cambridge.

A plan for securing cooperation in the use of the largest telescopes of this country is progressing favorably, and within a month the Yerkes 40-inch, the Lick 36-inch, the University of Virginia 26-inch, and the Harvard 15-inch telescopes will for the first time work together and will undertake to measure the brightness of very faint stars, visible only in such telescopes—a problem never before attempted.

I have a photograph of the Southern Cross from Harvard Observatory and a photograph of the Milky Way in Sagittarius, also from Harvard Observatory, which I hand to the Senator from Iowa [Mr. ALLISON], and also a duplicate photograph of the Milky Way in the region of Cygnus, sent me by Prof. W. W. Payne and Asst. Prof. Herbert C. Wilson, of the observatory at Northfield, Minn. I hand this to the Senator from Colorado [Mr. TELLER] and ask him not to make another speech in the Senate until he has counted those stars upon the plate. [Laughter.]

THE BLESSINGS, MATERIAL, INTELLECTUAL, AND RELIGIOUS, OF ASTRONOMICAL DISCOVERIES.

In view of all these continuous and meritorious achievements of American astronomers let no economical doubter say that Congress has no right to expend the public money in the promotion of astronomical discovery because, as he may assert, it has ceased to do new and also practical good to mankind. It never can be predicted of any scientific inquiries that they will not result in practical good. At any moment a new discovery in science may be the means of prolonging human life, of adding to human comfort, and of increasing human wealth, to an extent compared with which the cost of the scientific inquiry will be insignificant.

I regret to see that Professor Young, in his introduction to his General Astronomy, gives countenance to the idea that further astronomical research is not likely to be of great practical good to mankind. While claiming that astronomy is far from a useless science because the art of navigation depends upon astronomical prediction, yet he says:

At present the end and object of astronomical study is chiefly knowledge, pure and simple; so far as now appears, its development has less direct bearing upon the material interests of mankind than that of any other of the natural sciences. It is not likely that great inventions and new arts will grow out of its laws and principles, such as are continually arising from physical, chemical, and biological discoveries, though of course it would be rash to say

that such outgrowths are impossible. But the student of astronomy must expect his chief profit to be intellectual, in the widening of the range of thought and conception, in the pleasure attending the discovery of simple law working out the most complicated results, in the delight over the beauty and order revealed by the telescope in systems otherwise invisible, in the recognition of the essential unity of the material universe, and of the kinship between his own mind and the Infinite Reason that formed all things and is immanent in them.

This is the opinion of an eminent astronomer, yet it seems to me that a more just view of the subject would suggest that many additional outgrowths of practical inventions and new and useful arts may confidently be looked for, springing from new facts disclosed and new principles established by progressive astronomy. A science that can for years in advance predict the varying tides of the ocean and stay its waves upon the shore at fixed hours—one of the earliest and easiest of its marvelous accomplishments—must have other gifts for mankind, to benefit and make hopeful our daily life on earth.

But the broader view of astronomical science undoubtedly is the nobler one, and further astronomical research will be worth far more than its cost if its chief profit shall be only that claimed for it by Professor Young—that it strengthens the faith of man in the kinship between his own mind and the infinite reason that formed and is immanent in all things. The discoveries of astronomy constitute the most potent teachings of immortality, and can not but lead to the faith that the stars of heaven are our future and eternal homes. God's goodness, and not alone His omnipotence, is assured to us by the contemplation of the illimitable heavens. Charles Tennyson Turner most impressively expresses this idea in the three closing lines of his ode to the familiar constellation of Orion.

First the picture:

> How oft I've watched thee from the garden croft,
> In silence, when the busy day was done,
> Shining with wondrous brilliancy aloft,
> And flickering like a casement 'gainst the sun.
> I've seen thee soar from out some snowy cloud
> Which held the frozen breath of land and sea,
> Yet broke and severed as the wind grew loud.
> But earth-bound winds could not dismember thee,
> Nor shake thy frame of jewels.

Next the wonder:

> I have guessed
> At thy strange shape and function; haply felt
> The charm of that old myth about thy belt
> And sword.

And last the joyous faith and inspiring hope:

> But most my spirit was possessed
> By His Great Presence, Who is never far
> From His Light-Bearers, whether Man or Star.

I move that my amendment be printed and referred to the Committee on Naval Affairs.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901, was read twice by its title, and referred to the Committee on Agriculture and Forestry.

CUSHINGS ISLAND, MAINE.

Mr. LODGE. Yesterday morning certain papers transmitted by the Secretary of War relating to the purchase of land on Cushings Island, Portland Harbor, Maine, to be used to erect additional batteries and for buildings for the troops thereon, were referred to the Committee on Military Affairs. I ask that the papers may be recalled and referred to the Committee on Appropriations, which has the fortification appropriation bill in charge; and I would also ask that it be done this evening, as the committee will sit to-morrow on this same matter.

The PRESIDING OFFICER (Mr. PERKINS in the chair). If there be no objection, the request of the Senator from Massachusetts will be complied with.

EXECUTIVE SESSION.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 12, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 11, 1900.

UNITED STATES MARSHAL.

John B. Robinson, of Pennsylvania, to be marshal of the United States for the eastern district of Pennsylvania, vice James B. Reilly, whose term expired April 3, 1900.

POSTMASTERS.

Henry C. Budge to be postmaster ati Miami, in the county of Dade and State of Florida, in the place of J. S. Warner, resigned.

Charles P. Barnes to be postmaster at Brighton, in the county of Monroe and State of New York, in the place of C. J. Chism, whose commission expires April 16, 1900.

Robert J. Buck, to be postmaster at Watertown, in the county of Jefferson and State of New York, in the place of D. C. Middleton, resigned.

Frank S. Kenyon, to be postmaster at Adams, in the county of Jefferson and State of New York, in the place of E. C. Bersie, whose commission expired January 30, 1900.

SUPERVISOR OF CENSUS.

Mr. Daniel W. Patrick, of Gold Hill, N. C., to be a supervisor of the Twelfth Census for the Second supervisor's district of North Carolina, vice Augustus M. Moore, resigned.

PROMOTIONS IN THE ARMY.

Artillery arm.

First Lieut. Isaac N. Lewis, Seventh Artillery, to be captain, April 5, 1900, vice Sage, Sixth Artillery, retired from active service.

Second Lieut. Sam F. Bottoms, Sixth Artillery, to be first lieutenant, April 5, 1900, vice Lewis, Seventh Artillery, promoted.

Infantry arm.

Second Lieut. William K. McCue, First Infantry, to be first lieutenant, March 4, 1900, vice Koehler, Ninth Infantry, killed in action.

SECOND LIEUTENANT IN THE MARINE CORPS.

John P. V. Gridley, a citizen of Pennsylvania, to be a second lieutenant in the United States Marine Corps, from the 26th day of March, 1900, to fill a vacancy existing in that grade.

WITHDRAWAL.

Executive nomination withdrawn April 11, 1900.

F. A. Root, to be postmaster at Miami, in the State of Florida.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 11, 1900.

CONSUL.

James A. Mulkey, of Alabama, to be consul of the United States at Tuxpan, Mexico.

SUPERVISOR OF TWELFTH CENSUS.

Daniel W. Patrick, of Gold Hill, N. C., to be supervisor of the Twelfth Census for the Second district of North Carolina.

POSTMASTER.

Henry C. Budge, to be postmaster at Miami, in the county of Dade and State of Florida.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 11, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

PORTO RICO.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

Mr. DALZELL, from the Committee on Rules, submitted the following report:

The Committee on Rules, having had under consideration the resolution of the House No. 217, respectfully report the following substitute therefor:

"*Resolved*, That immediately upon the adoption of this resolution the Committee of the Whole House on the state of the Union shall be discharged from the consideration of the bill (H. R. 8245) entitled "An act temporarily to provide revenues for the relief of the island of Porto Rico, and for other purposes," and the Senate amendments thereto; that the same shall be considered in the House until the hour of 5 o'clock p. m. on Wednesday, April 11, 1900, when, without delay or other motion, a vote shall be taken on the motion to concur in the said Senate amendments in gross; and all members shall have leave to print on the subject of said bill and amendments for ten days from the adoption of this rule."

Mr. DALZELL. Mr. Speaker, I ask for the previous question on the adoption of the resolution.

The question was taken; and the previous question was ordered.

Mr. DALZELL. Mr. Speaker, I shall not occupy the time of the House at this time to do more than to explain this rule. On the 28th day of February the House sent to the Senate a bill entitled "An act to temporarily provide revenues for the relief of Porto Rico and other purposes." That bill was reported on the 1st day of March to the Senate, with certain amendments, and came back to the House on the 4th day of April, with sundry amendments, constituting a form for a civil government. The

purpose of this rule is to afford until 5 o'clock to-day for discussion of the Senate amendment, and then to secure a vote upon a concurrence in the Senate amendments in gross. It is the opinion of the majority of this House that there has been sufficient discussion of this subject to cover all its details and that what the public interests and the people of the country now want is not discussion, but action. I reserve the balance of my time.

Mr. WHEELER of Kentucky. I would like to ask the gentleman a question before he takes his seat.

Mr. DALZELL. Certainly.

Mr. WHEELER of Kentucky. The rule, if it be adopted, provides in its phraseology that at 5 o'clock, without delay or other motion, a vote shall be had. I would like to ask the gentleman if that does not prevent any motion like a motion to recommit?

Mr. DALZELL. Certainly.

Mr. WHEELER of Kentucky. Or to alter or amend?

Mr. DALZELL. Certainly.

Mr. WHEELER of Kentucky. Then the object of the rule is to prevent a motion to recommit or amend?

Mr. DALZELL. The object of the rule is to secure a vote upon concurrence in the Senate amendments.

Mr. WHEELER of Kentucky. Is it not a denial to the House of an opportunity to amend or change the bill in any respect?

Mr. DALZELL. I have answered the gentleman already.

Mr. RICHARDSON. Mr. Speaker, the previous question having been ordered on this rule, I suppose there will be forty minutes' debate—twenty minutes on this side and twenty minutes on the other side. Of course in the twenty minutes allowed for debate upon this proposition it is hardly time sufficient to comment upon the effect of the rule, and one can do but little more than enter upon a formal discussion of the iniquitous bill which is presented to us for our vote to-day. The rule provides that after the adoption of this resolution there shall be debate upon the bill until 5 o'clock, at which time a vote shall be taken upon one single separate motion, and that is to concur in gross in the numerous amendments which the Senate has presented to the bill which passed the House in February.

That bill, as will be remembered, provided in terms for a tariff on goods coming from Porto Rico and on goods going from the United States into Porto Rico at 15 per cent of present law. I shall not undertake to explain its objects and purpose now, for it is only a short time since it was considered by the House. The Senate saw fit, in the consideration of that bill, to make 19 amendments to its text, and added to it a bill providing a civil government, so called, for the Territory of Porto Rico.

Mr. Speaker, if it were possible to have the Senate add to the iniquity of the measure which passed the House, they have added that iniquity by a bill, imperialistic in its form, for a so-called civil government in Porto Rico. [Applause on the Democratic side.]

Now, Mr. Speaker, I assert here and now that it was never the intention of the Republican party in the beginning to enact any such measure in reference to Porto Rico. I shall digress for a moment to undertake to prove this allegation, and then I want to ask the Republican party and the country why this sudden change has been made by the Republican party. That it was their intention to provide a measure giving free trade between the United States and Porto Rico I assume is beyond controversy or dispute. The President of the United States recommended that measure in his annual message to Congress; the Secretary of War, acting officially at the same time, made the same recommendation in effect to Congress. Not only so, but the chairman of the Committee on Ways and Means of this House, as late as the middle of January, introduced a bill giving free trade to the people of Porto Rico with the people of the United States.

And, further, the very gentleman in the Senate—and I shall not comment upon what occurred there—but the gentleman who prepared and presented and sustained these Senate amendments to this bill introduced a measure into the Senate providing for free trade, in effect, between Porto Rico and the United States. Every commission, every public official, that has been sent by the President of the United States to Porto Rico has recommended free trade between that island and the United States.

I will not take the time to read them, but I shall insert the references that I have made in my remarks. Many of the leading Republican Senators of the United States have declared in favor of free trade between that Territory and the United States. Republicans of great ability outside of public life, not members of either one of the Houses of Congress, have declared the same way. I will not read them. I will refer briefly to recommendations made by the distinguished gentleman who occupied the chair which you now occupy, sir, one of the greatest Republicans that have ever lived in this country, ex-Speaker Thomas B. Reed. Commenting on your bill for a 25 per cent tariff against Porto Rico, he said: "The attempt to make three-quarters citizens of the Porto Ricans is certainly original;" and further, if we can rely upon the statements of the public press, he has called your great Chief Magistrate an "Emperor of Expediency." [Applause on the Democratic side.] Not only so, but take the only living ex-President of your party in the United States, Benjamin Harrison, and he says: "I regard the bill as a most serious departure from right principles." [Applause on the Democratic side.]

General Davis has recommended free trade. There are others, but I will not have time to refer to them.

Now, Mr. Speaker, I have made reference to this simply to show that the entire Republican party, and the officials who have been sent to this island of Porto Rico, have recommended a policy which you started out to give to the people of that island, but for some reason upon which you suddenly changed your minds. Why did you change your minds? My friend from Ohio [Mr. LENTZ] now sitting near me asks me to ask you further, when you changed your minds, where you changed your minds, and who was present when the change was made?

Mr. Speaker, one other fact. I had hoped that the able Secretary of War would answer the reasonable request made by this House upon him on last Saturday to furnish this House with the opinions of his legal adviser upon this Territorial question. There is in the War Department a division known as the division of insular affairs. This division is presided over by Judge Charles E. Magoon, a lawyer chosen by the Secretary of War to advise the Department of War on insular affairs.

The facts are, Mr. Speaker—and I charge them here—that under the obligations resting upon this legal adviser the Secretary of War was told nearly a year ago that the Constitution of the United States ex proprio vigore applied to Porto Rico. I charge that Judge Magoon, after giving him that opinion, fortified it in writing. I charge that, being responsible, as he was, to the Secretary of War for this legal opinion, he solemnly gave it to him; that the Secretary prepared a proclamation, a proclamation for the President of the United States to sign, giving free trade to Porto Rico. The President not then being in the city, that proclamation was sent to him at his summer home for his signature, all going on the idea that free trade was to be proclaimed between the people of Porto Rico and the United States. This proclamation was made upon the advice and the opinion of Judge Magoon, the legal adviser of the War Department, upon this subject.

Now, Mr. Speaker, last Saturday a resolution was passed by this House calling on the Secretary of War to furnish the opinion of Judge Magoon, upon which was to be based this proclamation of free trade with Porto Rico. A responsible journal in this country, not given to sensationalism, a responsible journal—the New York Herald—has printed a portion of Judge Magoon's opinion which we have sought in vain to obtain. Last Saturday the House requested—a reasonable request, too—of the Secretary of War to furnish this opinion, and on yesterday, the opinion not having been sent here, I sent my secretary to the Secretary of War with a communication asking him to answer the resolution of the House and send us the opinions of Judge Magoon in time for to-day's debate.

It is now 12 o'clock—half past 12—and no response comes from the Secretary of War. I think I am justified in reading what this respectable and reliable paper, the New York Herald, has published as a portion of the opinion of Judge Magoon. What is it, Mr. Speaker? Mark you, this opinion was given to the Secretary of War by an officer charged with the responsibility of advising him as to the law upon the question involved. I will do the Secretary of War the justice to say he informed me over the telephone this morning he was copying the opinion of Mr. Magoon and that the House would have it later to-day. If it comes during the day, I shall refer to it in the debate.

I will read an extract from the first opinion of Judge Magoon. Allow me to state that in February last, when the Republican party decided to make this radical change in their policy, Judge Magoon delivered another opinion—a pamphlet of 72 pages—in which he says that the Constitution does not ex proprio vigore extend to the island of Porto Rico. This was his declaration after having first delivered an opinion that the Constitution did so extend—if the journal I refer to can be depended upon. Let me read you a brief extract from the first opinion of Judge Magoon. After discussing the effects of the ratification of the treaty between Spain and the United States as to Porto Rico, he says:

By such ratification the island of Porto Rico became incorporated within the territorial limits of the United States. Being now a part and parcel of the United States, it is subject to the provisions of the Constitution of the United States.

[Applause on the Democratic side.]

What else did Judge Magoon say? I read again from his first opinion:

No further action by Congress is necessary or possible. Porto Rico being a portion of the United States, while it remains such Congress is as powerless to confer the Constitution upon it as it is to take the Constitution away from it.

[Applause on the Democratic side.]

So far as the Constitution is involved, the rights of this Government in Porto Rico are established and secured.

There is more of it which I will not read, but will print with my remarks.

Now, Mr. Speaker, if this opinion is correct, what right have you to pass either of the provisions of this bill—either the House portion or the Senate amendments? Why did you change your minds? That question has been asked and answered by the newspapers of this country. What reason do you assign for the present change and reversal of your policy? I will not undertake to be offensive; but Mr. Schurman, president of one of your insular commissions, if the newspapers tell the truth, made the following statement:

The reason for this change is that the trusts went down to Washington and grappled the Republican party by the throat and made it change, and choked it to their advantage.

[Applause on the Democratic side.]

I will publish all of this article in my remarks. The trusts, he says, took hold of your party by the throat and forced you to change your policy. Is that true? [Voices on the Republican side, "No!"] I will insert just here, without stopping to read them, extracts from a few newspapers on your policy. These are mainly Republican papers. I could use many more.

[From Chicago Inter-Ocean, March 9, 1900.]

THE LOBBY CRACKS THE WHIP.

What caused Congress and the Administration to face about on the Porto Rico tariff bill? Numerous excuses for this lightning change have been put forth, but each has been abandoned almost as soon as offered.

Not one of them has had any influence with the people. Not one has been an adequate explanation. Not one has borne the stamp of sincerity. Not one has told the truth, namely, that it was the lobby.

In June last W. W. Mount declared in a high-tariff magazine that the American sugar growers looked with disfavor on Porto Rico, Cuba, and the Philippines. Mr. Mount assumed that the Administration policy toward these lands would be fatal to the sugar interests of this country. To prevent free trade in sugar with our island possessions, he said, "sugar producers all over the United States, with a vast contingent of foundrymen, railroad systems, commission men, and banks, whose capital floats as it were largely in molasses, had prepared to make a strong fight in Congress for the protection of this industry."

The pertinence of these remarks to the act of infamy perpetrated in Washington on February 28 is pointed by the fact that the head of the lobby which went to Washington to fight against the people's policy of free trade with Porto Rico was Henry Oxnard, the admitted champion of the sugar interests in the United States, as well as the confessed antagonist of the expansion policy brought about by our war with Spain. Mr. Oxnard's activity in securing the 15 per cent tariff from the Ways and Means Committee has been published repeatedly in the correspondence of every newspaper man who sends intelligence from Washington to this city.

The support which he received from the tobacco interests of the East is also a notorious fact. Hence, despite excuses and pretexts put forth by the men who support the Porto Rico monstrosity, the public is forced to the conclusion that the majority of the Republicans in the House of Representatives were compelled to repudiate their own convictions and to violate the convictions of the American people under the pressure exerted by the sugar interests, according to Mr. Mount's plan, and reenforced by the tobacco men of the East.

Without doubt this was a powerful organization. It certainly was powerful enough to bend the authorities in Washington to its ends. Nevertheless we believe its power will prove as nothing against the convictions and purposes of the American people.

For ten years before the declaration of war in 1898 it was known that Cuba and Porto Rico were ground down to poverty under Spanish policy. The principle of the Spanish tariff in Cuba and Porto Rico was to make trade between the West India islands and the United States as difficult as possible. Manufactured products from Spain went into the islands at a low rate of duty. Manufactured products from the United States went in at an exorbitantly high rate. Under this system Porto Rican trade was so limited as to prevent any progress in the island. When the island was annexed to the United States the people of Porto Rico expected and were promised prosperous conditions.

The President recommended a policy to produce such conditions. Congress at first approved it, but now, under the influence of the sugar and tobacco interests, another policy has been adopted, the people have been defied, and dissensions have been created which threaten the success of the Republican party.

The interests of the country and the party are dearer to the people of the West than are stockholders' profits on sugar and tobacco. The welfare of the country, the principle of the expansion policy, the instincts of patriotism are too strong to be overcome by even such a lobby as is now cracking the whip over the Republican leaders at Washington.

[From Philadelphia North American, March 15, 1900.]

JUSTICE FOR PORTO RICO.

Senator FORAKER's bill giving Porto Rico civil government and admitting goods from the United States free of duty, while imposing a duty of 15 per cent of the Dingley tariff on her exports to the United States, is reported to have met with the approval of the Republican caucus. It is also said that the House will agree to it.

The bill is a mistake. Nothing short of free trade with Porto Rico will do. As the President has said, it is our plain duty to grant that.

Porto Rico has been brought under the American flag. Her people are entitled to the status of American citizens. There is no good reason why the island should not be treated as a Territory, precisely as Arizona and New Mexico are. Soon or late we shall have to come to this, and why not now?

Public opinion throughout the United States—Republican as well as Democratic opinion—is strongly opposed to any discrimination against Porto Rico.

Justice must be done, or the party which refuses it will be held to account.

[From Boston Advertiser, February 28, 1900.]

SCHURMAN AWAKES.

President Schurman, of the first Philippine Commission, makes the statement that if the Porto Rico tariff is adopted it may be truly said that "the trusts went down to Washington and grappled the Republican party by the throat and made it choke to their advantage." The chances are that if President Schurman had remained at Washington he would not have made that remark. Being outside of the "sphere of influence," he is coming again to see straight and to talk straight, as he did once before.

The trouble with many members of Congress, with reference to the Porto Rico tariff, is that they do not really understand how thoroughly the American people are aroused in this matter. If Congress could get in touch with the prevailing public sentiment, the Porto Rico tariff bill would be dropped like a red-hot horseshoe. Every official adviser of the President has declared against it. The President is solemnly on record against it. Public sentiment is sweepingly against it. Why in the world, then, should Congress be in such a terrific hurry to make a blunder?

[Boston Traveller, March 14, 1900.]

PORTO RICO.

The shilly-shally vacillation of the President over the question of the tariff of Porto Rico has proven to be one of the most disastrous faux pas of his blunder Administration. The Republican party is all at sea over the proposed bill imposing a tariff of 15 per cent, and the "whippers in" have thus far failed utterly in their efforts to restore party harmony.

The projected overriding of the Constitution has excited a storm of disapproval all over the country, and public sentiment has had its effect upon the members of Congress. Meanwhile the President continues to flounder and to attempt to excuse his course and amend his previously expressed ideas, with the result that no one appears to know what to expect or what to do. The leading citizens of Porto Rico are aroused in antagonism to the 15 per cent tariff bill with its rider to present the $2,000,000 already collected in taxes to the islands.

Altogether it is a very malodorous kettle of fish that is simmering for the Republican party in the Porto Rican affair.

[New York Mail and Express, March 26, 1900.]

NO TEMPORARY SETTLEMENT.

The proposition to tariff Porto Rican products has met the inevitable fate of all measures that menace the honor and fair-mindedness of the American people. Its advocates will not even put it to the test of an open roll call in the House. They realize that they were never so weak in votes or in public opinion as now, after a full debate of the subject. Hence they are on the retreat, and the only question with them is where they can conveniently halt. Our Washington dispatches state that many propositions for a compromise have been offered by the revenue-tariff advocates, but so far with no success. The "insurgents" stand out firmly for the full measure of justice to Porto Rico.

Chairman PAYNE will put himself in line with his country if he will make no halt in his backward travels until he reaches the point at which he originally stood. He is the author of a bill giving Porto Rico unrestricted access to our ports. He has not yet made public any adequate reason for abandoning that measure. Indeed, he has given no reason at all. His line of retreat, therefore, to the unassailable position he once occupied is entirely open. Our advice to him is to make a short cut for it, abandon all temporizing propositions, and meet the main question squarely, courageously, and honorably.

Mr. PAYNE must realize now, if he never did before, that that is not only what the country wants, but what it will have. There can be no permanent settlement of the question short of free and unrestricted trade with the island we have taken under our flag.

Mr. Speaker, a gentleman of this city, a reputable local writer on one of our papers here, the Evening Star, said that a Representative on your side, a Republican, told him that this bill would pass because a large contribution had been promised by the trusts of this country to your campaign fund. [Applause on the Democratic side.]

Now, you do not investigate that matter. The name of the writer of that statement is known. I guess it is well known to gentlemen on the other side who wrote that article; he is well known in the city of Washington; it is well known on this side of the House who wrote it, and I presume gentlemen on the other side know it. And you dare not, by an investigation, attempt to disprove the statement that some Republican member of the House told the gentleman that the money had been paid, that the price had been put up, and that this bill would pass, because you dared not defeat it.

That is the statement in substance. The name of the writer is John P. Miller. There is no secret about it. He is a local writer on the Star. Now, I do not know how this is, but I believe that some Republican told Mr. Miller that the money had been paid—the consideration given—and that the bill would pass.

Mr. RAY of New York and Mr. BABCOCK rose.

Mr. RICHARDSON. You gentlemen will have plenty of time; I can not give away my time.

The SPEAKER. The gentleman from Tennessee declines to yield. When a gentleman declines to yield there is no use trying to force a question upon him.

Mr. RICHARDSON. My time is very limited, and I can not yield.

I make no charge; I simply tell you that these things are published; they have appeared in the newspapers. The gentleman who makes these statements is responsible; he is reliable; he is, in my judgment, a truthful man. Mr. Speaker, of course if the price has been paid, you gentlemen will come forward and put this bill through.

What other excuse is given for your change? The gentleman from New York [Mr. PAYNE] has recently said that if you should take away the tariff levied by this bill the trusts that have control of the sugar and tobacco interests would be made a present, I believe, of something like $250,000 or $300,000. He says, in effect, we must not let these trusts get the bonus of $250,000 or more, which they would get if free trade was given Porto Rico. Then let me ask, why do you cut off 85 per cent of the present tariff law and give these bad trusts the benefit of this bonus?

If the small tariff of 15 per cent in this bill gives them a bonus

of $250,000, then the 85 per cent reduction from the Dingley Act, which you make in this bill, gives them nearly six times 15 per cent—that is, 85 per cent. If 15 per cent equals a bonus of $250,000 to the bad trusts, then 85 per cent equals about six times as much, or nearly $1,500,000. [Applause on the Democratic side.]

You strain at giving them $250,000, but you give them $1,500,000 by a reduction of the tariff without a murmur of complaint.

Now, Mr. Speaker, I wish I had more time. I dislike very much to have used nearly all of our twenty minutes. I had intended to use only one-half of it and yield the remainder to gentlemen on this side.

I reserve the remainder of the time alloted to this side of the House under the rule. [Prolonged applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, how much time has the gentleman from Tennessee remaining?

The SPEAKER. The gentleman has one minute and a half remaining.

Mr. DALZELL. I trust the gentleman will occupy that time.

Mr. RICHARDSON. If there is to be but one speech, Mr. Speaker, on the other side, of course I will use the time now. Otherwise the custom is to divide the time. If there is to be but one address on that side, of course I will use the time to which I am entitled now.

Mr. DALZELL. Of course we have the right to conclude debate.

Mr. RICHARDSON. Undoubtedly; but in the event that you have more than one speaker to occupy the time on that side, I think I have the right to reserve the time under the practice of the House.

Mr. DALZELL. We will probably have more than one speaker on this side.

Mr. RICHARDSON. Under the practice it is customary to alternate between the sides.

The SPEAKER. The Chair will state to the gentleman from Tennessee that there is no rule providing what the gentleman contends for.

Mr. RICHARDSON. But, Mr. Speaker, I say the practice has been to alternate in discussing a question of this kind between the two sides.

The SPEAKER. That is on general questions, not on a matter of adopting a rule with twenty minutes' debate on a side unless there has been some agreement entered upon.

Mr. RICHARDSON. Very well, Mr. Speaker, I yield the remainder of the time to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, the presentation of this rule is good evidence that those who have been trying to suppress the intellect, chain the will, and eradicate the conscience of the other side have concluded that their work is performed. [Applause on the Democratic side.]

A bill which ought to go, in the very nature of things, to the Committee of the Whole House on the state of the Union and be subject to debate in that committee is not to go there and is not to be subject to debate. Those who are timid enough to be driven, against their judgment and consciences, to support the outrage of this rule, and the greater or the twin outrage of the measure itself, must recognize the fact that the Republicans who stand on the mountain tops challenge the admiration of the country—the few who are independent and manly enough to vote their judgment and their conscience stand there—while the pigmies and cowards are cowering in the underbrush and hiding in the fens and thickets far below. [Applause on the Democratic side.]

You may suppress the conscience, the judgment, and the rights of members here, but I submit, in the very brief time in which I have to submit anything, that you make a grievous mistake in supposing that you may suppress conscience, judgment, or independence in the rank and file of your party, on which you must depend not far hence.

I appeal to the country from this subdued House. [Applause on the Democratic side.]

Mr. DALZELL. I yield two minutes to the gentleman from Wisconsin [Mr. BABCOCK].

Mr. BABCOCK. Mr. Speaker, the gentleman from Tennessee [Mr. RICHARDSON] has seen fit to give publicity to a charge that the action of the Republican party on the Porto Rican bill has been influenced by a money consideration from the trusts. Now, Mr. Speaker, I desire, as a member of the Congressional committee, to deny that and to say that the statement is simply rot, and to challenge the gentleman from Tennessee or any other Democrat to name the Republican that ever made any statement of that kind. [Applause on the Republican side.]

Mr. PIERCE of Tennessee. Will the gentleman——

Mr. BABCOCK. Not only that, Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. BABCOCK. Not at all.

Mr. PIERCE of Tennessee. He is afraid to yield.

The SPEAKER. The gentleman declines to yield.

Mr. PIERCE of Tennessee. We will prove it if we get a chance.

Mr. BABCOCK. I want to say this, that the shoe is on the other foot, that the great sugar trust and the American Tobacco Company are the ones who started the agitation against this bill [derisive laughter on the Democratic side and applause on the Republican side], to bring their sugar and tobacco in here without paying any duty, and it is simply ridiculous to charge that any corporation would contribute money for a protective tariff.

Mr. HENRY of Mississippi. It is charged by your own papers.

Mr. BABCOCK. And I desire again to repeat the challenge that I have made, for any Democrat, or anyone else, to name the Republican who has made any such statement as the gentleman from Tennessee charges.

Mr. WILLIAMS of Mississippi. Miller says he will do it.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. DALZELL. How much time have I?

The SPEAKER. The gentleman has fifteen minutes remaining.

Mr. DALZELL. I yield seven minutes and a half to my colleague from Ohio [Mr. GROSVENOR]. [Applause on the Republican side.]

Mr. GROSVENOR. Mr. Speaker, it is a glorious thing to me to witness the intense anxiety of the Democratic party on this floor and of the mugwump press of this country, and a few other gentlemen, that the Republican party shall not destroy itself. [Laughter and applause on the Republican side.] I have been a member of this House for a good many years, and have passed through the great excitements of the various tariff bills, war measures, and all the great issues that for sixteen years have presented themselves here, and yet I never saw the Democratic party so zealous, so sorrowfully zealous, that the Republican party shall do itself no harm. [Laughter on the Republican side.] It has ransacked every telegraph office in the United States to bring its members here, to vote for what? To keep the Republicans from bringing upon themselves the odium and curse of an outraged public sentiment. [Laughter and applause on the Republican side.]

Independent newspapers, independent of everything but one thing, just pluming their wings to light in the Bryan camp, appeal to the Republican members of this House, "For God's sake, do not do yourselves any hurt." [Laughter.] What is the necessity of it? Why this anxiety? It gives the brand of hypocrisy to the whole outfit. The Republican majority on this floor stands in favor of the principles of its party. The question that is to be submitted in a few moments is a question of party policy that has been made a political and party question by the action of the Democratic caucus. [Applause on the Democratic side.] That is right. I am glad to hear the cheers come from Mississippi. It invited into its councils the whole Democratic multitude and made it an issue of Democracy, a pure and simple issue: "Vote against this bill or go outside of the Democratic party." That was the issue presented in the caucus here last Saturday.

Mr. TERRY. What about "plain duty?" [Applause and laughter on the Democratic side.]

Mr. GROSVENOR. I honor the party for its action. I honor the party that sees politics in a thing of this character, and I honor the men of the Democratic side who voted for this bill originally, who put their allegiance to party up against the question of consistency. That is the kind of a man that this country admires and will always forgive even if he makes a mistake.

Mr. NEVILLE. How about the Republicans? [Laughter on the Democratic side.]

The SPEAKER. The House will be in order. The House must not be turned into a place of demonstration.

Mr. GROSVENOR. The Democratic party has made this a question of party fealty.

The SPEAKER. The Chair will protect both sides of this Chamber, but must have the assistance of gentlemen on this floor. [Loud applause.]

Mr. GROSVENOR. Mr. Speaker, I do not need any protection. [Laughter.] I am a protectionist myself. [Renewed laughter.] The Republican party made it an issue and called together the council of the party. After weeks and months of study and discussion we said that the members of the party on this floor should get together and let us see the best thing to do. We came together, differing in opinion as to some details, and then said, in light of the fact that the President of the United States, all his Cabinet, and nine-tenths of the Republican members of this House, and more than that of the Senate, are in favor of the passage of this bill, we said we would pass it, and it was made the shibboleth of Republicanism. [Loud applause on the Republican side.]

I hurl in the teeth of the gentleman from Tennessee his statement that bribery is here. Does he think that he can be a hypocrite everywhere and not be exposed? Does he think that there is not some place where somebody will lift the curtain that he hides behind? If he believes, as he says he believes, and I say he does

not believe, that any member on this side of the House made that statement—that there had been money put up to carry this measure—if he believes it, why did he not investigate it? "Why do not we?" says he. We do not believe it. We believe that it is a lie, and we know it is a lie at one place or other on the line. [Applause on the Republican side.]

It may be that Mr. Miller heard some member say it. I do not say that that is not true. If some member did say it, he is a liar. [Laughter and applause on the Republican side.] We have nothing concealed. Let the gentleman from Tennessee, who brings in such an insinuation, introduce a resolution to-day to investigate this question, and he will have consent given to it in less than fifteen minutes.

Mr. RICHARDSON. Will the gentleman permit me to ask him a question?

Mr. GROSVENOR. If it is a question; yes.

Mr. RICHARDSON. I was simply going to say that I did not say there was anything in the charge.

Mr. GROSVENOR. Oh, no; that is the same slimy, slippery statement.

Mr. RICHARDSON. The gentleman did not hear my question. The question I wished to ask is if you did not have a resolution for that purpose?

Mr. GROSVENOR. I did; and I investigated it, and it was not introduced.

Mr. RICHARDSON. I supposed that would be introduced.

Mr. GROSVENOR. I found that there was not a word of truth in it. [Laughter on the Democratic side.] I mean in the story itself. I will give the gentleman the resolution, if he wants to introduce it, and say we will investigate it. But the gentleman can not make a straightforward statement about anything. [Loud applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. Mr. Speaker, the gentleman from Tennessee and the gentleman from Missouri characterized this rule as an outrage. I would like to recall to mind the spectacle that I witnessed and that many of you witnessed in this House not many years ago. The leader of the then Democratic majority in closing his debate upon the Wilson bill summoned all gentlemen upon that side of the House to make haste to get upon the "roll of honor." That bill went to the Senate, and was so changed in every essential feature that no Democrat in this House could recognize it as the bill which originated here. In a spirit of indignation, after a general proclamation day after day, week after week, while that bill was in conference, that it never could be passed, never assented to by the Democrats of the House, the President sent to a member of this body a letter addressed to "My dear CATCHINGS," in which he denounced the Senate bill as a measure "of perfidy and dishonor."

Your then great leader, Mr. Wilson, proclaimed that the session should die rather than that any Democrat at this end of the Capitol should ratify a measure of "perfidy and dishonor." Yet, on the 13th day of August, 1894, "My dear CATCHINGS" introduced into this House (and the Democratic majority passed) a rule that rescinded their agreement to a conference, that discharged their conferees, that concurred in 644 amendments in gross upon an hour's debate on either side; and then they tumbled over each other to get onto the roll of dishonor, and yet we hear to-day from the gentleman from Tennessee and the gentleman from Missouri that this is "an outrage!" O, ye Scribes and Pharisees, hypocrites! [Laughter and applause on the Republican side.] You prate here about change of view.

No change of view was ever possible when this question was presented. When this question was presented for consideration the Democratic party and the Republican party naturally found each its respective platform in accordance with their respective histories. True to yourselves, you went for your law to the infamous Dred Scott decision and for your politics to John C. Calhoun. [Applause on the Republican side.] We on this side of the House went for our law to John Marshall and Daniel Webster, and for our politics to the Republican platform in 1856 and to the platform on which Abraham Lincoln was elected President of the United States. [Loud applause on the Republican side.]

The Republican platform of 1856 declared:

Resolved, That the Constitution confers upon Congress sovereign power over the Territories of the United States for their government, and that in the exercise of this power it is both the right and the duty of Congress to prohibit in the Territories those twin relics of barbarism, polygamy and slavery.

The Republican platform of 1860 declared—

That the new dogma that the Constitution, of its own force, carries slavery into any or all of the Territories of the United States is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent; is revolutionary in its tendency and subversive of the peace and harmony of the country.

Entertaining the views that you entertain, you could not do otherwise than be for free trade. Entertaining the views that we entertain, in view of all the conditions, we can not assume any other attitude than the attitude we did assume.

Now, gentlemen, in spite of the Democratic party, in spite of the Democratic press, in spite of a misguided Republican press [laughter on the Democratic side], the Republican majority, on whose shoulders rests the responsibility of this legislation, proposes to assume it, and I venture to say that the day is not far distant when the masses of the people of this country will say that this great measure was wise, beneficent, and in accordance with the duty resting upon the Republican party. [Great applause on the Republican side].

The SPEAKER. The question is on agreeing to the resolution.

Mr. RICHARDSON. Mr. Speaker, I desire to move to recommit the resolution with instructions. I have sent to the desk the motion which I desire to make.

Mr. DALZELL. Mr. Speaker, the previous question has been ordered, and nothing is in order now but a vote.

Mr. RICHARDSON. A motion to recommit is in order.

Mr. DALZELL. I think not.

The SPEAKER. The Chair will state that on the proposition of the gentleman from Tennessee there has been a conflict of rulings. Some Speakers have held that the motion was in order, and others have held that the motion is not in order. Speaker Crisp has held that the motion was not in order. Speaker Reed has admitted it. The present Chair is clearly of the opinion that a rule reported by the Committee on Rules, upon which the previous question is ordered, is not subject to a motion to recommit, and therefore overrules the motion.

Mr. RICHARDSON. Will the Chair permit the motion to be read?

The SPEAKER. The gentleman stated what it was; but the Clerk may report the motion.

Mr. DALZELL. I object, Mr. Speaker; let us have the regular order.

The SPEAKER. Let the Clerk read the motion.

The Clerk read as follows:

Resolved, That the pending proposed rule be recommitted to the Committee on Rules with instructions to that committee to report a rule providing that it shall be in order to move in the House that the House concur in the Senate amendment to H. R. 8245 with an amendment striking out all after the enacting clause of the bill and inserting in lieu thereof a measure providing:

First. For free trade between the United States and Porto Rico.

Second. A civil government for the territory of Porto Rico, republican in form.

The SPEAKER. The Chair rules that this is not in order.

Mr. RICHARDSON. Very well, Mr. Speaker, I shall not appeal, as I do not wish to consume the time allowed for debate.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. RICHARDSON. A division, Mr. Speaker.

Several MEMBERS. Ayes and noes.

The SPEAKER. The ayes and noes are demanded.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 142, answered "present" 12, not voting 38; as follows:

YEAS—158.

Acheson,	Davidson,	Joy,	Reeder,
Adams,	Dayton,	Kahn,	Reeves,
Aldrich,	Dick,	Ketcham,	Roberts,
Alexander,	Dolliver,	Knox,	Rodenberg,
Allen, Me.	Dovener,	Lacey,	Russell,
Babcock,	Driscoll,	Landis,	Shattuc,
Bailey, Kans.	Eddy,	Lawrence,	Shelden,
Baker,	Emerson,	Linney,	Sherman,
Barham,	Faris,	Littauer,	Showalter,
Bartholdt,	Fletcher,	Long,	Sibley,
Bingham,	Fordney,	Loud,	Smith, Ill.
Bishop,	Foss,	Loudenslager,	Smith, Samuel W.
Boreing,	Fowler,	Lovering,	Smith, Wm. Alden
Boutell, Ill.	Freer,	McCleary,	Southard,
Bowersock,	Gamble,	McPherson,	Spalding,
Brick,	Gardner, Mich.	Mann,	Sperry,
Bromwell,	Gardner, N. J.	Marsh,	Sprague,
Brosius,	Gibson,	Mercer,	Steele,
Brown,	Gill,	Mesick,	Stevens, Minn.
Brownlow,	Gillet, N. Y.	Metcalf,	Stewart, Wis.
Bull,	Graff,	Miller,	Sulloway,
Burke, S. Dak.	Graham,	Mondell,	Tayler, Ohio
Burleigh,	Greene, Mass.	Moody, Mass.	Thomas, Iowa
Burton,	Grosvenor,	Moody, Oreg.	Thropp,
Butler,	Grout,	Morgan,	Tompkins,
Calderhead,	Grow,	Morris,	Tongue,
Cannon,	Hamilton,	Mudd,	Van Voorhis,
Capron,	Haugen,	Needham,	Vreeland,
Clarke, N. H.	Hedge,	O'Grady,	Wadsworth,
Cochrane, N. Y.	Hemenway,	Olmsted,	Wanger,
Connell,	Henry, Conn.	Overstreet,	Waters,
Cooper, Wis.	Hepburn,	Parker, N. J.	Watson,
Corliss,	Hill,	Payne,	Weaver,
Cousins,	Hitt,	Pearce, Mo.	Weeks,
Cromer,	Hoffecker,	Pearre,	White,
Crump,	Hopkins,	Phillips,	Wise,
Curtis,	Howell,	Powers,	Wright,
Cushman,	Jack,	Prince,	Young.
Dalzell,	Jenkins,	Pugh,	
Davenport, S. A.	Jones, Wash.	Ray,	

NAYS—142.

Adamson,	Denny,	Levy,	Ryan, N. Y.
Allen, Ky.	Dinsmore,	Lewis,	Ryan, Pa.
Atwater,	Dougherty,	Little,	Scudder,
Ball,	Driggs,	Littlefield,	Shackleford,
Bankhead	Elliott,	Livingston,	Shafroth,
Barber,	Finley,	Lloyd,	Sheppard,
Bartlett,	Fitzgerald, Mass.	Lorimer,	Sims,
Bell,	Fitzgerald, N. Y.	McCall,	Smith, H. C.
Bellamy,	Fitzpatrick,	McClellan,	Snodgrass,
Benton,	Fleming,	McCulloch,	Sparkman,
Berry,	Foster,	McDowell,	Spight,
Brantley,	Fox,	McLain,	Stark,
Breazeale,	Gaines,	McRae,	Stephens, Tex.
Brewer,	Gilbert,	Maddox,	Stokes,
Brundidge,	Glynn,	Meekison,	Sulzer,
Burleson,	Gordon,	Miers, Ind.	Sutherland,
Burnett,	Green, Pa.	Moon,	Swanson,
Caldwell,	Griffith,	Muller,	Talbert,
Campbell,	Griggs,	Naphen,	Taylor, Ala.
Catchings,	Hall,	Neville,	Terry,
Chanler,	Heatwole,	Newlands,	Thomas, N. C.
Clark, Mo.	Henry, Miss.	Noonan,	Turner,
Clayton, Ala.	Henry, Tex.	Norton, Ohio	Underhill,
Clayton, N. Y.	Howard,	Norton, S. C.	Underwood,
Cooney,	Jett,	Pierce, Tenn.	Vandiver,
Cox,	Johnston,	Quarles,	Warner,
Crawford,	Jones, Va.	Ransdell,	Wheeler, Ky.
Crumpacker,	Kitchin,	Rhea, Ky.	Williams, J. R.
Cummings,	Kleberg,	Rhea, Va.	Williams, Miss.
Cusack,	Kluttz,	Richardson,	Wilson, Idaho
Daly, N. J.	Lamb,	Riordan,	Wilson, N. Y.
Davenport, S. W.	Lane,	Robb,	Wilson, S. C.
Davis,	Lanham,	Robinson, Ind.	Zenor,
De Armond,	Latimer,	Robinson, Nebr.	Ziegler.
De Graffenreid,	Lentz,	Rucker,	
De Vries,	Lester,	Ruppert,	

ANSWERED "PRESENT"—12.

Allen, Miss.	Gillett, Mass.	Mahon,	Slayden,
Cowherd,	Hay.	Packer, Pa.	Stewart, N. Y.
Gaston,	McAleer,	Rixey,	Weymouth.

NOT VOTING—38.

Bailey, Tex.	Cooper, Tex.	May,	Smith, Ky.
Barney,	Crowley,	Meyer, La.	Stallings,
Boutelle, Me.	Dahle, Wis.	Minor,	Stewart, N. J.
Bradley,	Davey,	Otey,	Tate,
Brenner,	Esch,	Otjen,	Tawney,
Broussard,	Gayle,	Polk,	Thayer,
Burke, Tex.	Hawley,	Ridgely,	Wachter,
Burkett,	Hull,	Robertson, La.	Williams, W. E.
Carmack,	Kerr,	Salmon,	
Cochran, Mo.	Lybrand,	Small,	

So the resolution reported by the Committee on Rules was adopted.

Before the result of the vote was announced, the following proceedings took place:

Mr. GILLETT of Massachusetts. Mr. Speaker, on this question I voted "aye;" but I am paired with my colleague, Mr. THAYER. I wish to withdraw my vote and be marked "present."

The name of Mr. GILLETT of Massachusetts was again called, and he answered "present."

Mr. SLAYDEN. I wish to withdraw my vote, being paired with Mr. ESCH of Wisconsin, and to vote "present."

The name of Mr. SLAYDEN was again called, and he answered "present."

Mr. STEWART of New York. Mr. Speaker, I wish to inquire how my colleague, Mr. MAY, voted.

The SPEAKER. The Chair is informed by the Clerk that the gentleman did not vote.

Mr. STEWART of New York. I wish, then, to withdraw my vote and be marked "present."

The name of Mr. STEWART of New York was again called and he answered "present."

Mr. ALLEN of Mississippi. Mr. Speaker, I voted in the negative, but I am paired with the gentleman from Wisconsin, Mr. BARNEY. I wish to withdraw my vote and be marked "present."

The name of Mr. ALLEN of Mississippi was again called, and he answered "present."

Mr. RIXEY. I voted on the first roll call, but I did not catch my name as the vote was recapitulated. I would like to know whether I am recorded.

The SPEAKER. The Clerks inform the Chair that they did not understand the gentleman to vote.

Mr. RIXEY. I desire to withdraw my vote, because I am paired with the gentleman from Wisconsin, Mr. MINOR.

Mr. MCALEER. I am paired with the gentleman from New Jersey, Mr. STEWART. I voted in the negative, but I wish to withdraw my vote and be marked "present."

Mr. MCALEER'S name was again called, and he answered "present."

Mr. COWHERD. I am paired with the gentleman from Minnesota, Mr. TAWNEY, who was expected to arrive here by this time, but he has not. I wish to withdraw my vote in the negative and be recorded "present."

The name of Mr. COWHERD was again called, and he answered "present."

Mr. TATE. Mr. Speaker, I was in the Hall of the House, but failed to hear my name called. I desire to vote.

The SPEAKER. Was the gentleman listening when his name should have been called?

Mr. TATE. I can not say whether I was listening at that particular time.

The SPEAKER. The Chair is sorry, but upon the statements of the gentleman his request to vote can not be entertained.

Mr. FINLEY. The gentleman from Kansas, Mr. RIDGELY, desires me to state that he is detained at home by illness, and if present would vote "no."

The SPEAKER. Statements of that character are not in order.

The following pairs were announced:

For this session:

Mr. HULL with Mr. HAY.

Mr. PACKER of Pennsylvania with Mr. POLK.

Until further notice:

Mr. BARNEY with Mr. ALLEN of Mississippi.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. ESCH with Mr. SLAYDEN.

Mr. TAWNEY with Mr. COWHERD.

Mr. GILLETT of Massachusetts with Mr. THAYER.

Mr. HAWLEY with Mr. COOPER of Texas.

Mr. BURKETT with Mr. BURKE of Texas.

Mr. MAHON with Mr. OTEY.

Mr. MINOR with Mr. RIXEY.

Mr. LYBRAND with Mr. GASTON.

On this vote (Porto Rican bill):

Mr. DAHLE of Wisconsin with Mr. RIDGELY.

Mr. KERR with Mr. CARMACK.

Mr. DAVEY with Mr. CROWLEY.

Mr. MEYER of Louisiana with Mr. ROBERTSON of Louisiana.

Until April 20:

Mr. OTJEN with Mr. BRENNER.

Until April 19:

Mr. STEWART of New York with Mr. MAY.

Until April 16:

Mr. WACHTER with Mr. SMALL.

Until April 11, inclusive:

Mr. STEWART of New Jersey with Mr. MCALEER.

The SPEAKER. On this question the yeas are 158; the nays 142; answering "present" 11. The ayes have it; and the resolution is adopted.

[Loud applause on the Republican side.]

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the time allotted for debate be divided equally between the two sides of the House, the time on the other side to be controlled by the gentleman from Tennessee [Mr. RICHARDSON] and on this side by myself.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RICHARDSON. That would give how much time, Mr. Speaker?

The SPEAKER. That would give one hour and forty-seven minutes to each side.

Mr. PAYNE. I yield forty minutes to the gentleman from Indiana [Mr. WATSON].

Mr. WATSON. Mr. Speaker, as the emigrant, who, traveling across our Western plains, is unexpectedly overwhelmed by a wintry storm, and, driven by the blast, loses his way and wanders far from his path, and who takes advantage of the first opportunity afforded him to view his new surroundings and mark out his course for the morrow, so may we, in imitation of his wise example, after the fierce storm of public opinion has partially abated, examine closely our surroundings and take carefully our bearings, in order that, on surer ground and with swifter tread, we may fearlessly push forward in the future.

Mr. Speaker, from the beginning of this controversy down to the present time there has been so much of misapprehension and misrepresentation, so much of crimination and recrimination, so many charges and countercharges, both in this body and throughout the land, that I shall consider myself fortunate if in the brief time so courteously allotted me I shall be able to search out some of the hidden causes which have produced so great public agitation—an agitation, sir, which, in many of its aspects, wears features more startling and extraordinary than are usually met with in the annals of our legislative history. Search them out, Mr. Speaker, not to gratify an idle curiosity, but that, thus knowing these objections, we may happily be able to overcome them and, in overcoming them, win all the people to our cause; for, sir, such is the patriotic genius of American citizenship that, with it, prejudice always yields to logic and passion gives place to reason.

What, then, are the reasons for the hostility of the public mind toward this proposed legislation—a hostility isolated and yet violent, sporadic and yet determined?

REPUBLICAN LEADERS A UNIT.

In the first place, Mr. Speaker, I believe that one of the most potent influences which has led to such misapprehension on the

part of the people was the supposed conflict existing between the Committee on Ways and Means of this House and the President of the United States.

As is so well known to the House and to the country, the President in his annual message to Congress recommended free trade between this country and Porto Rico. As is equally well known, the Ways and Means Committee brought forward a measure providing for a tariff of 25 per cent of the Dingley rates on all merchandise entering Porto Rico from this country and entering this country from Porto Rico. Forthwith the country was seized with the idea that there was a conflict between this body and the President, and the people rose en masse to sustain, as they believed, the Chief Executive.

But, Mr. Speaker, as the distinguished gentleman from Ohio [Mr. GROSVENOR] has so well said to-day, that illusion should be at once dispelled from the public mind, because it is now positively known of all men that the President of this Republic, the members of his official family, the leaders of the great Republican party here and elsewhere are to-day a unit in support of this bill. [Applause on the Republican side.]

CHANGE OF MIND FOUNDED ON REASON.

Sir, the second cause that has led to public agitation on this question is the charge of a change of mind on the part of the President of the United States and the Ways and Means Committee, and that it was due to some sinister influence, some dark and mysterious power that stood somewhere in the shadow; and it has been iterated and reiterated, not only on the floor of the House by the distinguished leader of the Democracy here, as we heard this morning in his address, but throughout the country, that such was the condition. But, Mr. Speaker, that charge is as absolutely unfounded and as wholly unwarranted as any ever made against the public servants of the people of this Republic. [Applause on the Republican side.]

What, then, was the cause of that change? Sir, when the President came to deal with Porto Rico in the preparation of his message, upon whom would he rely for information as to the affairs of that island? Manifestly upon its Governor-General. Manifestly upon the one man who was charged with its government and who was most familiar with its conditions. That capable and efficient officer, in his report to the President in September last, recommended substantial free trade between this country and Porto Rico. The President, doubtless relying upon that report, recommended free trade. The Secretary of War in his report voiced the same sentiment. The able chairman of the Ways and Means Committee, pursuing the same course, introduced a bill into this body in January providing for free trade between this country and that island. Was there anything remarkable in this succession of recommendations? Manifestly not.

But, sir, that report of Governor-General Davis was made within a month after the devastating hurricane, which left distress and disaster in its wake, had swept over the island, and before he fully realized the desolation of its people.

Subsequently, and after the President had sent his message to Congress, he made another report to the President of the United States, in which he said that when his first report was made he had not fully apprehended the disaster in that island, and had not fully comprehended its real situation. And, Mr. Speaker, while he had said that $2,000,000 would be sufficient to operate the insular government, he said that it would not be sufficient to relieve distress, to rehabilitate the island, to resuscitate its prostrate industries, and to bring hope where despair reigned.

He said that it would not be best that free trade should be at once established between these two countries, for not only was the government of the island to be operated, but some measure of immediate relief must be at once devised to meet the crying emergency of the hour. Now, sir, was not the President of this great Republic warranted in leaning upon that officer? Was not the Ways and Means Committee of this House authorized in standing by the President of the United States in any subsequent declaration that he made as well as his first one?

If the President's written words are to be regarded by Congress, are his spoken words to be less lightly considered?

Sir, much criticism of the President has been indulged in, even by patriotic people, because he did not see fit to send a subsequent message to Congress when such new information was obtained as warranted a modification of his original recommendation. Mr. Speaker, I am not authorized to speak for that great man, but I have no doubt that he would have done so had he remotely suspected, or had reason to do so, the indignation which pervaded the country because of the introduction of this measure.

The President is required by the Constitution to inform Congress from time to time of the condition of the country, and upon such information to recommend such legislation as in his judgment is deemed wisest and best for the people.

But, sir, if after his message has been delivered such new information is received and such additional facts are discovered as warrant a change in his recommendations, are his suggestions to this effect, even to individual members, to be frivolously cast aside and wholly ignored?

Mr. Speaker, the Republican party is a practical party. It answers questions as they are asked. It solves problems as they arise. It meets conditions as they occur, and when new information was obtained on this subject and new light was thrown upon it we rose to the height of the occasion and prepared to solve the problem that immediately confronted us. Why, sir, but a few days ago Governor-General Davis in a letter used this language, showing incontestably his position on this much-vexed question:

I have not felt it proper for me to discuss Congressional matters, filling, as I do, an executive position. I have expressed my views fully, however, on Porto Rico's needs, and I might say if Congress should adopt free trade the receipts of the custom-houses would naturally cease. One million five hundred thousand dollars has been collected during the fiscal year, and with free trade this will fall off. What, then, will run the island? Although I have received no official advices regarding an appropriation, I understand, through the newspapers, that an appropriation was decided upon, and I infer that this appropriation will be spent on insular government expenses. If free trade is adopted I can not see how the necessary funds for the conduct of the affairs of the island are to be raised by myself or those who succeed me. Two million dollars are the present expenses, and this amount will be needed annually. There is only a small revenue incoming from stamps, liquors, tobacco, and mercantile licenses, and it is impossible to collect taxes because of the conditions.

What, then, will run the island?

Mr. Speaker, that was the question that confronted this House. "What, then, will run the island?" And in answer to that question, which demanded an immediate solution, the Republican party proposed this measure, which we believe is established in justice and founded in wisdom. [Applause on the Republican side.]

TRUSTS FAVOR FREE TRADE.

The third cause of public clamor to which I desire hastily to advert was the charge that this measure was dictated by trusts—a charge that has been made by the leader of the Democratic party on this floor this morning. Why, Mr. Speaker, what more natural than that these shrewd and active business men who are manipulating the great sugar and tobacco trusts of the country, after the President had sent his message to Congress recommending free trade, should, by their agents, have bought up all the sugar and tobacco in that island—bought it up with the understanding that the Dingley rates were to be paid upon it? What more probable than that this should have occurred? Will these gentlemen, who are so conversant with the situation and so familiar with conditions throughout the world, permit an opportunity of that kind to pass by?

But, sir, I am not left to the field of conjecture or the realm of speculation on this proposition. Hear what Mr. Havemeyer, the president of the American Sugar Refining Company, says on the subject:

NEW YORK, *March 29*.

President Havemeyer, of the American Sugar Refining Company, was the center of interest in speculative circles to-day, owing to the cut of 5 cents a hundred pounds announced by the Arbuckles and the possible action of the Havemeyer interests. The sugar king, in discussing the whole situation, was plain and outspoken regarding the position of Porto Rico and the Philippines, and declared that there was no reason in the world why sugars should not be admitted free of duty from these countries.

Then the great sugar king turns constitutional lawyer, as so many gentlemen have essayed to do here, and exclaimed:

I am much in favor of it—

He said—

and I believe the time is not far off when they will be admitted free of duty. Why, both of these countries are part and parcel of the United States, and, no matter what action Congress takes, I am confident the Supreme Court will hold that the products of those islands are entitled to free entry here.

There is no more reason why a duty should be placed upon the products of Porto Rico than on stuff coming into New York from Long Island. There is only a wide ditch between the United States and Porto Rico. Well, if Porto Rican sugars are brought in free it will not be long before some similar policy is adopted with reference to Cuban products.

There are no refineries in Porto Rico; they are all located here, and the trust naturally wants all raw sugar imported free, to be refined here.

Are we so infatuated with our previous predilections on this proposition as to believe that these gentlemen would argue that a tariff is unconstitutional and yet be here seeking to have a tariff imposed upon the product that they own? Not alone that, but hear what Mr. Townes, president of the Porto Rico-American Tobacco Company says:

W. T. Townes, president of the Porto Rico-American Tobacco Company says that the proposed tariff will keep Porto Rico out of the American market; that Porto Rico will sell to Europe, China, and Japan, and not a pound to the United States.

Are we to believe that this gentlemen is seeking to have a tariff imposed upon his product and to drive himself out of this market, the greatest and the richest market in the world?

But, Mr. Speaker, there is another reason higher and better than that, one that is undisputed and indisputable, one that is unanswered and unanswerable. Only a few weeks ago a suit was brought against the collector of customs in the city of New York

to recover some $2,000,000, the $2,000,000 that we by our action voted to Porto Rico for the rehabilitation of that island. Who were the plaintiffs in that suit? Lawrence Turnure & Co.; the American Sugar Refining Company; L. W. & P. Armstrong; Muller, Schall & Co.; in other words, the sugar trust and its allied interests. And what was the origin of that suit?

It will be remembered that the full Dingley tariff is yet in operation between this country and Porto Rico, and that under its operation $1,800,000 was collected as duty on sugar and $200,000 as duty on tobacco coming into this country from Porto Rico between the date of the acquisition of that island and the 1st day of January, 1900.

The American sugar trust and those representing its interests claim now that they paid that duty, that they paid that $1,800,000, and are seeking to recover it back from the Government. Gentlemen, are we so lost in the mazes of sentiment that we shall fail to look this question fairly in the face as it confronts us? Do we suppose for a moment that this great sugar trust is in court in New York seeking to recover back the tariff duty which it alleges it has paid, and at the same time is here seeking to have a tariff duty imposed upon itself and its own products? Are those gentlemen so patriotic as to impose a tax upon themselves? Is it possible that they would be yonder in New York seeking to reclaim money which they allege they have paid, and yet be here seeking to have other money collected from them in the nature of a tariff?

But not only that, Mr. Speaker; the only voice that has been raised on this proposition, so far as the public knows, has come from the Hon. JAMES K. JONES, the senior Senator from Arkansas. What was the amendment to this bill which he introduced in the Senate? Listen to it:

That all duties collected to this date upon articles imported into the United States from Porto Rico since the 11th day of April, 1899, the date of the exchange of ratifications of the treaty of peace between Spain and the United States, be returned to the persons from whom they were collected, and from and after the passage of this act no duties shall be collected on articles coming from Porto Rico.

In other words, after the American sugar trust has alleged that it paid these duties, after the American sugar trust has charged in the court that these duties were wrung from it, Senator JAMES K. JONES comes into the United States Senate and proposes as an amendment to this bill to give back every dollar to the American sugar trust, the very money which we have voted to Porto Rico to establish her government and save her people from starvation; and yet they charge that the trust produced this change in the minds of the Committee on Ways and Means and the President of the United States! [Applause on the Republican side.]

But, sir, we frequently hear the questions asked, "If these trusts pay the tariff, why reduce it? Why not permit the full Dingley rates to stand?" The answer is not far to seek; because, with the tariff as it now is, the trusts would not move their products. They can afford to permit them to lie in Porto Rican warehouses for several years, knowing that free trade will ultimately come, rather than pay $1.60 on every hundred pounds of sugar and 35 cents on every pound of tobacco. And the committee, in fixing the rate of 25 per cent in the original House bill, endeavored to so arrange it that these trusts could not afford to wait for a further reduction in the tariff rate.

HAWAII AND PORTO RICO.

Another cause of discontent on this proposition is the comparison raised in the public mind between Hawaii and Porto Rico. "Why," they say to us, "Hawaii and Porto Rico are both alike. They stand upon a common basis. Why does not this great Republic treat them alike? If we give free trade to Hawaii, why not give it to Porto Rico?"

Mr. Speaker, why do we not treat them alike? Simply because they are not alike; simply because the conditions are widely different and diverse.

Again we must meet the conditions that confront us. Again we must deal with things as they are, and not as we would wish them to be.

The conditions as to government are unlike. Hawaii has had self-government for eighty years; Porto Rico, never. Hawaii has had a republican form of government for seven years; Porto Rico, never. Hawaii has a government that can wisely levy, impartially collect, and judiciously expend taxes; Porto Rico has no government whatever, save the military power of this nation.

The conditions prevailing among the people are unlike. In Hawaii 80 per cent of the people can read and write; in Porto Rico 90 per cent can neither read nor write. Hawaii has over 200 schools in full operation; Porto Rico has but one, and it established within the last six months. Hawaii has a complete school system, with colleges and high schools and common schools; Porto Rico sits wrapped in the gloom of ignorance and the darkness of superstition.

In Hawaii the people are prosperous and intelligent, industrious, thrifty, and self-sustaining, and need no aid from without.

General Davis best describes the sad estate of the Porto Rican:

Spain ground the natives to earth for centuries, wrenched from them in taxes, imposts, fines, or bribes the rewards of their toil, but ever held before them the assurance that they were the children of the Crown and its constant care. By keeping them in ignorance and poverty, with a plentiful display of military effulgence to awe them, * * * it is easy to understand why we found them in this condition, and to appreciate the burden of lifting them up to a realization of their rights, duties, and responsibilities as American citizens.

By the treaty of Paris nearly 1,000,000 inhabitants of Porto Rico have come under the laws of the Union. They are unused to American laws and customs, and have had in the past no initiation. They were taught and forced to rely upon the Government in any and every important undertaking or proposition. They have been thoroughly taught to obey, but know little of self-reliance. Is it surprising that the obliteration of one-third of the wealth of the island, other than the soil itself, has been followed with industrial paralysis? So I have to hear the appeals, most piteous appeals, for help from almost every hamlet. They see no way to turn but to the way they have always turned, i. e., to the Government, and as its representative here I must hear and dispose of those appeals.

The physical conditions of these countries are as wide apart as the poles. Hawaii's rich fields are everywhere subdued and everywhere yield a bounteous harvest. Her valleys and her hillsides are the abodes of a prosperous people, who own and cultivate their soil, and no disaster has marched across the land leaving despair and death in its wake.

Not so Porto Rico. The most disastrous calamity that ever befell one entire people swept down upon her last August. Three-fourths of the current wealth of the island was caught up in the arms of the wind and hurled into the sea. Thousands of her people are homeless, more thousands destitute. A half million are out of employment and must subsist on charity. Again I appeal to General Davis for adequate words to describe the appalling condition:

The coffee lands suffered worst. These trees are planted on the hill and mountain slopes, and in many places the declivities are very abrupt. The gale tore up the trees, loosened the soil, and the deluge of water converted the earth into a semifluid.

Then followed landslides, and thousands of acres of coffee plantations slid down into the valley; trees, soil, rocks, and every vestige of culture are piled up in the bottom of the valleys. In such case there is no restoration possible, for where there were smiling groves are now only bald rocks which were uncovered by the avalanches.

Where the soil was not disturbed the most of the coffee trees were either uprooted, broken off, or stripped of foliage and the immature berries. The larger trees of other varieties, which are habitually grown for shade to the coffee, were blown down, and their protection to the coffee trees is also gone; so where the trees are not wholly denuded the protection of the berries from the sun's heat is absent, and the green fruit is blighted and spoiled.

It will take five years to reestablish these coffee vegas, and these will be necessarily years of want and industrial paralysis.

Sir, such is the situation that confronts us. Must we, therefore, treat the islands, whose conditions are so dissimilar, precisely alike? Do we deal with the helpless and the destitute and the starving as we do the prosperous, the thrifty, the self-sustaining? What would be thought of a physician who would administer the same remedy for all diseases? What would be the world's estimate of that statesmanship which would so far forsake realities as to provide the same legislative remedies for a people who sit in the sunshine of civilization and those who are wrapped in the night of ignorance, for those who are prosperous and self-sustaining and those who are destitute and in rags, for those who enjoy a stable government and those who know not the form or function of any government? Sir, the very statement of the proposition not only refutes it but renders it well-nigh absurd to every thinking man.

THE PROPOSED MEASURE WISE AND GENEROUS.

Mr. Speaker, the statement has been frequently made and oft repeated that this measure deals illiberally and ungenerously with Porto Rico. But, sir, a very hasty examination of its provisions will dispel that false conception.

Heretofore when this nation has acquired territory it has at once extended its system of internal-revenue taxation over it, and every dollar thus obtained has gone into the Treasury of the nation. But, sir, under the provisions of this bill every dollar of revenue thus derived goes into a separate fund for the benefit of that island and its people. Is that illiberal?

Heretofore when we have acquired territory we have at once thrown around it the provisions of our tariff laws, and every dollar of customs duties thus paid by those people has gone into the general Treasury of the country. But, sir, under the provisions of this bill every dollar collected at the ports of Porto Rico and at the ports of this country goes into a separate fund for the benefit of Porto Rico and her people. Is that ungenerous?

We throw the Dingley tariff around the island and compel all nations except ours to pay the rates provided by that law on all their products that enter that island. This fund we give to the Porto Ricans for their exclusive benefit. Is that un-American?

Sir, this is not an original tariff that we are imposing upon the products of Porto Rico coming into this country, for it must not be forgotten that the Dingley law is yet in full operation as to such products and has been since its enactment. This should be entitled "A bill to *reduce* the tariff on all products coming into Porto Rico from the United States and to regulate the tariff on all products coming into the United States from Porto Rico," for by its provisions we reduce the tariff on all such products 85 per cent, and give every dollar of it collected here and collected there to Porto Rico and her people. We do not even take out of it a dollar to

pay the expenses of our military government there. We do not take out of it a cent to pay for collecting this duty. We give it all, all to that island for its government and its people. Is that immoral?

We have never dealt so generously with any other Territory. We have to-day a special tax on industries in Alaska. Among the many pursuits embraced in the law for which license fees are to be paid are the following: Banks, $250; brokers, $100; billiard rooms, $15; breweries, $500; electric-light plants furnishing light or power for sale, $300; hotels, $50; jewelers, $25; quartz mills, $3 per stamp; meat markets, $15; railroads, $100 per mile upon each mile operated; sawmills, 10 cents per thousand feet upon the lumber sawed; theaters, $100. To this law, passed last session, nobody objected. And permit me to say to the gentlemen whose self-imposed duty it is to guard the Constitution here and save it from the ravages of those who would destroy it, that, if we have a right to impose these special taxes in Alaska, we would have a right to place a tariff on the imports from Alaska; and if we have the right to impose a tariff on the products of Alaska coming into this country, we have a right to impose such a tariff on the products of Porto Rico. Can this be denied? And yet when the Alaskan bill was passed no man raised his voice to prevent this fracture of the Constitution, no man characterized it as ungenerous and immoral or raised his voice in defense of a stricken people.

It will not be forgotten either that under the provisions of this bill all food products go into Porto Rico free of tariff duties. Every article that is necessary for the immediate use of the people, or that will aid in building up their prostrate industries, goes into their ports free of tariff.

What, then, is this bill? Practically, sir, to place a tariff for two years on the sugar and the tobacco of the island when they are brought into this country. Is there anything unjust in this proposition?

Until their government is organized, what else shall we do? You gentlemen contend that Porto Rico to-day is doing nothing toward sustaining her own government. Shall we not tax tobacco and sugar, two of the staple products of that island? We admit her coffee free; shall all her products escape? Sir, if gentlemen here are to be believed, and we must have free trade between that country and this, we shall collect no tax whatever on sugar and tobacco. This Congress can not go into the warehouses on that island and collect a tax upon sugar and tobacco; and so, if their theory is correct, sugar and tobacco, two of the great staples of that island, shall wholly escape taxation. Why, Mr. Speaker, is that to be the policy of this country? Shall we not compel the people in that island, in so far as they have the power and ability to do so, to furnish the revenues to operate their government?

I maintain that these products should be compelled to pay their just proportion of the burden of taxation. If so, we must tax them in the warehouses of Porto Rico or collect a tariff on them when they enter our ports. We have the same right under the Constitution to do the one thing as to do the other, to pursue the one course as to pursue the other. Therefore, why hesitate, why cavil, why delay?

This tariff the first year will be paid by the trusts. The second year it will be paid by the planters, nearly every one of whom is a Spaniard and very few, if any, of whom are Americans.

One gentleman who was here demanding free trade testified that he had $800,000 invested in a sugar plantation in that island. He said that he was a British subject and that he never intended to become an American citizen. He was quite anxious to have the product of his plantation enter our ports free from tariff taxation, and he filled the newspapers with his lamentations over the sad condition of these people. He wanted to enjoy the protection of this great nation, but was not willing to pay one cent for it, to contribute one penny toward maintaining it.

But, Mr. Speaker, how will free trade benefit the people of that island? Sir, we are daily confronted with startling headlines in the newspapers informing us of the poverty and the destitution in the island of Porto Rico, and the catalogue of adjectives is exhausted in describing the pitiable condition in that unfortunate island. But, sir, would free trade benefit these people? Would it, my Democratic friends? Under this bill as it is now all food products go in free. They could be made no freer by any other bill. If these people are starving, it is evident that they have nothing to sell. Of what advantage is a market to a man who has nothing to sell? Of what advantage is an open door to a man if he has nothing to carry in or out of it? Free trade simply means an opportunity to sell without restriction.

How can the 900,000 poverty-stricken, destitute people of that island obtain any benefit from free trade with this country when the 900,000 people have nothing to sell, when they do not own a pound of sugar or a pound of tobacco? What they need is immediate relief. Immediate relief is not to be accomplished by free trade, but by cash, and the best way in which they can obtain this cash with which to rehabilitate their stricken island and provide for their immediate necessities is by this tariff, which is levied upon sugar and tobacco and not upon the starving thousands of Porto Rico. In other words, we tax those who are able to stand it for the benefit of all the people. Is this ungenerous?

I hold in my hand a letter from Col. William H. Elliott, of my own district, who is the able and efficient director of posts in the island of Porto Rico. He says:

> There is not now any just system of taxation, and time is needed to organize, adjust, equalize, and bring into operation under economical administration any kind of system; and to produce a revenue large enough to meet the actual needs of government, road improvement, school, charity, etc., would put an enormous burden on the people. They see in the 15 per cent a revenue they would not feel as a burden, and which would help largely to restore the waste places. The 15 per cent is so small a portion of the tariff now imposed that it would operate as a very great relief, and it would bring with it assurance of a settlement of the contention, trade and commerce would feel the impulse, and business would go on just as energetically as it would were free trade to be granted. The general expression here is of astonishment that anybody in the States should consider the 15 per cent proposition an injustice to Porto Rico. It is deemed a benefit in the light of a great need of money for public improvements and the consequent employment of labor.
>
> At first I considered that it would be best, as a guard against the charge of imperialism, to treat Porto Rico on a Territorial basis; but as the subject has developed under my observation I have become convinced that the greatest favor possible to bestow upon the people, and the surest means of providing for the recuperation of the island from all causes of depression, poverty, and suffering, is to be found in some provision for a revenue that will not be felt as a burden of taxation, and the proposed 15 per cent duty, it occurs to me, will come nearer to that than any other plan.

Again, Mr. Speaker, it will not escape observation that this bill provides for the organization of a civil government on that island, and that as soon as such government is in operation, as soon as it can levy and collect taxes, this tariff shall cease and free trade shall thenceforth be the policy as between this country and that island. Is that unreasonable? Is that unjust? Is that oppressive?

Sir, this is substantially what Davis recommended. This is what we all believe. The ultimate policy is to be free trade, and we step aside from that policy for a few months to meet a crying emergency that can not so well be met in any other way. Mr. Speaker, emergencies frequently override settled policies. It is the policy of this country to maintain peace, and yet when an emergency arises we do not hesitate to temporarily step aside from that policy and rush into the most sanguinary conflicts. It is the policy of this country to remain free from debt, and yet when certain conditions confront us we do not hesitate to issue bonds, to borrow freely, to assume a great burden of debt. And so, sir, the policy of this nation with reference to Porto Rico is free trade; but we shall not hesitate to set aside that policy for a few months in order to meet an exigent necessity and do justice to a stricken people. [Great applause.]

Hear what General Davis says on this proposition. I commend his words to those who so hung upon them when he is said to have recommended free trade:

> The island must, it is supposed, ultimately derive its principal revenue from internal taxation, but this can not be until a new scheme of taxation for the whole island can be worked out. This work requires very careful consideration and can not be properly done until the general policy to be pursued with respect to the future status of Porto Rico is known. .

And again he says:

> It is recommended that the trade between the United States and the island *be left as free as possible*, and that the customs revenues collected here be left to the island temporarily as an income for local expenditure. As soon as a new local internal-revenue tax law can be framed and put into operation, the custom-house collections would inure to the General Treasury, but for a few years it will be very difficult to balance the budget without this aid.
>
> The proposition is to make the island self-supporting and to maintain all services here, including posts and quarantine, as a charge against local revenues; to extend the existing wagon roads and railroads; to build hospitals, schools, and asylums; to deepen the harbors; to extend or create dock facilities, and to foster and promote the general welfare by utilizing for this purpose all available resources as the proceeds of wisely placed loans.

I desire also to introduce another witness on this point, to whose testimony I ask careful attention. Henry K. Carroll, special commissioner for the United States to Porto Rico, in his full and able report says with reference to Porto Rican affairs, among other things:

> The taxes need a complete readjustment. The main dependence has been on the customs revenue, and *must continue to be* until the future government of the island is determined. The estimates of receipts for the year ending June 30, 1898, amounted for both the government and the provincial deputation to $5,157,200.

Of this amount $3,377,900 was derived from customs.

Said he further:

> It must be remembered * * * that large sums will be needed almost immediately for the public schools and for various internal improvements indispensable to the development of Porto Rico. Fortunately there is no debt, so far as can be learned; surpluses have been the rule in the insular accounts, though they do not seem to have been carried over, but used for Spanish exigencies in Cuba and elsewhere.
>
> It would seem to be prudent not to revise the Porto Rican tariff *so as very greatly to reduce the customs revenue*, at least for the period ad interim.

NOT AN IDEAL CONDITION THAT CONFRONTS US.

Mr. Speaker, another cause of great irritation throughout the land was the fact that his bill, when first brought forward, was a shock to the moral sentiment of our people.

Sir, it is one of the distinguishing characteristics of our national

life that the ideal and the real have ever and always been intimately associated, and that in all our historic past they have ever and always been intertwined.

We have become the most masterful people of history because we have always had the wisdom to cherish high ideals and because we have always had the courage to incorporate them in our national life; and we can all agree that the present, with all its mighty responsibilities resting upon us and the stupendous possibilities of the future just before us, is no time to forsake such ideals or abandon the attempt to incorporate them in our institutions.

But, sir, we are also the most realistic people of earth. Along the line of physical development we have accomplished the most prodigious tasks of history. So marked was this characteristic that, previous to the Spanish-American war, we were called a nation of shopkeepers and traders, and it was said of us that we were more devout in our worship of the golden calf than were the Israelites under Aaron's lead. But with the explosion of the Maine there came a seeming change in our national spirit. We were suddenly called from ourselves, our selfishness, our isolation, and made to remember the lofty ideal of our national life. We forgot our vocations for the time being, and remembered only the equality of men.

Sir, we all felt the impelling force of this beautiful sentiment. We all once more caught a glimpse of that "one, far-off, divine event toward which the whole creation moves." We were all once more lifted to the heights of universal brotherhood.

The swift intuitions of the people outrun the slow deductions of logic. They see only the end and are not always careful in selecting the surest way to reach the goal. They want to fly to the conclusion without always giving due heed to the premises. They disdain the slow process of trudging down the mountain side and across the valley and painfully struggling over rock and crag to the opposite summit; they would leap from peak to peak. But it is the business of the statesman to note carefully his immediate surroundings and, keeping ever in view the great end, to watch closely each step. And soon the people will rally to his support, for, as Abraham Lincoln expressed it, "They may wobble for a while, but if they do they will always wobble around and get right."

And so, sir, when we look at the real situation before us, around us, it is not an ideal one.

When we look down into the little island of Porto Rico and find 800,000 people half starved, half clothed, and absolutely ignorant, it is not an ideal condition that confronts us. It is one of the most intense practicality. Sir, if we can not bring the lofty ideal of American citizenship down to fit the Porto Ricans, it is our solemn duty to place our hands beneath them and through the long course of civilization and evolution lift the citizens of Porto Rico up to fit our ideal. [Applause on the Republican side.]

Idealism will not feed the hungry, however beautiful it may be. If a man goes to bed with nothing but idealism in his stomach, his dreams will be entirely too ethereal to be satisfactorily interpreted even by a Joseph. [Laughter and applause.]

Something practical is demanded. People are naked and starving and ignorant. An island is storm swept and battle scarred and desolate. What must be done? How can we best deal with this problem?

DIRECT TAXATION.

And so, sir, we were compelled to get our heads from out the stars and put our feet upon the earth and without delay answer an instant and pressing question.

A careful study disclosed four methods of raising the money which these people needed, and needed at once.

The first was direct taxation upon the island. But a very hasty investigation served to convince our leaders that that plan would be impracticable for two reasons. First, there was no governmental machinery on the island by which it could be collected and disbursed; and, second, because of the terrible conditions prevailing in that island direct taxation would have proven intolerable, and the American people would have risen in their might against any party that sought to impose it. A people of whom the following is an accurate description can not bear direct taxation:

They live in huts made of sticks and poles covered over with thatches of palm leaves. A family of a dozen may be huddled together in one room, often the most scanty clothing, while children of less than 7 or 8 years are often entirely naked. A few may own a machete or a hoe, but more have no worldly possessions whatever. Their food is fruit, and, if they are wage earners, a little rice and codfish in addition.

General Davis said on this point:

> A general system of taxation to produce revenue enough to carry on the government would amount to confiscation.
>
> Mr. PETTIGREW. Can you collect revenue enough to maintain the government?
>
> General DAVIS. Not for two or three years on any basis.

General Davis was asked by Mr. NELSON:

> Have you any system of taxation akin to our internal-revenue taxation?
>
> General DAVIS. Only on two articles. One, the liquor tax, of which I have spoken, of 3 cents a liter, and the other a tax on matches—the manufacture of matches.
>
> The CHAIRMAN. Do you levy the tax readily, or with difficulty?
>
> General DAVIS. With difficulty. No man pays his tax readily.

A LOAN ON THE ISLAND.

The second method of raising revenue with which to meet the pressing necessities of the hour was by making a loan on the island. The distinguished leader of our party on the floor [Mr. PAYNE] informs us that such a method was fully discussed. Why was it not adopted?

First, because there was no government to authorize it.

Second, because it would not be obtained at a less rate than 7 per cent.

It was deemed unwise and inexpedient that the present of the island should be hampered and its future hindered by placing a mortgage of $10,000,000 upon it, and especially at a rate twice as great as we are compelled to pay. Some day we may want to annex Cuba, and the people of that fair island would not be easily convinced of our generous and unselfish intentions when, looking across the channel which separates them from Porto Rico, they could see the huge debt piled up there by this country.

DIRECT APPROPRIATION FROM TREASURY.

The next manner in which the necessary revenue could be raised was an appropriation from the Treasury. But, Mr. Speaker, while originally I believed that that was the proper method for raising this revenue, yet when I looked at all the arguments on both sides of it I became convinced that it was dangerous for us and injurious to the people of that island. We have already been generous with Porto Rico. We have given her many hundreds and thousands of dollars. Our people are ever ready to lead her, to guide her, but, sir, they are not willing to carry her.

We believe that these people should be taught the lesson of self-reliance, of self-confidence; they should be accustomed, Mr. Speaker, to the hard knocks that make men and that lead to ultimate civilization and ultimate triumph. There is no short cut to the heights of civilization. There is no primrose path up the mountain steep of experience. These people must be taught to labor into it, to struggle into it, to suffer into it, until at last by slow steps they ascend to the lofty plane whereon we stand, and there is no other method by which evolution works. [Applause on the Republican side.] Our Democratic friends would have said "Why, we have recently annexed 1,500 islands to this country. None of them have internal or domestic improvements; none of them have railroads; none of them have schoolhouses."

They would have gone forth on the stump throughout the length and breadth of this country and said: "Have we annexed 1,500 poorhouses to the Republic? Have we established 1,500 benevolent institutions? How long is this to continue? How long is the Treasury of the Republic to be drawn upon in the interest of these people? If a million people in this little island of Porto Rico is to cost us so much, what may we expect of millions in the Philippines, with their vast and undeveloped expanse of territory? This war and its results have already cost you people three hundred millions of money. How much longer will you submit to be thus taxed for the benefit of a people who live on the richest lands of earth, but who are required under the Republican policy to contribute nothing toward the support of their government?" They would have gone to the farmers in my county and said: "When you wanted to build roads, you laid a tax of 2 per cent on yourselves, your real and personal property, to construct them. But the Republican party comes along and lays an additional burden upon you to build the roads in rich Porto Rico and at the same time they permit the great sugar interest and tobacco interest to go wholly untaxed." That argument would have been absolutely unanswerable.

TARIFF MEASURE.

The only method left, Mr. Speaker, by which this needed revenue could be raised was that provided for in this bill. As I have already fully discussed it, I shall not again call attention to its provisions further than to say that it is in no sense a protective measure, but one for revenue only.

Fifteen per cent of the Dingley rate amounts to a tariff of but 6 per cent, and that is not a protective tariff. The sugar and tobacco products of Porto Rico are so inconsequential, when compared to our vast consumption of those articles, that if they were multiplied many times they would not injuriously affect our people engaged in those great industries.

This bill is a temporary revenue measure, to meet an immediate demand, and was conceived in a spirit of the highest generosity and for the well-being solely of the prostrate people of the "Pearl of the Antilles." [Applause.]

That is an exact statement of the situation; and, sir, I undertake to say that when the people of this country come to understand this measure, it will be given that cordial support, that

hearty sympathy, that it should meet with here in this House to-day by the vote of every man who loves the Republican party. [Applause.]

WHOLE DOCTRINE OF EXPANSION INVOLVED.

Mr. Speaker, no sooner had this bill been brought forward in the House than the Democratic party, true to its instincts and history, set up the cry that it was unconstitutional. From first to last, save with few notable exceptions, the contest here was waged upon that issue. The practical phase, the emergency nature, of the measure was lost sight of, and this doubtless added to the confusion already existing in the minds of the people in regard to this bill.

Sir, when the Democratic party assailed the constitutionality of this measure, the Republican party at once accepted the issue and rallied to its support, for the two fundamental principles of our party—protection and expansion—became immediately involved.

If the Constitution extends over Porto Rico, it extends over the Philippines. If we must have free trade with one, we must have free trade with the other. What does this mean? Sir, a measure of such far-reaching consequences and such wide-extended results can not be brushed aside by any herald of resounding theories, but must be settled by the wisest, most sagacious, and most patriotic statesmanship of the land.

In the treaty of peace with Spain, by which we acquired title to the Philippines, we entered into the following agreement:

ART. IV. The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

And so, sir, under the provisions of this solemn compact, if the Philippines must have free trade with the United States, she must also have free trade with Spain. The ships and merchandise of both must be treated alike.

But that is not all. We have a treaty with each commercial power of the world, in which we have a "favored-nation" clause, stipulating that we will accord to such nations all the trade rights and privileges that we accord to the most-favored nation. That means that if Spain must have free trade with the Philippines, all the nations of the earth with whom we have such treaties must likewise have free trade with the Philippines.

What does that signify? Sir, free trade with all the world. In other words, if the Congress has no power to levy duties upon exports from this country to the Philippines and upon exports from there to the United States because they are a part of our nation, an open door in the Philippines would mean absolute free trade with the United States as to all nations concerned; not simply free trade in the sense that we could not levy a protective tariff duty, but free trade in the sense that we could not levy against such nations even a revenue tariff. This would be attended with results of such momentous and disastrous consequences that it would be nothing short of stupid criminality for us to hastily rush into it.

Mr. Speaker, are we ready to abandon the great doctrine of protection? Sir, that principle has made us great and grand. It has called forth the bud and blossom of our wondrous civilization. It has subdued half a continent and to-day finds our flag wafted by the breezes of two oceans. It has felled forests and conquered prairies, established exhaustless reservoirs of national wealth and opened the greatest granaries of the world. It has touched the earth, and fountains of unmeasured wealth have gushed forth. It has lighted the fires of industry in a thousand valleys and upon a thousand hills. It has brought the richest returns for capital and the highest rewards for labor. In short, it has, in a few brief years, brought our Republic to that condition that, having one-twentieth of the population of the globe, we yet own one-half of all its telegraph and telephone lines, we do one-third of its mining, one-fourth of its manufacturing, one-fifth of its agriculture, and own one-sixth of all its wealth. [Great applause on the Republican side.] Are you ready to abandon it? For thirty-five years it has been the shibboleth of the Republican party. Shall we discard it now?

The Democratic party has always been the enemy of protection. They are very naturally for free trade, not with Porto Rico alone, not with the Philippines alone, but with the whole world. Shall we permit them to do indirectly what they dare not longer attempt to do directly?

Mr. Speaker, I am a firm believer in the doctrine of expansion. I believe that we should retain the Philippines; retain them for their good and for our benefit; retain them for reasons strategic, reasons commercial, and reasons political. But, sir, it must be determined that we have a right to govern with a free hand; that we have a right to govern them as we did Louisiana, as we did Florida, as we do Alaska, as we do Hawaii; govern them as their necessities demand and their conditions warrant, or the difficulties of the problem will be multiplied a thousand fold.

The idea that we have not this power is, to me, unthinkable. The idea that we must admit 10,000,000 half-naked savages to all the rights, benefits, immunities, privileges, and blessings of this Government—of which they have no more conception than the eyeless fish in Mammoth Cave have of the glories of the noonday sun—is to me absurd. The idea that we must abandon our protective-tariff policy in order to retain these possessions is to me the very extreme of folly.

When the Supreme Court decide the question as to our rights and powers, as they will be asked to do if we pass this bill, we shall then be able to ascertain our situation, to take our bearings, to mark out our pathway for the future; and, knowing by heart our duty and remembering always our high calling, we shall march forward to that destiny for which God designed us. [Applause.]

NO NEW DOCTRINE.

Mr. Speaker, it is no new doctrine that is announced here. Since the acquisition of Porto Rico the full Dingley tariff has been, and still is, in full operation as against her products, and nobody has ever been heard to denounce it. Not until we sought to reduce it 85 per cent was there any outcry on the subject.

Two years ago we annexed Hawaii to this country. From that day to this the full Dingley tariff has been maintained as against all the products of that island coming here, and yet no voice has ever been raised to denounce it as ungenerous or illiberal or un-American or unconstitutional.

As I had occasion to remark before in the course of this speech, we have owned Alaska for many years, we have never permitted her to be represented here, and we have seen fit to lay special taxes upon her; but no man has ever lifted his voice to denounce our course or decry our policy. It is only when political capital is to be made of it that the Democratic party raises the hue and cry that this just and salutary measure is unjust, ungenerous, un-American, and unconstitutional. [Applause on the Republican side.]

THE ATTITUDE OF THE DEMOCRATIC PARTY.

But, gentlemen of the Democracy, what do you propose? What plan do you suggest? If this bill be so iniquitous, what substitute for it do you offer? What measure of relief will you bring forward?

You who preach the sad gospel of despair from the windows of Noah's ark, high priests in the moldy temple of pessimism, what do you propose? [Applause.]

You who march into the future backwards and translate the present upside down [laughter and applause]; you who circle around in a dead eddy and imagine yourselves in the center of the swelling current of history; you who mark time and vainly think yourselves marching triumphantly in the van of the army of progress, what method do you suggest? [Applause.]

You who fondly cling to musty banners upon which are inscribed obsolete legends and decadent theories; you who stand amidst dead dogmas, cast-off principles, and exploded platforms as thick as autumn leaves, what plan do you offer? Have you any theory? State it. Have you any idea? Announce it. Have you any method? Formulate it. Have you any constructive ability? Demonstrate it. Let the people of this Republic know what you propose. Let them know your scheme of dealing with present problems and future complications.

Ah! Mr. Speaker, out from the Democratic tomb there comes no voice that can direct the people of this Republic in the trying crisis that confronts us.

What has been the attitude of that pessimistic party from the inception of this controversy to the present moment? Denunciation, criticism, complaint. Negative always, affirmative never. Destructive always, constructive never. Pessimistic always, optimistic never. Doubting, disputing, quibbling, objecting. Self-constituted sentinels upon the watchtower of liberty, they are ever prophets of evil, ever warning us of dangers which do not threaten, ever crying out against impending calamities which can not occur.

That party is opposed in this instance to expansion. And why, manifestly because they did not originate it. Obviously because it is the handiwork of a Republican Administration.

The map which I append to my speech shows that, in the heroic days of the Democratic party and before it lost its aggressiveness and degenerated into a mere party of obstruction, it was the champion of expansion and long ago patriotically answered all the questions asked by its carping representatives to-day.

They remember the havoc wrought by their own doctrine of free trade in that carnival of soup and rags to which they invited us in 1894. [Laughter and applause.] If they can force a construction of the Constitution that would make the Philippines a part of our country, if they can compel us to the doctrine that we must have free trade with those islands, they will then bring forth their own skeleton and endeavor with it to terrify the laboring men and the farmers of the Republic. They thus seek to take advantage of their own great wrong.

What else? While William Jennings Bryan, the peripatetic petitioner for the Presidency, is roving over the country bewailing the sad estate of the laboring man, upon whose helpless soul the

tentacles of the octopus are about to fasten, and bemoaning the imperial ascendency of trusts, the chairman of his national committee, Senator JAMES K. JONES, introduces a bill into Congress to make a present of $1,800,000 to one of the most powerful trusts in the land, the very money with which we have sought to alleviate the distress in Porto Rico, of which they so vehemently declaim.

They have searched all dictionaries in order to amplify their vocabulary of lugubrious adjectives, so as to adequately describe the pitiful condition of starving Porto Ricans, and, with a cheerfulness indescribable, have voted against every measure of relief proposed. [Laughter and applause.]

They feast on the misfortunes of the people and fatten on the calamities of the nation.

Sir, what has been their attitude since the beginning of the Spanish-American war? We all know, sir; we all remember vividly. We remember that they tipped their arrows with malice and steeped their spears in hatred, and they hurled them in showers at the breast of William McKinley. We know that they exhausted the argument of vilification and the logic of slander. We know that the President of the Republic was deluged with epithets; and why? Simply because he did not rush into war with Spain before he was ready for war—before ships had been collected, before munitions of war had been purchased, before our boys had been properly armed and clothed. And afterwards, Mr. Speaker, when the rushing tide of public opinion carried us into war, the Democratic party in this House was practically the first to turn its back upon the President of the United States and the flag of the Republic. Why, sir, they gloated more over a few cans of spoiled beef than over the undying fame achieved by our gallant tars in Manila Bay. They rejoiced more over the bad sanitation of a few camps than over the imperishable glories of Santiago. Is not that true?

What, then, is their proposition? Simply that this measure is unconstitutional. If these gentlemen are to be believed, the Constitution is a prison with the windows all in the rear. We can see backward, but can never catch a glimpse of the future. The walls are forever established. They can never be enlarged to meet the exigencies of advancing civilization, to meet the demands of the children of this Republic yet to be.

Mr. Speaker, what is the Constitution? It is a collection of elemental principles laid down for our guidance. It is not the cause of our liberty, but the result of it. It took six thousand years of struggle and endeavor to make possible that instrument. It was born of the spirit of progress, and it must be interpreted in accordance with that spirit. It does not prevent progress, but, like a finger board, points out the way along which we must march.

If it be a wall, it is one built behind us to prevent our retrogression rather than before us to prevent our advancement. But the Democratic party, with its face always to the rear, imagines that it is in front of us and stays our onward march. [Laughter and applause.]

Why, sir, if I have read history aright, there was once a party in this nation that held that it was "unconstitutional" to save the Union; who proclaimed that the Declaration of Independence was "unconstitutional;" that the equality of all men was "unconstitutional." They announced the astounding doctrine that the Constitution gave this Union power to destroy itself, and that the idea that the nation was greater than any State was "unconstitutional." They held that it was "unconstitutional" to coerce a sovereign State or to attempt to perpetuate the Republic.

They claimed that the greenback was "unconstitutional," that a protective tariff was "unconstitutional," that the gold standard is "unconstitutional." Every forward movement that has added glory to our flag and prestige to our Republic has been met with that same cry, "unconstitutional." If the Democratic party had had its sweet will, this country would to-day be precisely where it was fifty years ago. Had their interpretation of the Constitution been accepted, all progress would have been prevented, all development would have been impossible.

What do they now propose with reference to Porto Rico? Nothing, absolutely nothing. What do they now propose with reference to the Philippines? Nothing, absolutely nothing. The Republican party alone has a solution for this problem. The Republican party alone is competent to grapple with this question. What do we propose? First, to subdue that insurrection, an insurrection on our territory and against the authority of our flag [applause]; second, to establish as soon as practicable a government adapted to their needs and suitable to their condition; third, to hold them by the hand and through the coming years lead them up the steeps of civilization; then, by and by, in some far-off day, when they shall have advanced to the plane whereon we stand, either open wide the doors of the Republic and bid them enter and become one of the sisterhood of States or else to cast them adrift as a separate people and bid them Godspeed upon the highway of history and in the race of nations.

But the Republican party is the only party that is able to solve that problem. The Democratic party is hopelessly bewildered in the presence of this momentous question. It is utterly without method, plan, or purpose. It simply opposes everything and proposes nothing. [Applause on the Republican side.]

But we may expect at every step on the march to have the unreasonable and malignant opposition of the Democratic party. But History, ever candid, always just, will inscribe above your record in this crisis those burning words, "False and faithless," just as she has written them over every act of your party for the last fifty years of our history.

Mr. Speaker, viewed from a lofty and unselfish height, the coming of these possessions into our hands is but to enable us to disseminate the principles of free government and propagate the divine idea of the equality of men; and, sir, we shall not prove recreant to that high trust. We shall come full armed and panoplied to the contest. Providence did not thrust this great duty upon us until we were grandly prepared to discharge it, until we stood proudly superior to all the world in wealth, intelligence, and morality, and until our own Republic was forever established upon the enduring foundations of freedom.

And how splendid has been the progress of that idea in our own land. In the war of the Revolution our fathers contended for liberty, but they contended for their own liberty. The men of '61 advanced the standard. They contended for the liberty of others, but in their own land and under their own flag; but the boys of '98 have advanced still higher the standard. They, too, have contended for liberty, not their own, not that of others in their own land and under their own flag, but for the liberty of those in a foreign country and under a strange flag. The first war established liberty, the second equality, the third fraternity, and under the divine inspiration of that conflict our reunited country, solemnly commissioned of God, has entered at last upon its sacred duty of teaching the nations how to live. [Great applause on the Republican side.]



The SPEAKER. The gentleman from Tennessee.

Mr. RICHARDSON. I yield to the gentleman from Virginia [Mr. JONES].

The SPEAKER. How much time does the gentleman yield?

Mr. RICHARDSON. The gentleman is at the head of the minority of the Committee on Insular Affairs, and I yield to him thirty minutes, to use as he sees fit.

[Mr. JONES of Virginia addressed the House. See Appendix.]

Mr. RICHARDSON. I yield five minutes to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, of course it need not be expected of me to discuss this bill very extensively in the time allotted me. I do not agree with our distinguished leader, the gentleman from Tennessee [Mr. RICHARDSON], and the gentleman from Missouri [Mr. DE ARMOND] in their complaint about the short time that has been allowed for the discussion of this bill. I am only surprised that you gentlemen allowed so much time—actually. Now, there is one way to drench a horse, and that is to lead him to the fence and pour it down his throat, and the quicker it is down the better. Now, you have got on your side many that do not like to take this dose, but you have got to march up to the rack and swallow it, and the sooner you do it the better.

The gentleman from Pennsylvania [Mr. DALZELL] cited as a

precedent for this rule one that was adopted in the consideration of the Wilson bill. Now, my distinguished friend was not altogether fair in that. He did not exercise that discriminating mind that he usually does. The difference between that bill and this one which is presented to us to-day is this: That bill had been before the House and before the Senate for months. It was a tariff bill. It had been fully discussed in every particular all along the line; and when it was returned from the Senate it was referred to the committee to which it belonged, and there lay for some time until it was fully discussed by the members of that committee and then reported to this House.

Now, what is this bill? As to the tariff feature of this bill, I will freely admit that it would be a proper precedent for him to cite the rule that was adopted in the consideration of the Wilson bill. But here is a bill that went from this House as a tariff measure and had added to it in the Senate a so-called Territorial form of government, which belonged to the Committee on Insular Affairs of this House, and which under the rules of this House should be considered and reported by them back to this House. Now, by the jugglery of some one on the Senate side and some one on this side it is sent to the Committee on Ways and Means and dumped into this House without any consideration by the committee to which it belongs; and I assert that it stands here under the rule just adopted without a precedent.

But just a few words on the bill. Gentlemen told us when they presented this bill to this House originally, that after much labor, after much travail, they had come to the conclusion that the Constitution of the United States did not include Porto Rico. They said so in their report; and yet, in this identical bill in which you have proposed to make the inhabitants of Porto Rico citizens of Porto Rico, in this Territorial form of government proposed, you say the officers of that government, before proceeding to exercise the duties which they are called upon to discharge, must take an oath to support the Constitution of the United States. And yet you declare and proclaim to the country that the Constitution of the United States does not extend to that island. [Applause on the Democratic side.]

Think of such inconsistency. Now, you gentlemen on the other side, responsible for this measure, suppose that a judicial officer, who takes the oath that you have required him to take, is called upon to construe these laws, what prevents him from saying that "I have taken an oath to support the Constitution of the United States, and instead of supporting your law I will stand upon the oath I have taken and I will declare your law unconstitutional?" [Applause on the Democratic side.]

You gentlemen declare that the Constitution does not prevail in the island of Porto Rico. You deny that its inhabitants are citizens of the United States. You expressly declare that they are citizens of Porto Rico. And yet these citizens who are selected to fill any office in that island must take an oath to support the Constitution of the United States. We claim that the Constitution does extend to Porto Rico.

We deny your right to lay a tax upon the imports of these people, but for the sake of argument admit your contention that Porto Rico is not a part of the United States. Then I call your attention to another clause of the Constitution which declares that no tax or duty shall be laid upon the exports of any State, and yet you levy a tariff by this bill of 15 per cent of the Dingley bill on all articles of merchandise coming into Porto Rico from the United States.

Now, here is a deliberate attempt to evade a plain constitutional provision by attempting to conceal with the words "coming into Porto Rico from the United States" the fact that these goods had not been exported from the United States. Now, it is in order to ask this simple question: How is it possible for merchandise from the United States to come into Porto Rico unless it was exported from the United States before it came into Porto Rico? And the fact that our customs officer will collect the duty at Porto Rican ports instead of New York or other United States ports will make it none the less an export tax.

You may have deceived yourselves into thinking that you have evaded the Constitution by this method of juggling with words. If you have, I do not think you will be able to deceive anyone else with ordinary reasoning powers. And one might stop long enough to ask you the question, If Porto Rico is not in the United States, where do you get your authority to levy a duty on our own goods coming into Porto Rico?

After all, this discussion as to whether the Constitution extends to Porto Rico may be laid aside for another question. Does the Constitution extend to this Capitol? Does this body, which derives its origin and its powers from that instrument, intend to respect its provisions? Do you intend to regard the oath that you took when this House was organized, which was to support the Constitution? If you do, then that instrument which is the bulwark of our liberties says that duties, imposts, etc., must be uniform throughout the United States; that no tax shall be laid on merchandise exported from any State. These are limitations that are placed on the powers of Congress. The question is, Does the Constitution extend to you?

Mr. RICHARDSON. Mr. Speaker, I now yield ten minutes to the gentleman from Illinois [Mr. JAMES R. WILLIAMS].

Mr. JAMES R. WILLIAMS. Mr. Speaker, the limited time for this debate is too precious to the people of Porto Rico to be consumed by sophomoric orations to circulate among a dissatisfied constituency. [Laughter and applause on the Democratic side.]

Mr. Speaker, at the beginning of this session you appointed a Committee on Insular Affairs, consisting of 17 members, to consider the question now before this House. Four months have come and gone, and that committee has never been permitted to consider for one hour a bill for the civil government of Porto Rico.

I want to say for the benefit of the chairman of that committee that he is in sympathy with the people of Porto Rico, and believes they should have a liberal government. He feels in his heart to-day that this is a most infamous measure. We have had hearings before that committee; we have had the Governor-General of the Territory. We have the report of the commission appointed by the President to visit that island and report on a form of government suitable to those people. We have had a part of that commission, we have had delegations from every industry in that island, before us. We spent from early in January until early in February investigating the conditions of Porto Rico and its people, and that committee has been prepared since the 5th day of February to take up and consider intelligently legislation for the people of Porto Rico.

And as a member of the minority of that committee I have endeavored to have it consider a form of government for that island, but they have been prevented by some power behind the throne; and I say up to this time here in April that committee has never given one-half hour to the consideration of a government for the people of Porto Rico.

Why, Mr. Speaker? I will tell you why, and if your side can give any better reason let them answer. The reason was it was the purpose of the supporters of this infamous tariff to keep Porto Rico without a civil government, so you could come here and say to this House and to the country, "They have no government; they have no means of raising taxation and therefore let us give them immediate relief now by tariff duties; they have no way of taxing themselves." You have delayed for months giving those people a civil government, in order that you might argue that because they had no civil government it was necessary to put this tariff upon them to raise revenue. That has been your purpose.

Now, it has been said by some very distinguished Republicans in this House that the President—and I am speaking now of the letters of apology that have been sent out by prominent members of this House to satisfy the people—one distinguished gentleman said:

> The President is but a man, and often has to act and recommend matters before he has that wide information which will enable him to maintain the position which he takes.

He was apologizing for the President's "plain-duty message," intimating that the President was so stupid that when this Congress met, with the report of General Davis before him—and I hold it in my hand—made on the 13th day of October, giving an account of the cyclone in that island, giving an account of the conditions of the people there, telling you how badly they needed revenue, how little property they had to tax, showing the poverty of the people, and the great necessity for immediate relief—I say with all this information before the President when he wrote his message, you insist that he did not understand the situation. I challenge you to show any information that you have now, with reference to conditions in Porto Rico, that you did not have when the President sent his message to this House in December. You have none.

Mr. Speaker, I do not charge that the Republicans are controlled by the sugar trust, but I charge that on the 19th day of January all the leading Republicans here and the President were in favor of free trade with Porto Rico. I charge that these hearings show that on the 22d day of January, three days later, Mr. Oxnard, the only sugar king who has come before the committee of this House, appeared to oppose free trade with Porto Rico.

That was on the 22d, and within one week the leaders of the Republicans were advocating a tariff against the people of Porto Rico, as suggested by Oxnard. You may say the sugar trust controlled you or say what you please; you have not shown the country any other reason for your sudden change, and you never will. [Applause on the Democratic side.]

I am in favor of taxing the sugar, the coffee, and tobacco of Porto Rico. But tax these products in Porto Rico as the property of Porto Rico for the benefit of the people of Porto Rico. When you pass this bill you have no assurance that you will collect a single dollar from sugar and tobacco imported under it. Why, sir, it is said that as soon as the legislature adopts a form of government and puts it into operation in that island, this tariff law

will end; and if it should end within six months, those people who now hold this sugar and tobacco would be free from the operation of this law.

Sir, there is no evidence that this sugar and tobacco is in the hands of a trust; but if it is, why will they not hold on to their sugar and tobacco in Porto Rico and not import it into the United States until the legislature in Porto Rico has acted and they can bring their sugar and tobacco in free? And will not the holders of this sugar and tobacco lobby with the legislature to hasten the early adoption of a form of government? On the other hand, Oxnard will be there to oppose such legislation, and you will have down in Porto Rico the best lobby that ever assembled outside of the United States. [Laughter and applause.]

Under the provisions of this bill Porto Rico may be prevented by a lobby from having a form of government and a system of taxation of her own for two years. It is plain to any man who will consider for one moment the effect of this question what the final result will be. It all rests with the appointments of the President. If Oxnard can control the President, he can control the six men who are to be sent down to Porto Rico.

Mr. RICHARDSON. Appointed by the President.

Mr. JAMES R. WILLIAMS. Yes; six men appointed by the President. They will feel that they have more liberty when they get down there in Porto Rico. Now, Mr. Speaker, if any Republican of this House is afraid that his people are a little nervous on this question, all he has to do is to get up, as did the gentleman from Indiana [Mr. WATSON], and read a letter from an appointee of the President, appointed on the recommendation of the member himself, perhaps, indorsing the member who secured his appointment! [Laughter and applause.]

Gentlemen talk about people down there wanting this bill passed. When men stand on this floor and represent to the House and the country that they know better what the people of Porto Rico want than those people themselves, they are simply aping the men of Great Britain, who, in 1776, claimed that they knew better what the American colonists wanted than the colonists knew themselves.

The people of Porto Rico are against this measure. You have the power to heap this curse upon them against their protests; but if you do so, a good part of its damnation will fall on your heads early in November as surely as you live to see the day of election.

There is no apology for this wrong which you are about to inflict upon those people. It was proper that you should give ten days to those gentlemen across the aisle who are compelled to vote against their honest convictions, who are compelled to misrepresent the people of their districts—it was proper you should give them ten days to prepare their apologies for perpetrating this infamous and outrageous wrong upon the people of that little island.

Why, sir, one gentleman says that those people do not need any market; that they have not anything to sell. That is the way to induce them to raise sugar and coffee and other products—give them a market in which to sell their products. Oxnard said free sugar will take millions of money into that island, build up new industries, and largely increase the production of sugar there. That is just what those people need to lift them out of poverty and distress into prosperity and happiness. Sir, that is what they need. Now, when we on this side appeal to you to put a tax on rum in Porto Rico you shed tears and answer, "No." But when it comes to putting a tax on food and clothing for those poor people, you clap your hands and vote "aye." Away with such sympathy as that! [Applause on the Democratic side.]

Mr. Speaker, the Territorial part of this bill is simply infamous. The executive council, or upper branch of the legislature, is appointed by the President, eleven in number, and six of them may be residents of the United States—I mean outside of Porto Rico. These eleven men appointed by the President have the power to dispose of all the franchises and public privileges in that island, and yet they are in no way responsible to the people of Porto Rico. What a field for bribery and corruption! What an outrage to place all these precious rights and privileges of these people in the hands of such a body!

Mr. Speaker, this provision is sure to breed corruption. It is a public shame to rush such an unjust and vicious bill through this House without debate and without any opportunity for amendment. In this matter the House has completely surrendered to the Senate. [Applause on the Democratic side.]

Mr. RICHARDSON. I yield thirty minutes to the gentleman from Massachusetts [Mr. MCCALL], to be allotted to such gentlemen as he may select.

Mr. MCCALL. I yield five minutes to the gentleman from Michigan [Mr. HENRY C. SMITH].

Mr. HENRY C. SMITH. Mr. Speaker, I desire to put on record my reasons for not supporting the present measure.

I believe the policy of this bill to be wrong. I believe that it is the desire of my constituents and my plain duty to vote against the measure. Recently I have been in Michigan and have felt the public pulse, and from the Detroit River to the city of Grand Rapids I have hardly found a voter within the limits of my State, of whatever political faith—Republican, Democrat, or Prohibition—who favors this bill.

While in Grand Rapids the State Prohibition convention met, and I had opportunity to talk with many people from all parts of the State. Municipal elections were held while I was in Michigan, and the principal theme of conversation was the Porto Rican bill. And the sentiment is unanimous, or nearly so, against the measure. The people of Michigan are fairly on bended knees, praying that this cup may pass from them. They are not satisfied with any reason so far given for the change of the policy of our party as set forth in the President's message. Indeed, any reasons suggested are not taken by the people to be reasons.

I desire not to be out of harmony with my party, and appreciate fully the responsibility of standing alone in my delegation. At the same time, the thing that God gave every man to distinguish him from all others of the race is his individuality, his personality, his conscientious self-control, and when man loses that individuality, that independence, that moral force, he ceases to be the distinct man whom God created—that likeness of the Divine Maker—and is then the mere shadow and echo of some one else. And while I may be uncomfortable in my association with the members of my party because of the position I have taken, at the same time I shall be comfortable with myself and with the monitor that guides man right on every path of life—my conscience.

For years the people have been taught that the Porto Rican island was the Gem of the Antilles; that this was a most desirable country, a country teeming in wealth, a country that under the hands of American industry could be made to yield rich returns; that it was fairly contiguous to the United States; that naturally it should be a part and parcel of us; that the sugars and coffee and the tropical fruits would in part supply our needs.

But now that this territory has become ours we hear the claims set forth that the country is nearly valueless and the people far removed from civilization. The people can not be made to believe in the truth of these assertions, which history so pointedly contradicts.

The thing to which I object, and which the people find fault with, is the matter of bad faith. The American people are essentially an honest people, and believe in fair dealing, in good faith, in common honesty.

When the Porto Ricans laid down their arms and surrendered their sovereignty, surrendered all that they had, General Miles said to them that they should be a part of us and should have the common rights of common American citizens. While in the law he had no right to bind our country by such a promise, at the same time, in morals and in common right and common justice, that pledge, made to these people as they bowed on bended knees to the Stars and Stripes, by the officer to whom they surrendered, ought to be in good faith carried out. Then, too, this promise has been ratified, as I shall later show.

Secretary of War Root took the same position in his report. The President, in a speech in a Western State early in the fall, suggested free trade between Porto Rico and the United States. These things may have been done as a carrying out of the promise of General Miles or they may have been done to test the public pulse. In either case the people responded with unanimous consent to such policy. Following this, the President embodied in his message, in as strong words as could be fashioned in the English language, the statement that our plain duty toward Porto Rico was free trade. Following this, both in the Senate and in the House, free-trade bills were introduced, the one in the House on January 24. This bill was fixed for hearing for February 9. The night before, without consultation with the members of our party, without authority, so far as I can learn, without reason, so far as the people can see, the policy of the President and the policy of the party, approved by the people, was changed. And a storm of indignation has swept the American heart and the public conscience ever since, a storm that will not be allayed. The American people will not submit to such double dealing.

Right and duty are always majestic ideals. The comfort and the pleasure which come from right action nerve the arm of the warrior, kindle the imagination of the poet, make words to bud and blossom on the lips of the orator, make the priest and the minister eloquent, inspire the toil of the statesman, take the doctor out into the cold and inclement night, soften every defeat, and gild every victory. These things bring man in harmony with the eternal. And the people love goodness and right and justice and fair play.

Our nation is not our possessions, not our battle ships, not our armies, nor our merchant marine, whitening every sea, not our pride, our pomp, our glory, but the thing that distinguishes our nation is the justice of man to man, the justice and the consideration of the Government of the rights of all those who dwell beneath the ample and protecting folds of the flag.

Mr. Speaker, I believe with the great Bismarck that this world

is not ruled from below. I believe with him that there is a God of nations and a God of battles that points the victory for the right. I believe that we can trace the finger of God in the rise and fall of nations. At the birth of our Savior the commercial center of the world was in the distant East. Then it passed on to Babylon and Nineveh, and then on to Carthage, and then to Rome, and on to England. And I believe that that great pendulum is now swinging over the United States. "Westward the star of empire takes its way."

And I believe that this is the exalted opportunity of the American Republic and that only the Republican party, which I love, and love to serve, can lead this great nation on to that wonderful attainment. And I believe that in this world the good alone are triumphant. I believe in the survival of the fittest—the survival of the dressmaker; and because I believe that the good alone will triumph I can not bring my conscience to the support of this bill. [Applause.]

The thing, Mr. Speaker, that I can not satisfy, that monitor that guides men aright in every pathway of life, is what I regard as the exercise of bad faith toward this weak people. That is the thing that the people in my district complain mostly about.

When these poor Porto Ricans fell on bended knees before the Stars and Stripes, General Miles, our representative there, made unto them a promise, in substance, that if they would fall down and worship us they should be of us, a part of us, and should have the blessings that come to the citizens of the United States.

I am told, sir, that the promise of General Miles had no legal or binding effect. That may be true, Mr. Speaker, as a question of law; but I believe that when the Commander in Chief of the armies of the United States appointed General Miles to go down there and do battle and accept the surrender of the Porto Ricans, and they fell down in the presence of our flag, and he made unto them a promise of that character, I believe, sir, that in morals and in conscience we ought to carry that pledge into effect. [Applause.]

And for that reason I shall cast my vote against this bill. In doing so I shall enter my protest against this legislation, and if those members of the Democratic side who loudly claim to stand for principle, but who are not in their seats to-day, were present to make good their position as claimed, my protest would be made effective.

The preamble to the Constitution of the United States, the chart by which we sail, provides:

> We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty for ourselves and our posterity, do ordain and establish this Constitution.

The aim and the ideal of the fathers was, and the thing they sought to establish was, "A more perfect union," and was to "insure domestic tranquillity."

There can never be that sisterhood of States, that more perfect union, that domestic tranquillity which the fathers sought to insure to posterity, when one State in that sisterhood, one Territory in that sisterhood, one domain in that sisterhood, one colony or one province shall have one kind of taxation and another part have another rate of taxation.

The very bed rock and foundation stone of the Republic is equal rights and equal opportunities to all who dwell beneath the Stars and Stripes.

If Alaska could besiege Congress with argument and lobby for a low tariff, Arizona for a high tariff, and Massachusetts for no tariff, the tendency would be toward a family quarrel and toward a destruction of that harmony, union, sisterhood, and tranquillity sought by the fathers to be established.

I have not changed my thought nor my position concerning this measure. I yielded assent to the House bill with the amendments, for the reasons that the measure was not to be taken as the policy of this nation; that it was to be temporary; that it was to meet a dire and pressing necessity, to relieve a suffering people, polite charity, and because the amount was reduced so as to yield an amount which would meet the actual necessity of these unfortunate people, made unfortunate by storm and flood, and because no better way seemed to be pointed out or known for relieving the distress of the Porto Ricans. I shall speak further of this later on.

But almost immediately upon the passage of the bill a way was found by turning over the revenues already collected from them—more than $2,000,000 in amount. This measure passed both the House and the Senate and received the signature of the President, and the necessity for present relief has passed. It can not be necessary that we at once spend large sums of money to build schools for those who for four hundred years have got along without them. Schools come with the necessity for them. These people do not desire charity. They simply and only desire the equal right to enjoy the equal privileges and bear the equal burdens of the true freeborn American citizen. We have already turned over to them the following sums: $1,000,000 out of emergency fund; $2,095,000 out of tariff on trade with United States; $1,500,000 out of tariff on trade with foreign countries; total, $4,595,000.

I do not feel that I should be criticised for the position I take when men in my party are at liberty to vote against measures, and that without criticism. Men on the committee which has this bill in charge voted against the measure establishing a government in Hawaii, but they are not read out of the party.

I believe I am in harmony with the real, honest sentiments of a large majority of the men of the House. Nearly all of the members will admit that in their judgment the change in the policy of the President was ill advised.

I know I am in harmony with my party outside of the House. The Republicans of Massachusetts, of Michigan, of New York, all gave expression in their platforms to the sentiments I maintain.

Michigan, in her platform, said:

> Providence has made this nation the instrument for the uplifting of the oppressed people of Porto Rico.

New York made this ringing declaration:

> Wherever our flag has gone, there the liberty, the humanity, and the civilization which the flag embodies and represents must remain and abide forever.

And these declarations are not yet two years old.

I have not in any manner changed my position on this question from the beginning until now. I am right where I was in the beginning. I have heard all the arguments, read all I have been able to find on the subject; have heard the arguments of my constituents; have tried to reason the subject out for myself, and in the best of good faith tried to solve the problem in harmony with the views of the committee.

I voted for the House bill with the understanding that it was necessary to give immediate relief, etc., but this measure is not the one I supported. This bill provides for a Territorial government of the island. It is thus far permanent in its character.

It fixes the status of the people of Porto Rico and, in section 7, declares—

> That all inhabitants continuing to reside therein [in Porto Rico] who were Spanish subjects on the 11th day of April, 1899, and then resided in Porto Rico and their children born subsequent thereto, shall be deemed and held to be citizens of Porto Rico, and as such entitled to the protection of the United States.

Then, too, section 5 of the original House bill, which in a large measure induced many to support the bill, is entirely wiped out. The original section reads as follows:

> This act shall be taken and held to be provisional in its purpose, and intended to meet a pressing present need for revenue for the island of Porto Rico, and shall not continue in force after the 1st day of March, 1902.

By the present bill we, as a nation, take a position before the world. We put into solemn enactment, to remain forever staring us in the face, to tie our hands for all the future, the proposition that we may tax certain people under the protecting folds of the flag in a different manner from what we tax other people protected by the same flag.

The measure declares that the people of Porto Rico are not citizens of the United States, but that they are in effect subjects—the adopted children, who shall have the butter spread thinner on their bread by a stepmother of their own choosing; that the old hen may levy a tariff upon the chickens which come home to roost.

Such a policy will forever and ever, like the fabled coat of old, burn deeper and deeper into our national life and character.

This bill puts it upon the statute books, where it may be read of all men, for all the days of coming time, that the General in Command of our armies, appointed by the Commander in Chief of the armies of the Republic, may not have his promises carried out—promises ratified by two years of silence, ratified by the opinion and report of the Secretary of War, ratified by the public speeches of the President, and ratified by the President's message, written in unfading ink, on parchment that will outlast time.

We can not, as a nation, afford to say to the world and to the people of the earth that such promises may be repudiated and are only to be used to stimulate false hopes in the throbbing bosoms of oppressed subjects.

And we are told that the plain duty to give to the Porto Ricans free trade did not mean a present duty, but that we were to do this by and by, at some more convenient season.

I can not bring my judgment and my conscience to the support of such shuffling and bad faith.

To my mind, our obligations are moral, not constitutional. The people of Porto Rico, civilized as well as barbarous, are to be, under the new dispensation, cut off from every benefit supposed to be bestowed by the American system of government.

They are not to be represented in the American Congress. The tariff is a tariff against our own territory. They are left nothing but a dead market. This is the Roman method, "Make a solitude and call it peace." It is simply despotism with no regard for the rights of man.

The bill ignores the great principle that government is for the benefit of the governed. This is a time for candor.

General Miles, when first landing American forces on the island, promised the Porto Ricans that they should enjoy the same rights and privileges and immunities as the people of the United States.

With this understanding did the Porto Ricans accept American sovereignty not only without opposition, but with joyful trust and confidence.

This great Republic can not afford to break faith with the little island of Porto Rico. If we break the pledge of General Miles, we ought to give up the fruit which called forth that promise.

The people are therefore opposed to this measure, and the national heart and the national conscience has been stirred to the deepest depths.

There is nothing in the language of the Constitution, in my judgment, which makes the bill unconstitutional.

I believe that the power of Congress over all territory outside the boundary lines of the States is coextensive with the power of the English Parliament.

The power to govern such territory is found, necessarily, under our system somewhere. It certainly has not been reserved to the States. The jurisdiction of a State is confined strictly to its own territory.

But this act violates the common law of England and America, which requires that taxation shall be uniform.

This is not a new question. The old stamp act and the duties on tea of George III and his Parliament are in point.

Every single argument that can be made in favor of the Porto Rico bill was advanced in favor of those acts. We all know how they were regarded in this country—what Adams, Otis, and Jefferson thought of them.

A certain cargo of tea was thrown into Boston Harbor. Is there any particular reason why another cargo should not be dumped into the Gulf of Mexico?

In my judgment, the Republican party can not afford to follow the example of George III now or hereafter.

I am an expansionist, but I am unconditionally in favor of treating the inhabitants of all our territories, at home and abroad, with simple justice. Equality is equity, and equality is the soul of liberty.

The question involved is not protection, but equal taxation. Abraham Lincoln freed 4,000,000 physical slaves. Are we going to emulate this example in the islands of the sea, or are we, for the sake of selfish interest, and in spite of the pledge of the President, going to fasten commercial slavery upon them?

The provision of our Constitution—"The taxes, duties, and imposts shall be uniform throughout the United States"—was placed there for a purpose, and the purpose was to insure the absolute equality and sisterhood of the States.

The framers of the Constitution saw with prophetic vision that the differing soil, climate, waterways, and circumstances of one part might naturally lead to the advantage of one part and the disadvantage to another, of our great domain. That it would breed rivalry, strife, and discontent; that one part would become more valuable and influential than another.

That the money gathered from tariff might be more beneficial and useful to one portion of the country than another, as the pensions are now paid largely in the North.

To prevent this strife and turmoil and contest, and that we might really become one family—a sisterhood of States—it was determined in the beginning that no State should be discriminated against or in favor of, as concerning duties and imposts.

This bill is taxation without representation. It is idle and childlike that we should gather money from them, turn it over to them, expend it for them and for their advancement, instead of permitting them to raise the money themselves, for themselves, and expend it as they see fit.

In this land of equity and equality it can not be right that they should be taxed without having any voice as to the method of taxation or the use that shall be made of the money.

To my mind the amount of the taxes cuts little figure. King George III offered to strike from the stamp act all but the title. He only required that the colonists should recognize the principle that they were slaves and not free—that the King was the master and they were to serve.

The advocates of this bill seem to be the King George of this century. Willing to accept any amount so that the principle may be saved; that it may be established; that different taxation may obtain in one territory from that of another.

I oppose the bill for the reason, among others, that I have not been shown one reason why the policy of the President has been changed.

To my inquiries has come back the answer that it is the measure of the committee, the policy of the party, approved by the leaders and approved by the President. Those who claim a change has been made either can not or will not state the reason therefor.

If the reason can not be stated, then none exists. If the reason will not be stated, then the reason therefor is open to suspicion. It is little comfort to know that the original bill was drawn after a consultation with the President and with officers of the Cabinet. Why not state frankly, freely, and fully that the President did or did not authorize the original bill?

There is no comfort or convincing force in the statement that the original bill was drawn after consultation with a Cabinet officer, or an intimation that it was drawn by him. If the bill was drawn by a member of the Cabinet, why conceal the fact?

Does the cheek of the author of the bill mantle with shame when the parentage thereof is inquired into?

I am neither convinced nor helped by the secrecy attending the birth and growth of the measure thus far.

The original bill was early introduced and full opportunity given for consideration. No fault was to be found therewith.

Then all at once, and without warning or the knowledge of the members, this new change was brought to the light of day. We were taken around behind the hillside and told that the President now desired that *this* policy should go through.

Referring again to the stamp act, Hansard's Parliamentary History shows that—

When the British Parliament passed the stamp act in 1763 to tax the colonies it bred an instant storm because it was taxation without representation. The Americans not only refused to pay it, but they proceeded to mob every one of the imperialists of those times who had the temerity to speak a good word for the tax. Franklin went to England and served notice upon the ministry that the colonies would cheerfully meet any public burden that fell to their share in maintaining the British sovereignty, provided they were allowed to levy their own taxes, but that the stamp tax or any other based upon a similar principle they would not pay. After he had preached the doctrine of no taxation without representation for fourteen months in England, the public agitation grew so great, even in Great Britain, that Parliament was forced to take cognisance of it. Franklin was called before the House of Commons January 28, 1766, and examined at great length. The following extracts from the proceedings are sufficient to reveal the parallel:

WHAT FRANKLIN SAID.

"Don't you know that the money arising from the stamps was all to be laid out in America?" Franklin was asked.

"I know it is appropriated by the act to the American service."

"Do you think it right that America should be protected by this country and pay no part of the expense?"

"That is not the case. The colonies raised, clothed, and paid, during the last war, near 25,000 men, and spent many millions."

"Do you think the people of America would submit to pay the stamp duty if it was moderated?"

"No, never, unless compelled by force of arms."

"What was the temper of America toward Great Britain before the year 1763?"

"The best in the world. They submitted willingly to the government of the Crown, and paid, in all their courts, obedience to all the acts of Parliament. They were governed by this country at the expense only of a little pen, ink, and paper. They were led by a thread. They had not only a respect but an affection for Great Britain, for its laws, its customs, its manners, and even a fondness for its fashions that greatly increased the commerce. Natives of Great Britain were always treated with particular regard; to be an Old England man was of itself a character of some respect and gave a kind of rank among us."

"And what is their temper now?"

"Oh, very much altered."

"In what light did the people use to consider the Parliament of Great Britain?"

"They considered the Parliament as the great bulwark and security of their liberties and privileges and always spoke of it with the utmost respect and veneration."

"And have they not still the same respect for Parliament?"

"No; it is greatly lessened."

"To what causes is that owing?"

"To a concurrence of causes; the restraints lately laid on their trade, by which the bringing of foreign gold and silver into the colonies was prevented; the prohibition of making paper money among themselves, and then to demand a new and heavy tax by stamps, taking away at the same time trials by jury and refusing to receive and hear their humble petitions."

"Don't you think they would submit to the stamp act if it was modified, the obnoxious parts taken out, and the duty reduced to some particulars of small moment?"

"No; they will never submit to it."

"Have you not heard of the resolution of this House and the House of Lords asserting the right of Parliament relating to America, including a power to tax the people there?"

"Yes; I have heard of such resolutions."

"What will be the opinion of the Americans on those resolutions?"

"They will think them unconstitutional and unjust."

"Considering the resolutions as to the right, do you think, if the stamp act is repealed, that the North Americans will be satisfied?"

"I believe they will."

"Why do you think so?"

"I think the resolutions of right will give them very little concern if they are never attempted to be carried into practice. The colonies will probably consider themselves in the same situation in that respect with Ireland. They know you claim the same right with regard to Ireland, but you never exercise it. And they may believe you never will exercise it in the colonies any more than in Ireland unless on some very extraordinary occasion."

WANT REPRESENTATION.

"But who are to be the judges of that very extraordinary occasion? Is not the Parliament?"

"Though the Parliament may be judge of the occasion, the people will think it can never exercise such right till representatives from the colonies are admitted into Parliament, and that whenever that occasion arises representatives will be ordered."

"If the act is not repealed, what do you think will be the consequences?"

"A total loss of the respect and affection the people of America bear to this country, and of all the commerce that depends on that respect and affection."

"How can the commerce be affected?"

"You will find that if the act is not repealed they will take very little of your manufactures in a short time."

"Is it in their power to do without them?"

"I think they may very well do without them. The people have already struck off, by general agreement, the use of all goods fashionable in mournings, and many thousand pounds' worth are sent back as unsalable."

"Supposing the stamp act continued and enforced, do you imagine that

ill humor will induce the Americans to give as much for worse manufactures of their own and use them preferably to better of ours?"

"Yes; I think so. People will pay as freely to gratify one passion as another, their resentment as their pride."

"Would they suffer the produce of their lands to rot?"

"No; but they would not raise so much. They would manufacture more and plow less."

"Would it be most for the interest of Great Britain to employ the hands of Virginia in tobacco or in manufactures?"

"In tobacco, to be sure."

"What need to be the pride of the Americans?"

"To indulge in the fashions and manufactures of Great Britain."

"What is now their pride?"

"To wear their old clothes over again till they can make new ones."

THE KING'S RIGHT.

The "resolution of right" which was adopted when the stamp act was repealed shortly after Franklin's hearing is as follows:

"That the King's Majesty, by and with the advice and consent of the Lords spiritual and temporal and the Commons of Great Britain in Parliament assembled, had, hath, and of right ought to have, full power to make laws and statutes of sufficient force and validity to bind the colonies and people of America, subjects of the Crown of Great Britain, in all cases whatsoever."

We all know the foregoing is an accurate picture of what this nation may expect if the course proposed is carried out toward Porto Rico. To my mind the parallel is complete.

I have no purpose in what I have said to reflect in any manner upon my party, the party I love and love to serve—the party that was born in purity and in purity and justice has continued.

I have no wish to place myself with the party of negation, and the party which has no love for its ancestors and no hope of posterity.

Let us call the roll of *our* immortals: Lincoln, that almost more than human man; Grant, the silent warrior, the safe statesman, who made the circuit of the world, and was honored everywhere.

Hayes, of Ohio, whose public service was without a blemish or a scandal.

Garfield, who went from the towpath to the Presidential chair.

Arthur, a just, true patriot.

Harrison, of Indiana, under whose rule this nation attained its highest measure of progress, and William McKinley, who fought with Sheridan in the Shenandoah Valley, to-day the foremost man in all the world.

Grover Cleveland, the only President of the Democracy since I have been on earth, is never mentioned by his party save in scorn and derision, and yet in the annals of time his deedswill shine in unfading glory when his traducers shall sleep in unremembered graves.

Stephen A. Douglas, the Little Giant, the foremost man of his party since my remembrance, has been by you forgotten, and yet to the rest of the world he was a wonderful man.

After all the debates and the strife and the contention with Lincoln, when the election was over and Lincoln was President, and the flag was fired upon and the nation was in peril, Douglas, in heroic grandeur, rising to exalted heights, forsook his party, and forgetting party fealty, party pride, and party hatred, forgetting Lincoln the man, and remembering Lincoln the President, went to him and held up his hands, and stood only for the common country and the common flag.

Wonderful patriotism, wonderful sacrifice. And when Lincoln, before the Capitol of the nation, took the oath of his high office, Stephen A. Douglas, as an humble citizen, was willing to and did hold his hat.

In the record of the eternities the name of Lincoln and the name of Douglas will be written side by side in lines of unfading glory.

Douglas the patriot, and Lincoln the greatest American. [Applause.]

Mr. McCALL. Mr. Speaker, I yield ten minutes to the gentleman from Illinois [Mr. WARNER].

Mr. WARNER. Mr. Speaker, the history and manipulation of the question we are now considering is certainly peculiar, and its final decision will produce greater results than many may now anticipate. That we should give it careful consideration and act on our own honest, unbiased judgment, keeping in mind the wishes of our constituents, whose will it is our duty to execute, can hardly be doubted.

It is only a short time since our honored and trusted Chief Executive, in his message to the two Houses of Congress, tersely stated it to be our "plain duty" to abolish all custom tariffs between the United States and Porto Rico, and to give her free access to our markets. In so stating he so certainly voiced the unanimous sentiment of our people that not one word was pronounced, written, or printed in our whole great country criticising or objecting to his position, and all the people, regardless of party, relied upon his implied promise and were pleased.

Later, on the 19th day of last January, the esteemed chairman of our Committee on Ways and Means in this House introduced a bill to extend our laws relating to customs and internal revenue over the island of Porto Rico, proposing to carry into effect, by legislative enactment, the recommendation of our President.

That bill was referred to that important committee. Not one word was heard in this body against it, because it embodied the American idea and a principle and practice of our Government from its foundation down to this day. It was not considered by anyone a partisan measure, and it was confidently expected that it would be favorably reported and as unanimously passed as was, two years ago, the bill placing in the hands of our great President $50,000,000 to be expended by him in his discretion.

No one doubted the wisdom of our President or the propriety of the bill, and we all confidently waited and anticipated the reporting and passing of the bill as a matter of course.

The idea had never entered the American mind that a tariff might, or should be, imposed upon the commerce and trade between different parts of our common country, however acquired or by whatever name known. No one suspected it possible that Congress would even consider the question as to whether we should deny the peaceable, law-abiding people of this, our new, acquisition all the commercial rights and privileges we had in the past universally conceded our newly acquired domain.

All, regardless of party, approved the sentiment expressed by the President and the policy indicated by the bill, and there was a feeling of satisfaction throughout the land. There was not a cloud above the horizon, when, without warning, like a clap of thunder out of a clear sky, from the same source came a bill, the foundation and a part of the one we are now considering, diametrically opposed to the recommendation of the President, to the bill first introduced, and to the will of the people.

At first the people were astounded. They could not understand. They could and did understand the meaning and object of this new bill, but they could not and do not understand how and why the two bills could come from the same source and within so short a time; they could not and do not understand how it could be introduced and recommended in the light of the principles and traditions of our country, the universal approval of the President's message, and the love of our whole people for justice and the equal rights of all under our flag in life, liberty, and property. It will not be wise for us to hide our heads within these walls and claim that the people are ignorant and do not understand the question; that we must educate them. They do understand it, and if we do not do our duty and listen to them they may educate us. We are here simply as the agents and servants of the people who sent us here, and we should obey their instructions and wishes. We should not be guilty of a breach of trust or of larceny as bailees.

I respectfully submit that every argument first used in support of the tariff provisions of this bill was fallacious or has since been contradicted by the gentlemen who urged it. At first an attempt was made to muddy the water by a learned discussion of the proposition that the proposed legislation was not absolutely prohibited by the Constitution, as though this body could not do what was right unless absolutely compelled so to do by the Constitution, and that our power alone was sufficient reason for the proposed action. No one has questioned or can question that under the Constitution we have ample power to accord Porto Rico the same access to the markets of the States, not only for the purpose of purchasing but for the purpose of selling, that has never been gainsaid any other territory under our flag; and with equal propriety we might say that that authority compels us to open our markets to Porto Rico.

Again, it was urged that it was absolutely necessary for us to pass this tariff feature and turn its proceeds, under the direction of the President, over to that Territory in order to prevent the necessity of appropriating money out of the Treasury to meet its public needs. Almost immediately more than $2,000,000 were appropriated out of the Treasury for that purpose, more than enough to meet the public requirements of the people of that island for the coming two years, and that argument was destroyed.

Next, it was claimed that there was a difference of opinion as to whether under the Constitution the proposed tariff could be lawfully imposed, and that in order that the question might be speedily brought before the Supreme Court and authoritatively settled, it was necessary that the bill be passed, the collection of the tariff resisted and enjoined, and a case made. To expedite the decision of that question parties in New York City contracted in Porto Rico with a native of that island to perform for them labor in New York and brought him there under contract, and he was arrested, with the statement that he was to be deported.

The New York parties commenced habeas corpus proceedings under the claim that the Constitution extended to Porto Rico; that the Porto Rican was a citizen of the United States, and that in consequence thereof the foreign contract-labor law was not being violated. Habeas corpus proceedings have the right of way, and it seemed that the alleged purpose of the supporters of the tariff feature of this bill would be immediately accomplished when the Secretary of the Treasury caused the question to be dodged by ordering the release of the prisoner, and that argument went out of the window. The Secretary's avowed reasons

for his action will hardly satisfy anyone who really wants the question promptly, judicially settled.

The public necessities of the Porto Ricans being now amply provided for during the proposed life of this proposed tariff, and its friends declining to let the constitutional question speedily come before the courts, I can not see the shadow of an excuse for the imposition of the tariff. Our revenues are now exceeding our expenditures. A surplus is being accumulated in the Treasury, and under existing law this proposed additional tariff or tax is not required for any purpose. The reasons assigned in the preamble to the original bill passed by this House being fallacious, if not unfounded, the Senate amended the bill by striking it out; and our Committee on Ways and Means admits the correctness of this decision by recommending the passage of the bill as amended by the Senate.

The Senate has weighted the bill with a civil government amendment and has made other amendments, seeking to sugar coat the objectionable tariff provisions, but making, in my judgment, the present bill, in principle, more objectionable than when it left the House. As it left us it proposed to impose a tariff upon products shipped by us to Porto Rico as well as upon products shipped by the Porto Ricans to us. As it comes back it proposes to allow us to ship and sell most of our products to Porto Rico free of duty, but to compel them to pay for the privilege of shipping and selling their products to us.

This, I submit, is not reciprocity or common fairness. It is an unjust discrimination in favor of the rich and strong against the poor and weak, and it is unworthy of our great Republic. It is proposed to impose this tariff simply because, in the opinion of some, we are not prevented by the Constitution and have the power to do so. By taking possession of Porto Rico we have deprived it of markets it otherwise would have retained and have only half opened to it the doors of our own. If our positions were reversed, and Porto Rico were the power and we the dependent, and she should attempt to force upon us such an unjust enactment, the spirit of 1776 would assert itself and there would be a righteous revolution. That Porto Rico is too poor and weak to resist is no excuse for our proposed action.

The amount or duration of the proposed tariff is not the controlling question, but the principle is what we should consider and allow to govern us.

It is not a question of expediency, but of honor.

The fact that this bill limits the duration of the proposed tariff is an admission by its framers that in principle and practice it is wrong.

The action of the Senate, acquiesced in by the Committee on Ways and Means of this House, in making the tariff merely nominal, to remain in force only a short time, is an admission that it is unjustifiable. And, in view of the $2,000,000 appropriation, will it not be unwise for us to enact this unnecessary legislation, indorse this new policy, and establish this dangerous precedent?

For years I have been in favor of reciprocity with Cuba and Porto Rico; for years I have been in favor of and advocated their honorable admission as Territories, on the ground that their admission would be to the benefit of themselves and us. I have so favored because we should have them as free markets for our manufactures and farm products, which they use and consume, but do not produce, and we should be able to obtain free of duty their sugar, coffee, fruits, etc., consumed, but not produced by us; because their annexation would enable our mechanics and farmers to get a better price for their products and our people to obtain the products of those islands for a less sum, never for a moment suspecting it possible that a tariff tax would be even suggested between any parts of our common country. A Republican, I have always been in favor of reciprocity with foreign countries, and can not now vote to refuse reciprocity with a part of our own.

The proposed measure, I submit, is a dangerous departure from the lifelong policy of the United States; and if it is adopted, we are in the air, and no one can tell what the result will be. If this measure be adopted, no people can safely become a part of us, as they can have no assurance of their status or treatment. We may as well write upon the walls of our borders, "All hope abandon, ye who enter here."

If we made a mistake in passing the tariff feature of this bill, we should correct it at the earliest possible moment.

With due respect for the opinion of those from whom I differ, in my judgment, this House made a mistake in passing the tariff feature of this bill, and now having the opportunity, it should correct that mistake. In my judgment, it is un-Republican; and as a Republican I will vote against it in whatever shape or company it is submitted. [Applause.]

Mr. McCALL. I now yield to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, it is my purpose to devote the time at my command to the discussion of the proposition to impose tariff duties upon the trade between the States and Porto Rico. I had intended to remain silent upon the question and content myself with voting against it, but it has assumed such an aspect that I am impelled to express my views in explanation of my action.

At the outset I deny that the Republican party is committed to the policy of erecting tariff barriers between the States and the newly acquired Spanish islands. As a Republican I have always been an ardent defender of the principles of that great party, and as one of its representatives in this body, I am bound by its traditions and the pledges contained in its national platforms. But I recognize in the delegates assembled in a national convention the only authority to establish a new policy for that party.

Every Republican on the floor of this House owes it to himself and his party to cooperate with the President upon all questions as far as he can consistently do so. This is a Republican Administration, and it should have the entire sympathy of every member of that party and the cooperation of all occupying official responsibilities. Differences of opinion may exist respecting matters of detail and expediency, but I realize the fact that concessions must be made and disagreements be adjusted in order that the majority may carry out in any degree the just expectations of the country. Even in matters of vital importance, involving great questions of principle, those of a minority view should always analyze their footing deliberately and carefully before determining upon a steadfast resistance, lest they be wrong. It is an embarrassing position, indeed, for one to find himself unable to agree with the large majority of his party associates in this body upon even a single question.

But, sir, the question under consideration is one of vital importance. It affects the very character of our institutions and determines the destiny of millions of people who have been fortuitously placed under our control. I have given the question the maturest thought of which I have been capable, and I am of the profound conviction that the measure is wrong in principle. Besides, I am convinced that an overwhelming majority of the people of the district that I have the honor to represent—Republicans as well as Democrats—are intelligently in opposition to the measure. The question, then, for me to decide is, Shall I act in accordance with my own convictions and in harmony with the sentiment of my constituents or shall I suppress my judgment, turn my back upon the people who repose their trust in me, and vote according to the suggestion of gentlemen from other States? There seems to me but one course for me to pursue, and that is to obey my constituents and my conscience.

When and how did the Porto Rican tariff measure become a party question? The President, for whom I have the highest regard in every respect, in his annual message to Congress on the 4th day of last December, unequivocally and emphatically recommended absolute free trade between the States and Porto Rico as a matter of "plain duty." This is what he said:

> Since the cession Porto Rico has been denied the principal markets she had long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty. The markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has, therefore, lost her free intercourse with Spain and Cuba, without any compensating benefits in this market. Her coffee was little known and not in use by our people, and therefore there was no demand here for this, one of her chief products. The markets of the United States should be opened up to her products. Our plain duty is to abolish all customs tariffs between the United States and Porto Rico, and give her products free access to our markets.

There is no mistaking that recommendation.

Then the Secretary of War, in his last annual report, made the same recommendation in terms of equal clearness and force. He said:

> The highest considerations of justice and good faith demand that we should not disappoint the confident expectations of sharing in our prosperity with which the people of Porto Rico so gladly transferred their allegiance to the United States. We should treat the interests of this people as our own. I wish most strongly to urge that the customs duties between Porto Rico and the United States be removed.

General Davis, the military governor of the island, who is better acquainted with its situation than any other American, has repeatedly and persistently recommended the same policy. In compliance with these recommendations, the chairman of the Ways and Means Committee of the House, the honored and respected leader of the Republican side, on the 19th day of January, 1900, introduced a bill providing for free trade with Porto Rico, and that measure met with the favor of every member of the House, as far as I was able to judge, and of the entire country. On the 8th day of February following the same honored chairman of the Ways and Means Committee reported a tariff bill in direct opposition to the President's recommendations and his own original measure. Let me ask, Was free trade with Porto Rico the policy of the Republican party from the 1st of December, 1899, until the 8th day of February, 1900? Then did we reverse that policy and start in the opposite direction? I have said this much in the way of introductory observation to illustrate that it is the duty of

every member of this House to feel the utmost freedom of thought and action upon the great question which I shall now briefly discuss.

THE CONSTITUTION.

The bill as it now stands provides for a very moderate tariff upon certain articles imported from Porto Rico into the States and a like tariff upon a limited number of articles from the States into Porto Rico. It is to be temporary in its operation and the revenues are all to be turned into the insular treasury to be used in maintaining the government. The bill was originally urged in the House as an emergency measure to provide ready money for the relief of the inhabitants of the island, but subsequently a bill was passed turning over to the Porto Ricans about two and a half million dollars—more than the tariff bill would yield during its entire lifetime—so the emergency argument no longer exists. If it shall be the policy of this Government to impose tariff restrictions upon Porto Rican trade, the bill can not be regarded as a burdensome one.

But sir, in my opinion, the bill violates the Federal Constitution and contravenes the policy that this Government has maintained ever since its existence. It involves a principle that is at war with free institutions and repugnant to the genius of Republican government. It is an innocent-looking measure on its face, I confess, but it foreshadows a policy of colonialism against which this Government has been a standing reproach during the entire period of its national life. If we have the right to impose this tariff against Porto Rico, it follows, as a necessary logical sequence, that we have the arbitrary power to impose tariff duties against all of our insular possessions, and all the Territories, without limitation or restriction. This is exactly the position taken in his very able speech on the floor of this House on the 19th of February last by the distinguished gentleman from Pennsylvania [Mr. DALZELL]. It is the position to which the logic of the tariff measure irresistibly leads. The tariff advocates contend that the Federal Constitution does not apply to Porto Rico nor the Territories, and that Congress may legislate for them without any regard whatever to the limitations which that instrument places upon its powers.

I maintain that Congress is bound by the limitations in the Constitution in making laws wherever they may operate. I am one who believes that the Constitution extends to the island of Porto Rico by its own force, provided I be allowed to define what is meant by the extension of the Constitution. I understand by that term that the Constitution operates to restrain and limit the powers of Congress in Porto Rico the same as in New Mexico. Congress must govern the islands through the Constitution. Wherever the Congressional authority goes, the Constitution goes to limit and restrain its exercise. The Constitution applies to Congress whenever and wherever it acts, and therefore it applies to every foot of territory over which Congress has authority. Congressional authority goes limited and hampered by the Constitution. If Congress should attempt to pass a law abridging the freedom of speech in Porto Rico, the Constitution would forbid it.

Wherever the Congressional power is extended in theory the Constitution is extended. Suppose Congress should attempt to pass a law for Porto Rico upon any subject respecting which its power is denied, any inhabitant of the island could question the validity of the act. He could go into a court of competent jurisdiction and invoke the power of the Constitution in his protection, against the enforcement of the law. The court would construe and apply the Constitution to determine whether Congress possessed the disputed power, and if it did not would hold the law invalid. Does not the Constitution extend there, then? Congress has no powers except those granted by the Constitution, and in extending its authority can it carry any powers that it does not possess? It can not carry any more because it does not have them. The Constitution must be resorted to to define the powers of Congress wherever they are exercised. This is what I understand by extending the Constitution.

This is a constitutional government in the sense that its powers are defined by a written charter against the provisions of which Congress has no authority to act. All sovereignty primarily is in the people, and they conferred upon the Federal Government only such functions of sovereignty as they desired to have it exercise. All of the residue of power was reserved to the States and to the people, where they abide now. The tenth amendment declares:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

Additional powers may be given Congress by amending the Constitution, and in no other way. Congress does not possess a single power except those granted by that instrument, and those it must exercise under the conditions and limitations therein imposed, without regard to time, place, or circumstance. I challenge gentlemen to point to a single decision of a court in the entire country that controverts that proposition. It lies at the foundation of all our jurisprudence and is interwoven into every phase of our political life.

Now, sir, what is meant by the annexation of territory? Why, simply extending the sovereignty of the Republic over it. What is sovereignty? The power to govern. Then the annexation of territory means the extension of our power of government over it. That power resides in the Federal Constitution and annexation means bringing territory within the purview of the Constitution. That proposition is axiomatic. It results from the nature of the Government itself. With all due respect to the opinions of distinguished gentlemen to the contrary, it seems absurd that Congress, the creature of the Constitution, can go where the charter creating it is forbidden.

I will not weary the patience of the House by quoting from decisions of courts upon this question, but will content myself with the statement that not a decision of any court of respectable standing in the country can be produced holding that Congress can govern the Territories without regard to the Constitution. I challenge the production of any such decision. On the other hand, I can name a dozen decisions of the Supreme Court of the United States holding, either expressly or by necessary implication, that Congress is bound by the fundamental limitations of the Constitution in legislating for the Territories as well as the States.

And, sir, every foot of land under the flag, whether in a State or Territory, has been governed under the Constitution. Never during the one hundred and twelve years of our national life has Congress passed laws for the government of Territories, organized or unorganized, that denied the inhabitants any of the fundamental rights of person or property guaranteed by the Constitution. I do not forget the resolution of 1803 for the government of Louisiana. That Territory was being governed by the President under the war power, the same as Porto Rico is being governed to-day, and the resolutions passed by Congress conferring absolute power upon the President were utterly without significance.

The President already had full power and those resolutions did not add to nor detract from it an iota. If we should pass a similar resolution respecting the government of Porto Rico, it would not confer upon the President any additional power. It would be in effect only a vote of confidence. If any other apparent exceptions be found, it will be discovered on analysis that they were temporary only and more fully establish the rule. I repeat, sir, that Congress has never enacted any laws for the government of Territories in violation of the Federal Constitution.

I am aware that views have been expressed by eminent statesmen upon both sides of this question, but when Congress came to act it was always on one side, and when the courts came to decide the decisions were all one way. In one instance where territory had been annexed we treated it temporarily as foreign territory for the purposes of taxation, but that was justified on the ground that it was under the control of the President, and Congress had enacted no revenue laws applicable to it, but that does not prove that the Constitution did not apply to the territory.

I have demonstrated that the Constitution applies to territory as soon as annexation is consummated, but it does not execute itself. Governmental machinery must be organized for its enforcement. The President, as Commander in Chief of the Army, may, in the exercise of his war power, govern without regard to the restrictions imposed upon Congressional action, but his government is of necessity, and is supposed to be temporary only. Whenever Congress takes control it must act within the Constitution. During the civil war the governmental machinery was overthrown in the insurrectionary States. There were no courts to enforce rights of person and property, but it will not be claimed that the Constitution did not apply to those States during that period. So with newly acquired territory the Constitution extends, but its provisions can not be enforced until Congress by necessary legislation supplies the machinery for that purpose.

But we hear it said that the island of Porto Rico is not part of the United States and will not be until Congress makes it such by proper legislation. If it is not part of the United States, by what authority do we assume to govern it? Our laws have no extraterritorial force. They can not be enforced in foreign countries. But Porto Rico is part of the United States. It was annexed by the Paris treaty, and our sovereignty was extended over it, and no other governmental act is necessary to consummate the annexation.

CONGRESSIONAL EXTENSION OF THE CONSTITUTION.

Can Congress extend the Constitution to Porto Rico? Did Congress create the Constitution or did the Constitution create Congress? If we can extend the Constitution by a simple legislative act, we can withdraw it by repealing the act. Can we play shuttlecock with the Constitution in this ridiculous fashion? If we can extend the Constitution by an act of Congress, it could only have the force of a Federal statute, and a subsequent act in conflict with

its provisions would repeal it pro tanto. In this connection I quote from a letter written by ex-Senator George F. Edmunds on the 21st ultimo to Hon. REDFIELD PROCTOR:

But the Constitution, as such, I suppose all admit, is not subject to the control of Congress, either to enlarge or diminish, to expand or contract, or to be applied to or withdrawn from any people or place. It is not a movable thing, like the Ark of the Covenant of the Israelites, to be set up and moved here or there, as the tribes might wander. It is the actual event and condition, and not the legislative or executive will, that must, in the nature of things, determine the status of a man or a country under it.

Neither can the question be affected by the terms of a treaty. A treaty has no superiority over an act of Congress. They are of equal dignity, and a statute subsequent to a treaty may repeal it in whole or in part. Who ever heard of an act of Congress being held void because it was in conflict with the terms of a treaty? The suggestion that a treaty is of equal dignity with the Constitution needs no other refutation than the statement carries on its face. If that were correct, the entire character of the Government could be changed by the treaty-making power. Constitutional government for the Territories as well as the States has been our unbroken policy ever since we have had a policy, and, in my humble opinion, it will continue to be as long as the love of liberty finds an abiding place in the hearts of the people.

I believe in the sentiment expressed by President McKinley last August at Ocean Grove, that the flag means the same thing in Porto Rico as it means here. It means constitutional liberty to all within its folds here, and it means the same thing wherever it floats as the emblem of American sovereignty. I can not believe, sir, that its field of azure blue and its stripes of crimson red fade into a colorless rag under the blaze of a tropical sun. Those colors are as firm and steadfast as the loyalty and devotion of the host of American heroes who gave up their lives in defense of the eternal truths they represent.

WEBSTER AND CALHOUN.

The great fame of Daniel Webster is drawn upon to support the doctrine that the Constitution does not extend to the Territories. I know, sir, that in a debate with Mr. Calhoun, in 1849, Mr. Webster declared that the Constitution did not apply to the Territories, and he said furthermore that it could not be extended by an act of Congress. Mr. Webster took the position that if the Constitution applied to the Territories, they would be entitled to republican forms of government, to representatives in both branches of Congress and in the electoral college—in short, they would be States. With that explanation of what he meant by the extension of the Constitution, his position was correct then and is correct now.

But we have had fifty years of national life and growth since his utterance, and we now see with a clear vision how admirably the Constitution is adapted to both State and Territorial political conditions. We have discovered that the Federal Constitution confers no political privileges, but they all come from statehood, and it may cover the Territories without making States of them. But the great Webster was not an advocate of the doctrine of arbitrary government. He never claimed that Congress could pass laws for the Territories in violation of the express provisions of the Constitution. On the 23d day of March, 1848, in an exceptionally well prepared speech in the Senate, he said:

An arbitrary government may have territorial governments in distant possessions, because an arbitrary government may rule its distant territories by different laws and different systems. Russia may govern the Ukraine and the Caucasus and Kamchatka by different codes or ukases. We can do no such thing. They must be of us—part of us—or else estranged. I think I see, then, in progress what is to disfigure and deform the Constitution. * * * I think I see a course adopted that is likely to turn the Constitution under which we live into a deformed monster—into a curse rather than a blessing—into a great frame of unequal government, not founded on popular representation, but founded in the grossest inequalities; and I think if it go on, for there is a great danger that it will go on, that this Government will be broken up.

That language is unmistakable. Are gentlemen who quote him on the other side of the question willing to accept that doctrine? The statement has been made and repeated that the doctrine of the extension of the Constitution was first advanced by Mr. Calhoun in 1849, for the purpose of carrying slavery into the Territories. I am aware that that was Mr. Benton's contention, and in his personal bitterness toward Mr. Calhoun he characterized it as "a vagary of a diseased imagination."

But that is a perversion of history. In the year 1820 John Marshall, as Chief Justice of the Supreme Court of the United States, in a judicial opinion in which all of his associates concurred, declared that the Constitution extended to the Territories as well as the States. He gave expression to that opinion not as a politician or lawyer, but as the spokesman of that court whose reputation owes so much to his high character and ability. It was the Supreme Court of the United States, through its most illustrious chief, that made part of the imperishable history of the country the doctrine of the inseparability of the flag and the Constitution, thirty years before the debate between Calhoun and Webster.

THE REPUBLICAN PARTY AND THE CONSTITUTION.

The Republican party came into existence as the champion of the theory that the Constitution extended to the Territories. The Democrats at that time, under the leadership of Mr. Douglas, advocated the doctrine of "squatter sovereignty"—that the people of a Territory might establish slavery during the probationary period, and on admission to statehood the question should be finally determined whether the State should be free or slave.

The Republicans denied the right in Congress or the people of the Territory to establish slavery. They predicated their position upon the doctrine that the Constitution applied to the Territories, and the guaranties of life, liberty, and property made slavery an impossibility in the Territories. The whole philosophy of Republicanism was predicated upon the supreme and controlling character of the Constitution in the Territories. I will read one resolution contained in the platform of the Republican party in 1856:

Resolved, That with our republican fathers we hold it to be a self-evident truth that all men are endowed with the inalienable rights to life, liberty, and the pursuit of happiness, and that the primary object and ulterior design of our Federal Government were to secure these rights to all persons within its exclusive jurisdiction; that as our republican fathers, when they had abolished slavery in all our national territory, ordained that no person should be deprived of life, liberty, or property without due process of law, it becomes our duty to maintain this provision of the Constitution against all attempts to violate it for the purpose of establishing slavery in any Territory of the United States by positive legislation prohibiting its existence or extension therein. That we deny the authority of Congress, of a Territorial legislature, of any individual or association of individuals, to give legal existence to slavery in any Territory of the United States while the present Constitution shall be maintained.

No slavery in the Territories "while the present Constitution shall be maintained!" That was the Republican doctrine of John C. Fremont. The Constitution was then standing guard over the liberties of the people in the Territories.

In 1858 the Dred Scott decision announced the startling doctrine that the Constitution recognized slave property, and under its ægis the owner of slaves had the same right to take them into the Territories as he had to take any other kind of property, and his slaves were entitled to the same protection as other property.

Every judge in the court concurred in the view that the Constitution applied to the Territories, but the minority maintained that it did not recognize or create property in slaves. The opinion of Judge Curtis became the doctrine of the Republican party in the historical campaign of 1860. That was that slavery was a municipal institution created and fostered by State law only. They claimed that the Federal Constitution neither created nor recognized slaves, but, on the other hand, it covered the Territories and prohibited slavery in them. The Republican platform of 1860 contained these significant resolutions:

7. That the new dogma that the Constitution, of its own force, carries slavery into any or all of the Territories of the United States is a dangerous political heresy, at variance with explicit provisions of the instrument itself, with contemporaneous exposition, and with legislative and judicial precedent, is revolutionary in its tendency, and subversive of the peace and harmony of the country.

8. That the normal condition of all the territory of the United States is that of freedom; that as our republican fathers, when they had abolished slavery in all our national territory, ordained that "no person shall be deprived of life, liberty, or property without due process of law," it becomes our duty by legislation, whenever such legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it; and we deny the authority of Congress, of a Territorial legislature, or of any individuals to give legal existence to slavery in any Territory of the United States.

A substantial reiteration of the theory of the party of 1856. They again asserted that the Constitution, like a guardian angel of liberty, extended over the Territories and made them free even against their own inhabitants and the entire Congress combined. That was the doctrine of the great emancipator and his compeers in the cause of freedom. Will some gentleman please tell me when the Republican party turned its back upon the doctrine of Fremont and of Lincoln? In his historical debate with Mr. Douglas, in 1858, over the issue between freedom and slavery, Mr. Lincoln in every instance assumed that the flag and the Constitution went together. I challenge the production of an utterance of that great apostle of liberty to the effect that Congress could govern any people anywhere without regard to the Constitution. There has never been a time in the history of the Republican party when it faltered in its support of the doctrine of the unity of the flag and the Constitution.

FLEXIBILITY OF THE CONSTITUTION.

But we are reminded that new and untried problems now confront us and demand solution. Grant it; but how can that aspect of the situation enlarge the constitutional powers of Congress? Our organic law is flexible and capable of adjustment to meet the demands of a progressive people—of an advancing civilization. That splendid adaptability is its most enduring principle. It would have been torn into shreds long ago had it not possessed the capacity for growth, for the development of a mighty race can never be hampered and circumscribed by arbitrary rules and limitations.

"The letter killeth but the spirit maketh alive" has been its canon of interpretation. But its historical development has always been in harmony with the fundamental laws of our political institutions. The principles underlying the Republic have shone through

the provisions of the Constitution and lighted the pathway of political progress. They have been amplified and enlarged, but never violated. They are as imperishable as the laws of Newton and Kepler, and we can have no natural and permanent development excepting along the lines upon which we have always moved. They are the everlasting principles of civil liberty that have made the great Republic the most potent and conspicuous agency in all the world for the elevation of political life and thought.

According to the American standard, civil liberty consists in fundamental rights of person and property which the Government itself has no power to deny, even to the humblest citizen. Under arbitrary governments people enjoy privileges as a matter of favor from the rulers rather than as rights of person. In England public opinion is the only check upon the power of government, and it required hundreds of years to crystallize popular thought around the great principles essential to a free people. We have express limitations upon the Government in our written Constitution, and public opinion is relieved of the necessity of guarding against encroachments upon personal rights.

Our Constitution acts as a political buffer against which legislation is vehemently hurled. We know that the courts will set aside unconstitutional laws and, therefore, have no concern about our liberties. The founders of this Government were so jealous of their rights that they would not leave them to the protection of popular opinion. Every great power of government that was liable to abuse was safeguarded by express prohibitions and limitations, so there could be no opportunity for the exercise of arbitrary power.

THE POWER OF TAXATION.

If we have the power to pass this bill, we have the power of taxation over the Spanish islands without limitation. The power of taxation, from a practical standpoint, is the most important of all the powers of government and the one amongst all the others that excites the most jealousies. John Marshall expressed a great truth when he said, "The power to tax is the power to destroy." No people can ever be free with the arbitrary power of taxation over them vested in foreign authority. Nearly all the great contests for civil liberty for the last three hundred years have been waged over the power of taxation. It has been the storm center of the greatest struggles for human rights both in the forum and on the field. Nearly three hundred years ago England was drenched in blood and a king lost his head because the people would not submit to arbitrary taxation, and the result was that the principle that taxes should be imposed only by those who pay them became an unalterable principle in the English system.

Arbitrary taxation was the cause of the Revolutionary war. The colonists declared that the power of taxation should be exercised only by the taxpayers, and never was a principle more sublimely vindicated than in their seven years' struggle for independence. It was not the burden of the tax so much as the principle by which it was levied. Burke, in his great speech on "American Taxation," said:

> The feelings of the colonies were formerly the feelings of Great Britain. Theirs were formerly the feelings of Mr. Hampden when called upon for the payment of 20 shillings. Would 20 shillings have ruined Mr. Hampden's fortune? No; but the payment of half 20 shillings, on the principle it was demanded, would have made him a slave. It is the weight of that preamble, of which you are so fond, and not the weight of the duty, that the Americans are unable and unwilling to bear.

When the Revolutionary fathers came to frame their own government, so jealous were they of the power of taxation, so fearful were they of its abuse, that they refused to confer it upon the confederacy at all. They provided a system of contributions to be levied upon the States, with no power of enforcement. It was a melancholy failure, and the present Constitution followed.

In the light of history, and in view of their own experience, the taxing power was safeguarded in every possible manner. The principle that taxes could only justly be levied by the taxpayers was preserved. The Constitution declares that "all bills for raising revenues shall originate in the House of Representatives." Taxation and representation is an active, living principle to-day and will continue to be as long as there are people to govern. But it has a practical operation when applied to republican government. The philosophy of the principle is that taxes shall be imposed only by those who pay them, and self-interest is the highest guaranty against immoderation and abuse.

But, sir, when the Constitution was ordained we had all the Northwest Territory—an empire within itself—which it was expected would be carved into States. Under our plan of government sovereignty is in the people of the States, and, in the probationary State, the Territories would be governed by Congress. Congress would impose taxes upon the people of the Territories without their consent, and to provide against the abuse of that power the Constitution was made to declare that "all duties, imposts, and excises shall be uniform throughout the United States." The only general power of taxation conferred upon Congress is granted with that limitation. Congress by express provision is given power to levy only a general uniform tax, and that limitation goes wherever the power of taxation extends. Congress can not carry into Territories or islands greater or different powers than those it possesses.

Thus we said to the people of the Territories, in the most solemn manner, "While you have no representation in the General Government, you shall bear only the same rate of taxation that we voluntarily impose upon ourselves." What higher guaranty of justice could be given? And that guaranty has been religiously observed in all our dealings with the Territories, and it fully preserves the principle of taxation and representation. The proposed tariff upon Porto Rican trade violates that guaranty and contravenes the great principle underlying the Federal system of taxation. If we can levy a tariff at all against American territory in contravention of the principle of uniformity, there is no limit to our power. We may levy 15 per cent of the Dingley rate now, the next Congress may levy the full Dingley rate, and the next may double it.

THE PROTECTIVE POLICY.

But, sir, we are told that this tariff is moderate and temporary only, and is justified by the exigencies of the situation. It is said to be for purposes of revenue only. Why not raise revenues in Porto Rico in the same manner that we raise them in New Mexico? We never before raised revenues for a Territory by imposing a tariff upon its trade.

The vice is in the policy that the measure foreshadows, rather than in the measure itself. We may desire the tariff to be temporary only, but the next Congress may make it permanent. The distinguished gentleman from Ohio [Mr. GROSVENOR], in a speech in the House on the 28th day of February last, frankly avowed that the real purpose of the measure was to protect American labor against competition with the labor of the Spanish islands, and I have no doubt that he spoke the truth. If that is its purpose, is it to be temporary only? I am a believer in the protective policy, but I have never understood it to be the policy of my party to protect one section of the country against another by tariff restrictions on trade. It never has been attempted before.

It is our boast that there is absolute freedom of trade in all American territory. If we can protect the industries of the States against Porto Rican competition, how long before we will levy a tariff on the cheap wool of New Mexico and Arizona to protect the woolgrowers of Ohio? How long before we will impose a tariff upon the wheat growers in Oklahoma to protect the wheat farmers in Indiana?

There is justice and wisdom in protecting American industries against those of foreign countries. Foreign countries possess the powers of sovereignty, and they can retaliate by imposing restrictions against our trade. They can negotiate treaties of amity and commerce, and provide in general for the security of their own interests. But Porto Rico is not a foreign country. It has been annexed to and is as much a part of the United States as Arizona. We have completely absorbed its sovereignty, and it has no power to retaliate against what it might regard as unjust exactions. It has no international status except as part of this country, and of course it has no authority to make commercial alliances with foreign powers. The island is absolutely within our power, and utterly helpless to secure her own interests.

If it shall be our policy whenever our interests conflict with hers to employ the powers of the Government to protect our own, who in the name of heaven will protect Porto Rico? Is she to be fed upon the crumbs that fall from our sumptuous table? I have faith in the American people, and know that they would not oppress a helpless race. This is forcibly evinced by the strenuous protests against this measure coming from all parts of the land. But, sir, we are establishing a principle, and we should look it squarely in the face.

The Spanish islands are our foundlings, they are our wards, and our treatment of them must be characterized by the highest considerations of justice. We ought, at least, to maintain as high a standard of morals as that which is observed and enforced upon the part of individuals in their relations. It is the law in every State in the Union that whenever the interests of a guardian and his ward conflict the interests of the ward must be protected as against those of the guardian. The conscience of the country has made that principle of morals universal. Can the Government adopt a less elevated standard? In most of its relations the Government reflects the best sentiment of the justice of its people.

True, sir, we have been generous to Porto Rico, but generosity may ruin a race. The people of this country expect us to be just to that island. Vote to the Porto Ricans the money raised by this tax, and still the cry for justice will not be stifled. Put Porto Ricans on the footing of Americans, not foreigners; recognize the binding force of the Constitution and give them unrestricted trade with the States, and enterprise will be quickened, labor will find employment, and the cry of hunger be stilled. This is all they want.

Gold, sir, is not an equivalent for constitutional liberty. The

bill recently passed appropriating the money received from Porto Rican tariffs to the use of the people of the island was a worthy act of justice, but we should not make too much of that virtue. That money was all collected from the people of the island after it had been annexed to this country. No other Territory ever had to pay such a tribute. It was a worthy act, I say, but only an act of justice.

The people of this country waged war against Spain to relieve human distress—to redeem a race from tyranny and oppression. Thousands of our best and bravest freely offered their lives in the cause of the downtrodden, and some of the most glorious pages of history are written in their blood. As an incident of that war, Cuba is to become free and independent and Porto Rico and the Philippine Islands are under our rightful sovereignty. We could not in honor return them to the despotism from which our blood and valor had redeemed them. Some misinformed and misguided inhabitants of the Philippines are resisting our authority. Those people are not capable of self-government, and our honored President is pursuing the only course left for us to pursue. They are under our rightful sovereignty, and it is our duty to overthrow the insurrection and establish civil government. The people are standing with the President upon this policy.

But, sir, they call upon us now to make good our professions of humanity and establish American liberty in Porto Rico. Gentlemen mistake the temper of the farmers and wage earners of the country, from whose ranks the armies of freedom are recruited, in believing they would deny the helpless people of Porto Rico, whose destiny is now in our keeping, any substantial guaranty of liberty for fear of industrial competition. During the civil war a half a million noble lives were sacrificed and billions of treasure expended to redeem a race from slavery.

Who halted them in the great work of freedom because of markets or industrial competition? There were men who said if the slaves are freed, they will flood the Northern States and drive out intelligent white labor. Those men were called "Copperheads" at that time. The work of freedom went on, and Northern labor suffered no disadvantages. There is no just ground to fear that the inhabitants of the Spanish islands will come into this country and displace American labor. They can not stand our climate nor live in our intense social conditions.

GOVERNMENT UNDER THE CONSTITUTION.

In my judgment, sir, there will be infinitely less trouble and embarrassment if we govern the insular possessions under the Constitution than if we attempt to govern them as colonies. With a stable government, American capital will find investments there, and resources will be developed along lines in the main that will not compete with industries here. If competition should arise and we impose tariff restrictions on their trade, there, will be a constant surging upon the line for a lower rate there; a higher one here. There will be a persistent and irrepressible warfare with the weapon of taxation; of special interests against special interests. It will be practically impossible to have stable business conditions under that system and the development of the islands will necessarily be greatly retarded. Jealousies will be aroused, discontent will be engendered, and the expense and trouble of governing the people will be greatly increased.

I can not believe that American labor will suffer in competition with the inhabitants of the Philippines. They lack the intelligence and moral sturdiness to make them dangerous competitors. They can not operate machinery successfully, and their hand work is confined to narrow limits. Gentlemen exaggerate the dangers that will result from free commerce. A large number of the inhabitants of those islands have no civilization. They live in tribal relations and infest the interior among the mountains and jungles, living, in the main, upon nature's bounty. They are not producers for commerce and are not likely to be for a century.

The Republican party in the past has insisted upon protecting American labor against the intelligent, but poorly paid, labor of Europe. We have had no fear of competition with any other country. European labor was a dangerous competitor because of its sturdy, intelligent qualities—qualities which the Filipinos do not possess. English labor has been in open competition with the Orient for more than half a century, and England has the best paid labor in the world outside of this country. An average American can produce more wealth in a year than 20 Filipinos. It seems to me like an indictment against our civilization to claim that our intelligent, sturdy, capable, enterprising laboring men need protection against the earning capacity of the semisavage hordes of the Pacific islands.

But, sir, we are warned that if we can not govern the islands as we please, we must get rid of them. What difficulties will be encountered in applying the Constitution to the islands? We will make them American citizens. Well, what are they now? Every one is either a citizen or an alien. The islanders were subjects of Spain, but we broke that tie, and their allegiance was transferred to this country. Have they no status? The numerous tribes of Filipinos who have never acknowledged allegiance to Spain or this country were not Spanish subjects and have not become citizens of the United States. They occupy the relation that the American Indian sustains to the United States. Their allegiance is to the tribal chief and not to this Government. But when they become civilized, they would be citizens, and why should they not be? There is no danger of their coming over here and becoming Congressmen and Senators.

Now, what would be their rights under the Constitution? Only those primary rights of person and property that are a necessary incident to freedom. They would be entitled to the equal protection of the laws; the right of petition; freedom of speech and press; freedom of conscience; immunity from excessive bail, unseasonable search, and cruel and inhuman punishment; the right of the guaranty that life, liberty, and property shall not be disturbed without due process of law; the right to bear arms under proper restrictions, habeas corpus, jury trials, and uniformity of taxation. These are all the rights the Constitution guarantees, and is there one of them that should be withheld? The right of trial by jury could soon be made practicable. Courts would be held in centers of population, and little difficulty would arise in selecting competent jurors.

Respecting everything else Congress would have absolute power. The Federal Constitution does not confer a single political right or privilege. Those are all granted by State laws or Federal statutes. Look at the District of Columbia, with its population of a quarter of a million. Congress makes every law for its government, imposes the taxes, and regulates every feature of municipal life, and the citizens have no voice in the government whatever. They have no votes, yet they are all citizens of the United States and under the protection of the flag and the Constitution.

Congress has no power to govern them arbitrarily. Do we need any wider latitude in governing the Philippine Islands? We can adjust the character of government to meet the degree of civil development all the way from a government by a commission appointed by the President, in which the natives have no participation whatever, up through the various stages of political organization to a complete Territorial government, with entire local autonomy. Do we need any more latitude than the Constitution gives us? Most certainly not.

We are charged with discrediting the generosity of the American people by contending for constitutional liberty for the inhabitants of the Spanish islands. Do we? Constitutional protection is regarded as necessary for the security of person and property here, and why is it not in Porto Rico? Acts of Congress and of State legislatures are often set aside by the courts for violation of the Constitution. Capital would feel insecure in many instances were it not for the constitutional limitations upon the power of government. If the Constitution is necessary for the protection of interests here in our very presence—interests that have powerful social and political influence—how infinitely greater must be the necessity for the protection of interests out of our sight and sympathy, 10,000 miles away, with no political or social influence whatever!

We declared our purpose to establish American liberty in those islands. We gave our sons as a holy pledge of the honesty of our intentions. Shall we halt now to nicely calculate the effect on markets? But even upon that basis our interests can not suffer. The prestige of our presence in the very gateway of the Orient will give us new commercial fields to conquer. The impulse to our Asiatic trade by our occupancy of the Philippines will create new and increased demands for our products and more labor for our wage-earners.

It would seem safe to predict that we will gain four days' labor on account of those islands to where we can possibly lose one by competition. There may come minor industrial disturbances, but adjustments will soon follow. We can not be diverted from a broad policy by this special interest or that. We can not hope to control the onward sweep of destiny to meet the occasional demands of somebody's business affairs. Let us pursue a broad, humane policy, and all interests will readily accommodate themselves to it.

OUR DESTINY.

This Republic came into being as a protest against arbitrary government. No place was left in our system for the exercise of arbitrary powers here or elsewhere. No tyrant ever oppressed a people that he did not do it under the pretext that it was for their own good. The fathers knew this and supposed they had permanently removed from temptation all arbitrary powers. There is room among the nations of the earth, with all their clashings of selfishness, for one government to stand as the living exponent of those great principles of civil and political liberty that are necessary for the regeneration of humanity. We have occupied that proud distinction for more than a hundred years, and we have grown great and glorious in the minds of men and in the sight of Almighty God for our fidelity to our professions.

During all the years of our national life we have stood unremittingly against absolutism, and by precept and example have inspired hope in the hearts of men struggling for liberty the world around. And now, at the sunrise of a new century, after we have become great and magnificent as the representative of the wisest system of government ever devised by the genius of man, shall we turn our backs upon our splendid history, give the lie to our traditions, and by our example justify the imposition of arbitrary conditions upon helpless races? Such a course, in my humble opinion, would discredit the memory of every patriot from Washington to Lawton.

We hear much in these days about the coming conflict of races and congratulate ourselves upon the ultimate triumph of the Anglo-Saxon civilization. This is the mightiest race the world ever saw, but ultimate survival will not be of race, but of principle. With the dissemination of intelligence throughout the world, the people will come to know and be moved to assert their power, and the law of natural selection will dominate political as well as all other phases of life. Those systems and principles best calculated to elevate and bless mankind will become the inheritance of all the earth. In the final struggle that nation, that race which is the highest exponent of those great systems and principles, will be in at the last. The American Republic is in the van to-day because it is the truest representative of those great political truths that the world has yet known. Let her motto be, The Constitution and the flag, forever inseparable—the substance and the hope of universal liberty. [Applause.]

Mr. MCCALL. I reserve the balance of my time, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts has fourteen minutes of his time remaining.

Mr. MCCALL. I reserve that.

Mr. PAYNE. Mr. Speaker, I yield to the gentleman from New York [Mr. O'GRADY].

Mr. O'GRADY. Mr. Speaker, the bill for the financial relief of Porto Rico has been so exhaustively debated in this House that I would not venture to discuss it now were it not for the fact that one or two phases of the question have been but indifferently considered; and I do not believe that enough stress has been laid upon the duty our country owes to its own people and its own institutions, while altogether too much importance is put upon what is claimed is our plain duty toward the island possessions held by us now as the fortune of war. Porto Rico came to us unexpectedly, but as the result of the universal demand of our people that Spanish rule in the Western Hemisphere should cease. It came to us at the demand of an armed and powerful force, led by the commanding general of the American Army. To say it came to us with open arms is a pleasant and agreeable fiction.

If the people of Porto Rico met our Army with shouts and acclamations, remember that they had few guns and less ammunition, and that they were pursuing the wisest course under such circumstances. All accounts go to prove that prior to the war Porto Rico was entirely loyal to Spain. There was little, if any, civil disturbance there even after the intervention of this country in the Cuban insurrection, when Spain's hands were full trying to stem the tide against her. Porto Rico, therefore, stands in exactly the same position as any other territory reverting to the successful contestants as the price of peace or the indemnity for war expense, or the result of the exigency of the situation—a sort of geographical necessity. What shall be done with her, and how best shall she be aided in working out her destiny and preparing herself for the full measure of American liberty?

On the constitutional questions, Mr. Speaker, my mind is clear. I have studied carefully the opinions of the Supreme Court of the United States, upon which the other side of this House relies for its authority, and those upon which the Republican party bases its action. There is some authority on both sides, I admit. But I find, Mr. Speaker, that when I invoke to my aid common sense and the principles of international law and comity and apply them to the constitutional question, a glare of light is thrown on the subject, and there is no trouble for me to understand what is meant by the decisions.

The doctrine that the Constitution *ex proprio vigore* (by its own force) extended over all territory belonging to the United States was first invoked in the unholy cause of slavery. The Western Territories were demanding anti-slavery laws, and the belief that this iniquitous institution was becoming weaker in what were soon to be new States caused Calhoun and his followers to discover that the Constitution had already extended over these prospective States, in only one particular, however, to the extent of forbidding the passage of anti-slavery laws by Congress or Territorial legislatures. It never was invoked in any serious contention prior to that; and while the Supreme Court has touched upon it in one or two cases since, these are of little consequence, and the court so indicates in its opinions.

To this doctrine of Calhoun I can make no better answer and in no stronger and clearer terms than that of the Republicans of 1856 and 1860 assembled in national convention. In 1856 the Republican party in its national platform declared:

Resolved, That the Constitution confers upon Congress sovereign power over the Territories of the United States for their government, and that in the exercise of this power it is both the right and the duty of Congress to prohibit in the Territories those twin relics of barbarism, polygamy and slavery.

In 1860 the Republican party again in no uncertain language condemned Calhounism in these vigorous words:

The new dogma, that the Constitution of its own force carries slavery into any or all of the Territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of the instrument itself, with contemporaneous exposition, and with legislative and judicial precedent, is revolutionary in its tendency, and subversive of the peace and harmony of the country.

On that platform the country was carried and Abraham Lincoln elected, and a bloody war placed the deadly seal of its disapproval upon that doctrine.

Mr. Speaker, what is meant by the terms "sovereign power," "the sovereignty of the people," "national sovereignty?" Our friends on the other side seem to think that they are terms of limitation and and intended to curtail the power of the American people. I can not place this interpretation upon them.

The best lexicographers define "sovereign" as supreme power; possessing supreme dominion; not subject to another; the power exercising supreme control or dominion and to which allegiance is due.

Cooley defines sovereignty as the supreme, absolute, uncontrollable power by which any State is governed.

Halleck calls it the political authority, whether vested in a single individual or in a number of individuals, to order and direct what is to be done by each individual in relation to the end and object of the state. Thus in the United States, sovereignty is vested in the body of adult male citizens.

Maine says that this person or combination of persons has in all communities one characteristic common to all the shapes sovereignty may take, the possession of irresistible force. The sovereign, if a single person, is a monarch; if a small group, the name is an oligarchy; if a group of considerable dimensions, an aristocracy; if very large and numerous, a democracy.

Mr. Speaker, in all of these definitions we find one essential to complete sovereignty—power unlimited within the sphere of governmental influence. Is a government of the people any less potent than that of a usurper? Is the United States lacking in some of the attributes possessed by other nations? To admit that is monstrous. It would prevent us waging a defensive war. Because, if engaged in such a war, we could never enter the enemy's country to drive him from it or to crush his armies. The contest would always have to be upon our own territory for fear that the end of the war might find us in possession of some of the enemy's country, and this conquered country could never, according to the orators on the other side of this Chamber, be submitted to a period of probation and instruction.

Such a contention carries its own refutation. No loyal American, if he will but stop to think, will subscribe to it for a moment. Under its teaching American liberty and American institutions could never be spread upon the face of the earth; but hedged about by this incomprehensible, indefinite limitation of national power, the great American Republic must lay supine and helpless before the world. I never will admit that my country lacks in national attributes or is inferior in national power, in peace or in war, to the other great powers of the world; that the Republic of the people is not the equal of monarchical England, autocratic Russia, imperial Germany, or republican France.

If the people of the United States, in whom rests the great power of the nation, can not avail themselves of the rights of national conquest, why did we dare go to war with Spain, even in a just cause? Are the people free, independent, and self-governing, less potent than when they are bound in the debasing fetters of autocratic or imperial statehood? Is the gladiator with every muscle in full play weaker in some intangible way than when loaded with chains? In our brief history we have fought successfully four foreign wars and one great civil war, for no one of which there would be the slightest justification were the contention of the opponents of this measure to be admitted. The only logical deduction is that the Constitution is extended to newly acquired territory only by specific enactment of Congress.

And now, Mr. Speaker, what are the provisions of this bill now before the House for approval? It may be treated under two general heads: First, the raising of revenue for temporary purposes, and, second, the proposed scheme of government for the island.

Let us consider for a moment the revenue feature of the bill. It is provided that there shall be a duty amounting to 15 per cent of the rates prescribed by the Dingley tariff upon all goods entering Porto Rico from the United States and upon all goods entering the United States from Porto Rico, except only such articles as have heretofore been placed by Executive order upon the free

list. Not 15 per cent flat, understand, but 15 per cent of the existing tariff rates of the Dingley law.

It is further provided that there shall be a 5 cents per pound duty on coffee imported into the island to protect the coffee raised there, which is of a higher quality and could not exist in competition with the cheap coffee of the South American countries. Since we have had possession of Porto Rico and it has been under military law, there has been established by order of the President a free list of articles which pay no duty. In the present bill this free list is continued in operation. It is well to examine it for a moment. From time to time there have been included plows, cane knives, agricultural implements, books and maps, quinine, fresh fish, machinery for agricultural and sugar-refining purposes, flour, rice, codfish, pork, bacon, rough lumber, fresh beef, mutton, sugar bagging, coopers' wares, sugar casks and materials to make them, and school furniture.

Is there any hardship to Porto Rico here? Does not this list include all the necessaries of the people? What food stuff is omitted? What necessity of life lacking? All these articles are to continue to be admitted free of any duty whatever. Again, whenever the legislative assembly of Porto Rico shall provide a system of local taxation to support the government, the tariff of 15 per cent shall cease, and in any event there shall be no tariff after March 1, 1902. And still again, the proceeds of the 15 per cent tariff, not only that which is to be raised in Porto Rico but likewise the gross amount of all such duties received at the United States ports, are to be reserved for the exclusive benefit of Porto Rico and to be used for the expenses and needs of the island alone.

What more generous treatment could the island obtain from any country? We did not do this in the case of Louisiana or Florida or California or the Gadsden purchase or Alaska. In the case of these Territories the receipts from tariff taxes were covered into the National Treasury for the benefit of the whole country. But in the case of Porto Rico every dollar goes back to the island and for its own domestic purposes.

Now, let us see if the method of raising the revenue is unjust or a hardship to the island. Revenue must be raised from some source and in some practical way. It seems to me that we are limited to one of three or four methods, namely, either by a direct appropriation from the Treasury of the United States, or by direct taxation upon land, or by a loan, or the method contemplated by this bill—that is, a low tariff on imports and exports that will distribute evenly and lightly the burdens of supporting the government. Our people would not be willing to see a direct appropriation from the Treasury for the benefit of Porto Rico. If the island is to be self-supporting, let it be so from the start; if it can not maintain itself now and at once, we were much better rid of it.

Direct taxation will not do, because, according to General Davis, outside of the municipalities there is but little to tax, and since the terrible hurricane the rural communities are without the means or ability to pay direct taxes; nor is there any method by which direct taxes can be equitably distributed among all the people. General Davis says that 75 per cent of the males over 21 years of age are abjectly poor.

> They live in huts made of sticks and poles covered over with thatches of palm leaves. A family of a dozen may be huddled together in one room, often with only a dirt floor. They have little food worthy of the name and only the most scanty clothing, while children of less than seven or eight years are often entirely naked. A few may own a machete or a hoe, but more have no worldly possessions whatever. Their food is fruit, and if they are wage-earners, a little rice and codfish in addition.

It is useless to talk about direct taxation with such a people as this unless time is taken to develop some new and equitable system, and to educate the people to understand and submit to it.

As far as a loan is concerned, in order to make one there must be a government in Porto Rico in working order with all its machinery, such as is provided by the Senate bill. In order to obtain a reasonably low rate of interest there must be a regularly established government of sufficient stability to insure a proper return of the loan.

Indirect taxation is therefore the only logical and feasible system of raising this necessary revenue. There is certainly no hardship about it, and it can be terminated under the bill just as soon as the Porto Ricans themselves desire it and manifest by their votes and voices a wish to substitute some other method of taxation. In every State of the Union indirect taxation is being resorted to to lighten the burdens of direct taxation which weigh so heavily upon land. To say that temporarily, until the inhabitants can be adjusted or adjust themselves to American methods of living and learn how to enjoy benefits of American citizenship, the Porto Ricans can not raise their revenue in this way is to subject them to hardships that we would not force upon our own people.

The methods of taxation in Porto Rico have always been what are known as tariff taxes, most of them unjust and burdensome. These have been largely abolished because of their hardship. To introduce a new method of internal taxation will require time—at least a year, possibly longer. Experts are now in the island or on their way there, called for by the military governor to advise with him concerning the new methods and new ways of raising internal revenue. Shall we refuse them a reasonable time for their investigation?

Our Democratic friends on the other side of the Chamber have been denouncing the tariff as having been imposed in the interests of the trusts. If this were true, it would be very wicked and reprehensible. But inasmuch as they are always making us out to be the champions of evil things, the accusation from their lips falls flat and does not ring true. The two trusts that are aimed at by their clamor are presumably the sugar and tobacco trusts. By what process of reasoning can it be conceived that the sugar trust is in favor of a duty on its raw sugar, the only sugar product that Porto Rico will bring to the United States market?

And how can a tariff upon the tobacco grown in the island help the tobacco trust? Is it not to the plain interest of both of these trusts to demand no tariff at all on its raw sugar and its raw tobacco? As a matter of fact, they are behind the movement in favor of free trade, because they see very plainly that under this present tariff bill they must pay their share toward the expenses of the island and help bear the burden that they prefer to shirk to the backs of some one else. Is it not plain to the most casual observer who stops to consider the subject but for a moment that when we give to Porto Rico the President's free list, and return to them every dollar collected from the tariff and indicate in no uncertain terms that this plan is but temporary and to last only so long as the island is in the transition stage from Spanish to American citizenship, that Congress is extending to them a helping hand in the true spirit of the brotherhood of the great Republic?

I would be the last one, by my voice or vote, to countenance for one moment the exploitation of this new Territory for the benefit of the United States. I am unalterably opposed to such a course. I would never vote for this bill did I believe that such a motive dictated its passage. I feel that Providence has placed in our hands this opportunity of demonstrating to the world that the American idea of liberty and freedom can flourish in tropical and semitropical lands, and, true to their traditions and teachings, I feel that the American people will rise to their opportunity, and with the dawning of the new century there will burst upon the downtrodden and oppressed in every land, east and west, north and south, the knowledge that the brotherhood of man is the only true sign of liberty and hope of future earthly progress.

I lack the time to enter into an exhaustive treatment of the governmental features of this bill. Other men who, because of their special work in connection with the plans of Territorial government proposed for Porto Rico and Hawaii, have given study to the subject will doubtless expound its various features. It is enough to say that the best precedents furnished by the action of Congress in the case of former territorial acquisitions have been followed. No innovations are attempted. In dealing with this island and its people the fact should be borne in mind that it has had no preparation for American government. Four hundred years it has been Spanish, and it is to-day Spanish in customs, in manners, in morals, and in ideals. If it is ever truly American, all of these conditions must be completely changed and many of them absolutely eradicated.

We believe that they all wish to become good American citizens, but it is our bounden duty to discourage any hesitancy upon their part. We will find at every stage discouragements and disappointments. But we can not turn back. We must impress upon them kindly but firmly that for them Spain is a tradition, America a reality. Our citizenship and our institutions will impress themselves upon the Porto Ricans slowly. They will doubtless regret often their former relationship with easy-going, decaying old Spain. Their regeneration will cost them many a pang. But the helping hand and the guiding voice of the American people will be always present to them.

Under the terms of this bill they may with unprecedented celerity assume to govern themselves. Whether they will at an early date avail themselves of the opportunity is accompanied with grave doubts. The experience is not encouraging in this direction. In the face of great public interest a municipal election in one of the towns developed a vote of less than 5 per cent of the voting population was polled. But by this bill we give them the opportunity and can only trust that it will be quickly embraced.

As I conclude, Mr. Speaker, I may be pardoned the observation that were we not on the eve of a Presidential election there would not be a party alignment on the passage of this bill. In all the debate there has been had in opposition to it I have not heard a single alternative suggestion from the opposition. No substitute measure is proposed. As usual, all they wish is to break down the affirmative legislation. Their voice is negative. But I am

not fearful of the result of this bill. I have an abiding faith in the American people, in their judgment and their common sense. They will know whether justice or injustice has been done.

They will be quick to discern whether an honest effort has been made to meet an unusual situation, and with that fairness that always characterizes them they will brush aside the sophistry and vagaries of Democratic oratory and pin their faith in the future as in the past to the party that dares to do right. It is not the first time that Republican policy has been assailed and maligned, but Republican policy has always triumphed and has never failed to become the country's policy and the national law. [Loud applause on the Republican side.]

Mr. PAYNE. I yield fifteen minutes to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, this bill provides a government for Porto Rico, provides revenue to relieve the urgent and pressing needs of the people there, and gives them the option to say how long the revenue shall continue.

I do not regard it as a perfect bill, but all legislation is matter of compromise, in that it strikes an average among conflicting views.

This legislation is one of the links in the long chain of cause and effect, beginning with the war with Spain and stretching into the future.

We all remember how that war commenced. We had been patrolling our coast at some expense to ourselves to prevent the breach of international law by our own patriotic people in their sympathy for Cuba. The people, without regard to party, were clamoring at the doors of Congress demanding war with Spain. Every member was bombarded with letters demanding war.

Gentlemen on the other side of this Chamber, mistaking the secrecy of preparation for the sloth of inaction, indulged in denunciation of delay and expressions of rampant belligerency.

This was safe, inasmuch as they knew they assumed no responsibility for action or inaction, and only expected to sit around the purlieus of this Capitol and criticise whatever was done. Few of them ever had any idea of pulling a trigger, or, in the language of my friend, the gentleman from Texas [Mr. LANHAM], taking a place in the picture near the flashing of the guns.

Many gentlemen will remember how the gentleman from Missouri [Mr. CLARK] wandered up and down the aisles of this House declaiming in Addisonian English, touched with a flavor of Pike County provincialism, about dragging somebody into war by the scruff of the neck.

Then the battle ship *Maine* sailed into the harbor of Havana proudly flying the Stars and Stripes and bravely manned. She was piloted to her anchorage of death by a Spanish Government pilot. She was destroyed by a Spanish submarine mine.

Other war ships have gone down since then.

On the 1st day of May, 1898, Dewey sailed into the harbor of Manila and transformed the Spanish Pacific squadron into scrap iron before breakfast.

A little later, and the pride of Spain's navy under Cervera was sunk in shot-shattered fragments along the Cuban coast.

Santiago was taken, and the Stars and Stripes went up there over a victorious American army and a surrendering Spanish army.

That flag, which has purified the air that kissed it, still remains there, but the Constitution has not followed it there.

Gentlemen say the Constitution follows the flag. That is not true. The Constitution follows the flag or not as we please and when we please.

REGENERATION OF CUBA.

After the fall of Santiago we began the work of renovation, reorganization, and regeneration. We first drove out the Spaniards and then we began to kill off the yellow-fever microbe.

The first ship into the harbor of Santiago was not the flagship of a victorious admiral, entering with all the pomp and circumstance of conquest, but was a ship piloted by Mercy, flying the Red Cross flag, and carrying food, medicine, and relief for the people of Cuba. That is what an American conquest meant in Cuba. It has meant no less in Porto Rico.

The order of Weyler had herded thousands of persons, accustomed to the free, pure air of mountain and plain, in cities where narrow streets were shrouded with the white winding sheet of poisonous mist by night, and where Famine and Plague stalked abroad at noontide.

These reconcentrados were women and children and feeble men. For shelter they had huts thatched with palm leaves and sided with the bark of trees. Into these shelters tenderly nurtured women crawled with their children. As food grew scarce the children learned to forage in the streets like dogs. They stood in their filthy shelters and saw their mothers die, some of them too young to know the meaning of death. They only knew she did not speak to them when they cried and did not wipe away their tears. Hunger drove them out again, and when they returned their mother was not there. This is what the order of Weyler did in the closing years of this nineteenth century.

Sir, when I think of these things I am glad our guns shot true and that armored ships went down before them like cockleshells, because it strengthens human belief that God cares, and that the scriptural sparrow story is not a mere figure of speech.

I believe that God rules the affairs of men and nations. Behind the visible work stands the Invisible. The visible work is sometimes savage and incomprehensible. The Invisible is sublime.

The years seem long to human comprehension; but with the infinite a thousand years are as a day.

We went to war with Spain for a cause unique in history—the cause of humanity. Henceforth let no man say the days of knighthood have passed by. In all the range of history no knightlier deed was ever done.

PORTO RICO.

Will any man say that the nation capable of doing what we have done in Cuba would be capable of wrong in Porto Rico or the Philippines? The very solicitude of the American people about Porto Rico is a splendid commentary upon the heart and soul of our nationality.

Incident to the war with Spain we took Porto Rico and the Philippines. Did the gentlemen who urged on the war suppose we could win without results, win without trophies?

In the government of her colonial possessions Spain has known no higher duty than to plunder them, and at last she has deservedly lost them.

Porto Rico comes to us with a population bowed, burdened, and stunted with three hundred years of Spanish rule.

Laborers whose wages in youth and old age are 10 cents a day and in the noontide of manhood 30 cents a day predominate in a population of a million people, who throng the island from beach to mountain top.

The island is owned in 43,000 estates, largely by English, Spanish, and other foreign sugar, coffee, and tobacco growers.

The hand of Spain has been heavy on her people. She has reaped where she has not sown; she has gathered where she has not strewn. About 85 per cent of the Porto Rican population is illiterate.

Spanish avarice and greed have ruled there in the jungles of human ignorance which Spain has fostered.

Spain has built no schoolhouses, but she has taxed her people, coming and going, sleeping and waking, at the church and at the grave, so that the holy bans of wedlock have been disregarded because of the fees and exactions of governmental avarice, and men and women have lived together by mutual consent and brought children into the world without the sanction of lawful marriage.

THE STORM.

Last August a hurricane swept the island and wreck and ruin and famine followed in its train.

Macaulay, in his Essay on Barère, says: "A man who has never been within the Tropics does not know what a thunderstorm means; a man who has never looked on Niagara has but a faint idea of a cataract, and he who has not read Barère's Memoirs does not know what it is to lie."

So he who did not witness the storm that swept over Porto Rico can have but little conception of a hurricane, and he who has not heard the medley of Democratic oratory on the Porto Rican question can have little conception of inconsistency.

After that storm the generosity of the American people responded nobly. If that storm had happened under Spanish rule, the island would have rotted in fecund desolation.

RELIEF.

Immediately the public mind began to cast about for relief.

Under the direction of the President $1,000,000 of an emergency fund was used there.

The President suspended the Dingley duties on necessaries going that way.

We have passed a bill here giving to the Porto Rican poor $2,095,000 out of the public Treasury. In addition to this we gave them all the duties collected in Porto Rico amounting to $1,500,000. In all we have given them about $5,000,000.

All that a generous and humane people could do to help them has been done.

Obviously a tax for their relief could not be levied on their destitution.

When they ask for bread, would ye give them a stone?

What a glorious thing it would be for a hungry Porto Rican to be told by some gentleman with harveyized lungs that the Constitution is there and has brought with it the beneficent operation of an internal-revenue system with which to collect out of wretchedness and distress something with which to relieve wretchedness and distress!

On March 31 last, only eleven days ago, Governor-General Davis declared that—

If Congress should adopt free trade the receipts of the custom-houses would naturally cease. One million five hundred thousand dollars have been collected during the fiscal year, and with free trade this will fall off. What

then will run the island? * * * If free trade is adopted, I can not see how the necessary funds for conducting the affairs of the island are to be raised by myself or those who succeed me. Two million dollars are the present expenses, and this amount will be needed annually. There is only a small revenue incoming from stamps, liquors, tobacco, and mercantile licenses, and it is impossible to collect taxes because of the conditions.

THE TRUSTS.

We gave back to the people of Porto Rico all the duties collected of the sugar and tobacco trusts when we appropriated that $2,095,000; and the sugar and tobacco trusts, filling the constitutional arguments of our Democratic friends as a brief to back their claims in court, have commenced suit against the collector of customs of the port of New York, to recover back the money they have paid.

Gentlemen have claimed that this duty was a tax on poverty, but this suit ought to make clear who pays the tax.

And to cap the climax of Democratic cooperation with trusts, Senator JONES of Arkansas, chairman of the Democratic national committee, introduced in the United States Senate an amendment proposing to pay back the money collected to the persons from whom it had been collected, and these persons turn out to be the trusts.

And while this has been going on, a certain class of newspapers have been telling the people that what was nedeed to help the Porto Ricans was to let sugar and tobacco in free, as if any benefit could ever possibly percolate down to Porto Rican poverty by giving free trade to a sugar or a tobacco trust.

BENEFITS CONFERRED.

By this bill we give free necessities to the Porto Ricans. We give them free flour, rice, codfish, pork, bacon, fresh beef and mutton, machinery for making and refining sugar and other agricultural purposes, plows, hoes, hatchets and other agricultural implements, quinine, rough lumber, and wood for making hogsheads and casks for sugar and molasses.

We are charging Cuba the full Dingley rates on imports, but we charge Porto Rico only 15 per cent of Dingley rates, and having collected this duty of those who are able to pay it we turn it over for the relief of the poverty-stricken people there.

We use this money to restore the island, to rebuild its roads, to feed its people, and to build schoolhouses wherein to fit them for citizenship.

Sir, to my mind no nobler use can be made of money than to use it for the building of schoolhouses.

And then we organize for them a government—they who have never known what it was to have a government with consideration for their interests; and when they, through that government so formed, shall inform the President that they no longer need this relief it shall cease on Presidential proclamation, so that this measure is essentially and avowedly temporary in its nature and the time of its existence is to be dependent upon the option of the Porto Ricans themselves.

CONSTITUTIONAL QUESTIONS INVOLVED.

But gentlemen say all this is unconstitutional and can not be done. They say the Constitution, ex proprio vigore, extends to the island of Porto Rico and that we can not relieve them in this way.

Well, sir, if the Constitution is there, what law is in force there to put the Constitution in operation?

Blackstone says (1 Com., 107):

> In conquered or ceded countries that have already laws of their own the king may indeed alter and change those laws; but till he does actually change them, the ancient laws of the country remain, unless such as are against the law of God.

In Blankard *vs.* Galdy (2 Salkeld, 411), the court said:

> That it was impossible the laws of this nation by mere conquest, without more, should take place in a conquered country; because for a time there must want officers, without which our laws can have no force.

See also Calvin's Case (7 Rep., 17; 2 P. Wms. Rep., 75), Campbell *vs.* Hall (Cowp., 204), Attorney-General *vs.* Stewart (2 Merivale, 143).

Chancellor Kent says (I Com., 178, Note a):

> The laws, usages, and municipal regulations in force at the time of the conquest or cession, remain in force until changed by the new sovereign.

In Mitchell *vs.* United States (9 Peters, 711 [1835]), a case which arose as to land titles in East Florida, the court said (733, 748):

> According to the established principles of the laws of nations the laws of a conquered or ceded country remain in force till altered by the new sovereign.

See also Strother *vs.* Lucas (12 Pet., 410, 436 [1838]), a case relating to land titles under the Louisiana cession.

But notwithstanding these authorities, if the contention of the gentlemen be true, and the Constitution extends itself immediately and automatically to newly acquired territory, all laws in operation in such newly acquired territory would be swept away. The Constitution would supplant them.

But is it true that the Constitution does extend itself of its own force and does supplant existing law in acquired territory?

Did it do so in the case of Louisiana? Certainly not.

It is understood that Jefferson and Madison drew the law for the government of the Territory of Louisiana, and by that law they did not extend the Constitution, but continued in force existing laws at variance with the Constitution. Governor Claiborne was given autocratic power. He promulgated ordinances which had the force of law. He had the power of removal at will.

Under the mediæval Spanish law then in force he who reviled Deity had his tongue cut out and his property confiscated. Freedom of speech was curtailed. In criminal cases a defendant could demand a jury only in capital cases. In civil cases parties could have a jury when the amount in controversy was over $100. Obviously both the Constitution and such laws could not operate together. Obviously the Constitution was not there.

But suppose the Constitution should go immediately to acquired territory, thereby sweeping away existing law, what then?

What laws are there in existence in the acquired territory to put the provisions of the Constitution, which has obtruded itself of its own force, in operation?

If the Constitution extends itself forthwith, ex proprio vigore, would it not result that crime could not be suppressed because there was no provision for a grand jury or for unanimous verdicts by petit juries, and questions of private right could not be settled for the same reason that there was no provision for unanimous verdicts, and the right of the people, however hostile, to keep and bear arms could not be infringed, and trade with other countries might be suspended because there was no law extending the United States shipping and customs laws to the newly acquired territory and no machinery for the collection of duties under United States laws, and vessels registered under the laws of the acquired territory would be without a flag, so that, in a word, there would be constitutional anarchy instead of constitutional order.

In Florida Andrew Jackson ruled with an iron hand. The Constitution did not extend itself there; but two kinds of laws were extended there, viz, those relating to collection of revenue and those relating to the slave trade.

The case of the American Insurance Company *vs.* Canter arose. The case was decided by Chief Justice Marshall and argued on behalf of claimant by Daniel Webster. In the course of the argument Webster said:

> What is Florida? It is no part of the United States. How can it be? How is it represented? Do the laws of the United States reach Florida? Not unless by particular provisions. The Territory and all within it are to be governed by the acquiring power, except where there are reservations by treaty.

In deciding the case Chief Justice Marshall said, speaking of the inhabitants:

> They do not participate in political power. They do not share in government until Florida shall become a State. In the meantime Florida continues to be a Territory of the United States, governed by virtue of that clause in the Constitution which empowers Congress "to make all needful rules and regulations respecting the territory or other property belonging to the United States."

Of this proposition that the Constitution extends itself Benton says:

> History can not class higher than as a vagary of a diseased imagination this imputed self-acting and self-extension of the Constitution. The Constitution does nothing of itself, not even in the States for which it was made. Every part of it requires a law to put it into operation. No part of it can reach a Territory unless imparted to it by act of Congress.

RENEWAL OF CALHOUN DOCTRINE.

This theory that the Constitution extends itself is the old Calhoun doctrine brought down to date, whereby it was declared that the Constitution extended itself and thereby extended slavery, which it recognized and provided for by the provision whereby three-fifths of slaves were counted in the apportionment of Representatives in Congress, and the provision whereby fugitive slaves were to be returned to their masters.

This doctrine that the Constitution extended itself and therefore slavery finally found expression in the Dred Scott decision. It found expression also in the action of the seceding States and was discussed and finally settled on many battlefields.

The contrary doctrine, that the Constitution did not extend itself and slavery, found expression in a declaration by the first national convention of the Republican party held in Philadelphia in 1856, wherein it—

> *Resolved*, That the Constitution confers on Congress sovereign powers over the Territories of the United States for their government.

It found expression in the platform on which Abraham Lincoln was nominated in 1860, wherein it was declared:

> That the new dogma that the Constitution of its own force carries slavery into any or all of the Territories of the United States is a dangerous political heresy, at variance with the explicit provisions of that instrument itself.

On that platform Abraham Lincoln was nominated and elected.

For the principle enunciated in that platform Abraham Lincoln finally died and has taken his place among martyrs with brow gleaming through all eternity with a martyr's crown.

THE TERRITORIAL RELATION.

Sir, I would rather follow John Marshall, Daniel Webster, Abraham Lincoln, and William McKinley than to follow John C. Calhoun and Judge Taney.

All territory which has come to us heretofore, with the single

exception of Texas, I believe, has been held in an intermediate and probationary relation. We have governed it, as in the case of New Mexico, by executive government; we have governed it by military power, we have governed it as we have governed Alaska, and we have governed it as organized territory.

But suppose we admit your contention. Where does it leave you? Oh, ye blind leaders of the blind! You say that all territory becomes immediately an integral part of the United States and that the Constitution extends itself at once; therefore, under your contention, Porto Rico and the Philippines are an integral part of the United States, and the Constitution is there; and yet you want to pull down the flag and abandon the Philippines. But if your contention be true, how could you do this? Can any part of a whole abandon any part of itself? If you can not control the Constitution in its extension, how can you withdraw it; and if you can not withdraw it, how can you dispose of that which has come under it?

It is the enlightened policy of the Republican party that we can control acquired territory not only for its best interest but for our best interest, and while we shall carefully guard the rights of the inhabitants of territory, at the same time we shall see to it that the wage-earner and the farmer of the United States are not put upon a level of injurious competition with the Malay labor of the Orient.

At one of the great gateways of our nation there stands the statue of Liberty Enlightening the World, typical of our national liberty. Its light has flashed southward and illumined the islands of Cuba and Porto Rico. Its light has flashed westward and illumined the islands that sit in darkness, and wherever it shines it lights up the Stars and Stripes on their way to give to other nations in the fullness of time the knowledge and experience of liberty under law, and wherever that flag goes the names of Abraham Lincoln and William McKinley go with it as guarantors of its beneficent purpose. [Loud applause on the Republican side.]

The SPEAKER. The gentleman from Massachusetts [Mr. McCALL] has fourteen minutes remaining.

Mr. McCALL. I yield ten minutes to the gentleman from Illinois [Mr. LORIMER].

Mr. LORIMER. Mr. Speaker, I have always favored civil government for the island of Porto Rico, but I have only thought of giving the people of that island such government as free men should give to those who come under their control by conquest or otherwise. I will only vote for a civil government bill when it will give them such government as we would accept for ourselves.

I am sure this measure would not be accepted by any man favoring it on the floor of this House if the conditions were reversed and were it in his power to resist it. I assure you I would never accept it.

I am a protectionist and an expansionist. I favor protecting American industries against foreign competition, but do not favor protecting the commercial interests of one or more of our own States or Territories against another. And when I find that we can not expand, assimilate, and extend to our new territories the same rights and privileges that we insist upon for ourselves, then I will no longer favor expansion.

I am convinced that we can treat the people of Porto Rico as we do the people of New Mexico, Arizona, and Oklahoma without in any way affecting our industry, progress, or civilization; and the benefit will be mutual.

Therefore I favor retaining the island and extending to it all the rights and privileges of American citizenship as enjoyed by the people in our other Territories, and thereby keep the pledge made to the people of the island by General Miles. The people of the United States rightfully expect and demand that this shall be done.

By this bill, after the 11th day of April, 1900, the people of Porto Rico are denied their natural right to choose a sovereign. It provides that they shall be citizens of the island of Porto Rico, and as such entitled to the protection of the United States.

The laws of every European country, in so far as I am informed, and including our own law, provide that aliens wishing to become citizens must renounce allegiance to their sovereign.

The subjects of any European power may become citizens of the United States (if they are of good character) by declaring allegiance to the United States and renouncing allegiance to their present sovereign. The Spanish subjects living on the island of Porto Rico on the 11th day of April, 1899, may retain their allegiance to the Crown of Spain by declaring their intention so to do prior to the 11th day of April, 1900, thereby remaining subjects of Spain and entitled to American citizenship, if they wish to come to the United States and comply with our laws.

But the Porto Rican can not become a citizen of the United States or any other country in the world, because under this bill he would have no sovereign to renounce. This measure, if enacted, will make him a man without a country. Can any man conceive of a more tyrannical form of government?

I oppose the giving of the power to appoint a legislative body to any official, as it is repugnant to the primitive principle of the Republic. When the people are deprived of the free choice of their legislature, the very life of the government is threatened.

I am opposed to building up a protective wall between the States and Porto Rico. We have given free trade and a more liberal civil government and have extended American citizenship to the Hawaiians. Why not do the same for Porto Rico? They are as well adapted to improve these privileges as the Hawaiian. The foundation of civilization has long since been laid in Porto Rico. They embraced the civilizing Christian religion many years ago. Why nail Porto Rico to the cross?

It is conceded by a majority of the Committee on Ways and Means who favor the tariff feature of this bill that free trade with Porto Rico will in no way affect either the agricultural or industrial interests of the United States.

This is admitted by the chairman of the Committee on Ways and Means [Mr. PAYNE], who also said in his speech favoring the passage of the tariff feature of the bill:

> I want to make a precedent that all men can read with reference to the Philippine Islands. And if Cuba should want to come, I want to give notice to Cuba that we propose to protect this industry—
>
> Referring to the beet sugar—
>
> when it comes to a question of admitting the 1,000,000 tons of sugar that will come from Cuba.

It is evident from the views expressed by the gentleman from New York that avarice and not equity is to govern the action of this House in legislating for our insular possessions if his views prevail.

Therefore, we are to crucify Porto Rico on the cross of 15 per cent taxation without representation, and brand across its breast with irons of avarice, broken faith, and Congressional prerogative the words "Cuba, beware!" that all Cubans may take notice.

Do you intend to establish an Ireland in Porto Rico? If so, you should at least give it as much consideration as Great Britain gave that island. In the days of its greatest oppression, Ireland was treated with far greater consideration by Great Britain than we propose to treat Porto Rico by this bill.

The Irish are subjects of Great Britain, and as such they may renounce its sovereignty and become citizens of the United States. They have representation in Parliament, and are therefore consulted in matters of taxation. Both of these great privileges this bill would deny to the unfortunate people of Porto Rico.

There is no reason for dragging the Philippine Islands into this legislation. We can settle that question when we meet it.

And if the gentlemen are correct in their contention that we are not governed by the Constitution in legislating for our new possessions, it is not necessary to persecute these people in order to establish the prerogative of Congress.

I am opposed to this legislation because it violates the principle for which the Republican party declared, and on which it was carried into power in 1860—equality of all men before the law. You may call this sentiment; but when the love of liberty and equity gives way to commercial avarice, then this glorious Republic will crumble from the earth. I am opposed to this measure because it violates the American sense of justice and equity, and because it would establish the identical condition in Porto Rico that the British Parliament sought to establish in the American colonies over a hundred years ago—taxation without representation. The colonists rebelled against the establishment of this principle, and the great men of that day, both by speech and pen, contended that Parliament had no power or right in equity to pass or enforce such laws. This contention on the part of the colonists culminated in the Declaration of Independence, the war of the Revolution, and finally the establishment of this grand and glorious Republic.

Much has been said in the debate on this measure about the positions occupied by Webster and Calhoun on the constitutionality of a somewhat similar question. I will quote from those who lived before the Constitution, those who made the Constitution possible. And from their views I will show that, regardless of whether or not Congress has the constitutional authority to legislate arbitrarily for Porto Rico, it was never intended by the founders of this Republic to vest in any body, legislative, executive, or judicial, arbitrary power. Hence I contend that under the spirit of the Constitution we have no right to arbitrarily tax the Porto Ricans without representation.

Fortunately for the world, the colonists of the pre-Revolutionary days and their posterity, they had among them men who prized liberty far and away above all things else worth living for. First and foremost among these, says John Adams, was James Otis.

He graduated with honors at Harvard in 1743, and for a year or two afterwards devoted himself to the study of literature, before reading law. In 1760 he began to take an active interest in colonial politics.

When the order came from England directing the issuance of writs of assistance, which would authorize the customs officers to enter any man's house on suspicion of concealment of smuggled

goods, Otis was a law officer under the Crown. It was his duty to appear on behalf of the Government. He refused and resigned his office, and appeared for the people against the issuance of the writs.

John Adams, who was present and heard his argument, said:

His plea was profound for its legal lore, fearless in its assertion of the rights of the colonial Englishmen, and so fervid in its eloquence, he was a flame of fire. He breathed the breath of life into the nation. American independence was then and there born. Then and there the child independence was born. In fifteen years—that is, in 1776—he grew up to manhood, and declared himself free.

Bancroft says:

He led the van of American patriots.

Ridpath calls him "The courageous herald who ran swinging a torch in the early dawn of the American Revolution." He says:

He was the prophetic giant of the pre-Revolutionary days.

Of his birth he says:

It was this child that destiny had assigned the heroic work of confronting the aggression of Great Britain on the American colonists and of inspiring the latter to forcible resistance. There can be no doubt that his was the living voice which called to resistance first Boston, then Massachusetts, then New England, then the world; for ultimately the world heard the sound thereof and was glad. The American colonists resisted and at length won their independence. The sparks fell in France, and the jets of flame ran together in a conflagration of light, which was seen over Europe, and, if over Europe, then over the world. The pre-Revolutionist had cried out, and mankind heard him. Resistance to tyranny became an obedience to God.

Soon after his argument against issuance of writs of assistance he was unanimously elected a representative from Boston to the colonial assembly. And he was reelected nearly every year of the remaining active years of his life. His influence at home in controlling and directing the movements which led to the Revolution was universally felt and acknowledged, and abroad no American was so frequently quoted, denounced, or applauded in Parliament and the British press. He was a martyr to American liberty. Attacked in a darkened room in a public coffeehouse in Boston by a mob of tory officeholders, he received injuries from which he never recovered.

Otis published several pamphlets in assertion of the rights of the colonies. The most noted of these pamphlets are, The Natural Rights of the American Colonist, and The Political Rights of the British Colonists Asserted and Proved.

I will apply the principles of Otis (which were the seeds of American liberty) to the contentions of the gentlemen who favor the tariff feature of the Porto Rican bill, which shows by comparison that they are committing themselves to a policy in direct conflict to every theory upon which American independence was asserted and established.

It has been said by gentlemen who favor the tariff between Porto Rico and the United States that these acquisitions are mere dependencies of the United States, and that Congress has not only an inherent but constitutional power to legislate, and also power under the treaties to govern these particular acquisitions as Congress may see fit. If this contention be true, it is against the spirit on which this Government was founded, and is a most dangerous condition if it does exist. The people of this country do not think or intend that Congress has, or shall have, power to legislate for any of our Territories greater than the power given it by the Constitution to legislate for the States. This I hold to be true, whether the territory be newly acquired or otherwise.

I insist if the statement "Congress has arbitrary power to legislate for our Territories" be correct, we should have an amendment to the Constitution limiting the power of Congress to legislate for the Territories to its power within the States, as it is evident from the contention of the gentlemen on the floor of this House that the liberty of the inhabitants of such Territories may frequently depend upon the letter and not the spirit of the Constitution.

Further, if this be the status of the Porto Ricans, it is tantamount to a denial of their natural rights, and a distinct declaration that their life, liberty, and property is at the disposal of the American Congress. This doctrine was rejected by the American colonists, and will never be subscribed to by the people of the United States.

I quote what James Otis, who may rightfully be said to be the parent of American independence, says upon the natural rights of colonists:

The natural liberty of man is to be free from any superior power on earth and not to be under the will or legislative authority of any man, but only to have the law of nature for his rule.

Says Locke:

This is the liberty of independent states; this is the liberty of every man out of society who has a mind to live so; which liberty is only abridged in certain instances, not lost to those who are born in or voluntarily enter into society. This gift of God can not be annihilated. The colonists, being men, have a right to be considered equally entitled to all the rights of nature with the Europeans, and they are not to be restrained in the exercise of any of these rights, but for the evident good of the whole community.

Mr. Speaker, it is not claimed that Porto Ricans are to be deprived of their full rights of American citizenship (to which they are entitled as a matter of good faith) for the good of the whole community, but simply to establish the prerogative of Congress to levy taxes without representation.

I quote further:

By being or becoming members of society they have not renounced their natural liberty in any greater degree than other good citizens. And if it is taken from them without consent, they are so far enslaved. They have an undoubted right to expect that their best good will ever be consulted by their rulers, supreme and subordinate, without any partial views confined to the particular interest of one island or another. Neither the riches of Jamaica nor the luxury of a metropolis should ever have weight enough to break the balance of truth and justice. Truth and faith belong to men as men from men.

Mr. Speaker, we promised the Porto Ricans the rights of American citizenship through the Commander in Chief of our Army, General Miles. And when this pledge was made, you could not have found in the length and breadth of this land one liberty-loving American citizen who took exceptions to it. They have a right to demand that we now keep the faith. "And if they are disappointed in their just expectations of them in one society, they will at least wish for them in another. If the love of truth and justice (the only sound policy in any state) is not strong enough to prevent certain causes from taking place, the arts of fraud and force will not prevent the most fatal effect. In the long run, those who fall on arbitrary measures will meet their deserved fate. It is a clear truth that those who every day barter away other men's liberty will soon care little for their own."

In their report upon the bill to regulate the trade with Porto Rico, a majority of the House Ways and Means Committee, after discussing at length all the constitutional questions bearing upon the proposed legislation, said:

Upon the whole we conclude: First, that, upon reason and authority, the term "United States" as used in the Constitution has reference only to the States that constitute the Federal Union, and does not include Territory; second, that the power of Congress with respect to legislation for the Territories is plenary; third, that under the power Congress may prescribe different rates of duty for Porto Rico from those prescribed for the United States.

In answering these findings I again quote James Otis:

Every British subject born on the continent of America, or in any other of the British dominions, is by the law of God and nature, by the common law, and by act of Parliament (exclusive of all charters from the Crown) entitled to all the natural, essential, inherent, and inseparable rights of our fellow-subjects in Great Britain.

Among these rights are the following, which it is humbly conceived no man or body of men, not excepting the Parliament, justly, equitably, and consistently with their own rights and the constitution can take away.

First. That the supreme and subordinate powers of legislation shall be free and sacred in the hands where the community have once rightfully placed them.

Mr. Speaker, the people expect this supreme legislative body to hold sacred, extend, and defend liberty, the birthright of every person living under the protection of our flag. We should not violate this trust.

Second. The supreme national legislative can not be altered justly till the commonwealth is dissolved, nor a subordinate legislative taken away, without forfeiture or other good cause. Nor then can the subjects in the subordinate government be reduced to a state of slavery and subject to the despotic rule of others. A State has not the right to make slaves of the conquered, even when the subordinate right of the legislative is forfeited and so declared. This can not affect the natural persons, either of those who were invested with it or the inhabitants, so far as to deprive them of the rights of subjects and of men.

Third. No legislative, supreme or subordinate, has a right to make itself arbitrary.

Yet, Mr. Speaker, it is intended to establish the arbitrary prerogative of Congress by passing this measure.

Fourth. The supreme legislative can not justly assume a power of ruling by extempore arbitrary decrees, but is bound to dispense justice by known settled rules and by duly authorized independent judges.

If we legislate for Porto Rico by settled rules, if we conform to the contention of Otis, we will treat them not as proposed in this bill, but as we treat the people in the Territories of New Mexico, Arizona, and Oklahoma. Otherwise we violate the primitive principles and take the first step to break down the liberties of which we justly boast so much and which were bought with the best blood of the patriots in '76 and '61.

Fifth. The supreme power can not take away from any man any part of his property without his consent in person or by representation.

Sixth. The legislature can not transfer the power of making laws to other hands.

Mr. Speaker, this bill practically transfers power to make laws to the President by authorizing him to appoint the upper legislative body of the island of Porto Rico.

These are the bounds which by God and nature are fixed. Hitherto have they a right to come and no further. First. To govern by stated laws. Second. These laws should have no other end ultimately but the good of the people. Third. Taxes are not to be laid on the people but by their consent in person or by deputation.

And now Congress proposes to say that Otis and all his compatriots occupied a false position. If the contention of the gentlemen who favor this tariff be right, the fathers were wrong; the pre-Revolutionists and the Revolutionists were an illogical, unjust set of men, and were nothing more or less than a band of

brigands, who wrenched from Great Britain her rightful possessions without right or justice. According to this doctrine, while this liberty-loving, God-fearing people have been building up civilization, education, prosperity, and happiness, spreading the doctrine of an extending liberty, we have been living a lie for over a hundred years. It is an acknowledgment, according to this contention, that we emanated from a band of marplots, and we take this opportunity of condemning their acts.

Mr. Speaker, if we have just awakened to the iniquity of the fathers and they were wrong in their contention of no taxation without representation (and if the contention of these gentlemen is right, the fathers must have been wrong), we are in possession of that which does not belong to us. Therefore it is our plain duty, as a civilized, just, and righteous people, to turn back to Great Britain all the territory possessed by the United States (as it is fair to assume we would have expanded under British rule) and restore it to control as the rightful sovereign power. This weak and ridiculous doctrine, I am sure, will never be subscribed to by the American people.

Fourth. Their whole power is not transferable.

These are the first principles of law and justice, and the great barrier of a free state and of the British constitution in particular.

Suppose a time may come when, instead of a process at common law, the Parliament shall give a decisive blow to every charter in America and declare them all void. Nay, it shall also be granted that it is barely possible that the time may come when the real interest of the whole may require an act of Parliament to annihilate all these charters. What could follow from all this that would shake one of the essential, natural, civil, or religious rights of the colonies? Nothing. They would be men, citizens, and British subjects, after all. No act of Parliament can deprive them of the liberties of such, unless they will contend that an act of Parliament can make slaves of not only one but two million of the Commonwealth. And if so, why not the whole?

Why not, as Otis asks, make Porto Ricans slaves if your contention be true that you can rule as you please and the Constitution does not govern you in making laws for Porto Rico? If you can lay this tax without their consent, you can pass such laws as you please.

I do not think the American people believe you have or shall have such arbitrary power. But if Congress has this power, it should be shorn of it at once. It is too great a temptation to anybody and is contrary to what the fathers intended when they laid the foundation of this Government.

I quote further:

The very act of taxing, exercised over those who are not represented, appears to me to be depriving them of one of their essential rights as freemen; and if continued, seems to be in effect an entire disfranchisement of every civil right. For what one civil right is worth a rush after a man's property is subject to be taken away from him at pleasure without his consent? If a man is not his assessor in person or by deputy, his liberty is gone or lies entirely at the mercy of others.

It would seem the Omnipotent put these words into the mouth of this bearer of light to give warning to those urging the passage of this particular measure.

In what way can gentlemen who contend that liberty is only for people living within the confines of the United States answer the logic of Otis?

I think I have heard it said—

He continues—

that when the Dutch are asked why they enslave their colonies their answer is that the liberty of the Dutchmen is confined to Holland, and that it was never intended for provincials in America or anywhere else. A sentiment, this, very worthy of modern Dutchmen, but if their brave and worthy ancestors had entertained such narrow ideas of liberty, seven poor and distressed provinces would never have asserted their rights as against the whole Spanish Monarchy, of which the present is but a shadow. It is to be hoped none of our fellow-subjects of Great Britain, great or small, have borrowed this Dutch maxim of plantation politics. If they have, they had better return it from whence it came; indeed they had. Modern Dutch or French maxims of state never will suit with a British constitution.

Apply these thoughts to the present case. If Otis were here himself he could not more completely answer the statement of the gentleman from Pennsylvania [Mr. DALZELL], "Liberty is not the same at all times and in all places."

There is but one kind of liberty for freemen. I am aware it is not always admitted, but it is truth that can never be annihilated. It is thus that Otis, in his celebrated pamphlet on The Rights of the British Colonists Asserted and Proved, defined what the political rights of the colonists were:

Though it be allowed that liberty may be enjoyed in a comfortable measure where prohibitions are laid on the trade of a kingdom or province, yet if taxes are laid on either without consent they can not be said to be free. This barrier of liberty once broken down, all is lost. If a shilling in the pound may be taken away from me against my will, why not twenty shillings? And if so, why not my life and my liberty?

Mr. Speaker, this is what Otis would have answered to your statement, "That all money collected under this bill will go back to the Porto Ricans."

Otis says further: "Merchants were always particularly favored by the common law. All merchants, except enemies, may safely come to England with their goods and merchandise. And why not as well to the plantations? Are they not entitled to all the British privileges? No; they must be confined, in their imports and exports, to the good of the metropolis." The foregoing British contention is one of the arguments made in favor of this measure. "Very well, we have submitted to this. The act of navigation is a good one, so are all that exclude manufacturers from the plantations; and every honest man will readily subscribe to them. But to promote the manufactures of England, it is thought best to shut up the colonies, in a manner, from all the world. Right as to Europe, but, for God's sake, must we have no trade with other colonies?"

Mr. Speaker, this is the question that the people are asking Congress to-day. Are we not to have free trade with Porto Rico?

Otis contends further: "In some cases the trade between British colony and colony is prohibited, as in wool, etc. Granting all this to be right, is it not enough? No; duties and taxes must be paid without any consent or representation in Parliament."

"In the reign of Edward III, the Black Prince of Wales, having Aquitain granted to him, did lay an imposition or fuage or focage a foco upon the subjects of that dukedom, namely, a shilling for every fire, called hearth silver, which was of so great discontent and odious to them that it made them revolt, and nothing since this time has been imposed, by pretext of any prerogative, upon merchandise imported into or exported out of this realm, until Queen Mary's time, nor anything of that kind taken place since the Revolution. King Charles, his ship money, every one has heard of."

"It may be said that these authorities will not serve the colonists, because the duties laid on them are by Parliament. I acknowledge the difference of fact, but can not see great difference in equity, while the colonists are not represented in the House of Commons. And therefore, with all humble deference, I apprehend that till the colonists are represented the spirit of all these authorities will argue strongly in their favor."

"When Mr. Dummer wrote his defense of the charters there was talk of taking them away by act of Parliament. His third proposition is that 'It is not for the interest of the Crown to resume the charters if forfeited.' This he proves, as also that it would be more for the interest of Great Britain to enlarge rather than diminish the privileges of the colonists. His last proposition is that 'It seems inconsistent with justice to disfranchise the charter colonies by act of Parliament.'"

"It seems, therefore," says he, "a severity without a precedent, that a people who have the misfortune of being a thousand leagues from their sovereign (a misfortune great enough in itself) should unsummoned, unheard, in one day, be deprived of their valuable privileges, which they and their fathers have enjoyed for near one hundred years."

"It is true," as he observes, "the legislative power is absolute and unaccountable, and kings, lords, and commons may do what they please. But the question here is not about power, but about right—or rather equity—and shall not the supreme judicature of all the nation do right?"

"One may say that what the Parliament can not do justly, they can not do at all. The higher the power is, the greater the caution is to be used in the execution of it; because the sufferer is helpless and without resort."

"But, if it is thought hard that charter privileges should be taken away by act of Parliament, is it not much harder to be in part or in whole disfranchised of rights that have been always thought inherent to a British subject, namely, to be free from all taxes but what he consents to in person or by his representative? This right, if it could be traced no higher than Magna Charta, is a part of the common law, part of a British subject's birthright, and as inherent and as perpetual as the duty of allegiance, both of which have been brought to these colonies and hitherto held sacred and inviolable, and I hope and trust ever will."

"It is humbly conceived that the British colonists (except only the conquered, if any) are by Magna Charta, as well entitled to have a voice in their taxes as the subjects within the realm. Are we not as really deprived of that right by the Parliament assessing us before we are represented in the House of Commons as if the King should do it by his prerogative?"

"I conceive the British constitution must make an exception of all taxes until it is thought fit to unite a dominion to the realm. Such taxation must be considered either as uniting the dominion to the realm or disfranchising them. If they are united, they will be entitled to representation as well as Wales. If they are taxed without a union or representation, they are so far disfranchised."

"The sum of my argument is that civil government is of God; that the administrators of it were originally the whole people; that they might have devolved it upon whom they pleased; that this devolution is fiduciary for the good of the whole; that by the British constitution this devolution is on the kings, lords, and commons—the supreme, sacred, and uncontrollable legislative power, not only in the realm, but through the dominion; that by abdication the original contract was broken to pieces; that by the Revolution it was renewed and more firmly established, and

the rights and liberties of the subjects in all parts of the dominions more fully explained and confirmed; that in consequence of this establishment and the acts of succession and union His Majesty George III is rightful king and sovereign, and with his Parliament the supreme legislative of Great Britain and the dominions thereto belonging; that this constitution is the most free one and far the best now existing on earth; that by this constitution every man is a free man; that no part of His Majesty's dominions can be taxed without their consent; that every part has a right to be represented in the supreme or some subordinate legislature; that the refusal of this would seem to be a contradiction of practice, to the theory of the constitution; that the colonies are subordinate dominions, and are now in such a state to make it best for the good of the whole that they should not only be continued in the enjoyment of subordinate legislation, but be also represented in some proportion to their numbers and estates in this grand legislature of the nation; that this would unite all parts of the British Empire in the greatest peace and prosperity, and render it invulnerable and perpetual."

The attitude of gentlemen favoring this tariff will, if passed, place the United States toward Porto Rico, as shown by the eminent authority which I have just quoted, exactly in the attitude which Great Britain assumed to the American colonists and which caused them to rebel and by force of arms establish their independence.

Mr. Speaker, the elemental principles of American liberty having been set forth for us with such clearness and force that no intelligent man can fail to comprehend them, and it being perfectly clear, as it must be to the reasonable and unprejudiced mind, that the legislation now proposed for Porto Rico is essentially incompatible with and repugnant to those principles, the question for us now to consider as Americans and lovers of our country is whether or not it is best for the nation to remain true to its republican principles or abandon them for the policy of empire.

There is no hesitancy or doubt in my mind as to which should be our choice. I believe in adherence to our primitive principles. I stand for the perpetuity of the institutions which have made us blessed beyond any nation on earth; which have wrought for us, even before we have passed the stage of national adolescence, a prosperity and development at which the whole world marvels.

Change is essential to progress. A country which does not grow must decay. I welcomed with delight the acquisition of Porto Rico. I favor the retention of the Philippines. But in advocating the extension of our territory, the spirit which moved me was not the spirit of avarice, the spirit of commercial exploitation, but the spirit of seventy-six, the spirit of sixty-one, and the spirit of ninety-eight, the spirit of liberty, the spirit which sympathizes with the oppressed of the world, which hopes to see the tyrant's shackles broken from all mankind.

Wherever the American flag can go honorably and virtuously, wherever it can mean to a people what it means to us, there I want to see it go. But if it means less in Porto Rico than it means in Illinois, it were far better for us as well as the Porto Ricans that it had never gone there. Remember the words of the father of American liberty, "It is a clear truth that those who every day barter away other men's liberty will soon care little for their own."

In his able work on Democracy and Social Growth in America, Prof. Bernard Moses, whom the President has just honored with an appointment as member of the Philippine Commission, lays down this proposition: "If the nation would be true to itself throughout its changes of governmental forms, growth must continue on the basis of essential and fundamental ideas. Like a religious system, it must seek to keep its primitive principles conspicuous; and if at any time they are lost to sight, the nation must be awakened by the preaching of a revival."

Mr. Speaker, I think we have reached the crisis in our history; I think we need a liberty revival. If we are true to ourselves, we must have it. If we are to be untrue, then the ultimate penalty will be dissolution of our republican institutions.

A nation which surrenders its basic principles can not survive. I am not an alarmist. I do not think the dissolution will come in our day or generation; such changes work slowly, but they are none the less inevitable. I doubt not that as imperialists we will have our day of grandeur, and perhaps our imperial splendor will eclipse that of ancient Rome.

Columbia, if shamefully bedecked with the precious Pearl of the Antilles and the gems of the Pacific and the Orient, may excite for a time such admiration as is won by riches and voluptuousness. But, sir, the light of liberty, which is to her what virtue is to woman, will have faded from her eye; and all the riches of the world can not make up for that loss to those who really love her, to those who look upon her starry emblem as the symbol of God-given rights and not as a commercial asset.

Mr. McCALL. Mr. Speaker, I have five minutes remaining, have I?

The SPEAKER. The gentleman has four minutes remaining.

Mr. RICHARDSON. I will yield to the gentleman one minute, making it five minutes.

Mr. McCALL. Mr. Speaker, it may be well to consider for a moment the course of events since this bill first came into the House. The Committee on Ways and Means, of which I have the honor to be a member, apparently misconstruing the message of the President, voted to impose a "plain duty" of 25 per cent of our existing rates. That duty has been reduced to 15 per cent. Instead of being permanent in form, it is self-repealing inside of two years, and may be repealed by the Territorial legislature in two months. The need of immediate revenue has been supplied by the appropriation of $2,000,000. So much, Mr. Speaker, for what has been conceded with reference to the issue of the tariff.

When we consider the arguments that were advanced in support of the measure as it was first presented here and compare it with the constitutional situation to-day, we find an equally great change. The bill was predicated upon the proposition that Congress was acting under general powers of sovereignty outside of the Constitution and was subject to no limitations whatever excepting that in the amendment relating to slavery. It may have occurred to you as it has to me, that the speeches recently delivered in the debate here and elsewhere seek to bring this duty strictly under the terms of the Constitution, and it is now maintained that it is constitutional.

Some of my colleagues who do not agree with me have, for purely ad captandum purposes, decorated the doctrine which I have asserted here with the name of John C. Calhoun. I have disputed the assertion of despotic power on the part of Congress. The doctrine of constitutional limitation upon the power of Congress is the doctrine of every justice who has spoken upon that subject from our Supreme Court. I assert here in the presence of the distinguished gentleman from Pennsylvania [Mr. DALZELL], who to-day made a contrary assertion, that it is the doctrine of the Republican platforms of 1856 and of 1860, and it is the doctrine of Abraham Lincoln.

The platform of 1856 declared, with reference to the fifth amendment to the Constitution, that—

> It becomes our duty to maintain this provision of the Constitution against all attempts to violate it for the purpose of establishing slavery in the United States by positive legislation prohibiting its existence or extension therein; that we deny the authority of Congress, of a Territorial legislature, or any individual or association of individuals to give legal existence to slavery in any Territory of the United States while the present Constitution shall be maintained.

The platform of 1860 made substantially the same declaration in almost the same terms.

But, Mr. Speaker, a new authority has recently appeared, and I think this doctrine can now be decorated with another name, the name of a man whom I have often followed with great pleasure, and I take the liberty here of christening it the Grosvenor doctrine. [Laughter and applause on the Democratic side.] I will now read from a speech delivered by the distinguished gentleman from Ohio, printed in the RECORD of March 26, in which he says:

> We say Congress may legislate in relation to these territories without any reference to the provisions of the Constitution, excepting that Congress can not do a thing forbidden by the Constitution. To illustrate, we admit that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof;" nor can it pass any law "abridging the freedom of speech or of the press," nor forbidding the people "peaceably to assemble and to petition the Government for a redress of grievances;" nor can it quarter soldiers upon the owner of property in time of peace, nor prevent the people from bearing arms, nor shall it involve the homes of people in the matter of searching for papers, etc.

Mr. Speaker, that is utterly inconsistent with the "free hand" theory, the extraconstitutional, general sovereignty theory, the theory that Congress has despotic power over the Territories; that is precisely the doctrine that I have contended for. I have not asserted that the Constitution goes to Porto Rico with any great Latin name, but I have asserted that it was in force upon Capitol Hill and that Congress could do nothing which it was forbidden by that instrument from doing.

Now, Mr. Speaker, we see how much has been conceded, and it seems to me that the leaders upon this side of the House, instead of clinging to the miserable remnant of this business, might well exhibit that nobler courage which would reform their policy altogether and grant free trade, as the President recommended, to Porto Rico. [Applause on the Democratic side.] The situation is precisely parallel with the situation in 1774.

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON. I yield two minutes more to the gentleman.

Mr. McCALL. In 1774 it was proposed by King George's Government to repeal the solitary remnant of the taxes upon the American colonies. Five-sixths of those taxes, upon one pretext or another, had been repealed. The ministry, in order to support the preamble of that act that it was expedient to tax America for the benefit of America—and you make parade here of our display of virtue in imposing this tax for the benefit of Porto Rico—maintained the small tax of 3 pence upon tea. Upon one pretext and

another they had repealed nearly all the tax, but they retained enough to flaunt their asserted right to tax, and they brought on the Revolution.

Edmund Burke, in pointing out the method in which the repeal had been brought about, said that it was pilfered by piecemeal, and that the ministers invented some miserable tale of the day in order meanly to sneak out of difficulties into which they had proudly strutted. I do not impute this method to my colleagues, but I do assert that upon the main issue there is a precise resemblance, and that you retain this wretched shadow of a tax simply to assert your power to tax those unrepresented people according to your own sweet will. This assertion it is, Mr. Speaker, that has aroused not Porto Rico, but the people of this nation, that has made one great "Boston tea party" of the whole country; that has touched the generous sentiment of the American people, a sentiment that can not find room enough to express itself between the two great oceans. The only fitting response you can make to that sentiment is to grant free trade to Porto Rico. [Loud applause on the Democratic side.]

There are weighty reasons for not concurring in the civil-government amendments of the Senate. The chief governing body for that island is to be the council of eleven, every one of whom is to be appointed by the President. We are making but a sorry beginning, I fear, at colonial government, if what is said about this feature be true by the members of the House insular committee, who were appointed to consider this subject.

Mr. RICHARDSON. I now yield ten minutes to the gentleman from Virginia [Mr. SWANSON].

[Mr. SWANSON addressed the House. See Appendix.]

Mr. RICHARDSON. I now yield to the gentleman from Nevada [Mr. NEWLANDS].

[Mr. NEWLANDS addressed the House. See Appendix.]

Mr. PAYNE. I yield half a minute to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, when I closed the remarks that I made on the proposed rule, I was criticised by my friends around me for having used the term "subsidized Republican press." I denied at the time that I had used the term, for no such purpose was in my mind. [Derisive cries on the Democratic side.] Oh, gentlemen, any man may make a mistake of a word in the heat of debate. I did not intend to use any such term. The term I intended to use was "misguided." I find, however, that the criticism is confirmed by the report furnished me by the reporter, and I want to make as public an explanation as the charge which I made without intention was public.

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON. Mr. Speaker, how much time is there left?

The SPEAKER. Forty minutes remain to the gentleman from New York [Mr. PAYNE], and nine to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. I yield five minutes to the gentleman from Kentucky [Mr. RHEA].

[Mr. RHEA of Kentucky addressed the House. See Appendix.]

Mr. RICHARDSON. I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Speaker, I am very much gratified indeed that the gentleman from Indiana [Mr. WATSON] addressed the House to-day, for in the course of his remarks he clearly set forth the position of the President on this bill, saying that the President is united with his party in the support of it. I read from the remarks to-day of the gentleman from Indiana, as given by the stenographic report I have now in my hands, in which he says:

And, Mr. Speaker, as the distinguished gentleman from Ohio [Mr. GROSVENOR] has so well said, that illusion should be at once dispelled from the public mind, because it is known that the President of this Republic, the members of his official family, the leaders of the great Republican party here and elsewhere, are to-day united in the support of this measure.

In December last, in his regular annual message, the President said "our plain duty" was to give free trade to Porto Rico. The President, in a sub rosa way, has told the leaders of his party that he has changed; but, Mr. Speaker, he has not risen to the dignity of the statesman he should be and given to Congress, as the Constitution requires him to do "from time to time," in a message, the reasons for his change, but has contented himself with whispering it around to members of the Republican party.

I should like to say more on this line, but my time is too brief. I want to read a paragraph or two which shows the somersault of the distinguished young gentleman from Indiana [Mr. WATSON] on this question. In an interview, undisputed, published in a Republican paper, the Indianapolis Journal of March 6, that gentleman says:

I voted for the bill at the earnest solicitation of President McKinley and the leaders of the Republican party, simply as an emergency measure. * * * I never said at any time that I would join the Democracy and vote against the bill, but I did say that I would vote against and fight the bill in the Republican caucus, and I did.

Now listen particularly to this language.

I subordinated my own personal views as to the expediency of the passage of such a bill and voted for it in the interest of party harmony and to sustain the Administration.

The gentleman wanted to do his "plain duty"—give Porto Rico free trade, her just and legal rights—but forsook his "plain duty" for "party harmony and to sustain the Administration." He does not state that at that time, last March, there was any new evidence or meritorious reasons for his change or the change of the President from "our plain duty" policy. Think of it, gentlemen! "Party harmony" above "plain duty!" The "Administration" support above supporting the Constitution! [Applause on the Democratic side.]

But to prop up this causeless change from free trade to a protective tariff he quotes to-day, for the first time, from a letter from Governor-General Davis, written a week ago, he says—that is, a month after the joint change of himself and President. I have read the letter, which I find in part in the stenographic report of his speech to-day. It nowhere says that the President or the American Congress should abandon our "plain duty," but, in brief, that we would get no revenue under free trade; which Governor Davis and the President, Mr. Secretary Root, and the gentleman himself knew when they started last fall "our plain duty policy" of free access between Porto Rico and the United States. It is too late to give any such excuse for such a sleeveless change of front.

Yet, Mr. Speaker, the gentleman from Indiana has the nerve to rise here to-day, with a self-assumed purity of an angel, and criticises the Democratic party and the five or six patriots on that side of the House because they have kept the faith, who are determined to do their plain duty to these people, to our Constitution and its immutable principles. [Applause on the Democratic side.]

But to another point along another line. The gentleman from Pennsylvania [Mr. DALZELL] a few moments ago undertook to apologize to the "Republican press" for denouncing the Republican press this morning as being "subsidized," simply because the press of this country have turned their powerful guns upon the cowardly acts in this matter of the Administration and the Republican party in abandoning "our plain duty" with these islands, because the press, with great effect, is supporting the Democrats in their efforts to uphold the Constitution, the purity of American honor, and deal out justice to a poor people who came willingly under our flag! [Applause on Democratic side.]

Mr. Chairman, under the rule I extend my remarks by printing the great paper of Judge Brewer in opposing a "colonial policy," which this bill inaugurates.

THE SPANISH WAR—A PROPHECY OR AN EXCEPTION.

[By the Hon. David J. Brewer, associate justice of the Supreme Court of the United States.]

MR. PRESIDENT AND GENTLEMEN OF THE LIBERAL CLUB: On the 16th day of April, 1898, Congress, by an overwhelming vote, passed this resolution:

"Joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

"Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship, with 265 of its officers and crew, while on a friendly visit in the harbor of Habana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore,

"*Resolved*, By the Senate and House of Representatives of the United States of America, in Congress assembled—

"First. That the people of the island of Cuba are, and of right ought to be, free and independent.

"Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

"Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

"Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

"Approved April 20, 1898."

This was the official declaration by the nation of its purpose in commencing the recent war. If thereupon Spain had withdrawn its troops from Cuba and left the people of the island free to establish their own government, there would have been no war. And when, as the result of the conflict, Spain relinquished all dominion and control of Cuba and left her people free, the purpose of the war was accomplished.

It were going too far to say that the philanthropic motive of emancipating Cuba was the sole cause of the war. Other matters tended more or less directly to precipitate the collision. Cuba had been for years in a state of chronic disturbance. Its unsettled condition had seriously interfered with our commercial relations with the island and pecuniarily damaged our interests. The fearful catastrophe of the destruction of the *Maine* intensified an already growing feeling. The cool, dispassionate statement of Senator PROCTOR, reciting the horrors which he had seen, more potent than all the tempestuous utterances of those jingo orators who shouted for war, but never enlisted, strengthened the conviction that something ought to be done. And then the varied interests which always hope to profit either pecuniarily

or in the line of military or naval glory by any war kept steadily working toward the same result.

Yet, while all these matters are to be taken into account in determining the causes of the war, the fact remains that the main thought—the officially declared purpose—was the relief of an oppressed people. And that purpose ought never to be forgotten. Whether facts were distorted, cruelties exaggerated, the real conditions misrepresented, whether, indeed, the emergency had arisen which called for interference, are matters which may be disputed and debated, but it should never be forgotten that the American people believed that the emergency had arisen, that humanity demanded interference, and undertook the war to put an end to cruelty and wrong and for the emancipation of a struggling and downtrodden people.

When the war had commenced it was waged as other wars, and this country struck where it could and as hard as it could. We aimed at the solar plexus, and we hit it. The proud Castilian Corbett went down, and victory is ours.

Out of this war have sprung questions affecting the future history and policy of this country, questions condensed in that which I have selected as the title of this talk: "The War with Spain; a Prophecy or an Exception?" The questions which I wish to notice are two in number, and may be stated thus: First, because we undertook the deliverance of the oppressed Cubans from the domination of Spain, are we hereafter to assume the duty of forcibly emancipating all oppressed peoples, or were the circumstances surrounding our interference in Cuban affairs such as to make that simply an exception in our history and policy? Secondly, are we to extend our dominion by force, purchase, or otherwise over remote territory and enter upon that career of colonial expansion which has become the settled habit of the great European nations, or are we to remain content with our compact continental possessions and devote our energies to the development of our own resources and the building up of the United States of America within those limits along the lines of our past history?

The questions thus presented are vital and far-reaching. They are not to be settled dogmatically; by epithet or by denunciation; not by saying that what has been must be, and that changed conditions bring no change in duty or policy; nor, on the other hand, that because we are powerful and can do so, it is destiny and duty that we should. Cant phrases do not change convictions or determine right, and the American people are not ruled by an epigram. Fortunately these questions are being discussed without reference to party lines, and in the most earnest, patriotic, and thoughtful manner by all.

Returning to the first question, it must be noticed that if the circumstances demanded any outside interference in the affairs of Cuba (and that they did the general consensus of opinion in this country asserted), then we were so situated that it would seem to have been our special duty to interfere; we were the near Samaritan. I know there are some who say that there is no duty of a nation as of an individual to act the part of a Samaritan; that a nation, although an aggregation of individuals, is somehow or other relieved of all obligations which rest upon an individual; that it is not only its privilege, but its duty, to be guided in all respects by selfishness; that no matter what cry of appeal may come from far or near, it is the nation's right to measure its duty, not by any questions of humanity, but by the mere rule of dollars and cents. To those who entertain such views of national right and duty any interference for the mere sake of relieving an oppressed people is necessarily an exception—one to be discountenanced and never followed.

I do not agree with those views. A nation is, in my judgment, a great moral entity, expressing in its life the sum of all the moral obligations which rest upon its individual citizens, and so there are times in the history of every nation when humanity calls upon it to look beyond the mere matter of dollars and cents, and even at personal sacrifice to interfere in the affairs of other nations. And yet, because this national duty may sometimes arise, and when it arises should always be bravely met, it does not follow therefrom that there is a continuous obligation to be looking into the affairs of other nations to see if there are not wrongs that ought to be righted, oppressed that should be delivered, and struggling people set free.

The good Samaritan did not go down on the road from Jerusalem to Jericho hunting a job, but as he journeyed on his own business came where the robbed and beaten sufferer lay. It is not mere selfishness which declares that the primary duty of a nation is to its own people and that their interests and well-being are not to be neglected under the illusive notion that it has a duty to pose as a great national rectifier of wrongs done by other nations. It is a wise man that successfully manages his own household, that has primary regard for the well-being of its inmates, and, although he may not selfishly ignore the condition of affairs of other households, yet he ought always to remember his primary duty and be cautious about interfering in the affairs of others. Everyone knows that a man who is a busybody in other people's affairs, although animated by the best of motives, is as apt to do harm as good. He often fails to appreciate the real situation, interferes in behalf of the wrong party, or interferes when interference is a curse; and the same is true of nations.

Neither is there anything in the so-called "Monroe doctrine" which makes us sponsor for this continent. We have no supervision or control over the internal affairs of other States; we are not their guardians. Each of them has the same right to interfere in the affairs of the United States that we have to interfere in its. That doctrine finds its expression in the message of President Monroe to Congress on December 2, 1823, which, after referring to the difference between the political system which obtains across the waters and that of this country, states the right which we claim in these words:

"We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States."

This means only that we are unwilling that the political system of Europe shall be extended in America. We pledge nointerference with existing colonies of European governments; we simply state that their ideas of government and colonial expansion must not be worked out on this hemisphere.

Whether this doctrine has been so far approved as to become a rule of international law is one thing; it may simply have been acquiesced in because of no suitable occasion for challenge. At best it is but an expression, not of authority over this continent, but simply of protection and defense. It is a declaration of a purpose to stand by our weaker neighbors in case of attack and in no sense an assumption of a control over their affairs.

Neither have we since that message enlarged its scope. When Great Britain demanded reparation from Nicaragua and threatened force to compel compliance, we did not interfere. In the controversy between Venezuela and Great Britain we took no new position. The former Government claimed that the latter was trying to enlarge its territory wrongfully and forcibly by taking possession of that which rightfully belonged to Venezuela. We interfered only so far as to say that Great Britain should not forcibly extend its colonial possessions; and the outcome has been an arbitration between the two nations for the purpose of settling the question of right.

But the second question is of more importance, for I think it may be safely assumed that there is in the American people such a spirit of humanity and sense of responsibility that whenever there shall arise a real emergency for interference in the name of humanity in the affairs of another nation we shall respond with alacrity, and there is also such a general prudence and caution as will keep us from unwarranted and needless interference. And this second question is one whose solution will materially affect our destiny. Happily, the war with Spain is ended and the results of the war determined. Grim-visaged war hath smoothed its wrinkled front.

As there were some who doubted in the beginning its wisdom or necessity, so there are some who doubt whether the results will be beneficial, and whether it was wise to take the territory which the nation has taken. But the thing is accomplished, and it is no part of a patriot to stand aloof and simply denounce. Rather let him accept that which has been accomplished and apply himself as best he may to make the things accomplished fruitful of the least injury and productive of the most blessing. Yet, while so doing, it is right and wise to consider what shall be the future, and whether that which has been done shall become the fixed habit and settled policy of the nation. What has been done is one thing. What shall be is another. We have taken islands separated from us by the waters of the ocean. Are we to thus continually expand? Is such a policy of expansion wise?

In criticising this policy I shall consider only the Philippines. I take them as illustrations because the truth is better seen by its connection with a concrete fact than through any mere general statement. And if I refer only to the arguments against the appropriation of those islands, and fail to notice the many reasons or the peculiar circumstances which induced the action of our Government, it is not because I do not appreciate the force of these reasons and circumstances, but because, as I said, I am not here to complain of that which has been done. I despise a man who simply sulks and swears. My thought is, accepting that which has been done as having been the best under the circumstances, is that to become the future policy of the nation? Is it a prophecy or an exception?

One thing which seemed to attract much attention, and was claimed to justify the taking possession of distant islands, is the need of coaling stations. When the question of annexing Hawaii was pending, distinguished officers of both the Army and Navy appeared before committees of Congress, urging the necessity of securing a coaling station on those islands, and argued that we had better take the entire territory, which was small, and thus avoid the possibility of any other nation securing a post and base of operations contiguous to our own. Now, I do not propose to question the wisdom from a military standpoint of the advice given by those officers. I am ready to accept their statement that in case of war a coaling station there, or at the Philippine Islands, or elsewhere, is of value.

I have had no military education; I do not know how to conduct a war; I do not edit a "yellow" journal; and so I yield unquestioning assent to the claims made by these Army and Navy gentlemen that, in case of war, coaling stations in different parts of the globe are desirable. And yet, with the incredulity and questioning spirit of a Yankee, I can not but notice that we have gotten along safely for an hundred years without any coaling stations outside of our own territory, and I want to ask how much greater victory Dewey would have won if we had had a dozen coaling stations in the far Pacific? And, further, it is clear that for a coaling station territory as large as New England is not essential. I know of but one place that needs such a large coaling station, and that is a place we all hope to eternally avoid. But, beyond that, is there not such a thing as overdoing this getting ready for war? I have noticed that a man who goes about with a chip on his shoulder is very apt to have many quarrels, but the gentleman who minds his own business is ordinarily let alone and goes through life without a fight.

Not that I believe in tamely submitting to every injury or insult, or that a nation, like an individual, does not sometimes have to assert itself, even to the extent of war. No more sacred duty rests upon the United States than to see that every citizen is protected, wherever he may be, and to secure such protection every dollar and every man within the limits of this country should stand pledged. I care not where an American may go, whether among the savage tribes in Africa, among the semicivilized nations of Asia, or in the higher civilized nations of Europe, it should be understood that the banner we love is a guaranty of safety which no nation or individual can trifle with.

It is said that the lives and property of American citizens in Turkey have been wantonly destroyed. If that be true, reparation should be demanded. And if that be refused, I would introduce Dewey to the Sultan before breakfast. And if beneath the fire of his guns the grand dome of the Mosque of St. Sofia tumbles into ruins, with all the picturesque splendor that attended the falling walls of the Temple of Jerusalem, I should only say, let all the world take warning and respect the Stars and Stripes. It is to the glory of this country that in its infancy it refused to pay tribute to the pirates of Algiers, and sent Decatur and others, who vanquished the pirates and compelled respect to our flag. And I care not how often, if necessary, that lesson of the sanctity of the Stars and Stripes is given.

Many plans are suggested for the disposal of the Philippines. One is to withdraw our Army and Navy and leave the inhabitants to do the best they can for themselves. Another is to continue an armed force in possession for the purpose of preserving order until such time as the inhabitants have organized and put into active operation something like a stable government. Third, while leaving the control of internal affairs to the inhabitants, to establish something in the nature of a protectorate—one that will guarantee peace within and protect against invasion from without. Fourth, to treat the islands as so much property and sell them for what we can get—selling to any responsible purchaser and one likely to establish good government in the islands. Fifth, to make them colonies, to be governed by the United States, thus introducing into the life of this nation the colonial system which obtains among the European powers. And sixth, to incorporate these islands as fellow-citizens, establishing therein at first territories with the view of subsequent admission into the Union as States.

All these plans have their advocates. The air is full of argument advocating and challenging the wisdom, legality, and constitutionality of each. I do not propose to enter into any discussion of the legality or constitutionality of any of these plans. I assume that whatever the American people determine to do in reference to these islands they will. If new laws have to be enacted or constitutions amended, all is within the power of the people, for laws and constitutions, legislators, Presidents, and judges are but the means and agents by which the American people put into execution their deliberate purpose, and whatever that people determine to do they will do, and there is no power on earth that will or can stop them. Neither do I propose to say aught for or against the advisability of either of the first four plans suggested.

The only matters I desire to consider are those involved in the last two propositions, namely, the introduction of the colonial system into this country and the holding of these islands as colonies of the United States, or, on the other hand, the incorporation of the people of those islands into our nationality as citizens thereof, either by their direct admission as States or through the intermediate process of Territorial organization. Each of those propositions I believe freighted with peril, and I am glad that the determination has been made to hold those questions open for deliberate consideration and not by hasty action to do that which, once done, might prove to be of lasting and irretrievable injury.

And, first, of the colonial system. Confessedly it will be a departure in the history of this country—an as yet untried experiment. It is said that the Anglo-Saxon race has manifested a capacity to govern well; that we are of that race, and that, therefore, we could well govern those islands as colonies. India and Egypt are pointed to with pride as the achievements of our race in the way of government. I do not question the capacity of the race on either side of the waters to well and wisely govern others. I object to it because it antagonizes the principles upon which this Government was founded, which have controlled its life up to the present time, and the perfection of which has been the hope and aspiration of every true American. Those principles were expressed in the Declaration of Independence in these words:

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

Upon these immortal principles this Government was established, and we have again and again proclaimed to the world that they are the foundations upon which this Government rests, and have appealed to our prosperity and success as evidence of the justice of those principles. Somehow or other I still believe in the Declaration of Independence, and do not take kindly to a statement like the following in the September number of the Boston Congregationalist:

"The Rev. W. T. Perrin, one of the ablest of the Methodist clergymen of Boston, defended the annexation of Porto Rico, Hawaii, and any other Spanish possessions, holding that the people of the country are realizing the absurdity of the clause in the Declaration of Independence which says that government derives its just powers from the consent of the governed. * * * The logic of events has made it our duty to do so, and duty is greater than theory. Government derives its powers from God, and God alone, and the nations are responsible to him."

This assumption of divine authority has been the cry of every despot from Louis XIV, who said, "I am the State," to that madcap on the German throne, who is credited with saying, "Me und Gott." But with a diviner insight and a truer reverence we have believed that government derives its powers from the governed. I glory in the fact that my father was an old-line abolitionist, and one thing which he instilled into my youthful soul was the conviction that liberty, personal and political, is the God-given right of every individual, and I expect to live and die in that faith.

I know that a Massachusetts lawyer years ago sneered at the Declaration of Independence as a collection of glittering generalities, but it takes the audacity of a Boston preacher to say in effect that the Declaration is a lie. It is true that during the century and a quarter of our existence our conduct has not been always on the plane of our avowed principles. Very few nations, as very few individuals, live up to their high ideals; but surely this has been the ideal of our life, and we have striven to make it more and more real. The great war between the States was but an effort to make those principles more far-reaching in their application, and every step forward along our history has been toward a more perfect realization of this ideal.

Now, government by force is the very antipodes of this, and to introduce government by force over any portion of the nation is to start the second quarter of the second century of our life upon principles which are the exact opposite of those upon which we have hitherto lived. It is one thing to fail of reaching your ideal; it is an entirely different thing to deliberately turn your back upon it. It is doubtless true that government by force often secures order and peace, but order and pence are not the only purpose of government. Order reigned at Warsaw. The test of government is not in the outward mechanical display of order, but in the capacity to develop the best men, and we have lived in the faith that government by the consent of the governed develops the best men. We have not let the wise rule the ignorant, the learned the unlearned, the rich the poor, but we have appealed always to those whom Abraham Lincoln called "the plain people" as the ones in whose judgment to rely and upon whose shoulders should rest the burden of government.

Ideas are, after all, the eternal forces. Human life and destiny are controlled by them. They may seem to-day of little significance, but around them gather material interests and to-morrow their power is disclosed.

It is a universal law that no family or nation will prosper whose foundation ideas are not harmonious and consistent. If conflicting, there is nothing more certain than that trouble will follow. Our own history furnishes a tremendous lesson in this direction. We commenced our national life declaring, as its foundation principle, that all men were created equal; that they possessed inalienable rights—life, liberty, and the pursuit of happiness. But we tolerated a conflicting thought. We attempted to limit our foundation principle to white men and deny it to black. It was a compromise. It seemed a small matter. The antagonism would disappear with time. But we forgot that ideas are living forces.

William H. Seward divined the whole situation when he affirmed an "irrepressible conflict." Abraham Lincoln saw the inevitable struggle when he declared that this nation could not endure half slave and half free. And after nearly a century we paid the penalty in the awful sacrifice of the civil war.

Shall we forget the lesson of the past? Shall we say it is a trifling matter to introduce into the life of this nation, which affirms that government derives all its powers from the consent of the governed, the thought that that is true of only one race and not of all? That the consent of the governed may be recognized for one portion and one race and repudiated for another portion and another race within the same dominion?

Government by consent and government by force, no matter how well the government may be administered, are two essentially antagonistic principles. Doubtless no immediate conflict will follow. We may see a large measure of prosperity; but are we not sowing the seeds which in the days to come will grow up into a harvest of trouble for our children and our children's children?

The possibility is not changed by the unquestioned fact that the Anglo-Saxon race has the capacity for governing other races, nor by the singular prosperity which has attended England in her colonial system. In comparing the two nations it must be remembered that England's colonial system commenced when the king was one in fact as well as in name.

The consent of the governed was only a little factor in English life when she first reached out her hand to subdue and control other races. It was no more for the king to govern Canada and India than it was for him to govern England; and, while the consent of the governed has been struggling and growing in England, it has not even yet become the single, dominant, controlling fact of that nation's life; so that the antagonism between the two ideas of government by consent and government by force has never, in that empire, been fully developed.

With us the case is different. We stand consecrated to the single political idea of government by the consent of the governed. To introduce into the life of the nation the other thought of government by force is, at the very outset, to precipitate a conflict which, sooner or later, must inevitably result in disaster.

Neither have we been so successful in our treatment of dependent races in the past as to justify any exalted expectations for the future. We have called the Indian tribes the wards of the nation, and our best citizens have striven from the beginning of the Government to the present time to secure to them their just rights, and with what result? The eccentric Congressman from New Hampshire is credited with the statement that the Puritans marched among the Indians with a Bible in one hand and a rifle in the other. They converted those they could with the one and disposed of the rest with the other. Helen Hunt has told the story of our dealings with these tribes in a book which she entitles A Century of Dishonor. Are we entirely sure that a century of dishonor in respect to savages near at home will not be followed by a millennium of dishonor in respect to those beyond the seas?

To hear some talk you would think that all the influences going out from this Christian nation to the heathen have been Christian, purifying, elevating; but the fact is that even from Puritan New England there have gone more hogsheads of rum than missionaries, more gallons of whisky than Bibles. If anyone imagines that this will be changed when we come into control of the Philippines and attempt to rule them, that thereafter only missionaries and Bibles will pass thither from America, he sadly underrates the locomotive capacity of the devil.

Again, a necessity of colonial possessions is an increase in our Regular Army, and the first increase proposed is from 30,000 to 100,000 men. It is a strange commentary that at the close of the nineteenth century the head of the most arbitrary government in the civilized world, the Czar of the Russias, is inviting the nations of the world to a decrease in their arms, while this, the freest land, is proposing an increase in its. Yet such seems to be the imperative need, if we enter upon the system of colonial expansion. We have lived and prospered for one hundred and twenty-three years with a handful of regular troops. We have preserved peace at home and have been respected abroad. Government by consent of the governed has little need of the soldier. So the world has come to believe, and so it is. Are we ready to forfeit this high position? Do we not endanger the very foundation principles of this Government when we make the blare of the bugles and the tramp of the armed battalion the music which is heard on every side and the inspiration which attracts the ambition of our youth?

Another aspect of this question is worth noticing, and that is its relation to labor. We are facing in this country a difficult problem. The inventive spirit of our people is multiplying with marvelous rapidity labor-saving machines. By the use of them one or two skilled laborers will do the work heretofore done by many unskilled laborers. There is, therefore, a surplus of unemployed labor. The machine is supplanting the man. We are facing the fact of an increasing amount of unemployed and unskilled labor. What shall be done? China, with its enormous population, has sought to solve it by prohibiting the machine. Is that the best solution we can offer? It has not a few advocates in our midst. The boycott put on the Oxley Stave Company, which resulted in litigation, going up to the court of appeals, in the eighth circuit, was founded on the fact that the company introduced machines into its manufactory for doing work which had theretofore been done by hand. The complaint indorsed by the Federation of Labor against the United States Superintendent of Printing and Engraving is of the same nature.

Everywhere we hear a claim that the cleaning of streets must be done by hand labor instead of by machine. More than one labor body has protested against the employment of women. I am not here to indorse all these, but simply to note the fact that labor realizes that it has a surplus and is seeking to reduce it. Now, the great economic problem in this country is not how can a few men make more money and pile up larger fortunes? But how can the great body of the people make a fair and comfortable living? The right to work is again and again insisted upon as more important than the right to vote, and the cry of the right to work is supplemented by the cry that the state furnish work to all who can not obtain it elsewhere. But the furnishing of work by the state means more taxation, and that implies added burdens on the employed to furnish support and sustenance to the unemployed.

The problem is a serious one. We have 10,000,000 or 12,000,000 of unskilled colored laborers south of the Mason and Dixon line; and we find the governor of a great Northern State threatening to stand at its borders with Gatling guns and shoot down those laborers if they attempt to enter to compete with its white laborers, and this in face of the constitutional provision that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the separate States." Are we likely to aid in solving this problem by bringing into our national life 10,000,000 or 12,000,000 of unskilled Malay laborers?

We have shut the doors against the Chinese. Are they any worse than the Malay? Shall we introduce in this nation more cheap labor? For labor is cheap where the cost of living is cheap, and the Malay needs but a little rice within his body and a little cotton cloth outside, and a very little rice and a very little cloth is sufficient. I do not wonder at the action of the Federation of Labor in protesting against a new competition of cheap labor as well as an increase of the Army, with its consequent increase of burden and taxation on the employed laborer.

There is a frequent expression of the thought that this proposed expansion will fill the mind of the nation with new problems and new questions, and therefore turn its attention away from the problems and troubles which now embarrass us. I concede it, and if turning attention away from these interior problems would solve them it were well, but I am sure it will not bring solution. Giving liquor to a man may for the time being cause him to forget his troubles, but it does not end them, and when the period of intoxication is over the troubles reappear, and generally with added force. We can not escape these difficult problems of our internal life by looking out on the distant world. They are here, and must be met and solved by patient, faithful, earnest attention. We can not get away from them. We must overcome them. We may postpone, but we only add to the difficulties thereby.

But there is money in it. And after all this is really the most potent factor in the proposed reaching out after the islands of the Orient. The wealth of Ormus and of Ind is to-day as in the days of Milton the expectation and the dream of many. Possession of the Orient, with its accumulated wealth of centuries, dazzles the imagination and confuses the judgment. The haze of mystery hangs over that vast domain. Wealth untold is believed to be there, ready to be appropriated by any dominant power. All the nations and tribes come within Lord Salisbury's definition of dying nations, and must soon be divided between and appropriated by the living and growing nations.

China is held out as a dying nation, filled with inexhaustible wealth, and why should not we share in its appropriation? What a picture this is! The eagle of liberty standing like a buzzard to grow fat over an expected corpse. When a Washington doctor of divinity the other day, in conversation with the Chinese minister, in reference to the possession taken by Germany of part of her territory, said that it seemed to him that Russia and England were likely to follow the same example and appropriate some Chinese territory, the sarcastic reply was, "Yes; that is the way Christian nations do."

This matter of wealth has two sides to it. The poet says:

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates and men decay."

It is not true that a mere increase of wealth foreshadows ruin and decay. It is not the possession of riches, but the way in which they are accumulated that makes the menace. We have exported from this country in the last year $1,200,000,000 worth of our products. They were the fruit of our toil of hand and brain, and the increased wealth which flows into the land as a

reward for such toil carries with it no menace, but the wealth which comes without an equivalent in toil of hand or brain is the wealth which threatens. Who is injured by money? Not the one that earns it day by day, dollar by dollar, and saves until he accumulates a fortune, but he who by the chance discovery of a mine, or an accidental speculation in stocks, finds himself changed from poverty to sudden wealth; and that which is true of the individual is true of the nation. Whatever it accumulates by honest toil is not a curse. Whatever it obtains without giving value may be fruitful of injury. Exchanging bright colored but cheap calicoes for furs and jewels may rapidly pile up wealth, but such wealth is more apt to curse than to bless.

This idea of the nation going into the midst of races and people where things of value have been heaped up during the centuries, and are possessed by those ignorant of their value, and appropriating those things, either by force or in exchange for cheap trinkets and gewgaws, is one filled with danger. The Cæsars saw the spears of their victorious legions flash in the sunlight of every known land, and in their triumphant return they brought with them the accumulated wealth of all the nations they had subdued. The splendor of imperial Rome outshone the world, but the wealth thus obtained without value given undermined the empire and the glory of Rome is simply a memory. Napoleon beheld the shining star of destiny; and then? Does human nature change through the centuries? We stand to-day facing the temptation which comes from the possibility of rapidly accumulated wealth. What right have we to anticipate that the same results will not follow if we pursue the same course of taking what we have not fully earned?

Again, this reaching out to the Orient is an implied repudiation of the Monroe doctrine, and exposes to additional perils and complications and possible wars with European nations. The scope of that doctrine I have already indicated. We have shouted ourselves hoarse in its praise and declared our willingness to fight in vindication of its pinciples if necessary.

It declares that we oppose any interference by European nations with States on this continent, any appropriation here of additonal territory by those nations; in other words, we practically said that the powers of the Eastern Hemisphere must keep off the Western; that in this continent the problem of government of and by and for the people was being worked out, and that any attempt by European nations to take territory and thus introduce or perpetuate European ideas of government here must be resisted.

And this declaration, it must be borne in mind, was not simply in reference to the States of this Union, but to all the States and nations on this continent. When we thus formally and positively assert that the Eastern nations must keep hands off from this continent, there is an implied promise that we will keep our hands off from the other. It would be absurd to suppose that either this country or other nations understood that declaration to mean you must not come onto this continent and take any possessions, but we may come onto your continent and do as we please. The independence of one was a guaranty of the independence of the other.

Now, entering the Orient to possess it is a repudiation of that doctrine, for the moment we enter there and appropriate territory, that moment it ceases to become us to insist that European nations shall keep off from this continent. We can not either rightfully or successfully pose as a supreme dictator of the world. If we ask other nations to respect the separation of this continent, we must also respect the separation of that. Indeed, the forcible taking possession by us of islands in the West Indies or portions of South America while not inconsistent with the Monroe doctrine, seems a good deal like a slur upon it.

When we insist that the problem of government by the people must have free course on this continent it seems hardly consistent to say that no European nation shall infringe upon that proposition, but we may. Not only will the fact of a departure from the principles of the Monroe doctrine provoke challenge on the part of European nations, but the possession of outlying territories will add to our complications with such nations. It is a matter of common knowledge that European nations are constantly in trouble between themselves by reason of differences and collisions arising between their respective colonies. England and France, England and Russia have been again and again on the point of war growing out of such troubles. We shall enter upon the same embarrassment and be exposed to all the complications and dangers attending.

Neither is the incorporation of these millions of ignorant Malays into our national life as fellow-citizens, even through the probationary stage of Territorial existence, freighted with less of danger. The problem we have sought to work out in this nation is that of government of and by and for the people. A great nation upon that principle seems possible only under a federal system, a system which relegates all matter of local interest to the several states, and exercises through the national government only those powers and functions which make for the general welfare. We have wonderfully prospered in administering such system in a compact, continental territory, each part of which has been possessed and controlled by a race capable of self-government.

Imagine for one moment the outcome if in this compact continental territory all local as well as national affairs were determined and administered in the one national Capitol at Washington. Ignorance of local needs would inevitably be followed by the invasion of a lobby representing those needs, and Washington, which even now is shadowed by the presence of enormous and conflicting national interests seeking to influence and control Congress, would be turned into one vast, monumental lobby camp.

The safety of government by the people has been in local self-government. The town meeting has perpetuated the Republic. Thus far the various States entering this Federal system have been dominated by a race capable of self-government. Introduce into that system to-morrow a multitude of States whose people are confessedly incapable of self-government and you will bury it beneath the burden of local incapacity. A chain is no stronger than its weakest link, and a federal system some of whose links are composed of States incapable of self-control will, unless all the laws of human action are reversed, break in pieces through the weakness of the incapable links.

We have had Territories and kept them in a state of tutelage, but that status was continued, not until the residents thereof became capable of self-government, but until the number of the population was sufficient to justify assuming the burdens of statehood. Territorial organizations, probationary as they are, for races incapable of self-government, not only repudiate the basic thought of the national life, but remain a constant and increasing menace to its successful accomplishment. Who can tell how many centuries must pass before the savage and semi-civilized races of these islands become fit to assume the responsibilities of self-government? Is this territorial period to be permanent? Who shall say how soon the necessities of politics will transform a Territory into a State? And when once brought into the Union we have links in the Federal system so weak that a very little strain will snap them.

In the Union as it stands we have elements of no slight danger. We have welcomed the emigrant from all parts of the world, and in the cities of the North we have an enormous population of the lowest orders of European life, unacquainted with and unfit for self-government, and a great problem is how to bring these unfit masses into a helpful addition to American life. In the South we have the rapidly increasing colored population, brought here as slaves, emancipated through the most awful drain of life and money, elevated in ignorance to citizenship, and every State south of Mason and Dixon's line to-day trembles before the unsolved question of preserving intelligent self-government and at the same time guaranteeing rights of citizenship to an ignorant mass. With these problems resting upon and burdening the nation, is it wise to throw upon it the awful problem of dealing with millions far more incapable of and unused to self-government? Can we expect to find safety in adding to our difficulties?

Can we relieve against one problem of dealing with ignorant and unfit masses here by adding millions more to the problem? This is no trifling question and is not answered by any gush about duty and destiny; in fact, all this talk about destiny is wearisome. We make our own destiny. We are not the victims, but the masters, of fate, and to attempt to unload upon the Almighty responsibility for that which we choose to do is not only an insult to Him, but to ordinary human intelligence. We are told we have become so great and powerful that the world needs us, but what the world most needs is not the touch of our power, but the blessings of our example. It needs the bright example of a free people not disturbed by any illusions of territorial acquisition, of pecuniary gain or military glory, but content with their possessions and striving, through all the abilities, activities, and industries of their wisest and most earnest to make the life of each individual citizen happier, better, and more content.

My friends, two visions rise before me: One of a nation growing in population, riches, and strength; reaching out the strong hand to bring within its dominion weaker and distant races and lands; holding them by force for the rapid wealth they may bring—with perhaps the occasional glory, success, and sacrifice of war; a wondrously luxurious life into which the fortunate few shall enter; an accumulation of magnificence which for a term will charm and dazzle, and then the shadow of the awful question whether human nature has changed, and the old law, that history repeats itself, has lost its force, whether the ascending splendor of imperial power is to be followed by the descending gloom of luxury, decay, and ruin.

The other of a nation, where the spirit of the Pilgrim and the Huguenot remains the living and controlling force, affirming that the Declaration of Independence, the Farewell Address of the Father of his Country, and the Monroe doctrine shall never pass into innocuous desuetude; devoting its energies to the development of the inexhaustible resources of its great continental territory; solving the problem of universal personal and political liberty, of a government by the consent of the governed, where no king, no class, and no race rules, but each individual has equal voice and power in the control of all, where wealth comes only as the compensation for honest toil of hand or brain, where public service is private duty; a nation whose supreme value to the world lies not in its power, but in its unfailing loyalty to the high ideals of its youth, its forever lifting its strong hand, not to govern, but only to protect the weak; and thus the bright shining which brightens more and more into the fadeless eternal day.

Brethren, Ebal and Gerizim are before us. Might and right stand on either side with their great appeals.

To every man and nation comes the moment to decide,
In the strife of Truth with Falsehood, for the good or evil side;
Careless seems the great Avenger; history's pages but record
One death grapple in the darkness 'twixt old systems and the Word;
Truth forever on the scaffold, Wrong forever on the throne,
Yet that scaffold sways the future, and, behind the dim unknown,
Standeth God within the shadow, keeping watch above His own.
We see dimly in the present what is small and what is great,
Slow of faith how weak an arm may turn the iron helm of fate,
But the soul is still oracular; and amid the market's din,
List the ominous stern whisper from the Delphic cave within,
"They enslave their children's children who make compromise with sin."

Paraphrasing in part the invocation which attends the opening of the Supreme Court, God save the United States of America and keep them from the road so often traveled by nations, of increasing territory, accumulating dominion, rapidly and easily acquired wealth, luxurious splendor, a growing separation between the poor and the rich, presaging decay and death; and may we always hear the solemn prayer of Abraham Lincoln, borne upward to Heaven from the consecrated field of Gettysburg upon the mighty volume of patriotic incense which ever rises from that sacred spot, that government of and by and for the people may never perish from the earth.

God of our fathers, known of old,
Lord of our far-flung battle line,
Beneath whose awful hand we hold
Dominion over palm and pine—
Lord God of Hosts, be with us yet,
Lest we forget—lest we forget!

Far-called our navies melt away,
On dune and headland sinks the fire;
Lo! all our pomp of yesterday
Is one with Nineveh and Tyre!
Judge of the Nations, spare us yet,
Lest we forget—lest we forget!

If, drunk with sight of power, we loose
Wild tongues that have not Thee in awe—
Such boastings as the Gentiles use,
Or lesser breeds without the Law—
Lord God of Hosts, be with us yet,
Lest we forget—lest we forget!

Mr. RICHARDSON. Mr. Speaker, I believe there are only seven minutes remaining to this side.

The SPEAKER. The gentleman has nine minutes remaining.

Mr. RICHARDSON. The other side have nearly forty minutes; and I submit that in all fairness, as two or three gentlemen are to speak on that side, they ought to use a portion of their remaining time.

Mr. PAYNE. I prefer that the gentleman should proceed. We have proceeded on the understanding that we were to close the debate in the last forty minutes.

Mr. RICHARDSON. We have made no agreement.

Mr. PAYNE. I give the gentleman notice now.

Mr. RICHARDSON. With the forty minutes remaining to the other side they ought to use a portion of their time, because we have only nine minutes remaining.

The SPEAKER. The Chair is of the opinion that if two or three gentlemen are to occupy the forty minutes, one of them ought to come in at this time.

Mr. RICHARDSON. It is very unusual, Mr. Speaker, to adopt

the course which has been adopted by the gentleman from New York. It is very unusual for gentlemen who have the right to close to make three speeches in conclusion.

The SPEAKER. The Chair has just stated to the gentleman from New York that if there be different ones to consume the remaining thirty-nine or forty minutes there should be a division of the time. If one gentleman is to consume all the time, it would be otherwise.

Mr. PAYNE. I yield ten minutes to the gentleman from Illinois [Mr. HOPKINS].

Mr. HOPKINS. Mr. Speaker, it was not my purpose when I came to the House this morning to indulge in any remarks upon this bill. I recognized the fact that every member of the House, on both sides of the Chamber, had his mind made up as to which side of the question he would vote, and that nothing that can be said here to-day would influence any person either for or against this bill. Some remarks have, however, been made by gentlemen who oppose the bill that I feel I can not let pass without some observations.

The gentleman from Massachusetts [Mr. MCCALL], who is a member of the Ways and Means Committee, in the remarks which he made here to-day, assumed that by the coalition which he has made with the Democratic members of the House he has driven the Republican members from the position which they assumed when they reported this bill. I deny, Mr. Speaker, that the Republican members, in supporting the measure now before us, have changed an iota on any principle of constitutional law or any matter of revenue from what was reported by us.

This bill was presented to this gentleman before it was reported to the House. He had no criticism to make of it as a fiscal measure. In those early days he had no objection to the imposition of a 15 or a 25 per cent duty upon the products that are imported from Porto Rico into the United States. His objection then was a constitutional objection and that alone. If he has seen new light, he has obtained it from his association with the Democratic party, who are unalterably opposed to every measure that is advocated by the Republican party in this House or in the Senate.

Mr. WM. ALDEN SMITH. Especially expansion and tariff.

Mr. HOPKINS. Now, the gentleman has assumed that in the preparation of this bill, in providing revenue for the people of the island of Porto Rico, we are doing something a little harsher in its terms than we do for the people of New Mexico or Oklahoma or any of the other Territories. Why, Mr. Speaker, any person familiar with the legislation of our country, any man familiar with the history of our country, ought to know that the legislation that is proposed in this bill for the island of Porto Rico is far better for them than the laws that are imposed by the General Government upon the people of the Territory of New Mexico or Oklahoma.

The people of those Territories pay the internal-revenue taxes and war taxes that are imposed the same as taxes imposed upon the States. Taxes that are gathered from those Territories are paid into the Treasury of the United States and paid out by the General Government without any special benefit to the people of those Territories. The tax that we propose is a tax not taken from the people, only in an indirect method, as has been explained here again and again, and instead of going into the Treasury of the United States, we place it in the hands of the President to be expended for the people of the island.

Gentlemen know well that no money has been appropriated by the General Government for the purpose of building roads in Oklahoma, New Mexico, or the Indian Territory; that no money has been taken from the Treasury of the United States for the purpose of constructing public-school houses and in establishing public schools in any of those Territories; and yet, under this bill, we propose, as was stated by the gentleman who opened this debate when we first considered the bill, to take $300,000 of this money for the purpose of establishing public-school houses and maintaining public schools in the island of Porto Rico.

Three hundred thousand dollars more are to be used for the purpose of constructing and repairing roads for the benefit of the people of Porto Rico. Wherein, then, gentlemen, are we doing anything in this legislation that is harsh or oppressive against the people of Porto Rico that is not imposed on the people of the United States by some kind of legislation? Again, some gentlemen who have engaged in debate here to-day have assumed that we are violating some great moral principle in the enactment of this bill into law, and are going counter to the proclamation made by General Miles touching the people of the island when he went down there with his victorious army.

I want to know, Mr. Speaker, where is the paragraph, the sentence, or even the word in any proclamation or in any statement made by General Miles to the people of Porto Rico that is violated by the bill we have here to-day? I claim, sir, that this bill is in strict accord with the humanitarian principles that were expressed by General Miles at the head of his victorious army when he received the surrender of the people of that island. I claim, sir, not only that, but we have gone further, even, than was outlined by him in the proclamation that he made.

Did he say to the people of Porto Rico that they should have free trade? Not at all. Did he indicate to them the character of civil government that they should have? Not at all. He simply stated to them, in substance, that by their becoming a part of the United States they would receive a higher civilization and would receive a larger liberty than had been accorded to them under Spanish rule.

Now, sir, take the statements of this general and give full force to all he said, and then compare the laws that were in force in Porto Rico at the time the people of the island surrendered and the law we propose to enact in this bill, and you will see that all the hope he held out to the people will be more than realized. When Spain controlled that island there were consumption laws, license laws, and a system of legislation that took from these people, month after month, and year by year, millions of money in taxation. Taxes that were extorted from these people by the tax-gatherers under Spanish rule have been taken from them by order of the President of the United States. None of these harsh and inhuman tax laws are reenacted by this bill. None of that monarchical system of legislation has been resorted to in the proposed law.

As has been said again and again, the tariff feature of the bill is only temporary. The question has been asked, "Why impose it at all?" The Governor-General of the island informed the Ways and Means Committee of the House that to administer the civil affairs of the island in a manner that would harmonize with American ideas would require $2,000,000 annually. The island had been visited by a hurricane most destructive in character, the cane and coffee crops had been entirely ruined, a large part of the personal property of the island had been destroyed, and several thousand people killed.

The internal-revenue laws of the United States, if extended to the island of Porto Rico, would impose taxes upon the people not only oppressive but absolutely beyond their ability to pay them. One-third of the population, we found, were paupers, and a large majority of the balance of the population day laborers, working for from 20 to 30 cents per day, American money. It is apparent to all thinking men that to frame a system of internal-revenue laws for the island similar to those enforced in the States and in the Territories would not only be an absurdity but absolutely indefensible.

Three methods, then, were suggested to raise the needed revenue for the island: First, a loan of several million dollars and the bonding of the island for its payment; second, a direct appropriation from the Treasury of the United States; and, third, the imposition of tariff duties as provided for in the revenue features of this bill. The policy of bonding the island to raise money to meet this emergency did not meet with approval. It was thought to be poor policy to handicap the inhabitants by fastening upon them at the very inception of their new national life a large bonded indebtedness.

No member of the committee felt like defending a direct appropriation from the Treasury of the United States. That would be taxing the people of the United States for the benefit of the Porto Ricans, with no resultant benefits to our Government or our people. This left as the only feasible method for raising the revenue the customs duties provided for in this bill. When it is remembered that the major part of the revenue received under this bill will be from raw sugar and tobacco in the hands of speculators and the tobacco and sugar trusts, it will be seen that it imposes no heavy burdens upon the people.

I affirm here to-day that no revenue system can be devised that will raise $2,000,000 per annum for the benefit of the Porto Ricans from the property and people of that island that can be so easily paid and that will rest so lightly upon the Porto Ricans as the system recommended in this bill. The tariff features of the bill for raising revenue have been made temporary because it is expected that when a stable civil government is established in the island sufficient money can be raised by local laws to meet all of the requirements for administering the civil government and improving the educational, political, and industrial condition of the people.

At present the Porto Ricans have no system of laws for the government of the people locally or Territorially, such as is found in the States or the Territories of New Mexico, Arizona, or Oklahoma. Everything there is in a chaotic condition. The rules and regulations that control the people at present are Executive orders of the President. It will take time after the civil-government feature of this bill becomes a law to put it in operation in Porto Rico. Months will pass before a local legislature can be convened under the authority contained in this bill or any laws which Congress might give to the Porto Ricans.

I am within the limits of moderation when I say that a full year will expire before the legislative body proposed in this bill can enact local laws for the raising of revenue and create the offices

and appoint the officers to execute such laws. When this is all accomplished, local assessors will be required to go out over the island and make an inventory of all property found there and the resources of the people.

In Illinois and in most of the States and Territories a full year is given to the people after assessments are made by the duly authorized officer for such purposes before the tax collector is authorized to collect the assessments levied for local purposes against the citizens. This, mark you, is in a country where all of the machinery for collecting local and general taxes is in perfect order and where the people have been accustomed from time immemorial to this method of taxation.

In Porto Rico much more time will be required, much more difficulty will be experienced, in enforcing the law than in the States. If, then, a year is allowed the Porto Ricans after the assessor makes an inventory of their property and resources before the tax collector is sent out to collect the revenues, as is done in the States, you can see that the two years provided for tariff revenues in this bill will expire.

The truth is that in our great desire to be not only fair but generous to the Porto Ricans we have limited the law to too short a period. It must be apparent to all that during this emergency period justice to the Porto Ricans themselves requires the legislation here proposed to raise money sufficient to carry on a civil government in the island and prepare the people for self-government. They need public schools, highways of communication, training in local self-government, and many other privileges that have heretofore been denied them, and which can now only be given them by raising the $2,000,000 per annum suggested by Governor-General Davis in his recommendation to Congress.

The more this measure is studied the clearer its merits will appear. No substitute has been suggested by the Democrats that can meet the emergency provided for in this bill. They play with success the part of carping critics. Their ability begins and ends there. Time will demonstrate the wisdom of our action to-day. [Loud applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON. Mr. Speaker, in the very few minutes allowed to this side I again take the floor. I would not do so if it were not for the fact of having made my former statement. It is due to the War Department, due to the Secretary of War, that I should make this statement. I stated in the few remarks I made earlier in the day that the law officer of the War Department, Judge Magoon, charged with the duty of advising the Secretary of War as to his power and right in dealing with insular affairs, as such officer had delivered an opinion, and that that opinion was directly in contravention of the opinion which the same officer recently submitted to the Secretary of War.

Now, Mr. Speaker, if that were true, it was a grave charge to make against the Secretary of War and his law officer and adviser; if it were not true, it ought not to have been made upon this floor. I stated, when I had the floor, that I made this charge based upon an article in the New York Herald. It was a grave charge to make against the Secretary of War, because that officer had sent to Congress the opinion of Judge Magoon, the pamphlet of 72 pages to which I referred. He gave us no intimation that Mr. Magoon had delivered any other and contrary opinion. Let me ask, in sending the opinion of Judge Magoon why did he not give us the benefit of both of his opinions?

I quoted from the article in the Herald what purported to be excerpts from that opinion of the lawful adviser of the Secretary of War. I did not know that these quotations were correct; I assumed that they were. On last Saturday this House passed a resolution calling upon the Secretary of War to furnish the House of Representatives with the opinion of this legal adviser of his, if he had such opinion. I stated when I was on the floor earlier to-day that no response had been made to that resolution.

But, Mr. Speaker, since I took my seat I wish to say that the Secretary of War has complied with the request of the House of Representatives, and he has transmitted to us the opinion which we sought to obtain by the passage of the resolution on last Saturday.

I will ask the Clerk to read the letter from the Secretary of War.

The Clerk read as follows:

WAR DEPARTMENT, *Washington, April 11, 1900.*

SIR: In response to the resolution of the House of Representatives, dated March 30, 1900, directing the Secretary of War "to furnish the House of Representatives with any opinion or opinions given the Department by Charles E. Magoon, law officer of the division of insular affairs, as to whether the Constitution was extended ex proprio vigore to the island of Porto Rico when the peace convention between the United States and Spain was ratified; and in furnishing such opinion or opinions, if any were given, will also furnish such arguments or reasons as were assigned by said Magoon in support thereof," I have the honor to report that an exact compliance with the request contained in this resolution would require an answer that the law officer of the insular division has not rendered an opinion on the question referred to.

In May, 1899, criticism having been made on the established practice of the War Department in maintaining in Porto Rico the tariff schedules adopted by the military government which differed from the provisions of the tariff laws of the United States, I requested Mr. Magoon to furnish me a statement of the arguments against the continuance of the course being pursued.

This request was complied with by the preparation of the memorandum, copy of which is inclosed. The memorandum was not made in any case pending in the Department. It was entirely unofficial and intended for my personal use. Upon consideration the argument against continuance was not considered to be well founded, and no change was made in said tariff regulations.

In January, 1900, Mr. Magoon was requested to report generally the results of his investigation into the questions of law embraced in said resolution, which he did on February 12, 1900, a copy of which has already become a Congressional document and printed by order of the Senate.

Very respectfully,

G. D. MEIKLEJOHN,
Assistant Secretary of War.

The SPEAKER,
House of Representatives.

Mr. RICHARDSON. What is that opinion? It is exactly as I stated it was when I had the floor this morning and as charged in the New York Herald. I have that opinion in my hand, and I propose to read, Mr. Speaker, about one page of it for the edification and delight of gentlemen on the other side of the House. [Applause on the Democratic side.]

I asked why gentlemen on that side of the House have changed their opinion? The country wishes an answer to this question. Why have you changed your opinion? Why did Mr. Magoon, the legal adviser of the Secretary of War on insular affairs, change his opinion? Mr. Speaker, this House is familiar with the late opinion of Mr. Magoon, Charles E. Magoon, of Nebraska. It covers 72 pages of printed matter, bears date February 12, 1900, and is a Senate document open to every one.

Mr. PIERCE of Tennessee. That is "after taking."

Mr. RICHARDSON. This is "after taking." It contains 72 pages, in which he says that Congress must legislate before the Constitution goes to Porto Rico. The Constitution can not get across the waters of the Atlantic and into that little island until the Congress of the United States takes it there. That is what he says, and he brings 72 pages of argument here to confirm and prove that contention. This was February 12, 1900.

What did he say, Mr. Speaker, before any emergency arose? This opinion was delivered about the time the able chairman of the Ways and Means Committee, Mr. PAYNE, changed his opinion in this House; after other gentlemen changed their opinions upon this question. I hold in my hand the legal opinion of this same gentleman, dated the 30th day of May, 1899. And what does it say?

This lawyer, in his opinion of May 30, 1899, shows the greatest familiarity with the decisions of the Supreme Court of the United States on the question at issue. He takes the case of Cross *vs.* Harrison, 16 Howard's Reports; the case of Fleming *vs.* Page, 9 Howard's Reports, and other decisions of that court and carefully considers them. These cases were referred to frequently by gentlemen in this House in debating this bill. He quotes rulings of the Treasury Department and many strong authorities, and sums up the whole case in language I now quote. He squarely and unequivocally announces that the Constitution goes to Porto Rico ex proprio vigore, and that Congress must look to the Constitution to legislate for Porto Rico. After a thorough investigation he solemnly gave his opinion as follows:

The proposition advanced is, that the island of Porto Rico is now an integral part of the United States. Being such, the Constitution of the United States is the supreme law of that land. The provisions of section 8, Article III, to wit, "All duties, imposts, and excises shall be uniform throughout the United States," should be applied to that island; that the exchange of mutual ratifications of the treaty made Porto Rico a part of the United States, and as soon as it became so the island was subject to the acts which were in force to regulate foreign commerce with the United States. (Cross et al. *vs.* Harrison, 16 Howard, 198.)

The cession of Porto Rico by Spain to the United States was accomplished in the same manner as a transfer of real estate between individuals. Spain by the treaty manifested its intention to convey as a grantor. Congress by ratifying the treaty manifested the intention of the United States to accept as a grantee. The exchange of ratifications was the delivery of the instrument of conveyance and thereby the transfer became complete. Thereupon the territory conveyed became a part of the United States, and as such, subject to the Constitution. No further action by Congress was necessary or possible. The Constitution does not depend upon Congress for authority in any part of the United States. The reverse of the proposition is the fact. From this time on Congress must look to the Constitution for authority to legislate for Porto Rico.

The existing general enactments of Congress are in force throughout the territorial limits of the United States. Porto Rico being brought within said territorial limits is subject to said laws. The absence of the required instruments for the successful operation of these laws may temporarily hold some of them in abeyance, but they are nevertheless laws of the land.

I will not quote more of this opinion here, as I have not time to do so, but will publish it in full as a part of my remarks.

Mr. Speaker, I have no words of condemnation for Mr. Magoon, the subordinate law officer who changed his opinion; but what will the country think of the Secretary of War who demanded that this change should be made? [Long and continued applause on the Democratic side.]

The opinion referred to is as follows:

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That the Fifty-fifth Congress entertained the view that the existing tariff and navigation laws would be in force in after-acquired territory of the United States without further action by Congress is manifest from the following provision in the joint resolution to provide for annexing the Hawaiian Islands to the United States:

"Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands, the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged." (Public resolution No. 55, Statutes at Large, volume 30, page 750.)

Neither the treaty with Spain nor the act by which Congress ratified said treaty contains provisions calculated or intended to exempt the commerce of the ceded territory from the operation of the laws of the United States.

In Cross et al. vs. Harrison (16 How., 164), the United States Supreme Court say:

"By the ratification of the treaty California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce it became instantly bound and privileged by the laws which Congress had passed to raise a revenue from duties on imports and tonnage." (Id., page 197.)

Strike out the word "California" in the above quotation and insert "Porto Rico" and we have the conclusion of the whole matter in a nutshell.

In determining these questions as applied to Porto Rico, we are fortunate in having the precedents of administrative action and interpretation and also judicial determination of the questions as presented by a similar condition of affairs in what was then known as Upper California.

In the war with Mexico the port of San Francisco was conquered by the military forces of the United States in the year 1846, and soon thereafter the United States held military possession of all of Upper California. Early in 1847 the President of the United States, as the Commander in Chief of the Army and Navy, authorized the military and naval commanders of the United States forces in California to exercise the billigerent rights of a conqueror, and to form a civil and military government for the conquered territory, with power to impose duties on imports and tonnage for the support of the Government and of the army which had the conquest in possession. This was done, and tonnage and import duties were levied under a war tariff established by the military government of civil affairs.

The treaty of peace with Mexico was signed February 2, 1848, and ratified by Congress May 30, 1848. Notice of such ratification reached California August 6, 1848. On August 7, 1848, a proclamation was issued by Col. R. B. Mason, the governor, announcing the ratification of the treaty of peace, by which Upper California was ceded to the United States, and on August 9, 1848, instruction was given to the collector of customs at San Francisco that "the tariff of duties for the collection of military contributions will immediately cease; the revenue laws and tariff of the United States will be substituted in its place."

With reference to this instruction to the collector by the military governor and its recognition as lawful by President Polk and his Cabinet, the United States Supreme Court say:

"We think it was a rightful and correct recognition under all the circumstances; and when we say rightful, we mean that it was constitutional, although Congress had not passed an act to extend the collection of tonnage and import duties to the ports of California." (Cross vs. Harrison, 16 How., 189, 190.)

This action was ratified by the War Department by letter of date October 9, 1848, written by Mr. W. L. Marcy, Secretary of War, to Colonel Mason, as the commander of United States forces in California. From said letter the following is quoted:

"But the government de facto can, of course, exercise no powers inconsistent with the provisions of the Constitution of the United States, which is the supreme law of all the States and Territories of our Union. For this reason no import duties can be levied in California on articles the growth, produce, or manufacture of any State or Territory of the United States, and no such duties can be imposed in any part of the Union on the productions of California; nor can duties be charged on such foreign productions as have already paid duties in any part of the United States."

In October, 1848, Mr. James Buchanan, the Secretary of State, by direction of President Polk, addressed the following letter to Mr. William H. Vorhies, then about to proceed to California upon a Government mission:

DEPARTMENT OF STATE, *Washington City, October 7, 1848.*

SIR: Previous to your departure for California, the President has instructed me to make known, through your agency, to the citizens of the United States inhabiting that Territory, his views respecting their present condition and future prospects.

* * * * * * * *

The President congratulates the citizens of California on the annexation of their fine province to the United States. On the 30th of May, 1848, the day on which the ratifications of our late treaty with Mexico were exchanged, California finally became an integral part of this great and glorious Republic. * * * The President deeply regrets that Congress did not, at their late session, establish a Territorial government for California. It would now be vain to enter into the reasons for this omission. Whatever these may have been, he is firmly convinced that Congress feel a deep interest in the welfare of California and its people and will, at an early period of the next session, provide for them a Territorial government suited to their wants.

* * * * * * * *

In the meantime the condition of the people of California is anomalous and will require on their part the exercise of great prudence and discretion. By the conclusion of the treaty of peace, the military government which was established over them, under the laws of war as recognized by the practice of all civilized nations, has ceased to derive its authority from this source of power. But is there, for this reason, no government in California? Are life, liberty, and property under the protection of no existing authorities? This would be a singular phenomenon in the face of the world, and especially among American citizens, distinguished as they are above all other people for their law-abiding character. Fortunately they are not reduced to this sad condition.

The termination of the war left an existing government—a government de facto—in full operation; and this will continue, with the presumed consent of the people, until Congress shall provide for them a Territorial government. The great law of necessity justifies this conclusion. The consent of the people is irresistibly inferred from the fact that no civilized community could possibly desire to abrogate an existing government when the alternative presented would be to place themselves in a state of anarchy beyond the protection of all laws, and reduce them to the unhappy necessity of submitting to the dominion of the strongest.

This government de facto will, of course, exercise no power inconsistent with the provisions of the Constitution of the United States, which is the supreme law of the land. For this reason no import duties can be levied in California on articles of growth, produce, or the manufacture of the United States, as no such duties can be imposed in any other part of our Union on the productions of California. Nor can new duties be charged in California upon such foreign productions as have already paid duties in any of our ports of entry, for the obvious reason that California is within the territory of the United States. I shall not enlarge upon this subject, however, as the Secretary of the Treasury will perform that duty. (Ex. Doc. No. 1, second session Thirtieth Congress, pages 47-48, War Department Cong. Doc. No. 537.)

On the same date Mr. R. J. Walker, Secretary of the Treasury, issued the following circular to collectors and other officers of the customs:

TREASURY DEPARTMENT, *October 7, 1848.*

On the 30th of May last, upon the exchange of ratifications of our treaty with Mexico, California became a part of the American Union in consequence of which various questions have been presented by merchants and collectors for the decision of this Department.

By the Constitution of the United States is declared that "All treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." By the treaty with Mexico California is annexed to this Republic, and the Constitution of the United States is extended over that Territory and is in full force through its limits. Congress also, by several enactments subsequent to the ratification of the treaty, have distinctly recognized California as a part of the Union, and have extended over it in several important particulars the laws of the United States.

Under these circumstances the following instructions are issued by this Department:

First. All articles of the growth, produce, or manufacture of California, shipped therefrom at any time since the 30th of May last, are entitled to admission free of duty into all the ports of the United States.

Second. All articles of the growth, produce, or manufacture of the United States are entitled to admission free of duty into California, as are also all foreign goods which are exempt from duty by the laws of Congress, or on which goods the duties prescribed by those laws have been paid to any collector of the United States previous to their introduction into California.

Third. Although the Constitution of the United States extends to California, and Congress have recognized it by law as a part of the Union and legislated for it as such, yet it is not brought by law within the limits of any collection district, nor has Congress authorized the appointment of any officers to collect the revenue accruing on the import of foreign dutiable goods into that Territory. Under these circumstances, although this Department may be unable to collect the duties accruing on importations from foreign countries into California, yet, if foreign dutiable goods should be introduced there and shipped thence to any port or place of the United States, they will be subject to duty, as also to all the penalties prescribed by law when such importation is attempted without the payment of duties.

R. J. WALKER,
Secretary of the Treasury.

The expression "although this Department may be unable to collect the duties accruing on importations from foreign countries into California" is understood to refer to the small military force at the command of Colonel Mason, which, at no time large, had become sadly depleted by lawful discharges and desertions occasioned by the "gold fever" then raging in California. The doubt was produced by the report of Colonel Mason, of date August 19, 1848, wherein he says:

"Two companies of Regulars, every day diminishing by desertions that can not be prevented, will soon be the only military forces in California, and they will be compelled of necessity to remain in San Francisco and Monterey, to guard the large depots of powder and munitions of war which can not be removed."

He calls attention to the disorganized conditions occasioned by the great influx of gold seekers, and further says:

"Should the people refuse to obey the existing authorities, or the merchants refuse to pay any duties, my force is inadequate to compel obedience." (Executive Document No. 1, second session, Thirtieth Congress page 157, War Department, No. 537.)

A number of persons who were desirous of landing foreign productions in California interpreted the circular issued by United States Treasurer Walker to mean that foreign productions could be imported in California free of duty, and prepared to land such goods in defiance of the law. Thereupon Colonel Mason requested the assistance of the naval forces of the United States then in that vicinity in enforcing the law. (See Document No. 18, page 672, first session Thirty-first Congress, War Department, No. 557.)

The importers also asked the commander in chief of said naval forces to what extent he would enforce the orders of Colonel Mason in regard to said matter and directed his attention to the Walker circular and other matters which they claimed established want of jurisdiction by Colonel Mason. The officer appealed to Commodore Jones, then in command of the United States naval forces in the Pacific Ocean, announced that he would support Colonel Mason, governor, to the full extent of the forces at his command. (Bill of exception in Cross et al. vs. Harrison, United States Supreme Court, December term, 1853.)

On April 1, 1849, the following circular was issued (see Senate Document No. 18, first session Thirty-first Congress, pages 695, 696):

HEADQUARTERS PACIFIC DIVISION,
San Francisco, Cal., April 1, 1849.

The treaty concluded with Mexico on the 30th of May last brought Upper California within the United States, and, of course, within the operation of all its laws. But the means of enforcing some of these laws have not been provided by Congress. Thus, as the Secretary of the Treasury, in his circular of the 30th of October last, observes, "Although Congress have recognized California as a part of the Union, and legislated for it as such, yet it is not brought by law within the limits of any collection district, nor has Congress authorized the appointment of any officers to collect the revenue." The laws of the United States are in force here, and consequently the revenue and navigation laws are, though at this moment some part of the machinery necessary to their complete action is wanting.

Now, the law declares that certain goods shall only enter upon having paid the duties prescribed by the tariff; and when the Secretary says that

the Department is unable to collect duties on such, the proper inference is not, as many seem to think, that the goods can enter without paying duties, but that, being unable to pay the duties here as required by law, they can not be admitted at all.

As many cargoes had been shipped under the wrong impression that they could enter, and there was no American port of entry on the Pacific to which they could resort to comply with the law, a case of extreme hardship was presented, which appeared to authorize such a modification as would allow the cargoes to be entered on depositing the duties, to await the action of Congress on this subject. And so, from the want of American vessels on the coast, and from the unwillingness of the few in this ocean to frequent these ports, where the men desert to the gold mines, an absolute necessity of some means of transportation existed, which could only be supplied by using foreign vessels that came from the neighboring coasts.

But both of these modifications of law can be but temporary. There can be no hardship in enforcing the law on those who are fully aware of its provisions and their effect, and time will doubtless do away with the scarcity of American vessels of small class here. There will then be no reasons for indulgence, and the suspension of the strict enforcement of the law will cease. Even before that time the Government at Washington, thinking itself empowered to allow of any such suspension, may revoke the indulgence granted and require a strict adherence to the law, whatever may be the inconvenience to individuals.

I think it would be proper, then, to notify all persons designing to come here from your port, or its neighborhood, that they can have no right to count upon any other than the strictest construction of the law, as in all other ports of the United States, both as regards cargoes and vessels, and particularly that dutiable goods can not be entered here at all, unless Congress shall have made provision for appointing the necessary officers.

It would be well also to inform all adventurers coming here to search for gold that trespassing on the public lands is punishable by fine and imprisonment; that although the position of affairs here, incident to the change of government, has hitherto prevented action under these laws, yet they will be enforced as soon as the means are organized.

I should like to be informed of the date of your receipt of this communication, to be enabled to judge of the degree of indulgence proper to award to those claiming it.

PERSIFOR F. SMITH,
Brevet Major-General, Commanding Division.

To United States consuls, Valparaiso, Callao, Panama, Canton, Singapore, Manila, Sydney, Tahiti, Sandwich Islands, and all other ports of the Pacific Ocean.

The interpretation of the Walker circular made by General Smith in the foregoing circular is accepted as correct by the United States Supreme Court. (Cross *vs.* Harrison, 16 How., 194.) Such it certainly is as a legal proposition. But a review of the entire correspondence, with a knowledge of the turbulent conditions then existing in California, justifies the belief that the author of the Walker circular had in mind a question of fact, rather than one of law.

President Polk, in his message to Congress December 5, 1848, said:

* * * * * * *

"Upon the exchange of ratifications of the treaty of peace with Mexico on the 30th of May last, the temporary governments which had been established over New Mexico and California by our military and naval commanders, by virtue of the rights of war, ceased to derive any obligatory force from that source of authority, and, having been ceded to the United States, all government and control over them under the authority of Mexico had ceased to exist.

"Impressed with the necessity of establishing Territorial governments over them, I recommended the subject to the favorable consideration of Congress in my message communicating the ratified treaty of peace, on the 6th of July last, and invoked their action at that session. Congress adjourned without making any provision for their government. The inhabitants, by the transfer of their country, had become entitled to the benefits of our laws and Constitution, and yet were left without any regularly organized government. Since that time the very limited power possessed by the Executive has been exercised to preserve and protect them from the inevitable consequences of a state of anarchy. The only government which remained was that established by the military authority during the war.

"Regarding this to be a de facto government, and that by the presumed consent of the inhabitants it might be continued temporarily, they were advised to conform and submit to it for the short intervening period before Congress would again assemble and could legislate on the subject. The views entertained by the Executive on this point are contained in a communication of the Secretary of State, dated the 7th of October last, which was forwarded for publication to California and New Mexico, a copy of which is herewith transmitted."

* * * * * * * *

Congress finally created the territory embraced in Upper California a customs district and made San Francisco a port of entry, by act approved March 3, 1849. (9 Stats. L., 400.)

On November 13, 1849, Collector Collier, who had been duly appointed under the act of March 3, 1849, entered upon the discharge of his duties at San Francisco.

The status of the territory ceded by Mexico from the time of its invasion in 1846 to November 13, 1849, its relation to the United States at various intervals during this period, the character of the civil government maintained therein by the military authorities after the exchange of ratifications of the treaty of peace and cession with Mexico, and the right of civil government of the ceded territory to impose tonnage and import duties in accordance with and by virtue of the general tariff laws of the United States, without Congressional action extending said laws over said territory, were judicially determined by the United States Supreme Court, in the case of Cross et al. *vs.* Harrison (16 How., 164).

That case arose as follows: On September 3, 1848, Colonel Mason, as governor, appointed Edward H. Harrison collector of customs at San Francisco. Harrison, as such collector, required Cross, Hobson & Co. to pay tonnage on vessels and duties on merchandise, not of the growth, produce, or manufacture of the United States, imported by said firm from foreign places into California between February 3, 1848, and November 12, 1849. Cross, Hobson & Co. brought suit to recover the moneys so paid by the firm to Harrison. The cause was tried to a jury. There was no controversy as to the facts. The rights of the parties to the actions depended upon the law. The plaintiffs requested the court to instruct the jury as follows.

"1. That during the period from the 3d day of February, 1848, the date of the treaty of peace and limits with the Republic of Mexico, and the 3d of March, 1849, the date of the act of Congress which erected the State of California into a collection district of the United States, no duties accrue to the United States on merchandise not the production of the United States, nor of vessels not of the United States which arrived within the limits of California, ceded by said treaty to the United States, and that the exaction by the defendant of such alleged duties on such goods imported into California by the plaintiffs within said period was not authorized by any law of the United States and was therefore illegal.

"2. That during the period from the 3d of March, 1849, when the act of Congress erected the State of California into a collection district, and the 13th of November, 1849, when Collector Collier entered upon his duties as collector of customs at the port of San Francisco, in said district, the exaction of alleged duties to the United States by the defendant was not authorized by any law of the United States, and was therefore illegal, unless the jury shall find that the defendant was legally appointed and qualified to act as collector of the customs at San Francisco."

These instructions the court refused to give, and instead instructed the jury as follows:

"1. That between the 3d of February, 1848, and the 3d of March, 1849, duties did accrue to the United States on foreign merchandise not the production of the United States, and on foreign vessels not of the United States, which were imported into and arrived within the limits of California, as ceded to the United States by the treaty of peace and limits with the Republic of Mexico, signed at Guadaloupe Hidalgo.

"2. That after the act of 3d March, 1849, erecting the State of California into a collection district of the United States took effect, duties accrued to the United States, both on foreign merchandise not the production of the United States and on foreign vessels not of the United States, imported and brought within the limits of such collection district.

"3. That if, from the evidence in the cause, the jury shall find the plaintiffs were allowed by the defendant to enter their said foreign goods and vessels at another port of the United States within a collection district, and thereafter to land the same at San Francisco without further exaction of duties, and that the plaintiffs neglected so to do, and elected to enter and land the same at San Francisco, and pay duties thereon, and that the duties were paid by the defendant to the use of the United States, that then the said payment of duties was voluntary and not coercive, and the jury must find for the defendant."

To these instructions the plaintiffs excepted, and the verdict being for the defendant, the plaintiffs brought the cause to the United States Supreme Court on said exception. In determining the cause the court say:

* * * * * * * *

"The cause has been argued here with much research. Every argument has been brought to bear upon it by counsel on both sides which can enter into its consideration.

It seems, from the institution of the suit until now, to have been conducted with the wish upon the part of the United States to give to the plaintiffs every opportunity to establish their claim judicially, if that could be done, and with a desire upon its part to obtain from this court a decision as to what are the rights of the United States in respect to tonnage and impost duties in such a conjuncture as that was when California was ceded by treaty to the United States, before Congress had authorized such duties to be collected there by a special act. We have received much assistance from the argument, and make the acknowledgment the more readily because it has enabled us to come to conclusions which we believe will be satisfactory, though adverse from the claim of the plaintiffs.

"The purpose of the suit is to recover from the defendant certain tonnage duties and imposts, which were paid to him by the plaintiffs upon ships which had arrived in San Francisco, and upon foreign merchandise landed there from them between the 3d February, 1848, and the 13th November, 1849. Harrison has been appointed collector for the port of San Francisco by Colonel Mason, military governor of California. He told the plaintiffs, officially, that he would not permit them to land their goods without the payment of duties, stating that if they attempted to do so without having made an entry of them that they would be seized and forfeited. He placed an inspector of the customs on board of the vessels of the plaintiffs to prevent any merchandise from being landed from them without permits and entries, and when they complained that the duties which they were required to pay were illegal exactions, which they protested against, the collector refused to receive the duties under protest, and told the plaintiffs that they might enter their their ships at some other port in the United States and then discharge their goods at San Francisco.

"That he considered San Francisco a port in the United States at which foreign goods could not be landed without the payment of duties. It is as well to remark here, though the same fact appears in our statement of the case already given, that the duties for which the plaintiffs sue were paid by them between the 3d of February, 1848, and the 12th of November, 1849. They were paid, however, until some time in the fall of 1848, at the rate of the war tariff, which had been established early in the year before by direction of the President of the United States.

"The authority for that purpose given to the commander in chief of our naval force on that station was to establish port regulations, to prescribe the conditions upon which American and foreign vessels were to be admitted into the ports of California, and to regulate import duties. That war tariff, however, was abandoned as soon as the military governor had received from Washington information of the exchange and ratification of the treaty with Mexico, and duties were afterwards levied in conformity with such as Congress had imposed upon foreign merchandise imported into the other ports of the United States, Upper California having been ceded by the treaty to the United States.

"This last was done with the assent of the Executive of the United States, or without any interference to prevent it. Indeed, from the letter of the then Secretary of State, and from that of the Secretary of the Treasury, we can not doubt that the action of the military governor of California was recognized as allowable and lawful by Mr. Polk and his Cabinet. We think it was a rightful and correct recognition under all the circumstances, and when we say rightful, we mean that it was constitutional, although Congress had not passed an act to extend the collection of tonnage and import duties to the ports of California."

Continuing the discussion, the court further says (192 et seq.):

"Having considered and denied the claim of the plaintiffs to a restoration of the duties paid by them from the date of the treaty up to the time when official notice of its ratification and exchange were received in California, we pass on to the examination of their claim from that time until the revenue system in respect to tonnage and import duties had been put into practical operation in California by Colonel Mason, on the 7th of August, 1848. Up to this time it must be remembered that Captain Folsom, of the Quartermaster's Department of the Army, had been the collector of duties under the war tariff.

"On the 9th of August he was informed by Lieutenant Halleck, of the Engineer Corps, who was the secretary of state of the civil government of California, that he would be relieved as soon as a suitable citizen could be found for his successor. He was also told that 'the tariff of duties for the collection of military contributions was immediately to cease, and that the revenue laws and tariff of the United States will be substituted in its place.' The view taken by Governor Mason of his position has been given in our statement. The result was to continue the existing government, as he had not received from Washington definite instructions in reference to the existing state of things in California.

"His position was unlike anything that had preceded it in the history of our country. The view taken of it by himself has been given in the statement in the beginning of this opinion. It was not without its difficulties,

both as regards the principle upon which he should act and the actual state of affairs in California. He knew that the Mexican inhabitants of it had been remitted by the treaty of peace to those municipal laws and usages which prevailed among them before the territory had been ceded to the United States, but that a state of things and population had grown up during the war, and after the treaty of peace, which had made some other authority necessary to maintain the rights of the ceded inhabitants and of immigrants from misrule and violence. He may not have comprehended fully the principle applicable to what he might rightly do in such a case, but he felt rightly and acted accordingly. He determined, in the absence of all instruction, to maintain the existing government.

"The territory had been ceded as a conquest, and was to be preserved and governed as such until the sovereignty to which it had passed had legislated for it. That sovereignty was the United States, under the Constitution, by which power had been given to Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, with the power also to admit new States into this Union, with only such limitations as are expressed in the section in which this power is given. The government, of which Colonel Mason was the executive, had its origin in the lawful exercise of a belligerent right over a conquered territory. It had been instituted during the war by the command of the President of the United States. It was the government when the territory was ceded as a conquest, and it did not cease as a matter of course, or as a necessary consequence of the restoration of peace.

"The President might have dissolved it by withdrawing the Army and Navy officers who administered it, but he did not do so. Congress could have put an end to it, but that was not done. The right inference from the inaction of both is that it was meant to be continued until it had been legislatively changed. No presumption of a contrary intention can be made. Whatever may have been the causes of delay, it must be presumed that the delay was consistent with the true policy of the Government; and the more so, as it was continued until the people of the Territory met in convention to form a State government, which was subsequently recognized by Congress under its power to admit new States into the Union.

"In confirmation of what has been said in respect to the power of Congress over this Territory, and the continuance of the civil government established as a war right until Congress acted upon the subject, we refer to two of the decisions of this court, in one of which it is said in respect to the treaty by which Florida was ceded to the United States: 'This treaty is the law of the land, and admits the inhabitants of Florida to the enjoyment of privileges, rights, and immunities of the citizens of the United States. It is unnecessary to inquire whether this is not their condition, independently of stipulations. They do not, however, participate in political power—they do not share in the Government until Florida shall become a State.

"In the meantime Florida continues to be a Territory of the United States, guarded by virtue of that clause in the Constitution which empowers Congress to make all needful rules and regulations respecting the Territory or other property belonging to the United States. Perhaps the power of governing a Territory belonging to the United States, which has not, by becoming a State, acquired the means of self-government, may result necessarily from the facts that it is not within the jurisdiction of any particular State, and is within the power and jurisdiction of the United States. The right to govern may be the natural consequences of the right to acquire territory." (American Insurance Co. vs. Canter, 1 Peters, 542, 543.)

"The court afterwards, in the case of the United States vs. Gratiot (14 Peters, 526), repeats what is said in the case of Canter in respect to that clause of the Constitution giving to Congress the power to make all needful rules and regulations respecting the territory or other property of the United States.

"Colonel Mason was fortunate in having his determination to continue the existing government sustained by the President of the United States and the Secretaries of his Cabinet, and nothing but an almost willing misunderstanding of the circular of the Secretary of the Treasury, Mr. Walker, could have caused a doubt as to the liability of importers of foreign goods into California to pay duties upon them.

"That part of the Secretary's circular relating to the duties is in our statement of the case. It will show that the Secretary says no more than this: That as Congress had not brought California by law within the limits of any collection district, or authorised the appointment of officers to collect the revenue accruing upon the importation of foreign dutiable goods into that Territory, that his Department may be unable to collect them. Revenue accruing upon the importation into California of foreign dutiable goods means that the goods were liable to pay the duty. There is nothing uncertain in the Secretary's circular. It does not warrant in any way the declaration that it was his opinion that the goods were not dutiable or that they might not be legally collected, though that could not be done by the instrumentality of officers of a collection district.

"Our conclusion, from what has been said, is that the civil government of California, organized as it was from a right of conquest, did not cease or become defunct in consequence of the signature of the treaty or from its ratification. We think it was continued over a ceded conquest without any violation of the Constitution or laws of the United States; and that until Congress legislated for it the duties upon foreign goods imported into San Francisco were legally demanded and lawfully received by Mr. Harrison, the collector of the port, who received his appointment, according to instructions from Washington, from Governor Mason.

"But it was assumed in the argument, and not without force and ingenuity, and with some appearance of authority, that duties did not accrue to the United States upon foreign goods brought into California between the 3d of February, 1848, and the 3d of March, 1849, and from the last date until the 12th of November, 1849, and that the exaction of them was illegal. The two first dates mentioned comprehend the time between the date of the treaty and the date of the act of Congress, which included California within one of the collection districts of the United States, and the other date comprehends the time from the date of the act of Congress until Mr. Collier, the collector, entered upon the duties of his office. It was also said by counsel that as there was no treaty or law enjoining or permitting the collection of the duties, the exaction of them by the defendant was illegal.

"It was said that the duties were illegally exacted because the laws of a ceded country, including those of trade, remained unchanged until the new sovereignty of it changed them, and that this Congress had not done. That the practice of the United States had been not to collect duties upon importations upon goods brought into a ceded territory until Congress passed an act for it to be done. Louisiana and Florida were the instances cited; and the ratification by North Carolina and Rhode Island of the Constitution of the United States were also mentioned as having been the subjects of special legislation to bring them within the operation of the revenue laws which had been passed by Congress.

"And it was said that as Congress has the constitutional power to regulate commerce, and had not done so specifically in respect to tonnage and import duties in California, none of the existing acts of Congress for such purposes could be applied there until Congress had passed an act giving to them operation, and had legislated California into a collection district, with denominated ports of entry.

"This last being the most important of the objections which were made, we will examine it first and afterwards notice those which precede it. The objection assumes that under the laws then in force duties could not be collected in California after the war with Mexico had been concluded by a treaty of peace, and that the President had no legal authority to order the collection of duties there upon foreign goods, or power to enforce any revenue regulations, or to prevent the landing of goods prior to the passage of the act by which our revenue laws were extended to California and before proper officers had been appointed to execute those laws.

"It has already been shown that for seven months of the time the duties received were paid under the war tariff, and that the treaty, though signed in 1848, did not become operative until the ratifications and exchanges of it. And further, that it could not have any effect upon the existing government of California until official information of those ratifications had been received there. The belligerent right of the United States to make a civil government in California when it was done, and to authorise it to collect tonnage and impost duties whilst the war continued is admitted.

"It was urged that our revenue laws covered only so much of the territory of the United States as had been given to prevent the landing of foreign goods or to charge duties upon them, though such landing had been made within the territorial limits of the United States. To this it may be successfully replied that collection districts and ports of entry are no more than designated localities within and at which Congress had extended a liberty of commerce in the United States, and that so much of its territory as was not within any collection district must be considered as having been withheld from that liberty.

"It is very well understood to be a part of the laws of nations that each nation may designate, upon its own terms, the ports and places within its territory for foreign commerce, and that any attempt to introduce foreign goods elsewhere within its jurisdiction is a violation of its sovereignty. It is not necessary that such should be declared in terms, or by any decree or enactment, the expressed allowances being the limit of the liberty given to foreigners to trade with such nation. Upon this principle the plaintiffs had no right of trade with California with foreign goods, excepting from the permission given by the United States under the civil government and war tariff which had been established there; and when the country was ceded as a conquest, by a treaty of peace, no larger liberty to trade resulted.

"By the ratifications of the treaty California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce, it became instantly bound and privileged by the laws which Congress had passed to raise a revenue from duties on imports and tonnage. It was bound by the eighteenth section of the act of 2d of March, 1799. The fair interpretation of the second member of the first sentence is that ships coming from foreign ports into the United States were not to be permitted to land any part of their cargoes in any other than in a port of delivery confined then to the ports mentioned in the act, afterwards applicable to all other places which might be made ports of entry and delivery, and excluding all right to unlade in any part of the United States which had not been made a collection district with ports of entry or delivery.

"The ninety-second section of that act had four objects in view. First, to exclude foreign goods subject to the payment of duties from being brought into the United States, except in the localities stated, otherwise than by sea; next, that they were not to be brought by sea in vessels less than 30 tons burden; and third, to subject to forfeiture any foreign goods which might be landed at any other port or place in the United States than such as were designated by law; fourth, to exclude the allowances or drawback of any duties of foreign goods exported from any district in the United States otherwise than by sea, and in vessels less than 30 tons burden. The sixty-third section also of that act, directing when tonnage duties, were to be paid, became as imperative in California after its cession to the United States as it was in any collection district.

"The acts of the 30th of July, 1790 (1 Stat. L., 130, chapter 30), and that of 2d March, 1799 (1 Stat. L., 627, chapter 22), were also of force in California without other special legislation declaring them to be so. It can not very well be contended that the words 'entered in the United States' give an exemption from them on account of the word 'entered,' because a ship has been brought into a port in the United States where an entry can not be made, as it may be done in a collection district. The goods must be entered before a permit for delivery can be given. Shall one then be permitted to land goods in any part of the United States not in a collection district, because he has voluntarily gone there with his vessel where an entry of his goods can not be made; or to say, 'I know that my goods can not be entered where I am, and therefore claim the right to land them for sale and consumption free of duty?'

"It has been sufficiently shown that the plaintiffs had no right to land their foreign goods in California at the times when their ships arrived with them, except by a compliance with the regulations which the civil government were authorized to enforce, first, under a war tariff, and afterwards under the existing tariff act of the United States. By the last, foreign goods, as they are enumerated, are made dutiable. They are not so because they are brought into a collection district, but because they are imported into the United States. The tariff act of 1846 prescribes what that duty shall be.

"Can any reason be given for the exemption of foreign goods from duty because they have not been entered and collected at a port of delivery? The last become a part of the consumption of the country as well as the others. They may be carried from the point of landing into collection districts within which duties have been paid upon the same kinds of goods, thus entering, by the retail sale of them, into competition with such goods and with our own manufactures and the products of our own farmers and planters. The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States.

"Indeed, it must be very clear that no such right exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other ports of the United States. As to the denial of the authority of the President to prevent the landing of foreign goods in the United States out of a collection district, it can only be necessary to say, if he did not do so, it would be a neglect of his constitutional obligation 'to take care that the laws be faithfully executed.'

"We will here briefly notice those objections which preceded that which has been discussed. The first of them, rather an assertion than an argument—that there was neither treaty nor law permitting the collection of duties—has been answered, it having been shown that the ratifications of the treaty made California a part of the United States, and that as soon as it became so, the Territory became subject to the acts which were in force to regulate foreign commerce with the United States, after those had ceased which had been instituted for its regulation as a belligerent right.

"The second objection states a proposition larger than the case admits, and more so that the principle is, which secures to the inhabitants of a ceded conquest the enjoyment of what had been their laws before, until they have been changed by the new sovereignty to which it had been transferred. In this case foreign trade had been changed in virtue of a belligerent right

before the territory was ceded as a conquest, and after that had been done by a treaty of peace, the inhabitants were not remitted to those regulations of trade under which it was carried on while they were under Mexican rule, because they had passed from that sovereignty to another, whose privilege it was to permit the existing regulations of trade to continue and by which only they could be changed.

"We have said in a previous part of this opinion that the sovereignty of a nation regulated trade with foreign nations, and that none could be carried on except as the sovereignty permits it to be done. In our situation that sovereignty is the constitutional delegation to Congress of the power 'to regulate commerce with foreign nations and among the several States, and with the Indian tribes.'

"In respect to the suggestion that it has not been the practice of the United States to collect duties upon importations of foreign goods into a ceded territory until Congress had passed an act for that purpose, counsel cited the cases Louisiana and Florida.

"The reply is, that the facts in respect to both have not been recollected. There was no forbearance in either instance in respect to duties upon imports until Congress had acted. Louisiana was ceded by a treaty bearing the date of the 30th of April, 1803, but the possession of it by the United States depended upon the terms of final ratifications by the parties to it, and upon the delivery of it by a commissioner to be appointed by the French government to receive the transfer from Spain to France and by him to be immediately transferred to the United States. (Articles I, II, IV, V.)

"The surrender from Spain to France was formally made on 30th of November, 1803, and that to the United States was done on the 20th of December, 1803. It was known in Washington, by a letter from the commissioner appointed to receive it, early in January. It is said that from that time until the act of the 24th of February, or, as was provided for in the act, until thirty days after, Louisiana was not considered, in a fiscal sense, as a part of the United States; and that duties were not only not collected by the United States on importations into Louisiana, but that duties were charged on goods brought from Louisiana into the United States.

"It seems to have been forgotten that our commercial intercourse with Louisiana had been the subject of legislation by Congress in several particulars from the year 1800, and that before the revenue system could be applied it was necessary to repeal that special legislation. Mr. Gallatin, in his report of the 25th of October, 1803 (American State Papers, Finance, volume 2, 48), suggested that it should be done. Congress, however, did not do so until the act of the 24th of February, 1804, was passed, by the third section of which the repeal was effected. The postponement of the operation of the act for thirty days longer was with the view to prevent any conflict of rights or interests between what would be the new regulations of commerce under the act and those which had preceded them.

"It is only necessary to say as to Florida that the treaty of the 22d of February, 1819, was not ratified by the United States until the 19th of February, 1821. In a few days afterwards the act was passed extending our revenue system to it, subject to the stipulation in the fifteenth article of the treaty in favor of Spanish vessels and their cargoes. There was then no interval in either instance where duties were not collected upon foreign importations because Congress had not legislated for it to be done.

"The application of the revenue acts to North Carolina and Rhode Island, when those States had ratified the Constitution of the United States, though that was not done until the Constitution had been ratified by eleven of the States, does not support the position taken by the counsel of the plaintiff in error. Those States had been parties to the Confederation, and North Carolina was represented in the convention which formed the Constitution. It was to become the Government of the Union when ratified by nine States, and Congress declared that it should go into operation on the 4th day of March, 1789. The subsequent ratifications by North Carolina and Rhode Island made them parties in the Government. It brought them in without new forms or legislation, and their Senators and Representatives were admitted into Congress upon the presentation of their ratifications.

"Special acts were passed to apply to them the previous legislation of Congress, and that of the revenue acts, as a matter of course, because, previously to the ratification, those States had not been attached to any collection district. But it was not supposed by anyone that after those States had ratified the Constitution, that foreign goods could have been imported into them without being subject to duty, or that it was necessary to make them collection districts to make such importations dutiable.

"But we do not hesitate to say that if the reasons given for our conclusions in this case were not sound that other considerations would bring us to the same results. The plaintiffs carried these goods voluntarily into California, knowing the state of things there. They knew that there was an existing civil government instituted by the authority of the President, as Commander in Chief of the Army and naval forces of the United States; that it had not ceased when these first importations were made; that it was afterwards continued and rightfully, as we have said, until California became a State; that they were not coerced to land their goods, however they may have been to pay duties upon them; that such duties were demanded by those who claimed the right to represent the United States—who did so, in fact, with most commendable integrity and intelligence; that the money collected has been faithfully accounted for, and the unspent residue of it received into the Treasury of the United States; and that the Congress has by two acts adopted and ratified all the acts of the government established in California upon the conquest of that territory, relative to the collection of imposts and tonnage from the commencement of the late war with Mexico to the 12th November, 1849, expressly including in such adoption the moneys raised and expended during that period for the support of the actual government of California after the ratification of the treaty of peace with Mexico. This adoption sanctions what the defendant did. It does more. It affirms that he had legal authority for his acts. It coincides with the views which we have expressed in respect to the legal liability of the plaintiff for the duties paid by them and the authority of the defendant to receive them as collector of the port of San Francisco.

"From these circumstances the law will not imply an assumption upon the part of the defendant to repay the money received by him from them for duties; the plaintiffs knew when they paid him that the defendant received them for the United States. The plaintiffs have no claim for damages against the defendant in justice or equity. They paid duties to which the United States had rightful claim, and no more than the law required. The plaintiffs have paid no excess. The moneys were paid under no deceit, no mistake; the defendant has honestly paid them over to the United States, has been recognized as their agent when he acted as collector, and is not responsible to the plaintiffs in foro conscientiæ.

"The moneys were paid from a portion of the funds in the Treasury of the United States, subject to the constitutional restriction that no money shall be drawn from the Treasury but in consequence of appropriations made by law for such purposes as the Constitution permits. Our conclusion is, that the rulings made in this case in the circuit court are correct. We shall direct the judgment to be affirmed."

The decision is so apposite to the questions under consideration that argument is not needed to show its controlling force thereover.

In the case of Fleming et al. *vs.* Page (9 How., 603) the United States Supreme Court held:

"During the war between the United States and Mexico, the port of Tampico, in the Mexican State of Tamaulipas, was conquered, and possession of it held by the military authorities of the United States, acting under the orders of the President.

"The President acted as a military commander prosecuting a war waged against a public enemy by the authority of his Government, and the conquered country was held in possession in order to distress and harass the enemy.

"It did not thereby become a part of the Union. The boundaries of the United States were not extended by the conquest.

"Tampico was therefore a foreign port within the meaning of the act of Congress passed on the 30th of July, 1846, and duties were properly levied upon goods imported into the United States from Tampico.

"In this case the court announce the well-understood doctrine that the boundaries of the United States do not advance with its successful invading armies nor retreat before a victorious foe; that accessions to our territorial domain from foreign sovereignties must be acquired by the exercise of the treaty-making power conferred upon Congress by the Constitution. Until Congress exercises that power and the treaty is duly made, ratified, and such ratification mutually exchanged, the territory remains foreign. The decision of the court on this branch of said case supports the answers made herein to the questions under consideration, for Porto Rico has become a part and parcel of the United States by a treaty duly made, ratified by Congress, and such ratifications mutually exchanged."

The court further say in said opinion (Id., page 616):

"Again, there was no act of Congress establishing a custom-house at Tampico, nor authorizing the appointment of a collector; and consequently there was no officer of the United States authorized by law to grant the clearance and authenticate the coasting manifest of the cargo in the manner directed by law, where the voyage is from one port of the United States to another. The person who acted in the character of collector in this instance acted as such under the authority of the military commander and in obedience to his orders; and the duties he exacted and the regulations he adopted were not those prescribed by law, but by the President in his character of Commander in Chief.

"The custom-house was established in an enemy's country as one of the weapons of war. It was established not for the purpose of giving to the people of Tamaulipas the benefits of commerce with the United States, or with other countries, but as a measure of hostility and as a part of the military operations in Mexico; it was a mode of exacting contributions from the enemy to support our Army, and intended also to cripple the resources of Mexico, and make it feel the evils and burdens of the war. The duties required to be paid were regulated with this view, and were nothing more than contributions levied upon the enemy, which the usages of war justify when an army is operating in the enemy's country. The permit and coasting manifest granted by an officer thus appointed, and thus controlled by military authority, could not be recognized in any port of the United States, as the documents required by the act of Congress when the vessel is engaged in the coasting trade, nor could they exempt the cargo from the payment of duties."

This was an accurate statement of the facts and the laws applicable thereto as regards the status of Tampico under military occupation by the armies of the United States, which status continued during the entire period under consideration by the court.

The facts and their legal effect were similar in the instance of California from 1847 to August 6, 1848, the date when notice of the treaty with Mexico reached the United States forces holding military possession there. Thereupon a change was effected.

The government of civil affairs there existing was divested of its military attributes. It ceased to derive its authority from the laws and usages of war and to exercise its powers in accordance therewith. It became subject to the Constitution and laws of the United States. It derived its authority therefrom and exercised such authority in accordance therewith.

As is said by our Supreme Court:

"Every nation acquiring territory, by treaty or otherwise, must hold it subject to the Constitution and laws of its own government." (Pollard's Lessee *vs.* Hagan, 3 How., 212, 225; Vattel's Law of Nations, book 1, chapter 19, sections 210, 244, 250, and book 2, chapter 7, section 80.)

To reiterate the language of the court in Cross et al. *vs.* Harrison (16 How., 164):

"By the ratification of the treaty California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce it became instantly bound and privileged by the laws which Congress had passed to raise a revenue from duties on imports and tonnage." (Id., 197.)

It may be true, as stated by the court in the above quotation from Fleming et al. *vs.* Page, that—

"The permit and coasting manifest granted by an officer thus appointed and thus controlled by military authority could not be recognized in any port of the United States as the documents required by the act of Congress when the vessel is engaged in the coasting trade." (Id., page 616.)

This objection extends only to officers of a military government in a foreign territory, sustained by the authority of an existing war. But the government now existing in Porto Rico is no longer of such character. Its officers are no longer "thus controlled by military authority." That is to say, by the rights of a belligerent in war, and under our form of government entirely free from the control of Congress. It is now a civil government, subject to and controlled by the Constitution and Federal laws of the United States.

The Constitution and Congressional enactments are in force in that island, "though at this moment some part of the machinery necessary to their complete action is wanting." This civil government owes its inception to the rights of war; but which civil government on earth does not? It was the only government of civil affairs in the island when Porto Rico was ceded to the United States. Being a government de facto, it was continued in authority. It was a government which, as the Supreme Court say (16 How., page 190), "had its origin in the lawful exercise of a belligerent right over a conquered territory. It had been instituted during the war by the command of the President of the United States. It was the government when the territory was ceded as a conquest, and it did not cease as a matter of course, or as a necessary consequence of the restoration of peace."

The officers now discharging the functions of said government are de facto officers at least. The acts of de facto officers are legal and binding. (Husey *vs.* Smith, 99 U. S., 20; County of Ralls *vs.* Douglas, 105 U. S., 728; Cocke *vs.* Halsey, 16 Pet., 71; State *vs.* Carroll, 38 Conn., 449; Sheehan's Case, 129 Mass., 445.)

The course pursued in California as to permits and coasting manifests, as shown by instructions issued to the collector of the port of San Francisco, September 25, 1848, was to forward applications for registry to Washington and grant a sea letter of license, which would enable the vessel to wear the American flag and engage in trade as an American vessel. (Senate Document No. 18, first session Thirty-first Congress, pages 647, 648, War Department, No. 557.)

Said sea letters or permits were issued by collectors of ports and approved by the governor. A number of them were issued by the collectors of the ports of California. The following is a copy of one such permit. (See Senate Document No. 18, first session, Thirty-first Congress, page 609, War Department, No. 557.)

To all whom it may concern:

Whereas Thomas O. Larkin and Jacob Leese, citizens of the United States resident in California, sole owners of the American-built vessel *Eveline*, of Boston, whereof John B. B. Cooper is at present master, and is a citizen of the United States, have this day made oath to these facts, and that no foreign citizen or subject has any share by way of trust, confidence, or otherwise in said vessel:

Therefore, this said vessel *Eveline* is hereby authorized to wear the American flag and to enjoy all the privileges and immunities pertaining thereto, both with respect to coast trade and foreign commerce.

The said vessel is a brig, has a square stern, no galleries, and a billet-head; has one deck and two masts; and that her length is 86 feet 2 inches, her breadth 23 feet 9½ inches; and that she measures 196⅔ tons.

This sea letter or license shall be good for one year from this date, or until the decision of the proper authorities, on her application for a new register, shall be made known to the owner or master of said vessel.

Given under my hand and seal, at the port of Monterey, this — day of February, 1849.

HENRY S. BURTON, *Collector.*

R. B. MASON, *Governor of California.*

In support of the declaration that the officers of the military government of Tampico, a government in foreign territory and deriving authority from an existing war, could not grant clearance and authenticate the coasting manifest of the cargo, the court further say, in Fleming vs. Page (9 How., page 616 et seq.):

"This construction of the revenue laws has been uniformly given by the administrative department of the Government in every case that has come before it. And it has, indeed, been given in cases where there appears to have been stronger ground for regarding the place of shipment as a domestic port. For after Florida had been ceded to the United States, and the forces of the United States had taken possession of Pensacola, it was decided by the Treasury Department that goods imported from Pensacola before an act of Congress was passed erecting it into a collection district, and authorizing the appointment of a collector, were liable to duty.

"That is, that although Florida had by cession actually become a part of the United States and was in our possession, yet under our revenue laws its ports must be regarded as foreign until they were established as domestic by act of Congress; and it appears that this decision was sanctioned at the time by the Attorney-General of the United States, the law officer of the Government. And although not so directly applicable to the case before us, yet the decisions of the Treasury Department in relation to Amelia Island and certain ports in Louisiana, after that province had been ceded to the United States, were both made upon the same grounds.

"And in the latter case, after a custom-house had been established by law at New Orleans, the collector at that place was instructed to regard as foreign ports Baton Rouge and other settlements still in the possession of Spain, whether on the Mississippi, Iberville, or the seacoast. The Department, in no instance that we are aware of since the establishment of the Government, has ever recognized a place in a newly acquired country as a domestic port from which the coasting trade might be carried on, unless it had been previously made so by act of Congress.

"The principle thus adopted and acted upon by the executive department of the Government has been sanctioned by the decisions in this court and the circuit courts whenever the question came before them."

So much of the foregoing statement of the court as relates to the territory embraced in the Louisiana purchase and the treaty with Spain fixing the boundary lines regarding Florida is shown by the court itself in the later case of Cross et al. vs. Harrison (16 How., 199, 200) to have no application to the question under consideration. (See pages 19-20 of this memorandum.)

The official correspondence of the State, Treasury, and War Departments of President Polk's Administration, set forth herein, shows that the court was without accurate information in concluding as a matter of fact that the Department has never recognized a place in a newly acquired country as a domestic port unless it had been previously made so by act of Congress. It was certainly done in the instance of California.

The decision in Fleming vs. Page (9 How., 603) was right in holding that Tampico, Mexico, was a foreign port during its occupancy by the military forces of the United States, as the boundaries of this country do not follow the fortunes of its armies. This was the real question in the case. Beyond the determination of this question, the opinion is obiter dictum and must give way to the later decision in Cross et al. vs. Harrison (16 How., 164).

Respectfully submitted,

CHAS. E. MAGOON,
Law Officer, Division of Customs and Insular Affairs, War Department.

MAY 30, 1899.

Mr. HAY. Mr. Speaker, I wish to submit a few remarks upon one of the features of this bill, and to enter my protest against the unseemly haste with which this very important measure is being rushed through the House. Twenty pages of this bill deals with the civil government of Porto Rico, a question which has never been discussed in this House. It is the first attempt to legislate for any one of the islands ceded to this country by Spain, and we are asked to pass it without opportunity for either discussion or amendment. The bill violates every principle of our form of government. It sets up an oligarchy, a form of government in no sense republican. It practically hands over to the President of the United States the government of this island which he will rule through the executive council, the members of which he will appoint, as provided for in the eighteenth section of the bill. Six members of this council are to be appointed from such persons as the President may choose, five of its members are to be "native inhabitants" of Porto Rico, whatever that may mean.

This executive council is to constitute the upper house of the Porto Rico legislative assembly, and upon it is conferred by this act all the powers necessary to defeat the will of the people. The people of Porto Rico will be powerless in the hands of this executive council, responsible to no one but the President, more than half of whom will not be citizens of Porto Rico. No such high-handed act of imperialism has been committed by the President himself, and that the Senate and House of Representatives of the United States should force such a government on a part of the people of this country is enough to bring the blush of shame to the cheek of every American who respects himself and the principles of the Government under which he lives. The passage of this bill means the beginning of the reign of the carpetbagger and the scalawag in Porto Rico. It means for those people a long and desperate struggle to free themselves from the wretched conditions which the provisions of this bill will bring upon them. Upon this executive council is conferred the power (section 29) of prescribing qualifications of voters, and regulations and restrictions as to the registration of voters, a most dangerous departure from principle and an outrageous exercise of power by this Congress against the liberties of the citizens of the United States.

If the people of this country want evidence of the determination of the Republican party to convert this Republic into an empire, behold here is the first overt act, openly avowed, seriously defended, and deliberately made a part of the policy of the Republican party. Neither local interests nor party expediency can excuse to the American people the vote of any Representative upon this floor who votes for this bill. It has ceased to be a question of tariff or free trade only; it has become a question of whether or not the representatives of the people of the United States here assembled will vote for a bill which denies the right of self-government to a portion of the people of the United States; will vote for a measure which defies every principle of our Government and opens the way for all the islands ceded to us by Spain to be governed contrary to the form and substance of a republican government. [Loud applause on the Democratic side.]

Mr. PAYNE. Mr. Speaker, I yield fifteen minutes to the gentleman from Iowa [Mr. DOLLIVER].

Mr. DOLLIVER. Mr. Speaker, one of the hopes which I had when these new and larger national questions superseded the debates of 1896 was that they would be conducted in a better atmosphere, with a larger charity, with a higher patriotism than the political debates through which we passed four years ago.

I regret that many things have happened at the threshold of our new national experience which have tended at least to disappoint these hopes. We are here to-day in an atmosphere of acrimony, of accusation, of evil surmises, of recrimination, which, with all respect to those who have participated in it, I undertake to say is not equal to the level and dignity of this great assembly nor of the great questions with which we have to do.

For myself I accord to every man the right to hold his opinion with all charity and with all generosity to every one who differs from me. [Applause on the Republican side.] It has been said that changes have been made in the opinions of men on this floor and in the executive offices of the Government, and we have just been treated as a final act of eloquence by the leader of the Democratic side of this House with a quotation from a law clerk in the Department of War, who is said to have been overruled by the great lawyer who presides over that Department.

Now, if I desired to cite the opinion of people who disagree with me, I should take the opinion of my friend from Massachusetts, Mr. MCCALL, who is an eminent lawyer at the bar where he practices, and of my friend from Maine, Mr. LITTLEFIELD, who is an eminent lawyer at the bar at which he practices and a great law orator in the forum where he now appears and shines. But I for one fail to see the point which my friend from Tennessee makes when he takes a subordinate law clerk in an Executive Department and reads an opinion rendered by him as to the constitutional powers and prerogatives of this Government.

Now, it has been asked here why people have changed their minds. I undertake to say that nobody has changed his mind in a substantial measure. I undertake to say that what we do here now is exactly what was in the minds of the men who advised the President in the preparation of his message to Congress last December. My friend from Tennessee says that we have departed from the opinion of General Davis. I ask the gentleman from Tennessee whether he will take the opinion of General Davis on the question now pending in this House?

Several MEMBERS. Which opinion?

Mr. JAMES R. WILLIAMS. He has changed his opinion.

Mr. DOLLIVER. I was not addressing my friend from Illinois [Mr. JAMES R. WILLIAMS]. I ask the gentleman from Tennessee whether he will accept the opinion of General Davis given in his official report?

Mr. RICHARDSON. If you will give us both opinions, I will take my choice. [Laughter and applause on the Democratic side.]

Mr. DOLLIVER. My friend from Indiana [Mr. WATSON] has read here the latest utterance of General Davis. It differs in no way from the suggestions of his original report. I will read this opinion which appears in the report of General Davis to the Secretary of War. It is found on page 531 of House Document No. 2:

The island must, it is supposed, ultimately derive its principal revenue from internal taxation; but this can not be until a new scheme of taxation for the whole island can be worked out. This requires very careful consideration, and can not properly be done until the general policy to be pursued as to Porto Rico is determined.

In the closing sentences of his report to the Secretary of War he says, in the same House document, on page 557:

Regarding general legislation by Congress, it is recommended that trade between the United States and the island should be left as free as possible, and that the customs revenue collected here be left to the island temporarily as income for local expenditures.

As soon as a new local internal-revenue tax law can be framed and put into operation, the custom-house collections would inure to the general Treasury, but for a few years it will be very difficult to balance the budget without this aid.

Now, I submit to this House whether that is not exactly what this bill does. Will my friend take the opinion of Dr. Carroll?

Mr. RICHARDSON. Before my friend gets away from General Davis, I wish to say that I have here his sworn testimony in which he recommends free trade between the United States and Porto Rico.

Mr. DOLLIVER. I have read from his official report to the Secretary of War. I now desire to call the gentleman's attention to the report made by Dr. Carroll, the special commissioner sent personally by the President to investigate Porto Rican affairs—a gentleman upon whose judgment in large measure the President relied in framing his message of last December. On page 392 of his report he says:

The taxes need a complete readjustment. The main dependence has been on the customs revenue, and must continue to be until the future government of the island is determined.

He goes on to say that—

It must be remembered that large sums will be needed almost immediately for the public schools and for various internal improvements indispensable to the development of Porto Rico.

And adds—

It would seem to be prudent not to revise the Porto Rican tariff so as very greatly to reduce the customs revenue, at least for the period ad interim—

that is until the establishment of a fiscal system and civil government in the island of Porto Rico.

Mr. RICHARDSON. Did not Dr. Carroll, as a witness before the Insular Committee, advocate free trade between the United States and Porto Rico?

Mr. DOLLIVER. He probably advocated ultimate free trade between Porto Rico and the United States exactly as this bill advocates it, but certainly he did not propose——

Mr. RICHARDSON rose.

The SPEAKER. The Chair will state that a gentleman occupying the floor must not be interrupted unless, through the Chair, his consent is first obtained.

Mr. DOLLIVER. Among the javelins of accusation and malice that have been hurled to and fro in this Chamber has been one to the effect that the policy of members of this House has been controlled by corporate and moneyed influence on the outside. I do not stop to deny an accusation like that. It is an unworthy thing to say, and it is a contemptible thing to be called upon to deny.

I now inquire, however, into some little matters with which the gentleman from Tennessee, who has been so free with his accusations and his epithets, is concerned. I accuse the gentleman from Tennessee of having introduced into this House a joint resolution the effect of which is to make an open present to the American Sugar Refining Company of $60,000,000 now annually paid by that company as duties on its imported sugars.

I hold in my hand his resolution which proposes to remove the customs duties now laid by the tariff law upon raw sugar, out of which that company manufactures refined sugar, and which it imports into the United States mainly from the island of Cuba. The resolution is as follows:

[H. J. Res. 181. Fifty-sixth Congress, first session.]

In the House of Representatives. February 19, 1900.

Mr. RICHARDSON introduced the following joint resolution; which was referred to the Committee on Ways and Means, and ordered to be printed:

Joint resolution to admit free of duty sugar, molasses, and everything entering into the manufacture of sugars from Porto Rico and Cuba.

Whereas a monopoly exists among sugar manufacturers, and in consequence enormous profits are being realized: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this resolution all kinds of sugars, molasses, and everything entering into the manufacture of sugars shall be admitted free of duty from Porto Rico and Cuba.

I accuse the chairman of the Democratic national committee of being in the same conspiracy, if you will permit me so to speak. I hold in my hand a proposed amendment offered by Senator JONES of Arkansas to the bill, now become a law, to give the proceeds of the present Porto Rican customs to the people of Porto Rico, an amendment which, if it had been passed, would have given to the American Sugar Refining Company $1,800,000, which they have already paid in cash into the Treasury of the United States on sugar imported from Porto Rico. [Applause on the Republican side.]

The proposed amendment is as follows:

[H. R. 9080. Fifty-sixth Congress, first session.]

In the Senate of the United States. March 15, 1900. Ordered to be printed.

Amendment intended to be proposed by Mr. JONES of Arkansas to the bill (H. R. 9080) appropriating, for the benefit and government of Porto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law, viz: Strike out all after the enacting clause and insert:

That all duties collected to this date upon articles imported into the United States from Porto Rico since the 11th day of April, 1899, the date of the exchange of ratifications of the treaty of peace between Spain and the United States, be returned to the persons from whom they were collected, and from and after the passage of this act no duties shall be collected on articles coming from Porto Rico.

I do not accuse the gentleman from Tennessee of corruption. I entirely acquit him of that. I accuse him of a stupidity in dealing with practical affairs so dense, so serene, and calm that not a ray of light penetrates into the dungeon where it dwells. [Applause and laughter on the Republican side.] This measure, belied and misrepresented for weeks, is no longer on the defensive. It is a Republican measure, indorsed by the approved leaders of the party in both Houses and in every department of the Government.

I am sorry that we are not altogether united upon it in this Chamber, and I treat with good will and consideration every man whose opinions differ from mine upon it; but I exhort my Republican brethren and colleagues to stand side by side before a common and united enemy in this field skirmish preceding the Presidential campaign of 1900. [Applause on the Republican side.]

The SPEAKER. The gentleman from New York [Mr. PAYNE]. [Applause on the Republican side.]

Mr. PAYNE. Mr. Speaker, after this long and unexampled conflict the bill which has been the subject of debate in the capital of the United States and throughout all its borders is about to pass into a law. The people of the United States will have a chance to render a verdict upon its merits, because when it becomes a law no paper will suppress a report which is an argument in its favor. No paper will dare to comment upon it without printing the law itself.

Mr. Speaker, I am willing, I am anxious, to submit this question to the common people of the United States. I have no fears as to the result, and the proudest act of my life has been my connection with this bill from start to finish. [Applause on the Republican side.]

Mr. PIERCE of Tennessee. Will the gentlemen yield for a question?

Mr. PAYNE. The gentleman does not yield for a question.

Mr. PIERCE of Tennessee. Which end of the gentleman's record is he proudest of, the free-trade end or the protection end? [Derisive laughter on the Democratic side.]

The SPEAKER. The gentleman from New York declines to yield.

Mr. PAYNE. Mr. Speaker, I will not reply as I might reply. I always pass by when I hear a bark of that kind coming from any source, on the street or in the House of Representatives. [Applause on the Republican side and derisive laughter on the Democratic side.] This is no new doctrine as enunciated in this bill. Two years ago we passed an act annexing the Hawaiian Islands to the United States. I will read an extract or two from that act, for the education of gentlemen who voted for it and who now sit here howling upon the Democratic side of this House.

That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned are vested in the United States of America.

And these words were added:

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

That went through this House without a comment or a protest. Not a constitutional lawyer on either side sought to raise any question as to the power of the United States Congress to enact such a law as that. For the past two years that law has been enforced without question, and we have collected upon the imports of the Hawaiian Islands, save such as were excepted by treaty, the full duties under the Dingley Act. No man has said that we were doing an injustice to the people of the Hawaiian Islands.

Only last week we passed an act concerning the Hawaiian Islands that came from the Senate. The Senate of the United States had put a provision in the bill to which I am about to refer, and the Committee on Territories in the House of Representatives, by the unanimous vote of the committee on both sides, have placed in that bill a tariff on every dollar's worth of goods formerly imported from any other country, not the product of Hawaii, that shall hereafter come into the United States.

Where, oh where, was the Constitution, gentlemen, when you voted for that bill? Where was the copy of the Constitution of

my friend from Maine [Mr. LITTLEFIELD]? Was he so anxious to compel the people of the Hawaiian Islands to drink their whisky in the groceries, the drug stores, and hotels, striking out only the saloons, that he could swallow his conscientious and constitutional scruples and still vote for this bill imposing this tariff on goods coming from the Hawaiian Islands? [Applause on the Republican side.] "Oh, consistency, thou art a jewel." There was not a protest against this feature, from any quarter. "But, gentlemen, when we see a little political capital for us or for our party, or for us notwithstanding our party, if we can see it, we will go for it and leave conscientious scruples; we will pocket them and pocket our consciences, if it does not appear to hurt our own interest."

Now, Mr. Speaker, after that time the Attorney-General of the United States rendered his opinion, and that was on the 22d day of July, 1898. Why, long before the clerks of the War Department had been studying constitutional law, he held that the laws of the United States did not extend to the Hawaii Islands. He delivered that opinion to the Secretary of the Treasury and repeatedly rendered such opinions before we had had any treaty of peace, one of them before the Spanish war was hardly commenced. So it is no new doctrine.

But, Mr. Speaker, what are the objections to the bill aside from the constitutional scruples of which gentlemen talk so much? Why, they say that the President in his annual message recommended free trade. Have they ever stopped to read the message of the President? What did he say? Why, he said that these people had lost their markets for their products through our intervention; that they had lost their markets in Cuba, in Spain, and in Europe; that all these were closed against their products, and that it was our duty to provide a market for them; and that is just what we propose to do here. [Applause on the Republican side.] You quote what he said about free trade as an argument on the part of the President, but I say to you that every line of it is answered in this bill; every line that gives them a market for their sugar and for their tobacco such as has been given to no other people on God's earth.

Mr. Speaker, what does the other side propose? I can not stop to undertake to answer gentlemen who choose to interrupt me without my consent. Why, they go back and ask to have the tariff duties put upon all of the products coming from foreign powers to Porto Rico, and to extend the internal-revenue laws to that island, and to pay every dollar of it into the Federal Treasury and leave the poor people of Porto Rico to get along as best they can.

That is, what they propose. They have heard of the storm, of the desolation on the island; they have heard of the poverty of these people, but they say to them. "You must paddle your own canoe;" we will take these duties out of your products; we will impose upon you our own tariff laws and our war-revenue taxes upon your entire internal commerce; and all that we can drain from you in that way we will put into our pockets and leave you to recover the best way you can from the ravages of the storm and the conditions in which you find yourselves.

It has been said more than once during the course of this discussion that General Miles had pledged us in some sort of a moral way and that we are bound to keep faith with them in that regard. I deny it. What was the pledge given? He promised them the immunities and the blessings of American free government. Some one has possibly consulted the dictionary and found that the word "immunity" might be construed to mean freedom from taxation. Thus we are told that General Miles promised them immunity from taxation. Did he? Is that statement true? Not at all.

If they were to come in as an integral part of our Government, they would be subject to taxation; and in response to what General Miles promised, or pledged, if you will, we propose in this bill to tax them. How? For whose benefit? We propose, Mr. Speaker, to give back to them every dollar we get from taxation for their benefit, not reserving even the expense of collecting it, but bearing that expenditure ourselves. [Applause on the Republican side.]

Has any other people on the face of this earth even been so generously, so liberally, treated by a conquering power? Did we ever treat in the history of this country our own Territories so generously as this? Is there in that any possible ground of complaint against this treatment of these people?

Why, we simply say that on foreign goods they shall pay the tariff under the Dingley rates, and by this bill as it stands, when they send in their sugar and their tobacco to our markets, we will give you back 85 per cent of the Dingley rates for the purpose of booming your business; the other 15 per cent we will collect out of you gentlemen who have been living here in luxury for the last three or four months upon your prospective sugar profits. You who have been besieging this Hall, riding forth between the Arlington and the Capitol, we say to them we will compel you to pay the 15 per cent, and apply the amount which we receive in that way to the benefit of these poor people. [Applause on the Republican side.]

Carry out in good faith the promises of General Miles. We do it, sir, absolutely by this bill. But you, by your substitute and your war-revenue act, seek to oppress and impoverish these people still further; and yet you talk here and you pretend now and say that in the name of humanity, for the good of the Porto Rican people and for their benefit you would defeat this bill because of your sentiment of love and pity for them! God deliver them from any such lovers and friends as you are to the poor people down there. [Applause on the Republican side.]

But, Mr. Speaker, the question has been asked, Why did the Committee on Ways and Means change its mind in this regard? So far as the record shows, I suppose I am the only member of the committee who did change his mind. The gentleman from Connecticut [Mr. RUSSELL] advocated a proposition similar to that now before the House long before I introduced a free-trade bill; so he did not have to change. How the other gentlemen stood on the committee I never knew or understood. I introduced the bill on my own volition, without conversation or consultation with any single member on the committee. I did it because I wanted to furnish that people with American markets for their products.

When I came to examine it, it only helped 20 per cent of their products and 10 per cent of the producers, and I found that it was not such a great boon to the island of Porto Rico after all. And when I came to examine into the internal-revenue features, I found it would tax to death poor people who were striving to earn a living in that poor island. I found 3,000 men manufacturing cigars in their little grocery stores and selling them out to the people. Put a retailer's license upon them, compel them to put them into a box and to put a st[illegible] one of them, and it would wipe every one of them out of existence at [illegible] que[illegible]

It would produce riot; it would produce confusion; it would produce an end of good order in the island of Porto Rico; I looked around in vain to find any way of taxation unless we did it under the features of this bill, by which we can go ahead and give to these people the blessings of our American civilization, building schoolhouses on every corner, putting a school-teacher there and teaching them not only the blessings of civilization but the blessings of liberty, the blessings of citizenship, that we may the sooner bring them up to the high standard that we can make American citizens of them all. That is one of the reasons why I changed my mind upon the subject; and what are the insinuations?

No man in this House has so discredited himself as to come out in the open and make the charge. The leader of the opposition came the nearest to it this morning. I should have thought fully as much of him if he had come out in a manly way and backed up these charges, than the manner they were slipped in here in the House of Representatives, in the sneaking, cowardly manner that they were this morning. [Applause on the Republican side.]

The general charge is that the sugar trust wants a tariff on sugar between Porto Rico and the United States of America. To state the proposition to any child over 5 years of age is enough to refute it. The sugar trust has been in favor always of free raw sugar coming into the United States, because that is their raw material. They have always wanted a protective duty on the refined sugar coming into the United States.

And then they trot out Oxnard and say he is the head of the sugar trust, with his sugar-beet factories with a capacity of 15,000 tons against 2,000,000 tons consumed in the United States, and they state that Oxnard wants a tariff on sugar. He has always wanted a tariff duty on sugar—on refined sugars and on raw sugars—because otherwise, if the raw sugar was free, with the little expense of refining, they would knock out every beet-sugar factory in the United States and every cane-sugar industry in the State of Louisiana.

Why, of course he wanted a duty on both. The sugar trust, always and for ever more, have demanded free sugar when it came here in the raw under 16 Dutch standard. That is what they want to-day. Mr. Havemeyer, president of the sugar trust, betrayed the object for which his company is working in an interview published in the Chicago Tribune recently. The article says:

> The sugar king, in discussing the whole situation, was plain and outspoken regarding the position of Porto Rico and the Philippines, and declared that there was no reason in the world why sugars should not be admitted free of duty from those countries. "I am much in favor of it," he said, "and I believe the time is not far off when they will be admitted free of duty. Why, both of those countries are part and parcel of the United States, and no matter what action Congress takes, I am confident the Supreme Court will hold that the products of those colonies are entitled to free entry here.
>
> "There is no more reason why a duty should be placed upon the products of Porto Rico than on stuff coming into New York from Long Island. There is only a wide ditch between the United States and Porto Rico. Well, if Porto Rican sugars are brought in free, it will not be long before some other similar policy is adopted with reference to Cuban products."

Mr. Speaker, I have not discussed all the questions that I should like to have discussed. They can not be discussed in a few hours' debate. They have been discussed over this country, and they

will be discussed somewhat in the future; and yet I have to find a man, a Republican, however prejudiced against this bill, who, when he was fully informed as to what the bill did and the merit of it, was not enthusiastic in favor of it, unless he was a narrow, strict constructionist of the Constitution of the United States. [Loud applause.]

I am ready to answer to my constituents and give them an account of my stewardship; and I want you gentlemen on the other side of this question to be prepared to explain to the laborers of your districts how you come to vote for a constitutional proposition that will, if carried into effect, give free sugar from Porto Rico, free sugar from the islands of the sea, and at the same time establish the Constitution there, making citizens of 10,000,000 Filipinos, giving them the right to come here as contract laborers, destroying the high wages and thrift of your constituents and mine. [Loud applause on the Republican side.]

The SPEAKER. The question is on concurring in the Senate amendments in gross.

Mr. PAYNE. On that I demand the yeas and nays.

Mr. McRAE. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McRAE. Have the Senate amendments been read to the House?

The SPEAKER. They have not.

Mr. RICHARDSON. Mr. Speaker, I desire to make a parliamentary inquiry. Under the rule I desire to ask if it would be in order to make any motion to recommit this bill?

The SPEAKER. There is no motion in order except the motion to concur in gross in the Senate amendments.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 153, answering "present" 11, not voting 26; as follows:

YEAS—161.

Acheson,	Davidson,	Ketcham,	Rodenberg,
Adams,	Dayton,	Knox,	Russell,
Aldrich,	Dick,	Lacey,	Shattuc,
Alexander,	Dolliver,	Landis,	Shelden,
Allen, Me.	Dovener,	Lawrence,	Sherman,
Babcock,	Driscoll,	Linney,	Showalter,
Bailey, Kans.	Eddy,	Littauer,	Sibley,
Baker,	Emerson,	Long,	Smith, Ill.
Barham,	Faris,	Loud,	Smith, Samuel W.
Bartholdt,	Fordney,	Loudenslager,	Smith, Wm. Alden
Bingham,	Foss,	Lovering,	Southard,
Bishop,	Fowler,	McCleary,	Spalding,
Boreing,	Freer,	McPherson,	Sperry,
Boutell, Ill.	Gamble,	Mann,	Sprague,
Bowersock,	Gardner, Mich.	Marsh,	Steele,
Brick,	Gardner, N. J.	Mercer,	Stevens, Minn.
Bromwell,	Gibson,	Mesick,	Stewart, N. Y.
Brosius,	Gill,	Metcalf,	Stewart, Wis.
Brown,	Gillet, N. Y.	Miller,	Sulloway,
Brownlow,	Graff,	Mondell,	Tawney,
Bull,	Graham,	Moody, Mass.	Tayler, Ohio
Burke, S. Dak.	Greene, Mass.	Moody, Oreg.	Thomas, Iowa
Burleigh,	Grosvenor,	Morgan,	Thropp,
Burton,	Grout,	Morris,	Tompkins,
Butler,	Grow,	Mudd,	Tongue,
Calderhead,	Hamilton,	Needham,	Van Voorhis,
Cannon,	Hangen,	O'Grady,	Vreeland,
Capron,	Hedge,	Olmsted,	Wadsworth,
Clarke, N. H.	Hemenway,	Overstreet,	Wanger,
Cochrane, N. Y.	Henry, Conn.	Parker, N. J.	Waters,
Connell,	Hepburn,	Payne,	Watson,
Cooper, Wis.	Hill,	Pearce, Mo.	Weaver,
Corliss,	Hitt,	Pearre,	Weeks,
Cousins,	Hoffecker,	Phillips,	White,
Cromer,	Hopkins,	Powers,	Wise,
Crump,	Howell,	Prince,	Wright,
Curtis,	Jack,	Pugh,	Young,
Cushman,	Jenkins,	Ray, N. Y.	The Speaker.
Dahle, Wis.	Jones, Wash.	Reeder,	
Dalzell,	Joy,	Reeves,	
Davenport, S. A.	Kahn,	Roberts,	

NAYS—153.

Adamson,	Cowherd,	Gayle,	Little,
Allen, Ky.	Cox,	Gilbert,	Littlefield,
Atwater,	Crawford,	Glynn,	Livingston,
Ball,	Crumpacker,	Gordon,	Lloyd,
Bankhead,	Cummings,	Green, Pa.	Lorimer,
Barber,	Cusack,	Griffith,	McAleer,
Bartlett,	Daly, N. J.	Griggs,	McCall,
Bell,	Davenport, S. W.	Hall,	McClellan,
Bellamy,	Davis,	Heatwole,	McCulloch,
Benton,	De Armond,	Henry, Miss.	McDowell,
Berry,	De Graffenreid,	Henry, Tex.	McLain,
Bradley,	De Vries,	Howard,	McRae,
Brantley,	Denny,	Jett,	Maddox,
Brenseale,	Dinsmore,	Johnston,	May,
Brewer,	Dougherty,	Jones, Va.	Meekison,
Brundidge,	Driggs,	Kitchin,	Miers, Ind.
Burleson,	Elliott,	Kleberg,	Moon,
Burnett,	Finley,	Kluttz,	Muller,
Caldwell,	Fitzgerald, Mass.	Lamb,	Naphen,
Campbell,	Fitzgerald, N. Y.	Lane,	Neville,
Catchings,	Fitzpatrick,	Lanham,	Newlands,
Chanler,	Fleming,	Latimer,	Noonan,
Clark, Mo.	Fletcher,	Lentz,	Norton, Ohio
Clayton, Ala.	Foster,	Lester,	Norton, S. C.
Clayton, N. Y.	Fox,	Levy,	Pierce, Tenn.
Cooney,	Gaines,	Lewis,	Quarles,
Ransdell,	Scudder,	Stokes,	Warner,
Rhea, Ky.	Shackleford,	Sulzer,	Wheeler, Ky.
Rhea, Va.	Shafroth,	Sutherland,	Williams, J. R.
Richardson,	Sheppard,	Swanson,	Williams, W. E.
Ridgely,	Sims,	Talbert,	Williams, Miss.
Riordan,	Slayden,	Tate,	Wilson, Idaho
Robb,	Smith, Ky.	Taylor, Ala.	Wilson, N. Y.
Robinson, Ind.	Smith, H. C.	Terry,	Wilson, S. C.
Robinson, Nebr.	Snodgrass,	Thomas, N. C.	Zenor,
Rucker,	Sparkman,	Turner,	Ziegler.
Ruppert,	Spight,	Underhill,	
Ryan, N. Y.	Stark,	Underwood,	
Ryan, Pa.	Stephens, Tex.	Vandiver,	

ANSWERED "PRESENT"—11.

Allen, Miss.	Gillett, Mass.	Mahon,	Small,
Carmack,	Hawley,	Packer, Pa.	Weymouth.
Gaston,	Hay,	Rixey,	

NOT VOTING—26.

Bailey, Tex.	Cochran, Mo.	Lybrand,	Salmon,
Barney,	Cooper, Tex.	Meyer, La.	Stallings,
Boutelle, Me.	Crowley,	Minor,	Stewart, N. J.
Brenner,	Davey,	Otey,	Thayer,
Broussard,	Esch,	Otjen,	Wachter.
Burke, Tex.	Hull,	Polk,	
Burkett,	Kerr,	Robertson, La.	

So the Senate amendments were concurred in.

The following additional pairs were announced:

Mr. STEWART of New Jersey with Mr. SALMON.

Mr. BOUTELLE of Maine with Mr. COCHRAN of Missouri.

Mr. ESCH with Mr. BAILEY of Texas.

Mr. RIXEY. Mr. Speaker, on this roll call I voted "no." I desire to recall my vote and be recorded as present.

Mr. RIXEY's name was again called, and he answered "present," as above recorded.

Mr. CARMACK. Mr. Speaker, I voted "no." I am paired with the gentleman from Ohio, Mr. KERR, and I wish to withdraw my vote and be marked "present."

Mr. CARMACK's name was called, and he answered "present."

Mr. HAWLEY. Mr. Speaker, I voted "aye." I am paired with my colleague, Mr. COOPER, and I desire to withdraw my vote and answer "present."

Mr. HAWLEY's name was called, and he answered "present," as above recorded.

Mr. ALLEN of Mississippi. Mr. Speaker, I voted "no." I desire to withdraw my vote. I am paired with the gentleman from Wisconsin, Mr. BARNEY. I wish to be recorded as present.

Mr. McALEER. Mr. Speaker, I voted "present," and I wish to withdraw my vote and vote "no."

Mr. McALEER's name was again called, and he voted "no," as above recorded.

Mr. SMALL. Mr. Speaker, I desire to know if Mr. WACHTER has voted?

The SPEAKER. He has not.

Mr. SMALL. I am paired with him, and if he were present he would vote "aye" and I would vote "no."

The SPEAKER. That is not in order. Does the gentleman desire to withdraw his vote?

Mr. SMALL. No; I desire to be marked "present."

Mr. JAMES R. WILLIAMS. Mr. Speaker, I desire to say that my colleague, Mr. CROWLEY, is absent on account of serious illness. If he were present, he would vote "no."

The SPEAKER. That is not in order.

The Clerk will call my name.

The Clerk called the Speaker's name; and he voted "aye," as above recorded.

Mr. UNDERWOOD. Mr. Speaker, by reason of the importance of this vote, I ask for a recapitulation.

The SPEAKER. The Chair thinks that is a proper request and orders a recapitulation of the vote. The Chair hopes that the House will be in order, so that members can hear the Clerk distinctly.

The vote was then recapitulated.

The SPEAKER. On this question the yeas are 161, the nays 153, answering "present" 11. The ayes have it; and the amendments of the Senate are concurred in. [Loud applause.]

Mr. PAYNE. I move to reconsider the last vote and to lay that motion on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BENNETT, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 3639. An act authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay;

S. 3901. An act providing for allotments of land in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin;

S. 3283. An act for the relief of Isaac R. Dunkelberger;

S. 1710. An act for the relief of Alphonso M. Potvin; and

S. 3746. An act for the relief of Mary A. Swift.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 445. An act for the relief of Clara M. Ashby, widow of W. W. Ashby, late United States consul at Colon; and

H. R. 1092. An act to set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 223) to provide a government for the Territory of Hawaii, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. LODGE, and Mr. MORGAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. RICHARD P. BLAND, late a Representative from the State of Missouri.

Resolved, That the business of the Senate be now suspended in order that fitting tribute be paid to his memory.

Resolved, That the Secretary be directed to communicate a copy of these resolutions to the House of Representatives and to the widow of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The message also announced that the Senate had passed without amendment the following resolutions:

Resolved by the House of Representatives (the Senate concurring), That there be printed 6,000 additional copies of the report of the Director of the Mint on the production of the precious metals for the calendar year 1898, bound in cloth and wrapped; 2,000 copies for the use of the House of Representatives, 1,000 for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

Resolved, That there also be printed 7,500 additional copies of the report of the Director of the Mint covering the operation of the mints and assay offices of the United States for the fiscal year ended June 30, 1899, to be bound in cloth and wrapped; 3,000 copies for the use of the House of Representatives, 1,500 for the use of the Senate, and 3,000 for the use of the Director of the Mint.

Also:

Resolved by the House of Representatives (the Senate concurring), That there be printed in black cloth binding and wrapped for mailing 5,000 copies of the national banking laws, for the use of the office of the Comptroller of the Currency.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,500 additional copies of the Annual Report of the Commission to the Five Civilized Tribes for the fiscal year ending June 30, 1899; of which 250 copies shall be for the use of the Senate, 500 copies for the use of the House of Representatives, and 1,750 copies for the use of the Commission to the Five Civilized Tribes.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1901, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. THURSTON, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3901. An act providing for allotments of land in severalty to the Indians of the La Pointe or Bad River Reservation in the State of Wisconsin—to the Committee on Indian Affairs.

S. 3283. An act for the relief of Isaac R. Dunkelberger—to the Committee on Military Affairs.

S. 1710. An act for the relief of Alphonso M. Potvin—to the Committee on Claims.

S. 3476. An act for the relief of Mary A. Swift.

Senate concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,500 additional copies of the Annual Report of the Commission to the Five Civilized Tribes for the fiscal year ending June 30, 1899, of which 250 copies shall be for the use of the Senate, 500 copies for the use of the House of Representatives, and 1,750 copies for the use of the Commission to the Five Civilized Tribes.

To the Committee on Printing.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8876. An act granting the right of way to the Minnesota and Manitoba Railway Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation in Minnesota;

H. R. 445. An act for the relief of Clara M. Ashby, widow of W. W. Ashby, late United States consul at Colon;

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 77. Joint resolution authorizing the printing of a special edition of the Yearbook of the United States Department of Agriculture for 1899.

HAWAII.

The SPEAKER. The Chair lays before the House the bill to establish the Territory of Hawaii, returned to the House with the information that the Senate has disagreed to the amendments of the House, and asks for a conference.

Mr. KNOX. I move that the House insist on its amendments, and agree to the request for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. KNOX, Mr. HITT, and Mr. MOON as the conferees on the part of the House.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GILLET of New York, for one week, on account of important business.

To Mr. ALDRICH, for ten days, on account of important business.

To Mr. FOX, indefinitely, on account of sickness.

And then, on motion of Mr. PAYNE (at 5 o'clock and 35 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Director of the Bureau of Engraving and Printing submitting an estimate of appropriation for deficiencies in appropriations, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9670) to authorize the construction of a railroad bridge across the Mississippi River at St. Paul, Minn., reported the same with amendment, accompanied by a report (No. 990); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 2617) for the relief of the legal representatives of Edwin De Leon, deceased, for $8,000 due him for judicial services, reported the same with amendment, accompanied by a report (No. 988); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 5873) for the relief of the Pittsburg, Shenango and Lake Erie Railroad Company, reported the same adversely, accompanied by a report (No. 989); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 7600) granting an increase of pension to Charles Claussen; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BRUNDIDGE: A bill (H. R. 10619) to amend river and harbor act of March 3, 1899, making appropriation for improvement of Upper White River—to the Committee on Rivers and Harbors.

By Mr. GAMBLE: A bill (H. R. 10620) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863—to the Committee on Indian Affairs.

By Mr. SPARKMAN: A bill (H. R. 10621) transferring the county of Levy, State of Florida, from the northern to the southern judicial district—to the Committee on the Judiciary.

By Mr. ALEXANDER: A bill (H. R. 10622) for a marine hospital at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. WISE: A bill (H. R. 10648) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all just claims of charitable, educational, and religious institutions against the United States for the use and injury to their buildings by United States troops during the civil war—to the Committee on War Claims.

By Mr. McALEER: A bill (H. R. 10649) for reestablishing the range lights on the Delaware River known as Finns Point range, Reedy Island range, and Post Penn range—to the Committee on Interstate and Foreign Commerce.

By Mr. BREAZEALE: A bill (H. R. 10650) to authorize the Alexandria and Pineville Bridge Company to build and maintain a traffic bridge across Red River at the town of Alexandria, in the parish of Rapides, State of Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. LEVY: A bill (H. R. 10651) to improve Westchester Creek, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. TAWNEY: A joint resolution (H. J. Res. 232) concerning certain Chippewa Indian reservations in Minnesota—to the Committee on Indian Affairs.

By Mr. GILLETT of Massachusetts: A joint resolution (H. J. Res. 233) proposing an amendment to the Constitution respecting the admission of new States—to the Committee on the Judiciary.

By Mr. JOY: A resolution (H. Res. 223) to provide a clerk to the Special Committee on the Centennial of the Louisiana Purchase—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R 10623) granting an increase of pension to Thornton Garben—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10624) granting an increase of pension to Francis A. Wallace—to the Committee on Invalid Pension.

Also, a bill (H. R. 10625) granting an increase of pension to John A. Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10626) granting a pension to G. W. Baldwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10627) granting an increase of pension to George W. Meanor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10628) granting an increase of pension to William McConn—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 10629) to remove the record of desertion from the naval record of William H. Bapst—to the Committee on Naval Affairs.

By Mr. ALLEN of Kentucky: A bill (H. R. 10630) for the benefit of F. L. Hall, of Owensboro, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 10631) granting a pension to George W. Bailey, of Owensboro, Ky.—to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 10632) placing upon a pensionable status Fagg's Fifth Regiment of Pike County (Mo.) Militia—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 10633) providing for the payment for property of certain loyal Shawnee and Delaware Indians destroyed during the civil war—to the Committee on Indian Affairs.

By Mr. GRIFFITH: A bill (H. R. 10634) correcting the military record of Handy Deputy—to the Committee on Military Affairs.

Also, a bill (H. R. 10635) granting a pension to Handy Deputy—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 10636) granting an increase of pension to Ferris I. Johnson, of Clarion, Pa.—to the Committee on Invalid Pensions.

By Mr. LENTZ: A bill (H. R. 10637) granting an increase of pension to James F. Patton—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 10638) for the relief of Mrs. Annie Jane Oglesbee, of Marion County, Miss.—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 10639) granting an increase of pension to Mrs. Julia A. Gilpin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10640) for the relief of Margaret J. Beall—to the Committee on War Claims.

By Mr. POWERS: A bill (H. R. 10641) to remove the charge of desertion standing against the name of Edward Bortemy, late of Company F, First United States Sharpshooters—to the Committee on Military Affairs.

By Mr. RANSDELL: A bill (H. R. 10642) for the relief of Washington West, Madison Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10643) for the relief of the estate of Mrs. Mary A. Meredith, deceased, late of Caldwell Parish, La.—to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 10644) for the relief of Stephen Howell—to the Committee on Claims.

By Mr. SMITH of Kentucky: A bill (H. R. 10645) granting an increase of pension to Thomas McClure—to the Committee on Invalid Pensions.

By Mr. TATE (by request): A bill (H. R. 10646) for the relief of the First Georgia State Troops—to the Committee on Military Affairs.

By Mr. THOMAS of Iowa: A bill (H. R. 10647) granting an increase of pension to Marvin C. Haradon—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 10652) to remove the charge of desertion from the military record of Henry J. Bolewine—to the Committee on Military Affairs.

By Mr. OLMSTED: A bill (H. R. 10653) for the relief of the estate of James Young—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Will F. Stewart Post, No. 180, of Uniontown; Captain Thomas Espy Post, No. 153, of Carnegie; General George D. Bayard Post, No. 178, of Belle Vernon; Starkweather Post, No. 60, of Monongahela, Department of Pennsylvania, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. ALLEN of Kentucky: Papers and evidence to accompany House bill granting a pension to George W. Bailey, of the Mexican war—to the Committee on Pensions.

Also, paper to accompany House bill for the relief of F. L. Hall—to the Committee on War Claims.

By Mr. BABCOCK: Petition of clam fishermen of Grant County, Wis., against favorable action on House bill No. 8246, to regulate the fishing of mussels in the fresh waters of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of W. H. Bennett Post, No. 33, Department of Wisconsin, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BAKER: Petition of Catharine Winters, of the State of Maryland, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of citizens of Maryland, in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. BINGHAM: Resolution of the Philadelphia (Pa.) Conference of Baptist Ministers, to prohibit the sale of intoxicating liquors in Army canteens and at military posts—to the Committee on Military Affairs.

By Mr. BURLEIGH: Resolution of the Woman's Christian Temperance Union of Vassalboro, Me., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

Also, petition of E. G. Landis, Frank Mussey, and other citizens of Thorndike, Me., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. CAPRON: Papers to accompany House bill No. 10378, to place the name of Jabez L. Allen on the rolls of Company A, Third Regiment Rhode Island Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. DOLLIVER: Resolutions of H. P. Wright Post, No. 291, and Perry Wright Post, No. 188, Grand Army of the Republic, Department of Iowa, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Union No. 7146, American Federation of Labor, Boone, Iowa, favoring the passage of House bill No. 2536, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petitions of citizens of Kossuth, Lizard, Renwick, Osgood, St. Joseph, and Wesley, Iowa, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. DRIGGS: Petition of D. Master, jr., and other druggists of Brooklyn, New York City, N. Y., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, petition of U. S. Grant Post, No. 327, Department of New

York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CLARKE of New Hampshire: Petition of the Woman's Christain Temperance Union of Lempster, N. H., against the sale of intoxicants in the Army, etc.—to the Committee on Military Affairs.

Also, petition of John E. Willis Post, No. 59, Grand Army of the Republic, Department of New Hampshire, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. COCHRANE of New York: Petition of Canaan Grange, No. 831, Patrons of Husbandry, State of New York, in support of House bill No. 3717, to control the sale of imitation dairy products; also in favor of Senate bill 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of J. D. Earland 44 citizens of Miner County, S. Dak., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. GASTON: Petition of Post No. 331, Department of Pennsylvania, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Presbyterian Church of Union City, Pa., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

Also, petition of John H. Wright, of Spartansburg, Pa., and other fourth-class postmasters of Crawford County, Pa., praying for the passage of the Cummings bill increasing the compensation of postmasters of the fourth-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen, of Columbus, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. HENRY of Connecticut: Petition of the Sunday School Union of Connecticut, for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. JONES of Washington: Petitions of J. J. Lewis Post, No. 37, and John M. Corse Post, No. 98, Grand Army of the Republic, Department of Washington, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LONG: Resolutions of John Goldy Post, No. 90, and Henry Hopkins Post, No. 301, Department of Kansas, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. McDOWELL: Petition of druggists of Newark, Ohio, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. MEEKISON: Petition of Pleasant Grange, No. 399, Patrons of Husbandry, of Ohio, in support of House bill No. 3717, to control the sale of imitation dairy products; also in favor of Senate bill 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Shepard Post, No. 507; McClure Post, No. 326; John Stables Post, No. 179; Randall Post, No. 211; T. J. May Post, No. 703, and Post 725, Department of Ohio, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MERCER: Protest of citizens of the Second Congressional district of Nebraska, against the passage of the Loud bill relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. METCALF: Resolutions of the city council of Oakland, Cal., in regard to the improvement of Oakland Harbor—to the Committee on Rivers and Harbors.

Also, petition of Farragut Post, No. 4, of Vallejo, Cal., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MILLER: Petition of the teachers and students of the Kansas State Normal School, favoring the passage of House bill No. 5457, known as the Spalding bill—to the Committee on Military Affairs.

By Mr. OLMSTED: Petition of citizens of East Hanover, Pa., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. PRINCE: Petition of P. G. Tait Post, No. 698, of Victoria, Ill., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Alice Kroehler, Addie Talbott, and others, of the State of Illinois, urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. RAY of New York: Resolutions of Wilson Post, Grand Army of the Republic, of Slaterville Springs, N. Y., favoring pension laws—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Charles McClure, of Angola, Ind., in favor of rural free mail delivery and other subjects—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Petition of Frank McNally and others, of Manhattan Borough, New York City, favoring the passage of House bill No. 4351, providing for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. SHACKLEFORD: Petition of T. J. Starke and others for the abolition of the army canteen—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky (by request): Petitions of James W. Ezell, commander, and T. J. Alverson, adjutant, Grand Army of the Republic, Department of Kentucky, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SPERRY: Papers to accompany House bill No. 67, to promote the efficiency of the clerical service in the Navy of the United States—to the Committee on Naval Affairs.

By Mr. SULZER: Petition of Jewett Grange, No. 826, Patrons of Husbandry, of the State of New York, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Jewett Grange, No. 826, Patrons of Husbandry, of New York, favoring the passage of House bill No. 3717, relating to State control of imitation dairy products—to the Committee on Agriculture.

By Mr. TAWNEY: Paper to accompany House bill correcting the military record of Henry J. Bolwine, of Rochester, Minn.—to the Committee on Military Affairs.

By Mr. WEEKS (by request): Petition of the Woman's Christian Temperance Union and Methodist Episcopal, Baptist, Christian, and First Congregational churches of Romeo, Mich., to prohibit the sale of intoxicating liquors in Army canteens and at military posts—to the Committee on Military Affairs.

Also, resolution of Capt. Hiram Barrows Post, No. 55, Department of Michigan, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Liebert & Ober, of Philadelphia, Pa., praying for a reduction of the tax upon fermented liquors—to the Committee on Ways and Means.

SENATE.

THURSDAY, *April 12, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

PAY OF ENLISTED MEN.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Paymaster-General of the Army, relative to all allotments of pay of enlisted men of the United States Army, under section 16 of act of Congress approved March 2, 1899, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

SCHOONER WILLIAM AND JOSEPH.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *William and Joseph*, William Lander, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Porto Rico, and for other purposes.

The message also announced that the House insists upon its amendment to the bill (S. 222) to provide a government for the

Territory of Hawaii, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KNOX, Mr. HITT, and Mr. MOON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 445) for the relief of Clara M. Ashby, widow of W. W. Ashby, late United States consul at Colon;

A bill (H. R. 8876) granting the right of way to the Minnesota and Manitoba Railway Company, across the ceded portion of the Chippewa (Red Lake) Indian Reservation, in Minnesota; and

A joint resolution (S. R. 77) authorizing the printing of a special edition of the Yearbook of the United States Department of Agriculture for 1899.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented petitions of the Young People's Christian Temperance Union of Wampum and of the Baptist Young People's Union; of the Epworth League and of the Presbyterian Young People's Society of Christian Endeavor, of Tunkhannock; of the Woman's Christian Temperance Union and of the congregations of the Baptist Church, the Church of Christ, the First Methodist Episcopal Church, and the First Presbyterian Church, all of Canton, in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

He also presented a petition of the Philadelphia (Pa.) conference of Baptist ministers, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors in the newly acquired possessions of the United States; which was referred to the Committee on Military Affairs.

Mr. SCOTT presented a petition of Richlands Grange, No. 76, Patrons of Husbandry, of Lewisburg, W. Va., praying for the adoption of certain amendments to the interstate commerce law; which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented the petition of H. A. Reed and sundry other citizens of Chicago, Ill., praying for the adoption of an amendment to the Constitution to prohibit the future admission of States, except those within the bounds of the American continent; which was referred to the Committee on the Judiciary.

He also presented a memorial of Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen, of Columbus, Ohio, remonstrating against the enactment of legislation to place a tax upon butterine, oleomargarine, and all other kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the officers of the First Illinois Cavalry, National State Guard of Illinois, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Club of Belleville, Ill., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented the petition of A. Farr and sundry other members of the board of directors of the Illinois National Bank, of Springfield, Ill., praying for a reduction of the war tax imposed upon bankers; which was referred to the Committee on Finance.

Mr. ALLISON. I present a concurrent resolution of the legislature of Iowa, in regard to the collection of mail in country districts. I ask that the concurrent resolution be printed in the RECORD and referred to the Committee on Post-Offices and Post-Roads.

There being no objection, the concurrent resolution was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

SENATE CHAMBER, *Des Moines, Iowa, March 9, 1900.*

To the Secretary of the State:

I hereby certify that the following concurrent resolution was introduced in the senate on March 5, and has passed both the senate and the house of the Twenty-eighth general assembly:

"CONCURRENT RESOLUTION.

"Concurrent resolution memorializing our Senators and Representatives in Congress in regard to the collection of mail in country districts.

"*Be it resolved by the senate (the house concurring)*, That our Senators and Representatives in Congress be requested to advocate such legislation as may be necessary to provide for the delivery and collection of mail along public highways to the rural free-delivery service.

"That the secretary of state forward a properly certified copy of this resolution to the delegation in Congress from this State."

GEO. A. NEWMAN,
Secretary of Senate.

THE STATE OF IOWA, SECRETARY OF STATE.

I, G. L. Dobson, secretary of state of the State of Iowa, do hereby certify that the attached instrument of writing is a true and correct copy of concurrent resolution memorializing our Senators and Representatives in Congress in regard to the collection of mail in country districts, as the same appears of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of the secretary of state of the State of Iowa. Done at Des Moines, the capital of the State, March 27, 1900.

[SEAL.]

G. L. DOBSON,
Secretary of State.

Mr. ALLISON presented memorials of Local Union No. 708, United Mine Workers, of Forbush; of Local Union No. 172, United Mine Workers, of Foster; of Local Union No. 673, United Brotherhood of Carpenters and Joiners, of Dubuque; of Local Union No. 55, United Mine Workers, of Des Moines, and of Local Union No. 790, United Mine Workers, of Pekay, all in the State of Iowa, remonstrating against the leasing of public lands in the West, and praying for the enactment of legislation to protect free labor against prison competition and for limiting the hours of daily service of laborers and mechanics upon the public works of the United States; which were referred to the Committee on Public Lands.

He also presented a petition of the Business Men's Association of Davenport, Iowa, and the petition of Addie Richardson and 18 other members of Silver Grange, No. 1702, Patrons of Husbandry, of Iowa, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented resolutions adopted by the city council of Stuart, Iowa, expressing sympathy for the people of South Africa in their struggle for liberty; which were referred to the Committee on Foreign Relations.

He also presented the petition of C. B. Hutchins and 81 other citizens of Kossuth County, Iowa, praying for the continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Silver Grange, No. 1702, Patrons of Husbandry, of Iowa, praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Silver Grange, No. 1702, Patrons of Husbandry, of Iowa, remonstrating against the enactment of legislation providing for the construction of reservoirs or irrigating canals for the irrigation of arid lands; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented the petition of Evelyn H. Belden, president, and Eva Light Taylor, secretary, on behalf of the Equal Suffrage Association of Iowa, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented petitions of Company K, Fifty-second Regiment National State Guard; of Company B, Fifty-first Regiment National State Guard, and of Company E, Fifty-second Regiment National State Guard, all in the State of Iowa, praying for the enactment of legislation to improve the armament of the militia; which were referred to the Committee on Military Affairs.

He also presented a petition of Silver Grange, No. 1702, Patrons of Husbandry, of Iowa, praying for the enactment of legislation to prohibit the use of shoddy in manufactured goods; which was referred to the Committee on Manufactures.

He also presented a petition of Newark Grange, No. 2018, Patrons of Husbandry, of Iowa, and a petition of Silver Grange No. 1702, Patrons of Husbandry, of Iowa, praying for the election of United States Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Woman's Christian Temperance Union of Fort Madison, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of Silver Grange, No. 1702, Patrons of Husbandry, of Iowa, praying for the extension of free rural mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the Church of Christ, of Shannon City, Iowa, and a petition of the congregation of the Advent Christian Church, of Shannon City, Iowa, praying for the enactment of legislation to prohibit the importation, manufacture and sale of intoxicating liquors and opium, and the prohibition of gambling in Hawaii; which were ordered to lie on the table.

Mr. VEST presented a petition of the United States Brewers' Association, praying for a reduction of the tax upon malt liquors to the former rate; which was referred to the Committee on Finance.

Mr. WARREN presented a memorial of Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen, of Columbus, Ohio, remonstrating against the enactment of legislation placing a tax upon butterine, oleomargarine, and all other kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. FRYE presented a petition of the Universalist Parish of Dover, Me., praying for the enactment of legislation to prohibit the importation and sale of intoxicating liquors in Alaska, Cuba, Porto Rico, etc.; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1677) granting an increase of pension to Missouri B. Ross; and

A bill (H. R. 1681) granting an increase of pension to Isaac M. Locke.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 2303) granting an increase of pension to Lavinia M. Payne, reported it with amendments, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 104) to amend the joint resolution permitting Anson Mills, colonel of the Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States, approved December 12, 1893, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 4032) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky., reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4051) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky., reported it with an amendment.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 3305) to refer the claim of John S. Mosby against the United States for the value of certain tobacco to the Court of Claims, reported it with an amendment, and submitted a report thereon.

CLAIMS OF CERTAIN STATES AND THE CITY OF BALTIMORE.

Mr. MARTIN. I am directed by the Committee on Claims, to whom was referred the bill (S. 4024) directing the Secretary of the Treasury to reexamine and resettle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and city of Baltimore for military purposes during the war of 1812, to report it without amendment, and I submit a report thereon. I ask unanimous consent for its present consideration.

The bill was read.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. LODGE. What committee has reported the bill?

The PRESIDENT pro tempore. The Committee on Claims.

Mr. CULLOM. The bill seems to take in the history of the United States from the beginning up to the present time.

Mr. DANIEL. If the Senator will permit me a moment, I can explain it to him satisfactorily.

Mr. CULLOM. Certainly.

Mr. DANIEL. I will state that several times since I have been a member of this body and sometimes before this bill has passed here. I have never heard an objection to it from any member of the committee or from any member of the Senate. It is a bill that is well understood by gentlemen who have been here for many years. Its principle is simple. It simply directs that the States of New York, Pennsylvania, Delaware, Virginia, and South Carolina and the city of Baltimore shall be placed upon the identical principle on which other States were settled with as to the expenditures for military purposes in the war of 1812.

The Government was in need of money. These States and the city of Baltimore expended considerable funds for military purposes. The debts were assumed by the Government, with interest. The method of computing interest was objected to in a formal protest of the States, and it has been rectified in a number of these cases; but as to the States mentioned in this bill the rule that was observed in Massachusetts and Maryland as to similar expenditures, and as to Maine in another matter, was not observed.

The language of this bill, as stated here by the Senator from Wisconsin [Mr. SPOONER], who has at two sessions of the Senate reported it from the unanimous committee, is the identical language of the bills in the other cases; and I have never heard a single objection to the justice, the equity, the morality, or the propriety of this claim.

Mr. CULLOM. Have not these claims been adjudicated once or twice before?

Mr. DANIEL. They were not adjudicated, but settled by the Treasury in 1829 upon the principal. The method of interest calculations was protested against in a formal document, and whenever it has been asked by a State it has been corrected. As to Maryland and Massachusetts, such settlement as is asked in the other cases has been accomplished.

Mr. CULLOM. What amount of money will it probably take out of the Treasury?

Mr. DANIEL. It is a different sum as to different States?

Mr. CULLOM. Is there an estimate as to the amount to be paid each State?

Mr. DANIEL. There is an estimate in a letter of the Secretary of the Treasury of December 17, 1890, to the President of the Senate. In the Fifty-first Congress, second session, the letter of the Secretary communicated the calculations of his Department as to the interest that would be due, as will be seen in Executive Document No. 17, Fifty-first Congress, second session.

I will state to my friend that in the State of Virginia it will involve no expenditure. That State is indebted to the United States. Congress has directed suits against States. In some cases it will involve no expense; but if it did, and wherever it does, it is a just expenditure. The Senator is the first one I have ever heard in this body who has taken any sort of exception to this claim. I know it is from proper motives. I am not criticising the Senator.

Mr. CULLOM. I do not desire to be considered as objecting to the bill——

Mr. DANIEL. No; I am not criticising the Senator in the least, but merely referring to that as an indication that the bill is unexceptionable.

Mr. CULLOM. But on hearing the bill read it seems to comprehend an adjustment of relations with the States to the Government in settlements that date back almost to the beginning of the country, and it would seem naturally that some of these things ought to be settled once for all.

Mr. DANIEL. There has been no lack of diligence in this body.

The PRESIDENT pro tempore. The bill is not before the Senate. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I object; not that I am hostile to the bill, but I think a little time should be taken to look over it. Perhaps to-morrow I shall not object further.

The PRESIDENT pro tempore. Objection being made, the bill goes to the Calendar.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 4151) granting an increase of pension to Virginia A. C. Custer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4152) granting an increase of pension to Maria A. Birney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 4153) for the relief of Philip McDonald; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4154) granting a pension to G. W. Gosnell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions;

A bill (S. 4155) granting a pension to Julia S. Goodfellow;

A bill (S. 4156) granting an increase of pension to Nellie Powell Koehler; and

A bill (S. 4157) granting a pension to Catherine Conroy.

Mr. MORGAN introduced a bill (S. 4158) granting an increase of pension to Gaines C. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4159) granting a pension to John N. D. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KENNEY introduced a bill (S. 4160) for the relief of Samuel S. Weaver; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4161) for the relief of Mrs. A. McD. Morris; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 4162) to provide for a resurvey of the Great Lakes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. MASON introduced a bill (S. 4163) for the classification of clerks in the first and second class post-offices; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 4164) for the relief of William M. Loughlin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 4165) granting a pension to Dora Renfro; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Mrs. Renfro and certain affidavits. I move that the bill and

the accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 4166) granting an increase of pension to Charles A. Rubin; which was read twice by its title.

Mr. COCKRELL. I introduce the bill by request. I present the petition of Mrs. Rubin to accompany the bill. I move that the bill and accompanying paper be referred to the Committee on Claims.

The motion was agreed to.

Mr. SEWELL introduced a bill (S. 4167) to authorize a one-story addition to the post-office at Newark, N. J.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. TELLER introduced a bill (S. 4168) to increase the limit of cost for the purchase of site and erection of a building thereon at Leadville, Colo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. JONES of Arkansas introduced a bill (S. 4169) granting an increase of pension to Lucinda Hitchcock; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO. I introduce a bill for reference to the Committee on the Judiciary. I wish to state that I introduce it by request and that I am opposed to its passage.

The bill (S. 4170) to redivide the State of Florida into judicial districts was read twice by its title, and, with the accompanying petitions favoring its passage, referred to the Committee on the Judiciary.

Mr. TALIAFERRO. I also present a memorial of members of the bar and citizens of Columbia County, Fla., and a memorial of members of the bar and citizens of Duval County, Fla., and two letters and two telegrams from citizens of Florida, remonstrating against the passage of the bill. I move that the memorials be referred to the Committee on the Judiciary, to accompany the bill just introduced by me.

The motion was agreed to.

Mr. VEST introduced a bill (S. 4171) to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893; which was read twice by its title, and referred to the Committee on Public Health and National Quarantine.

Mr. WOLCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4172) granting an increase of pension to Charles P. Koch;

A bill (S. 4173) granting an increase of pension to Walter S. Wikoff; and

A bill (S. 4174) granting an increase of pension to Daniel Clark.

Mr. TILLMAN introduced a bill (S. 4175) to provide for sittings of the circuit and district courts of South Carolina in the city of Florence, S. C.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. DANIEL introduced a bill (S. 4176) to erect a monument at Winchester, Va., to the memory of Gen. Daniel Morgan; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENT TO NAVAL BILL.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 1535) to provide for the examination of certain officers of the Navy and to regulate promotion therein; which was referred to the Committee on Naval Affairs, and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FRYE submitted an amendment providing that the Adjutant-General of the Army shall have the rank, pay, and allowances of a major-general in the Army of the United States, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. TILLMAN submitted an amendment proposing to appropriate $6,000 to complete the interior of the new post-office and court-house building by painting and frescoing the same, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF WORLD'S COLUMBIAN COMMISSION.

Mr. ALLISON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed of the final report of the Board of Lady Managers of the World's Columbian Commission 7,500 copies; of which 2,000 copies shall be for the use of the Senate, 4,000 copies for the use of the House, 500 copies for the State Department, and 1,000 copies to be delivered to Mrs. Potter Palmer, president of said board of lady managers, for distribution by her to members of home and foreign commissions.

REPORT ON EDUCATION IN PORTO RICO.

Mr. NELSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to transmit to the Senate the report of General Davis, commanding Porto Rico, containing the report on education in the island, by Dr. Victor S. Clark, for the period ending February last.

REPORT ON THE PHILIPPINE ISLANDS.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate document room 2,000 additional copies of Senate Document No. 171, being the report of the Senate Committee on the Philippines on the Philippine Islands.

AGES OF EMPLOYEES IN EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, was ordered to lie on the table and be printed:

To the Senate:

I transmit herewith a communication from the Secretary of State, forwarding the report of Commander G. W. Baird, United States Navy, superintendent of the State, War, and Navy Department building, respecting the employees of his office, furnished in response to the Senate resolution of March 16, 1900.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *April 12, 1900.*

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 22, 40, 44, 45, 52, 53, 55, 62, 63, 64, 79, 80, 88, 89, 93, 94, 105, 106, 116, 124, 155, 163, 184, 200, 201, 202, 203, 204, and 246.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 43, 46, 47, 48, 49, 50, 54, 56, 58, 59, 60, 61, 65, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 81, 82, 83, 85, 86, 87, 90, 91, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 107, 109, 115, 117, 118, 119, 120, 121, 122, 123, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 151, 152, 153, 154, 157, 158, 159, 160, 161, 162, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 175, 177, 178, 179, 180, 181, 183, 185, 188, 191, 192, 193, 196, 197, 198, 205, 206, 207, 208, 209, 210, 211, 212, 214, 215, 216, 217, 218, 219, 221, 222, 223, 225, 226, 227, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, and 258, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "Five Civilized Tribes of Indians;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$122,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the number proposed insert "21;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,620;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,080;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Chief of division, $1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,080;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,060;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For compensation of the Vice-President of the United States from March 3, 1901, $2,622.23;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: On page 29 of the bill, in line 24, after the word "library," insert ", and to enable the Secretary of State to purchase for the library of the Department of State books and manuscripts, including a collection of books and pamphlets bearing upon the history of the war of the Revolution formerly in the library of Gen. Sir Henry Clinton, commander in chief of the British forces in America during that period, the same having been richly annotated in his hand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$294,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the number proposed insert "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,770;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, strike out the word "permanent;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$165,080;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with amendments as follows: Omit the matter inserted by said amendment, and on page 83 of the bill, in line 1, strike out the words "of class 3;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,640;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 83 of the bill, in line 14, after the word "Office," insert the words ", at Washington, D. C.;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and for the establishment of a branch office at Galveston;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 85 of the bill, in line 8, after the word "Office," insert the words ", at Washington, D. C.;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: On page 93 of the bill, after the word "Office," in line 16, insert the following: ", including $250 for law digests;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "specialist in educational systems, $1,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$268,130;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 247, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,520;" and the Senate agree to the same.

S. M. CULLOM,
W. J. SEWELL,
H. M. TELLER,
Managers on the part of the Senate.

HENRY H. BINGHAM,
J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. CULLOM. I do not know that it is worth while for me to say anything about this report. I will make one general remark. The bill is very little changed from what it was when it passed the Senate. The Library involved a good many questions of difference, but the result of the conference between the two Houses was that the force desired by the Librarian was granted, but no increase of salaries was given. There are very few amendments that are of any importance that the Senate did not make itself.

The report was agreed to.

SENATOR FROM KENTUCKY.

Mr. JONES of Arkansas. I present, as part of the credentials of Hon. J. C. S. Blackburn, the certificate of the clerk of the senate, intended to correct a clerical error which was made in the first certificate sent from him. I ask that it be printed and attached to the previous document.

The PRESIDENT pro tempore. That it be printed in the RECORD?

Mr. JONES of Arkansas. I ask that it be printed as a document and that it be attached to the previous papers.

The PRESIDENT pro tempore. The order will be made. The paper will be placed on the file.

PERSONAL EXPLANATION—PORTO RICAN TARIFF.

Mr. JONES of Arkansas. Mr. President, I notice in the RECORD that, on page 4069, Mr. DOLLIVER on yesterday is reported to have used the following language in the House of Representatives:

I accuse the chairman of the Democratic national committee of being in the same conspiracy, if you will permit me so to speak. I hold in my hand a proposed amendment offered by Senator JONES of Arkansas to the bill, now become a law, to give the proceeds of the present Porto Rican customs to the people of Porto Rico, an amendment which, if it had been passed, would have given to the American Sugar Refining Company $1,800,000, which they have already paid in cash into the Treasury of the United States on sugar imported from Porto Rico. [Applause on the Republican side.]

Mr. President, I as a rule pay no attention to aspersions of this character; but as this is the second time this has been done during this session in the House, it may be possible that some honest man may be misled or may misjudge me if I should take that course in this instance.

When the Porto Rican bill was presented in the Senate I offered an amendment proposing to refund to the people who paid them the duties which had been collected from the people of Porto Rico. I did that from the conviction that the Government of the United States had no right to levy any tariff duties upon products coming from Porto Rico; and if we had no such right, it was common honesty that we should give the money back to the people from whom we had taken it. I still believe that this is right.

I had never looked to see who had paid these revenues. I am not in confidence of the sugar trust. I am not one who is familiar with its officers. I know nothing about it. They have not come to me to complain that they paid $1,800,000. I did not know that such was the fact. Men who are more familiar with the doings of the sugar trust, of course, knew more about that than I, and it may be correct that they have paid a million and a half of money into the Treasury of the United States. What I understood the facts to be were that protests had been made when these duties were levied and collected, and had appeal from the ruling of the Department to the courts, and that these cases were pending in the Supreme Court of the United States, and I believe that when the Supreme Court decides this question it will direct that if this money was improperly collected, as I believe it was, that then this money shall be paid back to the men who paid it.

I believe in doing justice, no matter who is involved. I believe in giving the devil his due, and if we have no right under the laws of the land to levy this tax, and the sugar trust has paid a part of it and the money is due to them, it ought to be refunded.

I have no fear of being misjudged by any member of this body. I know that no improper motive will be attributed to me by any man in this body, and I know that it can not be justly done anywhere else.

Another word, Mr. President, before I conclude. I offered this amendment in the course of the debate here. It was stated here afterwards that a large part of the money that had been paid was paid by the sugar trust and the tobacco trust. I withdrew the amendment. No vote was ever taken on it. After discussion I made up my mind that the proper thing to do was to leave that matter to be settled by the courts; that having gone to the length we had, it was better to let the courts say whether or not the action of the Government was legal, and if not, to correct the evil.

ABANDONED PROPERTY IN INSURRECTIONARY DISTRICTS.

Mr. MASON. I desire to ask unanimous consent that a vote be taken on Senate bill 602 one week from to-day, at 1 o'clock. I will state the reason. The bill was introduced by the senior Senator from Minnesota [Mr. DAVIS], and after being reported from the Committee on Claims was called up on the 23d of January last. The bill was read and the report was read and the Senator from Minnesota addressed the Senate in support of the bill. There may be Senators who wish to speak in opposition to the bill. It is a bill known as the bill for the payment of claims arising under the captured and abandoned property act. I thought, as the bill has been read and the report read and the Senator from Minnesota has addressed the Senate upon the subject, one week from to-day, at 1 o'clock, would give an opportunity to those who oppose the bill to oppose it.

Mr. PLATT of Connecticut. What bill is it?

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that one week from to-day at 1 o'clock, a vote be taken on the following bill.

The SECRETARY. A bill (S. 602) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof.

The PRESIDENT pro tempore. Is there objection?

Mr. PLATT of Connecticut. That is the bill to refund the cotton taxes?

Mr. MASON. No; it is not the cotton-tax bill. It is a bill which has been reported favorably for the last twelve or fifteen years, ever since the Supreme Court decided that the Government held the——

Mr. PLATT of Connecticut. It is the captured and abandoned property bill?

Mr. MASON. That is it.

Mr. PLATT of Connecticut. I do not feel that I can make any agreement this morning without an opportunity to examine the matter a little further. I do not wish to prevent an early vote after proper discussion and examination, but I think I must object this morning.

The PRESIDENT pro tempore. Objection is made.

Mr. MONEY. Before the matter goes over, I should like to ask the Senator from Connecticut if he would be willing to name any other time for its consideration?

Mr. PLATT of Connecticut. I do not think that we ought to make an agreement offhand as to the time when we will take a vote on a particular bill which has not been before the Senate for consideration.

Mr. MASON. I will state to the Senator——

Mr. PLATT of Connecticut. I want an opportunity to examine the matter myself and to consider how much time can be given to the discussion of it before I agree to any particular day.

SENATOR FROM PENNSYLVANIA.

Mr. WARREN. I ask unanimous consent to call up a bill of a few lines that it is very necessary to have passed and one which will lead to no discussion.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate a resolution which will be read.

The Secretary read the resolution reported by Mr. TURLEY from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. BURROWS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Wyoming?

Mr. WARREN. It is a matter of two or three moments. It is a very short bill.

Mr. BURROWS. Will it take any time?

Mr. WARREN. I think not. I will withdraw it if it leads to any discussion.

Mr. BURROWS. Very well; I yield to the Senator.

FEES OF JURORS AND WITNESSES.

Mr. WARREN. I ask for the present consideration of the bill (S. 3488) to amend an act fixing the fees of jurors and witnesses in United States courts in certain States and Territories.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the act entitled "An act fixing the fees of jurors and witnesses in the United States courts in certain States and Territories," approved August 3, 1892; so as to read:

That jurors and witnesses in the United States courts, and witnesses in courts held by United States commissioners and other judicial officers and committing magistrates having jurisdiction in cases to which the United States is a party, in the States of Wyoming, Montana, Washington, Oregon, California, Nevada, Idaho, Colorado, and Utah, and in the Territories of New Mexico and Arizona, shall be entitled to and receive 15 cents for each mile necessarily traveled over any stage line or by private conveyance, and 5 cents for each mile over any railway, in going to and returning from said courts: *Provided*, That no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror, or as witness in two or more cases pending in the same court and triable at the same term thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BROOKLYN FERRY COMPANY.

Mr. DEPEW. I hope the Senator from Michigan will yield to me, in order that I may ask unanimous consent for the consideration and passage of a bill, which will take but a moment. If there is any objection to it, I shall withdraw it. It is Senate bill 3535.

Mr. BURROWS. I yield to the Senator.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of a bill, which will be read for information.

The bill (S. 3535) for the relief of the Brooklyn Ferry Company, of New York, was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, in section 1, page 2, line 6, after the word "liability," to strike out the words "with costs and interests;" so as to make the section read:

That the claim against the United States of the Brooklyn Ferry Company, of New York, a corporation organized and existing under the laws of the State of New York, with its principal place of business in the borough of Brooklyn, city of New York, owner of the ferryboat *New York*, for damages caused by collision between the said ferryboat and the U. S. S. *Dolphin*, in the East River, near Brooklyn, on the 1st day of August, 1899, may be sued for by the said ferry company in the United States district court for the eastern district of New York sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such a suit and to enter a judgment or decree for the amount of such damages, if any shall be found to be due, against the United States in favor of the said ferry company, upon the same principles and measure of liability as in like cases in admiralty between private parties, and with the same rights of appeal.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTEROCEANIC CANAL.

Mr. MORGAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. BURROWS. I should be very glad to do so, but my remarks will be quite lengthy at best; and unless it is something very special the Senator desires, I should prefer that he should defer his request until the conclusion of my remarks.

Mr. MORGAN. It is something very especial and very important too, I think, Mr. President. I merely wanted to ask unanimous consent of the Senate to fix the Nicaraguan Canal bill as the regular order for Monday, the 30th day of April, at 2 o'clock.

The PRESIDENT pro tempore. Does the Senator from Michigan yield for that purpose?

Mr. BURROWS. I yield for that request, but not for discussion.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the bill known as the Nicaraguan Canal bill may be assigned for consideration on the 30th day of April at 2 o'clock.

Mr. LODGE. I do not see how I can assent to that to the displacement of the bill that I have in charge, which is now the unfinished business.

Mr. MORGAN. I shall feel bound to antagonize the Senator's bill with the canal bill this morning.

The PRESIDENT pro tempore. The Senator from Michigan [Mr. BURROWS] is entitled to the floor.

SENATOR FROM PENNSYLVANIA.

The Senate resumed the consideration of the resolution reported by Mr. TURLEY from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from Pennsylvania.

Mr. BURROWS. Mr. President, it is never a pleasant duty for one to differ with any considerable number of his party associates, especially upon a measure of party policy; but when the question in controversy is not, or at least ought not to be, in any sense a party issue, but is entirely dependent upon the higher consideration of constitutional construction, the embarrassment largely disappears. My views upon questions of this character have not been hastily formed nor now for the first time publicly expressed.

Two years ago Henry W. Corbett presented a letter from the governor of the State of Oregon commissioning him to a seat in this Chamber, made vacant by the expiration of the term of Senator Mitchell. The right of the executive to make such appointment was questioned by the Senate, the oath of office withheld, and the matter referred to the Committee on Privileges and Elections. As an humble member of that committee it became my duty at that time, with other members of the committee, to examine the question and, as the result of such examination, I was forced to the conclusion that the power of appointment in that case was not lodged with the executive, and a majority of the committee so reported. The Senate sustained that report by a vote of 50 to 19. Since that time I have seen nothing to cause me to reverse my judgment; further examination has served rather to strengthen and confirm it. The material facts in this case are the same as in that. The Constitution is the same. The precedents are the same. The only change is in the name of the party seeking admission to the Senate. Then it was ex-Senator Corbett; now it is ex-Senator Quay. A change of parties certainly ought not to and I am confident will not produce a change of convictions.

THE ISSUE DEFINED.

The issue in this controversy is circumscribed within very narrow limits. It is solely a question of constitutional construction. The facts are not in dispute.

By the Constitution of the United States it is provided that—

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years; * * * and if vacancies happen by resignation or otherwise during the recess of the legislature of any State the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

A recital of the facts in this case, in connection with the foregoing provisions of the Constitution, will disclose the exact question involved. In 1893 the legislature of the State of Pennsylvania elected Matthew S. Quay a Senator for the full term of six years from the 4th of March, 1893. He accepted and held such office until the expiration of the term, March 3, 1899. The legislature failed to elect his successor, and as a consequence such office became vacant on the 4th of March, 1899. The legislature

was in session, however, at the time such vacancy occurred, and had been since the 2d of January previous, and continued in session until the 20th of April, 1899, when it adjourned sine die without electing a successor to Senator Quay for the succeeding term of six years. Thereafter, and on the 21st of April, 1899, the governor of the State appointed and commissioned Matthew S. Quay to hold the office of Senator "until the next meeting of the legislature," invoking as his authority for such action the provision of the Constitution already quoted, namely:

If vacancies happen during the recess of the legislature by resignation, or otherwise, the executive of the State may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

The commission by virtue of which Mr. Quay asks to be admitted to the membership of this body was, upon its presentation to the Senate, referred to the Committee on Privileges and Elections for preliminary examination and report. That committee, after full consideration and argument by counsel on either side, report—

That the Hon. Matthew S. Quay is not entitled to take a seat in this body as a Senator from the State of Pennsylvania.

That report, together with the views of the minority, is now submitted to the Senate for its considerate judgment and final action.

The sole question, therefore, presented for the consideration of the Senate is whether this vacancy, occurring on the 4th of March, 1899, in the manner stated, and when the legislature was in session, is such a vacancy, within the meaning of the Constitution, as the governor of the State could supply by temporary appointment. If it is, then the right of Mr. Quay to a seat in this body, by virtue of the governor's commission, is unquestioned and unquestionable. If it is not, then such appointment is wholly without authority of law, and the commission issued in pursuance thereof utterly null and void. This is the only controversy, and to its consideration I invoke the serious attention of the Senate.

The question is one which ought, and I am sure will, command the deliberate and unbiased judgment of every Senator, involving, as it does, not only the claim of a citizen to membership in this body, which is of course of some moment to the individual, but, above that, it involves the right of a State to representation in the Senate in conformity with the Constitution and laws of the United States; and, higher and beyond all this, it is a question of supreme moment to all the people of all the States that this great council of States shall have within its membership those, and only those, who bear credentials of unquestioned authority. To admit others, for personal or partisan reasons, would degrade this body to the level of a political caucus, shake public confidence, bring the Senate into contempt, and inflict a blow upon representative government from which it could not readily recover.

The gravity of the issue is augmented by the further consideration that the framers of the Constitution, wisely or unwisely, left its determination to the Senate itself, from whose judgment, right or wrong, there lies no appeal except to that court of last resort, the sovereign people, in whose hands is lodged the supreme power to make or modify constitutions when in their judgment they become subversive of popular government. The responsibility of determining this question therefore is imposed upon us, which we can neither avoid nor disregard.

By the Federal Constitution "each House shall be the judge of the elections, returns, and qualifications of its own members," and I quite agree with the distinguished Senator from Massachusetts [Mr. HOAR] that in passing upon this question "the Senate is the body, the court, the judge of the election of Senators," and, knowing the high character of the membership of this body, I am confident no Senator, in his capacity as a judge, will permit himself, as a sworn member of this high court, to be swerved one iota from his convictions of duty under the Constitution by any political or personal considerations, however potent or exacting.

IS NOT A PERSONAL CONTEST.

I confess to some astonishment when the Senator from Colorado [Mr. WOLCOTT] the other day appealed to the "friends of Mr. Quay" to come to his assistance, as if this was a personal contest to be decided, not upon high constitutional grounds, but upon the personal likes or dislikes of the individual membership of this body. I confess this has not been my view of the contest, nor my conception of the character of this tribunal, and I acquit the Senator from Colorado of any design to divert the attention of the Senate from the real issue, and attribute his impassioned speech to his generous impulses, which, however commendable and praiseworthy, will, I am sure, not warp his judgment, for, while generous, I know him also to be just.

I have understood and supposed that the only qualifications for a United States Senator were prescribed by the Constitution of the United States, requiring that one should have—

attained the age of 30 years, been nine years a citizen of the United States, and an inhabitant of the State from which chosen.

It has not been my understanding that in addition to these qualifications he should possess the friendship of the individual members of the Senate, or that if he possessed these constitutional qualifications the personal likes or dislikes of the individual members of the Senate could in any way be invoked in determining the right to a seat in this body. We are admonished that Mr. Quay has heretofore been a member of the United States Senate, but it has not been my understanding that, in addition to age, citizenship, and inhabitancy of the State, it was also essential that one should have been a member of a previous Senate. Mr. Corbett, of Oregon, it seems, once occupied a seat in this Chamber, and yet it was not contended from that fact that he was entitled to be seated upon the appointment by the governor. I do not find it laid down in the Constitution, as one of the qualifications for admission to this body, that a man should be not only of proper age, citizenship, and a resident of the State, but should also have voted for or against the force bill at some time in the course of his Senatorial career. That has not heretofore been regarded as one of the qualifications of a Senator.

Mr. President, such considerations have no place in this controversy and before this august tribunal. Divested, therefore, of every improper influence, we can approach the consideration of this case with the satisfaction of knowing that whatever the result may be, the judgment rendered will be untainted by suspicion of unworthy motives, and we can rest in the consciousness that we have discharged a great public duty, preserved the rights of the States and the ancient dignity and integrity of the Senate.

THE LANGUAGE EMPLOYED IS CLEAR.

Proceeding, then, to the consideration of the exact issue involved, let me again direct the attention of the Senate to the wording of the constitutional provision in controversy:

If vacancies happen by resignation, or otherwise, during the recess of the legislature, the executive of the State may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

The language employed is so clear, simple, and direct, the wonder to my mind is that there should ever have been any contention as to its import. If the rule laid down by Judge Story applicable to the construction of constitutions be applied to this provision, what room can there be for doubt or question as to its true meaning? Judge Story says:

Every word employed in the Constitution is to be expounded in its plain, obvious, and common-sense meaning, unless the context furnishes some ground to control, qualify, or enlarge it. Constitutions are not designed for metaphysical or logical subtleties, for niceties of expression, for critical propriety, for elaborate shades of meaning, or for the exercise of philosophical acuteness or judicial research. They are instruments of a practical nature, founded on the common business of human life, adapted to common wants, designed for common use, and fitted for common understandings. The people make them: the people adopt them; the people must be supposed to read them, with the help of common sense, and can not be presumed to admit in them any recondite meaning or any extraordinary gloss. (I Story, page 322.)

In the light of this rule of construction I confess it is difficult for me to comprehend how any serious difference of opinion could possibly have arisen as to the significance of the words employed; and yet it is a fact that a sharp contention is now made as to the true intent and meaning of the provision in question.

These antagonistic opinions are set forth at length in the report of the committee and the views of the minority submitted in this case, from which the exact points of difference are made to appear. They may be summarized as follows:

On the one hand, it is contended (and this is the view of the majority of the committee) that the vacancy to which the governor can make temporary appointment must be a vacancy, in the language of the Constitution, that "happens during the recess of the legislature," meaning thereby that it must be a vacancy having its beginning, its inception, during the time and when the legislature *is not in session;* and that a vacancy occurring when the legislature *is in session*, as was the fact in this case, is not such a vacancy as the governor of the State can supply by temporary appointment; and, further, that the vacancy which the governor can supply must not only "happen during the recess of the legislature," but it must occur, in the language of the Constitution, by "resignation or otherwise"—meaning by "otherwise" some like unforeseen event against which human foresight can not provide.

On the other hand, it is insisted (and this is the contention of the minority) that the expression "happen during the recess" does not mean that the vacancy must actually "happen," or come into existence, have its inception "during the recess," but the true intent and meaning is that if a vacancy "happen" to *exist* in recess, though it had its inception and beginning when the legislature was in session, yet, upon the adjournment of the legislature, such a vacancy becomes a vacancy "happening during the recess," within the meaning of the Constitution, which the executive of the State can supply by temporary appointment; and that the expression by "resignation or otherwise" embraces all conceivable vacancies from whatever cause, and that therefore it follows

whenever the executive finds a vacancy existing for any cause, and the legislature is not in session at the time, he may make temporary appointment to such vacancy until the next meeting of the legislature. I think I have stated accurately the exact issue.

These are the conflicting views held in relation to the provision now under consideration, and which must be passed upon by the Senate.

WHAT THE CENTURY HAS TAUGHT.

We might very properly refrain from entering into an elaborate discussion of these conflicting views as to the meaning of the words "happen" or "otherwise," as used in the provision under controversy, for the reason that however this contention might be settled, whether "happen" means "existing" and "likewise" means "anywise," or "in session" means "during recess," yet, so far as this case is concerned, it is a matter of utter indifference what construction is to be put upon these words if the Senate is to have the slightest regard for its own precedents, as it is the established rule of the Senate, founded upon an unbroken line of decisions—from the foundation of the Government until this hour—that the governor of a State has no authority to make temporary appointment to a vacancy in this body which occurred when the legislature was in session, or, since the Lanman case in 1825, where the legislature had the opportunity to fill the vacancy either before or after the occurrence of the vacancy. This is the established rule, from which there has been no departure, and it is impossible to admit Mr. Quay without reversing the action of the Senate from the hour of its organization. If Mr. Quay is admitted it will be the first time in the history of the Senate of the United States that the right has been accorded the governor of a State to make temporary appointment to a vacancy which happened when the legislature was in session and declined or failed to fill it. If this be true it ought to be decisive of this case and end the controversy.

I am apprehensive, however, that in this instance there may be a disposition to disregard, for some reason, the established doctrine of a century, and in these times of expansion to expand the Constitution so as to embrace the case of Mr. Quay. If this be true, it will justify going back of the rule as established by the precedents and search for the principle upon which it is founded and see what, if any, justification can be found for its abrogation now.

THE CREATION OF THE CONGRESS.

In attempting to arrive at a correct interpretation of the constitutional provisions relating to the election of United States Senators, and the supplying of vacancies which may happen in the representation from any State, it is important to consider the object sought to be attained, in this regard, by the framers of that instrument. To this end it will not be necessary to give a full historical recital of the conflicting views which characterized the deliberations of the Convention, but it is sufficient for our present purpose to observe that the plan finally determined upon comprehended three great departments of government—the executive, legislative, and judicial. A legislative department having been provided for, to be called the Congress, consisting of two branches—a Senate and a House of Representatives—the next step in order was to constitute the necessary machinery by which the membership of these two bodies might be secured. To this end it was provided:

> The House of Representatives shall be composed of members chosen every second year by the people of the several States. * * * The number of Representatives shall not exceed one for every 30,000, but each State shall have at least one Representative.

The membership of the House of Representatives, it will be seen, was to be drawn directly from the body of the people. The people of the State constitute the elective body for the House of Representatives.

The membership of the Senate is provided for and secured by virtue of the following provision of the Constitution:

> The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years.

The legislature of the State, therefore, is the elective body of the Senate, as the people of the State are the elective body of the House of Representatives. By these provisions of the Constitution a perfect machinery was provided and set up, which, in its regular and unimpeded operation, and in the absence of any unforeseen event, would, with perfect regularity, supply the full membership of the two Houses of Congress. But the framers of the Constitution did not stop here. Had they done so, their work would have been manifestly imperfect and incomplete. They understood full well the uncertainty of human life and human action, and that, after the membership of the two Houses had been secured by the process herein provided, some unforeseen event might occur to deprive one or both bodies of the full representation thus secured, and to which they were entitled under the Constitution. A Senator or Member after election might decline the office, die, resign, be expelled, or otherwise vacate the office, in which event it was necessary to provide a method by which such vacancy could be supplied, that the membership of both bodies might always be full. To that end it is provided in the case of the House of Representatives that—

> When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

By this provision it is within the power of the State to keep its representation in the House at all times full and complete; for, as often as vacancies occur in the membership of the House for any cause, the executive authority of the State is commanded to summon the electorate to fill such vacancy. The framers of the Constitution, therefore, by this provision perfected the machinery for constituting and maintaining a full membership at all times in the House of Representatives. Under this provision the people of Utah have just filled the vacancy from that State in the House.

The framers of the Constitution manifested quite as much desire to make provision for filling vacancies in the House of Representatives as in the Senate. They evidently deemed it quite as important that that body, which holds the power of taxation and expenditures in its hands, should at all times have a full representation. It is more important, indeed, than in the Senate, for if there be but one Senator from a State, he represents the whole State, speaks and votes for it.

But there are some States that have only a single Representative, and if that seat becomes vacant for any cause the State is without representation in the most important branch of Congress. If a seat from the Congressional district becomes vacant for any cause, that district must go wholly unrepresented until the seat is filled. So I submit that it is quite as important that the membership of the House should always be full as that the States should have at all times two Senators in this body, and the framers of the Constitution were just as solicitous to secure that end in the one case as in the other.

SAFEGUARDS WERE AMPLE.

It remained only to provide the same safeguards for filling vacancies which might happen in the membership of the Senate. To that end it is provided, in the same section which prescribes the methods of choosing United States Senators, that—

> If vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

It will be observed that in supplying vacancies in the Senate a different and more elaborate machinery is provided than that employed for the filling of vacancies in the House. It might have been provided, as in the House, where the executive of the State is required to "issue writs of election to fill vacancies," that, upon the occurrence of a vacancy in the Senate during the recess of the legislature of the State, the executive shall issue his proclamation convening the State legislature—the elective body of the Senate—in extraordinary session for the purpose of filling such vacancy. That would conform to the method prescribed for filling vacancies in the House. But this power is now possessed by the executive of the State and can always be invoked whenever the occasion for its exercise may arise. But it was seen that summoning the State legislature whenever and as often as vacancies might occur in the Senate would be attended with inconvenience to the members of the State legislature and unnecessary expense to the State. The calling together from every part of the State the membership of the State legislature to fill vacancies which might occur when the legislature was not in session was avoided by the provision of the Constitution already cited:

> If vacancies happen by resignation, or otherwise, during the recess of the legislature of the State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

It will be observed that the exercise of this power of temporary appointment by the State executive is not mandatory, as in the case of vacancies in the House, but he "*may* make temporary appointments until the next meeting of the legislature." It lies wholly within his discretion. He may convene the legislature, or make temporary appointment until the legislature shall meet in regular or extraordinary session. The reason for leaving the exercise of this power within the discretion of the executive was given by Mr. Ellsworth in the debate in the Constitutional Convention in explanation of this provision, when he said:

> It is only said the executive *may* supply vacancies. When the legislative meeting happens to be near the power will not be exerted.

For this reason the exercise of the appointive power was purposely made discretionary.

And thus by these various provisions the necessary machinery was provided, not only for the primary selection of the membership of both Houses, but the supplying of vacancies which might happen in such membership—a machinery so perfect and complete that it need only to be employed by those in whose hands it is intrusted to insure, at all times, a full membership of both Houses of Congress.

In the examination of these various provisions it will be observed that the legislature of the State is, under the Constitution, the sole

depository of the power to *elect* United States Senators either for a full term or to fill a vacancy. The executive of a State can not choose Senators nor fill vacancies—this power is lodged exclusively with the State legislature. The executive "may make temporary appointments" under certain circumstances and conditions, but in no case is he authorized to *fill* either the original term or any vacancy which may happen therein. That power is lodged exclusively with the legislature. This will be conceded.

LIMITED POWER OF EXECUTIVE.

When, therefore, Senator Quay's term expired on the 4th of March, 1899, it was the right and the duty of the legislature of the State of Pennsylvania, then in session, to choose his successor for the full term of six years. This was the express mandate of the Constitution, and, as Webster said in the constitutional convention of Massachusetts in 1820:

Whatsoever is enjoined on the legislature of the State by the Constitution of the United States the legislature is bound to perform.

Not only this, but by the act of Congress passed in 1866 it is provided that—

The legislature of each State which is chosen next preceding the expiration of the term for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

The legislature of Pennsylvania, therefore, in session on the 4th of March, 1899, at the time the vacancy occurred in this case, was, in the language of the act of 1866, *the* legislature "chosen next preceding the expiration of the term for which" Senator Quay was elected. This particular legislature, therefore, in session on the 4th of March, 1899, and remaining in continuous session until the 20th of April, 1899, was resting under the double mandate of the Constitution and the law to elect a Senator for the full term of six years, and, as I said before, no other power was authorized to perform this duty. It failed to discharge that constitutional and legal obligation, and on the 20th day of April, 1899, adjourned without day, leaving the office of United States Senator vacant. It is the vacancy thus created which the governor of the State of Pennsylvania attempts to supply by a temporary appointment, invoking as his authority the constitutional provision already cited.

This is the storm center around which the entire controversy rages. To this point, therefore, I direct the attention of the Senate.

That the executive of a State has the power, under certain circumstances and conditions, to make temporary appointments of United States Senators is not denied, but the extent of such power is the only matter in controversy. The executive is empowered to make temporary appointments *under certain restrictions and limitations*, clearly set forth and defined. He has no authority, however, to supply all vacancies unless the construction contended for by the minority shall prevail. That power was expressly withheld by the Convention that framed the Constitution.

It may be well at this point to glance at the proceedings of the Convention to determine, if possible, the true intent and meaning of this provision, and what the framers of the Constitution designed to do and did do in relation to supplying vacancies. Nothing further was necessary to perfect the machinery for the *election* of Senators—it only remained to provide for the contingency of *vacancies*.

WHAT THE CONVENTION ACTUALLY DID.

It will be well, therefore, to trace, and I will do it briefly, the plan for creating the Senate and for supplying vacancies therein. There were twenty-four resolutions agreed to in the Convention expressive of the general plan of government. Three of these resolutions—the fourth, the eleventh, and the twenty-second—relate to the organization of the Senate. These general resolutions were referred to the committee on detail.

When the committee on detail made its report to the Convention, the Convention modified the report in many particulars, and after such modification of the report of the committee on detail it was referred to the committee on style. After the committee on style reported, the Convention itself modified the report of that committee, and as thus modified it was embodied in the Constitution.

DEVELOPMENT OF PROVISION TOUCHING VACANCIES.

And at this point, for the convenience of the argument, I present in order the steps taken in perfecting the provision in relation to the Senate and vacancies therein:

First. The resolutions of the Convention, as agreed to and referred to committee on detail.

Second. Report of committee on detail.

Third. Modification by the Convention of the report of the committee on detail and as referred to committee on style.

Fourth. Report of committee on style.

Fifth. Modification of report of committee on style, as finally embodied in Constitution.

"4. *Resolved*, That the members of the second branch of the Legislature of the United States ought to be chosen by the individual legislatures; to be of the age of thirty years at least; to hold their offices for six years, one-third to go out biennially. * * *"

(1) Resolutions agreed to by Convention and referred to Committee on Detail.

"11. *Resolved*, That in the second branch of the Legislature of the United States each State shall have an equal vote."

"22. *Resolved*, That the representation in the second branch of the Legislature of the United States shall consist of two members from each State, who shall vote per capita."

Vacancies may be supplied by the executive until the next meeting of the legislature.

(2) Report of the Committee on Detail.

Vacancies happening by refusals to accept, resignations, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature.

(3) Modifications by Convention of report of the Committee on Detail, and as thus modified referred to Committee on Style.

And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature.

(4) Report of the Committee on Style.

And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

(5) Report of Committee on Style as modified by Convention and inserted in the Constitution.

It would be well, therefore, as I say, to trace the plan for creating the Senate and supplying vacancies therein, from its inception to its completed form, as it was finally agreed to and embodied in the Constitution as it stands to-day.

The subject came up in Convention in committee of the whole, and all the various plans and suggestions were considered as to the manner of electing Senators, their term of service, qualifications, etc. The committee of the whole finally reported to the Convention, as the result of its deliberations, a series of resolutions, the following of which related to the constitution of the Senate:

Resolved, That the members of the second branch of the national legislature ought to be chosen by the individual legislatures; to be of the age of 30 years, at least; to hold their office for a term sufficient to insure their independence, namely, seven years.

When this resolution came up in the Convention for consideration a great contention arose, among other things, over the basis of representation, the smaller States refusing to agree to any plan which did not give them equal voice in the Senate. This brought the Convention, as Sherman said, to a "full stop," requiring the efforts of a subcommittee of one from each State to adjust differences and harmonize conflicting views, and the final upshot of the matter was that the Convention agreed to twenty-three propositions as embodying its views on the fundamental principles of the government to be established, three of which related to the Senate, as follows:

Fourth. That the members of the second branch of the legislature of the United States ought to be chosen by the individual legislatures; to be of the age of 30 years, at least; to hold their offices for six years, one-third to go out biennially.

Eleventh. That in the second branch of the legislature of the United States each State shall have an equal vote.

Twenty-second. That the representation in the second branch of the legislature of the United States shall consist of two members from each State, who shall vote per capita.

These twenty-three resolves of the Convention above mentioned were then referred to the "committee of detail," to work out and formulate and express in proper phase the ideas embodied therein. It will be remembered that there was also referred to this committee, in connection with these resolutions, Mr. Pinckney's draft of a federal government, presumably for such helpful suggestion as it might contain and in which for the first time, so far as I have been able to discover, the idea of supplying vacancies appears.

The Congress, by Pinckney's plan, was to consist of a house of delegates and a senate, and it was provided by this plan that—

vacancies in the house of delegates were to be supplied by the executive authority of the State in which they shall happen.

The senate was to be chosen by the house of delegates and—

The house of delegates shall fill all vacancies that arise from death or resignation for the time of service remaining of the member so dying or resigning.

By referring the Pinckney plan, which contained a method for supplying vacancies, to the committee of detail, this question was also before the committee, although up to that time the Convention had expressed no opinion upon that subject.

THREE SETTLED PRINCIPLES DETERMINED UPON.

There went to the committee of detail, therefore, three settled principles in the organization of the Senate which the Convention had determined:

First. That the Senators should be chosen by the legislatures.

Second. That there should be equal representation, and to that end there should be two Senators from each State, voting per capita.

Third. A suggestion in the Pinckney plan as to the method of filling vacancies.

The committee of detail, to which was referred the three resolves above mentioned and the Pinckney plan, reported back the following provision:

The Senate of the United States shall be chosen by the legislatures of the several States. Each legislature shall choose two members. Vacancies may be supplied by the executive until the next meeting of the legislature. Each member shall have one vote.

I have restricted quotations to the question of vacancies, as that is the only question in controversy.

It will be observed that this report conformed exactly to the views of the Convention, as expressed in the resolutions referred to the committee of detail. It provided for the election of Senators by the legislatures, two from each State, thus securing equality of representation and gave to each Senator one vote. In addition to this the committee made provision for filling vacancies, and it is worthy of note that the expression in the report "vacancies may be supplied by the executive until the next meeting of the legislature" conformed, almost word for word, to the provision in the Pinckney plan for filling vacancies in the house of delegates, which was as follows:

Vacancies therein shall be supplied by the executive authority of the State.

This was the first time the supplying of vacancies had been mentioned.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Michigan yield to the Senator from New Hampshire?

Mr. BURROWS. I do.

Mr. CHANDLER. Does not the majority report, in which the Senator from Michigan concurred, admit that the clause as reported by the committee on detail would warrant the appointment of Senator Quay by the governor at this time?

Mr. BURROWS. Quite likely; but the Senator is in error in saying that I concurred in the report. I did concur in the conclusion to which the committee arrived, but not in all its reasons.

Mr. CHANDLER. Then I ask the Senator to allow me to call attention to a fact in this connection.

Mr. BURROWS. Very well.

Mr. CHANDLER. The majority of the committee, in the report made by the Senator from Tennessee [Mr. TURLEY] who is now in the Senate, admits that under the report of the committee on detail and under the modifications made by the committee on style, the governor had the right to appoint. I wish to ask the Senator a question; I made that statement for the purpose of asking a question; I would not interrupt him except for that purpose. It is whether he finds anything in the Constitutional Convention which indicates that the committee on style, in their report, intended to change what the majority of the committee admit was the meaning of that clause as originally proposed.

Mr. BURROWS. So far as concerns the report of the majority of the committee and what the Senator from Tennessee may have said, we have a right to differ. I should say that the original provision, that "vacancies may be supplied by the executive until the next meeting of the legislature," clearly indicates that the governor could not appoint except in recess.

Mr. CHANDLER. Then the Senator controverts that admission of the report of the committee?

Mr. BURROWS. It is a matter of difference of opinion. I think it will appear as I go on that the purpose of the Convention was to limit the power of the governor to appoint simply to vacancies which occurred when the legislature was in recess.

Under this provision, as reported from the committee of detail, the power of the executive to supply vacancies was expressly limited "until the next meeting of the legislature," the purpose being manifestly to permit the executive to act only in the absence of the legislature. When the legislature, the primary power clothed with authority to elect Senators, should meet, then the power of the executive to supply vacancies ceased. That is clear. He was only authorized to supply vacancies during the absence of the legislature. So soon as the legislature should meet and have the opportunity to *fill*, the power of the executive to *supply* terminated. For this reason it follows if the legislature was in *session* when the vacancy occurred it was not within the competency of the executive to supply such vacancy. If the meeting of the legislature arrests and supersedes the power of the executive to make temporary appointment, then the existence of a legislature at the time the vacancy occurs must for the same reason prevent the exercise of such power.

INTENT WAS TO RESTRICT EXECUTIVE POWER.

I submit, therefore, that under the provision as reported from the committee of detail, the clear intent was to restrict the power of the executive to supply to those vacancies which should occur when the legislature was not in session. Nothing was said, however, in this report as to the cause of vacancy, and had this provision stood, as reported from the committee of detail, it is quite possible that the executive might have supplied a vacancy occasioned by the expiration of a term, if the legislature was not in session at the time the vacancy occurred. At least this would have been a debatable question, and it will be seen how the Convention subsequently cleared this matter up and made it certain by specifying the vacancies, both as to character and time of occurrence, which the executive would be permitted to supply.

When the report of the committee of detail came up for consideration in the Convention, objection was at once made to the supplying of vacancies by the executive as conferring upon that officer a too liberal grant of power, as shown by the following debate:

Mr. WILSON objected to vacancies in the Senate being supplied by the executives of the States. It was unnecessary, as the legislature will meet so frequently.

Mr. RANDOLPH thought it necessary, in order to prevent inconvenient chasms in the Senate.

Mr. WILLIAMSON. Senators may resign or not accept. This provision, therefore, is absolutely necessary.

Mr. Madison, in order to prevent doubts whether resignation could be made by Senators or whether they could refuse to accept, moved to strike out the words after "vacancies" and insert the words—

happening by refusals to accept, resignations, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature.

Now note what they did. Instead of "vacancies may be supplied by the executive until the next meeting of the legislature," the Convention changed that and said "vacancies may be supplied by the legislature or by the executive until the next meeting of the legislature."

So that that clause of the Constitution read:

Vacancies happening by refusals to accept, resignations, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature.

What does that mean but that if the legislature is present it shall fill the vacancy, and the governor can not act in such a case?

Gouverneur Morris, in support of Madison, said:

This is absolutely necessary; otherwise, as members chosen into the Senate are disqualified from being appointed to any office by section 9 of this article, it will be in the power of a legislature, by appointing a man against his consent, to deprive the United States of his services.

In lieu, therefore, of the provision, as reported by the committee of detail, that "vacancies may be supplied by the executive until the next meeting of the legislature," the report was modified by the Convention to conform to the suggestions made, so that it read: "Vacancies happening by refusals to accept, resignations, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature." Instead, therefore, of unbridled power being conferred upon the executive to fill vacancies arising from whatever cause, his power was thus still further curbed and restricted.

The PRESIDING OFFICER (Mr. PETTUS in the chair). The Senator from Michigan will pause a moment. The hour of 2 o'clock having arrived, the unfinished business is laid before the Senate, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. CHANDLER. Mr. President, I ask unanimous consent that the unfinished business may go over until after the Senator from Michigan has finished his remarks.

Mr. BURROWS. I am obliged to the Senator from New Hampshire.

The PRESIDING OFFICER. Without objection, that order will be made.

THE STEPS WERE CAREFULLY TAKEN.

Mr. BURROWS. Mr. President, the Convention defined and specified the kind of vacancies the executive might supply by saying: "Vacancies happening by refusals to accept, resignations, or otherwise," may be supplied, etc. Vacancies, therefore, happening in a certain way might be supplied by the executive, and the ways specified clearly imply that the legislature had performed its duty by electing a Senator. He may supply vacancies happening by "refusals to accept." Refusals to accept what? Clearly the office of Senator to which he had been elected by the legislature. He might supply vacancies happening "by resignation." Resignation of what? The office of Senator to which he had been elected. If it does not mean that it does not mean anything, and it excludes the idea of executive appointment at the beginning of a term.

A vacancy happening by the expiration of a term, as in this case, confessedly is not a vacancy caused by "refusal to accept" or "by resignation," but solely by the failure of the legislature to act, and therefore not within the competency of the executive to supply, unless such a vacancy is embraced within the meaning of the word "otherwise." Of this I will have something to say later on. I will observe in passing, however, that independent of the known rule of construction, that a word of general import is controlled and limited by the specific word with which it is associated, it is a little remarkable that at no time and nowhere in the proceedings of the Convention was there the remotest suggestion by any member of that Convention that the legislature might fail to do its duty, and that it was intended to confer upon the executive the power of appointment in such a contingency.

Neither Madison nor anyone else ever suggested filling such a vacancy. They suggested death, removal, expulsion, resignation, but never the failure of the legislature to do its duty. If that had been the purpose, how easy it would have been to have said "if vacancies happen by failure of the legislature to elect, by resignation, or otherwise." They surely would not have left so vast and far-reaching power to be inferred from the word "otherwise" as used in that connection.

Mr. STEWART. I call the attention of the Senator from Michigan——

The PRESIDING OFFICER. The Senator from Nevada is out of order.

Mr. STEWART. Mr. President——

Mr. BURROWS. I ask the Senator from Nevada to excuse me.

Mr. STEWART. I do not want to make a speech, but I wish to call the Senator's attention to a fact.

The PRESIDING OFFICER. The Senator from Nevada is out of order.

Mr. BURROWS. I will ask the Senator from Nevada not to interrupt me, as my speech is altogether too long, and I wish to proceed.

It would seem much more reasonable to suppose that, when Madison suggested a doubt as to whether Senators could resign or refuse to accept, these words were inserted for the purpose of removing that doubt, and then instead of inserting, as in the Pinckney plan, the word "death," etc., and enumerating all the other casualties which might happen to an incumbent of the office, they were all embraced in the word "otherwise." And it will be observed that every suggestion of vacancy by the Convention, by speech or amendment, had reference to something happening to the incumbent of the office and not to dereliction of duty on the part of the legislature. It is hardly to be presumed that the framers of the Constitution intended to embrace within the meaning of that word a failure of the legislature to perform its duty, for that would have been to admit in the beginning a fatal defect in their plan of government.

More than this, as Senator Vance well said in the Mantle case:

> Can the Senator point out any case in the Constitution where, a duty being primarily imposed upon an officer therein named, the performance of that duty is conferred upon another officer contingent upon the failure of the first officer to perform his duty?

And Senator Garland, the ex-Attorney-General of the United States, said in the debate in 1879:

> It is a well established principle of jurisprudence that when one tribunal has jurisdiction and fails to exercise it, no other tribunal can assume it.

It will be observed that the Convention still further modified the report of the committee of detail, which, it will be remembered, provided that—

> vacancies may be supplied by the executive until the next meeting of the legislature,

by adding—

> or by the legislature of the State,

et cetera, so that the provision as a whole was made to read as follows:

> Vacancies happening by refusals to accept, resignation, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature.

By this it will be seen that the Convention, instead of conferring the power of supplying vacancies exclusively upon the executive, vested it primarily in the legislature, so jealous were they of executive control over the matter of choosing Senators. The authority of the executive was secondary. They were evidently determined that the executive should not be permitted to take the selection of Senators either for a full term or to fill a vacancy away from the legislature, where the primary power had been deposited. The manifest purpose in this modification was to make it incumbent upon the legislature, in the first instance, to fill the vacancy, but if the legislature was not in session or for any cause could not act, then the vacancy was to be supplied "by the executive until the next meeting of the legislature"—until the legislature, the primary power, could act. In this form, as thus modified by the Convention, it was referred to the committee on style, which reported it back to the Convention in the following form:

> And if vacancies happen, by resignation or otherwise, "during the recess of the legislature of any State"—

This is the first time that clause appears—

> during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature.

It is conceded that the committee on style was only authorized to put in proper form and phrase that to which the Convention had already agreed. Now note what the committee did. First, they dropped the words "refusals to accept" as evidently being surplusage, being included within the meaning of the word "otherwise." They had evidently abandoned the suggestion of Madison, that it was necessary to include these words in order to confer upon a Senator the right of "refusal to accept." Secondly, they dropped the words—

> by the legislature of the States in the representation of which such vacancies shall happen—

evidently for the reason that the legislature, if in session or if convened, had the power to *fill vacancies* under its original grant of power to elect Senators, and this provision was, therefore, unnecessary, and inserted in lieu thereof the words—

> during the recess of the legislature of any State—

thus still further limiting the power of the governor over vacancies to those which should happen when the legislature was not in session—when the primary power was absent and could not act; so that the provision as formulated by the committee on style read:

> And if vacancies happen by resignation, or otherwise, during the recessof the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature.

WORDS WERE CAREFULLY CHOSEN.

It is worthy of note, too, in this connection that the committee on style dropped the words "may be supplied" and inserted, *for the first time*, the words "may make temporary appointment." Why was this done? "Supply" is defined to mean "to fill up," but it is clear the Convention never intended to allow the governor to *fill* the vacancy; and so these words were stricken out and "may make temporary appointment" inserted, "temporary" meaning, as defined by lexicographers, "lasting for a time only; existing or continuing for a limited time; not permanent." From this it will be seen how guarded the Convention was in conferring this power of appointment upon the executive of the State, and how determined they were to restrict it within the narrowest possible limits. Not content with this, when the Convention took up the report of the committee on style, to compare it with the articles agreed to and referred to that committee, they modified the provision as reported from the committee on style by adding after "legislature" the words "which shall then fill such vacancies," as if to set definite bounds to the exercise of this limited power, beyond which the executive could not go, and, as thus modified, it was embodied in the final draft of the Constitution.

Now, it has been said that the clause, "which shall then fill such vacancies," refers to those vacancies to which the governor might make temporary appointments; and if the governor can not make a temporary appointment in this case, then the legislature can not fill. The expression "shall fill such vacancy" does not refer to such vacancies as the governor may supply, but to the original vacancy. Our friends on the other side insist upon reading into the Constitution power to supply vacancias, which the executive does not possess, and then draw the conclusion if the governor has not the power to supply then the legislature can not fill.

This is a correct history, step by step, of the development of this provision from its inception to its final completion and embodiment in the Constitution, where it stands to-day in clear and unmistakable phrase:

> If vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

And thus by apt and appropriate words was carried out the original suggestion: that "vacancies shall be supplied by the executive," so modified, however, as to limit his power of appointment to those cases of vacancy which shall happen "by resignation, or otherwise," and "during the recess of the legislature;" and then set definite bounds to the exercise of this meager authority "until the next meeting of the legislature." Could any language be more explicit and comprehensive or better adapted to convey to the common understanding the purpose sought to be attained?

It seems to me that one cannot follow these proceedings of the Convention in detail without being impressed with the conviction that the only purpose the Convention had in view, in making provision for supplying vacancies, was to provide a method by which casual vacancies happening in a term, and when the legislature was not in session, might be temporarily supplied by the executive of the State until the legislature, the primary power, could

have the opportunity to fill such vacancy. The modification of the original broad suggestion that "vacancies may be supplied by the executive until the next meeting of the legislature," so as to restrict the power of appointment to vacancies "happening during the recess" by "resignation, or otherwise," and then only to be exercised "until the next meeting of the legislature," indicates a purpose to circumscribe the power of the executive within the narrowest possible limit, and yet secure the end sought to be attained.

What are the express conditions, then, which must preexist before the executive of the State can exercise the power of temporary appointment?

First. A vacancy must happen;

Second. It must happen during a recess; and

Third. It must happen by resignation, or otherwise.

Only when these three things concur and coexist can the executive of a State exercise the power of temporary appointment.

This, I suppose, will be conceded, and I respectfully submit that not one of these conditions, in the plain reading of the Constitution, existed when the governor of Pennsylvania sought to commission Mr. Quay a Senator from that State. The vacancy that occurred on the 4th day of March, 1899, by the expiration of Senator Quay's term, was not a vacancy that "happened" within the meaning of the Constitution; nor was the vacancy occurring on that date, and when the legislature was in session, a vacancy happening "during the recess" of the legislature; nor was the vacancy which occurred on the 4th of March, by reason of the expiration of a previous term, a vacancy "happening by resignation, or otherwise," within the meaning of the Constitution.

Without going into an elaborate discussion of the meaning of the word "happen," as used in this connection, I prefer to direct the attention of the Senate to that which I consider vital and decisive of the question, and that is this—that the vacancy to which the executive is permitted to make temporary appointment must happen "during the recess of the legislature"—when the legislature is not in session. This is as clear as the English language can make it. The reason for this restriction is manifest. If the legislature is in session when the vacancy occurs, there is no occasion for the exercise of executive power, for it is the right and duty of the legislature to fill such vacancy, and no other body or person is clothed with such authority.

"DURING THE RECESS" A FIXED PERIOD.

No governor has yet attempted to take the matter of selecting Senators out of the hands of the legislature and make temporary appointment to a vacancy when the legislature was in actual session. It will be a mere matter of time, however, if this refinement of construction continues, when the executive of a State will usurp the functions of the legislature and make appointments even when the legislature is in session. He can now, in the plain language of the Constitution, appoint only to vacancies which "happen during the recess of the legislature."

There can not possibly be any controversy as to the meaning of the words "during the recess." That is a fixed, definite period of time—from the day the legislature adjourns to the day of its reassembling; and the vacancy which the executive of the State is authorized to supply must "happen" during and within that period.

Every lexicographer defines "during" as "in the time of," as "during life," "during the space of a year," and therefore the expression "happening during the recess," taken in its plain, obvious, and common-sense meaning, is susceptible of but one fair construction, and that is that the vacancy "happened," took place, began to be in the period of time covered by the recess. Webster defines "happen" as "to come by chance," "to come without previous notice," "to take place," "to occur." The expression, therefore, "happening during the recess," to the "common understanding"—in the words of Judge Story—means a vacancy which comes by chance, without previous notice, and within the space of time measured by the recess of the legislature. If this be the proper construction of this provision, then there is no shadow of constitutional authority for the appointment of Mr. Quay.

Under the admitted facts in this case—for it is conceded and it is a matter about which there can not be the slightest controversy, that the vacancy in this case occurred when the legislature was in actual session and fully organized—the legislature was in session on that day and remained in session for forty-seven days thereafter with this vacancy continuing and unprovided for. The Constitution of the United States restricts and limits in express terms the power of the State executive to make temporary appointments of Senators to those cases of vacancy which "happen during the recess." The governor has no authority to make temporary appointment to a vacancy which occurs, as in this case, while the legislature is in session, and which they fail or decline to fill. This has been repeatedly declared.

THE GOVERNOR OF A STATE HAS NO POWER TO MAKE TEMPORARY APPOINTMENT TO A VACANCY WHICH HAPPENS WHEN THE LEGISLATURE IS IN SESSION.

Now, Mr. President, upon this question I desire to cite the opinions of some eminent statesmen. Senator Kernan, of New York (and I commend this to the Senators from New York who are present), in the debate in 1879, gave a correct construction of this provision when he said:

> The vacancies which the governor can fill temporarily by appointment must occur during the recess of the legislature. If the vacancy occurs *when the legislature is in session*, although it is the last day of the session, the governor can not appoint. It is conceded that such a vacancy must occur during the recess. * * * If the legislature is in session when the vacancy occurs and fails to choose a Senator, the governor can never appoint a person to fill the vacancy.

Senator Kernan was a lawyer, and, as I understand, a constitutional lawyer, whatever that designation may mean.

Senator Edmunds, in the Blair case, who agreed upon some of the general propositions of the minority in this case, said—mark his language:

> Whenever that office—

Referring to the office of Senator—

> comes to be vacant, so that the State is deprived of its voice, then, if there *be not a State legislature present and in session* to fill it, the governor may fill it until the next session of the legislature has an opportunity to do it, and it does not give the governor power to fill it any longer.

"If there be not a State legislature present and in session to fill it," is the language of that distinguished Senator. Senator Edmunds is regarded, or was when a member of the Senate, an authority on the Constitution. He is none the less an authority to-day.

Senator Bailey, in the Bell case, said:

> In such case the legislature, *if sitting*—

Mark it—

> The legislature, *if sitting*, should fill the remainder of the term. * * * It seems to have been manifestly the intention and purpose of the framers of the Constitution in adopting this section of the first article not only to confer upon the legislature of a State the right, but to make it a duty, upon the expiration of a Senator's term, to choose for him a successor, and, further, to provide that after one shall be thus chosen, if, by resignation, by the accident of death, or otherwise, there should be a vacancy in the term for which a choice had thus been made, to confer upon the executive, *if the vacancy occurred during the recess of the legislature*, the right to make a temporary appointment until the next meeting of the legislature.

Mr. Cameron, of Wisconsin, remembered by many Senators here as an able lawyer, said:

> The Senator, I think, ought to state that a session of the legislature of Vermont had been held intermediate the occurring of the vacancy and the attempt to fill it, and all the authorities hold that where there is a session of the legislature intermediate the occurring of the vacancy and the time that the executive attempts to fill it, *that prevents the filling of the vacancy by the executive*. The reason, of course, is because the Constitution expressly provides that it shall be so.

Mr. Carpenter, of Wisconsin, than whom no more able lawyer ever occupied a seat in this Chamber, said:

> But it is clear that to authorize the governor to make an appointment there must have been a recess of the body which at that time possessed the legislative power of that State; because the governor, in making such appointment, acts only for the legislature, which, *if in session*, could make the election to fill the term.

The minority report in the Phelps case, which was adopted by the Senate, says, among other things:

> The Senate of the United States is composed of organized constituencies—the State legislatures. To them belong the power primarily of electing their Senators, *when they are in session at the happening of the vacancy*, and at their first meeting when it happens in their recess.

I desire also to quote a no less distinguished authority than the senior Senator from Massachusetts himself [Mr. HOAR], who in the great debate in 1879—the Blair case—declared that the governor of a State had no authority to make appointment to a vacancy which occurs while the legislature is in session, even after the legislature should adjourn without filling the vacancy—a case precisely like the one before us.

I am aware the Senator from Massachusetts subsequently modified his views in this regard, yet the reasons he assigned for his opinion then were so cogent that I am sure they will impress the Senate at this time:

> Now, there is scarcely a question—

Said the Senator—

> which can arise under our Constitution in regard to which the authorities are so concurrent or of such weight. There are ten precedents of the Senate itself, beginning with the case which occurred in the year 1797, when many of the framers of the Constitution were in the Senate; and they all concur in holding that the governor may appoint if the vacancy happen by reason that the constitutional term of a Senator had ended—

Now, mark Senator HOAR's language—

> *when the legislature was NOT in session* and the legislature has made no provision to fill it.
>
> Therefore I think we are warranted in saying that the unbroken current of Senatorial precedent, from the beginning of the Government until to-day, is that the governor is entitled to fill a vacancy whenever it happens, whether at the beginning or at the end of the term, so that it happen *when the legislature is not in session*, until the next meeting of the legislature, when the right of the governor in the premises is determined.

Senator Carpenter at this point interrupted the Senator from Massachusetts with this question:

Will the Senator allow me to ask him a question?

Mr. HOAR. Certainly.

Mr. CARPENTER. I do it for information. I want to vote with the Senator, if I can, on this question. The difficulty in my mind is that I think the emphatic word in the constitutional provision is "happen." Take the case of Wisconsin.

And he states a case precisely like the one now before the Senate:

Our legislature assembles on the first Monday of January. It has to elect to fill up the vacancy that is to occur in March. The legislature generally sits until about the last of April. Suppose they begin on the day fixed by the act of Congress to ballot for Senator; they make no choice; they ballot up to and past the 4th of March without making an election. A vacancy then occurs; by the Constitution the term expires, and the legislature sits still, with that vacancy running on, balloting for thirty days and unable to make a choice, and finally adjourns without making a choice. Could the governor then—

Senator Carpenter says—

appoint a Senator upon the ground that that was a vacancy happening in the recess of the legislature?

That is this case precisely.

Mr. HOAR. *I think not;* and for the reason not that it would not be a vacancy, but that the power is qualified by the other words, as uniformly construed, that the governor may appoint "until the next meeting of the legislature." Therefore, if the legislature should meet after the vacancy occurred, the governor not having appointed, and fail to elect, the literal answer would be that in the particular case the Senator supposes the vacancy would not have happened in the recess; but I suppose the Senator could easily vary that by supposing the legislature not to be in session on a particular day, and therefore I make the other answer, which is that the governor's right to appoint until the next meeting of the legislature is uniformly construed to mean that after the legislature has met the entire constitutional authority of the governor, so far as relates to that vacancy, is gone.

If the legislature is in session when the vacancy occurs, Senator HOAR answered Senator Carpenter correctly, that the governor had no power to fill it, because the only object of appointing temporarily is to bridge over the time until there can be a legislature assembled, and if the legislature is in session when the vacancy occurs, there is no occasion for making the appointment.

Could anything be more forceful and convincing?

The governor's right to appoint—

In the language of the Senator—

until the next meeting of the legislature is uniformly construed to mean that after the legislature has met the entire constitutional authority of the governor, so far as relates to that vacancy, is gone.

NO CHASM EXISTED.

If the power is gone upon the meeting of the legislature, how can the power come into existence if the legislature is in session when the vacancy happens? The Senator then made it very clear that "the power of the executive was only to be exercised until the next meeting of the legislature, in order to prevent," in the language of Randolph, "inconvenient chasms;" but if the legislature is in session when the vacancy takes place, there is no chasm for the executive to bridge, for the primary power to fill the vacancy is present and authorized to act, and the next meeting of the legislature is found in the legislature *then existing* at the time the vacancy occurred. The legislature being in session when the vacancy takes place, there is no necessity or opportunity for the exercise of executive authority to make temporary appointment.

And so, Mr. President, in the midst of all the perplexing problems of the hour, we are brought face to face with a proposition advocated by the minority of the Committee on Privileges and Elections, which if sustained by the approving judgment of the Senate, will not only reverse its established and time-honored precedents, repudiate the best thought of the century on the subject, but completely revolutionize the whole method of supplying the membership of this body.

Instead of conforming to, what seems to me, the plain mandates of the Constitution, so long obeyed and respected, restricting the right of the governor to make temporary appointments to such "vacancies as may happen by resignation, or otherwise, during the recess of the legislature," and then to be exercised only "until the next meeting of the legislature," it is proposed to declare that the executive has the right to fill the seats in this Chamber made vacant for any cause and at any time, occurring in session or in recess, and for an indefinite period, provided only that the legislature is not in actual session at the time of executive action.

The whole contention of the minority resolves itself into this—the executive may fill any vacancy he finds existing when the legislature is in recess. A vacancy and the absence of the legislature are the only prerequisites for executive action. The framers of the Constitution when they said, "If vacancies happen by resignation, or otherwise, during the recess of the legislature of any State the executive thereof may make temporary appointment until the next meeting of the legislature, which shall then fill such vacancy," intended only to say the executive of the State may fill all vacancies when the legislature is not in session.

If at the expiration of a term, though the legislature may be in session at that time, and remain in session many weeks thereafter, yet if it finally adjourn without making a choice of Senator, immediately upon such adjournment the governor may appoint until the *next meeting* of the legislature, which is construed to mean not only to the meeting of the legislature, but to its final adjournment if no choice is made. If at the *next* meeting of the legislature thereafter there should again be no choice, immediately upon its adjournment the governor may again appoint until the *next* meeting of the legislature, and so continue the process indefinitely until some legislature shall make a choice of a Senator, so that seats in this Chamber are to be filled by governors so long and as often as the legislature shall refuse or fail to elect.

In this very case, as an illustration, in the approaching election in Pennsylvania, only about six months distant, if ex-Senator Quay should be a candidate for reelection it will not be necessary for him to carry a majority of the legislature, but only to secure a sufficient number of adherents to prevent an election and force an adjournment, when Governor Stone can again disregard the mandates of his own constitution, refuse to call a session of the legislature, and again issue his commission to Senator Quay to hold a seat in this body until the next meeting of the legislature, and then, upon the theory of the minority, he would be seated, and thus repeat the process for the full term of six years, and thus continue to hold a seat in this body by the favoritism of the governor, and independent of the will of the legislature of the State of Pennsylvania. Is the Senate of the United States prepared to indorse a construction which would lead to such results?

WHERE WOULD THE PROCESS END?

This same contention leads to the conclusion that if the original States, through their legislatures, had refused or neglected for any reason to elect Senators in the beginning, to set the machinery of government in motion, the executives of the several States could have appointed Senators until the legislature should elect, and if the legislature never elected, these seats could have been filled by governors from that time until the present hour. The framers of the Constitution evidently lost sight for the moment of this remarkable power lodged in the executive of a State to appoint Senators in the absence of legislative action, when its committee on detail, in suggesting when and how the National Government should be set in motion, suggested that—

Congress should appoint and publish a day for commencing proceedings under this Constitution; and that after such publication the *legislatures* of the several States *should elect members* of the Senate.

Strange they should have failed to have added, "or the governor appoint." If it be true he possessed such power, evidently the fathers had not discovered it.

Under the construction of the minority upon the admission of a new State into the Union, if the legislature should neglect or refuse to elect Senators, why can not the executive of the State appoint Senators until some legislature shall elect? This doctrine, it seems to me, and indeed it has been repeatedly asserted, leads inevitably to this conclusion. If this doctrine is to be put into practical operation, while possibly it may keep the Senate always full, in the language of the Senator from Massachusetts, yet you may be sure it will also keep the States always full of discord, dissension, and dangerous factions, break up parties, overthrow majorities, and surely end in revolt and revolution. And in this connection I can not refrain from again quoting the words of Hamilton, in the Federalist (page 393), where he says in explanation of this provision of the Constitution:

It may be alleged that, by declining the appointment of Senators, they—

Meaning the legislatures—

might at any time give a fatal blow to the Union. It is certainly true that the State legislatures, by forbearing the appointment of Senators, may destroy the National Government. So far as that construction may expose the Union to the possibility of injury from the State legislatures, it is an evil, but it is an evil which could not have been avoided without excluding the States in their political capacities wholly from a place in the organization of the National Government.

But how could the State legislatures, if the contention of the minority be sound, by forbearing the appointment of Senators, destroy the National Government? The executive can appoint whenever and as often as the legislature fails to elect. How it would have quieted the apprehension of Alexander Hamilton for the safety of the National Government if he could have but known that the governors of the States had the power to keep the Senate always full, though the legislatures should fail to do so. He was evidently laboring under the delusion that if the legislatures failed to elect there was no remedy, and the whole fabric of government would be placed in jeopardy. How natural it would have been for Hamilton, in his defense of this provision of the Constitution, if such a defense were permissible, in answer to the criticism that the States, by withholding Senators, might break up the National Government, to have said in reply what is contended for now by the minority, that if the legislature fails to elect at any time the Constitution empowers the executive of the State to appoint Senators, and so keep the Senate always full. It seems inexplicable that Hamilton, a member of the Convention

that framed the Constitution, should have lost sight of this power of the governor to supplement the failure of the legislature.

THE MODERN DOCTRINE AND THE FATHERS.

If the great Marshall, as Chief Justice of the Supreme Court, could only have conceived and comprehended this modern doctrine, could he have but discovered the latent power of State executives to keep the Senate always full in spite of legislatures, he never would have given utterance to the declaration found in his opinion in the case of Cohens *vs.* The State of Virginia, reported in the 6th of Wheaton at page 390, where the learned justice said:

It is true, that if all the States, or a majority of them, refuse to elect Senators, the legislative power of the Union will be suspended. But if any one State refuse to elect them, the Senate will not, on that account, be the less capable of performing all its functions.

It will be observed in this last suggestion of the Chief Justice that he was of the opinion that the Senate could perform all its functions even if it was not *full*.

Had Marshall known and comprehended this modern doctrine, that governors of States could appoint Senators whenever and as often as State legislatures failed to elect, his great mind would have been relieved of the apprehension that—

The legislative power of the Union might be suspended by the refusal or failure of the legislatures to elect Senators—

and he would have rested with composure in the reflection that the functions of the Senate could not be suspended or destroyed so long as there were State executives in being empowered to commission Senators.

And how the learned jurist, Judge Story, would have been comforted if he had only known of the theories entertained by the minority, that the governor of a State can appoint Senators whenever the legislature refuses or fails to elect. Had he comprehended this, he never would have given utterance to the sentiment:

It is true that the State legislatures may, by refusing to choose Senators, interrupt the operations of the National Government, and thus involve the country in general ruin.

How can the country be "involved in general ruin" if the executive of the State, by the failure or refusal of legislatures to elect Senators, is empowered to appoint Senators whenever the legislatures refuse or fail to elect? Upon this theory the Senate is indestructible.

That profound expounder of the Constitution, the great Webster, had he been able to have grasped this modern construction, would never have been guilty of the folly of declaring that "the Constitution makes its own preservation depend on individual duty and individual obligation. The States can not omit to appoint Senators. It is not a matter resting in State discretion or State pleasure. It lays its hands on individual conscience and individual duty." Instead of declaring that the existence of the Senate of the United States is dependent upon the "individual conscience" of the members of the State legislatures, he would have said, if the legislature fails to elect, the Constitution "lays its hand" on the executive of the State and commands him to supply the vacancy and keep the Senate always full.

WHERE IS THE SAVING GRACE?

I was greatly impressed the other day by what the distinguished Senator from Wisconsin [Mr. SPOONER] said in the course of his remarks in this case, especially in view of his contention of the right of the governor to fill all vacancies whenever and however occurring. Let me call the attention of the Senator—and I regret his absence—and of the Senate to his exact language. I read from the RECORD:

I can conceive of cases, and there have been many in recent years, where the failure of the legislature to elect was an honor to the State and a protection to the Senate of the United States. It may very well be that in the contest in the legislature there may be so many on one side and so many on another, and the balance of power between—that body of men who stand as firm as adamant between the two sides, welded together for one reason or another—may be a saving grace in the history of the Senate.

I quite agree with the Senator in this sentiment. The legislature of a State may be so debauched by unwholesome influences, and the rival aspirants so involved in the corruption, that a failure to elect would be the highest duty to the State. But may I be permitted to inquire of the Senator, how, under his theory, would a failure of the legislature to elect, in such case, ever save the State from dishonor if the governor is permitted the moment the legislature adjourns to appoint the very man, possibly, in whose interest the legislature was debauched? How is the Senate to be protected from the presence of one who is obnoxious to a majority of the State legislature, and against whose election a few men stood "firm" and defeated, if the governor can immediately upon the adjournment of the legislature commission the very man whom the legislature refused to elect? Where does the "saving grace in the history of the State" come in, if the governor can appoint the very man against whom the men stood "firm as adamant" until his defeat was consummated?

The contention of the minority makes it absolutely futile for a legislature to stand out and defeat the election of an unworthy candidate, if the executive, the moment his defeat is consummated, can commission to a seat in this body the very man who was defeated.

I beg Senators to do me the justice to believe that I intend no personal allusion at all in this matter.

This whole theory of the minority leads only to confusion and disaster, and if adopted will break down of its own weight.

THE AUTHORITIES.

In the discussion of any legal or constitutional question before a court it is customary to cite the decisions of the court itself and the opinions of its judges upon the question involved, and I shall venture to conform to that practice before this high tribunal in the hope and belief it will be persuasive in the final determination of this matter.

Can it be possible that the opinions of the most profound lawyers and jurists who ever held seats in this Chamber, together with the precedents of a century grounded thereon, are to be swept aside and ignored at the behest of party or personal favoritism? I do not believe it. *We shall see.*

In the light of the plain terms of the Constitution and the pronounced opinions of some of the most learned men ever holding seats in this body, second to none of whom is the distinguished Senator from Massachusetts, it seems to me the contention on behalf of Mr. Quay must fail utterly at the very outset, because the vacancy to which he is commissioned did not happen or take place during the recess of the legislature, but when the legislature was in session and could fill, and is not, therefore, such a vacancy as the executive is permitted under the Constitution to supply.

AN EVENT CAN HAPPEN BUT ONCE.

The minority recognize the fact that the executive can make temporary appointment only to vacancies which "happen" when the legislature is in "recess," and so are driven to contend that, though this vacancy occurred when the legislature was in session, it nevertheless "happened," within the meaning of the Constitution, "during the recess."

In order to bring this case within the meaning of the Constitution we are asked to make "happen" mean a *certain* event and not a *casualty;* that "during the recess" means "during the session;" that "otherwise," in the connection it is used, means "anywise;" and that "until the next meeting of the legislature" means "the meeting of every succeeding legislature until the vacancy is filled."

And so, first of all as of prime importance, it must be made to appear in some way, somehow, that this vacancy happened "during the recess of the legislature," or confessedly the appointment of Mr. Quay by the executive of Pennsylvania was without authority of law, and, therefore, absolutely null and void. To this end the contention is made that though the vacancy occurred when the legislature was in session, yet, so soon as the legislature adjourned, the vacancy happened again, and this time "during the recess," and has been happening ever since; that it happened during the session and during the recess. Now, a particular event can not happen but once, and that at a definite moment of time. If this vacancy happened on the 4th of March, 1899, it is impossible for it to happen at any other time or on any other day. It may continue to exist after it happened, but it happens but once. If this vacancy happened when the legislature was in session, on a particular day, it can not happen again on some other day when the legislature is not in session.

It might, with equal propriety, be said that if a given event happened during the nighttime it happened during the daytime the next day, because the consequences of the event continued. We are asked to say the phrase "a vacancy exists in recess" is identical in meaning with the phrase "a vacancy happens in recess." Does "during life" mean the same as "when life begins?" If so, then life begins every moment of its continuance. If a Senator now in this Chamber, while the Senate is in session, should happen to die, would anybody in his senses say that he happened to die some other time, when the Senate was in recess? The condition of death continued, but the event happened when the Senate was in session, and that event can not happen again, unless it can be said, in the words of Paul, "I die daily." If a vessel should break her shaft during a voyage, could it be said she was disabled while in port? She continues disabled, but the accident happened at sea. If a reporter should fall from the gallery and be killed this afternoon, would anybody in his senses say that the reporter died during the recess of the Senate? He would remain dead, but he died during the session. The contention seems to me too trivial for serious consideration.

And so we are asked to believe that the illustrious men of that great Constitutional Convention had so little comprehension of the use and meaning of the English language that they were unable to command appropriate words with which to limit the power of the executive in the matter of temporary appointments.

That all the restraining phraseology employed left the governor with all the power conferred by the original resolve—"vacancies

may be supplied by the executive;" that "happen" means "exist;" though Hamilton said in the sixty-seventh number of the Federalist, speaking of this provision of the Constitution:

I mean the power of filling *casual vacancies* in the Senate. Here is an express power given, in clear and unambiguous terms, to the State executives to fill the casual vacancies in the Senate by temporary appointments.

We are asked to believe that "otherwise," though preceded by the word "resignation," is released from the thraldom of its associate—to which it is bound by every known rule of construction—and permitted to attach itself to any vacancy which may possibly be discovered and needs its supporting influence.

Let me read what Senator Hill said. I believe it will not be questioned that Senator Hill was a great lawyer.

Mr. GALLINGER. Does the Senator refer to Senator Hill, of Georgia?

Mr. BURROWS. Yes; Senator Hill, of Georgia, speaking of the words "by resignation or otherwise," said:

What do those words mean? They were not inserted idly. The framers of the Constitution were not in the habit of inserting idle words in the Constitution. Gentlemen construe the word "otherwise" strangely. They say that the word "otherwise" means any vacancy—that is, they say that the framers of the Constitution put in a qualification by the word "happen" and by the words "by resignation," and then destroy those qualifications by putting in the additional words "or otherwise."

In other words, you use the word "otherwise" so as to leave the power without any qualification, as though it read, "If vacancies should happen to occur during the recess of the legislature, the governor may fill them by temporary appointment." That is your meaning.

I submit to Senators that the very position itself is absurd, for there are well settled rules of law for the construction of this sentence. You can not take a sentence that way and use one word to destroy the meaning of other words.

You can not take a general phrase and use it to destroy the meaning of a specific phrase. On the contrary, you must restrain and qualify the general phrase by the meaning of the specific phrase. That is a well-settled rule. Why? Because it is your duty in construing to give effect to every word and to give a meaning and sense to every word. You are not at liberty to say that the framers of the Constitution not only used idle words, but used words of significance if standing by themselves, and then destroyed the significance of those words by using a general term afterwards.

It is a sound principle of construction that in every instrument you must give sense and meaning to every word if possible.

If the construction contended for by gentlemen who oppose this resolution be true, the words "that may happen" are useless.

Again he says:

"All general phrases are defined and limited by the particular enumeration of powers which would otherwise have been embraced by the general phrases."

In the twelfth volume of Georgia Reports I find this very strongly stated by Chief Justice Lumpkin, who was for over twenty-five years the chief justice of our State, and who has a national reputation as a jurist. On this very point he says:

"I would take occasion to remark that the rule of construction applicable to all writings, constitutions, statutes, contracts, and charters, public or private, and even to ordinary conversation, is this: That general and unlimited terms are restrained and limited by particular recitals when used in connection with them. Not that I would reject the general terms altogether, but I would restrict them to cases of the same kind as those expressly enumerated." (12 Georgia Reports, 530.)

That is the rule. You must restrict the word "otherwise" here. Do not destroy the word "otherwise;" do not let the word "otherwise" destroy the word "resignation;" but you must use the word "otherwise" as applicable to cases like "resignation;" that is, cases of casualty. Therefore, what does the word "otherwise" mean in this connection? It means death, removal, expulsion, failure to accept, or a vacancy happening by any other casualty. Instead of saying "vacancies which happen by resignation, death, removal, promotion," or anything else, the framers used the words "by resignation or otherwise," intending the one word "resignation" to show you that the word "otherwise" was to be applicable only to cases like that governed by "resignation;" that is, cases of casualty which might happen.

It is settled as well as language can settle, just as well as decision in America and England for 100 years can settle it. It is settled by the maxims of the civil law, by the maxims of the common law, and by the maxims of common sense, that when you use the phraseology of "death, resignation, or otherwise," the word "otherwise" must be construed by its connection with death and resignation as to refer to other events similar in their character. The courts have made life, property, and liberty all to hang upon the correctness of that maxim. * * * The legislature of the State of New Hampshire has simply failed to elect a Senator as provided by the Constitution for an original term. The question is whether the governor can appoint to fill that vacancy. I have profound respect for all these gentlemen. I have the greatest respect for their opinions, but when the Constitution in plain, unmistakable phraseology says that if vacancies happen in the Senate, by resignation or otherwise, and every authority of the law, civil, ecclesiastical, and criminal, in England and America, says that "otherwise" there means "by other like casualties," therefore the Constitution is precisely as if it read: "The governor may make temporary appointments to fill vacancies which happen by resignation, death, or expulsion."

PLAIN PROVISIONS ARE DISTORTED.

And so we have this plain provision of the Constitution distorted and made to read, "whenever vacancies exist for any cause, and the legislature is not in session, the executive may make temporary appointment until some legislature fills the vacancy." When I consider how this provision is warped and twisted, that it may temporarily serve personal or party ends, I am again reminded of the words of Senator Hill:

When I hear gentlemen on either side of this Chamber, in either party of this country, take that plain language of the Constitution and construe it to apply to any vacancies that may occur by any means, by the failure of the legislature, willfully or otherwise, to elect a Senator, that the governor can come in and supply the vacancy, I must say it excites my profound astonishment, more than that, my sorrow. It absolutely shakes my confidence in the efficacy of written constitutions.

The primary object of the Constitution is to put in the State legislature the power to fill this office, and nobody else; but casualties may occur, death may come, resignation may come, Senators may be expelled, there may be divers casualties by which the term thus filled by the legislature may become vacant, and vacant during the recess of the legislature when Congress may be in session. It is important, therefore, as was said by Mr. Randolph, to allow the governor power to fill chasms, but not to fill an original term.

What did the great Seward, of New York, say?

This alarm—

Speaking of the effect of the contention of the minority—

This alarm will be increased by the fact that the proceeding will operate to strengthen and increase the provisional prerogative of the governors of the States at the expense of the power conferred by the Constitution on the legislatures of the States; for nothing is clearer than that the power conferred on the governors to fill vacancies was designed to be but occasional and exceptional, and subordinate to that devolved on the legislatures, which was designed to be general, complete, and supreme.

William H. Seward, it will be admitted, was a great constitutional lawyer.

I commend to the Senators from Illinois the language of Justice Davis, who, when in the Senate, commenting upon this very provision, said:

The whole question is in a narrow compass, and the view of the Constitution which has been presented by different gentlemen who have discussed the subject, especially by the Senator from Georgia [Mr. Hill] and last by the Senator from Wisconsin [Mr. Carpenter], in my judgment presents the proper construction of that instrument.

I do not believe—

Says Judge Davis—

that the vacancy mentioned in that clause of the Constitution is anything else than a portion of the six years' term where there is no person qualified to discharge the functions of the office. The principle asserted in the Lanman decision is that the legislature of a State shall provide for all vacancies which must occur at stated and known periods, and that the expiration of a regular term of service is not such a contingency as is embraced in the governor's power under the Constitution; that where opportunity is given to the legislature to choose a Senator the governor can not appoint. A vacancy within the meaning of the constitutional provision does not arise by the failure of a legislature to elect.

I think that the decision in Lanman's case, as I understand it, gives the true interpretation of the Constitution, that when the legislature had the opportunity of providing a Senator but failed, the governor can not appoint.

Attorney-General Garland, a great lawyer, said, in the debate on the Bell case in 1879:

Mr. President, the position that I take in reference to this matter from my reading of the Constitution is that legislatures of the States, being the original constituency of the United States, must themselves by election place a Senator in this body at the beginning of a new term; or, to state the proposition somewhat differently, it is not within the meaning of the Constitution that the governor of a State can put upon the floor of the Senate a Senator at the commencement of a new term of six years, or a new term that might be by the meeting of the legislature afterwards for a shorter period. Before the governor of a State can appoint a Senator to fill what he may consider a vacancy in the Senate, there must not only be an unfilled seat but a broken term previously held by some one else.

* * * * * * *

According to the interpretation of the Senator from Delaware, if the legislature of any State of the eleven that first ratified the Constitution had failed to send two Senators here to compose the Senate, the governor of the State could have sent two to compose the body. There is no halfway ground, because we have heard it enunciated here by the Senator from Delaware and by the minority report that if the vacancy exists, by a robust and athletic construction of the Constitution, somebody must fill it—it must not go unfilled.

* * * * * * *

Now, we have the vacation of these seats by law. When that is done, according to the fair interpretation of this instrument, the legislature alone can step in. Then:

"And if vacancies happen by resignation or otherwise."

That is, "if vacancies happen" after the seats have been filled, after the legislature has chosen, "by resignation or otherwise," meaning by expulsion or by death. The word "happen," whether you enlarge it or whether you narrow it in its construction, affects at last the incumbent in the seat by some accident or by some casualty. Hence the word "happen" is used, referring to something which takes him out of the seat, leaving both an unfilled seat and a broken term.

That is the fair and proper construction of this instrument, and when you give it that construction you obey the first rule of construing written instruments, which is that every word in the instrument must live and speak; you can not throttle it and take one word out and put in another.

I say, then, on this point, that the legislature being the original constituency, that constituency must first act; and if the person thus chosen falls out of his seat by any accident, any happening of an unforeseen event, then the governor steps in and supplies the place temporarily; says the Constitution, by "temporary appointments until the next meeting of the legislature."

Mr. Carpenter, of Wisconsin, said:

When the legislature last in session previous to the expiration of a Senatorial term, having power to make an election, refuses or neglects to do so, then until an election can be made, in conformity with the Constitution of the Union, the State, by its legislature, has consented to waive its right to equal representation in this Chamber.

Did Stephen A. Douglas, of Illinois, know anything about the Constitution? He said:

Where a Senatorial term has expired by its own limitation under the Constitution, and an absence of representation results from that cause, it is not a vacancy within the meaning of the Constitution. Vacancies happening in the representation in the Senate during a recess of the legislature may be filled by the governor of a State.

But I presume no man ever contended—certainly not since the Lanman case—that a governor, under the power to fill vacancies, could make an appointment to an original term of office.

Therefore, when we speak of vacancies happening in the constitutional sense, we must be understood as meaning cases where the term has once been filled and subsequently becomes vacant by resignatian or otherwise.

* * * * * * *

Why, sir, the Constitution provides that in the election of Senators generally it shall be done by the legislature of each State; it provides by implication that in case of vacancies which occur during the session of the legislature the legislature shall elect; but it also provides that if the vacancy occurs during the recess of the legislature the legislature shall not elect in the first instance, but that the governor shall appoint, and that the appointment shall continue until the next meeting of the legislature, and that the legislature shall then elect.

Senator Cass, of my own State, a great lawyer and a man of recognized ability, said:

How, then, stands this case, sir? The third clause of the first article of the Constitution provides for the composition of the Senate by fixing the term of service and the mode of selecting the Senators, permanent and temporary. It declares that "if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies." The regular terms of Senators are for six years, and the "vacancies" herein provided for are the unexpired portions of such terms, which are to be "filled" by the legislature when it can act, and when it can not act to be occupied by temporary executive appointments. If, therefore, a Senator resign, or his seat is otherwise vacated, *except by the expiration of his term*, the "vacancy" is for his original period of service, to be temporarily appointed to by the governor or "filled" by the legislature.

Senator Underwood, of Kentucky, in the Rantoul case, said:

The Constitution shows that it was never intended by its framers that a person should represent a State in this body if it could be avoided unless he came here by an election on the part of the legislature of his State. The Constitution shows that an election is to be preferred to an executive appointment, and you ought to put such construction on the legislation of the country as will give authority to those appointed according to the provisions of that instrument, by the very fountain of power, the legislature elected by the people, and if you were to continue Mr. Winthrop after being officially informed by the great seal of the State that the legislature of the State had made such an election and appointed an officer to discharge the duties of the Senator, we would be going in violation of the spirit of our institutions by continuing in office an individual appointed by one man and allowing him to exercise powers, when the persons possessing the original fountains of power had showed their determination that he should not be continued. It is well known that from political associations I would much prefer the continuance of the present and sitting member to the admission of the other, but still the great principles of the Government are much more dear to me than men. And these are the principles which in the time to come I think ought to be carried out as they are proposed to be carried out by the report of the committee. (Appendix Congressional Globe, 121-122, volume 29.)

Senator James A. Bayard held to the same doctrine:

You find that in reference to the full term of a Senator the provision is that he shall hold his office for six years and be chosen by the legislature. The executive has no authority there. And you find, further, that if the legislature is not in session at the time a vacancy occurs by resignation or otherwise, though it may not even be known to them, yet no authority in such a case is confided to the executive to appoint.

You find, in other words, that within the intent of the Constitution no authority over the subject is meant to be intrusted to the executive whenever the primary power—the legislature—is in existence as an organized body. I am aware that at one time it was decided that even in reference to the full term the executive of a State might make an appointment until the legislature met; but that construction was subsequently overruled by the Senate in the case of Mr. Lanman in the year 1825, and ever since the practice has been uniformly in accordance with the decision in that case.

* * * * * * *

In reference to the full term it can not be doubted that no authority whatever is confided to the executive. The negation of power in any other event than when the vacancy occurs in recess shows that it was the intent of the Constitution that the executive was merely to provide for casualties happening when the legislative power, which is the primary power, was not in existence, and, of course, could not act.

Senator Mason, of Virginia, said:

The Constitution has created Senatorial terms and has declared that those terms shall last for six years; they are so arranged by another provision of the Constitution that one-third of the Senate go out biennially. What is the language of the Constitution as affecting the duration of the term? The Constitution declares that the seats of the Senators of the first class shall be vacated at the end of two years, of the second class at the end of four, and of the third at the end of six years, thus creating the terms. The language of the Constitution is that the seat "shall be vacated" by the lapse of time, and then new terms commence.

A few words now as to the precedents. Until Lanman's case, according to my recollection, it was considered by the Senate, or rather it was decided by the Senate, manifestly without consideration, that it was competent for the State executive when a term expired in the recess of the legislature to treat that as a vacancy and to fill it accordingly. Such a practice was common until the decision in Lanman's case. I confess that on looking at the Constitution my first impression was that the practice was correct, but on examining the Constitution and weighing it carefully and deliberately I can not entertain a doubt that the decision of Lanman's case was correct, and that when a term expires by constitutional limitation it is not a "vacancy" which the executive can fill.

Senator Butler, in the Phelps case in 1854, said:

It must be conceded that the authority to choose a Senator to commence a new term of six years, after the efflux of a regular term, is exclusively vested in the State legislature.

And referring to the Lanman case, he said:

In 1825 Lanman's case came up for consideration involving both questions. In that case, after a very full debate, it was solemnly decided that it was not competent for the governor of a State to put a member on this floor at the commencement of a term. In other words, it was decided that his power of appointment could not be substituted for the election of the State legislature. Even if such had not been the decision in the case of Lanman, I take it for granted that such would be, and must necessarily be, the decision now.

In the great debate of 1852, Jefferson Davis, then a Senator from the State of Mississippi, said:

Sir, there are two modes of electing Senators—the one by the legislature of a State, the other by executive appointment. And how comes it, Mr. President, that there are two modes? It is well to understand the reason. It was foreseen by the framers of the Constitution that vacancies would occur—would "happen," as the Constitution expresses it—during the "recess" of the legislature of a State, and consequently that a State would be deprived of its representation, for a time at least, unless that vacancy could be supplied. Hence it gives to the executive of a State the power of a temporary appointment, as the Constitution expresses it, a temporary appointment to hold until the legislature, as I shall show you, has had an opportunity to appoint; and when the legislature has once had that opportunity and declined or omitted to exercise its power, the executive no longer has any power over the subject. It has been justly enough observed here that the word "until," in the clause of the Constitution, qualifies the word "power;" that is, he shall appoint to hold until the legislature discharges that duty or has an opportunity to discharge it.

I wish to read a word from George E. Badger, of North Carolina, because it is said of him that he was the greatest lawyer his State ever produced, and Senator Hill, of Georgia, speaking of him, said:

Mr. Badger, of North Carolina, is considered by those who knew him to be one of the greatest lawyers this country ever produced. That is his character and reputation to this day. There are some who believe a greater lawyer never lived than Senator Badger, of North Carolina. He certainly stood high among all the great lights of his day.

Now, what did Badger say?

The vacancies which the executive of a State is authorized to fill are never vacancies that happen by the efflux of time. They are not foreseen vacancies. They are vacancies that happen by resignation or otherwise. Mr. President, from an exceeding desire to give this clause of the Constitution such a construction as would keep the Senate always full, I labored hard a year or two ago, when we had questions of this kind before us, to find out some method of supporting in my own mind a construction that a vacancy happening by efflux of time, and not filled beforehand by the legislature, might be brought within this limited power conferred on the executive.

But, sir, I have been obliged to abandon it. "By resignation or otherwise" is the language. We must expound the word "otherwise" to apply to vacancies happening by similar events; that is, unforeseen events—death, resignation, appointment to an office which disqualifies—but it can not be applied to the expiration of a term of a Senator which leaves a seat vacant on this floor. My opinion therefore is that the governor of a State has no power to fill a vacancy in this body which is brought about by the expiration or efflux of the time for which the Senator was elected; in other words, at the termination of his term in the Senate. It must be a vacancy in the term happening during the recess of the legislature. It must be a vacancy in the term happening by resignation or other casualty. That I understand to have been the express and solemn decision of the Senate in Lanman's case in 1825, overruling one or two earlier decisions, which had passed, perhaps, without full consideration.

The greatest lawyer on earth in his day will, I am sure, be heard by the Senate.

The other day the Senator from Maryland read a letter from Senator Edmunds—and I am apprehensive that all the Senators did not hear it, and I am therefore going to repeat it—written September 1, 1885.

Mr. BACON. Written by whom?

Mr. BURROWS. By Senator Edmunds, in relation to the Oregon matter.

BURLINGTON, VT., *September 1, 1885.*

DEAR SIR: I have yours of the 21st ultimo. The Constitution, as you know, provides respecting Senators that "if vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancy."

It has been held by the Senate, and may now be considered as the settled law of that body, that if a State legislature has once acted or had an opportunity to act while a vacancy exists the governor has no power to supply the failure of the legislature to fill it up.

Applying this rule to the case of Oregon, a vacancy existed on and after the 4th day of March, 1885, and your legislature, as I understand it, continued to sit a long time after that date and had the opportunity to fill the vacancy, so that the vacancy did not happen during a recess of the legislature, and it now only exists because the legislature failed in its duty of keeping its Senatorial representation full.

If we construe this clause of the Constitution as some Democratic Presidents have the corresponding clause respecting the President filling vacancies in offices, so as to make it mean that if vacancies happen to exist during any recess the governor may fill them, it would be an indefinite power to be exerted just so long as the legislature failed, which is not according either to the language or spirit of the Constitution. But, however we may reason about it, the Senate will be obliged to reverse its repeated decisions on the subject in order to admit a Senator appointed by the governor under such circumstances. Trusting that in some way a Republican Senator from Oregon may be preserved to us at a time when the only security for safe and conservative government lies within the Senate,

I am, very truly yours,

GEORGE F. EDMUNDS.

Will the Senate read the opinion of this great constitutional lawyer out of the record and trample his words under foot?

Senators here will remember Senator Beck, of Kentucky. What did he say in the Bell case?

I have come to the conclusion that the legislature of the State is the primal constituency of the United States Senator, and it is only when the State legislature has no opportunity to act that the governor is permitted to fill the place temporarily until the legislature can act. * * * The Constitution of the United States intended that whenever it had an opportunity to elect a Senator it should exercise that power, and that the governor should only intervene when that opportunity for any cause was denied to the legislature. It never was intended that the governor should exercise his patronage, except when the legislative assembly had no power to exercise its authority. It was intended to give each State equal representation in the Senate, and whenever there was no opportunity for the legislature to act, and in no other state of the case was authority given to the executive.

Mr. Groome, of Maryland, said:

That whenever a legislature is charged by law with the duty of filling a Senatorial term and refuses or neglects to discharge that duty, that term must remain vacant until the legislature, which represents the sovereignty of the State, chooses to discharge the duty which the law devolves upon it. Such a vacancy is not one which the executive of the State can fill by a temporary appointment made either before or after the vacancy actually occurs,

because the State, through the legislature, has decided to deprive itself for the time being of an equal representation in the Senate.

Mr. President, I might continue these citations indefinitely, for almost every great man holding a seat in the Senate has maintained this doctrine.

May I be permitted to read what the junior Senator from Missouri [Mr. VEST], who illumines and adorns every subject he touches, said in 1893?

Nine cases besides the Tracy case were decided between 1801 and 1825, every one of them without debate. So far as I have been able to find by diligent search, not one word was said in discussion until we came to 1825, to the Lanman case, when the Senate took up this question and debated it for three days. The result of that debate was that the Senate deliberately determined that the governor did not have the right to fill an original term by appointment.

In other words, the Senate of the United States declared the doctrine about which I have not the slightest doubt, and the more I examine it the more confirmed I am in the opinion that the men who made the Constitution intended that the legislature alone should fill a full term and commence it. After they had filled it, after they had elected, then a broken term caused by death, resignation, or otherwise could be filled by appointment, until when? Until the legislature should again meet.

From 1825, in the Lanman case, up to 1879, more than fifty years, the doctrine for which I contend to-day was never questioned. * * *

Referring to the contest for Senator in Missouri, in which Mr. Benton was a candidate, Senator VEST said:

"For the two years we were unable to elect Mr. Benton was one of the candidates. During those two years, when party spirit ran so high that families were divided, brother against brother, father against son—and the scars of the contest yet remain politically in our State—the governor was an anti-Benton man, bitterly opposed to Mr. Benton, and yet he never dreamed, nor did such lawyers as Geyer, Napton, and Scott ever dream, that the governor had the right to fill that original term. Everything was resorted to in order to achieve success in that terrible contest, and yet neither party ever thought the right existed in the governor of Missouri to send another Senator to this body.

"In eight other cases during the fifty-four years from 1825 to 1879 States were represented in this body by but one Senator, because the legislature had not elected, and nobody dreamed until 1879 that the doctrine in the Lanman case was to be disturbed and the contention made which is made here to-day in this body.

"If the legislature has started the term and done all that the Constitution imposes upon it as a duty, then, if for any cause, in the recess of the legislature, a vacancy happens, the governor may appoint, but not otherwise.

"My contention here is that the original, primary power to start a full term in the Senate is with the legislature, and that the governor can only appoint as to a broken term. That is my contention.

"Now, if the legislature have elected a man and he refuses to accept, they have commenced a term; they have done all they can do; they have complied with the meaning of the Constitution; they have preserved the great fundamental doctrine that the legislatures of the States are our primary constituencies. That is my meaning. I do not care if it is but for one minute after the legislature has performed its duty, the term has commenced, and then, if the Senator refuses to accept, the governor may appoint until another legislature comes in and our primary constituency again undertakes to comply with the Constitution.

"I say absolutely there is no such thing known to the Constitution in my judgment as the power of a governor to appoint for a term which has not been commenced by the legislature."

I might quote for the benefit of the Senator from Virginia [Mr. DANIEL], if he were present, from John Randolph Tucker, so long an eminent member of the House of Representatives and chairman of the Judiciary Committee, and subsequently professor of constitutional and international law, etc., in Washington and Lee University, in his work on the Constitution of the United States, in which, speaking of this clause, he says:

The clause then proceeds: "If vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies." In Lanman's case the Senate decided that the executive could not appoint one to fill a vacancy which had not already occurred, and the executive was to wait the expiration of the term of the incumbent before he could do so. It will be perceived that the power of the State executive to appoint only exists when the legislature is not in session, and the term of the appointee only continues until the next meeting of the legislature. The phrase "until the next meeting of the legislature" has been construed to mean that such appointee shall hold, not up to the first or any other day of the session, but during the whole period to the time when the legislature fills the vacancy.

Then, discussing the question pro and con, he says:

The better opinion would seem to be that where the term has never been filled it is a vacancy in the office by nonexercise of the elective function by the legislature, which function the executive is not competent to perform. The executive power is only called into exercise where the legislature, by reason of the happening of the vacancy, has had no opportunity to exercise its original function of election. This executive power is never to be exercised where the legislature has had the opportunity to elect, but declines to do so. There may be reasons why it should so decline; and if so, it would be out of place for the executive to elect where the legislature has deliberately declined to exercise the power.

WHAT THE PRECEDENTS SHOW.

Mr. President, how does this case stand in the light of the precedents, laying aside the opinion of all the great men who in times past held seats in this Chamber?

I shall not review them in detail; that has already been done by the able and distinguished Senator from Tennessee [Mr. TURLEY] and others. It is sufficient for my purpose to say that since the organization of the Senate the right of appointment has been exercised, or attempted to be exercised, by State executives in 160 cases, showing the wisdom of the fathers in making this provision.

Classified according to the cause of the vacancy which occasioned the appointment, the cases stand as follows:

Resignation	64
Death	71
Refusal to act	1
Expulsion	3
Incompatible office	1
Expiration of term	20
Total	160

It will be seen, therefore, that only twenty vacancies have arisen by expiration of term, as in this case, and of these twenty cases of vacancy caused by the expiration of the term eighteen were cases in which the term expired when the legislature was *not in session—was in recess.*

In the Allen case and Beckwith case, the two remaining cases out of the twenty, the terms expired when the legislature was in session, and the Senate refused to receive into this body either of the appointees in those two cases, and for the reason that the vacancy occurred when the legislature was in session.

Of the eighteen cases in which the vacancy was caused by the expiration of the term in recess, eight were contested and ten passed *sub silentio.*

The contested cases are—
Tracy, Smith, Lanman, Sevier, Bell, Blair, Mantle, and Corbett—8.

The uncontested cases are—
Cocke, Hindman, Condit, Anderson, Cutts, Williams, Pasco, Marston, Wood, and Henderson—10.

Of the 8 contested cases, 1 (the Smith case) did not relate to a right to be seated, but to the expiration of the governor's commission. Of the 7 cases that related to the right to take a seat, 4 were cases in which the occurrence of the vacancy could be foreseen and provided for, as follows: Tracy, Lanman, Mantle, and Corbett. Tracy (1801) was the only appointee seated. Lanman, Mantle, and Corbett were rejected. Of the 3 cases remaining, all were cases in which the occurrence of the vacancy could not be foreseen, as in the Sevier case, or, if foreseen, could not be provided for in advance, as in the Bell and Blair cases. The 3 appointees were, accordingly, seated.

Of the 10 uncontested cases, the first 6 arose prior to 1818. The Marston case arose in 1889; the Pasco case in 1893; the Wood and Henderson cases in 1898. The following of the early precedents in the Marston and Pasco cases was followed by the contest in the Mantle case and the definite establishment of the modern and settled rule. That rule, as enunciated in the Mantle and Corbett cases, and acted upon in Wood's case and Henderson's case, is that a governor has no right to make a temporary appointment in case of a vacancy caused by the expiration of a prior term when the vacancy can be foreseen and provided for by the legislature.

From this it appears that:

First. In no case (except Allen and Beckwith) has the Senate been called upon to act upon a gubernatorial appointment where the prior term expired during the session of the legislature. Allen and Beckwith were not seated.

Second. In no case has the Senate recognized the right of the governor to appoint to a vacancy which happened when the legislature was in session.

Third. In no case has the Senate seated an appointee where the legislature has had an opportunity to act after the vacancy occurred.

Fourth. In no contested case since 1801 has an appointee been seated when the occurrence of the vacancy could be foreseen and provided for in advance by the legislature.

Whatever meaning we may therefore give to the word "happen," to the word "otherwise," to the term "during recess," the question has been settled for seventy-five years, ever since the Lanman case, by an unbroken line of precedents of the Senate; and if it is overturned now it will be the first time since then that that rule has been violated; and, more than that, never has the Senate recognized the right of a governor to appoint to a vacancy which occurred when the legislature was in session.

ABSTRACT OF CASES.

Of the 16 contested cases that have come before the Senate, 11 have involved the right of the governor's appointee to take his seat and 5 have been concerned with the question of the expiration of the governor's commission. The 11 contested cases involving the right to take the seat are:

1. Kensey Johns, 1794.
2. Urial Tracy, 1801.
3. James Lanman, 1825.
4. Ambrose H. Sevier, 1836.
5. Charles H. Bell, 1879.
6. Henry W. Blair, 1885.
7. Horace Chilton, 1891.
8. Lee Mantle, 1893.
9. John B. Allen, 1893.

10. Ashael C. Beckwith, 1893.
11. Henry W. Corbett, 1898.

The 5 contested cases concerning the expiration of the governor's commission are:

1. Samuel Smith, 1809.
2. Robert C. Winthrop, 1851.
3. Archibald Dixon, 1852.
4. Samuel S. Phelps, 1853.
5. Jared W. Williams, 1853.

Of the 11 contested cases involving the right to take the seat, 1 was a case (Kensey Johns, 1794) where the vacancy occurred through resignation; the remaining 10 were cases of the expiration of a prior term. The facts in the 11 cases are as follows:

1. Kensey Johns (Taft, page 1): Read, a Senator from the State of Delaware, resigned in December, 1793, the legislature of Delaware not being in session at the time. The legislature met in January, 1794, and adjourned in February without filling the vacancy. In March the governor appointed Johns. It was held he was not entitled to his seat. In this case it will be observed that the legislature had an opportunity to elect after the vacancy occurred. The governor's right was at an end. Suppose the governor had appointed Johns immediately upon Read's resignation. He would have been entitled to sit (under the decision in the Phelps and Williams cases) until the adjournment of the legislature in February, 1794. Then his commission would have expired. According to the Senator from Massachusetts, the governor might have reappointed immediately thereafter, but, according to the Johns case, the commission would be void.

2. Urial Tracy (Taft, page 3): Tracy's term expired March 3, 1801. The legislature had adjourned prior to February 20, and on that date the governor issued his commission to Tracy, to date from March 3. It was held that Tracy was entitled to the seat. The vacancy occurred in recess. The legislature was not in session after its occurrence.

3. James Lanman (Taft, page 5): Lanman's term expired March 3, 1825. The legislature had adjourned prior to February 8. On that date the governor had issued his commission to Lanman, to take effect March 3. It was held that Lanman was not entitled to his seat. The vacancy occurred in recess. The legislature was not in session after its occurrence. But, either (1) because the appointment was made before the vacancy occurred, or (2) because the vacancy could be foreseen and provided for in advance, the appointee was rejected, herein reversing the Tracy case.

4. Ambrose H. Sevier (Taft, page 7): Sevier and Fulton were elected the first Senators from Arkansas. Sevier drew the short term, expiring four months thereafter, on March 3, 1837. Before the fact of the drawing was known in Arkansas the legislature adjourned and was not again in session until after the vacancy occurred. In anticipation of the vacancy, the governor, in January, 1837, appointed Sevier, the commission to take effect March 3 following. It was held that Sevier was entitled to the seat. The vacancy occurred in recess. Its occurrence was not foreseen and, after its occurrence, the legislature had no opportunity to fill it.

5. Charles H. Bell (Taft, page 26): In March, 1878, the last legislature under the old constitution of New Hampshire was elected, its term to begin in June, 1878, and to terminate in May, 1879. The first legislature under the new constitution was elected in November, 1878, its term to begin in June, 1879. Wadleigh's term expired March 3, 1879. The old legislature was not in session, and could not have elected in advance, not being the "last legislature chosen by the people." The new legislature was not in session and would not be for three months. The governor therefore appointed, on March 13, 1879, Charles H. Bell to hold the office temporarily. It was held that Mr. Bell was entitled to the seat. The vacancy occurred in the recess, and there was no opportunity for legislative action, either before or after its occurrence.

6. Henry W. Blair (Taft, page 36): A legislature was elected in November, 1882, its term to begin in June, 1883. Another legislature was elected in November, 1884, its term to begin in June, 1885. When, therefore, Mr. Blair's term expired March 3, 1885, no legislature was in session and no legislature had had an opportunity to provide for the vacancy in advance. The governor appointed Mr. Blair to succeed himself, and it was held that he was entitled to the seat. The question and the decision are the same as in the Bell case.

7. Horace Chilton (Taft, page 48): Senator Reagan resigned, to take effect June 10, 1891. On April 25, 1891, the legislature not being in session and having had no opportunity to act, the governor appointed Mr. Chilton, the commission to be operative from June 10. It was held that Mr. Chilton was entitled to the seat. If the Lanman case is regarded as negativing the right of a governor to act in anticipation of a vacancy, the Sevier case is inconsistent with it, and the Chilton case overrules it.

8. Lee Mantle: The term of Sanders expired March 3, 1893. Before that date the legislature adjourned without effecting an election. On March 4 the governor appointed Mantle. It was held that he was not entitled to his seat. The vacancy occurred in recess, and no legislative opportunity to act was afforded after its occurrence, but, as in the Lanman case, the vacancy was foreseen and could have been provided for.

9. John B. Allen: The legislature was in session on March 3, 1893, when the Senatorial term expired. The vacancy was foreseen and could have been filled by the legislature in advance or after its occurrence. The legislature adjourned without filling it. The governor, on March 10, appointed Allen. It was held he was not entitled to his seat. This is on all fours with the case at issue, except that in Mr. Quay's case the legislative opportunity to act after the vacancy occurred was far more ample—the legislature remaining in session forty-seven days.

10. Ashael C. Beckwith: Warren's term expired March 3, 1893. The legislature, having had an opportunity to act in advance, adjourned without effecting an election. On March 9 the governor appointed Beckwith. It was held that he was not entitled to the seat.

THE KENSEY JOHNS CASE IN PARTICULAR.

In this connection I desire to call special attention of the Senate to the case of Kensey Johns, which arose in 1794, only five years after the organization of the first Senate, in which body there were a considerable number of members who had previously been members of the Constitutional Convention, and, of course, participated in the framing of this provision of the Constitution, and whose opinions, therefore, should command great weight. It is said—

That contemporary construction put upon the language or meaning of a constitution at the time of its adoption, or shortly after, by members of the convention which framed it, is properly resorted to to illustrate and confirm the text, to explain a doubtful phrase, or to expound an obscure clause.

The opinion of members of the Senate at that time, who were members of the Constitutional Convention, ought, therefore, to come to us with very great force.

The Senator from Wisconsin [Mr. SPOONER] very well said recently, in his remarks on this case, in reply to the Senator from Maryland [Mr. WELLINGTON]:

He has invoked the lessons and the actions of the past. I agree with him that profound respect is to be accorded to the action of prior Senates. I agree with him that the men who acted in this body near the time of the adoption of the Constitution knew quite as much about it as we who come here many, many years after its adoption.

The Senator then called the attention of the Senator from Maryland to a case which occurred in 1809, the Smith case, and said:

No man in that body—it was only twenty years after the adoption of the Constitution, and, I suppose, or have supposed, they knew as much about the Constitution in 1809 as we do in 1900, and cared as much for their obligation to support it as we do.

If the opinion of members of the Senate twenty years after the organization of the Government come to the Senator from Wisconsin with so much force, how convincing must be the opinion of the Senate only five years after its organization, when nearly one-fourth of its membership consisted of gentlemen who had been members of the Constitutional Convention? Let me invoke, therefore, the attention of the Senate particularly to this case.

George Read, a Senator from the State of Delaware, resigned his seat in the United States Senate on the 18th day of December, 1793. The legislature of the State met in January, 1794, and adjourned in February thereafter without filling the vacancy.

On the 19th of March, 1794, the governor appointed Kensey Johns. There had been a meeting of the legislature between the resignation and the appointment. His credentials were referred to the Committee on Elections of the Senate, consisting of seven members, which committee reported, with only one dissenting vote, that the governor had no power to make the appointment, and Mr. Johns was rejected. True, that was not an appointment by the governor at the beginning of a term, but the same principle was involved, namely, that where the legislature has the opportunity to fill a vacancy happening in the representation of the State in the Senate of the United States, and fails to perform its duty in this regard for any reason, the governor has no power to appoint.

The determination of the Senate in that case ought to appeal to us with very great force. It came up and was decided within five years after the inauguration of the Government, when Washington was in the executive chair and the men who had participated in the Constitutional Convention were still alive and whose opinions were undoubtedly sought and must have been potential in shaping the judgment of the Senate. More than that, in that very Senate sat several Senators who were members of the Constitutional Convention which considered and framed these provisions of the Constitution now in controversy, and certainly they ought to have known, and unquestionably did know, just what these provisions meant.

There was Pierce Butler, of South Carolina, a Delegate in the old Congress and the first Senator from that State; Oliver Ellsworth, of Connecticut, who had served in the old Congress, been

a judge of the superior court, elected a Senator from that State, afterwards appointed Chief Justice of the Supreme Court of the United States by President Washington, and subsequently became minister to France; Rufus King, of Massachusetts, a Delegate in the old Congress, member of the State legislature, who subsequently became a Senator from the Empire State and minister to England; John Langdon, of New Hampshire, of legislative experience in the old Congress, elected to the Senate in 1789, and became President pro tempore of that body; and Alexander Martin, of North Carolina, speaker of the State senate and governor of his State.

All these Senators who participated in the work of framing the Constitution of the United States voted that Mr. Johns was not entitled to a seat, and admission was refused him by a vote of 20 to 7. It is no violent presumption to assume that these Senators, who were members of the Constitutional Convention and participated in its formation, knew what they were doing when they voted that the governor had no power to appoint Kensey Johns.

I desire to read from the Official Record, the Annals of Congress, Third Congress, the proceedings of the Senate in this case in detail.

Monday, March 24, 1794.

Kensey Johns appeared and produced his credentials of an appointment by the governor of the State of Delaware as a Senator for the United States, which were read. Whereupon, it was moved that they be referred to the consideration of the Committee of Elections before the said Kensey Johns should be permitted to qualify, who are directed to report thereon; and it passed in the affirmative.

Thursday, March 27.

The Senate proceeded to the consideration of the report of the Committee of Elections, to whom was referred the credentials of Kensey Johns, appointed by the executive of the State of Delaware to be a Senator of the United States. On motion that the report be recommitted, it passed in the negative; and, after progress, it was ordered that the further consideration of this report be postponed until to-morrow.

Friday, March 28.

The Senate resumed the consideration of the report of the Committee of Elections, to whom was referred the credentials of Kensey Johns, appointed by the executive of the State of Delaware to be a Senator of the United States; which report is as follows:

"The Committee of Elections, to whom was referred the credentials of an appointment by the governor of the State of Delaware of Kensey Johns as a Senator of the United States, having had the same under consideration, report:

"That George Read, a Senator for the State of Delaware, resigned his seat upon the 18th day of December, 1793, and during the recess of the legislature of said State.

"That the legislature of the said State met in January and adjourned in February, 1794.

"That upon the 19th day of March, and subsequent to the adjournment of the said legislature, Kensey Johns was appointed by the governor of said State to fill the vacancy occasioned by the resignation aforesaid.

"Whereupon the committee submit the following resolution:

"'*Resolved*, That Kensey Johns, appointed by the governor of the State of Delaware as a Senator of the United States for said State, is not entitled to a seat in the Senate of the United States, a session of the legislature of said State having intervened between the resignation of the said George Read and the appointment of the said Kensey Johns.'"

On the question to agree to this report it passed in the affirmative—yeas 20, nays 7.

From this report of the Committee on Elections, which consisted of Bradley, Ellsworth, Mitchell, Rutherford, Brown, Livermore, and Taylor, it will be observed that the committee reported against the right of Kensey Johns to a seat, upon the express ground that—

A session of the legislature of the said State having intervened between the resignation of the said George Read and the appointment of the said Kensey Johns.

That being the case, it was the duty of the legislature to elect. The report was adopted by the Senate by a vote of 20 yeas to 7 nays. It is worthy of note in this connection that the Committee on Elections, which gave this case special preliminary consideration, consisted of seven Senators, among whom was Ellsworth, who was one of the most conspicuous members of the Constitutional Convention and of whom the distinguished Senator from Massachusetts [Mr. HOAR] very properly said the other day in debate:

Than whom there was no greater statesman and constitutional lawyer on the face of the earth anywhere.

And he, as a member of this committee, not only reported against the right of the governor to appoint in that case, but on the final vote in the Senate voted to keep the seat empty and that the State should go unrepresented of one Senator until a Senator had been properly elected. He did not regard it so important to keep the Senate full, even when it consisted of but 30 members, as to admit to membership anyone not lawfully commissioned. Elsworth, it must be remembered, was not only the "greatest lawyer on earth" and a member of the Constitutional Convention, but he was also a member of the committee of detail to amplify and give expression to the principles of government which the Convention had adopted, and was, therefore, specially qualified to speak, and his opinion in this case comes to us with peculiar force. It is not saying too much of Mr. Ellsworth that he was not only one of the most active members of the Constitutional Convention, but one of the most influential, and when he gave his interpretation of this provision of the Constitution, it ought to come home to the members of the Senate to-day, as it did to the Senate then, with convincing power.

The last instance in which this doctrine was affirmed was the Corbett case, decided by the Senate but two years ago and fresh in the minds of many Senators then and now members of the Senate. What were the facts in that case?

THE HENRY W. CORBETT CASE.

On January 11, 1897, the senate of Oregon effected a permanent organization. Afterwards the house effected a permanent organization, but neither the executive nor the senate ever recognized it. The members of both branches dispersed and returned to their homes without providing for the vacancy to occur thereafter on March 3, by the expiration of the term of Mitchell. On March 6 the governor appointed Corbett. It was held by the Senate he was not entitled to the seat. The vacancy occurred in recess, but it was a vacancy foreseen and susceptible of being provided for. On the question of fact—whether there ever was a legislature that could have provided for the vacancy—there is room for difference of opinion. A Senator might well have voted for Mr. Corbett upon the theory that the legislature of Oregon was never organized, and therefore there had been no opportunity to elect, and yet in this case, where the legislature was organized and in session many weeks after the vacancy occurred, feel compelled to vote against Mr. Quay.

I will send to the desk, because it is gratifying to be sustained in that case by the vote of the Senate, and ask the Secretary to read the vote in the affirmative upon that question.

Let me say that in the Corbett case, however, both Senators from Pennsylvania are recorded against the power of the executive to appoint. (CONGRESSIONAL RECORD, Fifty-fifth Congress, second session, page 2274.)

The Secretary read the resolution reported by Mr. CAFFERY from the Committee on Privileges and Elections, January 20, 1898, as follows:

"*Resolved*, That the Hon. Henry W. Corbett is not entitled to take his seat in this body as a Senator from the State of Oregon."

Mr. HOAR. I move to amend the resolution by striking out the word "not."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In the first line it is proposed to strike out the word "not;" so as to make the resolution read:

"*Resolved*, That the Hon. Henry W. Corbett is entitled to take his seat in this body as a Senator from the State of Oregon."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

The motion of Mr. HOAR to strike out the word "not" was lost by a vote of 19 to 50.

Upon the passage of the resolution the vote stood 50 yeas to 19 nays, as follows.

I ask the Secretary to read the names of those who voted.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

YEAS—50.

Allen,	Davis,	McMillan,	Roach,
Bacon,	Deboe,	Mallory,	Shoup,
Bate,	Faulkner,	Martin,	Stewart,
Berry,	Gallinger,	Mills,	Teller,
Burrows,	Gorman,	Mitchell,	Thurston,
Butler,	Gray,	Money,	Tillman,
Caffery,	Hale,	Nelson,	Turley,
Carter,	Heitfeld,	Pasco,	Turpie,
Chilton,	Jones, Ark.	Penrose,	Vest,
Clark,	Jones, Nev.	Pettigrew,	Warren,
Clay,	Kenney,	Pettus,	Wellington.
Cockrell,	Lindsay,	Platt, Conn.	
Cullom,	McBride,	Rawlins,	

Mr. BURROWS. Never mind the negative vote, Mr. President.

Mr. BACON. I hope the full vote may be read.

Mr. BURROWS. There were only 19 in the negative.

Mr. SCOTT. I ask that the full vote may be read.

Mr. TELLER. Mr. President——

Mr. BURROWS. Let the negative vote be read if that is desired.

The Secretary read as follows:

NAYS—19.

Aldrich,	Frye,	Lodge,	Sewell,
Atkison,	Hanna,	Mantle,	Turner,
Baker,	Hansbrough,	Mason,	Wetmore,
Fairbanks,	Hawley,	Morrill,	Wilson.
Foraker,	Hoar,	Perkins,	

NOT VOTING—20.

Cannon,	Harris,	Murphy,	Smith,
Chandler,	Kyle,	Platt, N. Y.	Spooner,
Daniel,	McEnery,	Pritchard,	Walthall,
Elkins,	McLaurin,	Proctor,	White,
Gear,	Morgan,	Quay,	Wolcott.

Mr. BURROWS. I have been requested to state upon what motion that vote was taken. The first vote was upon the amendment offered by the Senator from Massachusetts to strike out the word "not," which was lost by a vote of 19 to 50; and this vote

was upon the passage of the resolution that Mr. Corbett was not entitled to his seat, and that vote stood 50 to 19.

Mr. President, in the light of these precedents and in face of the vote in the last Congress in the Corbett case, I submit it is asking a great deal, it is a heavy draft even on the demands of friendship, for the claimant in this case to insist that the Senate shall reverse the adjudications of a hundred years, which he himself and his colleague have so recently approved, that he may gain at best but a temporary seat in this body. And it is little less than audacious for the governor of the State of Pennsylvania to disregard the mandates of the constitution of his State, which he has sworn to support, refusing to call the legislature together to elect a Senator, and force the Senate of the United States to place its stamp of approval upon his disregard of official duty and his assumption of power. Why does he not obey the constitution of his State, which provides:

In case of a vacancy in the office of United States Senator from this Commonwealth *in a recess between sessions*, the governor *shall* convene the two houses by proclamation on notice not exceeding sixty days to fill the same.

It is answered the legislature as at present constituted would not elect. How is the executive possessed of that knowledge? It was so declared in California, and yet an extra session broke the "deadlock" and the vacant seat of that State is filled by one of her most distinguished citizens. Why not emulate her example? The reason is manifest. If an extra session of the legislature were called and it should fail to elect a Senator and adjourn, the power of the executive to make temporary appointment would be exhausted, for he can only appoint until the next meeting of the legislature, unless the Senate shall hold—which is the one remaining step to be taken—that the governor may appoint as often as the legislature fails to elect; and so by executive appointment fill a seat in this body for the entire term of six years.

SENATE ALWAYS FULL.

What excuse is offered for this stretch of gubernatorial authority? It is said the membership of the Senate ought always to be full. Concede it. My answer is that a method has been provided under the Constitution by means of which that end can always be attained without this extraordinary assumption of power. Legislatures and executives have but to perform their legitimate functions under the Constitution to accomplish the desired result, and I submit the framers of the Constitution took no thought beyond that. I find nowhere, except as embodied in the Constitution itself, any special desire or purpose to keep the Senate always full.

The Senator from Montana [Mr. CARTER], following the lead of the Senator from Massachusetts, finds a warrant for this assumption in the last clause of Article V of the Constitution:

No State, without its consent, shall be deprived of its equal suffrage in the Senate.

The attempt to make this provision of the Constitution do service in support of the right of a governor to make temporary appointment of Senators is not only farfetched, but has absolutely nothing to do with the question in hand. Article V prescribes the method by which the Constitution can be amended by a vote of three-fourths of the States, except in two particulars. The great struggle in the Convention was to secure equality of representation in the Senate—that the States should be equal in this body; and while the Constitution was open to amendment in every other particular, yet no amendment should be made which should deprive the States of equal representation in the Senate without their consent. This provision has absolutely nothing to do with the question of keeping the Senate full by executive appointment. It is not the first time this theory of keeping the Senate always full has been advanced, and the opinion of others upon the question may be instructive.

Senator Vance, in 1893, speaking of the Constitution and keeping the Senate always full, said:

The danger or the inconvenience supposed to arise from the Senate not being "always full" is not to be compared for a moment with the dangers which would ensue if the practice were followed of filling the Senate with members who are not entitled by the prescriptions of the Constitution to sit here. Into this temple of our liberties no man should be permitted to enter except by the door of the Constitution.

* * * * * * *

There should be no politics in the decision of this question. No other consideration should enter into it but that of a sincere desire to maintain the letter and spirit of the Constitution. Doubtless many of the complicated decisions which this body has made have arisen from the pressure of temporary circumstances of one kind or another. It is a great question which should be decided with proper solemnity.

Senator Carpenter in 1879, on the Bell case, said:

The old legislature had the power, in my judgment, to elect a Senator, and ought to have elected one at its session in June last.

As it did not, the State must take the consequences and be partially represented until the legislature shall be in session to elect a Senator. In this matter the legislature represents the State; and when the legislature at the last session previous to the expiration of a Senatorial term, having power to make an election, refuses or neglects to do so, then, until an election can be made in conformity with the Constitution of the Union, the State, by its legislature, has consented to waive its right of equal representation in this Chamber.

The great Senator Garland said:

In my humble opinion, the theory that the Senate must be full, and that where the legislature fails for any cause to fill a seat, the governor, therefore, must do it or somebody must do it, finds no support in the Constitution.

Senator Vance again said:

The Constitution provides that each State shall have the right to be fully represented in the Senate, and it is the business of this body, as a part of the lawmaking power, to see that that right is jealously preserved to each State. Whether that State shall in fact have its full representation here or not depends upon the State itself. If it sees proper to withhold a Senator by failing to select him in the constitutional way, it is the sole business and outlook of the State, and to speak of depriving the State of her representative in the Senate because she does not see proper to comply with the Constitution in choosing him is an abuse of terms.

If there be any duty specially imposed as to keeping the Senate full, it is imposed upon those who are charged with the creation of Senators by the Constitution and not upon us. We sit here only to judge of the election and qualification of those who come to us claiming to be Senators; it is in no sense our duty to supply the defects and cure the failures of constitutional Senator makers to perform their sworn functions.

Senator Douglas, in the Dixon-Meriwether case from Kentucky, said:

I apprehend that I will go as far as he or any other man in advocating the true rights of the States. What is the right of a State, then, as connected with representation in this body? It is a right derived from the Constitution of the United States to be represented in this body in pursuance of the Constitution. It is not a right to be represented as Kentucky pleases or as any other State pleases, but it is a right to be represented as the Constitution provides. She has no right to any other representation or mode of appointment than that authorized and prescribed by the Constitution. To allow her or to compel her to be represented here, then, in any other mode than that appointed in the Constitution is a violation of State rights and of State sovereignty, too. The question here is, What is the mode of representation to which Kentucky is entitled in this case?

The Senator from Massachusetts [Mr. HOAR] the other day, in support of his contention that the Senate ought always to be full, said:

Why, Mr. President, they knew as well as you know how important a single vote may be. A single vote within the last twelve or thirteen months would have changed the whole policy of our Government with reference to imperialism. A single vote saved Andrew Johnson from impeachment.

I fully agree with the Senator that a single vote sometimes is decisive of a great issue and may determine the course of empire, and for that very reason we should guard the portals of this Chamber against the entrance of any man who does not bear the unquestioned credentials of his high office. To change "the whole policy of our Government" by a single vote, which never ought to have been recorded, would be a public crime. These seats ought always to be full, but they better be empty than to be seized by those who have no constitutional right to hold them.

Senator Saulsbury said:

The idea has been thrown out here that the paramount purpose of the Convention was to have a Senate at all times full. That express declaration is made in the report of the views of the minority. They say: "The purpose of the Constitution is to have the Senate always full." The idea underlies every argument which I have heard made in support of the views of the minority, that the great controlling purpose of the Constitution is that this body should always be full.

Such an idea is most erroneous. The Convention which framed the Constitution took ample care to provide that less than a full Senate should be competent to do business. It is provided in the Constitution that a majority of the Senate shall be a quorum and competent to transact business. The idea of having the Senate always full did not enter into the minds of the members of the Convention. They knew that it would be utterly impossible to have the Senate always full. No, sir; there was a higher purpose which controlled the deliberations of that body in the formation of the Senate, and that was to secure the equal right of representation on the part of all the States.

DISASTROUS CONSEQUENCES OF POLICY OF MINORITY.

The disastrous consequences sure to flow from the reversal of the established policy of the Senate can not, in my judgment, be exaggerated. Let it once be established, as the settled doctrine of the Senate, and proclaimed to all the State legislatures, that the Senate will hereafter recognize and receive into its membership the appointee of a governor whenever the legislature, for any reason, has failed to elect a Senator, and you have given an incentive to aspirants for Senatorial honors, who may not be able to command the support of their party adherents in sufficient numbers to insure their election, to enter into a conspiracy with the governor, who may be a personal friend, to break up the legislature, prevent an election by that body, that the executive may draw to himself the power to make a temporary appointment, and thus reward his personal and political friend. Aspirants for Senatorial honors, should this rule be established, will be as greatly interested in securing a friendly executive as in carrying the legislature; for, with a friend in the executive chair, it is only necessary to secure a sufficient number of political adherents to prevent an election and force an adjournment, to insure his selection by the governor to a seat in the Senate, which he may retain so long as he can command the support of the executive.

More than this. Suppose a legislature to be overwhelmingly Democratic in the house, but Republican in the senate—on joint ballot, Democratic—and able to insure the election of a Democratic United States Senator; but the senate refuses to organize, and forces an adjournment without the election of a Senator; that the governor, a Republican, may appoint a Senator—his friend—and then, by refusing to convene the legislature, continue him in office until the next regular meeting of the legislature. The process is

simple and interminable. Does not the Senate see that such a determination will introduce an element of discord and disorder which will surely bring disaster and disgrace? I do not mean to say that vacancies will not sometimes happen in the membership of the Senate if the established practice is adhered to. Possibly that may be so; but we "better endure the ills we have than fly to others that we know not of."

I am not alone in predicting disaster if this policy is adopted. The warning voice of the past comes to us with its counsel and admonition. If what we say to-day falls on deaf ears, I am sure the utterances of the great men who have gone before us will arrest your attention and command respect.

The great Senator Conkling said, in 1879:

If it should be the established law that wherever a legislature decided not to elect the power to fill the vacancy should revert to the executive of the State, the Senate and all of us must see how exposed the whole process of filling seats in the Senate would become, because the governor and his friends by cabal, intrigue, maneuver might so arrange that the legislature would decide not to elect, or would fail to elect, in order that the governor might gather to himself the power to fill the vacancy. The next legislature might decide not to elect, and so indefinitely within the six years the executive power of a State might usurp that which the Constitution deposits with the legislative power.

Senator Hill said:

The object of the framers of the instrument was to close the door to the possibility of the frauds to which the Senator from New York has alluded—

Referring to Senator Conkling—

and yet provide for the filling of casual vacancies; and therefore they put in the words of limitation which restrain the executive power to fill vacancies to cases of pure casualty that can not be anticipated, that can not be foreseen, and therefore where there can be no conspiracy or combinations to usurp the power on the part of the executive. * * * If you by any interpretation of these words allow the governor to appoint at the beginning of a term simply because the legislature for any cause has not filled the seat, do you not see that schemes may be resorted to to prevent the legislature from filling the seat?

Senator Hill is dead, but he speaks to this body to-day.

Whenever you admit that the governor can fill a vacancy which is brought about by the failure of the legislature to do its duty for any cause, you open the door to conspiracy and fraud to prevent the legislature from filling that vacancy. There is but one escape from that result, and that is to say that the language of the Constitution intended to confine the power of the governor to cases of casualty that the governor could not foresee, that schemers in the legislature could not foresee, that conspirators could not foresee, that nobody could foresee, and therefore nobody could conspire to bring about.

Senator Vance said:

The ambition of men which leads them often to the obstruction of the proper and legal election of Senators to this body in the hope of securing favors from a single man—the executive—should be rebuked, and they should be taught to know that this great tribunal will not make itself an accomplice in their schemes and combinations, if we wish to avoid scandals and to preserve the character and dignity of the United States Senate.

Senator Beck said:

It was thought that men who sought to come to the Senate should not appeal to the governor, before whom, perhaps, they were stronger than they were before the legislature, and use their influence or his to cause the legislature to fail to elect, so that the governor might exercise his patronage, and they obtain the place by reason of it.

Are the opinions of these distinguished lawyers and statesmen of no value?

CAN NOT CHANGE FRONT UNNOTICED.

Mr. President, we have reached a crisis in the history of the Senate fraught with the utmost peril, not only to the Senate, but to the country. The eyes of the nation are upon us. What we do to-day will not be overlooked or forgotten. We can not change front unnoticed. We are not sitting behind closed doors. The Senate can not afford to reverse its record of one hundred and eleven years. It can not afford to reject a claimant for a seat to-day and, on the same state of facts, admit another claimant to-morrow. It can not afford to give credence to the charge that the Senate of the United States is, after all, but a social club, where good-fellowship is a better credential than a certificate of election in conformity to law. In a word—we can not afford to do that which defies all precedent, strikes a fatal blow to the perpetuity of the Senate as constituted under existing forms of law, and shakes public confidence in the integrity of this body.

But "to this issue it has come at last." The long and unbroken line of precedents, stretching over a century of national history, builded by the considerate judgment and patriotic solicitude of the great men who have gone before us, strengthened by the approving judgment of the Senate but two years ago, which has stood through all these years as a bulwark against the assaults of partisan zeal and the more insidious assaults of favoritism, is at last to be broken down and demolished, and this great council of States exposed to political intrigue and the machinations of ambitious men.

Mr. President, when this work of demolition has been consummated, if it must be, and the people realize that the Senate, trampling under foot the precedents of a century, has solemnly adjudged that it will receive into its membership the appointees of governors whenever the legislature fails to elect or can be prevented from choosing a Senator; that governors may fill the seats in this Chamber whenever vacant for any cause, though themselves conspirators to produce vacancies; that the Senate itself, with the cooperation of State executives, will hereafter make up the membership of this body out of their personal or political friends, independent of the legislatures and regardless of the will of the people—when that time comes, I repeat, there will come with it the remedy, swift and complete. The people will not submit to it. They ought not to submit to it. They are wedded to representative government and they will not permit it to be subverted. There is yet a power mightier than Senates, more potent than Senators—a power that can make and unmake both.

And let me say to Senators that no sooner shall you establish the doctrine contended for by the minority than there will be a popular uprising in this country which no power can resist or suppress to take from State legislatures and governors all control over the election of Senators and lodge it with the sovereign people. Already thirty-four States, through their legislatures, have demanded it. The House of Representatives has repeatedly proposed it.

I implore Senators therefore to follow the beaten path of the century, in the footsteps of Ellsworth, Benton, Vance, Cass, Bayard, Hill, Davis, Garland, Cameron, Douglas, Mason, Blaine, Edmunds, Conkling, Carpenter, and the long line of illustrious men whose genius and learning illumines the way, and so save the Senate from public scandal and reproach, restore and preserve its ancient dignity, and insure the perpetuity of representative government.

ADJOURNMENT OVER GOOD FRIDAY.

Mr. ALLISON. I move that when the Senate adjourn to-day it be to meet on Saturday next.

The motion was agreed to.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. PETTIGREW. Mr. President, I ask unanimous consent that the present order of business be temporarily laid aside, that I may call up a resolution on the Calendar.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the unfinished business may be temporarily laid aside in order that he may call up a resolution. Is there objection?

Mr. MORGAN. I object to that, Mr. President.

Mr. PETTIGREW. I now move that the Senate proceed to the consideration——

Mr. MORGAN. I object to it.

The PRESIDENT pro tempore. The Senator from Alabama objects.

Mr. MORGAN. I want the regular business to go on.

Mr. PETTIGREW. I move, then, that the pending order of business be temporarily laid aside.

Mr. MORGAN. I make the point of order on that motion.

The PRESIDENT pro tempore. That would hardly——

Mr. PETTIGREW. I withdraw the motion.

The PRESIDENT pro tempore. The unfinished business is before the Senate.

Mr. LODGE. I do not understand that any Senator desires to speak on the Philippine bill; and I have no objection to laying it temporarily aside and allowing the Senator from South Dakota [Mr. PETTIGREW] to go on with his resolution; but I do not wish it to displace the unfinished business.

Mr. MORGAN. I move that the Senate proceed to the consideration of Senate bill 1783.

Mr. LODGE. Mr. President, if I understand the motion of the Senator from Alabama, it would displace and supersede the unfinished business?

The PRESIDENT pro tempore. Undoubtedly.

Mr. LODGE. That I must oppose. I ask on that question the yeas and nays.

The PRESIDENT pro tempore. The Senator from Alabama moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 1783) to provide for the construction of an interoceanic canal connecting the waters of the Atlantic and Pacific oceans.

The PRESIDENT pro tempore. On this motion the Senator from Massachusetts [Mr. LODGE] demands the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the Senator from Louisiana [Mr. CAFFERY], and therefore withhold my vote.

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. If he were here, I should vote "yea."

Mr. TURLEY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Washington [Mr. TURNER]; and while I do not know how he would vote on this measure, if present, unless some of his colleagues can state, I shall withhold my vote.

The roll call was concluded.

Mr. MCMILLAN (after having voted in the negative). I voted not knowing that the Senator from Kentucky [Mr. LINDSAY], with whom I am paired, was absent. I therefore withdraw my vote.

Mr. QUARLES. I desire to announce that my colleague [Mr. SPOONER] is absent from the city by reason of illness in his family.

Mr. CULBERSON. I desire to state that my colleague [Mr. CHILTON] has a general pair with the Senator from Minnesota [Mr. DAVIS], which I am informed has been transferred to the Senator from West Virginia [Mr. ELKINS].

Mr. ROSS. I will state that my colleague [Mr. PROCTOR] is paired with the senior Senator from Florida [Mr. MALLORY].

Mr. BACON. I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], who, I understand, has not voted.

Mr. HARRIS (after having voted in the affirmative). I inquire if the senior Senator from Wyoming [Mr. CLARK] has voted?

The PRESIDENT pro tempore. He has not voted, the Chair is informed.

Mr. HARRIS. Then I withdraw my vote, as I am paired with that Senator.

Mr. WARREN. My colleague [Mr. CLARK of Wyoming] was called away from here this morning; and I make the announcement that he will be absent for the remainder of the day.

Mr. BACON. The Senator from Michigan [Mr. MCMILLAN] and I have agreed to transfer our pairs, so that we can each vote. I vote "yea."

Mr. MCMILLAN. Under that arrangement I vote "nay."

Mr. HARRIS. The Senator from Wyoming [Mr. WARREN] and I have arranged for the transfer of our pairs, so that he and I may vote. I vote "yea."

Mr. WARREN. I vote "nay."

Mr. ALLISON. My colleague [Mr. GEAR] is absent from the Chamber to-day on account of illness. He is paired with some Senator, I do not remember whom.

Mr. MORGAN. He is paired with me. I was not aware of his absence. I withdraw my vote in the affirmative on account of the absence of the Senator from Iowa [Mr. GEAR].

Mr. BUTLER (after having voted in the affirmative). I inquire if the Senator from Maryland [Mr. WELLINGTON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. BUTLER. I have a general pair with that Senator, and will therefore withdraw my vote.

The result was announced—yeas 15, nays 33; as follows:

YEAS—15.

Bacon,	Culberson,	Heitfeld,	Perkins,
Bate,	Daniel,	Jones, Ark.	Taliaferro,
Berry,	Foster,	Jones, Nev.	Vest.
Clay,	Harris,	Money,	

NAYS—33.

Allison,	Foraker,	Martin,	Shoup,
Baker,	Gallinger,	Nelson,	Stewart,
Bard,	Hansbrough,	Pettigrew,	Teller,
Carter,	Hawley,	Platt, Conn.	Thurston,
Cullom,	Kean,	Platt, N. Y.	Tillman,
Davis,	Lodge,	Quarles,	Warren.
Deboe,	McComas,	Ross,	
Depew,	McCumber,	Scott,	
Fairbanks,	McMillan,	Sewell,	

NOT VOTING—39.

Aldrich,	Cockrell,	McBride,	Rawlins,
Allen,	Elkins,	McEnery,	Simon,
Beveridge,	Frye,	McLaurin,	Spooner,
Burrows,	Gear,	Mallory,	Sullivan,
Butler,	Hale,	Mason,	Turley,
Caffery,	Hanna,	Morgan,	Turner,
Chandler,	Hoar,	Penrose,	Wellington,
Chilton,	Kenney,	Pettus,	Wetmore,
Clark, Mont.	Kyle,	Pritchard,	Wolcott.
Clark, Wyo.	Lindsay,	Proctor,	

So the motion of Mr. MORGAN was rejected.

Mr. CARTER. I ask unanimous consent that the Senate now proceed to the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill known as the Alaska bill.

Mr. MORGAN. I object, Mr. President.

Mr. CARTER. I now move that the Senate proceed to the consideration of the bill known as the Alaska bill.

The PRESIDENT pro tempore. The Senator from Montana moves that the Senate proceed to the consideration of the bill known as the Alaskan bill. [Putting the question.] By the sound, the noes have it.

Mr. CARTER. I call for the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I have a general pair with the Senator from Maryland [Mr. WELLINGTON]. If he were present, I should vote "yea."

Mr. CULBERSON (when Mr. CHILTON's name was called). My colleague has a general pair with the Senator from Minnesota [Mr. DAVIS], which I understand has been transferred to the Senator from West Virginia [Mr. ELKINS].

Mr. HANNA (when his name was called). I am paired with the Senator from Utah [Mr. RAWLINS]; and in his absence I withhold my vote.

Mr. HARRIS (when his name was called). I am paired with the senior Senator from Wyoming [Mr. CLARK].

Mr. HEITFELD (when Mr. KENNEY's name was called). The Senator from Delaware [Mr. KENNEY] is necessarily absent. He is paired with the Senator from Pennsylvania [Mr. PENROSE].

Mr. MCMILLAN (when his name was called). The Senator from Georgia [Mr. BACON] and myself having agreed to an exchange of pairs, I am at liberty to vote; and I vote "nay."

Mr. MORGAN (when his name was called). I am paired with the junior Senator from Iowa [Mr. GEAR]. If he were present, I should vote "yea."

Mr. TURLEY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. TILLMAN (after having voted in the affirmative). I inquire if the Senator from Nebraska [Mr. THURSTON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. TILLMAN. Then I withdraw my vote, as I am paired with that Senator.

Mr. ROSS. I wish to state that my colleague [Mr. PROCTOR] is paired with the Senator from Florida [Mr. MALLORY].

Mr. WARREN. I have a pair with the Senator from Washington [Mr. TURNER]. I understand that a transfer of that pair has been proposed by the Senator from Kansas [Mr. HARRIS], so that the Senator from Washington will stand paired with my colleague [Mr. CLARK of Wyoming], which will leave the Senator from Kansas and myself at liberty to vote. I vote "yea."

Mr. HARRIS. I vote "yea."

The result was announced—yeas 22, nays 24; as follows:

YEAS—22.

Bacon,	Cockrell,	Harris,	Shoup,
Bard,	Culberson,	Heitfeld,	Taliaferro,
Bate,	Daniel,	Martin,	Vest,
Berry,	Fairbanks,	Money,	Warren.
Carter,	Foster,	Perkins,	
Clay,	Hansbrough,	Scott,	

NAYS—24.

Allison,	Frye,	McComas,	Platt, N. Y.
Cullom,	Gallinger,	McCumber,	Quarles,
Davis,	Hawley,	McMillan,	Ross,
Deboe,	Jones, Nev.	Nelson,	Sewell,
Depew,	Kean,	Pettigrew,	Stewart,
Foraker,	Lodge,	Platt, Conn.	Teller.

NOT VOTING—44.

Aldrich,	Elkins,	McLaurin,	Sullivan,
Allen,	Gear,	Mallory,	Thurston,
Baker,	Hale,	Mason,	Tillman,
Beveridge,	Hanna,	Morgan,	Turley,
Burrows,	Hoar,	Penrose,	Turner,
Butler,	Jones, Ark.	Pettus,	Wellington,
Caffery,	Kenney,	Pritchard,	Wetmore,
Chandler,	Kyle,	Proctor,	Wolcott.
Chilton,	Lindsay,	Rawlins,	
Clark, Mont.	McBride,	Simon,	
Clark, Wyo.	McEnery,	Spooner,	

So the motion of Mr. CARTER was rejected.

Mr. PETTIGREW. Mr. President, some days ago I introduced a resolution of sympathy with the people of the South African Republics. I hoped that we might this afternoon temporarily lay aside the regular order of business, in order that that resolution might be laid before the Senate. There seems to be no good reason why that should not have been done. Inasmuch, however, as I have given notice that I would address the Senate upon this subject to-morrow, and as we are not to meet to-morrow, I will say what I have to say upon the subject now, the same as though my resolution were before the Senate.

The PRESIDENT pro tempore. The Senator from South Dakota is recognized as entitled to the floor.

Mr. PETTIGREW addressed the Senate. After having spoken about half an hour,

Mr. PETTUS. I ask the Senator from South Dakota if it would be agreeable to him to finish his remarks when the Senate meets

again? If so, will he give way to a motion that the Senate go into executive session?

Mr. PETTIGREW. I shall be very glad to do so with the understanding that I shall have the floor immediately after the routine morning business on Saturday.

[Mr. PETTIGREW's speech will be found entire in the proceedings of Saturday, April 14.]

Mr. PETTUS. I move that the Senate proceed to the consideration of executive business.

Mr. MORGAN. Before the motion is acted upon, I ask leave to offer an amendment to the bill now before the Senate. I ask that it be read.

The PRESIDENT pro tempore. Does the Senator from Alabama withhold his motion for that purpose?

Mr. PETTUS. I do.

The PRESIDENT pro tempore. The Senator from Alabama offers an amendment to the pending bill, which will be stated.

The Secretary read as follows:

Provided, That in conducting government in the Philippine Islands the President shall execute, in favor of the people there, the pledges of the Spanish Government in the treaty of Biac-no-Bato between Spain and the revolutionary party in Luzon, which treaty the Government of the United States recognizes as having been obligatory on Spain at the time of the acquisition of the Philippine Islands from Spain, so far as said treaty is consistent with the change of sovereignty over the same.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. MORGAN. I offer the amendment to the bill.

The PRESIDENT pro tempore. The amendment is pending. It will be printed.

RUTHVEN W. HOUGHTON.

Mr. TELLER. I ask the Senator from Alabama to withhold the motion for a moment to allow me to call up a pension bill. It is a House bill, and there are reasons why it should be passed at once.

The PRESIDENT pro tempore. Does the Senator from Alabama yield?

Mr. PETTUS. Yes, sir.

Mr. TELLER. I ask the Senate to proceed to the consideration of the bill (H. R. 4696) granting an increase of pension to Ruthven W. Houghton.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name Ruthven W. Houghton, late captain of Company I, Third Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALMON FISHERIES IN ALASKA.

Mr. PERKINS. If the Senator from Alabama will kindly yield, I move that the bill (S. 2773) to amend sections 179, 180, 181, 182, and 183 of chapter 12, title 1, of an act entitled "An act to define and punish crime in the district of Alaska, and to provide a code of criminal procedure for said district," approved March 3, 1899, be recommitted to the Committee on Fisheries.

The motion was agreed to.

MRS. NARCISSA G. SHORT.

Mr. SULLIVAN. Before the Senate proceeds to the consideration of executive business there is a matter here that is very urgent. It is a Senate bill, and I ask that it be taken up and put on its passage.

The PRESIDENT pro tempore. The unfinished business will be temporarily laid aside.

Mr. SULLIVAN. I ask the Senate to proceed to the consideration of the bill (S. 1126) for the relief of Mrs. Narcissa G. Short.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Narcissa G. Short, now of Carroll County, Miss., widow of Edward M. Short, who served as a soldier in the Mexican war in the company of Tennessee Volunteers made up in Fayette County, Tenn., commanded first by Capt. Joseph Lenow and subsequently by Captain Lacey, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LUNSFORD ELLIS.

Mr. COCKRELL. Will the Senator from Alabama allow me to have a little pension bill passed?

Mr. PETTUS. Yes, sir.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (S. 3137) granting an increase of pension to Lunsford Ellis.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lunsford Ellis, late of Companies C and L, Eighth Regiment Provisional Enrolled Missouri Militia Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Porto Rico, and for other purposes; and it was thereupon signed by the President pro tempore.

EXECUTIVE SESSION.

Mr. PETTUS. I move the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until Saturday, April 14, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 12, 1900.

PROMOTIONS IN THE VOLUNTEER ARMY—FORTY-SIXTH INFANTRY.

First Lieut. Henry H. Sheen, Forty-sixth Infantry, to be captain, April 10, 1900, vice Thomas, honorably discharged.

Second Lieut. Richard B. Kavanagh, Forty-sixth Infantry, to be first lieutenant, April 10, 1900, vice Sheen, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 12, 1900.

TERRITORIAL ASSOCIATE JUSTICE.

John L. McAtee, of Oklahoma Territory, to be associate justice of the supreme court of the Territory of Oklahoma.

POSTMASTERS.

Walter M. Burckhalter, to be postmaster at Truckee, in the county of Nevada and State of California.

Louis D. Gallison, to be postmaster at Orange, in the county of Essex and State of New Jersey.

Charles T. Welch, to be postmaster at Windsor, in the county of Hartford and State of Connecticut.

George P. Edwards, to be postmaster at Collinsville, in the county of Hartford and State of Connecticut.

John Lemasters, to be postmaster at Kern, in the county of Kern and State of California.

John R. Snook, to be postmaster at Altamont, in the county of Effingham and State of Illinois.

Elmer E. Smith, to be postmaster at Clayton, in the county of Adams and State of Illinois.

Frank M. Cauger, to be postmaster at Granite, in the county of Madison and State of Illinois.

Henry Frank Radcliff, to be postmaster at Pierceton, in the county of Kosciusko and State of Indiana.

Winfield S. Hunter, to be postmaster at Jasper, in the county of Dubois and State of Indiana.

Hugh S. Espey, to be postmaster at Rising Sun, in the county of Ohio and State of Indiana.

Carlton Graves, to be postmaster at Aitkin, in the county of Aitkin and State of Minnesota.

William J. Ingersoll, to be postmaster at Mayville, in the county of Tuscola and State of Michigan.

Henry A. Pope, to be postmaster at Milton, in the county of Norfolk and State of Massachusetts.

Charles H. Parker, to be postmaster at Macedon, in the county of Wayne and State of New York.

Charles L. Dix, to be postmaster at Forestville, in the county of Chautauqua and State of New York.

Eugene S. Wooldridge, to be postmaster at Stewartville, in the county of Olmsted and State of Minnesota.

Wallace Peddicord, to be postmaster at Fort Valley, in the county of Houston and State of Georgia.

Walter G. Shaw, to be postmaster at North Bennington, in the county of Bennington and State of Vermont.

James H. Smith, to be postmaster at Franklinville, in the county of Cattaraugus and State of New York.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 12, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. CHEADEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TOMPKINS until Wednesday next, on account of important business.

DEPOSITARIES FOR PUBLIC MONEYS, INSULAR POSSESSIONS.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to call up for immediate consideration the bill (H. R. 9388) which has been unanimously reported from the Committee on Insular Affairs, and ask its present consideration.

The SPEAKER. The Clerk will report the bill called up by the gentleman from Wisconsin.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to designate one or more banks or bankers in the Philippine Islands, and in the islands of Cuba and Porto Rico, as depositaries of public moneys, in the same manner as he now designates national banks as depositaries of public moneys under the provisions of section 5153, Revised Statutes of the United States; such banks or bankers thus designated to give satisfactory security by the deposit of United States bonds, or otherwise, for the safekeeping and prompt payment of the public moneys deposited with them and for the faithful performance of their duties.

The Committee on Insular Affairs recommend the adoption of the following amendments:

On page 1, line 11, strike out the word "or" and insert "and."

Page 2, after line 2, insert "*Provided*, That this act shall apply to Cuba only when occupied by the United States."

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin for the present consideration of the bill?

Mr. JONES of Virginia. Mr. Speaker, there was an understanding between the chairman of the Committee on Insular Affairs and myself that if this bill should come up by unanimous consent in the House we might have an hour allowed for the discussion of it. My colleague, Mr. BREWER of Alabama, whom I do not see now in his seat, desires to offer an amendment. I can, however, offer the amendment for him in his absence, as I know his desire in that respect.

With the understanding, therefore, that I have an opportunity of offering the amendment for him and that there may be debate for the period named, I shall not object.

The SPEAKER. Does the gentleman ask unanimous consent that one hour's debate shall be allowed in the consideration of the bill?

Mr. JONES of Virginia. Yes, sir.

The SPEAKER. The gentleman from Virginia requests that an hour's time be given for the consideration of the bill just reported by the Clerk to be divided, as the Chair understands it, between the gentleman from Wisconsin [Mr. COOPER] and the gentleman from Virginia. Is there objection?

Mr. CORLISS. Mr. Speaker, before that, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CORLISS. Will this deprive us of the right to call for the regular order, which is the consideration of measures reported from the committees?

The SPEAKER. It will not.

Is there objection to the request of the gentleman from Virginia?

Mr. COOPER of Wisconsin. I have no objection to make; but I wish to say in reply to what the gentleman from Virginia has said that I have a tacit understanding with the gentleman from Alabama [Mr. BREWER] that, if he desires it, that side of the House can have forty minutes and this side twenty of the hour.

Mr. JONES of Virginia. That was my understanding.

The SPEAKER. The first question is, Will the House consider the bill? Is there objection?

There was no objection.

The SPEAKER. Unanimous consent is now asked by the gentleman from Virginia that one hour's time be allowed for the consideration of the bill, forty minutes to be occupied and controlled by the gentleman from Virginia and twenty minutes by the gentleman from Wisconsin [Mr. COOPER]. Is there objection?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Speaker——

Mr. JONES of Virginia. Mr. Speaker, probably it will be better for me to offer the amendment for Mr. BREWER before the gentleman begins his remarks. The amendment is this:

In line 3, page 2 of the bill, in the amendment proposed by the committee, after the word "Cuba," add the words "and the Philippine Islands."

That is an amendment to the proposed committee amendment on page 2, as will be seen, by inserting, after the word "Cuba," the words I have quoted.

The SPEAKER. It is understood that this amendment is pending for the action of the House?

Mr. JONES of Virginia. Yes, sir.

Mr. COOPER of Wisconsin. Mr. Speaker, this bill has for its purpose the protection of the disbursing officers of the United States in the Philippines, in Cuba, and in Porto Rico and the safe-keeping of the public moneys—Government moneys—in their hands.

In some way inexplicable to me this bill has got to be known in certain quarters as the "Standard Oil bill." This morning I happened to mention incidentally that the bill would likely come up to-day, and a gentleman said, "Is that the Standard Oil bill?" I replied, "Yes; it is the Standard Oil bill."

Mr. PAYNE. I think you ought to name the member, so as to relieve the rest of us from suspicion.

Mr. GROSVENOR. Will the gentleman from Wisconsin allow me to ask him a question?

Mr. COOPER of Wisconsin. Yes.

Mr. GROSVENOR. I want to ask if there is any reason why this bill should not be applicable to Hawaii as well as to the islands covered by it?

Mr. COOPER of Wisconsin. The Committee on Insular Affairs has no jurisdiction of legislation pertaining to Hawaii.

Mr. GROSVENOR. But an amendment would be competent here if the House agreed to it.

Mr. COOPER of Wisconsin. Possibly.

Mr. LOUD. They do not ask for it, do they?

Mr. COOPER of Wisconsin. They have not asked for it.

Mr. PAYNE. The Secretary of the Treasury did not ask for it in Hawaii.

Mr. COOPER of Wisconsin. The Secretary of the Treasury has not asked to have it made applicable to Hawaii.

Mr. PAYNE. And he did ask for this. I think it is on account of the presence of the troops.

Mr. COOPER of Wisconsin. It is well for us to bear in mind that in the islands I have named, which came to us under the treaty of Paris, there are, properly speaking, two kinds of public moneys, one kind being that which is collected by the War Department. The islands are now under the control of the War Department. The revenues are collected and expended under the direction of the Secretary of War. He appoints his own collectors and disbursing officers and, in his discretion, takes security from them.

Now, this bill has nothing whatever to do with the money collected under the direction of the Secretary of War in administering the affairs of those islands. The money which is provided for by this bill is, properly speaking, Government money which has been in the Treasury of the United States and is returned to the islands and put into the possession of the disbursing officers, to be disbursed there for Government expenses, such as the pay of troops and the purchase of munitions of war, Army supplies, etc.

Now, how or why this came to be known the "Standard Oil bill" is utterly inexplicable. I have tried to ascertain how this rumor originated, what foundation there is for this charge, and after a patient investigation of two or three weeks I can not find one fact upon which to base it. The train of reasoning seems to be something like this: The gentleman who introduced this bill is Mr. SIBLEY of Pennsylvania; coal oil is found in Pennsylvania; the Standard Oil Company has to deal with coal oil; therefore this is the Standard Oil bill. [Laughter.] Now, to show how utterly ill founded that conclusion is, I desire to state that the origin of this measure is a letter written by A. F. Kenny, Paymaster-General in the United States Navy, under date of December 6 last, and directed to the Secretary of the Navy, Hon. John D. Long. I will read the letter:

NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
Washington, D. C., December 6, 1899.

SIR: 1. The disbursements by the Navy in the Eastern Hemisphere are of great and constantly increasing volume. The proceeds of sales of bills of exchange being received in Mexican dollars, the bulk of weight of funds so obtained is very great. The last sale of exchange reported from Manila was by the fleet paymaster of the station for £50,000, equivalent in Mexicans to $500,000, weighing upward of 12 tons. The paymaster of the shore station at Cavite also has occasion to handle large sums, his rolls amounting to $120,000, Mexican, or more, per month.

2. There being no designated depository of public funds in Manila or Hongkong, pay officers are obliged either to make deposits on their own responsibility and in violation of law, or else to receive and care for large sums for the safe keeping of which there is no adequate provision. Either course involves risks that a disbursing officer should not be compelled to assume. In illustration, it may be stated that in 1896 on board the U. S. S. *Boston*, then in Chinese waters, the paymaster's safes being full of coin, a box containing four bags of Mexican dollars, $1,000 each, was temporarily placed near the cabin door, the captain's orderlies being charged with its supervision for safekeeping; and that one bag of Mexicans was abstracted therefrom while so

stored, by some person or persons unknown. The most careful investigation failed to discover the time or means of the theft.

3. Section 3620, Revised Statutes, provides that—

"In places, however, where there is no treasurer or assistant treasurer, the Secretary of the Treasury may, when he deems it essential to the public interest, specially authorize in writing the deposit of such public money in any other public depositary, or, in writing, authorize the same to be kept in any other manner, and under such rules and regulations as he may deem safe and effectual to facilitate the payments to public creditors."

4. This subject is brought to your attention with an earnest recommendation that the necessary measures be taken for designating depositaries at Manila and Hongkong. The large disbursements at the latter port for ships' repairs and general purchases necessitate an authorized depositary there, as well as at Manila.

Respectfully,

A. S. KENNY,
Paymaster-General United States Navy.

The SECRETARY OF THE NAVY.

The next letter is one from the Assistant Secretary of the Navy, Charles H. Allen, in which he calls the attention of the Secretary of the Treasury to the letter which I have just read from the Paymaster-General, and requests that the Secretary of the Treasury, under section 3620 of the Revised Statutes, designate certain depositaries in the islands where these funds can be kept by the disbursing officers of the Government.

That letter is as follows:

NAVY DEPARTMENT, *Washington, December 8, 1899.*

SIR: I have the honor to inclose herewith a copy of a letter from the Paymaster-General of the Navy, dated the 6th instant, in which he calls attention to the fact that, there being no designated depository of public funds in Manila or Hongkong, pay officers are obliged either to make deposits on their own responsibility and in violation of law, or else to receive and care for large sums for the safe-keeping of which there is no adequate provision, and recommends that necessary measures be taken for designating depositories at Manila and at Hongkong.

In view of the statements of the Paymaster-General, I have the honor to request that the necessary steps be taken, under section 3620 of the Revised Statutes of the United States, to designate depositories for public funds at Manila and at Hongkong.

I have the honor to be, sir, very respectfully,

CHAS. H. ALLEN, *Acting Secretary.*

The SECRETARY OF THE TREASURY.

In reply to that letter the Secretary of the Treasury wrote the following communication to the Secretary of the Navy, under date of December 12 last:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 12, 1899.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, in which you request that the necessary steps be taken under section 3620, Revised Statutes of the United States, to designate depositaries at Manila and Hongkong, for the convenience of Navy officers in keeping public funds advanced to them for disbursement.

In reply you are informed that there is no authority under existing law for establishing a United States depositary at Cuba, Porto Rico, or the Philippine Islands. When the public funds can not be kept with the Treasurer, an assistant treasurer, or a national-bank depositary, the only other manner the Secretary of the Treasury has authorized them to be kept is in the hands of a disbursing officer at his own risk, upon the recommendation of the head of the Department under which he serves. Officers of the Navy at the Philippine Islands are now keeping funds in this manner, and, it is understood, have been doing so when at distant stations since the organization of the Navy, and there appears to be no other way practicable at present, but the Department will endeavor to obtain from Congress legislation affording relief in the matter.

Respectfully,

L. J. GAGE,
Secretary.

The SECRETARY OF THE NAVY.

While Mr. SIBLEY was at the Treasury Department one of the subordinate officers there requested him to introduce the bill, now known as No. 9388.

Mr. Speaker, I think I will reserve the balance of my time.

Mr. BROSIUS. I should like to ask the gentleman in charge of the bill one question about the bill.

The SPEAKER. Does the gentleman yield?

Mr. COOPER of Wisconsin. Not out of my time, however.

Mr. BROSIUS. I do not know whose time it is.

The SPEAKER. If the gentleman does not let it come out of his time, then the gentleman declines to yield.

Mr. COOPER of Wisconsin. How long will it take?

Mr. BROSIUS. Only half a minute.

Mr. COOPER of Wisconsin. I will yield to the gentleman, then.

Mr. BROSIUS. I want to know whether my friend thinks this bill is sufficiently guarded as to the character of the funds that shall go into these depositories? It does not name any particular fund. This does not except customs receipts, and I was wondering if it would be advisable to insert in the sixth line, after the word "manner," the words "and under the same limitations."

Mr. COOPER of Wisconsin. In reply to the gentleman from Pennsylvania [Mr. BROSIUS], I will say that I think it would be somewhat incongruous for us to make a law requiring the War Department to deposit the funds which it may collect in depositories there while those islands are under the control of the War Department. The funds are separate and distinct and should be kept so.

Mr. BROSIUS. I do not refer to any funds belonging to the War Department; but customs receipts do not go into the depositories; only internal revenue. I observe there is no discrimination here. I think it was intended to give to section 5153 full force and effect in those islands; but the question arose in my mind whether that was made certain by the language. It would be made entirely certain if we should insert the words "in the same manner and under the same limitations." That would carry there all the limitations of section 5153.

Mr. COOPER of Wisconsin. I will speak with the gentleman further about that matter. I reserve the balance of my time.

Mr. JONES of Virginia. I yield fifteen minutes to the gentleman from Alabama [Mr. BREWER].

Mr. BREWER. Mr. Speaker, the original bill did not carry with it the proviso as now attached. The original bill provided that these depositories should be in the island of Cuba and the Philippine Islands and Porto Rico. The amendment of the committee is to the effect that the provisions of the bill shall apply to Cuba only during the military occupation of that island by our troops.

Now, the amendment which I offered, or rather the amendment which was offered for me during my absence by the gentleman from Virginia [Mr. JONES], proposes to insert, after the word "Cuba," in line 3, page 2, the words "and the Philippine Islands," so as to provide that these depositories shall continue there only during the time of our occupation of the island of Cuba and of the Philippine Islands. Now, Mr. Speaker, I want to say a few words as to the purport of this amendment. I am not going to say anything particularly about the merits of the bill. I do not know anything about the motives which prompt it. They did not occur to me as evil, and I am loth to attribute any evil to any man without having some distinct evidence of it.

This amendment is offered to the end that in every possible way I may emphasize my aversion to the permanent retention of these remote lands and peoples and to that chronic warfare inaugurated there by President McKinley, for I do not consider it fair or just to lay this iniquity at the door of the Republican party as a whole when we find that some of the best and ablest men in it share in my repugnance to his course, and also find that a number of thoughtless men who claim to be Democrats are at one with the President on this subject. And I wish to say right here that so great and overshadowing do I regard the evils of this policy of conquest and spoliation that I would far rather give my humble support to any Republican who antagonizes it than to any Democrat who favors it.

In the present bill we give assurance by the proviso attached to it by the committee that we are not to retain permanent possession of Cuba. That amendment is well meant—meant to allay the suspicions of the Cubans, whom we have already taught to detest us by reason of our arbitrary rule there and our prolonged and now unnecessary military occupation of their country, and, well meant as is the committee's amendment, I must be allowed to say that we need somewhat more than mere words to convince me that if the President is left to himself he will ever release Cuba at all, but that the same perfidy already practiced toward the patriots of the distant Philippines will also be practiced in Cuba.

I say our conduct toward the Filipinos has been perfidious, and I say it without intending more than that such is my understanding of our conduct toward them, and without intending any disrespect to those who hold an opposite opinion. Without entering into the controversy which arose between Admiral Dewey and General Aguinaldo, one fact can not be questioned, and that is that the patriots in the Philippines took up arms and cooperated with us in order to release their country from foreign domination, just as did the Cubans. The Filipinos confidently expected their liberties and the freedom of their country.

I have not the slightest doubt that had they suspected bad faith on our part, had they believed that our rapacity would lead us to their continued enthrallment, they would have preferred the rule of Spain, a people of their own religious faith and race to a large extent and to whose methods they had been accustomed for three centuries.

They might have suspected last autumn, while the President was pouring troops into their country, before the terms of the treaty with Spain were agreed upon, that we had designs on their liberties and autonomy. When, on the 5th of January, 1899, before either country had ratified the treaty, the President ordered our arms to extend not alone to Manila, but over the whole archipelago, they began to realize his sinister designs.

When General Merritt ordered their forces out of Manila, they must have been confirmed in their fears; and when we fired the first shot, when we drew the first blood the night of the 4th of February, 1899, by killing an officer of their army, they could no longer be so foolish or so unmanly as not to resist the war which the President thrust upon them. Apart from this last overt act, all writers on international law concur in the axiom laid down by Puffendorf that "he is not the aggressor who strikes the first

blow, but he who causes the first blow to be struck." It was thus that the President began his war on the 8,000,000 people of these remote lands.

That these millions of people were sold to us by Spain is a fact which can cut only a technical figure. The sale of human beings as so many chattels was abolished in this country thirty-five years ago as one of the results of a bloody controversy, which must have become known even in the harems of Sulu. I question the quality of that man's ethics who bases his sanction of the President's war in the Philippines on the bill of sale contained in the treaty of Paris. Certainly no Filipino consented to the sale of himself or is bound by that provision, and certainly the American people can not hold them to be bound by it while we declare that "all just government is based on the consent of the governed." But you may say we acquired Louisiana and other regions in the same way—a fact which, without going into its details, you must agree, gave us no moral right to wage war on their peoples till they had consented to be thus disposed of.

But even that treaty, whereby it is alleged we bought these people from a country which exercised no sway over two-thirds of them—even that treaty need not bind us to retain them. No sensible man would keep a property which was a dead expense to him. No child would put its hand on a hot stove and keep it there because it had put it there. Some fifty years ago we had possession of the capital of Mexico; sixty-five years ago our flag was over a captured town in Sumatra, and a century ago it was over the city of Derna, in North Africa; but we came away from these places because there was no profit in retaining them.

Now, we are taxing our people at the rate of $200,000,000 a year to retain this distant archipelago, whose whole revenues amount to $12,000,000 a year, and this revenue largely made up of a poll tax on every adult woman, of licensed lotteries, and the licensed cockpits which General Otis has undertaken to abolish; cockpits which yield a revenue of more than $150,000 a year in the town of Manila alone. Does any business man see any profit in spending $200,000,000 a year to make ten or twelve million?

At the close of Mr. Cleveland's Administration the revenues of our Government were $326,000,000. That was for the fiscal year 1896. What were they for the last fiscal year? Five hundred and fifteen million dollars! But it may be said the war will not go on, and that our budget will not require such extraordinary burdens on our people. Well, we have now about 65,000 men in the Philippines; war has been going on there for more than a year; and in his letter of resignation, dated the 3d of this month, General Otis declares that "a large repressive military force must be maintained for some time."

Nay, more; only last Friday there was a combat 5 miles from Manila, and the dispatches say the Filipinos were in uniform and too strong to be followed. The same dispatch tells us that General Young in north Luzon and General Bell in south Luzon are calling for more men, and represents also that combats have just occurred in the islands of Samar and Panay. "We hold only that part of the country that is within the range of our guns," an officer wrote home a few days ago in a private letter. This, too, just at the end of the winter season, when the weather and roads are best for man-hunting, and now, the hot season is at hand, to be followed by the frightful humidity which prevails from June to November.

I said man-hunting. That is about all the possible profit the American people will ever get out of this war Mr. McKinley is waging. We have killed the buffalo and other game of this country; we have pensioned off such Indians as we have failed to destroy, and now we must have a vast area for the purpose of hunting down men. Certainly there is no question of economics in it.

Now, sir, I doubt if the American people realize the enormity of the task Mr. McKinley has undertaken. The Philippine Islands are larger in their total area than the islands of Britain. There are four times as many Filipinos to the square mile as there are Americans. They are on the other side of the world. If but a fraction of their numerous population resist Mr. McKinley's scheme of conquest they will give employment to "the large repressive military force" General Otis says must be maintained there "for some time." Besides, these islands are tropical and unhealthful in every part of the thousand miles of latitude over which they extend.

Do such facts as these commend the retention of the islands to the judgment of business men or taxpayers of any sort?

Now, sir, besides, what Republican who remembers that Boss Tweed pillaged our commercial metropolis for several years will say that we are more fit to govern and civilize the Filipinos than they are themselves? What Democrat who complains of trusts and monopolies or of Senator HANNA can wish us to carry such a government to these distant people? Here, under the very eaves of this Capitol, in this very District, which is the heir of all our civilization, within the past month both the Republican and Democratic primaries are charged as having been carried by fraudulent methods.

Not only that, but we hear of negroes who are counted out in the South because they wish to vote, and negroes who are shot down in Illinois because they want to work. This is the boasted civilization which we are to carry to the other side of the world, and to administer by the hands of carpetbaggers.

And what hope can we hold out to these people if they submit to us? Can we promise them a popular form of government? Did we not, only yesterday, refuse a popular form of government to the people of Porto Rico by requiring the President to appoint one house of their legislature? And this when even the Spaniards had granted them complete autonomy. We even denied the Porto Ricans representation in Congress, when they have, for twenty years past, had their members in the congress at Madrid. What encouragement is this to the Philippines to submit?

For my part, I have lived under the lawless domination of aliens, and I know what it means. They pillaged the States of the South for many years: men who came among us as adventurers, with lust in their eyes, poverty in their purses, and hell in their hearts. What better sort are we to give to a civic government in the remote islands Mr. McKinley is so anxious to conquer?

It is not so much on their account, sir, that I wish to get out of those islands. It is on account of our own people; the evils which will inevitably follow a policy of conquest and spoliation, of bloodshed and taxation, of foreign entanglements and domestic moral decadence.

I deny that we should put both feet into a vise because we have one there; I deny that we should throw good money after bad money; I deny that two wrongs or a perpetuated wrong can ever make a right. Let us get out of those islands and leave those millions of people to govern themselves.

Let us believe that they are as much entitled to freedom as we are, and for one I believe they are fully as moral. What right have we, who in our morning litany call ourselves "sinners," or "miserable sinners," and who must believe that it is only by the vicarious blood of another that we are redeemed from the damnation of hell, to rise up with these admissions on our lips and say we are better than the Filipinos?

The amendment I offer refuses to contemplate a continuance of Mr. McKinley's destructive policy. It recognizes our present occupation as temporary, and I would be glad to see it end this very day by the withdrawal of our efforts to subdue a people who are asking the boon of self-government, on which we too pride ourselves. And yet, as I said, it is the interests of our own people we shall consult most by getting out of those islands.

The great question of our own interests should constrain us, even if it be not the love of Christ; and I refuse to believe that the American people, when they once understand that they are plucking apples of Sodom, will tolerate the President's war. They will not, as Medea in the Greek tragedy, "lift upon their golden locks this garniture of death." [Applause.]

Mr. JONES of Virginia. I yield five minutes to the gentleman from Tennessee [Mr. COX].

Mr. COX. There is one point that has not been discussed in connection with this bill which it seems to me should have some attention before we vote upon it; and I shall be glad to call the attention of the chairman of the committee to it. I think, of course, that the provisions of the bill should apply as well to the Philippine Islands as to Cuba during the time that the military forces are in occupation there. But it is not on that point I wish to speak.

We all understand that under the national banking system when we establish a depository for public funds it must be a national bank; and the law provides on its face that a bank thus made a public depository shall secure the deposits thus made by United States bonds "and otherwise."

That is to say, the deposits are to be secured by United States bonds and otherwise. Now, let me call attention to how that phrase "and otherwise" is going to operate. There are no national banks now on those islands. Suppose some large bank—for instance, a national bank of the city of New York—should establish a branch bank (that would be the effect of it) on one of those islands, and then should put up its securities in order to act as a depository of the United States. Now, the difficulty would arise in this way: The national banks are under the supervision, inspection, and control of the United States. These banks there will not be, because there are no national banks there. Mr. Speaker and gentlemen of the House, inasmuch as these banks are to be private institutions, it ought to be imperative that they deposit United States bonds for the security of the money that is put in the banks; and I think that language "and otherwise" ought to go out of this bill. That is the suggestion I desire to make.

Mr. JONES of Virginia. Mr. Speaker, I am opposed to this bill in toto, and shall be equally opposed to it if the amendment which

has been proposed is adopted. I do not believe that any real necessity exists for this proposed legislation. The troops of the United States have occupied Porto Rico, Cuba, and some parts of a portion of the Philippine Islands for nearly two years; and if the disbursing officers of our Government have been seriously inconvenienced for the lack of public depositories in which to keep their moneys, if any of the funds of the Government have been lost by reason of the fact that such public depositories did not exist in those possessions, acquisitions, or colonies, or whatever our Republican friends may be pleased to call them, the report which accompanies this bill does not disclose that fact.

The distinguished chairman of the Committee on Insular Affairs who presented that report has read to the House a letter from some disbursing officer in the Philippine Islands in which it is stated that the writer has suffered some inconvenience and that some small package of money in his keeping had been abstracted; but even if that be true, it does not show that any great public necessity for this legislation exists.

Mr. Speaker, even if these public depositories were provided, the funds that would go into them would be only such as are sent from the United States with which to pay off the soldiers stationed in Cuba and the other islands named. From the very necessities of the case the disbursing officers must keep the cash by them. Soldiers are paid off in cash, and checks and drafts can not, I imagine, be used for that purpose. The taxes and other public revenues collected in these islands are entirely under the control of the War Department and can be deposited now in any banks selected for that purpose by the President. No legislation by Congress is needed to enable the Secretary of War to take care of the funds thus derived, and none is asked for that purpose.

It has been, as I have said, nearly two years now since we occupied these islands. Certainly it can not be the intention of the Administration or of the Republican party to retain possession of Cuba much longer. The people of that unfortunate island have been solemnly assured that it was our purpose to give them a free and independent government, and they have the right to expect that we will fulfill that promise. Instead of providing banks in which to deposit money to pay our soldiery in Cuba, we should be preparing to withdraw that soldiery and to turn over the island to its inhabitants, who are its rightful owners. Such legislation as is proposed in this bill is notice to the people of Cuba and to the world that we have no present intention of standing by our pledges and redeeming our promises.

The gentleman from Wisconsin in charge of this measure tells us that it has been characterized as the "Standard Oil bill." He could imagine, he said, no other reason for that characterization than that it had been introduced by the gentleman from Pennsylvania [Mr. SIBLEY], that the Standard Oil Company had its habitat in Pennsylvania, and that there was oil produced in Pennsylvania. I think if the gentleman had made the careful investigation which he claims to have made, he would have discovered that there was more solid foundation for the belief that this bill is in the interest of the Standard Oil Company than that which he has undertaken to give. He might have discovered, perhaps, had he carried his investigations far enough, that the popular belief as to this bill is indeed well founded.

Can the gentleman have forgotten that a short time ago the charge was made upon the floor of this House that a prominent official connected with the National City Bank of New York had actually written a letter to the Secretary of the Treasury asking that his bank might be designated as a depository of public funds, and inviting the Secretary's attention to the fact that the list of directors of that bank contained the names of those who had rendered great political aid toward the election of President McKinley in 1896?

The gentleman can not fail to remember that this charge was not only made, but actually proven, since the letter itself was produced and read. It was stated, too, and has never been denied, that the Standard Oil Company, the greatest trust the world has ever seen, controls and practically owns the National City Bank. It is well known, too, that among its directors are to be found the names of such trust magnates as those of Rockefeller and Havemeyer. It is not, then, as the gentleman from Wisconsin suggests, that because the author of this bill and the Standard Oil Company happened to reside in the same State that this bill has been characterized as the Standard Oil Company's bill, but for the far weightier reason that that mighty trust is not only in the oil, the manufacturing, and the transportation business, but is also in the banking business in New York City and seeking, through the political influence of its enormously wealthy and powerful bank directory, to handle and to use the vast funds of the United States Government.

It has been convicted in one instance of an attempt to influence the Secretary of the Treasury by calling attention to the fact that among its directors are to be found the names of men who have rendered great service to the Republican party. The Standard Oil Company is interested, maybe, in having this measure become a law. At any rate, it is in the banking business and is desirous of securing all the deposits of Government money which it can control through political and other influences; and if the public think this a Standard Oil Company bill I am not prepared to say the public is mistaken.

It is not necessary for me to point out the means by which banks and bankers contribute to the success of political parties. They make no appeals to the judgment and reason of those whom they would convert to their way of thinking. They contribute money to campaign committees—money with which to corrupt voters and to purchase votes. They appeal to cupidity rather than reason. Moreover they give their money invariably where they expect to receive the largest returns. If this bill becomes a law, and the President is permitted to name the depositaries of public funds in Cuba, who can doubt but that such banking institutions as the National City Bank will have their applications favorably considered? The political claims of such men as Rockefeller can not and will not be ignored, believe me, gentlemen. They have not found the Republican party to be an ungrateful party in the past.

Mr. Speaker, as I have already said, I do not believe there is any necessity for this legislation. I do not believe that the officers of the Government have experienced any great inconvenience on account of the absence of designated banks in Porto Rico, Cuba, and the Philippine Islands as public depositaries. We have gotten along without them for a long time, and let us indulge the hope that in the near future there will be no need of them, at least in Cuba.

I hope this bill will not be passed. It will have the effect of retarding the efforts that should be made to set Cuba free. The relations between our troops and the people of Cuba are becoming hourly more and more strained, and unless something is done, and speedily done, to remove the existing friction, I verily believe there will be a serious outbreak and the shedding of much blood. Should our continued and unjustifiable occupation bring about such a serious condition of affairs, the responsibility will rest upon the Administration and the Republican party.

The only honorable, just, and honest course for us to pursue is to live up to both the letter and the spirit of our plighted word. Instead of providing in a more permanent and efficient way for caring for the funds of the United States in Cuba, I am in favor of redeeming our pledges made to her people and withdrawing at the earliest possible moment every American soldier now upon the soil of that island. The passage of this bill will, I much fear, retard rather than hasten a consummation which, so far as I am concerned, is most devoutly to be hoped for.

Mr. Speaker, these are some of the reasons which induce me to oppose the passage of this measure.

I will now yield for the question which the gentleman from Tennessee desires to ask me.

Mr. GAINES. This bill says that the Secretary of the Treasury is authorized to designate one or more banks. I want to ask the gentleman if there are any banks in these islands?

Mr. JONES of Virginia. There is at least one bank in Porto Rico, there are banks in Cuba, and there may be a bank in Manila. I am informed that as to Cuba the people who are conducting the banking business there reside, for the most part, in the city of New York, and that the capital of the Cuban banks is chiefly owned in New York.

Mr. GAINES. Was there any evidence before the committee to show that there are banks in the Philippine Islands; and, if so, who the officers are?

Mr. JONES of Virginia. So far as I know there was no evidence showing what banks, if any, there are in the Philippine Islands. I may say, however, that I was not present when the Secretary of the Treasury appeared before the Insular Committee. He may have given some evidence upon that subject of which I know nothing. I know of no bank in Manila.

Mr. GAINES. It says that the Secretary is authorized to designate banks, and that presupposes that there are banks there.

Mr. JONES of Virginia. I have no information on that subject.

Mr. BREWER. There is one bank in Porto Rico, but I do not think there are any banks in the Philippines.

Mr. JONES of Virginia. Mr. Speaker, I yield time enough to the gentleman from Massachusetts [Mr. FITZGERALD] to offer an amendment.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 9 insert "with the further proviso that all such banks or bankers shall pay at least 2 per cent per annum on all moneys thus deposited."

Mr. JONES of Virginia. Mr. Speaker, I yield such time as I may have remaining to the gentleman from Massachusetts [Mr. FITZGERALD].

The SPEAKER. The gentleman has ten minutes remaining.

Mr. JONES of Virginia. Then I will yield five to the gentleman

from Massachusetts. I did not know there was so much time remaining.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, it seems to me that the bill before the House at the present time is one of the most important that has come before the present Congress; and it seems to me, in view of the transactions that have come to light between the Treasury Department and some of the national banks throughout the country, that the present bill which seeks to inaugurate and establish new depositaries of public money in our new dependencies, ought to be taken advantage of to make a departure in the method of giving moneys to different institutions without exacting any interest from them.

The members of the House are perfectly well aware, as stated by the gentleman from Virginia [Mr. JONES] a few moments ago, that the moneyed interests of New York and other large cities throughout the country have been manipulating the stock markets for the past year with funds deposited by the Secretary of the Treasury in so-called Government depositaries which are none other than favored national banks.

More than $100,000,000 are deposited in different depositaries throughout the United States to-day, at the dictation of the Secretary of the Treasury, and this money is used by the bankers and by the heads of the different syndicates operating in the stock market, to loan out from 3 to 125 per cent. It is well known that many men have been impoverished and made practically beggars by the machinations of these men, and it seems to me, Mr. Speaker, that it is time to call a halt to this policy, and not attempt to augment it by establishing any such system of operations in connection with the government of our new dependencies.

The amendment which I proposed a few moments ago states that the United States Government shall receive at least 2 per cent from these men who obtain this money. It is a well-known fact, and I think the chairman of the committee will admit it, that there is nothing in this bill that will prevent the loaning of the money deposited by the United States Government to individuals as well as to banks. There is no attempt made to limit the rate at which that money will be loaned, and there is nothing to prevent the banks or banker from loaning this money at 3 per cent; and, perhaps, if the money market is cornered, at more than 100 per cent, and yet they receive this money, without the payment of any interest, from the United States Government.

And so, Mr. Speaker, I sincerely hope that if the United States Government intends to establish this form of banking, and to inaugurate another system of government depositaries in the Philippine Islands and Porto Rico and in Cuba, this House will at least insist that the Government shall get some return.

I refer again to another defect in this bill which it seems to me is an inauguration of a new policy. I believe that under the present banking law the naming of institutions as depositaries for public funds is restricted to national banks and institutions of that kind. In this bill they have included bankers, so that any person who may designate himself as a banker, who is willing to deposit Government bonds under such regulations as the Secretary of the Treasury may exact, is enabled to get thousands and hundreds of thousands and perhaps millions of dollars of Government money to use as he pleases.

Mr. GAINES. Why can not they send safety-deposit vaults over to these islands for the use of these Government officers?

Mr. FITZGERALD of Massachusetts. The gentleman from Tennessee suggests safety-deposit vaults could be bought by the Government and sent to these islands for the purpose of storing Government funds. It seems to me that that is a wise suggestion. If there is any danger of the loss of Government money sent to any of these places as pay for the soldiers or for any other purpose, safety-deposit vaults could be established without any trouble, and thus another money scandal avoided. It seems to me, Mr. Chairman, that under no conditions should this House of Representatives allow private bankers to go into the banking business under the authority of the United States, and secure the opportunity to get possession of millions of Government money without the payment of any interest.

A bill as important as this should receive the most careful consideration of this House, and should be debated longer than the time allowed for the consideration of this measure.

More scandals and jobbery have developed in connection with the conduct of national banks in this country the past year than from almost any other source, and we ought to go very slow in establishing banking institutions in our new possessions.

Two per cent on the deposits of the Government in national banks and kindred institutions in the United States to-day would add a first-class armored cruiser to the Navy every year. Why spend the people's money in this manner?

Mr. COOPER of Wisconsin. Mr. Speaker, how much time have I remaining?

The SPEAKER. Eight minutes.

Mr. COOPER of Wisconsin. I yield three minutes to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. Mr. Speaker, as the time at the disposition of the gentleman from Wisconsin [Mr. COOPER] is so short, I do not feel justified in occupying any part of it. Therefore I yield back the time he has so kindly yielded to me. I supposed he had more time.

Mr. COOPER of Wisconsin. I wish to inquire of the gentleman from Virginia [Mr. JONES] whether he proposes to exhaust his time now?

Mr. JONES of Virginia. I would be glad to reserve my time.

Mr. COOPER of Wisconsin. I prefer to have the gentleman go on and use his time.

Mr. JONES of Virginia. I understood that the gentleman from Wisconsin yielded three minutes to the gentleman from Massachusetts [Mr. MOODY].

The SPEAKER. That has been yielded back.

Mr. MOODY of Massachusetts. I accepted the time originally under a misunderstanding; I thought there was more time on this side.

Mr. JONES of Virginia. I yield three minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Speaker, this bill provides "that the Secretary of the Treasury shall be authorized to designate one or more banks or bankers in the Philippine Islands to be Government depositories." Mr. Speaker, the Constitution, according to the idea of the majority here, is not in operation in the Philippine Islands; and if that assumption is correct, and the President, unless he changes front again, so treats it, the "bankers" in whose care we would place this money would not be restrained by any of the restrictions found in that instrument; whereas, if this money were left in the hands of the American soldier, who is a citizen of the United States and who is sworn before he buckles on his armor, or afterwards, to support the Constitution of the United States, he would be restrained by the limitations of that instrument.

Another proposition: Are these bankers or the officers of these banks to be American citizens, or Filipinos, or whom? There is no limitation in that respect in the bill.

Another point: These banks or bankers, if intrusted with this money, must provide vaults in which it is to be cared for. Why should not the United States provide a safety vault such as defies the thieves and robbers of this country, and send it over there and put the American soldier in charge of the American money, instead of placing that money in the hands of Philippine bankers to be let out to those people, allowing them thus to be "skinned," as is being done in Cuba?

Let me read a few lines as to the indebtedness of this unfortunate island of Cuba. I quote from the Evening Star, of this city, of April 9:

CUBA'S FINANCIAL STATUS—PROPERTY ON THE ISLAND MORTGAGED FOR MORE THAN VALUE.

HABANA, *April 10.*

The Nuevo Pais says:

"Taking $31,800,000 as the annual assessed income of urban and rural properties of the island, according to the assessment of 1887, and capitalizing it at 10 per cent, $318,000,000 would be obtained as the total value of the properties of the island. Subtracting $248,000,000, the amount of the existing mortgages on said properties, about $70,000,000, the value of the unencumbered property, would remain. This, however, does not take into account the properties destroyed during the war, which far exceed that amount. It would therefore appear that the actual value of the properties does not equal the amount of the mortgages existing on them."

"The actual value of the property" in Cuba, says the Star, an Administration paper, "does not equal the amount of the mortgages upon it." If the public money is deposited in banks there, the rate of interest on loans of such money should be limited by law. This bill makes no such provision.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES. I ask unanimous consent to insert in my remarks a short newspaper clipping relating to Cuba and Porto Rico.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none.

Mr. GAINES. The extracts referred to are as follows:

[St. Louis Republic, April 9, 1900.]

FOR CONQUEST.

There is something ominous in the growing sentiment of hostility to this Government which has now assumed such proportions in Cuba as to give cause for apprehension of a revolt against American control in the near future.

To the many thousands of Americans whose hearts thrilled with pride at the glorious significance of our war against Spain for the liberation of Cuba this unhappy prospect will seem one of peculiar bitterness in its meaning of cruel disappointment and humiliation. It should be impossible that relations between a great power such as ours and a little and weak people such as the Cubans, whom we have freed from the bondage of Spanish tyranny, shall assume that perverted phase where fear of a second conquering and a second oppression lead the weaker race to hopeless and costly antagonism to the kindly guidance of the stronger.

Especially is this deplorable in view of the fact that a Cuban outbreak

against American authority will give to the advocates of annexation in this country exactly the opportunity for which they have been waiting. It will be urged that the Cubans are unfit for self-government. A hatred of that people will be sought to be aroused in American bosoms. Under the influence of this spirit the Cuban dream of national independence will vanish forever. Their island will be annexed as American territory, to which the beneficent operation of the American Constitution does not extend, though it become necessary to exterminate an entire generation of Cuban patriots.

The outlook in Cuba is not pleasant just now. It begins to look as if the plot of imperial land grabbers is developing in line with the crafty desires of the plotters. There is shame for Americans in the thought.

I clip this from the Nashville American of April 9, 1900:

"813,937 MEN WITHOUT A COUNTRY.

"Deserted by Spain, denied American citizenship by the Republican majority in Washington, the inhabitants of Porto Rico present the spectacle of 813,937 men without a country. Of course some of them are women, some children, and some 200,000 negroes. But whatever their sex, whatever their age, whatever color may have been burned upon them by the sun of heaven, they have no flag to which they can appeal, no government to which they must bow in love, in gratitude, and in loyal devotion.

"This is the meaning of the Senate bill."

And this indictment is drawn by the Chicago Times-Herald, a Republican newspaper, and in times gone by a sturdy supporter of the Administration. Could anything stronger have been penned?

The SPEAKER. The gentleman from Virginia [Mr. JONES] has a few minutes remaining.

Mr. JONES of Virginia. I yield the remainder of my time to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, whatever may be the necessity or use of this bill as a law with reference to Porto Rico or the Philippine Islands, it seems to me there is no use in the world for it and no excuse for it with reference to Cuba. We have been getting along in the occupation of that island for a good many months without any such depository as is provided for here. The world knows, and we ought to remember, how we came into possession of that island and how we declared that our occupancy of it was to be for a temporary purpose—to pass it over to control of its people.

This, Mr. Speaker, is but another straw to indicate the way the wind blows from certain quarters. It is but another indication of a purpose to get hold of Cuba, or of everything in Cuba that is worth having, and deprive the people there of their independence instead of securing it to them in accordance with our many promises. Instead of legislating to establish American institutions in the island of Cuba, we ought to be legislating, sir, for American departure from the island of Cuba.

And let me say to gentlemen who may hope, by indirect means, by pretense or otherwise, to acquire possession and control of the island of Cuba permanently, that their course is building up and will build up such a sentiment of hostility to Americans and American institutions there that this acquisition will be exceedingly difficult, if desirable at all; and if the island be thus acquired, the holding of it will be a work of immense care and cost.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, it is not a little astonishing——

Mr. COX. Will the gentleman yield just for an instant?

Mr. COOPER of Wisconsin. What is the gentleman's wish?

Mr. COX. Before the gentleman proceeds that he will allow me to suggest a simple question to him.

Mr. COOPER of Wisconsin. Very well.

Mr. COX. I only want to call your attention to that bill, that while the authority is given to establish depositaries for the public moneys in these islands, there is no limitation in the bill, as there is in the national-bank act, as to the interest to be charged for the money loaned out by such banks. They are able, under the provisions of this bill, to charge any amount which they please. They may charge 1 per cent or 200 per cent. There is no limitation upon them.

Mr. COOPER of Wisconsin. Mr. Speaker, I was proceeding to state that it was not a little astonishing that a plain, commonsense, business proposition can not be discussed in a plain, businesslike way on the floor of this House. It is evident that the political opinions of gentlemen are to be dragged into these questions and political harangues indulged in every time any proposition touching the islands now under the control of this Government is before the House; at least, whenever such proposition is presented by a Republican member on this floor.

So far as the criticism of the gentleman from Tennessee is concerned, the words "and otherwise" in the bill are the exact words of section 5153 of the Revised Statutes, and they have been in it ever since that section was enacted. So that his criticism in that regard is of no avail. Secretary Gage told our committee that in the administration of the Treasury Department no Secretary had ever taken from a Government depository any kind of security except Government bonds and that no Secretary would ever accept any other. This has been the practice and this the language of the statute for twenty-five years or more.

So far as the banks are concerned, one gentleman suggests that he understands there is a private bank in the Philippines. There is a bank in the Philippines capitalized at $10,000,000, which has branches in Hongkong, Bombay, London, and Paris, and something in the nature of an agency in the city of New York, which will accept the Government deposits and deposit Government bonds as security. The Secretary of the Treasury, in speaking to the Committee on Insular Affairs on that subject, said that there would be no money in it so far as the bank itself is concerned, because the public moneys would be in its possession for a very limited time, but that it would be more or less a benefit to the bank to have the name of being a Government depository; that, so far as he could understand, is all there would be of benefit in it for the banks themselves in these islands. Now, the same thing is true in Cuba and Porto Rico.

There is another kind of money which the disbursing officers are obliged to receive under the statute, and that is the savings of the troops. Last year we appropriated about $92,000 to pay the interest on the savings of soldiers which had been deposited in the United States Treasury. Under the law such money draws 4 per cent interest, and the disbursing officers are required to take this money from the soldiers and to receipt for it. It is not a matter of discretion. They are compelled to take it, and under the law as it now stands they do it at their own risk.

This bill has its inception in the letter which I read from the Paymaster-General of the United State Navy, telling of the hardships which, under existing conditions, obtain, so far as the paymasters of the Navy are concerned, in the Philippines. We wish to have this hardship done away with. We wish to have the power given to the Secretary of the Treasury to designate certain banks there as places where these disbursing officers can, after they have drawn the money from the subtreasury here, deposit it rather than carry it around. The Secretary of the Treasury said that sometimes thousands of dollars would have to be kept in the actual manual possession of these disbursing officers, or otherwise, technically, they would be guilty of embezzlement, unless the Secretary of the Treasury had designated some bank where the money could be deposited. He said that they never had, and did not now propose, to designate any bank as a depository there, because the present law limits depositories to national banks, and there are no national banks there, and there is no law under which he can demand security from any other bank in the islands.

Mr. GAINES. I should like to ask the gentleman a question.

Mr. COOPER of Wisconsin. Yes.

Mr. GAINES. You have explained about the word "banks." Of course we understand what that word means; but you do not say anything about "bankers." You draw a distinction in your bill between banks and bankers, and the banker of course would be the private individual.

Mr. COOPER of Wisconsin. It is entirely immaterial, provided they give the same security that the other bank would give.

Mr. GAINES. Can not the United States throw around our officers over there the same safeguards that a private banker would have—that is, safes and vaults, the sword, etc?

Mr. COOPER of Wisconsin. We do not know of any disbursing officer who is prepared to give the security in the shape of United States bonds that the banks there say they are willing to give.

Mr. GAINES. But the soldier is bound under oath to obey the laws of the United States, and the private banker is not or may not be.

Mr. MOODY of Massachusetts. Is a paymaster going to carry a vault around in his trousers pocket?

Mr. GAINES. No; and he does not carry the money in his trousers pocket. If he did, it would not have been stolen. It has been stated here that some of it has been lost or stolen.

Mr. WM. ALDEN SMITH. But he gives security.

Mr. GAINES. I am opposed to letting this money out to private bankers. That is what I am getting at. We can protect and secure our officers there just as well and better than we can a private banker.

Mr. COOPER of Wisconsin. I am astonished at the question the gentleman asks.

Mr. GAINES. You did not explain it.

Mr. COOPER of Wisconsin. The disbursing officers draw on the subtreasury of the United States, say at New York. The money is taken out there, and under the law, if they deposit it in any bank in these islands without a permit, they are technically guilty of embezzlement. If they deposit it subject to their own order, they are technically embezzlers, and therefore they deposit it at their own risk. If they carry any cash about with them, they do it at their own risk. We can not have four or five officers guarding a safe and another one off with the funds paying out the money. We have got to have a place where the paymasters can deposit funds and where they will be protected, just the same as in the United States of America we designate a national bank, and the national bank is a depository and gives security in the shape of United States bonds.

Mr. GAINES. Do you think the money would be safer in the

hands of a private banker than it would be in the hands of our officer over there, if you give him the same kind of a vault to keep it in?

Mr. PAYNE. But the bankers put up bonds as security.

Mr. GAINES. And the soldier his life, if he does wrong.

Mr. COOPER of Wisconsin. If the paymaster put up the same bonds and had as many men guarding the safe all the time as an ordinary banker, the money would be just as safe; but a paymaster of the United States Army is compelled to travel from one place to another——

Mr. GAINES. Does not the paymaster give a bond?

Mr. COOPER of Wisconsin. Vaults are not portable.

Mr. GAINES. Why, they have them down in my country and elsewhere, and they are perfectly safe.

Mr. LOUD. You can not draw on a safe deposit vault, can you?

Mr. GAINES. We draw on the safe deposit of the House—just outside the door—for our salary, and it is perfectly safe there, and there has never been any defalcation.

Mr. HOPKINS. Oh, yes; there have been defalcations in the past.

Mr. WM. ALDEN SMITH. The gentleman from Tennessee is mistaken. There have been defalcations right there.

Mr. GAINES. Oh, yes; so is the Lord's Prayer disobeyed every day.

The SPEAKER. The time of the gentleman has expired. The question is on agreeing to the amendments.

Mr. COOPER of Wisconsin. Mr. Speaker, I want a separate vote on the amendment of the gentleman from Alabama.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 11, after the word "bonds," strike out the word "or" and insert the word "and."

The question was taken; and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment, and the amendment offered to the amendment.

The Clerk read as follows:

Page 12, line 3, insert:

"*Provided*, That this act shall apply to Cuba only while occupied by the United States."

Amend the amendment: Page 2, line 3, after the word "Cuba," insert "and the Philippines."

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BREWER. Division.

The House divided; and there were—ayes 85, noes 79.

Mr. COOPER of Wisconsin. I call for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 121, nays 135, answered "present" 11, not voting 83; as follows:

YEAS—121.

Adamson,	De Vries,	McClellan,	Shafroth,
Allen, Ky.	Dinsmore,	McCulloch,	Sheppard,
Atwater,	Dougherty,	McDowell,	Sims,
Ball,	Elliott,	McLain,	Slayden,
Bankhead,	Finley,	McRae,	Smith, Ky.
Barber,	Fitzgerald, Mass.	Maddox,	Snodgrass,
Bartlett,	Fitzgerald, N. Y.	Meekison,	Spight,
Bell,	Fleming,	Miers, Ind.	Stark,
Benton,	Foster,	Moon.	Stephens, Tex.
Berry,	Gaines,	Muller,	Sulzer,
Bradley,	Gayle,	Neville,	Sutherland,
Brantley,	Gilbert,	Newlands,	Talbert,
Breazeale,	Gordon,	Noonan,	Tate,
Brewer,	Griffith,	Norton, Ohio	Taylor, Ala.
Brundidge,	Griggs,	Norton, S. C.	Terry,
Burleson,	Hall,	Pierce, Tenn.	Thomas, N. C.
Caldwell,	Henry, Miss.	Quarles,	Turner,
Carmack,	Henry, Tex.	Rhea, Ky.	Underwood,
Chanler,	Howard,	Rhea, Va.	Vandiver,
Clark, Mo.	Jett,	Richardson,	Wheeler, Ky.
Clayton, Ala.	Johnston,	Ridgely,	Williams, J. R.
Clayton, N. Y.	Jones, Va.	Riordan,	Williams, W. E.
Cowherd,	Kitchin,	Robb,	Williams, Miss.
Cox,	Kleberg,	Robinson, Ind.	Wilson, Idaho
Cummings,	Klutz,	Robinson, Nebr.	Wilson, N. Y.
Cusack,	Lamb,	Rucker,	Wilson, S. C.
Daly, N. J.	Lanham,	Ruppert,	Zenor,
Davenport, S. W.	Latimer,	Ryan, N. Y.	Ziegler.
Davis,	Lewis,	Ryan, Pa.	
De Armond,	Little,	Scudder,	
De Graffenreid,	Lloyd,	Shackleford,	

NAYS—135.

Adams,	Bromwell,	Clarke, N. H.	Dalzell,
Alexander,	Brosius,	Cochrane, N. Y.	Davenport, S. A.
Allen, Me.	Brown,	Connell,	Davidson,
Bailey, Kans.	Brownlow,	Cooper, Wis.	Dayton,
Barham,	Bull,	Corliss,	Dick,
Bartholdt,	Burke, S. Dak.	Cousins,	Dolliver,
Bingham,	Burton,	Cromer,	Dovener,
Bishop,	Butler,	Crump,	Emerson,
Boutell, Ill.	Calderhead,	Curtis,	Fletcher,
Bowersock,	Cannon,	Cushman,	Fordney,
Brick,	Capron,	Dahle, Wis.	Foss,
Fowler,	Ketcham,	Morris,	Smith, Wm. Alden
Gamble,	Knox,	Mudd,	Southard,
Gardner, N. J.	Lacey,	Needham,	Spalding,
Gill,	Landis,	O'Grady,	Sperry,
Graff,	Lane,	Olmsted,	Steele,
Greene, Mass.	Lawrence,	Overstreet,	Stevens, Minn.
Grosvenor,	Linney,	Packer, Pa.	Stewart, N. Y.
Grout,	Littauer,	Parker, N. J.	Stewart, Wis.
Grow,	Littlefield,	Payne,	Sulloway,
Hamilton,	Long,	Pearre,	Tawney,
Haugen,	Lorimer,	Phillips,	Thomas, Iowa
Heatwole,	Loud,	Powers,	Tongue,
Hedge,	Loudenslager,	Prince,	Van Voorhis,
Hemenway,	Lovering,	Pugh,	Wadsworth,
Henry, Conn.	McCall,	Reeder,	Wanger,
Hepburn,	McCleary,	Rodenberg,	Warner,
Hitt,	McPherson,	Russell,	Waters,
Hoffecker,	Mann,	Shattuc,	Weeks,
Hopkins,	Mercer,	Shelden,	White,
Howell,	Miller,	Showalter,	Wise,
Jack,	Mondell,	Smith, Ill.	Wright,
Jones, Wash.	Moody, Mass.	Smith, H. C.	Young.
Kahn,	Moody, Oreg.	Smith, Samuel W.	

ANSWERED "PRESENT"—11.

Allen, Miss.	Gillett, Mass.	Jenkins,	Rixey,
Driggs,	Hay,	Mahon,	Small.
Gaston,	Hill,	Otey,	

NOT VOTING—83.

Acheson,	Crowley,	Lentz,	Robertson, La.
Aldrich,	Crumpacker,	Lester,	Salmon,
Babcock,	Davey,	Levy,	Sherman,
Bailey, Tex.	Denny,	Livingston,	Sibley,
Baker,	Driscoll,	Lybrand,	Sparkman,
Barney,	Eddy,	McAleer,	Sprague,
Bellamy,	Esch,	Marsh,	Stallings,
Boreing,	Faris,	May,	Stewart, N. J.
Boutelle, Me.	Fitzpatrick,	Mesick,	Stokes,
Brenner,	Fox,	Metcalf,	Swanson,
Broussard,	Freer,	Meyer, La.	Tayler, Ohio
Burke, Tex.	Gardner, Mich.	Minor,	Thayer,
Burkett,	Gibson,	Morgan,	Thropp,
Burleigh,	Gillet, N. Y.	Naphen,	Tompkins,
Burnett,	Glynn,	Otjen,	Underhill,
Campbell,	Graham,	Pearce, Mo.	Vreeland,
Catchings,	Green, Pa.	Polk,	Wachter,
Cochran, Mo.	Hawley,	Ransdell,	Watson,
Cooney,	Hull,	Ray, N. Y.	Weaver,
Cooper, Tex.	Joy,	Reeves,	Weymouth.
Crawford,	Kerr,	Roberts,	

So the amendment to the amendment was rejected.

Mr. SMALL. Mr. Speaker, I desire to know if the gentleman from Maryland, Mr. WACHTER, voted?

The SPEAKER pro tempore (Mr. DALZELL). The gentleman did not vote.

Mr. SMALL. I am paired with him, and desire to withdraw my vote and to be recorded as "present."

The following pairs were announced:

For the session:

Mr. HULL with Mr. HAY.

Mr. PACKER of Pennsylvania with Mr. POLK.

Until further notice:

Mr. BURKETT with Mr. BURKE of Texas.

Mr. HAWLEY with Mr. COOPER of Texas.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. GILLETT of Massachusetts with Mr. THAYER.

Mr. TAYLER of Ohio with Mr. FOX.

Mr. BOUTELLE of Maine with Mr. COCHRAN of Missouri.

Mr. ESCH with Mr. BAILEY of Texas.

Mr. TOMPKINS with Mr. CROWLEY.

Mr. REEVES with Mr. SPARKMAN.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. MAHON with Mr. OTEY.

Mr. BARNEY with Mr. ALLEN of Mississippi.

Mr. SHERMAN with Mr. DRIGGS.

Mr. MINOR with Mr. RIXEY.

Mr. LYBRAND with Mr. GASTON.

Mr. STEWART of New York with Mr. MAY, for two weeks.

Mr. WACHTER with Mr. SMALL, for one week.

Mr. ALDRICH with Mr. BURNETT, until April 21.

Mr. OTJEN with Mr. BRENNER, until April 20.

Mr. GILLET of New York with Mr. CAMPBELL, until Monday.

Mr. HILL with Mr. UNDERHILL, for balance of week.

For this day:

Mr. JENKINS with Mr. ROBERTSON of Louisiana.

Mr. BABCOCK with Mr. MCALEER.

On this vote:

Mr. BURLEIGH with Mr. DAVEY.

Mr. DRISCOLL with Mr. GLYNN.

Mr. JOY with Mr. LENTZ.

Mr. STEWART of New Jersey with Mr. LESTER.

Mr. HILL. Mr. Speaker, I voted from force of habit. I am paired with the gentleman from New York, Mr. UNDERHILL, and I desire to withdraw my vote and be marked "present."

Mr. HILL's name was again called, and he answered as above recorded.

Mr. LITTLE. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore. Was the gentleman present and listening for his name when it was called?

Mr. LITTLE. I was.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

Mr. LITTLE's name was called, and he voted as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question now is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will now report the amendment offered by the gentleman from Massachusetts [Mr. FITZGERALD].

The Clerk read as follows:

With the further proviso that all such banks or bankers shall pay at least 2 per cent per annum on all moneys so deposited.

The question was taken; and on a division (demanded by Mr. FITZGERALD of Massachusetts) there were 54 ayes and 62 noes.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I demand the yeas and nays. [Cries of "Oh, no, no!"] I will withdraw the demand, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. FITZGERALD] withdraws the demand for the yeas and nays; the noes have it, and the amendment is disagreed to.

Mr. LEVY. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

Mr. CORLISS. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is the reading of the amendment offered by the gentleman from New York [Mr. LEVY].

The Clerk read as follows:

Insert after line 2, page 2, the following:

"That the Secretary of War be, and he is hereby, directed to instruct the collector of customs for the island of Cuba to deduct from the monthly receipts of said island of Cuba 25 per cent of the total amount collected, and to transmit said amount to the Secretary of the Treasury of the United States, which amount shall be placed to the credit of the island of Cuba. And such monthly transfers of 25 per cent of the receipts of the island of Cuba shall continue until the total amount expended by the United States on behalf of the island of Cuba shall have been paid, or until such other provisions for the settlement of the indebtedness of the island of Cuba to the United States shall have been made between the Government of the United States and the authorities of the island of Cuba."

Mr. COOPER of Wisconsin. Mr. Speaker, I make the point of order on that amendment that it is not germane.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of order that the amendment is not germane.

Mr. LEVY. Mr. Speaker, I think this amendment is germane; it relates to the island of Cuba and its financial situation. The bill before the House is upon the financial question in these islands, and I think this amendment is germane.

The SPEAKER pro tempore. In the opinion of the Chair, the amendment relates to an entirely different subject than the subject of the bill, and the point of order is sustained. The question now is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. FITZGERALD of Massachusetts) there were—ayes 69, noes 68.

So the bill was ordered to be engrossed and read a third time; and it was engrossed and read the third time.

The SPEAKER pro tempore. The question now is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. JONES of Virginia. Division, Mr. Speaker.

Mr. COOPER of Wisconsin. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 111, answered "present" 9, not voting 108; as follows:

YEAS—122.

Adams,	Davenport, S. A.	Kahn,	Reeves,
Alexander,	Davidson,	Ketcham,	Rodenberg,
Allen, Me.	Dayton,	Knox,	Russell,
Bailey, Kans.	Dick,	Lacey,	Shattuc,
Barham,	Dolliver,	Landis,	Shelden,
Bingham,	Dovener,	Lane,	Showalter,
Boutell, Ill.	Driscoll,	Lawrence,	Smith, Ill.
Bowersock,	Eddy,	Linney,	Smith, H. C.
Brick,	Fleming,	Littlefield,	Smith, Samuel W.
Bromwell,	Fletcher,	Long,	Southard,
Brosius,	Fordney,	Lorimer,	Spalding,
Brown,	Fowler,	Loudenslager,	Sperry,
Brownlow,	Gamble,	Lovering,	Steele,
Bull,	Gibson,	McCall,	Stewart, Wis.
Burke, S. Dak.	Graff,	McPherson,	Sulloway,
Burton,	Greene, Mass.	Mann,	Tawney,
Butler,	Grosvenor,	Marsh,	Thomas, Iowa
Calderhead,	Grout,	Mercer,	Tongue,
Capron,	Grow,	Miller,	Turner,
Cochrane, N. Y.	Hamilton,	Mondell,	Van Voorhis,
Connell,	Haugen,	Moody, Mass.	Vreeland,
Cooper, Wis.	Heatwole,	Moody, Oreg.	Wadsworth,
Corliss,	Hedge,	Morris,	Wanger,
Cousins,	Henry, Conn.	Needham,	Waters,
Cromer,	Hepburn,	Olmsted,	Weeks,
Crump,	Hitt,	Overstreet,	White,
Crumpacker,	Hoffecker,	Payne,	Wilson, N. Y.
Curtis,	Hopkins,	Phillips,	Wise,
Cushman,	Howell,	Powers,	Young.
Dahle, Wis.	Jack,	Prince,	
Dalzell,	Jones, Wash.	Reeder,	

NAYS—111.

Adamson,	De Vries,	Little,	Ryan, Pa.
Allen, Ky.	Dinsmore,	Lloyd,	Scudder,
Atwater,	Dougherty,	McClellan,	Shackleford,
Bail,	Elliott,	McCulloch,	Shafroth,
Barber,	Finley,	McDowell,	Sheppard,
Bartlett,	Fitzgerald, Mass.	McLain,	Sims,
Bell,	Fitzgerald, N. Y.	McRae,	Slayden,
Benton,	Foster,	Maddox,	Smith, Ky.
Berry,	Gaines,	Meekison,	Snodgrass,
Bradley,	Gayle,	Miers, Ind.	Sparkman,
Brantley,	Gilbert,	Muller,	Spight,
Breazeale,	Glynn,	Neville,	Stark,
Brewer,	Gordon,	Noonan,	Sulzer,
Brundidge,	Griffith,	Norton, Ohio	Sutherland,
Caldwell,	Griggs,	Norton, S. C.	Talbert,
Carmack,	Hall,	Pierce, Tenn.	Tate,
Clark, Mo.	Henry, Miss.	Quarles,	Terry,
Clayton, Ala.	Henry, Tex.	Rhea, Ky.	Thomas, N. C.
Clayton, N. Y.	Howard,	Rhea, Va.	Underwood,
Cooney,	Jett,	Richardson,	Vandiver,
Cowherd,	Johnston,	Ridgely,	Wheeler, Ky.
Cox,	Jones, Va.	Riordan,	Williams, J. R.
Cusack,	Kitchin,	Robb,	Williams, W. E.
Daly, N. J.	Kleberg,	Robinson, Ind.	Williams, Miss.
Davenport, S. W.	Kluttz,	Robinson, Nebr.	Wilson, Idaho
Davis,	Lanham,	Rucker,	Zenor,
De Armond,	Levy,	Ruppert,	Ziegler.
De Graffenreid,	Lewis,	Ryan, N. Y.	

ANSWERED "PRESENT"—9.

Driggs,	Hill,	Otey,	Small,
Hawley,	Mahon,	Rixey,	Stewart, N. Y.
Hay,			

NOT VOTING—108.

Acheson,	Crawford,	Lentz,	Ray;
Aldrich,	Crowley,	Lester,	Roberts.
Allen, Miss.	Cummings,	Littauer,	Robertson, La.
Babcock,	Davey,	Livingston,	Salmon,
Bailey, Tex.	Denny,	Loud,	Sherman,
Baker,	Emerson,	Lybrand,	Sibley,
Bankhead,	Esch,	McAleer,	Smith, Wm. Alden
Barney,	Faris,	McCleary,	Sprague,
Bartholdt,	Fitzpatrick,	May,	Stallings,
Bellamy,	Foss,	Mesick,	Stephens, Tex.
Bishop,	Fox,	Metcalf,	Stevens, Minn.
Boreing,	Freer,	Meyer, La.	Stewart, N. J.
Boutelle, Me.	Gardner, Mich.	Minor,	Stokes,
Brenner,	Gardner, N. J.	Moon,	Swanson,
Broussard,	Gaston,	Morgan,	Tayler, Ohio
Burke, Tex.	Gill,	Mudd,	Taylor, Ala.
Burkett,	Gillet, N. Y.	Naphen,	Thayer,
Burleigh,	Gillett, Mass.	Newlands,	Thropp,
Burleson,	Graham,	O'Grady,	Tompkins,
Burnett,	Green, Pa.	Otjen,	Underhill,
Campbell,	Hemenway,	Packer, Pa.	Wachter,
Cannon,	Hull,	Parker, N. J.	Warner,
Catchings,	Jenkins,	Pearce, Mo.	Watson,
Chanler,	Joy,	Pearre,	Weaver,
Clarke, N. H.	Kerr,	Polk,	Weymouth,
Cochran, Mo.	Lamb,	Pugh,	Wilson, S. C.
Cooper, Tex.	Latimer,	Ransdell,	Wright.

So the bill was passed.

The following pairs were announced:

For this session:

Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.

For this day:

Mr. GARDNER of New Jersey with Mr. CUMMINGS.

Mr. CANNON with Mr. NAPHEN.

On this vote:

Mr. ACHESON with Mr. TAYLOR of Alabama.

Mr. BARTHOLDT with Mr. BURLESON.

Mr. HAWLEY. Mr. Speaker, I voted "aye" on this bill, but as I am paired with my colleague from Texas, Mr. COOPER, I desire to withdraw my vote and answer "present."

Mr. HAWLEY's name was again called, and he answered "present."

The result of the vote was announced as above stated.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSION CLAIMS OF DEPENDENT PARENTS.

Mr. CORLISS. I call for the regular order.

The SPEAKER pro tempore. The regular order is the call of committees.

The Clerk proceeded to call the committees.

Mr. LOUDENSLAGER (when the Committee on Pensions was called). I desire to call up the bill (S. 2836) to repeal section 4716 of the Revised Statutes so far as the same may be applicable to the claims of dependent parents of soldiers, sailors, and marines who served in the Army or Navy of the United States during the war with Spain.

The bill was read, as follows:

Be it enacted, etc., That section 4716 of the Revised Statutes be, and the same is hereby, repealed so far as the same may be applicable to the claims to pension of dependent parents of soldiers, sailors, and marines who served in the Army or Navy of the United States during the war with Spain.

Mr. LOUDENSLAGER. I ask that the report on this bill be read. I think it will make this case as clear as could be done by any remarks of mine.

Mr. RICHARDSON. I rise to a parliamentary inquiry. Is this bill called up on the call of committees?

The SPEAKER pro tempore. It is.
Mr. RICHARDSON. Is it on the House Calendar?
The SPEAKER pro tempore. It is.
Mr. RICHARDSON. Ought it not to be on the Union Calendar?
The SPEAKER pro tempore. The Chair will examine the bill.
Mr. RICHARDSON. It seems to me that the bill should have been referred to the Union Calendar. I do not know that I shall make any point of order, but I want to get at the facts. I could not hear the bill read. I ask that it be read again.
The bill was again read.
Mr. RICHARDSON. From what I have heard in regard to this bill, I do not care to make any point.
Mr. GAINES. This bill gives to soldiers who fought in the war with Spain, and who may also have served in the Confederate army, equal rights with other soldiers.
Mr. LOUDENSLAGER. This bill removes the prohibition of section 4716 of the Revised Statutes.
A MEMBER. What is that?
Mr. LOUDENSLAGER. That section prohibits the dependent parents of men who were in the Confederate service from receiving pensions. This bill removes that prohibition, so that the dependent mothers of such soldiers may have their claims for pensions adjudicated at the Pension Department.
Mr. GILBERT rose.
The SPEAKER pro tempore. Does the gentleman from New Jersey [Mr. LOUDENSLAGER] yield?
Mr. LOUDENSLAGER. Yes, sir; I yield to the gentleman from Kentucky [Mr. GILBERT].
Mr. GILBERT. Mr. Speaker, this bill, as I understand it, merely removes the disability which is imposed by existing law for having rendered service in the Confederate army during the war of the rebellion. For example, in the Eighth Kentucky district, a young man by the name of Brewer, a graduate of West Point, went as a lieutenant with our army, and was killed in the Philippine Islands last summer. His father made application for pension, he being a worthy old man and dependent entirely upon the boy for his support. I filed his application in the office of the Pension Department here, and he was debarred from obtaining it solely because of the fact that he had been a soldier in the Confederate army. But for that disability, which, as I understand it, this bill seeks to remove, he would, as the dependent father of the young soldier, have been entitled to pension.
Now, if I am correct, the purpose of this bill is merely to remove that disability and allow dependent fathers and mothers or other dependent relatives under existing pension law to obtain pensions as other pensions are granted, notwithstanding the fact that the father may have served in the Confederate army. Is that the purpose of the bill?
Mr. LOUDENSLAGER. That is the purpose of the bill.
Mr. BARTLETT. That is correct.
Mr. GILBERT. That being true, I hope every Democrat and every Republican on the floor will vote for the bill.
Mr. RIDGELY. Will the gentleman allow an interruption?
Mr. GILBERT. Certainly.
Mr. RIDGELY. Does not the gentleman think that this bill is so manifestly just that every man in this House on all sides should and will support it?
Mr. GILBERT. I think so.
Mr. RIDGELY. And we all think so.
Mr. FITZGERALD of Massachusetts. Will the gentleman from New Jersey allow me to ask him a question?
Mr. LOUDENSLAGER. Certainly.
Mr. FITZGERALD of Massachusetts. Is there any law now on the statute books refusing the same rights to the widows and dependent families of Confederates who have served in the Spanish war as are granted to the families of all other soldiers?
Mr. LOUDENSLAGER. The section that this bill seeks to amend—the section of the statute—relates to dependent parents of soldiers and repeals the restriction which was heretofore imposed by the law.
Mr. FITZGERALD of Massachusetts. But is there any other law on the statute books prohibiting the granting of pensions to the family of a soldier who served in the United States Army during the Spanish-American war if previously he had served in the Confederate army? If so, I hope all disabilities of this kind will be removed.
Mr. RIDGELY. Do I understand that this does not remove the disabilities now existing as to pensioning the widows of Confederate soldiers who subsequently served in the war with Spain?
Mr. LOUDENSLAGER. I will say, Mr. Speaker, that if this bill becomes a law it removes that bar as far as dependent parents are concerned.
Mr. MOODY of Massachusetts. Will the gentleman cause to be read the statute proposed to be repealed by this legislation?
Mr. LOUDENSLAGER. I should be very glad to have it read, but it is not before me. I have stated, however, briefly, the purpose of it, and the report sets out clearly what is contemplated by the bill.
Mr. CLARK of Missouri. I think if the gentleman from New Jersey will make an explanation of the bill, so that the House may understand what is proposed to be done, it will be found not to be objectionable and will meet the approval of all members.
Mr. HOPKINS. Let the bill be read, or the report, or the gentleman can make a statement giving the purposes of the bill.
Mr. LOUDENSLAGER. Mr. Speaker, section 4716 of the Revised Statutes prohibits the granting of the benefits of the pension laws to the dependent parents of soldiers who had previously served in the Confederate army. Now, a large number of applications are being made, and are pending at the Department, to grant pensions to soldiers who served through the war with Spain (who had served previously in the Confederate service), for the benefit of their dependent parents who have made application to the Department, but were refused pensions under the prohibition existing by this section 4716.
The whole effect and purpose of the pending bill therefore is to remove that prohibition of the section so far as it applies to dependent parents of those who served in the Spanish war.
Mr. GIBSON. Will the gentleman allow a question?
Mr. LOUDENSLAGER. Certainly.
Mr. GIBSON. Why not repeal this whole section entirely? Why not make a total repeal of it at this time? I ask the gentleman from New Jersey to allow me to offer an amendment repealing section 4716 in toto, so as to allow all of those men who served a while in the Confederate army and who afterwards joined the Union Army to come in and get a pension under existing law.
Mr. LOUDENSLAGER. I can only say to the gentleman that this matter does not come before my committee.
Mr. GIBSON. But it comes before the House.
Mr. WILLIAMS of Mississippi. Do not begin by pensioning deserters from the Conferate army.
Mr. LOUDENSLAGER. I ask the previous question on the bill to its passage.
The previous question was ordered, under the operation of which the bill was ordered to a third reading; and being read the third time, was passed.
On motion of Mr. LOUDENSLAGER, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:
S. 3176. An act to provide for the erection of dwellings for the keepers of the Grosse Isle (Michigan) light-houses;
S. 2330. An act to authorize the President of the United States to invite the International Congress of Navigation to hold the ninth session in Washington, D. C.;
S. 4006. An act granting an increase of pension to Edward M. Tucker;
S. 1664. An act to provide for the purchase of a site and the erection of a public building thereon at Bluefield, in the State of West Virginia;
S. 3924. An act to authorize the construction of a bridge across the Tallahatchie River, in Tallahatchie County, Miss.;
S. 1018. An act to establish a Branch Home of the National Home for Disabled Volunteer Soldiers at Castle Pinckney, in Charleston Harbor, South Carolina, or some other eligible site in or near that city, for the use of the disabled officers and enlisted men of the Volunteer Army and Navy of the United States;
S. 1364. An act increasing the pension of Henry H. Blockson;
S. 3490. An act in relation to admissions to and dismissions from the Reform School of the District of Columbia;
S. 182. An act for the erection of a public building in Reno, Nev.;
S. 3309. An act to provide for the purchase of a site and the erection of a public building thereon at Carthage, in the State of Missouri;
S. 1982. An act for the erection of a public building at Allentown, Pa.;
S. 3211. An act to authorize the construction of an addition to the public building at Hartford, Conn.;
S. 2. An act to provide for the construction, maintenance, and operation, under the management of the Navy Department, of a Pacific cable;
S. 248. An act for the relief of Winslow Warren; and
S. 2438. An act to establish a fish-hatching and fish station in the State of West Virginia.
The message also announced that the Senate had passed with amendments the bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 2356. An act for the relief of Hiram Johnson and others; and

H. R. 2456. An act for the relief of the heirs and assignees of Philip McCloskey and John Hagan.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3176. An act to provide for the erection of dwellings for the keepers of the Grosse Isle (Michigan) light-houses—to the Committee on Interstate and Foreign Commerce.

S. 2330. An act to authorize the President of the United States to invite the International Congress of Navigation to hold the ninth session in Washington, D. C.—to the Committee on Foreign Affairs.

S. 4006. An act granting an increase of pension to Edward M. Tucker—to the Committee on Invalid Pensions.

S. 1664. An act to provide for the purchase of a site and the erection of a public building thereon at Bluefield, in the State of West Virginia—to the Committee on Public Buildings and Grounds.

S. 3924. An act to authorize the construction of a bridge across the Tallahatchie River, in Tallahatchie County, Miss.—to the Committee on Interstate and Foreign Commerce.

S. 1018. An act to establish a Branch Home of the National Home for Disabled Volunteer Soldiers at Castle Pinckney, in Charleston Harbor, South Carolina, or some other eligible site in or near that city, for the use of the disabled officers and enlisted men of the Volunteer Army and Navy of the United States—to the Committee on Military Affairs.

S. 1364. An act increasing the pension of Henry H. Blockson—to the Committee on Invalid Pensions.

S. 3490. An act in relation to admissions to and dismissions from the Reform School of the District of Columbia—to the Committee on the District of Columbia.

S. 182. An act for the erection of a public building at Reno, Nev.—to the Committee on Public Buildings and Grounds.

S. 3309. An act to provide for the purchase of a site and the erection of a public building thereon at Carthage, in the State of Missouri—to the Committee on Public Buildings and Grounds.

S. 1982. An act for the erection of a public building at Allentown, Pa.—to the Committee on Public Buildings and Grounds.

S. 3211. An act to authorize the construction of an addition to the public building at Hartford, Conn.—to the Committee on Public Buildings and Grounds.

S. 2. An act to provide for the construction, maintenance, and operation, under the management of the Navy Department, of a Pacific cable—to the Committee on Interstate and Foreign Commerce.

S. 248. An act for the relief of Winslow Warren—to the Committee on Claims.

S. 2438. An act to establish a fish-hatching and fish station in the State of West Virginia—to the Committee on Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8345. An act temporarily to provide revenues and a civil government for Porto Rico, and other purposes; and

H. R. 1092. An act to set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I desire to inquire if the conference report on the legislative, executive, and judicial appropriation bill is on the Speaker's table?

The SPEAKER pro tempore. It is.

Mr. BINGHAM. I desire to present that conference report. I ask that the reading of the report be dispensed with and that the statement of the House conferees may be read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania that the reading of the report be dispensed with and the statement be read?

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 22, 40, 44, 45, 52, 53, 55, 62, 63, 64, 79, 80, 86, 89, 93, 94, 105, 106, 116, 124, 135, 169, 184, 200, 201, 202, 203, 204, and 246.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 43, 46, 47, 48, 49, 50, 54, 56, 58, 59, 60, 61, 65, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 81, 82, 83, 85, 86, 87, 90, 91, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 107, 109, 115, 117, 118, 119, 120, 121, 122, 123, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 151, 152, 153, 154, 157, 158, 159, 160, 161, 162, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 175, 177, 178, 179, 180, 181, 183, 185, 188, 191, 192, 193, 196, 197, 198, 205, 206, 207, 208, 209, 210, 211, 212, 214, 215, 216, 217, 218, 219, 221, 222, 223, 225, 226, 227, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, and 258, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "Five Civilized Tribes of Indians;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$122,300;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-one;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,800;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,620;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,060;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "chief of division, $1,500;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,080;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For compensation of the Vice-President of the United States from March 3, 1901, $2,627.23;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: On page 29 of the bill, in line 24, after the word "library," insert ", and to enable the Secretary of State to purchase for the library of the Department of State books and manuscripts, including a collection of books and pamphlets bearing upon the history of the war of the Revolution, formerly in the library of Gen. Sir Henry Clinton, commander in chief of the British forces in America during that period, the same having been richly annotated in his hand;" and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,200;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$298,500;" and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the number proposed insert "five;" and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-two;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$95,770;" and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the word "permanent;" and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$165,060;" and the Senate agree to the same.

Amendment numbered 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with amendments as follows: Omit the matter inserted by said amendment, and on page 83 of the bill, in line 1, strike out the words "of class 3;" and the Senate agree to the same.

Amendment numbered 176: That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,640;" and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement

to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended as follows: On page 83 of the bill, in line 14, after the word "Office," insert the words ", at Washington, D. C.;" and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and for the establishment of a branch office at Galveston:" and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended as follows: On page 85 of the bill, in line 8, after the word "Office," insert the words, ", at Washington, D. C.;" and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$720;" and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,240;" and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: On page 93 of the bill, after the word "Office," in line 16, insert the following: ", including $250 for law digests;" and the Senate agree to the same.

Amendment numbered 213: That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "specialist in educational systems, $1,400;" and the Senate agree to the same.

Amendment numbered 220: That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,500;" and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500;" and the Senate agree to the same.

Amendment numbered 228: That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$268,130;" and the Senate agree to the same.

Amendment numbered 247: That the House recede from its disagreement to the amendment of the Senate numbered 247, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,530;" and the Senate agree to the same.

HENRY H. BINGHAM,
J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

S. M. CULLOM,
W. J. SEWELL,
H. M. TELLER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8847) making appropriations for legislative, executive, and judicial expenses for the fiscal year 1901 submit the following written statement, in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

On Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, relating to the Senate: Provides for the salaries of employees and for the contingent and miscellaneous expenses of the Senate, as proposed by the Senate.

On No. 17: Requires that the expenses of compiling the Congressional Directory shall be under the direction of the present Joint Committee on Printing, as proposed by the House.

On Nos. 18 and 19: Provides for a clerk to the Committee on Insular Affairs, at $2,000.

On Nos. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, and 82, relating to the Library of Congress: Provides for the officers and employees of the Library of Congress, and for miscellaneous and contingent expenses of the Library, as proposed by the Senate, except that the increases of ten salaries proposed by the Senate, amounting to $3,830, are stricken out.

On No. 83: Makes a verbal correction in the text of the bill relating to the Botanic Garden.

On No. 84: Appropriates for the salary of the Vice-President from March 3, 1901.

On Nos. 85, 86, and 87: Appropriates for a clerk at $1,800, instead of one at $1,600, in the Executive Office, as proposed by the Senate.

On Nos. 88 and 89: Strikes out the provision proposed by the Senate for two messenger boys at $360 each for the Civil Service Commission.

On Nos. 90 and 91: Increases the salaries of the Second and Third Assistant Secretaries of State from $4,000 to $4,500, as proposed by the Senate.

On Nos. 92 and 93: Appropriates $3,000, as proposed by the Senate, instead of $2,000, as proposed by the House, for books for the State Department, and makes the same applicable to the purchase of books and manuscripts formerly in the library of Gen. Sir Henry Clinton.

On No. 94: Strikes out the appropriation of $2,000 proposed by the Senate for restoring manuscript archives in the State Department.

On Nos. 95 and 96: Increases the salary of the assistant chief of the division of bookkeeping and warrants in the Treasury Department from $2,000 to $2,700, as proposed by the Senate.

On Nos. 97, 98, and 99: Appropriates for an additional clerk at $1,800 and an additional clerk at $1,600, as proposed by the Senate, in the division of appointments of the Treasury.

On Nos. 100 and 101: Omits 1 clerk, at $1,200, as proposed by the Senate, in the miscellaneous division of the Treasury.

On Nos. 102, 103, and 104: Provides for an assistant chief of division at $2,000, as proposed by the Senate, for the division of stationery, printing, and blanks of the Treasury, instead of a clerk at $1,800.

On Nos. 105, 106, 107, and 108: Provides for 2 additional clerks, at $1,200 each, as proposed by the Senate, in the offices of disbursing clerks of the Treasury, and strikes out the proposed increase of $200 in the salary of a clerk.

On Nos. 109, 110, and 111: Appropriates for 4 pressmen and 1 compositor and pressman in the office of the Treasurer, at $1,400 each.

On Nos. 112, 113, and 114: Provides for 2 additional clerks at $1,200 each, instead of 2 clerks at $900 each, in the office of the Register of the Treasury.

On Nos. 115, 116, 117, 118, and 119: Provides for an additional Deputy Commissioner of Internal Revenue at $3,600, as proposed by the Senate, instead of at $3,000, as proposed by the House; strikes out the provision requiring that he shall be appointed by the Secretary of the Treasury, and appropriates for 9 clerks at $1,000 each, instead of 10 at $900 each, in the office of the Commissioner of Internal Revenue.

On Nos. 120 and 121: Appropriates for an additional clerk at $1,800, as proposed by the Senate, in the office of the Life-Saving Service.

On Nos. 122, 123, and 124: Appropriates $3,500, as proposed by the Senate, instead of $3,000, as proposed by the House, for the officer in charge of the Bureau of Statistics, Treasury Department, and $2,000, as proposed by the House, instead of $4,000, as proposed by the Senate, for services of experts in said Bureau.

On Nos. 125 and 126: Appropriates for one assistant in laboratory in the office of the Director of the Mint, at $1,200, as proposed by the Senate, instead of $1,000, as proposed by the House.

On Nos. 128, 129, and 130: Fixes, as proposed by the Senate, the compensation of the chief of internal-revenue agents at not to exceed $10 per day, and of the other internal-revenue agents at not to exceed $6 per day, and provides, as proposed by the Senate, that the order of the Commissioner of Internal Revenue transferring gaugers and storekeepers to special work shall be accepted by the accounting officers for authority for proper expenses incurred by such gaugers and storekeepers while so assigned.

On Nos. 131, 132, 133, and 134: Appropriates for an assistant bookkeeper at $1,200, as proposed by the Senate, instead of at $1,000, as proposed by the House, and for 2 day watchmen and coin counters at $900 each, as proposed by the Senate, instead of at $720 each, as proposed by the House, in the office of the Assistant Treasurer at St. Louis, Mo.

On Nos. 136 and 137: Appropriates $10,000, as proposed by the Senate, instead of $5,200, as proposed by the House, for employees in the assay office at Seattle, Wash.

On Nos. 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, and 150, relating to government in the Territories: Appropriates, as proposed by the Senate, for salaries of the governor, judge, and attorney of the Territory of Alaska at $4,000 each, and inserts a provision requiring the commissioners of Alaska to report to the Attorney-General the amount of fees earned; appropriates $3,000, respectively, for the governors of Arizona, New Mexico, and Oklahoma, as proposed by the Senate, and $500 for moving furniture and records of Arizona to its new capitol building, and inserts a provision proposed by the Senate prohibiting the legislature of Oklahoma from making any appropriation or contract for a capitol building.

On Nos. 151, 152, and 153: Appropriates for an additional chief of division at $2,000, as proposed by the Senate, instead of a clerk at $1,800, in the office of the Secretary of War.

On Nos. 154, 155, and 156: Appropriates for two chiefs of division, at $2,000 each, in the office of the Adjutant-General.

On Nos. 157, 158, and 159: Appropriates for a chief clerk at $2,000 in the Signal Office, instead of a clerk at $1,800.

On Nos. 160 and 161: Appropriates for an assistant draftsman at $1,400, instead of at $1,200, in the office of the Quartermaster-General.

On Nos. 162 and 163: Makes a verbal correction in the text of the appropriation for contingent expenses in the office of public buildings and grounds, and restores to the bill the provision proposed by the House requiring that one-half of certain expenditures under public buildings and grounds in Washington shall be paid out of the revenues of the District of Columbia.

On Nos. 164, 165, and 166: Makes a verbal correction in the text of the appropriation for miscellaneous expenses under the State, War, and Navy building, and provides for an additional clerk at $1,000 in the office of the Secretary of the Navy.

On Nos. 167 and 168: Appropriates for an assistant to the Judge-Advocate-General of the Navy at $2,500, as proposed by the Senate.

On Nos. 169, 170, 171, and 172: Appropriates for 20 additional copyists at $840 each and 3 assistant messengers, as proposed by the Senate, in the Bureau of Navigation, in place of yeomen now detailed for service in said Bureau.

On Nos. 173, 174, 175, and 176: Appropriates for 1 clerk at $1,800, instead of a clerk at $1,600, and for 1 electrical expert and draftsman at $1,000, in the Bureau of Equipment.

On Nos. 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, and 189: Appropriates for the expenses of the Hydrographic Office as proposed by the Senate, except that the provision proposed by the House restricting expenditures in said office in Washington, D. C., to funds specifically appropriated therefor is restored to the bill, and the provision proposed by the Senate, entitling Senators and Members to 10 sets of charts published by the Hydrographic Office, is stricken out, and provision is made for the establishment of a branch hydrographic office at Galveston, Tex., while the one proposed for Manila is stricken out.

On No. 190: Appropriates $4,000, instead of $3,200, as proposed by the House, and $5,200, as proposed by the Senate, for miscellaneous computations in the Naval Observatory.

On Nos. 191 and 192: Appropriates for 2 copyists, at $840 each, in the Bureau of Medicine and Surgery, as proposed by the Senate.

On Nos. 193, 194, and 195: Appropriates for 6 additional watchmen and 1 conductor of elevator, at $720 each, as proposed by the Senate, for the General Post-Office building occupied by the Interior Department.

On Nos. 196, 197, and 198: Appropriates for an additional copyist, at $900, and for a librarian, at $1,000, for the General Land Office, as proposed by the Senate.

On No. 199: Appropriates $200 for law books and $250 for law digests for the General Land Office.

On Nos. 200, 201, 202, 203, and 204: Strikes out the changes proposed by the Senate in the clerical force of the Indian Office.

On Nos. 205, 206, 207, 208, 209, 210, and 211: Appropriates for compensation of the chief clerk and 2 law clerks in the Patent Office, at $2,500 each, as proposed by the Senate, and for 8 additional copyists, at $900 each, instead of 10, at $720 each, and for 5 additional messenger boys, at $660 each, together with $500 for the purchase of law books.

On Nos. 212, 213, and 214: Appropriates $2,000, as proposed by the Senate, instead of $1,800, as proposed by the House, for 1 specialist in education as a preventive of pauperism and crime, and $1,400 for a specialist in educational systems, as proposed by the Senate, in the Bureau of Education.

On Nos. 215 and 216: Provides, as proposed by the Senate, that the office of Commissioner of Railroads shall terminate on June 30, 1901, and strikes out the appropriation of $500 for the examination of books and accounts of certain subsidized railroad companies.

On Nos. 217, 218, and 219: Appropriates for a chief clerk and assistant to

the Architect of the Capitol, at $2,250, instead of a clerk, at $1,800, as proposed by the Senate.

On No. 220: Appropriates $55,500, instead of $52,500, as proposed by the House, and $50,500, as proposed by the Senate, for stationery for the Interior Department.

On No. 221: Appropriates $3,600, as proposed by the Senate, instead of $3,000, as proposed by the House, for postage stamps for the Interior Department.

On Nos. 222 and 223: Appropriates $3,000, as proposed by the Senate, instead of $2,000, as proposed by the House, for the surveyor-general of Alaska.

On Nos. 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, and 241, relating to the Post-Office Department: Appropriates $2,500 for chief clerk to the First Assistant Postmaster-General and $2,100 each for the chief clerks to the Second, Third, and Fourth Assistant Postmasters General; $2,000, instead of $1,800, for the chief of the correspondence division; for an additional clerk, at $1,400, in the office of the First Assistant Postmaster-General; appropriates for the chiefs of the contract and equipment divisions at $2,000 each, instead of $1,800, and for an additional clerk, at $1,000, in the office of the Second Assistant Postmaster-General; appropriates $2,250, instead of $2,000, for the chief of the finance division, and $2,000, instead of $1,800, for the chief of the classification division, and $5,840, instead of $4,380, for per diem allowance to assistant superintendents of the registry system, in the office of the Third Assistant Postmaster-General.

On Nos. 242, 243, and 244: Appropriates $14,985, as proposed by the Senate, instead of $11,000, as proposed by the House, for miscellaneous expenses of the Post-Office Department, and $25,000, as proposed by the Senate, instead of $20,000, as proposed by the House, for publication of the Official Postal Guide.

On Nos. 245, 246, and 247: Appropriates $4,500 for the salary of the Assistant Attorney-General for the Post-Office Department, instead of $4,000, and strikes out the appropriation of $2,500 for an additional law clerk, proposed by the Senate, in the Department of Justice.

On Nos. 248 and 249: Appropriates $60,000, as proposed by the Senate, instead of $58,000, as proposed by the House, for experts and temporary assistants, and $1,000, as proposed by the Senate, instead of $500, as proposed by the House, for the library of the Department of Labor.

On Nos. 250 and 251: Provides for a continuance of the Court of Private Land Claims for two years after June 30, 1900, and appropriates for the expenses of said court for the fiscal year 1901.

On No. 252: Appropriates $1,500, as proposed by the Senate, instead of $1,000, as proposed by the House, for the commissioner in the Yellowstone Park.

On Nos. 253, 254, 255, 256, and 257: Appropriates for 2 clerks, at $1,600 each, and 1 at $1,400, instead of 2 clerks, at $1,200 each, and 1 assistant messenger instead of a laborer, in the Court of Claims, and appropriates $8,000 for employment of auditors in the Court of Claims.

On No. 258: Strikes from the bill, as proposed by the Senate, the provision proposed by the House requiring the heads of the Executive Departments to certify from time to time to the Civil Service Commission the names of persons permanently incapacitated from performing public service.

The bill as finally agreed upon appropriates $24,173,152.53, being $23,287.77 less than as it passed the Senate, $283,156.88 more than as it passed the House, $329,777.56 more than the appropriations for the current fiscal year, and $1,175,894.91 less than the estimates.

HENRY H. BINGHAM,
J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. BINGHAM. Mr. Speaker, I desire to submit to the House that this is a final agreement upon all the provisions of the bill. If any gentleman desires to make any inquiries, I will, with pleasure, answer.

Mr. UNDERWOOD. I should like to ask the gentleman from Pennsylvania how much this conference report increases the original appropriations in the bill as it left the House?

Mr. BINGHAM. Two hundred and eighty thousand dollars, in round numbers, and if the gentleman wishes I will state that the large items covering that increase are $50,460 for the Senate, in their own administration of their body; some $66,600 for the Library, increase over the House allowances; some $20,000 for the Hydrographic Office, with the establishing of a rule whereby no moneys for clerical force shall be taken from any appropriation in the bill other than that specifically indicated for clerical force.

Mr. UNDERWOOD. I will ask the gentleman from Pennsylvania to explain the change of the law again. I did not understand his last statement.

Mr. BINGHAM. The Hydrographic Office——

Mr. UNDERWOOD. In reference to the change of clerks. As I understand, the bill makes a new law.

Mr. BINGHAM. If the gentleman has reference to the House provision whereby there is control of the expenditures, I would say the Senate conceded those controlling paragraphs.

Mr. UNDERWOOD. But, as I understand——

Mr. BINGHAM. So that the Hydrographic Office, as the Senate and House understand it, is fully provided for in its present efficiency, together with the establishment of an additional office at Galveston, Tex. If the gentleman will allow me to proceed——

Mr. MOODY of Massachusetts. I should like to ask a question upon that point. I understand that this conference report in no way cripples the present equipment of the Hydrographic Office.

Mr. BINGHAM. In no way whatever. All the stations of the Hydrographic Office are provided for as under current law, with the addition of the hydrographic office at Galveston, which is a new office, and we excluded from the bill the Senate amendment for a hydrographic office in the Philippines.

Mr. MOODY of Massachusetts. I understand the provision to which the gentleman from Alabama [Mr. UNDERWOOD] has referred is simply a prohibition upon that office from paying clerks out of the appropriation for the pay of the Navy, which they have heretofore done, in complete violation of the law.

Mr. BINGHAM. That is correct.

Mr. MOODY of Massachusetts. And the law is changed in no way.

Mr. BINGHAM. In no way whatever.

Mr. MOODY of Massachusetts. They are simply admonished to observe the law in the future.

Mr. BINGHAM. And the efficiency of the Bureau continues.

Mr. MOODY of Massachusetts. In every way.

Mr. BINGHAM. In every way. Now, again, we reenact and continue the Court of Private Land Claims for another year, at an expense, the same as under the current law, of $41,500. We give to the Interior Department an increase in their stationery account, which the exhibit of deficiencies heretofore allowed make necessary, amounting to $7,000, the amount including the administration of the Civil Service Bureau.

In view of the large increase of work in the Post-Office Department, we give the estimates which the First, Second, Third, and Fourth Assistant Postmasters-General have asked, supplemented by the request of the Postmaster-General, and in view of the additional fact that the exhibit this year indicates that, by virtue of the increase of the revenues of general postal service, there will be a deficit of only a little over $4,000,000. We felt warranted in making the administration of the several divisions of the Post-Office Department as effective as possible.

Along the line of the bill there are many minor changes of $200 and the allowance of additional clerks, but these four or five items cover largely the great body of the increases of the Senate and concurred in by the House.

Mr. UNDERWOOD. I would like to ask the gentleman from Pennsylvania what items are increased in the expenditures—for what purpose the money is to be expended where the increase is to maintain the Senate and Library? Those are the two largest items, I understand.

Mr. BINGHAM. The only way in which I can answer the gentleman in connection with the Senate is to say it covers: "Enrolled Bills," "Geological Survey," "Railroads," "Pacific Railroads," "Pacific Islands and Porto Rico," "Philippines," "Relations with Cuba," "Interoceanic Canal," "Transportation," and "Sale of Meat Products," etc. They are clerks.

Mr. UNDERWOOD. Is it additional clerks to those which are already provided?

Mr. BINGHAM. Miscellaneous items, exclusive of labor, $25,000; the Senate has increased it to $50,000.

Mr. UNDERWOOD. That is for the Senate?

Mr. BINGHAM. Let me make this statement. It runs all along the line of appropriations for the general administration of the Senate. Some years ago it was a common rule of this House to enter into contention with the Senate in reference to the administration of that which pertained to the Senate so far as subordinate force is concerned.

It never had but one result, and that was that the House finally yielded. I think for the last six or eight years that I have had general charge of this bill we have accepted the conclusion that the Senate had the right to determine what its subordinate force should be, they according to the House the same right; and while we, at this conference, to some extent resisted this appropriation in our general debate, it was felt that however much we might discuss it the result would be the same.

Mr. UNDERWOOD. Still, with a view to necessary economy, whether we can succeed or not, I think it is just to the country, even when we agree to the Senate amendment, that the gentleman should state how much increase there is for employees and those expenditures that the House conferees did not think necessary.

Mr. BINGHAM. The increase in the sum total is $50,460.

Mr. UNDERWOOD. Is that all for employees?

Mr. BINGHAM. This increase, as the report says, is for employees, the contingent fund, and miscellaneous expenses of the Senate, as proposed by the Senate.

Increases on account of employees and for contingent expenses of the Senate proposed on the legislative, etc., bill by Senate amendments are as follows:

1 committee clerk, from $2,100 to $2,220	$120
3 committee clerks, from $1,800 to $2,220	1,260
5 committee clerks, at $2,220, instead of 5 clerks to Senators, at $1,500 each	3,600
1 assistant superintendent document room, $1,600 to $1,800	200
10 Total	5,180
24 laborers, at $720 each	17,280
Folding speeches, from $4,000 to $6,000	2,000
Miscellaneous items, from $25,000 to $50,000	25,000
Repairs of Maltby Building, from $1,000 to $2,000	1,000
Total	50,460

Mr. UNDERWOOD. Now, in reference to the increase for the Library. For what purpose is that to be used?

Mr. BINGHAM. I would state that the Committee on Appropriations resisted, in the bill that it submitted to the House and passed, a large number of items of increase of force and salaries submitted by the Librarian. The hearing was a long one, lasting almost an entire morning in the subcommittee on the legislative

bill. We so adjusted the bill that we felt we had given the Librarian the full amount to wisely administer the Library.

He, however, was given a full hearing by the Senate, and the Senate took issue with the House on the plans of development that the Librarian intended to operate upon, broad plans to make this great and magnificent Library useful in every respect. We gave in the House bill the full allowance for the copyright department that the Librarian asked for, as that brings to the Government revenue, and should be up to date in administration and work. In the items of catalogue we cut them down and reduced in many other paragraphs of the bill. He submitted to the Senate that on the basis of his estimates for the catalogue the time as to years would not be great, but that upon the allowances of the House it would cover many years—perhaps fifteen years—to complete.

The Senate gave him his estimates for the catalogue. The Librarian also outlined his future work in his general examination, the broad field that he proposed and the field of usefulness he hoped the Library should fill. The Senate acceded to these requests. The House objected to the increases of salary of subordinate force and the Senate yielded; so that in effect your committee, recognizing the thorough training, large experience, and marked integrity of Mr. Putnam, together with the confidence entertained for him by the Congress, especially in his good judgment, we found and concluded that we should yield to the Senate, and I am of opinion valuable results will follow.

Of course, I can not go into the details, but we have given the Librarian, except in the increase of salaries, all he asked Congress for in the Book of Estimates, believing that it was best for the future usefulness of the Library. And in that connection let me state that while we did not feel that it should be put upon this bill, there was an indication in the committee that the usefulness of the Library, even though it is open from 9 o'clock in the morning until 10 o'clock at night, was only filling a limited influence, but that it became the duty of the Librarian to see how it could be more largely extended than under the old rules which now govern it.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I would like to ask the gentleman from Pennsylvania whether the House concurred in the amendment inserted by the Senate increasing the salary of the Librarian to $6,000 per year.

Mr. BINGHAM. We give the Librarian $6,000.

Mr. FITZGERALD of Massachusetts. That is, the $1,000 that was added by the Senate is still retained?

Mr. BINGHAM. We have accepted the Senate amendment.

Mr. FITZGERALD of Massachusetts. That is a matter of justice, because Mr. Putnam came to Washington with the understanding that he should have that amount. He is, in my judgment, the best qualified man in this country for that position, and I am glad that this increase has been made.

Mr. BINGHAM. There seemed to have been an understanding that the salary Mr. Putnam would receive as the Librarian of the Congressional Library should not be less than the salary he had been receiving as librarian in Boston.

Mr. FITZGERALD of Massachusetts. The understanding was that Mr. Putnam's salary was to be made $6,000, and while we disliked to lose his valuable services in Boston we felt honored that a Boston man had been selected for this great office.

Mr. CUSHMAN. I would like to ask the gentleman from Pennsylvania, Is there a provision in the conference report granting an increase in the expenditure for the Yellowstone National Park?

Mr. BINGHAM. The amount was increased from $1,000 to $1,500.

Mr. ALLEN of Mississippi. Mr. Speaker, I desire to ask my colleague a question, whether or not, notwithstanding all the resistance upon the part of the House to extravagance and unnecessary expenditures upon the part of the Senate, is the House, as one of the leading branches of this Government, responsible to the people, to yield this question altogether to the Senate, and let them spend just as much money as they please for the future, without any effort on our part? Is it not time that we should call some sort of a halt on the Senate, even at the expense of defeating an appropriation bill, and call the attention of the country to this unnecessary extravagance?

Mr. BINGHAM. Mr. Speaker, I move, if there are no other inquiries, the adoption of the report, and on that I call for the previous question.

The question was taken; and on a division (demanded by Mr. BINGHAM) there were—ayes 67, noes 48.

Mr. UNDERWOOD. Tellers, Mr. Speaker.

Mr. HEMENWAY. I would like to know from the gentleman from Alabama what is his objection?

Mr. UNDERWOOD. I think it is time that we should make the appropriations.

The SPEAKER pro tempore. The question is on the demand of the gentleman from Alabama for tellers.

The question of ordering tellers was taken.

The SPEAKER pro tempore. Ten gentlemen rising, not a sufficient number, and tellers are refused. The ayes have it, and the conference report is agreed to.

On motion of Mr. BINGHAM, a motion to reconsider the last vote was laid on the table.

Mr. CORLISS. Regular order, Mr. Speaker.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments on the District of Columbia appropriation bill and ask for a conference.

The SPEAKER pro tempore. The regular order has been demanded.

Mr. CORLISS. I will yield to the gentleman from Vermont.

The SPEAKER pro tempore. The gentleman from Vermont asks that the House nonconcur in the District of Columbia appropriation bill and ask for a conference.

The motion was agreed to.

The Chair appointed the following conferees on the part of the House: Mr. GROUT, Mr. BINGHAM, and Mr. ALLEN of Mississippi.

ELECTION OF UNITED STATES SENATORS.

Mr. CORLISS. The regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is the call of committees.

The Clerk proceeded with the call of committees.

Mr. CORLISS (when the Committee on Election of President, Vice-President, and Representatives was reached). Mr. Speaker, I call up House joint resolution No. 28, proposing an amendment to the Constitution providing for the election of Senators of the United States.

The Clerk read the bill, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendments be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall become and be a part of the Constitution, namely: In lieu of the first and second paragraphs of section 3 of Article I of the Constitution of the United States of America, the following shall be proposed as an amendment to the Constitution:

"SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen for six years, and each Senator shall have one vote. These Senators shall be chosen by the legislatures of the several States unless the people of any State, either through their legislature or by the constitution of the State, shall provide for the election of United States Senators by direct vote of the people; then, in such case, United States Senators shall be elected in such State at large by direct vote of the people; a plurality shall elect, and the electors shall have the qualifications requisite for electors of the most numerous branch of the State legislature

"When vacancies happen, by resignation or otherwise, in the representation of any State in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the next general election, in accordance with the statutes or constitution of such State."

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

Mr. RUCKER rose.

The SPEAKER pro tempore. Does the gentleman from Michigan yield?

Mr. CORLISS. I do not wish to yield at present. I will directly.

Mr. CLARK of Missouri. Mr. Speaker, I want to ask a question for information.

The SPEAKER pro tempore. Does the gentleman from Michigan yield to the gentleman from Missouri?

Mr. CORLISS. Yes, for a question.

Mr. CLARK of Missouri. The gentleman from Missouri [Mr. RUCKER], who is a member of the committee, has a minority report.

Mr. CORLISS. The gentleman and I have a full understanding, and it is not necessary to fix any time; but after I conclude my preliminary remarks I understand the Chair will recognize the gentleman from Missouri [Mr. RUCKER], who desires to offer an amendment.

Mr. CLARK of Missouri. That is what I wanted to inquire about.

Mr. CORLISS. We have a definite understanding.

Mr. CLARK of Missouri. But the amendment which the gentleman wishes to offer is in the nature of a substitute.

Mr. RUCKER. I understood that the substitute ought to be offered now and be pending.

Mr. CORLISS. I have no objection to the gentleman's offering the substitute now.

The SPEAKER pro tempore. The Clerk will read the substitute.

The Clerk read as follows:

Joint resolution proposing an amendment to the Constitution providing for the election of the United States Senators by popular vote.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of paragraph 1 of section 4 of said Article I in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections

for Senators, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the States:

The Senate of the United States shall be composed of two Senators from each State, who shall be elected by a direct vote of the people thereof for a term of six years, and each Senator shall have one vote. A plurality of the votes cast for candidates for Senator shall be sufficient to elect. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures, respectively.

The time, place, and manner of holding elections for Senators shall be prescribed in each State by the legislature thereof.

When a vacancy exists in the representation of any State in the Senate, occasioned by death, resignation, or otherwise, the executive authority of such State shall issue writs of election to fill such vacancy: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointment until the next general election in said State for the election of Representatives in Congress, at which time such vacancy shall be filled by election as provided herein.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

Mr. RUCKER. Now, Mr. Speaker, I would like to know if the substitute is considered as pending?

The SPEAKER pro tempore. Certainly; the gentleman from Michigan consents that it shall be pending.

Mr. RUCKER. I would like to ask if we can not agree as to some division of the time?

Mr. CORLISS. I submit that we can dispose of this matter this afternoon. I am perfectly willing that the gentleman from Missouri [Mr. RUCKER] should occupy one-half of the time. I do not think it is necessary to make any agreement, but we can occupy the time of the House between now and adjournment, and I am willing that the time should be equally divided. I understood from the gentleman from Missouri [Mr. RUCKER] that that would be satisfactory.

Mr. RUCKER. I understood that each gentleman on the committee could arbitrarily control one hour; but I now learn that is a mistake and that they can not do it. This side would like to have two hours.

The SPEAKER pro tempore. What is the proposition?

Mr. CORLISS. I understand the gentleman from Missouri wants a division of the time. It seems to me it is unnecessary. I have no objection that the gentleman from Missouri shall have as much time as I occupy on this side, but I ask that the matter be disposed of this afternoon.

Mr. RUCKER. Gentlemen on this side want to be heard on this bill, and have asked for more time than we can have between now and adjournment. There is only about an hour and a half remaining.

The SPEAKER pro tempore. Under the rules of the House the gentleman from Michigan is entitled to an hour and the gentleman from Missouri to an hour unless in the meantime the previous question is called for.

Mr. BREAZEALE. I want to suggest to the gentleman from Michigan that more time than an hour and a half is desired on this side.

Mr. CORLISS. Mr. Speaker, I ask that we proceed now regularly with the consideration of this measure; and if gentlemen do not obtain to-day all the time they may desire, I am perfectly willing that the bill go over to some other day. I will not move the previous question until debate has been concluded satisfactorily to the other side.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CORLISS] is recognized.

Mr. CORLISS. Mr. Speaker, I yield to no man a higher appreciation and reverence for the Constitution of my country. It was conceived through the genius of our forefathers, inspired by divine love of humanity, individual liberty, and the welfare of mankind. It has been the enduring monument upon which not only the fabric of our national life rests, but the rock upon which monarchies have been wrecked and governments based upon the sovereign power and will of the people have been builded.

I am not unmindful of the difficulties attending any effort to amend this marvelous instrument. The proposition presented in the present joint resolution is neither new nor novel in our legislative history.

The question whether the United States Senators should be elected by the people was a subject of discussion in the convention which framed the Constitution, and has recently repeatedly engrossed the attention of Congress.

With the meager population, scattered wealth, and primitive conditions of our country at the formation of the Government, I am not surprised that those illustrious men should have finally united against the better judgment of Madison, Hamilton, Wilson, and others, and placed the power to choose Senators in the legislatures of the several States.

They had no warnings to guide them against the evils, intrigues, and maneuvers of corporations and political bosses of modern times. No subject has engrossed the attention and aroused the indignation of the people more during the past twenty years than the conduct of State legislatures in the election of Senators.

The object of this amendment is to place in the hands of the people of the respective States, if they so elect, by constitutional or legislative enactment, the right to express by direct vote the will of the citizen in the selection of Senators.

It will be observed that the proposed amendment broadens and extends the sovereign right of the people of the State by placing in their power the right to either continue the present method for the election of United States Senators by the legislatures or by a direct vote of the people, when in the judgment of the people of the State such method would correct the existing evils and insure to the State her full representation in the United States Senate.

This provision preserves the unit of power in the State, in no way affects the rights of a State or the power of the Senate, and maintains the fundamental principles of the Constitution.

The chief concern of all good governments is the welfare and happiness of the people. This can best be secured and preserved through the agency of the direct action of the citizen as the sovereign.

The fundamental principle of our form of Government is based upon the idea that it derives "its power from the consent of the governed."

The people in 30 different States—the required two-thirds—have most emphatically expressed their wish with reference to this amendment by the adoption of resolutions demanding action by Congress. Permit me to read two or three of recent date. They are most significant:

[House joint resolution No. 9.]

Joint resolution concerning the election of United States Senators by a direct vote of the people of each State.

Resolved by the general assembly of the State of Ohio, That the Senate and House of Representatives of the United States of America be memorialized as follows: The general assembly of the State of Ohio respectfully requests the Congress of the United States to submit a constitutional amendment providing for the election of United States Senators by a direct vote of the qualified electors of each State of the Union. The general assembly believes that such an amendment to the national Constitution will result in each State having at all times a full representation in the national Senate, will prevent protracted and disturbing contests for membership therein, and will prevent all attempts to influence improperly or corruptly the selection of members to the national Senate. The general assembly believes that as all political power in the United States comes from the people, that the sole right to select all legislative officers should by the Constitution be vested directly in the people.

Resolved, That the governor is hereby respectfully requested to forward a duly authenticated copy of this memorial (with the vote upon its passage), under the great seal of this State, to the Senators and Representatives in Congress from this State, in order that the same may be brought to the attention of the Congress of the United States.

CHARLES H. BOSLER,
Speaker pro tempore of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Adopted February 3, 1898.

Resolution adopted by the legislature of Pennsylvania, providing for the appointment of a committee to confer with the legislatures of the other States of the Union, regarding an amendment to the Constitution of the United States which shall provide for the election of United States Senators by popular vote.

Whereas it is evident, judging by the tone of the public press, as well as by the resolutions of the State legislatures, and the resolutions passed year after year by the national House of Representatives, that a majority of the American people desire a change in the Constitution whereby they may elect the President, Vice-President, and United States Senators by direct popular vote: Therefore, be it

Resolved (*if the senate concur*), That a committee of five, two from the senate and three from the house, be appointed to confer with the legislatures of other States of the Union with the view of bringing about the submission of an amendment to secure the desired result; this committee to report to the legislature in 1901, and not to incur expenses to exceed $500 for the two years.

JERE B. REX,
Chief Clerk of the House of Representatives.

The foregoing resolution concurred in.

E. W. SMILEY,
Chief Clerk of the Senate.

Approved the 6th day of April, A. D. 1899.

WILLIAM A. STONE.

The amount authorized to be expended is written in figures instead of letters. The amount is $500, and I approve the resolution with this understanding.

WILLIAM A. STONE.

[House joint memorial No. 2.]

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislative assembly of the State of Montana, respectfully represent that we believe there is a general desire upon the part of the legal voters of the State of Montana that United States Senators should be elected by a direct vote of the people, and that the election of United States Senators by the legislative assembly, under the present provisions of the Constitution and laws of the United States, retards and delays the business of the sessions seriously.

Therefore your memorialists respectfully request you to take such steps as may be necessary to secure such amendments to the Constitution and laws of the United States as will provide for the election of United States Senators by a direct vote of the people, and we urge our Senators and Representatives in Congress to use their best endeavors to secure such amendments.

The framers of our Constitution did not intend to permit vacancies to exist in the Senate. The unit of power in the Senate is the State, represented by two votes. All States, large or small, without regard to population, wealth, industrial or commercial influence, stand on an equality in the Senate. Yet, through the present vicious methods of electing Senators, vacancies have existed

for nearly one-half the time during the history of our country in consequence of the failure of the State legislature to elect.

There are to-day four vacancies in the Senate as a result of the present pernicious method, arising from the intrigues and maneuvers of ambitious men and bossism in State legislatures; and it seems to me, from the evidence already presented to the Senate, that another vacancy may soon be created.

Think of it! Five great States of this Union with their influence in the Senate severed in twain and the unit of power only half represented! It is like a one-legged man trying to walk without crutches, or a captain trying to navigate a side-wheel steamer during a storm with one wheel and the rudder.

Judging by the resolutions recently adopted, the people of Pennsylvania, Delaware, California, Utah, and Montana have enjoyed all the fruits of the present vicious method of electing Senators they desire.

Vacancies in this House, in the judiciary and executive branches of the Government are kept constantly filled, while in the Senate, where a single vacancy destroys the principle of equality among the States, vacancies of recent years are almost constant, and the sacred principle of the Constitution thereby violated.

We boast of our Christian civilization, and our people have been taught by the Lord to pray, "Lead us not into temptation," and yet the Constitution in its present form spreads in the pathway of the members of the legislature a temptation through which many true men of merit are forced to defeat and the glory and honor of a Senatorship snatched by unfair means from the hands of the people.

Take from the legislatures the election of Senators and you will destroy the most potent power through which corporate influence now holds its sway.

In many States the entire time of the legislature has been occupied with Senatorial elections and the people of the State humiliated by not only a failure to elect, but by the failure of all legislation in the interest of the people.

The present method of electing Senators carries with it the insinuation that the people are, for some unknown reason, unfit to make choice of their lawmakers in the United States Senate.

Members of this House are compelled to depend upon the direct suffrage of the citizens. Why should Senators object to this plan? Are they afraid of their constituents? Do they fear to trust the judgment of the people? If so, I submit they are unfit to represent the people.

This amendment proposes to allow the citizens of each State to elect whether they will choose Senators by the present method—through the legislature—or by direct vote of the people.

I am aware that some of the members here prefer to make the law uniform in each State. Why? Because it seems more harmonious to their mind. We know that the people in at least 30 out of the 45 States want a change, but have no expression from the other 15 States. They seem to be content with the present law, and I submit that this amendment, which places the responsibility for the change with the people, is based upon the fundamental principles of our Government.

Why should the people of Vermont or Massachusetts be compelled to change their plan of electing Senators because the people of the States of Pennsylvania and Montana demand a change? Why should the members of this House assume to dictate to the people of Massachusetts or New Hampshire, and compel them to comply with a method of electing Senators desired by the people of Pennsylvania or Michigan?

We have tried the other plan, and it has failed in the Senate. Now, let us grant to the people of the thirty States who have asked for a change the power to reach their Senators.

Mr. Speaker, I am sorry to find gentlemen on the other side of this House insisting upon the uniform method proposed by the amendment offered by the gentleman from Missouri [Mr. RUCKER]. What is the matter with these gentlemen? Are they afraid to trust the people of the respective States? Have they forgotten the record of their party leader, William Jennings Bryan, whom they blindly follow into the realm of anti-sound money, anti-tariff, anti-trust, anti-expansion, and anti order, ownership, and peace in the Philippines, who in the Fifty-third Congress, before the gentleman from Missouri became a member of this House, proposed substantially my resolution, and under his leadership every member on that side of the House voted for the amendment?

What would the gentleman from Missouri say, as well as the others on the other side of this House, if we should enact a uniform law with reference to the election of members of Congress? In my State all citizens are permitted to cast their votes for members of Congress, while in many of the Southern States they are deprived of their suffrage because they can not read and write. If it is wise that Senators should be elected uniformly in all the States by the people, why should we not enact a national law that will extend, as provided by the Constitution, to the citizens of all States the right to cast their votes for a member of this House and have it correctly counted?

In Vermont and in many other States the judiciary are appointed by the legislature, while in my State, and in many others, they are elected by the people. Why not legislate with reference to this subject, and make the laws of each State uniform?

In some States the franchise is extended to persons not citizens, persons who have only declared their intention to become citizens, while in my State and in many other States none but full citizens are permitted to vote. Why not pass a law making this uniform throughout all of the States?

This uniform method, which seems so desirable and harmonious to some of the members of this House, is simply an echo of the Senatorial whiplash and will be used to defeat this measure in the Senate. While I think the gentlemen who advocate the proposed amendment are sincere, let me warn them that they are endeavoring to place this measure in such a condition as to excite the bitter opposition of many of the members in the Senate. There is a certain character of Senatorial courtesy existing in the Senate, and the Senator from Pennsylvania, whose people have asked for this amendment, will not trespass upon the rights of his colleague from New Hampshire, whose people are satisfied with the present method.

Mr. Speaker, through the kindness and generosity of Mr. J. S. McLain, editor of the Minneapolis Journal, I am able to illustrate the importance of this constitutional amendment. There is nothing more effective on the human mind or heart than an object lesson.

Here [at this point a large cartoon was, by direction of Mr. CORLISS, exhibited to the House] you can behold the pot-bellied members of the State legislature baiting their hooks with the gold fish in the Senatorial brook.

For over a century they have been casting their tempting bait into this limpid pool until nearly all the trout, bass, and other game fish have been caught or frightened away and nothing but the big-mouthed suckers and bullpouts remain.

The Senatorial honor, in some States at least, has become besmirched with these polluted waters until nothing short of political blackleg vaccine virus will destroy the dangerous Senatorial germs that now infest the wily fisherman.

The modern combinations of capital that threaten the welfare and happiness of the people are slight evils compared with the gigantic trust and monopoly held by these greedy fishermen for over a century.

Uncle Sam has become aroused, and his boys have donned their wading boots and propose to brave this Senatorial brook and propagate again the game fish for Senatorial diet.

Mr. BROSIUS (numerous members having gathered in a group to examine the cartoon exhibited). Mr. Speaker, I rise to a point of order. I hope members of the House may be seated.

The SPEAKER pro tempore. Members will resume their seats.

Mr. GROSVENOR. I rise to a point of order. There is a license tax required in this District for public exhibitions of pictures, etc.; and I deny that the gentleman from Michigan has any right to evade that ordinance by coming in here with his show.

Mr. CORLISS. Judging from what I have observed in this House during three or four terms, my friend from Ohio has had as many "shows" here as any other member. The gentleman from Pennsylvania [Mr. BROSIUS], much to my surprise, objects to this little, harmless cartoon.

Mr. BROSIUS. Not at all.

Mr. CORLISS. Does the gentleman think it reflects on his State? [Laughter.]

Mr. BROSIUS. Not at all. I simply objected to a disorderly assemblage of members.

Mr. CORLISS. I have a few more of these cartoons, which are not so large. I will have copies of them distributed, and I would like members to sit in their seats and examine them. I think it will be instructive.

Mr. WILLIAMS of Mississippi. I should like to ask who is the artist to whom we are indebted for these pictures?

Mr. CORLISS. A very good man who lives in Minneapolis.

Mr. WILLIAMS of Mississippi. I thought the artist might be our friend from Ohio [Mr. SHATTUC]. [Laughter.]

Mr. CORLISS. One of these cartoons relates to matters in Montana. I wonder whether there is a member here from that State who will make objection.

Now, Mr. Speaker, it is not necessary for me to speak further in regard to this measure. While these cartoons may be amusing, the question here involved is a serious problem. The people of the United States are looking to this House to take action upon this measure. They are tired of the evils which have arisen with reference to the election of United States Senators.

I want members here to consider the importance of this matter. How many members are there in this House who dare stand upon this floor and insist that the Constitution shall remain as it is?

The gentleman from Missouri does not propose to deprive the people of their rights in this matter. He simply wants to compel them to elect Senators by popular vote. I desire to give them a greater right, a broader privilege, one that they can exercise in their discretion.

Mr. Speaker, the reasons and arguments in favor of this amendment may be briefly summarized as follows:

First. It grants to the citizens of each State the power, if desired, to elect Senators by a direct vote of the people.

Second. It will afford a prompt and efficient remedy for the evils unfortunately resulting from the present method.

Third. It will remove from State legislatures a political influence which frequently disturbs important State affairs, arouses personal controversies, and fosters political bossism.

Fourth. It will maintain the unit of State power in the Senate as intended by the Constitution.

Fifth. It will prevent vacancies and save the time of the Senate now constantly occupied in the consideration of election cases arising from either the failure of legislatures to elect or alleged corruptions in elections.

Sixth. It will preserve inviolate the fundamental principle of our form of government—that it derives its "powers from the consent of the governed."

Seventh. A thoroughly aroused and enlightened public opinion demands the change.

Mr. Speaker, I submit that it is the duty of this House, in obedience to the expressed wish of the people in thirty different States, to pass this amendment and to continue to do so in each succeeding Congress until the exalted heads in the United States Senate shall listen to the thundering voice and bow to the will of the people.

Mr. NEVILLE. Will not the gentleman from Michigan take this side of the House into his confidence and tell us how many more planks of the Democratic platform he proposes to insert in this law?

Mr. CORLISS. My dear friend, the Democratic platform does not seem to stay with you long. Here is my friend from Missouri presenting a proposition directly opposed, as I understand, to the platforms of both the great parties of our country.

In further answer to the gentleman's question, I want to say that the proposition here is to trust the people. Are you willing to do it? Do you want to dictate to the people any more? Do you desire to force them to adopt the measure that suits you? It pleases me from my political standpoint to see members on the other side trying to force their views on the people of other States, because it is not a uniform method. I trust the people of my State. I am willing to trust the people of your State. I insist that you should not compel the people of any State to adopt a plan that they do not desire.

I reserve the balance of my time.

Mr. POWERS addressed the Chair.

The SPEAKER pro tempore. Does the gentleman from Michigan yield to the gentleman from Vermont?

Mr. CORLISS. The gentleman from Vermont is a member of the committee, and I am perfectly willing he shall be recognized in his own right.

Mr. NEVILLE. I should like to ask the gentleman from Michigan another question.

The SPEAKER pro tempore. Has the gentleman from Michigan concluded?

Mr. CORLISS. I have concluded my remarks, and I yield the floor to the gentleman from Vermont.

The SPEAKER pro tempore. Is the gentleman from Vermont opposed to the bill?

Mr. POWERS. I am opposed to the proposition that comes from the majority of the committee and also to the proposition that comes from the minority of the committee. [Laughter.]

In order that the House may have a precise understanding of the posture of this question, I desire to say that a majority of the committee have presented the proposition which is urged here by the gentleman from Michigan, and which is an alternative proposition. It provides for the election of Senators of the United States by the State legislature, or, if the State prefers, by a direct vote of the people. The minority of the committee has submitted a proposition for the election of United States Senators by a direct vote of the people. It is to be noticed that there is no alternative method of election proposed in the minority report; but they go a step further, and propose to amend another article of the Constitution, giving to the State the right to fix the time, place, and manner of election of Senators; and there they stop. It will be recalled by members of the House that section 4 of Article I of the Constitution provides that—

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

The manifest purpose, therefore, of the minority proposition is to eliminate any control on the part of Congress as to the manner of electing Senators of the United States.

Well, Mr. Speaker, I am opposed to any change in section 4 of Article I of the Constitution in that behalf, for this reason: That a Senator or Representative is a Federal officer. He is elected without the control of the Federal Government, but the Federal Government should be endowed with full power to control and regulate its own legislative body.

Mr. CLARK of Missouri. Will the gentleman yield for a question?

Mr. POWERS. Certainly.

Mr. CLARK of Missouri. Does not the proposition of the minority absolutely control the election of Senators through Congress or under Federal control?

Mr. POWERS. I did not quite catch the gentleman's question.

Mr. CLARK of Missouri. I asked the gentleman if the proposition submitted by the minority of the committee does not absolutely retain the control of the election of United States Senators in Congress or under the supervision of the Federal Government?

Mr. POWERS. I do not so understand it.

Mr. CLARK of Missouri. Why, their proposition is that United States Senators shall be elected by the popular vote, just as we are demanding and the people of the country are demanding.

Mr. POWERS. Yes; but as to the matter of time, place, and method of electing Senators this proposition by the minority would eliminate any control on the part of Congress to control.

Now, suppose that some State should decline to be represented in the Senate—absolutely refused to elect Senators at all. That being the case, they are doing a wrong to the entire country at large. The State of Vermont is as much interested in having Ohio represented in the Senate as the State of Ohio is itself. And so any State that sees fit to decline to elect a Senator would have the right practically to nullify the legislation of this body, because if one may refuse the majority might; and if one can do this all can do it, and you open the door to the most perfect system of secession that has ever been announced to the country or ever contemplated by the thoughtful men who have investigated this question or have taken time for its consideration.

In the last Congress—the Fifty-fifth Congress—an amendment was proposed in the same form now suggested by the gentleman from Michigan [Mr. CORLISS], and the gentleman from Alabama [Mr. UNDERWOOD] proposed an amendment providing for a direct vote of the people and saying nothing whatever about any Federal control of it. And that joint resolution passed the House almost unanimously. There were only 11 votes against it, both sides of the House being almost unanimously in favor of it.

I can not, Mr. Speaker, see why gentlemen are desirous of removing the ultimate and legitimate control of Congress over the election of their Senators and Representatives. What harm can possibly come from it? What benefit can arise from adopting the opposite procedure? It is a matter of protection to the General Government itself. It is a matter of self-defense that they may require every constituency entitled to be represented in the Senate to be actually represented on the floor of that body and leave no vacancies. They can compel the State to elect Senators if the State shall for any reason decline to do so, because they can prescribe a method by which they shall be elected.

Now, Mr. Speaker, this clause in the Constitution has never been called into action but once in the history of the Government. In 1866 the representative from my own State in the Senate proposed an act of Congress by which United States Senators should be elected at a uniform time, namely, on the second Tuesday of the session of the legislature and in a particular manner. This is the act of June, 1866, and is the only instance in which that clause of the Constitution giving Congress control over the time and place and manner of electing Senators has ever been appealed to or availed of.

Mr. FOWLER. I would like to ask the gentleman from Vermont a question for information, if he will yield for that purpose.

Mr. POWERS. Certainly.

Mr. FOWLER. How could we compel a State, under our present system of government, to elect a Senator if there were a refusal on the part of the State to do so?

Mr. POWERS. Well, suppose New Jersey, if they had sole control of the election of Senators and Representatives, declined to exercise the right. Now, Congress says that the State has a right to have representatives in the Federal Government, but the people of New Jersey take no steps to secure such election—the electors refuse to elect. In that event you have the right or the power under the law, if it should be adopted, to put the election under Federal control and submit to the people of New Jersey the opportunity to have somebody to represent them in the Federal Senate, and thus take from the people or from the control of your State legislature the election altogether, if you undertake to act in defiance of the control and power of the Federal Government over the subject. There is no question about that.

Now, Mr. Speaker, I am heartily in favor of this proposition to elect Senators by a direct vote; but while I wish to say here that no man in Congress has given the time and attention to this subject which the gentleman from Michigan [Mr. CORLISS] has given, and while he is entitled to a great amount of credit for the vast research that he has made and the great learning that he has displayed in the study of the question, yet it seems to me absurd to have one mode of electing Senators in one State and a different mode in another, the State of Colorado, for instance, electing by a direct vote of the people, the State of Kansas electing by a legislature, the State of Pennsylvania electing by a board of electors, if you please. They may adopt any plan they see fit under this proposition.

Mr. CORLISS. Will the gentleman allow a question?

Mr. POWERS. Yes.

Mr. CORLISS. Is not that true with reference to the judiciary?

Mr. POWERS. I will come to that in just a moment. We should have a perfect uniformity in our system. We are amending the organic law of our country, and we should make it operative alike in all parts of the country, not in one way in one part of the country and in a different way in another.

Mr. CLARK of Missouri. This is a practical and important question, and I should like to ask the gentleman from Vermont what objection there is in ingrafting on the Constitution the principle that every State shall elect its United States Senators by popular vote?

Mr. POWERS. That is just exactly what I want to have done.

Mr. CLARK of Missouri. Now, while they are doing that, if you think it advisable, you can fix the time of election of United States Senators in conjunction with this.

Mr. POWERS. Yes; and the place.

Mr. CLARK of Missouri. Yes.

Mr. POWERS. And the method.

Mr. CLARK of Missouri. Are you for the minority report, then?

Mr. POWERS. No, sir; I go a step further. The minority members have eliminated from section 4 of our present Constitution the right of Congress to make or alter the regulations that the State may adopt. I want to retain that power of self-defense in behalf of the General Government. I can see that some years ago, before the millennium came about, there might have been in some sections of the country an adherence to the old notion of State rights that would move them to insist that the Federal Government should have no control over the election even of its own representative agents or the men who are to carry it on.

In our system of dual government we do not undertake to interfere with the States as to the methods by which they shall choose their officers, and I say that the States should not interfere with the method that the Federal Government may adopt for the election of its officers, provided the Federal Government sees fit to change any special regulation that has been prescribed by the State.

But I was saying, Mr. Chairman, that in making the Constitution—and that is precisely the work that we now have in hand—it seems to me that we are making it for the whole people of the country, and that every clause in every method of election that we prescribe should be the same for Virginia and Minnesota and Vermont and every other State in this Union. The mischief that we are trying to correct by providing for election by a direct vote is to get rid of the scandals that have followed the method of electing by State legislatures.

Now, the proposition of my friend from Michigan is to allow that opportunity for scandal to remain in any State where they see fit to remain or leave to the State legislatures the power to elect, and only give the people the right to elect in States where they vote so to do. If we are going to amend the Constitution, it seems to me we should amend it for the whole people. It was made for the whole people. Every clause of it was made for the whole people, and now do not let us begin to make a patchwork Constitution by providing that you may elect Senators in one way in one State and in another way in another State.

Mr. CORLISS. Let me ask the gentleman a question. Is it not true that under the Constitution the unit of power in the Senate is different from the unit of power anywhere else in our country?

Mr. POWERS. Yes.

Mr. CORLISS. Every State has two Senators, whether it has a large or a small population, whether it has great wealth or little. Those two Senators from each State are the representatives of the people of that State. Are you not now trying to misrepresent them, or to compel them to act in a particular way, and thereby deprive some of them of the privilege that they ought to enjoy?

Mr. POWERS. My friend from Michigan fails to note the distinction between the scope of the Federal Government and the scope of the State government. The Federal Government is the unit that spreads over the whole country. He and I are sworn to our allegiance to the Federal Government; he and I are also sworn to our allegiance to our respective State governments; and so far as our State governments are concerned, the people of the State are absolute; they have plenary power; they may do what they please as to the method of electing State officials; but when you go outside of that and take on Federal functions, then it is that the Federal Government provides for a uniform system of electing its legislative body. That is what I insist upon.

Mr. CORLISS. Do we do that with reference to members of Congress? Do we not leave to the States the manner, the method, and the time of electing members of Congress?

Mr. POWERS. We now leave both the election of Senators and Representatives to the State, but have retained the right to control both. They may control your election to this House.

Mr. CORLISS. The power that the gentleman speaks of is still retained.

Mr. POWERS. It is in your amendment, but it is not in the minority report. I am contending that both are wrong, in part, at least.

Now, then, to answer the question proposed to me a moment ago by the gentleman from Michigan. He inquired if the judges of Vermont were not elected by the legislature. I say they are, and it has a perfect right to settle that question as it sees fit. United States judges are not so elected. The State judges constitute the courts that are provided for by the State legislature. So that the illustration that my friend made is not apropos to this question at all. They are acting within the scope of their proper limits of State jurisdiction. But now we are talking about representatives of the Federal Government, and providing the method of election that shall apply simply to that portion of the legislative body that is to represent the Federal Government.

Mr. CORLISS. Right on that point, is it not true that in electing the members of this House some States elect in the month of June, some in the month of September, and different methods in different States? Does it work any hardship here?

Mr. POWERS. Not at all.

Mr. CORLISS. Is not that authorized by the Constitution?

Mr. POWERS. It works no hardship here, and it is authorized by the Constitution.

Mr. CORLISS. Why not give the States the same rights in reference to the Senate that we give the people with reference to members of this House?

Mr. POWERS. There is no harm from that fact at all; but there is ever present with the Federal Constitution the right to correct.

Mr. CORLISS. And that I reserve in our amendment.

Mr. POWERS. But we do not provide that members of Congress shall be elected by the legislature in one State and by the people in another. We adhere to the popular idea that the representative of the people must be elected by the people; and the fact that they elect on one day in one State and another day in another does not touch the gist of this question. Now, then, Mr. Chairman——

Mr. KLUTTZ. Mr. Chairman, will the gentleman allow me to interrupt him there? I want to make this suggestion as to this section as to "the time, place, and manner of holding elections for Senators shall be prescribed in each State by the legislatures thereof." Would it not meet the gentleman's view to have it subject, however, to such laws and regulations as may be prescribed by Congress?

Mr. POWERS. Well?

Mr. KLUTTZ. That would leave it to the State where Congress did not act.

Mr. POWERS. That would exactly meet my point.

Mr. KLUTTZ. Why not strike that out?

Mr. POWERS. Strike it out and that is all right. Strike out the proposition of the minority and you will leave Article IV in force undisturbed.

Mr. KLUTTZ. I will state to the gentleman that the gentleman from Missouri who has charge of this matter agrees that that may be stricken out by unanimous consent, because we want to get at something practical and something that we can all agree to.

Mr. POWERS. Now we are brought to a practical question. The minority proposition having been amended, we are brought to the practical question whether we will adopt the amendment submitting to the legislatures of the States the question of a direct vote of the people, or submit to the legislatures of the several States the proposition to elect by a direct vote of the people, if they have a mind to, or otherwise by the legislature. That is the precise question we now have. I am in favor of submitting this to a direct vote of the people, a popular vote, for very many reasons. In the first place, it is a suggestion that has met the approval of a large majority of the American people already. Thirty or thirty-one State legislatures have already passed joint resolutions advising or proposing a change of the

Constitution by which United States Senators should be elected by a direct vote of the people. I have yet to learn that any legislature has passed a resolution providing for an election by a direct vote or by the legislature, as the gentleman from Michigan proposes.

Every one of them, without exception, so far as I have seen, make no provision whatever for a continuance of the method of electing by State legislatures, but they go the whole figure and say, Submit this election to a direct vote of the people. Why should it not be so? Why, in the Federal Convention, when this matter was the subject of debate, there was a large fraction of the members in favor of submitting the election of Senators to a direct vote, but it was deemed best, after discussion, under the then existing circumstances, to provide that that election should be made by the legislatures.

One eminent member of that convention declared on the floor that he wanted to remove the election of these officers as far away from the people as possible. They must have as little to do with the election of United States Senators as possible—and that was no less a person than Mr. Sherman, of Connecticut, one of the ablest members of that convention.

Another distinguished member, Mr. Dickinson, of Delaware, said he wanted to make the United States Senate a House of Lords, or as near to it as possible, and in order to do it the electorate to choose Senators must be a different body from the populace. Well, Mr. Speaker, I do not know but they have pretty nearly succeeded in getting a House of Lords. I have sometimes thought the hope of that gentleman had been realized in some measure. [Laughter.]

But the time has at last come when it has been demonstrated by experience that a popular choice of the United States Senators would not only be safer for the rights of the people, but it would be in a thousand other ways better. A legislative body in the State is not a body chosen, is not a body provided, for any such purpose; it is chosen to make laws for the State.

In how many instances can gentlemen recall where a legislature has spent nearly its entire session in the fruitless ballot for United States Senator to the neglect of proper legislative duties resting upon it and giving their whole time to partisan scramble for United States Senators.

Not only that, but they have failed to elect in some instances, and there are several vacancies in the United States Senate because the method of election by the legislature has been found to be ineffective and not accomplishing a choice. But you submit an election to the people, and there would always be a choice; there could be no such thing as a failure to elect the Senators. So, the plan which indifferent men to-day say works well enough does not work at all, and therefore it does not work well enough.

Now, again, the election of United States Senators in certain sections of the country has been said at least—every gentleman can form his opinion as to the truth of the matter—to have been accomplished by means of corrupt methods. It has been charged—and I suppose I am exposing no secrets—it has been charged, and some gentlemen believe, that seats in the United States Senate in the past—I say nothing about the present personnel of the Senate—have been procured by the corrupt use of money. It is easier to buy up a small legislative body than it is the great mass of the people. You can not buy the whole people. It might be said in answer to this that if you provide for a popular election, there will be a convention to nominate a candidate, and, that convention being a relatively small body, that somebody may buy up 51 per cent of the members. Suppose he does; there is another gantlet that must be run. He must go before the people, and the very fact that he had procured the nomination by fraudulent means would give to the people a lever to pry over that would forever blast his hopes of success at the polls.

It is one of the greatest possible securities to give this election to the people, even though men may practice fraudulent methods in securing a nomination to the office. But when you submit the matter to the legislature and buy that up, there is no further appeal; they are bought for all time. The mischief has been perpetrated, and there is no remedy left. I have said this proposition has been one that merits and receives popular approval. The very fact that thirty States have asked for the proposition is pretty good evidence of the popular opinion of the majority of the States in this Union. Not only that, this House has itself, during the last Congress, as I have already stated, passed that proposition in the form I now urge—the clean, straight, naked proposition to submit it to the people, upon an amendment proposed by the gentleman from Alabama [Mr. UNDERWOOD], and I presume that he will propose the same amendment again; I hope he will. That passed the House with only 11 votes against it.

Some of the political parties have incorporated this proposition into their platforms, but they never have asked for an alternative proposition. It has been a straight, clean proposition to submit the matter to the vote of the people. My friend from Michigan says, Can not you trust the people? I reiterate his inquiry, Can not you trust the people? Can not you trust the people better than you can trust part of the people to elect one way and a part of the legislatures to elect the other?

Mr. CORLISS. I would like to ask the gentleman a question. Do you think the Senators from the fifteen States that have not passed resolutions on this question would vote for your proposition?

Mr. POWERS. Mr. Speaker, what my opinion might be about that is of very little importance. I do not think we should test the merits of a proposition by inquiring whether Senators from fifteen States are going to vote for or against the measure. It makes no difference how a Senator may vote; that is his business, not mine. It is our business here to adopt the proposition which commends itself to our judgment; and when it gets over to the Senate, it is for that body to determine whether it meets with the judgment of Senators or not.

Mr. CORLISS. Have we not presented the proposition you advocate on at least three different occasions, and has not the Senate simply allowed it to die?

Mr. POWERS. Yes; that is true, and I propose for one to bombard the United States Senate with a good proposition until they come to their senses and adopt it. [Applause.]

I confess, Mr. Speaker, that this great reform—and it is a reform—is one that has been clogged in its pathway at the other end of the Capitol. I confess that I expect the time will never come when our Constitution may be changed until the proposition to amend it is tried along the lines of the other method provided in the Constitution. It will be remembered that the Constitution provides two methods of amendment. One is for Congress to take the initiative, as we are doing now, and present to the State legislatures a proposition for amendment. The other is for the States to take the initiative; and in that event, if two-thirds of the States join in the proposition to Congress, it is the duty of that body to call a national convention to pass upon the question of proposed amendments.

Mr. Speaker, there are two classes of men that have opposed this proposition in the past. One class is represented by the ultra conservative man and the other by the ultra indifferent man. The conservative man hesitates to vote for a change of our Federal Constitution, because, he says, "It was the work of inspired men. It is a great magna charta of liberty prepared by the wisest men of their day or any day, and therefore we must adhere to it." The man who speaks thus forgets that ten years after our Constitution was adopted twelve different amendments were made to it. So that this great work of the "inspired" men was found early after they had launched it to need some changes. Thus the idea that this Constitution is the inspired work of great men has been somewhat shattered by the historical facts to which I have alluded.

And we know that about seventy years later three or four more amendments were adopted. As the country has grown and the application of our system of government to existing conditions has required changes they have been made. The existing method of electing Senators has been demonstrated to be wrong—during the last twenty-five years more conspicuously than ever before. It is only since wealth has become so enormous—since our great manufacturing and railroad enterprises have become enlarged—that people have discovered that the power of wealth and corporate influence has invaded the legislatures of the States and turned them over to the election of Senators by corrupt methods. Hence arises this demand for a constitutional amendment.

There is nothing in the assumption that the instrument is a sacred one. The men who framed it knew that it was not to exist for all time without change, because they expressly provided not one but two methods by which it could be changed; and they provided a method by which, if Congress should become corrupt or unmindful of the rights of the people, the people themselves might initiate a scheme for constitutional changes. So that the argument of the conservative man, it seems to me, should have very little weight on this subject.

The argument of the indifferent man is, "Oh, it works well enough." There are a great many men in this world who are disinclined to take part in any new movement, to adopt any new suggestion, because, they say, "Old methods are working well; let them alone." Now, Mr. Speaker, the very fact that the present system of electing Senators does not in some instances work at all is a pretty good answer to the claim that it is working well enough. Here are States unrepresented; States that have been unrepresented for the last six or eight years; and they will continue in this condition just as long as the money influence can get control of a legislative body. The only remedy we have left to us is to change the methods of election and give to the people the control of this subject. In that way the idea of a government of the people and by the people can be realized. [Applause.]

Mr. RUCKER. Mr. Speaker, I now yield thirty minutes to the gentleman from Pennsylvania [Mr. ZIEGLER].

Mr. ZIEGLER. Mr. Speaker, the question under discussion by the committee rises above the usual discussions in this House and involves an amendment to the Constitution of the United States.

It is comforting as well as refreshing to hear at times debate upon a subject that does not appeal to political passion and prejudice. Nothing that I may say, therefore, in the course of my remarks, can be construed as of a political character. I shall endeavor to address the mind and conscience of each member, believing that the vote will be divided as perhaps the discussion of no other question can divide it.

The distinguished gentleman from Missouri [Mr. RUCKER], who has the honor to have expressed in writing the views of the minority, and who some time ago sustained the report in an able argument, and I, who now speak, are the only two members of the committee who signed the minority report, and we are hopeful that after this measure is discussed there will be found more than two-thirds who, by their votes, will sustain our views. For the attainment of this hope I will immediately address myself to a consideration of the proposed amendments and will advocate the views contained in the minority report.

The third section of Article I of the Constitution of the United States provides that—

> The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years.

It is this provision of the Constitution that we seek to amend.

There is no difference of opinion among the members of the committee having in charge the consideration of this important measure as to the absolute necessity for a constitutional amendment as to the method of electing Senators of the United States.

There is, however, this difference of opinion on the subject: The minority report favors the election of United States Senators by a direct vote of the people in all the States of the Union. It seeks to take from the legislatures of all the States the right to elect Senators and confers that power upon the people of each and every State of the Union. The majority report, it is true, as stated therein, broadens and extends the sovereign right of the people of the State by placing in their power the right to either continue the present method for the election of United States Senators by the legislature or by a direct vote of the people when in their judgment such method would correct the existing evils and insure to the State her full representation in the United States Senate.

We would deprive all legislatures from exercising any such right and confer the right directly upon the people of all the States. We would give this right by constitutional amendment to the people of all the States, because we have in them a greater confidence that wiser and better selections would be made by them through State conventions than by the legislatures. It may be said in answer to this that the people can make mistakes. This is true, but the people can be trusted to quickly remedy any mistakes they make.

Under the system provided in the minority report candidates for the United States Senate would be nominated by State conventions, and they are larger bodies than the legislature and could not so easily be approached, corrupted, and purchased. If, however, an unworthy candidate for the United States Senate be nominated by State conventions and if the method of his nomination be irregular or obtained by unfair or corrupt means, the people can be trusted at the ensuing election to defeat any candidate so nominated.

Governors of Commonwealths, State officers, and the judiciary are all elected by the people, and we believe they should in like manner be permitted to elect United States Senators, not by a diversity of ways, but uniformly. Why should the great Commonwealth of Pennsylvania have one method of electing United States Senators and Texas another? Why should Ohio elect by the legislature and Massachusetts by the people? We should have uniformity in the system and not incongruity.

For the purpose of enforcing upon the minds of the committee the simplicity of the proposed amendment as contained in the minority report, to show the clearness with which it is stated and the entire absence of incongruity, I may be permitted to again state it here, although but recently reported by the Clerk of the House:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the States:
>
> "The Senate of the United States shall be composed of two Senators from each State, who shall be elected by a direct vote of the people thereof for a term of six years, and each Senator shall have one vote. A plurality of the votes cast for candidates for Senator shall be sufficient to elect. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures, respectively.
>
> "When a vacancy happens by resignation or otherwise, in the representation of any State in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided,* That the executive thereof may make temporary appointment until the next general or special election, in accordance with the statutes or constitution of such State."
>
> This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

The majority report well says that the Constitution in its present form spreads in the pathway of the members of the legislature a moral temptation through which many good and true men of merit are forced to defeat and the glory and honor of a Senatorship snatched from the hands of the people by corrupt means. This statement is preceded, Mr. Speaker, by a quotation from the Lord's Prayer, "Lead us not into temptation." And yet the majority report would leave that temptation to exist in some of the States, for surely wherever the people would refuse to depart from the present method of electing Senators there the temptation would exist and the evils complained of would be carried on.

Let me illustrate: The legislature would overcome the tempter in the wilderness; it would overcome the tempter on a pinnacle of the temple; but should the legislature be taken up into an exceeding high mountain and shown all the kingdoms of the world and the glory of them, and told by the tempter, all these things will I give thee if you make me United States Senator, in that case the legislature yields to the tempter. We would destroy the last vestige of right in the legislatures to elect, and give this right to the people who are the sovereigns and who as a body are not so easily corrupted.

I very well understand it has been argued that both methods give the right to the people to say how Senators shall be elected, but who does not believe that there are some States where the people would not change the existing method of electing Senators—and I have seen the statement in the special Washington letter written by the distinguished member of this House, writing upon this subject (I refer to Mr. CLARK, of Missouri), that the States in which this law would be the most salutary are likely to be the States where the legislatures would make the selection. We would get rid, if possible, of the humiliating spectacle presented in recent efforts to elect United States Senators in some of the States, where corruption and bribery are charged, arrests made, and men tried and now awaiting trial in the courts, and upon failure to elect by the legislatures, unconstitutional powers exercised by governors of States in making appointments of United States Senators in manner clearly illegal and unauthorized by State constitutions.

Mr. Speaker, the United States Senate is a place of great trust and honor, and they upon whom this great trust and honor is placed should be elected by a direct vote of the people. It is the safer way of the two measures proposed. I am in favor of submitting the straight and single proposition to the Senate. The majority report contains an option. If the minority report is voted down and the majority report adopted, you perpetuate the very evils of which those who favor the majority report, as well as all of us, complain. Some States may change the system, and others will not. In those States where the legislatures are under the control of machine politicians or bosses no change will occur. There are some States in the Union where the machine is so strongly intrenched and where the power of the bosses is so great that no change would be made, because the machine influence and bosses would so direct.

Let us hope that if the minority report is passed here and in the Senate, there will be found in the Union three-fourths of the States which will ratify the amendment and such States as those about which I have been speaking will be compelled to accept the amendment as the law of the land. Let us, by submitting this question to a direct vote of the people, save the disgrace and humiliating spectacle presented by a rich man buying his way into the United States Senate by way of the legislature. Such scenes will then be a thing of the past, and poor but able and competent men will have some show of a nomination by a State convention and an election by the people.

The majority report says the impression prevails that it is as difficult for a poor man to enter the Senate of the United States as for a rich man to enter the kingdom of heaven. Such an impression does prevail, I am sorry to admit, but we desire to remove that impression by making it almost, if not entirely, impossible for a rich man to buy a State convention and a majority of the people at the general election. We desire to make it as impossible for a rich man to buy both State convention and the people as it would be for him to go through the eye of a needle.

Mr. Speaker, the great State of Pennsylvania voted against the election of Senators by the legislatures in 1787 when this subject was before the Convention which framed the Constitution. Her citizens to-day favor the same doctrine. They clamor for a change pure and simple. They ask a direct vote of the people for Senators. The public press demands it. The resolution adopted by the last session of the legislature evidences the prevailing sentiment of the people.

The majority report quotes it as an argument in its favor. It is no argument in favor of the majority report. It sustains the contention of the minority report. Permit me to read it:

> Whereas it is evident, judging by the tone of the public press, as well as by the resolutions of the State legislatures and the resolutions passed year after year by the National House of Representatives, that a majority of the American people desire a change in the Constitution whereby they may elect

the President, Vice-President, and United States Senators by direct popular vote. Therefore, be it

Resolved (*if the senate concur*), That a committee of five, two from the senate and three from the house, be appointed to confer with the legislatures of other States of the Union with the view of bringing about the submission of an amendment to secure the desired result; this committee to report to the legislature in 1901, and not to incur expenses to exceed $500 for the two years.

What is the result desired by the adoption of the said resolution?

Not that the present method of electing Senators of the United States by the legislatures may be preserved in some States and denied in others, but an amendment to the Constitution of the United States which shall provide for the election of United States Senators by a direct popular vote. This is the demand of the people, of the public press, and of our State legislators.

It is contemplated within the year to hold a convention in Philadelphia for the purpose of giving expression upon this question. This convention, it is expected, will be composed of representatives from all the States of the Union, and is the direct outcome of recent events in the election of Senators in Ohio, Delaware, and Montana, and the efforts to elect in Pennsylvania and California.

There is no issue in which the people are interested in which their dissatisfaction is more clearly defined. Some years ago, if I am not mistaken, the question, Shall United States Senators be chosen by a popular vote, was submitted for expression of opinion to the people of California, and 187,958 votes were cast for popular election of Senators and 13,342 votes against the proposition. I believe every county in the State gave a majority in favor of popular election of United States Senators. After the experience that California has recently had there would in my opinion be scarcely any votes recorded in favor of maintaining the present method. If this Congress does not meet the popular demand, there is another method provided by the Federal Constitution which will require Congress to act.

That provision is, on the application of the legislatures of two-thirds of the several States, Congress shall call a convention for proposing amendments. This provision is found in Article V of the Constitution, the same article which requires two-thirds of both Houses to agree to the contemplated constitutional amendment. The voice of a great convention, such as I have said will be held, ought to have some effect upon the Senators of the United States, who have several times heretofore refused to permit that body to be reformed.

It is sad to reflect that the Senate that needs reforming is the very body that, for personal reasons, stands in the way of reform. It may be, if two-thirds of the members of this House sustain the minority report and send it to the Senate, it may not pass the Committee on Elections and Privileges; or, if it is reported favorably, that it will be voted down; but mark my prediction: Many of us will live long enough to see this House and the Senate driven so strongly by popular demand that the people's mandate will have to be obeyed by one or the other method of amending our Federal Constitution to permit United States Senators to be chosen by a direct vote of the people in all the States of the Union.

When the legislature of the State of Ohio in 1896 adopted a similar resolution to that adopted in Pennsylvania, it did not contemplate a retention anywhere of the present system of electing United States Senators or even make it permissible in any State. This resolution is quoted in the majority report as though it sustained the proposition therein contained. I read it:

Resolved by the general assembly of the State of Ohio, That the Senate and House of Representatives of the United States of America be memorialized as follows: The general assembly of the State of Ohio respectfully requests the Congress of the United States to submit a constitutional amendment providing for the election of United States Senators by a direct vote of the qualified electors of each State of the Union. The general assembly believes that such an amendment to the national Constitution will result in each State having at all times a full representation in the national Senate, will prevent protracted and disturbing contests for membership therein, and will prevent all attempts to influence improperly or corruptly the selection of members to the national Senate. The general assembly believes, as all political power in the United States comes from the people, that the sole right to select all legislative officers should by the Constitution be vested directly in the people.

Resolved, That the governor is hereby respectfully requested to forward a duly authenticated copy of this memorial (with the vote upon its passage), under the great seal of this State, to the Senators and Representatives in Congress from this State, in order that the same may be brought to the attention of the Congress of the United States.

Mr. Speaker, we will all observe that the resolution calls upon us as the representatives of the people to submit a constitutional amendment providing for a direct vote of the people of each State of the Union. So it will be observed the demand of the people and the demand of the legislatures is for a uniform system and not for an incongruous one. Similarly there comes up from Montana a joint memorial and brought about by the investigation of charges that a Senator of the United States bought his way into that distinguished body. It is addressed to the Senate and House of Representatives, and reads as follows:

Your memorialists, the legislative assembly of the State of Montana, respectfully represent that we believe there is a general desire upon the part of the legal voters of the State of Montana that United States Senators should be elected by a direct vote of the people, and that the election of United States Senators by the legislative assembly, under the present provisions of the Constitution and laws of the United States, retards and delays the business of the sessions seriously.

Therefore your memorialists respectfully request you to take such steps as may be necessary to secure such amendments to the Constitution and laws of the United States as will provide for the election of United States Senators by a direct vote of the people, and we urge our Senators and Representatives in Congress to use their best endeavors to secure such amendments.

This resolution is quoted by the majority report as sustaining its contention. It does not do so. It sustains the minority report. We are told that 24 other States have passed similar resolutions, and I venture the assertion that every one of them contemplates uniformity of the election of Senators, as contemplated by the minority report.

Mr. Speaker, a measure similar to that of the minority report has on different occasions passed the national House of Representatives and has found its burial ground in the Senate. It has passed the Fifty-second Congress. In the Fifty-third Congress, House resolution No. 20, on the same subject, passed by a vote of 141 yeas to 50 nays. In the Fifty-fifth Congress it passed by the following vote: Yeas, 185; nays, 11. I would have this House now reenact this measure. I would give it anew the form of law, as expressive at least of the mind of this House on this important question, and send it to the Senate, there to give the Senators once more an opportunity to meet the demands of the people and make it the law of the land or again bury it.

Opinions of Senators on this proposed constitutional amendment have been obtained and were published in a recent edition of the New York Journal, which paper strongly advocates the election of Senators by a direct vote of the people. It may not be considered inappropriate to call the attention of the House to these utterances. On the contrary, they will show that there is but one argument advanced against the contemplated change of the Constitution, and that of the weakest character. Senator CHANDLER is quoted as saying:

It does not appear that by electing Senators by direct votes of the people we shall get any nearer to the popular wishes than we do now. If Senators are elected by the people, State conventions of the political parties will name the Senators. Is it any more difficult improperly to control the bare majority in the State convention than the legislature? Is a political party State caucus any more likely to act independently, honorably, or wisely than the legislature?

Senator PETTUS, of Alabama, thinks that "there will be abuses in any system," and that "the people have their own remedy in the election of proper legislators."

Senator HOAR, of Massachusetts, holds that "such a method of election, involving the manipulation of party conventions, will create new temptations to fraud and corruption."

Senator PRITCHARD, of North Carolina, remarks:

"I am inclined to believe that the nomination of Senators by the party conventions would result in just as much scandal as complained of now. It would be just as easy for rich men to buy up conventions as it is for them to buy up legislatures."

These are the opinions of a few of the Senators, and it is well known that there are a number of Senators who favor the minority report. Let us hope that not many of the grave and reverend Senators entertain such views as those above expressed. It is perfectly plain, by way of answer to these Senators, that it would be more difficult to control a State convention than a legislature, and, moreover, if a State convention would be improperly or fraudulently controlled, it could not guarantee the election, because, as the New York Journal says, it could not deliver the goods. It has been argued here, and in the light of the utterances of Senators which I have quoted, it may be said that the Senate of the United States will not pass the amendment. That may be so, but so far as I am concerned, I do not believe that this House should legislate to please the Senate. We should legislate here as we think right and proper.

I do not believe in bowing to expediency nor in sending to the Senate an optional measure, a halfway amendment, because there is a better prospect of passing it or because it is better than nothing. The question is, What is right, what ought we to do? Do not be swerved from the path of duty by the argument that if the minority report passes here it will not be adopted by the Senate. Follow in the line where duty directs. If on three prior occasions this House believed the principle contemplated in the minority report and regarded it as right, say so the fourth time.

Keep on sending it to the Senate for such action as in its wisdom may be deemed right and proper. If the measure be again defeated in the Senate, the responsibility will be with the Senate of the United States and not with the Representatives of the people in this House. Mr. Speaker, with profound regard for the views and conclusions expressed in the report of the majority, still I am forced to dissent from that report so far as relates to the mode or manner of electing United States Senators alone, and as a reason for my position I am content to rely upon my judgment, fortified and sustained by the expressed wishes and demands of the people of more than thirty States of the Union, for which I confess I have a more profound regard.

The people have appealed to Congress to permit them to elect

United States Senators by a direct vote. This appeal is not sectional, nor is it partisan. It reaches us from all sections and from the different political parties with a degree of unanimity quite surprising and unaccountable, if not guided and impelled by a sense of righteous indignation aroused by reports and accusations of alleged methods sometimes employed by gentlemen whose ambitions lead them to seek a seat in the Senate of the United States. We can well afford—indeed, as their representatives it is our bounden duty—to respect the wishes and do the will of the people and give them a uniform law allowing them by direct vote to elect their Senators.

Believing, as I do, that the time has come when the Constitution should be amended, to the end that the high and exalted position of a Senatorship shall not be suspicioned of being purchasable, and that the dignity, integrity, and honor of this great office may never be assailed, and with unwavering confidence in the intelligence, wisdom, and patriotism of the people, I respectfully recommend the adoption of the substitute for the resolution reported by the majority. [Applause.]

During the delivery of the foregoing remarks the following proceedings took place:

Mr. CORLISS. Will the gentleman from Pennsylvania permit me to interrupt him for a moment?

Mr. ZIEGLER. Certainly.

Mr. CORLISS. Mr. Speaker, the gentleman from Pennsylvania has consented to an interruption to enable me to submit to the House an understanding reached between myself and the gentleman from Missouri who represents the minority on this question. The gentleman from Missouri [Mr. RUCKER], in charge of the minority report, and myself agree to ask unanimous consent that the general discussion of this subject shall continue during the afternoon of to-day, with leave to any gentleman to extend his remarks in the RECORD, and that a vote shall be taken upon the question immediately after the reading of the Journal to-morrow morning, without debate.

The SPEAKER pro tempore. The Chair will submit the request to the House. Is there objection to the request of the gentleman from Michigan that debate shall continue during the remainder of this day and a vote be taken immediately after the reading of the Journal to-morrow morning, without debate; and also that gentlemen who have addressed the House have general leave to extend their remarks in the RECORD? Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Will the gentleman from Pennsylvania permit an interruption before he resumes his seat?

Mr. ZIEGLER. I will.

Mr. WILLIAMS of Mississippi. I want to say only this, and perhaps the gentleman may not agree with me: That the first objection in the way of the desired legislation is in the Senate of the United States——

Mr. ZIEGLER. Yes, sir; undoubtedly.

Mr. WILLIAMS of Mississippi (continuing). That body being interested in a great measure to prevent such legislation, and the Senate and the legislatures of the States are interested to some extent in the same way. Now, the substitute proposed by the gentleman from Missouri does away with one of the two objections which are obstacles to the legislation proposed. Is that not true?

Mr. ZIEGLER. That is true; but the obstruction is still at the other end of the building; and it is mortifying that the body to be reformed by this process is the very body that stands in the way of the reform demanded by the people of this country. [Applause.]

Mr. RUCKER. I yield to the gentleman from North Carolina [Mr. KLUTTZ].

Mr. KLUTTZ. Mr. Speaker, I am glad that we have enough of the Constitution left for purposes of amendment; and as we have kept the remains of that venerated instrument so resolutely at home, it behooves us to amend it as resolutely for the best interests of our own home people. I am an old-fashioned believer in the Constitution.

While it remains the supreme law of the land it should be obeyed, and those of us who have sworn to observe it should be careful in all things to conform both to its letter and spirit. Unfortunately, both have been grievously violated in the election of Senators of the United States, and the time has long since come when its provisions in that behalf have demonstrably shown the need of amendment. [Applause.]

Our fathers, honest themselves, too implicitly believed that their descendants would always remain so.

The honest people of a State, electing supposedly honest members of their State legislatures, likewise mistakenly believe, as is too often proven, that they will remain honest after election.

The most superficial perusal of the records of Congress for many years, including the present session down to this very date, demonstrates that if wise at the time of its adoption, the method of electing United States Senators by the legislatures of the several States has long since become an evil which cries aloud for amendment. [Applause.]

The people of this country, in tones not to be mistaken, demand that they be allowed to elect Senators by their own direct vote, and the legislatures of the great States of Ohio, Pennsylvania, Montana, Arkansas, California, Colorado, Florida, Idaho, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Oregon, Utah, Washington, Wisconsin, Wyoming, and others, thirty-four in all, have voiced this demand in petitions and memorials to Congress and in resolutions of instruction to their representatives here.

In the light of recent scandalous events, the petitions from some of these States are absolutely pathetic. If the people could have directly elected Senators, the obloquy which in the popular estimation—and too justly so—beclouds the title to many seats in that august body could never have had foundation.

The report of the majority of the committee shows that under the present system several vacancies now exist, due to the corrupt manipulations of State legislatures by wealthy aspirants for Senatorial honors. Very recent exposures made by committees of the Senate are such as to emphasize the absolute need for speedy amendment of the Constitution in this regard.

It is enough for me that the people demand it, that all the people demand it, for "everybody is wiser than anybody," even if "anybody" happens to be the Senate of the United States. [Applause.] I quote these axiomatic truths from the committee's report:

> The fundamental principle of a republican form of government is based upon the idea that it derives its just powers from the consent of the governed.

Again:

> If the people have the wisdom to elect governors and State officers, our State judiciary (and Representative in Congress), why may they not be permitted to enjoy the right of electing United States Senators?

What divinity doth hedge about these august Senators that the common people may only vote for them indirectly and by proxy?

Let us tear down the intermediary wall and take from the legislatures the selection of United States Senators, and we will destroy one of the most potent powers (to quote again the language of the committee) through which corporate influence now holds its sway, and it can then no longer be said that it is as difficult for a poor man to enter the Senate of the United States as for a rich man to enter the Kingdom of Heaven.

There are many honorable men in the Senate, and therefore I shall make no application of the story of the old darkey preacher, who, before beginning his sermon, raised a large rock aloft with the startling announcement, "Thar is a nigger in this congregation what's been stealing chickens last night, and I'm gwine to heave this here rock at his head," when every male head before him at once ducked behind a bench. [Laughter and applause.]

I will not say that a somewhat similar announcement, varied only to suit the environment, would be followed by similar action in the Senate.

Mr. Speaker, in supporting this proposition I am not merely giving expression to my individual views, but I am speaking for the whole people of North Carolina, as I believe, without regard to party.

I am but obeying a resolution of instructions from the legislature of my State, which was passed unanimously, as I recollect, without party distinction or division, and I am but trying to give effect to one of the planks of the Democratic platform of my State.

Neither of the propositions before the House is exactly what I could wish, but I am so heartily in favor of the general proposition that I shall heartily support the substitute offered on behalf of the minority by the distinguished gentleman from Missouri [Mr. RUCKER], amended to accord with the suggestions of the gentleman from Vermont [Mr. POWERS].

I am reminded of the homely wisdom of a young fellow in my district, who, on his first venture at courting, was discarded, or, as we say in North Carolina, was "kicked." Of course he was awfully surprised, for every young fellow thinks that any girl ought to be glad to get him and can not understand why he should be rejected. So, stunned and smarting, he insisted upon knowing why she would not have him. Finally she said, "Johnny, it's because I love somebody else better." "Oh, yes, Sally," said he; "so do I, but we can't get them, you know." [Laughter.]

That young man had very nearly sounded the depths of the safer philosophy of life; and it is generally wise to do the best we can under any given circumstances.

Acting upon this principle, I shall support the substitute of the minority, amended to meet the views of gentlemen, amended in any and every minor detail, so only that it maintains and holds out to the American people a genuine, general, and feasible plan of electing Senators by a direct vote without intermediary. I have hope, sir, that the quickened conscience of the Senate will join us in submitting such an amendment to the Constitution,

and if submitted to the legislatures of the several States its adoption is as certain as the rising of the morrow's sun. [Applause.]

I now yield five minutes to the gentleman from Louisiana [Mr. BREAZEALE].

Mr. BREAZEALE. Mr. Speaker, I yield to no man in reverence to the Constitution of this great Republic. I regard it with pride and admiration, and venerate its wisdom, its majesty, and its beauty. The fathers builded better than they knew. This remarkable instrument, framed for the government of 3,000,000 people, has proven amply sufficient for the government of 100,000,000 human beings, and will stand with its undying principles for the government of millions yet to be born.

I readily concede, Mr. Speaker, that in the matter of amending this instrument we should be conservative and cautious. The fullest consideration should be given the question, and before reaching a final conclusion we should be thoroughly satisfied in our minds and conscience that the amendment proposed is wise, just, necessary for the public welfare, and dictated by the loftiest and most patriotic motives.

The bill under consideration proposes an amendment to section 3 of Article I of the Constitution relative to the method of electing United States Senators. The langnage of the bill is as follows:

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen for six years, and each Senator shall have one vote. These Senators shall be chosen by the legislatures of the several States unless the people of any State, either through their legislature or by the constitution of the State, shall provide for the election of United States Senators by direct vote of the people; then, in such case, United States Senators shall be elected in such State at large by direct vote of the people; a plurality shall elect, and the electors shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

When vacancies happen, by resignation or otherwise, in the representation of any State in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the next general election, in accordance with the statutes or constitution of such State.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

The report of the committee to which this bill was referred is unanimous that a change in the Constitution is necessary.

Now, sir, why is the change necessary? For more than one hundred years Senators have been elected by the legislatures of the respective States. I shall not go deeply into the reasons for a change, nor shall I go deeply into the history, constitutional and legislative, of the article of the Constitution sought to be amended.

I shall content myself with a brief review of the proceedings of the Convention that framed the organic law, and endeavor to point out the wisdom and necessity for the change proposed.

The article of the Constitution providing for the election of Senators by the legislatures of the respective States was not adopted by the unanimous vote of the Convention. Two States, exercising an influence on the work of that Convention perhaps larger than any other two of the States represented in that august body, were opposed to the method adopted. Both Pennsylvania and Virginia refused their assent to the method, and urged that to the people of the respective States be reserved the right and power to elect by direct vote their representatives in that most important branch of government—the United States Senate.

In no uncertain terms did Mr. Madison and Mr. Mason, of Virginia, and Mr. Wilson, of Pennsylvania, express their confidence in the wisdom and ability of the people to elect their Senators. They sought to lay the foundation of the governmental fabric upon a solid and broad basis. As Mr. Madison expressed it—

The great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves than if it should stand merely on the pillars of the legislatures.

I do not deem it necessary at this time to discuss the reasons urged for the final action of the Convention. A careful analysis of the utterances of many of the great men composing that body, including both Jefferson and Hamilton, justifies, perhaps, the assertion that neither of those two master minds were fixed in the opinion that Mr. Madison was not right.

Now, sir, viewing the question from the standpoint of necessity, I submit there are overwhelming reasons appealing to the conscience of every patriotic man that the time has come for a change in the present method of electing Senators.

I will not pause to discuss the law of the case. I will not pause to discuss whether or not under the constitution of this State, or of that State, or under the Constitution of the United States, the governor of a State has or has not the right to appoint the United States Senator under any circumstances whatever. It would be bootless to discuss that question. Suffice it to say that under the law as it now stands sovereign States of this Union have been and are now without full representation in the Senate department of this Government. Such a condition of affairs justifies, in my judgment, radical and immediate remedy. If the Constitution is the bar, then amend that Constitution. Stand not upon the order of amending, but amend at once.

I do not deem it necessary to review history to show the many cases of grave injustice done to sovereign States in thus depriving them of representation in the Senate of the United States. I deem it unnecessary to point out the present vacancies in State representation in the Senate; we are all familiar with these and have heard ad nauseam the arguments pro and con. I submit, sir, that such a condition is a crying shame, and an infamous outrage upon the people of these States, and the law that permits such injustice should be stricken from the statute books.

The plan proposed by the committee of which I have the honor to be a member offers a remedy for the evil; adopt it, and under its operation you will never again hear of vacancies existing in the United States Senate by reason of the failure to elect.

And now, Mr. Speaker, I propose to discuss another phase of the evil of permitting legislatures to elect Senators—a phase of the question alike disagreeable and revolting. Sir, I have been taught to revere, and I do revere, the institutions of my country. I glory in her grandeur and her greatness. I venerate her Constitution and her laws, and under my oath I would uphold them with all the energy of my soul. I have been taught to believe, sir, and I do believe, that to be a representative of a sovereign State in the Senate of the Union is the highest honor which can be conferred by a State upon a citizen. To aspire to that high and exalted position is worthy the ambition of any honest man. To fill that dignified and honorable station should be the lasting pride of any virtuous citizen. High and honorable position as it is in the estimation of all people; high and honorable position as it is in reality, it should be exempt from the blighting influences of scandal and the degrading shadow of corruption.

Mr. Speaker, I point to the investigation recently going on at the other end of the Capitol building as the strongest argument that can be presented in support of this measure. A Senator of the United States, the representative of a sovereign State, is compelled to defend himself against the charge of corrupting the members of a State legislature and buying his seat in the United States Senate. The dignity of the position is lowered, the honor of a State is tarnished, the self-respect of the whole people of the whole Union is impaired by the spectacle. The sickening, nauseating details of the case, the hideous evidence dragged from unctuous witnesses is revolting to every honest man and is a stench in the nostrils of the nation. Sir, I am not concerned with the truth or falsity of the charges made. It makes no difference in the consideration of this measure whether the verdict be guilty or not guilty; the fact remains that under our present system charges of infamy and corruption can be made and can be supported by evidence which brings the blush of shame to the cheek of every American citizen. And if the majority report of the committee is adopted, I have sufficient confidence in the integrity and virtue of the citizens of every State in the Union that they will demand and enforce their right to place the election of United States Senators beyond the corrupting influence of money.

Legislators may be bought. They may be bought in sufficient number to elect the Senator; but, sir, I deny that the people can be bought. I have an abiding confidence in the people. When all else fails, an appeal to the honor, the integrity, the virtue of the plain people is never made in vain. There is another sound reason for this change, Mr. Speaker; it exists in the pernicious, injurious effect the election of Senators now has upon legislation in the various States. It dominates in importance, either in reality or in the force of circumstances, every measure coming before the legislature, and its pernicious influence is frequently felt in preventing the adoption of wholesome legislation. Even the legislatures of many of the States have seen the necessity for the change recommended. Some thirty of the States, through their legislatures, have memorialized Congress to amend the organic law in this particular.

Again, Mr. Speaker, it too frequently happens that the Senator elected considers that he owes no allegiance to the people of the State that he represents; considering that he was elected by the legislature and not by the people, he ignores their expressed wishes and arrogates to himself the wisdom of all the ages, considers himself the master, not the servant of the people, and casts his vote in direct opposition to the expressed will of the people whom he represents.

I take it for granted that the committee, as a whole, reflects the views and the wishes of the House, and that consequently this House is unanimous in desiring a change in the organic law. The committee differ only as to the scope of that change, and two reports are presented.

The majority of that committee propose that the several States be empowered to select one of two methods of electing Senators. The minority propose restricting that power to one method of election.

So far as I am concerned I strongly favor the majority report. I have carefully considered all the arguments advanced by the minority and I fail to discover a single one sound in principle or wise in the light of experience. But, sir, I shall cheerfully vote

for the substitute or any measure that will give the people the right to elect their Senators, but my better judgment tells me the majority report stands a better chance of adoption by the Senate than the minority substitute.

They urge in its favor there should be uniformity throughout the Republic in the manner of electing the members of this important branch of the Government. That it would not look nice to have one State elect by direct vote of the people and the adjoining State to elect by the legislature. This idea of uniformity appeals with more force perhaps to the lawyer than to the layman. As a trained lawyer I would like to see in all things the beautiful symmetry of the Constitution preserved. Had I the sole power to effect this change I would unhesitatingly adopt the views of the minority and compel every State to elect its representatives in the national Senate by direct vote of the people, but in doing so I would yield to my training as a lawyer and to the objection every lawyer has to an incongruity, real or fancied, in the laws of the land, organic or legislative.

But this idea applied to this particular case is purely sentimental and will not bear the test of sound reasoning and critical analysis. It must yield to the principle involved in the majority report. This being a government by the people, whatever laws tending to increase and enlarge the right of self-government finds its support in that principle. The optional method of electing Senators proposed by the majority of the committee most assuredly increases and enlarges the power of the people. It is, in my judgment, the soundest Democratic doctrine. It does not restrict as the minority report does, but empowers the people to select either method—elect the Senator by their direct votes or to delegate that authority to their representatives in the State legislature. It recognizes the principle of local self-government and the principle of home rule.

Viewing the question from a practical standpoint, I believe the majority report will meet with the least resistance in its consideration by the Senate of the United States. It requires two-thirds of both Houses to adopt this measure; and if it passes this Chamber and goes to the Senate, it will require the vote of two-thirds of the membership of that body to enact it into law. Each member of that body is directly interested in its provisions. It is fair to presume that self-interest, always a powerful factor, will have more or less influence on each vote. We are all human and very human when it comes to matters of this kind. The experience of the past should largely influence our vote. Three times within the past few years has this measure, in its general scope as proposed by the minority, passed this House and been waylaid and murdered in the Senate.

Many Senators who opposed the measure urged as reasons, therefore, the fact that the people of their respective States desired no change; that their people were perfectly content with the present method of election and opposed a change. Conceding to those Senators what we demand for ourselves—honesty of purpose and a desire to faithfully represent our constituents—we can not successfully answer them. But now we come with a different proposition. We say to them, "Very well; we admit the people of Maine and Vermont and New Hampshire desire no change in the method of electing Senators, but the people of Michigan and Wisconsin and Louisiana do desire a change; now we submit to you a plan by which all can be satisfied." What answer can they make? Some one has said, "Let us keep knocking at the door of the Senate Chamber, in the name of the people, until they do hear." I agree most heartily, Mr. Speaker; and I submit, sir, that the majority report herein is a double knock, so loud its thunderous tones are sufficient to awake even the dead.

In conclusion, Mr. Speaker, I believe the majority report is sound in principle, in harmony with the fundamental principles of self-government; wise, expedient, and essentially practical. The argument that it would be a constant bone of contention, a firebrand in the politics of the respective States, is, to my mind, puerile and worthless. I do not fear the people. They can be trusted, sir. If they desire to elect the United States Senator by their direct vote, give them the right to compel it, and rest assured they will attain it. Revolutions of this character never turn backward, and once settled in favor of the people they will never relinquish that right. No one need fear the people. Experience has taught us that the great body of the plain people can always be relied upon. The lust of money and the lust of power may corrupt the individual and dry up the fountains of patriotism and love of country, but the great mass of the plain people—the honest, virtuous, patriotic, toiling masses—can always be relied upon. To enlarge their powers in the affairs of government is to enlarge their sense of individual responsibility and renew the fires of patriotism.

Sir, I shall vote for the majority report to enlarge the power of the people, with perfect confidence in the wisdom, integrity, and virtue of my fellow-countrymen. [Applause.]

[Mr. SNODGRASS addressed the House. See Appendix.]

Mr. RYAN of Pennsylvania. Mr. Speaker, the bill now before the House to amend the Constitution of our country is worthy of the best thought and careful consideration of a legislative body. For myself I hesitate to add to or take from that sacred instrument of rights which for more than a century has served so well the purposes of the greatest Republic of the world. From childhood the American people have revered the Constitution, which insured the blessings of liberty to the people of this country. But, in the language of the majority report, I am not unmindful of the veneration of the people for this great instrument, or wanting in appreciation for the memory of the illustrious men whose enduring monument is this greatest charter of national life and individual liberty.

The framers of the Constitution, believing that useful alterations would be suggested by experience, provided by Article V of the Constitution for amendments and the course to be pursued. The conditions, in some respects, under which our Constitution was framed have changed, and to meet emergencies, keep apace with the onward march of progress and time, our Constitution should be amended, and, in whatever part found weak, strengthened. I regard it as the duty of this House and the people of the country to strengthen every link in the chain of our Constitution whenever it appears that the same may be necessary.

The committee, Mr. Speaker, in charge of this bill unanimously agreed that a change should be made in the manner of electing United States Senators, and they are supported in their views by the people of more than thirty States of the Union, all of whom have petitioned for an amendment to the Constitution whereby United States Senators may be elected by the direct vote of the people.

The right of the people to petition the Government for a redress of grievances is a right conferred by the Constitution, and has never passed unheeded by an American Congress.

The amendment proposed, Mr. Chairman, charges the people of our country with the right to elect United States Senators, and strips them of the power to delegate that right to others. Under the present system the United States Senators are elected, not by the people, but by their representatives in the State legislature.

The framers of our Constitution concluded that representative government was the best form of government, and no doubt they were right in their conclusions, under the conditions then existing.

But, Mr. Speaker, the people in more than thirty States of our great Union have petitioned for this amendment, and believe that the stability and great progress of our country for more than a century past warrant this change, and that it will inure to the improvement of our form of government.

Mr. Speaker, this is not a new proposition. It was urged by several of the framers of the Constitution that the right to elect United States Senators should be lodged in the people and not in their representatives.

An examination of Madison's Reports on the Debates in the Federal Constitution shows that no serious objection was made against the right of the people to elect United States Senators.

At that time a great difference of opinion existed as to the apportionment and manner of electing Senators, one part of the Convention, headed by Hamilton, Madison, Wilson, and Morris, advocating the election of Senators by the people, and representation apportioned on the basis of population.

This was most earnestly objected to by Patterson, Lansing, and Martin, representatives of the smaller and less populated States, for the reason that the larger and more thickly populated States would have a greater number of representatives; and as United States Senators are representatives of States, not of individuals, each State should have an equal voice.

While this great battle of the question of representation was being debated, Sherman, Franklin, and Gerry were most active, and eventually successful, in effecting a compromise between the contending parties, which culminated in the final adoption of section 4, Article I, of the Constitution, which provided for the election of United States Senators by the respective legislatures and equal representation from each State of the Union.

From an examination of this question, it seems apparent that it was originally intended to leave to the citizens of each State the right to determine when, where, and in what manner the election of Senators should be held; that the exception and restriction to the legislature was the result of a compromise and contrary to the best judgment of the great constitutional lawyers, members of Congress, including Hamilton and Jefferson.

And now, Mr. Speaker, I take pleasure in quoting the Hon. James Wilson, of Pennsylvania, who had the honor of representing the old Keystone State on the floor of the first Continental Congress of our country, and who with other patriots had the manhood and courage, in the then trying times, to declare "that these united colonies are, and of right ought to be, free and independent States." In his advocacy of the election of United States Senators by the direct vote of the people he said:

I am in favor of raising the Federal pyramid to a considerable altitude, and for that reason I wish to give it as broad a base as possible. No government can long subsist without the confidence of the people.

And with like pride, Mr. Speaker, I call the attention of this House to the words of Hon. James Madison, of Virginia, who so ably and patriotically participated in the construction of the Constitution of our country. In his contention for the election of United States Senators by the direct vote of the people he—

thought the great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves than if it should stand merely on the pillars of the legislatures.

The wisdom of Wilson, Madison, Hamilton, Jefferson, and others has been fully borne out by events, and to-day the State which I have the honor in part to represent has petitioned this body for an amendment to the Constitution whereby United States Senators may be elected by the direct vote of the people. The resolution passed by the legislature of the State of Pennsylvania not only fully evidences the prevailing sentiment of the people of Pennsylvania but the country at large, and should exercise much influence in the favorable consideration of the proposed amendment. I now, Mr. Speaker, most respectfully submit the same:

Resolution adopted by the legislature of Pennsylvania, providing for the appointment of a committee to confer with the legislatures of the other States of the Union, regarding an amendment to the Constitution of the United States which shall provide for the election of United States Senators by popular vote.

Whereas it is evident, judging by the tone of the public press, as well as by the resolutions of the State legislatures and the resolutions passed year after year by the national House of Representatives, that a majority of the American people desire a change in the Constitution whereby they may elect the President, Vice-President, and United States Senators by direct popular vote: Therefore, be it

Resolved (*if the senate concur*), That a committee of five, two from the senate and three from the house, be appointed to confer with the legislatures of other States of the Union with the view of bringing about the submission of an amendment to secure the desired result, this committee to report to the legislature in 1901, and not to incur expenses to exceed $500 for the two years.

JERE B. REX,
Chief Clerk of the House of Representatives.

The foregoing resolution concurred in.

E. W. SMILEY,
Chief Clerk of the Senate.

Approved the 6th day of April, A. D. 1899.

WILLIAM A. STONE.

The amount authorized to be expended is written in figures instead of letters. The amount is $500, and I approve the resolution with this understanding.

WILLIAM A. STONE.

In addition to the foregoing this Congress has been appealed to through similar resolutions and memorials by the States of Arkansas, California, Colorado, Florida, Idaho, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Oregon, Utah, Washington, Wisconsin, and Wyoming.

One of the primary objects of Government is the welfare and happiness of its people, as clearly demonstrated by the beneficent effect of our own Constitution, and that happiness and welfare can best be maintained through the direct action of the citizen as the sovereign. [Applause.]

It is, therefore, Mr. Speaker, incumbent upon this House to respond to the numerous petitions presented by the different States, especially when we take into consideration the corrupt means and influences resorted to by ambitious and unscrupulous men to obtain a seat in the United States Senate. But it has been said that the people are just as liable to make mistakes in the selection of Senators as are the legislatures. This view I apprehend is held but by a small number; and, Mr. Speaker, if held by any now occupying a seat in the United States Senate, the question may be asked, Why do you fear the judgment of your constituency? What wrong have you committed that you fear condemnation? Are these the questions he fears to answer? If so, he should not now occupy a seat in the Senate of the United States, and the sooner this amendment becomes a part of the Constitution the better for the country, the Senate, and the Senator.

Why this alarm? The people of his State, so well qualified to elect municipal and State officers and judges of the highest judicial power of the Commonwealth, will make no mistake at the polls in passing a just and proper judgment upon him.

It can not be said that the citizens of the respective States are less capable of choosing proper representatives, or that they are more susceptible to corrupt influences, than the legislatures. It must be admitted that there are many men in every State of the Union fully competent to represent the State in the Senate of the United States, and if the power were placed with the people to elect, the intrigues of the ambitious, the bribes of the rich, and the machine rule of political factions would pass away, the honest will of the people recorded, and the "characteristic policy of republican government" fully established.

More than one hundred years past, when the framers of our Constitution deliberated upon this question, fully conscious of the gravity of the work to be assigned to the highest legislative body of our nation, thought that the United States Senate should be composed of the most capable and conservative, and expressed apprehension of the ability of the people to judge. Roger Sherman, to whom the people of his country owe much, for his able and faithful services, in speaking of the people, said: "They want information, and are constantly liable to be misled," and for that reason insisted that Senators should be elected by the legislatures. Such may have been the conditions over one hundred years ago, but they do not exist now.

Again, Mr. Speaker, when the clause providing for the election of the President of the United States by the National Legislature was under discussion, in speaking of the people he said:

The latter will never be sufficiently informed of characters, and besides will never give a majority of votes to any one man. They will generally vote for some man in their own State, and the largest State will have the best chance for the appointment.

But such are not the conditions to-day.

And again, Mr. Speaker, Mr. Dickinson, whose error of mind, not of heart, all American citizens are pleased to overlook, moved in the convention—

That the members of the second branch (the Senate) ought to be chosen by the individual legislatures—

And said he had two reasons for this motion:

First, because the sense of the States would be better collected through their government than immediately from the people at large; second, because he wished the Senate to consist of the most distinguished characters—distinguished for their rank in life and their weight of property—and bearing as strong a likeness to the British House of Lords as possible, and he thought such characters more likely to be selected by the State legislatures than in any other mode.

How striking the illustration that "great men are not always wise." Yet, if we were to judge men by mistakes and erroneous opinions only, injustice would be done. We judge the founders of our Constitution by their best work, and they are deserving of the rare honor which alone belong to the founders of empires. But, Mr. Speaker, there is no longer ground for apprehension. The conditions then perchance existing do not confront us now.

The efficiency of our public-school system and institutions of learning can not be questioned; and the intelligence of the American people as a nation is admitted the world over. Before the war of independence there were but 9 colleges in the United States, while to-day there are 400, and our common and public schools are located in every city, town, and township within our country. One hundred years ago but few newspapers were published in the United States. In 1775 there were only 37 newspapers and periodicals; and the first daily newspaper issued in this country was the American Daily Advertiser, published in Philadelphia in 1784. To-day there are about 2,000 daily papers, and of the other issues some 18,000.

This, coupled with the general thirst for reading and knowledge, especially fit the American people for self-government in its entirety, for the education of the masses is the crowning glory of our country and her only reliable safeguard. Such is the intelligence of our people to-day that they are conversant with all great political questions, and I have unbounded faith in their ability to exercise all the rights which the proposed amendment offers. I hail with delight the opportunity to advocate the adoption of this measure, and place in the hands of the people, where it properly belongs, the right to elect United States Senators.

I have no doubt of the ability of the people of Pennsylvania to exercise all the rights under the proposed amendment, and, if given the opportunity, will demonstrate to the country the wisdom of the legislation. A vacancy now exists in Pennsylvania, for the legislature, while in session, failed to elect. Under the Constitution, when vacancies occur it is provided that they shall be filled temporarily by the appointment of the governor prior to the convening of the State's legislature and the election of a Senator at the first session thereof.

Never in the history of the Senate, it can be creditably said, has that body seated a person seeking admission by appointment from the governor after the legislature of the States had failed to elect.

Senator Conkling, in discussing the right to fill vacancies where the legislature failed to elect, said that—

The governor of a State and his friends, by cabal, intrigue, and maneuver, may so arrange that the legislature will decide not to elect or would fail to elect, in order that the governor might gather to himself the power to fill the vacancy.

And I have no doubt but many of the most reputable citizens of the State of Pennsylvania have implicit faith in the statement of that honored gentleman.

To-day, through the failure of legislatures to elect Senators, three vacancies exist—namely, in Pennsylvania, Delaware, and Utah—while I venture to say that if the right to elect were placed with the people, not one of the States named would be without a full representation.

After a trial, Mr. Speaker, of over one hundred years it has been demonstrated clearly to the people of the United States that the present system of electing United States Senators does not carry with it the intent and purpose of the Constitution. Hamilton said:

Among independent and sovereign States, bound together by a simple league, the parties, however unequal in size, ought to have an equal share in the common councils.

It can not be contended that all the States possess that equality intended by the Constitution when at this time three vacancies exist through the failure of the respective legislatures to elect. An examination of the records of the Senate give evidence of the failure of the present system and in some cases the absolute failure of State legislatures to carry out the will of the people and the spirit of the Constitution. As proof of this statement, John Kusey, of Delaware, was refused a seat in the Third Congress because a session of the legislature had intervened between the time of the expiration of his term and prior to his appointment.

Samuel S. Phelps, Senator from Vermont, was refused admission on appointment by the governor, for the reason that subsequent to the appointment and prior to the meeting of the Senate a session of the legislature had intervened. (Volume 28, Congressional Globe, part 1, first session Thirty-third Congress.)

In the same Congress Jarrett W. Williams was refused a seat under like circumstances as those of Senator Phelps. (Volume 28, part 3, Congressional Globe, page 2208.)

In the Twenty-fourth Congress James Harlan, Senator from Iowa, was refused admission because a majority of both bodies of the legislature were not present at the joint convention. (Congressional Globe, third session Twenty-fourth Congress, 260.)

In the Thirty-eighth Congress the State of Arkansas was deprived of representation in the United States Senate because the legislature was not legally organized. (Senate Journal, Thirty-eighth Congress, and second session Thirty-ninth Congress.)

Henry P. Dupont, of Delaware, was refused a seat in the Fifty-fourth Congress because the vote that elected him was not a legal vote under the constitution of that State.

Lee Mantle, of Montana, was refused admission into the Fifty-third Congress under an appointment by the governor of that State because a session of the legislature had intervened between the time of the expiration of his term and the date of his appointment; and Henry W. Corbett, of Oregon, was refused admission into the Fifty-fifth Congress under an appointment by the governor of Oregon upon the ground that the legislature, while it had refused to organize, had met and failed to elect.

It seems apparent, Mr. Speaker, that too frequently have legislatures failed to carry out the purpose of the Constitution, whereby all States may enjoy the equality to which they are entitled; that the right to elect United States Senators should be placed in the hands of the people. With the adoption of the proposed amendment all States will enjoy fully the rights intended by the Constitution and the will of the people honestly recorded, for they will never willfully betray themselves. [Applause.]

Mr. RUCKER. I now yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, the joint resolution now before the House and under discussion proposes to amend the Constitution so that Senators in Congress shall be elected directly by the people. I am in favor of the people electing United States Senators. Ever since I have been a member of this House I have worked faithfully to bring about this desirable reform. I introduced this joint resolution in the Fifty-fourth Congress, I introduced it in the Fifty-fifth Congress, and I reintroduced it the first day of this Congress. It passed this House by an almost unanimous vote in the last Congress, but failed to pass the Senate. For years, in Congress and out of Congress, in season and out of season, I have favored, discussed, and agitated this proposition. I believe it is right. I know the people favor it, and I hope every member of this House will now vote for it. The people all over this country demand this change in the Constitution and appeal to us to pass this resolution to give them this right.

This appeal is not sectional, nor is it partisan. It reaches us from all sections and from the different political parties with a degree of unanimity quite surprising and unaccountable, if not guided and impelled by a sense of righteous indignation, aroused by reports and accusations of alleged methods sometimes employed by gentlemen whose ambitions lead them to seek a seat in the Senate of the United States. We can well afford, indeed, as their representatives it is our bounden duty, to respect the wishes and do the will of the people and give them a uniform law allowing them by direct vote to elect their Senators.

It has been said that our action in passing this resolution will be useless and a waste of time, for the reason that the Senators will never consent to a change in the mode of their selection. That may be true in regard to some of the Senators, but I know it is not true in regard to all of them. Many of them favor this change and will advocate it. I know also that this resolution may fail this time, as it has failed to pass the Senate before, but those who believe in this change will not give up the struggle to bring it about, and sooner or later it will be adopted.

If a majority of Senators oppose the adoption of this resolution in this Congress and, from personal motives, mistaken ideas, or narrow-minded views, vote it down, the agitation of the people for this change will not cease, but will become more pronounced and more determined until there is a Senate that will respond to their wishes and enact legislation that will give the people the right to elect their United States Senators as well as their Representatives in Congress. Do not be deceived; make no mistake. This reform is growing more popular every year and is destined to come in the near future. I trust it will come this year and that the Senate will concur in the judgment of this House before this Congress adjourns.

In recent years there has been much scandal in several States regarding the election of United States Senators by the State legislatures. These scandalous elections are becoming more flagrant and more frequent. The adoption of this amendment will prevent corruption, stop scandal, and to a great extent eliminate the temptation to gerrymander for partisan purposes.

Let me say to this House that this legislative gerrymandering has been carried further by the Republican party in my own State of New York than perhaps any other State in the Union. In the State of New York, under the present outrageous Republican apportionment, the people can not secure a Democratic legislature unless the Democratic party carries the State by at least a plurality of 100,000 votes.

The Republicans in their partisanship went so far that they wrote in our State constitution a provision that no matter what the population of Greater New York should be, no matter if it were twice as large as the population in the rest of the State, the city of Greater New York should never have more than one-half the members in the upper branch of our State legislature.

I believe the change in our Federal Constitution sought to be made by this resolution will almost entirely prevent these unfair and outrageous apportionments and at the same time give the poor man the same opportunity under the law as the wealthy one to submit his cause and his candidacy to the arbitrament of the people for the high and honorable office of a Senator in Congress.

I favor this change in the Constitution, as I shall every other that will restore the Government to the control of the people. I want the people, in fact as well as in theory, to rule this great Republic and the Government to be directly responsible and immediately responsive to their will. I believe in the people, and I trust the people. In my judgment, the people can and ought to be trusted.

If the people can not be trusted, if they can be corrupted, coerced, influenced, or intimidated, then representative government is a failure and the free institutions of the Republic are doomed. We must rely on the people, and we should legislate at all times in their interest.

With the adoption of this amendment to the Constitution it will be impossible to defeat the will of the people, and the vacancies that are now too frequent in the Senate and occupy the time and attention of that body would never occur.

Mr. Speaker, there is a rapidly growing sentiment all over the country in favor of this change in the mode of electing Senators in Congress. It is a most important question to the people, and the Senate will make a sad mistake if it attempts to ignore it.

The legislatures of thirty-four States have formally indorsed this proposed amendment to the Constitution, and I firmly believe, if the Senate will now pass it, that every State in the Union will speedily ratify it, and it will become a part of the supreme law of the land. The people are in earnest in this matter and any attempt to thwart their will in securing this reform will only hasten its consummation.

I am opposed to delegating away the rights of the people, and where they have been delegated I would restore them to the people. For one hundred years and more the distrust of the people by some of the founders of the Republic, as embodied in our Federal Constitution, has stood as fixed and immutable as the laws of the Medes and the Persians.

I am a friend of the Constitution and share in the patriotic sentiment which is prompt to challenge almost every proposition to amend it. But, sir, I sincerely believe the man who would boldly point out the defects in our great Magna Charta and honestly seek to remedy them is a better friend of the Constitution than he who will not see its faults, or, seeing them, endeavors to justify them from motives of mistaken zeal.

The right to elect United States Senators by the people is a step in advance and in the right direction. I hope it will speedily be brought about. It is the right kind of reform, in the interest of the many and for the benefit of all the people, and its accomplishment will keep the Government nearer the masses and herald a better and a brighter day in the onward march of the Republic. [Applause.]

Mr. RUCKER. I yield to the gentleman from North Carolina [Mr. SMALL].

[Mr. SMALL addressed the House. See Appendix.]

Mr. RUCKER. I now yield to the gentleman from Missouri [Mr. LLOYD].

Mr. LLOYD. Mr. Speaker, any question is important which proposes to change the Constitution of the United States. That time-honored instrument, so perfectly wrought out and so nearly adapted as a complete foundation for the establishment of free government, is perhaps the greatest instrument which man hath produced. In considering the proposition before us to-day it might be well to inquire into the conditions existing at the time of the adoption of the Constitution and contrast them with the environments of this day. At that time the Continental Congress, which had so admirably conducted the affairs of state during the Revolutionary war, was chosen by the legislatures of the several States. In the States themselves the governors, judges, and other officers were named by the legislature. In some instances they went so far as to name the county officers through the same source. Popular election meant simply the selection of a legislative body for the State.

With these conditions existing and so much good having resulted from the legislative bodies, both of the States and the Continental Congress, it was natural that many of its provisions should be introduced in the Constitution which was to serve as the foundation for National Government. The members of the Continental Congress itself were chosen by the legislatures and received their credentials from them very much as the Senators now receive them from the States. It is not strange, then, that, emerging from the war of Independence with the method of government then existing, they should fail to see the danger that would lie in the path of such a system.

The men of that period were statesmen of unusual force and character. The pictures that come to us in stone or bronze or exhibited on canvas present individuals strong, intellectual, deeply furrowed with the cares and responsibilities of life. They present an appearance of sublimity that to me is awe-inspiring. These sages read of Greece and Rome in their efforts to be free. They were students of literature and were versed in history of mankind in its effort to establish free government. They had some help in their work; a few examples and precedents could be found; but most of them had met the sad fate of decay and could only serve to warn them to avoid the mistakes which lead to their ruin. No men ever engaged in nobler task.

History produces none upon whom so much depended. Here were States to be retained in the enjoyment of their sovereign rights and a compact to be formed which would unite in one sisterhood of States. The three departments of government are to be separate and distinct and each to enjoy their proper functions, and it was desired that the people should in all respects be supreme. How admirably they brought order out of chaos in this work. We laud the heroes of the Revolution who, amid blood and carnage, achieved so much for the world, and we can not praise them too highly. But the civil heroes who, after the ruins of war, amid the factions and discord which followed, framed a Government which served to perpetuate the enjoyment of the freedom gained are alike entitled to our greatest admiration. Washington the statesman is as much to be honored and revered as Washington the general. The works accomplished are as enduring as any that could be brought by force of arms. It has been said by one of the greatest statesmen of Europe that the American Constitution is the most perfect scheme of civil government ever devised by human wisdom.

The Convention, when it came to consider the question of choosing Senators, had different views, but naturally, with the experiences through which they had just passed, would adopt the method of selection by the State legislatures. Different views were then maintained, however. Mr. Wilson, as is shown by the Madison Papers, said, in the discussion of the matter:

> If we are to establish a National Government, that Government ought to flow from the people at large. If one branch of it should be chosen by the legislatures and the other by the people, the two branches will rest on different grounds and dissension will naturally arise between them. I wish the Senators to be elected by the people, as well as the other branch.

Robert Morris fully indorsed this position. The distribution of the power of government was justly regarded by the framers of our fundamental law as one of the greatest safeguards of liberty. By the proper distribution of power the tendency toward centralization or absolutism could be checked.

It is for this purpose that this amendment to the Constitution is proposed. In what I may say on this occasion I wish it to be understood that I have no intention of reflecting upon any individuals occupying positions in the other end of this Capitol. While much has been said by the press of the country, and many charges of fraud and corruption have been made against individuals who have found place in that body, it is not my purpose to reiterate these charges nor to say anything that would reflect upon the honor or dignity of any member of that body. I believe that most men are honest and that as a rule charges made against public men have but little foundation in fact. If anything can be done which will tend to satisfy the public mind and to remove the idea prevalent that fraudulent methods are frequently adopted to secure and retain office, I am pleased to encourage it and secure its adoption.

Under the Constitution this great fabric of government has placed only one division of the legislative branch under the direct control of the people. The President is selected through electors chosen by the people. After his induction into office he names the chiefs of Departments and heads of bureaus, who have in charge the great machinery of the Government, subject to the confirmation of the Senate. The United States court, whose members are practically appointed for life, are named by the Executive and confirmed by the Senate, so that in neither the executive nor judiciary branches of government do the people make direct selection. The lower House of Congress alone has its indorsement from them.

When adversity has come to the nation and the fearful curse of war has threatened the country, the people have rallied to the support of the flag and have given their lives as a ransom for the maintenance of national honor and glory. The citizen soldiery has been its bulwark—the invincible power that has brought to the attention of the world the devotion and valor of the constitutional sovereigns, the people themselves. Not the privileged few, nor yet the favored by birth and fortune, but the people have saved the nation from destruction, have fought its battles, enlarged its borders, and have rescued liberty from the grasp of every designing enemy.

Can it now be said that these defenders of home and country can not be trusted; that wisdom will not follow their deliberation; that their action will be hasty and inconsiderate? These heroes of field and plain, these victors on land and sea, these bearers of the triumphant flag now ask that they have the privilege of controlling the legislative branch of the Government. Who shall say they shall not? Who is so lost to the principles of free government and the necessity of recognizing the people as to deny this request? From over thirty State legislatures, from every part of the country, through farmers' organizations, labor unions, and popular conventions this purpose has been expressed.

This proposition does meet with opposition but from what source? Who is it that says you can not trust the people in this important function? What class of our citizens is fearful of the consequences of leaving the control of the lawmaking branch of government in the hands of the people? My own observation is that aggregate wealth and corporate monopoly, with their agents and attorneys, are the prime factors in this attempt to defeat the popular will. Of course the Senator who secures his position by improper means resents it. If fraud has entered into his methods and has brought success to him, he would rather risk the smaller body than to submit his claims to the voters of his State. He who feels that the people are not in sympathy with his political methods would likely oppose it. But the people of all classes, high and low, capitalist and laborer, in office or out of it, who are in real sympathy with a government of the people are in favor of yielding to this demand for legislative control. When you find an individual contending against this system, you can almost safely inquire, What private claim does he represent, to whom has he sold his birthright, and who is the master to whom he owes allegiance?

The proposed amendment to the Constitution does not detract from the power of the State legislatures, the State itself, or from the prestige of the Senator when chosen. The representative of this honorable and select branch of the American Congress would be permitted to throw down his commission upon the Clerk's desk and ask the oath of office with the proud realization that it came from the people of the Commonwealth he expects to represent. It seems to me that nothing could be coveted, save the position of Chief Executive, that could be considered a greater honor than to thus represent the people.

The opposition to this measure, however, in other years has asserted itself in the other end of this Capitol. Resolutions of this character have been pigeonholed there ever since the Fortyninth Congress. Frequently this body has asserted the people's will and passed a bill similar to that presented by the minority at this time. But in the Senate archives these important resolutions have slept the sleep of banishment and darkness. Does this lessen our obligations? Shall we crawl in the dust of compromise and concession in order to secure the passage of a measure which would fail to accomplish the desired purpose? Not so.

Unless we can secure the legislation desired by the people, let the ancient and time-honored instrument, framed by our fathers with such consummate wisdom, remain untouched. The report of the majority proposes to make concession to secure action elsewhere, by giving to the States the option of selection of their Senators according to the present method or by direct vote of the people. It seems to me this would defeat the real purpose of the measure, for the result would be that in those States where corruption and fraud are now resorted to to secure the preferment of men who, by their wealth or connection with great moneyed interests, are enabled to control the legislatures, would use their methods to prevent the people from enjoying the benefits of the proposed amendment.

It is surprising that the same objection that is made to-day against this measure of popular favor was made in the Continental

Convention when the method of selection of Senators was first discussed. Mr. Gerry, as is shown by the Madison Papers, then said:

He was opposed to the view of Mr. Wilson, who was in favor of electing by direct vote of the people, that the commercial and moneyed interests would be more secure in the hands of the State legislatures than of the people at large.

Tacitly admitting that all other interests would be safer in the hands of the people. The real objection then, as now, is that you can not safely rely upon the people's choice. A great Senator, in discussing this measure in the Senate in 1893, said:

I am not afraid to say to the American people that it is dangerous to trust any great power of government to their direct or inconsiderate control. I am not afraid to tell them not only that their sober second thought is better than their hasty action, but that a government which is exposed to the hasty action of a people is the worst and not the best government on earth.

This expresses the real animus of the opposition, and well illustrates what is feared by them.

Shall we not do what the people desire? Let us say to the petition of the laborer, "We have heard your call and take the initial step you ask;" to the farmer be it said, "Your wishes have been considered and your request has been granted." Shall we not say to all classes that their demand on us shall be met, and thus do our duty here by sending to the Senate a resolution providing for the election of Senators by direct vote of the people? [Applause.]

Mr. RUCKER. I now yield to the gentleman from Kansas [Mr. RIDGELY].

[Mr. RIDGELY addressed the House. See Appendix.]

Mr. RUCKER. I now yield to the gentleman from Ohio [Mr. McDOWELL].

[Mr. McDOWELL addressed the House. See Appendix.]

Mr. RUCKER. I yield to the gentleman from Missouri [Mr. ROBB].

Mr. ROBB. Mr. Speaker, I am in favor of and shall vote for the substitute proposing an amendment to the Constitution of the United States, providing for the election of United States Senators by a direct vote of the people of the several States. Any power which properly belongs to the people and which can be exercised by them, I think, ought to be exercised by them. No man can give a satisfactory reason why the people should not elect their representatives to any office, whether it be to the office of United States Senator, or a member of this House, or a member of any other legislative body. The nearer you bring home to the people the election of their officers the more directly those officers will feel their responsibility and obligations to the people.

I think the amendment to the Constitution as provided by this substitute will insure at all times the election of a United States Senator. There can be no deadlocks and failures to elect when the people, the sovereign power in the several States, are given the right to vote directly for Senators. It will also insure us against fraud and corruption entering into these elections, and purify the political atmosphere now in some instances surrounding elections to that high office. It will elevate the dignity of the United States Senate in the estimation of the country, and make those who have been or who may be honored by this high office more responsive to the voice of the people.

The resolution provides that—

The Senate of the United States shall be composed of two Senators from each State, who shall be elected by a direct vote of the people thereof for a term of six years, and each Senator shall have one vote. A plurality of the votes cast for candidates for Senator shall be sufficient to elect. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures, respectively.

When a vacancy happens, by death, resignation, or otherwise, in the representation of any State in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the executive thereof may make temporary appointment until the next general or special election, in accordance with the statutes or constitution of such State.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

The purpose of the resolution is to change the fundamental law so that the people may exercise the power which they now delegate to the legislature.

Except as to the mode of election and filling vacancies, no other change is proposed, and the relation of Senators to their States and to the several departments of the Government will remain unaffected.

The question before us is not a new one. An amendment of this kind was proposed during the first session of the Fiftieth Congress, which convened December, 1887. Since that time many similar resolutions have been offered, and some have passed this House by an almost unanimous vote. This was but a just response to the almost universal popular demand for the change.

The great masses are in earnest upon this question, and, in obedience to their emphatic demands, the legislatures of 34 of the 45 States have passed resolutions requesting Congress to submit an amendment for ratification such as is now proposed. And why should it not be done? Are not the people of the State the sovereign authority of that State, and ought they not to have the right to say directly by their votes who they desired should represent them and their State in the United States Senate? Why compel them to delegate to some one else the power to do that which properly belongs to them as a sovereign right, and which they are demanding that they be allowed to exercise? Who is afraid to trust the people? He who is should not be trusted by the people.

Thomas Jefferson, the great apostle of Democracy, the founder and father of the Democratic party, the greatest statesman of this country, and who wrote the immortal Declaration of Independence, declared:

I am not among those who fear the people.

Had he been a member of the convention which framed our Federal Constitution he would have stood where George Washington, James Madison, Edmund Randolph, George Mason, and John Blair stood—in favor of giving to the people of the States the right to elect Senators by a direct vote.

It is not enough for us to say the Senate will not pass this resolution; that similar resolutions at other times have failed to receive its favorable consideration. We should join with the people of nearly every State in the Union in making this demand. We should unite with them our protest against a system which has been abused and corrupted and which deprives them of the sovereign right of American citizenship. The people are in earnest and they are determined. Every year adds strength to the movement and the time is not far distant when this amendment will be adopted.

In an able speech made upon this subject in the House of Representatives on May 11, 1898, by Hon. WILLIAM A. JONES, a distinguished Representative from the Commonwealth of Virginia, in referring to the earnest demand of the people for this change and the refusal of the Senate to pass the resolution, he said:

But, despairing of any immediate relief by reason of the refusal of the Senate itself to submit this amendment to a popular vote of the States, the voters in many of the States have discovered a means by which they may accomplish indirectly what they are not permitted to do directly. In many of the States there are held Senatorial primary elections, in some of which they are held under the sanction of statutory enactments, whilst in others they are protected only by such regulations and safeguards as may be provided by the political organizations resorting to this method of securing an expression of the popular will.

In no State where such a device has been employed has it ever been abandoned. On the contrary, in States where these primaries were originally held simply under party regulations they grew so rapidly in popular favor that legislative acts have been passed and special statutes enacted prescribing the methods by which they should be held. In some States the legislatures have merely legalized the holding of party primaries; in others they have made it obligatory as to many of the offices to be filled. In Florida, for instance, an act has recently been passed merely legalizing Senatorial and other primaries, whilst in South Carolina the primary system, which has worked so satisfactorily in that State, is now made obligatory by statute.

To quote the language of the junior Senator from that State:

"The primary in our State is the outgrowth of a popular demand. * * * It may not suit the politicians, but it suits a large majority of the people of South Carolina, and has become a fixture."

In Georgia, Arkansas, Nebraska, and other States the Democrats have adopted primary systems by which the Democratic voters indicate their choice for Senators; and so strong a sentiment upon this subject prevails in Texas that all of the Democrats who thus far have announced their intention to become candidates before the legislature which is to fill the next vacancy in the Senate from that State have publicly declared their willingness to submit their claims to a Senatorial primary, to be held under the auspices of the Democratic executive committee of that State.

Even more recently, indeed only this year, the legislature of Illinois, in response to an irresistible public demand, has enacted a statute providing a complete primary system applicable to the nomination of candidates for all public offices in that State and for the Congress of the United States. This act makes the holding of these party primaries imperative in all counties containing 125,000 inhabitants, but it is only to apply to such other communities as shall adopt this act upon its being submitted to their legal voters.

The primary system enlarges the power of the people, gives them a direct vote on the question involved, and hence it is popular with them.

Mr. Speaker, numerous considerations have been productive of this dissatisfaction on the part of the people with the present system.

First. It is a reflection upon their honesty and intelligence, and amounts to a declaration that it is unsafe and prejudicial to the public interest to empower them to elect by a direct vote their representative in the United States Senate. It is an abridgment of the right of suffrage by depriving the individual voter of the right to vote for the man of his choice.

Second. The charges of fraud and corruption and bribery, by means of which it is claimed and believed elections have been secured to the United States Senate, has excited in their minds just apprehensions as to the character of the men and the kind of services which will be performed by those elected by such methods.

Third. The serious effect upon the business of the State legislatures resulting from the contests, lasting sometimes through an entire session, and in some cases even then without successful termination, and the corrupting influences resulting from the intrigues, manipulation, and lavish expenditure of money. Not only are the material interests of the State seriously affected by these protracted Senatorial struggles, but often a State is denied

its proper representation in the United States Senate by reason of the failure of the legislature to elect.

I might call attention, in this connection, to the States of Washington, Wyoming, Montana, Oregon, Kentucky, and Delaware, where the legislatures failed to elect. There are now three States without their proper representation in the United States Senate as the result of this pernicious and undemocratic system. And but recently it was solemnly resolved, by a unanimous vote of the Senate committee having the subject under consideration, that the person holding a certificate from the great State of Montana was not entitled to his seat as a United States Senator, by reason of the improper expenditure of an unusually large sum of money in procuring his election. The public trust has been abused and the public confidence shaken in the integrity of many of these elections.

Although the growth of public sentiment in favor of this amendment to the Federal Constitution has been rapid and pronounced, it is not to be wondered at in view of the recent experiences of many of the State legislatures and the suspicions surrounding some of these elections.

But however this may be, Mr. Speaker, whether it is to have little or great weight in the consideration of this question, outside of, above, and beyond this is the right of the people to rule; and if we are to rise to the true grandeur of "an absolutely free and independent representative government," this restriction should be removed and the authority to elect placed where it properly belongs—in the hands of the people.

When this question was under consideration in the Constitutional Convention, Mr. Madison declared that he "thought that the great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves than if it should stand merely on the pillars of the legislatures." James Wilson, of Pennsylvania, in advocating elections by the people, said: "I am in favor of raising the Federal pyramid to a considerable altitude, and for that reason I wish to give it as broad a base as possible. No government can long subsist without the confidence of the people."

Mr. Speaker, this movement of the people is in the interest of the people, and the resolution should be passed and submitted to the States for their ratification if this Republic is to be in fact what it professes to be in name, "a government of the people, by the people, and for the people."

Mr. RUCKER. I yield to the gentleman from Virginia [Mr. JONES].

Mr. JONES of Virginia. Mr. Speaker, I do not wish to occupy even the two minutes granted me. My own record upon this question has been made and is well known. I simply want to say that the legislature of Virginia since the beginning of this year has passed, with only two dissenting votes, a resolution instructing its representatives in the Senate of the United States to vote for an amendment to the Constitution which shall provide for the election of Senators of the United States by the direct vote of the people.

Mr. RUCKER. Mr. Speaker, before the debate is closed on this resolution, I desire unanimous consent to withdraw the resolution heretofore offered by the minority of the committee, and to have read and considered as pending, in lieu of the resolution heretofore offered, the resolution which I send to the desk.

Mr. CORLISS. This resolution might be printed in the RECORD, to be considered as offered in lieu of the substitute.

Mr. POWERS. And as pending.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] withdraws the amendment heretofore offered and offers as a substitute therefor the amendment which the Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, who shall be elected by a direct vote of the people thereof for a term of six years, and each Senator shall have one vote. A plurality of the votes cast for candidates for Senator shall be sufficient to elect. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures, respectively.

"When a vacancy happens, by death, resignation, or otherwise, in the representation of any State in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the executive thereof may make temporary appointment until the next general or special election, in accordance with the statutes or constitution of such State."

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

Mr. CORLISS. I ask that the consent heretofore granted for leave to print be limited to ten days after the passage of the bill.

Mr. UNDERWOOD. I understand that general leave to print has been granted without this limitation. On a bill of this kind I do not see any reason for limiting the time. The leave heretofore given was granted when the House was full. I object.

LEAVE OF ABSENCE.

Mr. PARKER of New Jersey, by unanimous consent, obtained leave of absence for the residue of this week, on account of important business.

And then, on motion of Mr. DALZELL (at 5 o'clock and 18 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House, reports of collectors of customs, giving names of importers and articles imported into the United States from Porto Rico since the treaty with Spain, with amounts paid and dates of payment—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the Modern Woodmen of America against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George Brunk against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Frank G. Simmons against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Hiwassee River, Tennessee—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the schooner *William and Joseph*, William Lander, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Assistant Secretary of War, transmitting a reply to the resolution of the House of Representatives of March 30, 1900, relating to any opinion or opinions of a law officer of that Department on the relation of the island of Porto Rico to the Constitution—to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10665) to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory, reported the same in lieu of H. R. 5780, accompanied by a report (No. 992); which said bill and report were referred to the House Calendar.

Mr. DE VRIES, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10225) relating to rights of way for canals and ditches used for irrigation and other beneficial uses, reported the same with amendment, accompanied by a report (No. 993); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROMWELL, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 9393) to extend the uses of the mail service, reported the same without amendment, accompanied by a report (No. 994); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHELDEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10445) granting an increase of pension to Bertha G. Kimball, reported the same with amendment, accompanied by a report (No. 995); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2441) granting a pension to Felix G. Sitton, reported the same without amendment, accompanied by a report (No. 996); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1619) granting an increase of pension to Ella Cotton Conrad, reported the same with amendment, accompanied by a report (No. 997); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8885) granting a pension to Sara H. M. Miley, reported the same with amendment, accompanied by a report (No. 998); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7812) granting a pension to Lydia Strang, of Osceola, Polk County, Nebr., reported the same with amendment, accompanied by a report (No. 999); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CUSHMAN: A bill (H. R. 10654) giving to the Quinaielt Indians in the State of Washington authority to grant certain fishing privileges on the Quinaielt Indian Reservation—to the Committee on Indian Affairs.

By Mr. STEVENS of Minnesota: A bill (H. R. 10655) to extend additional homestead rights to soldiers and sailors serving in the war with Spain or during the military occupation of Cuba, Puerto Rico, or the Philippines—to the Committee on the Public Lands.

By Mr. JONES of Washington: A bill (H. R. 10656) to provide American register for the steamship *Garonne*—to the Committee on the Merchant Marine and Fisheries.

By Mr. TAWNEY: A bill (H. R. 10657) to repeal certain provisions of an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," relating to stamp taxes upon deeds of conveyance, mortgages, leases, notes of hand, and so forth—to the Committee on Ways and Means.

By Mr. FLYNN: A bill (H. R. 10658) to authorize the town of Miami, in the Indian Territory, to issue bonds, and for other purposes—to the Committee on Indian Affairs.

By Mr. BABCOCK: A bill (H. R. 10659) regulating permits for private conduits in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WISE: A bill (H. R. 10660) authorizing the construction of a drawbridge across the Eastern Branch of the Elizabeth River, between the city of Norfolk and the town of Berkley, Va.—to the Committee on Interstate and Foreign Commerce.

By Mr. DAYTON: A bill (H. R. 10661) to authorize the Central Railway of West Virginia to build a bridge across the Monongahela River at or near Morgantown, in the State of West Virginia—to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM: A bill (H. R. 10662) to provide for the construction of a revenue cutter for use of Philadelphia, Pa.—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10663) fixing the hours of labor for clerks and employees in post-offices of the first and second classes—to the Committee on the Post-Office and Post-Roads.

By Mr. MORRIS: A bill (H. R. 10664) granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation—to the Committee on Indian Affairs.

By Mr. LITTLE, from the Committee on Indian Affairs: A bill (H. R. 10665) to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory—to the House Calendar.

By Mr. HEATWOLE: A bill (H. R. 10692) to amend an act to provide revenue for the Government and to encourage the industries of the United States, approved July 24, 1897—to the Committee on Ways and Means.

By Mr. SOUTHARD: Joint resolution (H. J. Res. 234) authorizing the Secretary of War to apply the unexpended balance of appropriation heretofore made for the Port Clinton Harbor to the deepening and widening of the channel of said harbor—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 10666) to correct the military record of James W. D. Hill—to the Committee on Military Affairs.

By Mr. DAYTON: A bill (H. R. 10667) for the relief of Elk Branch Presbyterian Church, of Jefferson County, W. Va.—to the Committee on War Claims.

By Mr. DRIGGS: A bill (H. R. 10668) granting a pension to John W. Norris—to the Committee on Invalid Pensions.

By Mr. EDDY: A bill (H. R. 10669) granting an increase of pension to John Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10670) granting an increase of pension to James Neale—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 10671) to reimburse D. W. Henry—to the Committee on Claims.

By Mr. HENRY of Mississippi (by request): A bill (H. R. 10672) for the relief of Frank P. Murphy—to the Committee on Claims.

By Mr. JACK: A bill (H. R. 10673) granting a pension to J. L. Hall—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 10674) granting an increase of pension to Kate Cadwell—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 10675) granting an increase of pension to Patrick Moran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10676) for the relief of John H. Rollins, late a private in Company F, First District of Columbia Volunteer Cavalry, and in Company D, First Maine Volunteer Cavalry—to the Committee on Military Affairs.

By Mr. McCALL: A bill (H. R. 10677) granting an increase of pension to Edson D. Bemis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10678) granting a pension to George D'Vys—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10679) granting a pension to Lowell M. Maxham—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 10680) granting an increase of pension to William A. Noel—to the Committee on Invalid Pensions.

By Mr. SCUDDER: A bill (H. R. 10681) to reimburse the town of East Hampton, Suffolk County, N. Y., for expenses and fees incurred by the board of health thereof for records of deaths at the United States encampment at Montauk Point, Suffolk County, N. Y.—to the Committee on Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 10682) granting an increase of pension to Ira D. Boardman—to the Committee on Invalid pensions.

Also, a bill (H. R. 10683) granting an increase of pension to James B. Judson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10684) granting an increase of pension to Jehu F. Wotring—to the Committee on Invalid Pensions.

By Mr. WHEELER of Kentucky: A bill (H. R. 10685) for the benefit of William E. Holcombe—to the Committee on Pensions.

By Mr. ZIEGLER: A bill (H. R. 10686) authorizing and directing the Secretary of War to issue medals of honor to the 60 surviving members of the Worth Infantry and York Rifles, who were the first troops to respond to the call of President Lincoln for volunteers April 15, 1861, and who entered the service April 19, 1861—to the Committee on Military Affairs.

Also, a bill (H. R. 10687) to remove the charge of desertion from the military record of Jesse Utz, private in Company G, Seventy-fourth Pennsylvania Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 10688) removing the charge of desertion from the military record of George W. Stape, late of Company E, One hundred and seventh Regiment Pennsylvania Volunteers, and Company C, Two hundred and fifteenth Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 10689) to increase the pension of Michael Falkoner, Company B, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 10690) for the relief of the legal representatives of John C. Adkins—to the Committee on War Claims.

By Mr. DINSMORE: A bill (H. R. 10691) for the relief of William H. Roach, of Scotland, Van Buren County, Ark.—to the Committee on War Claims.

By Mr. FOWLER: A bill (H. R. 10693) granting a pension to George Serrell—to the Committee on Claims.

By Mr. HITT: A bill (H. R. 10694) granting an increase of pension to Katherine J. Gilman—to the Committee on Pensions.

By Mr. HOFFECKER: A bill (H. R. 10695) for the relief of Samuel S. Weaver—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY of Kansas: Petition of Topeka Pressman's Union, No. 49, Topeka, Kans., favoring the passage of House bill No. 6872, providing that the Allied Printing Trades label be used on all Government publications—to the Committee on Printing.

By Mr. BELLAMY: Petitions of the United States Brewers' Association and North Carolina Liquor Dealers, Distillers and Grape Growers' Association, for the repeal or reduction of the war tax on malt liquors—to the Committee on Ways and Means.

By Mr. BELL: Petitions of G. W. Bartholomew and E. Margaret Gowdy, of Colorado Springs, Colo., favoring the passage of House bill No. 5457, known as the Spalding bill—to the Committee on Military Affairs.

Also, petitions of the First Baptist and Congregational churches, of Grand Junction, Colo., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

Also, resolutions of Mulligan Post, No. 79; Upton Post, No. 8, and J. W. Anderson Post, No. 96, Department of Colorado, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BOWERSOCK: Petition of substitute letter carriers of Kansas City, Kans., in favor of House bill No. 1051, relating to grading of substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Columbus (Ohio) Brotherhood of Locomotive Engineers, in opposition to proposed legislation restricting the sale of butterine—to the Committee on Agriculture.

By Mr. CANNON: Petitions of farmers, dairymen, stock raisers, merchants, creamery employees, and others, residents of the Twelfth Congressional district of Illinois, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. COCHRANE of New York: Petition of T. M. Burt Post, No. 171, of Valatie, N. Y., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CONNELL: Petition of the Preachers' Alliance of Carbondale, Pa., for the suppression of liquor selling in our new islands and in our Army—to the Committee on Military Affairs.

By Mr. DAYTON: Petition of Joseph C. Smith, of Berkeley County, W. Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DINSMORE: Petition to accompany House bill granting a pension to Mary Pruit, of Capark, Ark.—to the Committee on Pensions.

By Mr. DOLLIVER: Petition of citizens of Whittemore, Iowa, favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

By Mr. ELLIOTT: Petition of citizens of Charleston, S. C., asking that the sum of $6,000 be included in the sundry civil bill for painting and frescoing the interior of the new post-office and court-house at Charleston, S. C.—to the Committee on Appropriations.

By Mr. FITZGERALD of Massachusetts: Petition of Baird & Co. and others, of Boston, Mass., in relation to the passage of Senate bill No. 1439, known as the Cullom bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Resolutions of the Board of Trade of Deadwood, S. Dak., favoring the retention of the remaining public lands for the benefit of the whole people, for the construction of storage reservoirs, irrigation works, etc., by the Government—to the Committee on the Public Lands.

Also, petitions of C. F. Whaley and 45 citizens of Codington County; G. B. McIntyre and 39 others, of Miner County; P. C. Murphy and 40 others, of Brookings, and Christian Hanson and 57 others, of Stockholm, S. Dak., in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. GASTON: Petition of substitute letter carriers at Erie, Pa., in favor of House bill No. 1051, relating to substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen, Columbus, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of citizens of Erie city and county, Pa., against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRAHAM: Memorial of the United States Brewers' Association, New York, asking for the repeal of the war tax on malt liquors—to the Committee on Ways and Means.

By Mr. GRIFFITH: Resolution of Marling Post, No. 224, of Jackson County, Ind., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HAMILTON: Petition of citizens of Allegan, Cheshire, Cushing, Grand Junction, Woodland, and Eau Claire and vicinity, Michigan, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of A. E. Lawrence and other citizens of the Fourth Congressional district of Michigan, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Methodist Episcopal Church of Sturgis; Baptist, Presbyterian, and United Brethren churches of Hastings, Mich., to prohibit the sale of intoxicating liquors in Army canteens and at military posts—to the Committee on Military Affairs.

Also, petitions of John C. Joss Post, No. 124; Jeffords Post, No. 82, and Henry M. Liddle Post, No. 131, Department of Michigan, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HEMENWAY: Resolution of J. C. Veach Post, No. 123, Department of Indiana, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HITT: Petition of Alex McCall and other citizens of Roscoe, Ill., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, resolution of John A. Davis Post, No. 98, of Freeport, Ill., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HOPKINS: Petition of citizens of Hinckley, Ill., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. JACK: Petition of the Methodist Episcopal Church of Reynoldsville, Pa., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. McCALL: Petition to accompany House bill for the relief of Edsen D. Bemis—to the Committee on Invalid Pensions.

Also, petition of druggists of Boston, Mass., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. McCLELLAN: Petition of 29 associations of brewers in all parts of the United States, in favor of a reduction of the internal-revenue tax on beer—to the Committee on Ways and Means.

By Mr. McDOWELL: Petition of Meredith True, of Sherodsville, and others, of Urichsville and Dennison, Ohio, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. NORTON of South Carolina: Petition of citizens of Charleston, S. C., asking that the sum of $6,000 be included in the sundry civil bill for painting and frescoing the interior of the new post-office and court-house at Charleston, S. C.—to the Committee on Appropriations.

By Mr. OTEY (by request): Petition of Addison M. Davis, late inspector of customs, port of New York, in respect to certain charges against him—to the Committee on Reform in the Civil Service.

By Mr. PAYNE: Petitions of Farmington Grange, No. 431; Wallington Grange, No. 159; Marion Grange, No. 214; Novite Scriba Grange, No. 100; Newark Grange, No. 366, and Clyde Grange, No. 33, Patrons of Husbandry, of New York, in support of House bill No. 3717, to control the sale of imitation dairy products; also in favor of Senate bill 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. PUGH: Papers to accompany House bill No. 6920, for the relief of William T. Moore—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 10354, for the relief of John W. Campbell—to the Committee on Invalid Pensions.

By Mr. RIDGELY: Paper to accompany House bill No. 9818, to increase the pension of Charles R. Ford—to the Committee on Invalid Pensions.

By Mr. RIXEY: Petition of the estate of John S. Monteith, deceased, late of Stafford County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SCUDDER: Petition of the Woman's Christian Temperance Union of Islip, N. Y., in reference to the use of intoxicants in the Philippines and in the Army—to the Committee on Military Affairs.

By Mr. SHAFROTH: Petition of the Beecher Island Memorial and Park Association, for a national park in Arapahoe County, Colo.—to the Committee on the Public Lands.

Also, petition of E. E. Fordhans and others and E. T. Beckwith and others, of Westcliffe, Colo., in relation to the reclamation and settlement of public land—to the Committee on the Public Lands.

By Mr. SHATTUC: Papers to accompany House bill No. 10438, for the relief of Helen Robinson—to the Committee on Claims.

Also, petition of A. W. Graves Post, No. 563, of Cincinnati, Ohio, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SULLOWAY: Petition of W. S. Hancock Post, No. 9, Department of New Hampshire, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. UNDERWOOD (by request): Papers relating to the claim of Elizabeth L. Coleman—to the Committee on War Claims.

By Mr. VREELAND: Petitions of Jamestown, Rossburg, Allegany, and Olean, N. Y., in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, petition of Ripley Grange, No. 65, Patrons of Industry, of New York, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Woman's Christian Temperance Union of Cuba, N. Y.; Baptist, Free Methodist, and Methodist Episcopal churches of Rushford, N. Y., against the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

Also, petitions of Cattaraugus Post, Silver Creek Post, and Forestville Post, Grand Army of the Republic, Department of New York, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WADSWORTH: Petition of George F. Thompson and others, of Middleport, N. Y., favoring the passage of Senate bill No. 7439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Attica Post, No. 219, Grand Army of the Republic, Department of New York, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WANGER: Petition of Jesse S. Kriebel and 57 other members of the Farmers' Union of Worcester, Pa., for the enactment of a law making oleomargarine and other imitations of dairy products subject to State laws upon arrival in any State or Territory, and especially amending House bill No. 6445—to the Committee on Agriculture.

Also, resolutions of Graham Post, No. 106, Grand Army of the Republic, Department of Pennsylvania, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WEEKS: Petition of the Shipmasters' Association of Detroit, Mich., asking for a resurvey of the north end of Lake Michigan and west end of the Straits of Mackinaw—to the Committee on Rivers and Harbors.

Also, petition of Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen, of Columbus, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of Robert J. Wade Post, No. 417, of Harbor Beach, Mich., Grand Army of the Republic, in favor of House Bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WHEELER of Kentucky: Petition of William E. Holcombe, private, Company I, Fourth Regiment Tennessee Volunteers, for pension—to the Committee on Pensions.

By Mr. WRIGHT: Petitions of the Woman's Christian Temperance Union of Tunkhannock, Pa., and the First Methodist Episcopal Church of Canton, Pa., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. ZIEGLER: Petition of surviving members of Worth Infantry and York Rifles, in support of House bill authorizing and directing the Secretary of War to issue to them medals of honor, etc.—to the Committee on Military Affairs.

Also, papers to accompany House bill to remove the charge of desertion now standing against George W. Stape—to the Committee on Military Affairs.

Also, papers to accompany House bill to remove the charge of desertion from the record of Jesse Utz, late of Company G, Seventy-fourth Pennsylvania Volunteer Infantry—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 13, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BROWNLOW for one week, on account of important business.

The SPEAKER. The gentleman from California [Mr. KAHN] has sent word to the Chair that he wishes to be excused indefinitely, on account of the death of his mother. Without objection, this request will be granted.

There was no objection.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of business on the Private Calendar, under the special rule fixed for Fridays.

Mr. CORLISS. Mr. Speaker, it seems to me, under the agreement made in the House on yesterday, to vote on the adoption of the joint resolution which was discussed yesterday afternoon immediately after the reading of the Journal, that that is the special order for this morning, and is first in order.

The SPEAKER. The point made by the gentleman from Michigan is well taken. The Chair had overlooked the fact.

The Clerk will report the title of the joint resolution under consideration on yesterday.

METHOD OF ELECTION OF SENATORS.

The Clerk read the title of the joint resolution, as follows:

Joint resolution (H. Res. 28) proposing an amendment to the Constitution providing for the election of Senators of the United States.

Mr. POWERS. Mr. Speaker, I ask unanimous consent that the resolution reported by the majority, and the substitute of the minority also, be read for the information of the House. They are very short.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The joint resolution (H. J. Res. 28) and the proposed substitute were read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendments be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall become and be a part of the Constitution, namely: In lieu of the first and second paragraphs of section 3 of Article I of the Constitution of the United States of America, the following shall be proposed as an amendment to the Constitution:

"SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen for six years, and each Senator shall have one vote. These Senators shall be chosen by the legislatures of the several States unless the people of any State, either through their legislature or by the constitution of the State, shall provide for the election of United States Senators by direct vote of the people; then, in such case, United States Senators shall be elected in such State at large by direct vote of the people; a plurality shall elect, and the electors shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

"When vacancies happen, by resignation or otherwise, in the representation of any State, in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the next general election, in accordance with the statutes or constitution of such State."

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

The SPEAKER pro tempore. The Clerk will read the substitute.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, who shall be elected by a direct vote of the people thereof for a term of six years, and each Senator shall have one vote. A plurality of the votes cast for candidates for Senator shall be sufficient to elect. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures, respectively.

"When a vacancy happens, by death, resignation, or otherwise, in the representation of any State in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the executive thereof may make temporary appointment until the next general or special election, in accordance with the statutes or constitution of such State."

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

Mr. CORLISS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The Chair will first state the situation in the House. There is the original joint resolution reported from the Committee on the Election of President and Vice-President and Representatives in Congress, which has just been read. To that the gentleman from Missouri [Mr. RUCKER] has offered the substitute by way of an amendment, which is the only amendment pending to the original proposition. So that the question now is on agreeing to the amendment of the gentleman from Missouri.

For what purpose does the gentleman from Michigan rise?

Mr. CORLISS. I desired simply to have that statement made.

The question being taken on the amendment proposed by Mr. RUCKER, the Speaker announced that the ayes appeared to have it.

Mr. CORLISS demanded a division.

The House divided; and there were—ayes 135, noes 30.

Mr. CORLISS. I rise to a parliamentary inquiry. If it be necessary that a two-thirds vote must be had to carry the original proposition, and this being a substitute for that original proposition, then, of course, the substitute would require the same proportion of votes.

The SPEAKER. Does the gentleman from Michigan make the point of order?

Mr. CORLISS. I certainly do.

The SPEAKER. A parliamentary inquiry which the gentleman started out with is one thing, and a point of order is quite another.

Mr. CORLISS. I make the point of order.

Mr. MAHON. It is too late to do that.

Mr. POWERS. I submit, Mr. Speaker, that already four-fifths have voted for this amendment.

The SPEAKER. The Chair holds that in voting upon an amendment it is not necessary for a two-thirds vote, although the original proposition requires it. When the House considers any amendment, it can be voted upon in the usual way; and this proposition of the gentleman from Missouri is but an amendment. When it comes, however, to the passage of the bill, then the point can be made. The Chair overrules the point made by the gentleman from Michigan at this time.

Mr. CORLISS. Will the Chair permit a question?

The SPEAKER. The Chair has decided the matter.

Mr. CORLISS. Then I ask the yeas and nays.

Several MEMBERS. Too late.

The SPEAKER. The gentleman from Michigan asks the yeas and nays.

The yeas and nays were not ordered, 9 members only rising in favor thereof.

The SPEAKER. The ayes have it, and the amendment is agreed to.

The question is now on the engrossment and third reading of the amended resolution.

The joint resolution as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question recurred on the passage of the joint resolution.

Mr. RUCKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CORLISS. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CORLISS. I would like to inquire whether under the ruling of the Chair the original resolution has been amended by simply substituting for it that part of the resolution offered by the gentleman from Missouri, and that now we are voting on the original proposition as amended?

The SPEAKER. That is correct.

The question was taken; and there were—yeas 242, nays 15, answered "present" 4, not voting 89; as follows:

YEAS—242.

Adamson,	Cummings,	Henry, Miss.	Moon,
Alexander,	Curtis,	Henry, Tex.	Morgan,
Allen, Ky.	Cusack,	Hepburn,	Morris,
Atwater,	Cushman,	Hitt,	Mudd,
Bailey, Kans.	Daly, N. J.	Hoffecker,	Muller,
Baker,	Dalzell,	Hopkins,	Naphen,
Ball,	Davenport, S. A.	Howard,	Needham,
Bankhead,	Davenport, S. W.	Howell,	Neville,
Barber,	Davidson,	Jack,	Newlands,
Barham,	Davis,	Jett,	Norton, Ohio
Bartholdt,	Dayton,	Johnston,	Norton, S. C.
Bartlett,	De Armond,	Jones, Va.	O'Grady,
Bell,	De Graffenreid,	Jones, Wash.	Olmsted,
Bellamy,	Denny,	Joy,	Otey,
Berry,	De Vries,	Ketcham,	Overstreet,
Bingham,	Dick,	Kitchin,	Packer, Pa.
Bishop,	Dinsmore,	Kleberg,	Payne,
Boreing,	Dolliver,	Kluttz,	Pierce, Tenn.
Boutell, Ill.	Dougherty,	Knox,	Pearre,
Bowersock,	Dovener,	Lacey,	Phillips,
Brantley,	Driscoll,	Lamb,	Powers,
Breazeale,	Eddy,	Lanham,	Prince,
Brewer,	Elliott,	Latimer,	Pugh,
Brick,	Finley,	Lawrence,	Quarles,
Bromwell,	Fitzgerald, Mass.	Lentz,	Reeder,
Brosius,	Fitzpatrick,	Levy,	Rhea, Ky.
Brown,	Fleming,	Lewis,	Rhea, Va.
Brownlow,	Foss,	Linney,	Richardson,
Bull,	Foster,	Littauer,	Ridgely,
Burke, S. Dak.	Fowler,	Little,	Rixey,
Burleson,	Gamble,	Livingston,	Robb,
Burton,	Gardner, Mich.	Lloyd,	Roberts,
Caldwell,	Gayle,	Long,	Robinson, Ind.
Capron,	Gibson,	Loudenslager,	Robinson, Nebr.
Carmack,	Gill,	McAleer,	Rucker,
Catchings,	Glynn,	McCleary,	Ryan, N. Y.
Chanler,	Graff,	McClellan,	Ryan, Pa.
Clark, Mo.	Graham,	McCulloch,	Scudder,
Clarke, N. H.	Green, Pa.	McDowell,	Shackleford,
Clayton, Ala.	Greene, Mass.	McRae,	Shafroth,
Clayton, N. Y.	Griffith,	Maddox,	Shattuc,
Cochrane, N. Y.	Griggs,	Mahon,	Shelden,
Cooney,	Grosvenor,	Marsh,	Sheppard,
Cooper, Wis.	Grout,	Meekison,	Showalter,
Corliss,	Grow,	Mercer,	Sibley,
Cousins,	Hall,	Mesick,	Sims,
Cowherd,	Hamilton,	Miers, Ind.	Slayden,
Cox,	Haugen,	Miller,	Small,
Cromer,	Hawley,	Mondell,	Smith, Ill.
Crump,	Heatwole,	Moody, Mass.	Smith, Ky.
Crumpacker,	Hemenway,	Moody, Oreg.	Smith, H. C.
Smith, Samuel W.	Stewart, Wis.	Terry,	White,
Smith, Wm. Alden	Stokes,	Thomas, N. C.	Williams, J. R.
Snodgrass,	Sulloway,	Turner,	Williams, W. E.
Southard,	Sulzer,	Underwood,	Williams, Miss.
Spalding,	Sutherland,	Vandiver,	Wilson, N. Y.
Spight,	Swanson,	Van Voorhis,	Wilson, S. C.
Stark,	Talbert,	Warner,	Zenor.
Steele,	Tate,	Waters,	Ziegler.
Stephens, Tex.	Tawney,	Weeks,	
Stevens, Minn.	Taylor, Ala.	Wheeler, Ky.	

NAYS—15.

Allen, Me.	Gardner, N. J.	Lester,	Russell,
Burleigh,	Hedge,	Littlefield,	Sperry,
Calderhead,	Henry, Conn.	McPherson,	Thomas, Iowa.
Fordney,	Lane,	Mann,	

ANSWERED "PRESENT"—4.

Gaines,	Gaston,	Gillett, Mass.	Hill.

NOT VOTING—89.

Acheson,	Crowley,	Lybrand,	Stallings,
Adams,	Dahle, Wis.	McCall,	Stewart, N. J.
Aldrich,	Davey,	McLain,	Stewart, N. Y.
Allen, Miss.	Driggs,	May,	Tayler, Ohio
Babcock,	Emerson,	Metcalf,	Thayer,
Bailey, Tex.	Esch,	Meyer, La.	Thropp,
Barney,	Faris,	Minor,	Tompkins,
Benton,	Fitzgerald, N. Y.	Noonan,	Tongue,
Boutelle, Me.	Fletcher,	Otjen,	Underhill,
Bradley,	Fox,	Parker, N. J.	Vreeland,
Brenner,	Freer,	Pearce, Mo.	Wachter,
Broussard,	Gilbert,	Polk,	Wadsworth,
Brundidge,	Gillet, N. Y.	Ransdell,	Wanger,
Burke, Tex.	Gordon,	Ray,	Watson,
Burkett,	Hay,	Reeves,	Weaver,
Burnett,	Hull,	Riordan,	Weymouth,
Butler,	Jenkins,	Robertson, La.	Wilson, Idaho
Campbell,	Kahn,	Rodenberg,	Wise,
Cannon,	Kerr,	Ruppert,	Wright,
Cochran, Mo.	Landis,	Salmon,	Young.
Connell,	Lorimer,	Sherman,	
Cooper, Tex.	Loud,	Sparkman,	
Crawford,	Lovering,	Sprague,	

So (two-thirds of a quorum voting in favor thereof) the joint resolution was passed.

The Clerk announced the following pairs:

For this session:

Mr. HULL with Mr. HAY.

Until further notice:

Mr. GRAFF with Mr. BRUNDIDGE.

Mr. BARNEY with Mr. ALLEN of Mississippi.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. REEVES with Mr. SPARKMAN.

Mr. TOMPKINS with Mr. CROWLEY.

Mr. ESCH with Mr. BAILEY of Texas.

Mr. TAYLER of Ohio with Mr. FOX.

Mr. BOUTELLE of Maine with Mr. COCHRAN of Missouri.

Mr. GILLETT of Massachusetts with Mr. THAYER.

Mr. HAWLEY with Mr. COOPER of Texas.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. BURKETT with Mr. BURKE of Texas.

Mr. LYBRAND with Mr. GASTON.

For two weeks:

Mr. STEWART of New York with Mr. MAY.

To and including April 20:

Mr. OTJEN with Mr. BRENNER.

Until April 21:

Mr. ALDRICH with Mr. BURNETT.

For balance of week:

Mr. HILL of Connecticut with Mr. UNDERHILL.

Until Monday:

Mr. GILLET of New York with Mr. CAMPBELL.

Mr. SHERMAN with Mr. DRIGGS.

Until Monday next, at 2 o'clock:

Mr. BUTLER with Mr. RUPPERT.

For one week:

Mr. MCCALL with Mr. GAINES.

For this day:

Mr. JENKINS with Mr. ROBERTSON of Louisiana.

Mr. STEWART of New Jersey with Mr. FITZGERALD of New York.

Mr. BABCOCK with Mr. RIORDAN.

Mr. ACHESON with Mr. NOONAN.

Mr. YOUNG of Pennsylvania with Mr. GORDON.

Mr. DAHLE of Wisconsin with Mr. BRADLEY.

Mr. GAINES. Mr. Speaker, I am paired with the gentleman from Massachusetts, Mr. MCCALL. I desire to withdraw my affirmative vote for that reason and to be counted "present."

Mr. DAYTON. I am paired with the gentleman from Louisiana, Mr. MEYER, but have voted in the affirmative on this question. I am informed, and have no doubt, that if General MEYER were present, he would vote in the affirmative also. Therefore I have concluded to let my vote stand, with this explanation.

Mr. MCCULLOCH. Mr. Speaker, my colleague, Mr. BRUNDIDGE, is sick and confined to his room, and I ask that he be excused for to-day.

The SPEAKER. That can not be done at this stage of the proceedings.

Mr. ADAMSON. I desire to know if the gentleman from Pennsylvania, Mr. WANGER, has voted?

The SPEAKER. He has not.

Mr. ADAMSON. I desire to state that I had an arrangement with him to-day for a pair, but the gentleman has come in, and with his consent I allow my vote to stand.

Mr. SMALL. I am paired with the gentleman from Maryland, Mr. WACHTER. I am informed that if he were present, he would vote "aye," and therefore I have voted "aye."

The SPEAKER. The gentleman leaves his vote as it is?

Mr. SMALL. Yes.

The result of the vote was announced as above recorded.

NICARAGUA CANAL.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that on Tuesday, the 1st day of May, the bill H. R. 2538, a bill to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, be made the special order, and that it be taken up for consideration immediately after the approval of the Journal.

The SPEAKER. The gentleman from Iowa asks unanimous consent that House bill 2538 be made the special order for Tuesday, May 1. Is there objection?

Mr. BURTON. I object, Mr. Speaker.

Mr. TERRY. Who objected?

The SPEAKER. Objection is made.

Mr. WILLIAMS of Mississippi. Who objected?

The SPEAKER. The gentleman from Ohio.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 3535. An act for the relief of Brooklyn Ferry Company, of New York; and

S. 3488. An act to amend an act fixing the fees of jurors and witnesses in United States courts in certain States and Territories.

The message also announced that the Senate had passed without amendment the bill (H. R. 4696) granting an increase of pension to Ruthven W. Houghton.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 2356. An act for the relief of Hiram Johnson and others; and

H. R. 2456. An act for the relief of the heirs of Philip McLoskey and John Hagan.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3488. An act to amend an act fixing the fees of jurors and witnesses in the United States courts in certain States and Territories—to the Committee on the Judiciary.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under the special rule.

The SPEAKER. The gentleman from New Hampshire moves that the House resolve itself into Committee of the Whole for the consideration of private pension bills. Pending that, the Chair desires to announce that the gentleman from Iowa [Mr. HEPBURN] will act as Speaker for the balance of this day.

The motion to go into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. CAPRON in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of private pension bills under the rule. The Clerk will report the first bill.

CORA I. CROMWELL.

The first business on the Private Calendar was the bill (H. R. 1787) to grant a pension to Cora I. Cromwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Cora I. Cromwell, of Green Lake County, Wis., daughter of George Cromwell, late private, Company I, Thirty-first Regiment Wisconsin Infantry Volunteers, and pay her a pension of $12 per month.

The amendments recommended by the committee were read, as follows:

After the word "roll," in line 4, insert the words "subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "of Green Lake County, Wis.;" in the same line, before the word "daughter," insert the word "helpless."

In line 6 strike out the word "private" and insert in lieu thereof the word "of."

In line 7 strike out the word "Volunteers;" and in the same line, before the word "Infantry," insert the word "Volunteer."

In line 8, after the word "pension," insert the words "at the rate."

Mr. TALBERT. Mr. Chairman, I do not wish to say anything about the pending bill at this time. I desire to have read, in my time, a letter I received a few days ago, and a short newspaper article upon the subject of pensions.

The CHAIRMAN. The Clerk will read in the gentleman's time.

The Clerk read as follows:

PITTSBURG, *March 10, 1900.*

DEAR SIR: I beg to inclose clipping from the Pittsburg Dispatch—newspaper of largest circulation in western Pennsylvania, and which I believe to correctly represent intelligent public opinion in this State on the question referred to.

The general pension laws are liberal enough in all conscience, and the majority of the private bills are believed to be for benefit of those who have no just claim.

Yours, truly,

A. S. M. MORGAN.

Hon. Mr. TALBERT,
House of Representatives.

AN INSTRUCTIVE SELF-EXPOSURE.

The quarrel between Representative MAHON, of this State, and TALBERT, of South Carolina, is a unique illustration of the political idea of constitutional government and legislative representation. The South Carolinian has been making himself obnoxious for demanding a quorum when special pension bills are passed. This has angered Representative MAHON to such a pitch that he denounces TALBERT on the floor of the House, and expresses the hope that in the next Congress there may be a contest of TALBERT'S seat, and that he (MAHON) may "help to throw him out of the House."

The Constitution of the United States prescribes a majority of the House as "a quorum to do business," and limits the power of less than a quorum to "adjourn from day to day," and "to compel the attendance of absent members." In other words, Mr. TALBERT'S offense is in insisting that the money of the country shall not be spent except by the methods which the Constitution requires. The first aspect of Mr. MAHON'S wrath is that it is because he is prevented from getting special pension bills passed in violation of the Constitution, which he has sworn to maintain and uphold.

But Mr. MAHON is not satisfied with that success at self-classification. He declares that if anyone will help to set up a contest against TALBERT in the next Congress he will help to throw the obnoxious Carolinian out of the House. The little question as to what the vote of the people who are supposed to elect their Representatives may be does not at all concern Mr. MAHON. Because Mr. TALBERT has been guilty of using his right as a member to demand that business shall be done in a constitutional manner Mr. MAHON will vote to unseat him.

It would be difficult for anyone to characterize MAHON more signally than MAHON has characterized himself.

Mr. TALBERT. I desire to have another short letter read, showing the sentiment in the North in regard to my being "thrown out." It is a short letter, and I do not ask to have it read for the purpose of killing time, but to show the sentiment in the North.

Mr. PAYNE. I would like to ask the gentleman if that will entirely clear up his record, so that we can go on with the business of the House a little?

Mr. TALBERT. I did not catch what the gentleman said.

Mr. PAYNE. I want to inquire if that will entirely clear up the record of the gentleman from South Carolina, so that the House can proceed with its business?

Mr. TALBERT. "The gentleman's record" is perfectly clear; but I wanted to take care of the Republicans, for fear they will be lost, and to satisfy my friend from Ohio; but I do not think I can save them.

Mr. PAYNE. I do not know but what I ought to object if that is the theory.

Mr. GROSVENOR. When I want a savior, I will make my own selection. [Laughter.]

Mr. TALBERT. I will not reply, as I did not catch what the gentleman said. I ask that the letter be read, because the gentleman is joined to his idols.

The Clerk read as follows:

BUCYRUS PUBLIC SCHOOLS, *March 24, 1900.*

KIND SIR: May you live long——

[Laughter.]

and enjoy a happy life; and we of the North hope your people in South Carolina will return you to Congress, for such a noble man as you certainly deserves great praise——

[Great laughter.]

for performing your duty so faithfully at the Capitol of the United States for the people.

"A government of the people, for the people, by the people."—A. L.

Very respectfully,

HIRAM K. SMITH,
231 North Sandusky avenue, Bucyrus, Ohio.

Hon. W. JASPER TALBERT,
House of Representatives, Washington, D. C.

Mr. TALBERT. Now, Mr. Chairman, so much for that. These speak for themselves. [Laughter.] I wish to say a few Fridays ago we had what is known as private-claim day, to consider bills from the Committee on Claims. Well, I believe during that day there were six or seven claims passed. The reports were read on every occasion. The bills were discussed, which ought to have been done: they were criticised and scrutinized, and six of them were passed. I suppose it was right and they ought to have passed. The next Friday was the day for the consideration of bills from the Committee on War Claims, of which my distinguished friend from Pennsylvania [Mr. MAHON] is chairman. I believe there were three or four bills, if I am not mistaken, passed through at that time. They were cussed and discussed all day long, and the reports were read.

Now, the point I want to make is that I think, in consideration of claims from the Committees on Pensions, the reports accompanying the bill in every case ought to be read, so that the House can vote intelligently upon the claims at issue. I do not believe that these bills ought to be poured like corn into a hopper and run through without any consideration, without any criticism, and without any scrutiny. I shall therefore ask in every case that the report accompanying the bill be read. I hope the report accompanying the bill which has just been reported will be read in the hearing of the House. I ask for the reading of the report.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. MINOR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1737) to grant a pension to Cora I. Cromwell, submit the following report:

George F. Cromwell, the soldier named in this bill, served as a private in Company I, Thirty-first Regiment Wisconsin Volunteer Infantry, from February 18, 1864, to March 19, 1865, when he was wounded in action, and died of such wounds in hospital at Goldsboro, N. C., on March 23, 1865.

His widow, who married him January 5, 1860, was pensioned at $8 per month from the time of the soldier's death to the date of her remarriage, on September 16, 1866, and in 1870 the three minor children of the soldier, of whom the beneficiary named in the bill was one, were also pensioned from the date of the remarriage of their mother to January 27, 1880, when the youngest child became 16 years of age, and pension ceased by operation of law.

Cora I., the beneficiary named in this bill, was born October 15, 1860, and she applied for continuance of her pension under the act of June 27, 1890, by reason of helplessness, and filed proof showing that in 1884 her left arm was amputated because of cancer of the wrist joint; that in 1891 she was operated upon again for a disease peculiar to females; that since that time she has suffered from disease of the kidneys, confined to the bed quite often, and unable to perform any labor whatever.

A medical examination of the beneficiary made July 15, 1899, under the claim named above, disclosed amputation of the left arm, 3 inches below the elbow joint, muscles of the right arm soft and flabby, catarrh of bladder, with bloody urine, and prolapsus of rectum; and the examining surgeon then stated that he did not consider her able to earn her own living.

Her claim, however, was rejected by the Pension Bureau October 28, 1899, upon the ground that she had not been helpless at and prior to the time when she became 16 years of age, hence the act of June 27, 1890, could not apply.

There has been filed with your committee the sworn statement of the beneficiary, to the effect that she first became physically unable to earn a living in 1884 by a swelling in the wrist of her left arm; that amputation of the arm became necessary in October, 1884; that shortly thereafter she had inflammation of the bladder and female troubles, which afflicted her ever since; that in September, 1891, she had to submit to an operation to remove the ovaries; that in 1897 she was operated upon for femoral hernia, and again later on; that by reason of her physical debility and suffering she is unable to earn her living; that her mother is again a widow and unable to maintain or support her; that for the last fifteen years she has been principally supported and maintained by friends.

Medical testimony has also been filed fully corroborating the claimant's statements as to the operations performed and as to her present physical condition, and the same is fully set forth in the affidavit of Dr. G. D. Ladd, which reads as follows:

To whom it may concern:

I hereby certify that Miss Cora I. Cromwell, of Berlin, Wis., has been a patient of mine and under my care, at times, since May, 1897, and until the present time. I operated upon her for ventral hernia on May 12, 1897, and she remained at the hospital and under my immediate care until May 30, 1897. She also at that time suffered from chronic inflammation of the bladder and a tumor (papilloma) of the bladder.

On the 19th day of October, 1897, she returned to the hospital in this city and remained under my care for treatment of inflammation and tumor of the bladder until December 23, 1897. She was in very poor health, and suffered very severely from the disease mentioned, and the ventral hernia (rupture) had returned. She returned to the hospital at frequent intervals for treatment until on June 1, 1899, I again operated for adhesions within the abdomen and for hernia.

Since the last operation she has been, at intervals, in the hospital for treatment for disease of the bladder and general ill health, until October, 25, 1899. She has been in the hospital and under my care, in all, fifteen different times since May, 1897. From my knowledge of her physical condition I find that she is so wholly broken down as to be unable to do any work, either now or in the future.

G. D. LADD, M. D.

MILWAUKEE, WIS., *February 9, 1900.*

EASTERN DISTRICT OF WISCONSIN, *ss:*

Personally appeared before me George D. Ladd, M. D., who, being by me duly sworn, deposes and says that the foregoing affidavit, subscribed by him, is true to the best of his knowledge and belief.

[SEAL.] EDWARD KURTZ,
Clerk United States District Court, Eastern District of Wisconsin.

The Hon. Mr. DAVIDSON, a member of this House, has filed a statement showing that, to his personal knowledge, the beneficiary is without means of support, having no property of any kind, and no one being legally bound to support her, and that she is practically entirely helpless.

As no one is now drawing any pension on account of the services and death of this soldier, your committee believes that relief by Congress is fully warranted for this helpless daughter of the soldier; and the passage of the bill is recommended after the same shall have been amended as follows:

After the word "roll," in line 4, insert the words "subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "of Green Lake County, Wis.;" in the same line, before the word "daughter," insert the word "helpless."

In line 6 strike out the word "private" and insert in lieu thereof the word "of."

In line 7 strike out the word "Volunteers;" and in the same line, before the word "Infantry," insert the word "Volunteer."

In line 8, after the word "pension," insert the words "at the rate."

Amend the title so as to read: "A bill granting a pension to Cora I. Cromwell."

During the reading of the above report

Mr. TALBERT said: I ask that the further reading of the report be dispensed with.

I want to call the attention of the House and committee to the fact that in this case the committee have been honest, as they have been in all these cases, in saying in the report that the claimant has no pensionable status at the Pension Bureau, and that after she had received a pension up to the age of 16 years, as I understood, she became afflicted. Now, on account of affliction that has overtaken her ten years after she had received a pension up to 16 years of age, the committee have, on account of her general poverty, reported that she ought to receive a pension. Now, that is the condition. If this House is willing to give a pension to people who are utterly outside of the pale of the pension law because they are poor, why they can continue to do it; but it seems to me that all the States and all the counties have almshouses and poorhouses that are able to take care of people of this class. You will find poor people all over the country.

Now, in most of these cases which I have looked over I think that the committee is honest enough to state that the applicants are not entitled to a pension under any laws, liberal as they are. I only wanted to call the attention of the House to this fact.

Mr. SULLOWAY. This girl was not entitled to a pension because she was not destitute and helpless the moment she became 16 years of age. She did become helpless, absolutely so, unable to do anything for herself, a short time after she became 16; and the committee recommended the pension. The gentleman from South Carolina talks about there being no law for it. If she was entitled to a pension under existing law, we should not bring this bill here. This is a good case, a deserving case, and the bill ought to pass.

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIJAH BIDDLE.

The next business on the Private Calendar was the bill (H. R. 1801) granting a pension to Elijah Biddle.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah Biddle, late a private in Company E, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension of $50 a month in lieu of the pension he is now receiving.

Mr. TALBERT. Mr. Chairman, I have here a letter which I received a few days ago, and although it has no direct bearing on this bill, it has upon bills of a similar kind. It is from a gentleman in Maine, and I desire to have it read in my time.

The Clerk read as follows:

NORTH BRADFORD, ME., *March 31, 1900.*

DEAR SIR: I see by the papers that Congress last Friday passed 142 private pension bills. Now I and thousands of other old soldiers protest against this wholesale private pension business. Any coffee cooler or bummer, who has a political pull or can get up a big petition can get a big pension, while others, ever so worthy, have to take whatever the Pension Bureau gives them.

I believe that that is where all claims should be settled and that Congressmen should find other business to attend to but tumbling over each other in passing claims, many of which are fraudulent.

I see that George M. Brown, of Bangor, Me., has been voted a pension of $40 a month. Now I do not doubt but what Brown was a good soldier, but why should he be entitled to more than any other soldier who is rated the same? It is claimed that he is poor, yet he has a house worth $1,200 and some money in the bank.

Now, Mr. Congressman, I served in the Union Army four years. I enlisted in April of 1861 and was discharged in September of 1865. I carried a musket three years and then was commissioned. I was wounded three times and have been a physical wreck for the last thirty years. I have ever been treated fair by the Government and have no fault to find with the Pension Department. I have a medal of honor that I received from Congress, but I am not as lucky as Major Brown. My house is not worth $1,200, neither have I any bank stock. From the effect of my wounds and heart trouble, I can do no work or business.

There is a man living in an adjoining town that was with me in the First Maine Heavy Artillery, who came home as sound and well as when he went to war, and continued so till a few years ago, when he got hurt by a vicious horse which he was handling for a neighbor. He has been getting $30 a month; has a good property and money to let when he can get 10 per cent interest. He was not satisfied with what he was getting, but by a special act he got it increased to fifty.

Now, I think this Congressional pension bureau is all wrong, and the old boys are sore over the way pensions are ground out.

Please excuse me for thus addressing you, but I saw that you did not believe in the grab business, and thought I would write you how we old fellows feel about it.

Truly, yours, A. J. KNOWLES,
Late Captain, Company D, First Maine Heavy Artillery,
North Bradford, Me.

Hon. Mr. TALBERT.

Mr. SIMS. Are not these two cases ones in which I moved to amend?

Mr. TALBERT. These letters are samples of hundreds that I have home in my desk. I do not propose to bring forward any more of them to have read and take up the time of the committee. I only put these forward as samples. I want to emphasize this point, that it seems to me the committee does not scrutinize as closely as they ought the statements of these applicants as to their property and means of support. Here is this man, the owner of bank stock and a house worth $1,200. Now, I ask for the reading of the report in this case. This is almost similar to the one referred to in the letter. I ask for the reading of the report. This bill seeks to raise this man's pension from $12 to $30. It may be that he has more property than the man referred to in the letter that has just been read, and only shows what I am contending for—that unjust claims are being allowed by the committee.

The Clerk read the report, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1801) granting a pension to Elijah Biddle, submit the following report:

This soldier, who is now 57 years of age, served as a private in Company E, Thirty-seventh Regiment Ohio Volunteer Infantry, from June 2, 1862, to October 3, 1862, when mustered out with his company, and enlisted again as a private in Company E, Second Regiment Ohio Heavy Artillery, July 1, 1863; was taken prisoner of war at Sweetwater, Tenn., February 16, 1865; paroled April 2, 1865, and mustered out on detachment muster-out roll on June 14, 1865. He is now a pensioner under the act of June 27, 1890, at $12 per month for total inability to earn a support by manual labor by reason of impaired sight, which pension was allowed in lieu of one under the general law of $4 per month formerly granted to him on account of chronic diarrhea of service origin.

In the claim under the general law filed June 23, 1890, in which chronic diarrhea was set up as a disabling cause of service origin, the soldier also claimed pension on account of a severe injury to his left side, fracturing the collar bone and two ribs, alleged to have been received near Fort Boyle, Ky., about April 1, 1864, by his horse falling while on detached service as drillmaster at said fort, and in July, 1890, he claimed on account of another disability, namely, loss of sight.

These claims were rejected January 12, 1894, upon the ground of no record and no proof of origin in line of duty, and claimant's declared inability to furnish such proof.

The claimant alleged that he was left at Fort Boyle with one George F. Race, as drillmasters; that the garrison consisted of a colored company; that he did not know any of the officers, and that he was treated for the injuries by a private physician, Dr. Young, who lived near the fort, and that he was unable to find or locate his comrade, Race, who was present when he was injured.

A comrade of the soldier, who testified to the origin of diarrhea, stated to a special examiner of the Bureau that when the company left Fort Boyle the beneficiary and Race were left behind; that shortly thereafter some of the boys in the company got a letter from Race stating that the claimant had been thrown from a mule, and thereby broke his collar bone and two ribs; and the claimant filed proof that while at home on furlough after having been paroled, he suffered from said injuries, and continued so to suffer since his discharge.

He admitted his inability to file any proof as to the origin of his eye trouble, and stated that while his eyes were somewhat affected before the service the disease steadily increased as a result of his army service.

Medical examinations beginning in 1882 found fracture of the left clavicle, for which the surgeons rated him $4, but no fracture of ribs; and the last certificate of medical examination, made on August 18, 1897, rated him $12 for rheumatism; nothing for diarrhea; $4 for the fracture, and $30 for impaired sight due to extreme myopia, and the surgeons then stated that the soldier was just able to get about with the aid of a powerful double concave lens.

Medical testimony filed with your committee shows that the claimant is now suffering from myopia to such an extent as to be almost completely blind; that by reason of this and general debility, due to an attack of pneumonia and various other sicknesses, he is unable to do any work whatever; that with double concave glasses at 3 feet he could recognize a man as an object only, but could not see irregularities in the ground, and that at 60 feet he could not see anything.

The circumstances under which the special examiner of the Pension Bureau obtained the information as to the receipt of the fracture by the beneficiary leads this committee to believe that full faith and credit should be given to such statement; and there is also no doubt in the minds of your committee that the preexisting myopia was aggravated by exposures in the service; and inasmuch as the beneficiary is now practically blind, a pension of $30 per month seems to be fully warranted under the circumstances; and hence the passage of the bill is recommended after the same shall have been amended as follows:

In line 6 strike out the word "a;" in the same line strike out the word "in."

In line 8, before the word "of," insert the words "at the rate."

Strike out the word "fifty," in line 8, and insert in lieu thereof the word "thirty."

In line 8 strike out the words "the pension" and insert in lieu thereof the word "that."

Amend the title so as to read: "A bill granting an increase of pension to Elijah Biddle."

Mr. TALBERT. Now, Mr. Chairman, I would like to ask the chairman of the committee if he has any affidavit as to the pecuniary or financial condition of this applicant?

Mr. SULLOWAY. This man is now 57 years old, is totally unable to support himself by labor by reason of the impaired sight, and the special examiner reported that his statements were entitled to the utmost credit.

The amendments recommended by the committee were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARGARET BURNS.

The next business on the Private Calendar was the bill (H. R. 3655) granting a pension to Mrs. Margaret Burns, as widow of Peter Burns, late of Company F, Twenty-third Regiment Illinois Volunteer Infantry, in the war of the rebellion.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Burns, as widow of Peter Burns, late of Company F, Twenty-third Regiment of Illinois Infantry Volunteers, in the war of the rebellion.

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report.

The Clerk read the report, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3655) granting a pension to Mrs. Margaret Burns, as widow of Peter Burns, late of Company F, Twenty-third Regiment Illinois Volunteer Infantry, in the war of the rebellion, submit the following report:

Peter Burns, the soldier named in this bill, served as a private in Company F, Twenty-third Regiment Illinois Volunteer Infantry, from April 23, 1861, to October 8, 1861, when discharged by reason of having been a paroled prisoner of war.

He never applied for pension under any law granting pensions to soldiers.

Margaret Burns, the beneficiary named in this bill, and now 75 years of age, applied for pension as the widow of the soldier under the act of June 27, 1890, alleging that her husband died in 1876, leaving her as his widow, and that she is without other means of support than her daily labor.

This claim was specially examined, and was rejected June 8, 1893, and March 9, 1894, after such special examination, upon the ground that the presumption of soldier's death was not warranted by the facts elicited on such special examination; and this rejection was affirmed by Assistant Secretary Reynolds under date of September 6, 1894, in the following language:

"* * * The appellant and the soldier were married in England in 1849, and had eight children, but two of which are now living. After their emigration to this country he was in employment as a coal miner, and in following his vocation frequently left her, seeking work in other places. He does not appear to have had any permanent residence at any time, leaving with no expressed intention as to his destination or his return, rarely or never communicating with appellant during his absence, and generally returning to her only when she was able otherwise to learn his whereabouts and requested him to do so or went to him instead. She followed him up in this manner many times and during many years throughout Virginia, Kentucky, Ohio, Indiana, and Illinois. While they were at Springfield, Ill., he enlisted in the Army, unknown to her, in April, 1861, and was discharged in October of the same year; but she did not learn his whereabouts or see him again until about the close of the war, when he came to her at Cincinnati, Ohio, stayed two days, and then returned to his work in the coal mines of Virginia.

"He left her finally 'on St. Patrick's day,' in 1874, while they were living in Bowersville, Ill., since which time she has not seen or heard from him nor of him except once through her son, who (as he testifies herein) was told about 1880 by an old friend of his father that he had heard of his death near Des Moines, Iowa, where he was working in a coal mine, but he stated no particulars further, as the train he was leaving on started and stopped the conversation; that this friend's address he did not know, and he being then an old man, said son believes him to be now deceased. This evidence as to the fact of death, however, is too uncertain, indefinite, and remote to be relied upon to any extent.

"After the soldier last left appellant as aforesaid, she removed about July 1, 1874, to Danville, Ill., where she remained about a year, and then went to New Burnside, Ill., where she lived with her daughter until she came to Murphysboro, Ill., her present home, in 1892.

"The soldier never applied for pension. Appellant testifies he was somewhat but not excessively addicted to drink. Another witness testifies he drank considerably, and when in this condition was quarrelsome and abusive. If now living, he would be about 64 years of age.

"It is considered by the Department that the facts shown do not raise a legal presumption of the soldier's death, as they reasonably account otherwise for his absence. The action is therefore affirmed."

Subsequent to such rejection the beneficiary invoked the provisions of the act of March 13, 1896; but the claim was again rejected by the Pension Bureau, August 30, 1897, upon the ground that the presumption of death could not obtain under said act of March 13, 1896; and this action was again affirmed by the Assistant Secretary of the Interior, Webster Davis, under date of January 30, 1899, no new evidence or additional facts having been filed or submitted as to the soldier's leaving his home and the claimant, or tending in any way to show his death, since the departmental decision of September 6, 1894, in the case.

Proof has been filed in the Pension Bureau to the effect that the claimant has not remarried since her husband left her last in 1874; that she has no property of any kind; that she is quite old and feeble, unable to make a living, and dependent upon the charity of friends.

In view of the fact that twenty-six years have elapsed since the soldier was last seen or heard from, the soldier having never applied for pension, either under the general law or under the act of June 27, 1890, under which last-named law he undoubtedly would have title by reason of age alone, your committee are of the opinion that the death of the soldier should be presumed, and that the beneficiary should be granted the relief sought for in the bill, and the passage of the same is recommended after it shall have been amended as follows:

In line 6 strike out the word "as" before the word "widow."

In line 7 strike out the work "of" before the word "Illinois." In the same line strike out the word "Volunteer;" and in the same line, before the word "Infantry," insert the word "Volunteer."

In line 8 strike out the words "in the war of the rebellion" and insert in lieu thereof the words "and pay her a pension at the rate of $8 per month, such pension, however, to cease upon proof that the soldier is still living."

Amend the title so as to read: "A bill granting a pension to Margaret Burns."

Mr. TALBERT. Now, Mr. Chairman, here is a claim to pension a woman who says she has no husband, but there is no evidence that she is a widow. Notwithstanding what the committee

says in the report, here is an applicant for a pension on the ground that she is a widow, and no evidence has been adduced showing that she is really a widow. I submit that we ought not to pass such a claim as this, and I therefore move that this bill be laid aside with the recommendation that it do lie on the table.

Mr. GRAFF. Mr. Chairman, I do not think the statement made by the gentleman from South Carolina [Mr. TALBERT] is warranted by the facts. This woman was married to her husband in 1849, in England, and in 1874, on St. Patrick's Day, at Bowersville, Ill., he left her. The only reason that the evidence was not considered sufficient before the Bureau and on appeal was because the evidence did not follow the usual common-law requirement that he left her under such circumstances as would not be explainable, but adopted the theory that he might return. The rule in cases at common law is, when applied to the evidence, that the circumstances must show that he was not likely to return if living. That is the only phase of this proof that is absolutely not made complete. Nothing has been heard of the soldier since 1874, and they were married in 1849.

Mr. ALEXANDER. Is the soldier getting a pension?

Mr. SULLOWAY. No.

Mr. TALBERT. There is no positive evidence adduced that he is dead or that she is a widow. She is claiming a pension as a widow when nobody knows whether she is a widow or not.

Mr. BARTLETT. I understand it to be a rule of the Pension Bureau that in these cases they do not recognize the common-law rule that prevails in all States in the Union, that an absence of seven years unaccounted for raises a prima facie presumption that the man is dead. Now, the Pension Bureau refuses to recognize that rule, I understand; do they not?

Mr. GRAFF. I think the Bureau does recognize that principle of evidence.

Mr. BARTLETT. No; I know of a case in my own city of a widow absolutely helpless, without any money, and the pension was refused merely upon that ground. The attention of the Office was called to the decision of the Supreme Court of the United States my myself to the fact that this husband has been absent fourteen years, but because she could not demonstrate absolutely that he was dead by some one who actually saw him dead or saw him die she was refused and had to do without a pension.

Mr. GRAFF. That may be true.

Mr. BARTLETT. I do not think the ruling of the department is correct. And if the effect of this bill is simply to pension a widow whose husband has been absent and unaccounted for during the length of time that appears in this case, I think we ought to pass the bill. I think the Pension Bureau ought in cases of this kind to follow the rule which is recognized at common law and also by the Supreme Court of the United States and by statutes and decisions in the several States. It seems to me that a widow whose husband is shown by ordinary testimony to have been absent for so great a number of years and unaccounted for should not be compelled to resort to this House in order to get a pension.

I did not rise for the purpose of opposing the gentleman's bill. From all that I understand, it is a meritorious bill and ought to pass; but I believe that the Pension Bureau ought not to compel widows who are in the position in which this widow appears to be to resort to the aid of Congressmen in order to get a private pension bill through here, when the Pension Bureau, if it would follow the well-known and accepted rules of law, would grant a pension and save Congress from the necessity of such private legislation.

Mr. GRAFF. Mr. Speaker, I will say in reply to the gentleman from Georgia [Mr. BARTLETT] that, as I understand, the Bureau recognizes the common-law rule on this subject. Under that rule, as gentlemen here are aware, one of the elements necessary to be shown——

Mr. BARTLETT. The Pension Bureau ought to be bound by the rule which the Supreme Court of the United States has recognized.

Mr. GRAFF. As I was about to say, one element of proof necessary under the common-law rule is that the absence shall be unexplainable. This is the point where claimants usually fall down and fail to make satisfactory proof. In this case, however, it seems to me that the long absence of the husband, and the fact that one of the sons testifies that he heard of the death of his father in 1880, and the further fact that this man and woman were married in 1849 and lived together until 1874, would tend to show that the failure of the husband to return to his wife during this lapse of years raises a strong presumption of his death.

Mr. ALEXANDER. Why is the fact of the apparent abandonment of the wife unexplainable?

Mr. GRAFF. Well, the fact that the husband had left his wife on several occasions, and that he was addicted to drink, left room for the Pension Bureau to say that it had not been shown that his absence was unexplainable and could not be accounted for on any other theory than that he was dead. That was the point in this case—simply a technical point. I think the bill ought to pass.

Mr. SMITH of Illinois. Mr. Chairman, for the benefit of the House I wish to say that I am perfectly familiar with this case. Mrs. Burns is a resident of my home town. She is an old lady, 75 years of age. The facts of the case are fully shown in the report. She made application for a pension under the act of June, 1890, and since I have been in Congress I have personally looked after her case. I went to the Department, I had the evidence all examined, and I made a personal statement of the condition of the claimant and her standing in the community; but the claim was rejected. Of course she has never been able to prove absolutely that her husband is dead. If she were able to do that she would be entitled to a pension under the act of June, 1890. But her husband has been absent over twenty-six years and unheard of during all that time.

There were born to this lady during the time she and her husband lived together eight children. She has struggled along as best she could to support those children and to raise such of them as are now living. She and her husband lived together from 1849 up to the time he left her, twenty-six years ago. He was a miner and at different times left home to seek work, not abandoning his wife at all, but, as the evidence shows, and as was shown to the Department, for the purpose of finding work as a miner at different places. When thus seeking work he would be gone for a time and his wife would not hear from him, but he would return. They would go from place to place as his employment called him. Finally, twenty-six years ago, he left again, and from that time to this has never been heard from.

I know from my personal knowledge that this old lady has made every effort that was possible to learn the whereabouts of her husband or whether he was dead. She has advertised time and again in the St. Louis papers and other papers. She has inquired by letter and otherwise of every person that she thought would have any knowledge whatever of her husband.

Mr. GRAFF. Is it not true—it seems to me it is, according to my recollection of the case—that the special examiner, in reporting to the Bureau the result of his examination of this case in the field, stated that in his opinion this soldier was dead?

Mr. SMITH of Illinois. Yes, sir; that was the statement of the special examiner as his opinion on the examination.

Now, the fact remains, Mr. Chairman, that at no time has this soldier ever applied for a pension. Considering that he would be now, if living, about 75 years of age, we naturally presume that if living he would have applied for a pension at some time during the last twenty-six years. And I consider that fact alone as very strong evidence of the death of the soldier many years ago.

Mr. GAINES. The presumption of law would be that he died long since. Any court of equity would so hold under the circumstances.

Mr. SMITH of Illinois. Yes, undoubtedly; but the Pension Office fails to recognize the presumption of law which is manifest in the case, and in this instance has manifestly indulged in splitting hairs, as is frequently done by that Bureau, and no remedy is left but by special bill.

This, Mr. Chairman, is as meritorious a case as has ever been presented to this body. It is as meritorious as any case that can possibly be brought before Congress under the circumstances.

Mr. GAINES. Is this an original pension?

Mr. SMITH of Illinois. Yes, sir.

Mr. GAINES. How much do you ask?

Mr. SMITH of Illinois. The committee recommend $8 a month, the amount she would be entitled to under the act of June, 1890, if she could prove that her husband was actually dead.

Mr. GAINES. And this soldier served in the civil war?

Mr. SMITH of Illinois. Yes, sir.

I ask a vote.

Mr. TALBERT. Mr. Chairman, the statements which have just been made show precisely what I have been driving at. All I desire is to get some explanation of these bills. Now I am satisfied with the statements made, and withdraw the motion.

The CHAIRMAN. The motion of the gentleman from South Carolina having been withdrawn, the question will be taken on the amendments reported from the committee.

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SIMON PRICE.

The next business on the Private Calendar was the bill (H. R. 1943) granting an increase of pension to Simon Price.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simon Price, late a private

in Company B, Second Iowa Volunteer Cavalry, and pay him a pension of $30 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the word "a;" in the same line strike out the word "in;" in the same line, before the word "Iowa," insert the word "Regiment."

In line 7, after the word "pension," insert the words "at the rate;" in the same line strike out the word "thirty" and insert in lieu thereof the word "twenty."

In line 8 strike out the words "the pension" and insert in lieu thereof the word "that."

Mr. TALBERT. I ask that the report be read.

The report (by Mr. GRAFF) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1943) granting an increase of pension to Simon Price, submit the following report:

A similar bill was favorably reported upon by your committee in the Fifty-fourth Congress, and the report of that committee, herewith, gives the facts in the case.

The soldier has filed no claim for increase of pension in the Pension Bureau since 1888, nor has he ever sought relief under the act of June 27, 1890.

There has been filed with your committee the sworn statement of the soldier to the effect that he is a great sufferer from rheumatism, affecting especially his right arm and left leg; that his rheumatic trouble is growing worse from year to year, until now he is so physically disabled as to make it impossible to do any work requiring the constant use of his limbs; and that as a result of scurvy contracted in the service he has lost all of his teeth.

He also filed medical testimony, showing that upon a medical examination of the soldier on February 26, 1900, rheumatism affecting the left hip joint and right elbow and all of the joints of the right hand was found; also the loss of all but four teeth, as the result of scurvy, and ulceration of the gums and tongue, and considerable impairment of speech, and inflammation of the conjunctivæ; also the statement of the county treasurer of Yankton County, S. Dak., to the effect that the soldier has no property belonging to him in that county or in the State; also the testimony of a neighbor of the soldier to the effect that, to his personal knowledge, the soldier has not been able to perform manual labor, except of the lightest kind, for the last ten years.

Mr. TALBERT. I hope the gentleman in charge of this measure will make some statement in regard to it, as the report is not, in my judgment, a satisfactory one and does not cover all of the points.

Mr. GAMBLE. I will state in regard to this bill that this soldier is personally well known to me and resides in my own town. He is a man with a splendid record in the Army, having served in Colonel HEPBURN'S regiment from Iowa. I know the facts stated in the report to be true of my own personal knowledge. By reason of scurvy he lost his teeth, nearly all of them, and is a great sufferer from rheumatism, affecting him to such an extent and growing worse from year to year, that he is physically disabled and is unable to do any work requiring constant use of his limbs. His health is impaired to such an extent that he is unfitted for almost any kind of labor. In addition to that the claimant is a very poor man, and the statement certified to, as the report will show.

In addition to that, Mr. Chairman, in the Fifty-fourth Congress the same bill was introduced and a favorable and unanimous report was made at $30 per month upon the facts then presented to the committee. It was, however, so late in the session that no opportunity was offered to consider the bill. In the Fifty-fifth Congress it was introduced and passed the Senate at $20 per month.

As it is disclosed here, I repeat, the evidence shows that this man is helpless, and during the past year, by fire, he has practically lost all he possessed.

I submit, sir, in view of the facts as certified to in the report, and from my own knowledge, this is a highly meritorious case and ought to be passed.

Mr. TALBERT. I have no doubt that every word the gentleman says is true, and in the report we find that the committee put all the facts before the House; they do not try to cover anything; but I do not discover in the report that his disability can be traced to service origin—that is to say, that the disability can not be traced, as the law requires, to service origin—and yet the committee authorize the increase.

Mr. SIMS. I would like to ask the chairman of the committee a question to see if I understood him correctly in his statement. Has there been any application for increase of pension at the Bureau?

Mr. GAMBLE. There was, and it was rejected in 1895. In 1896 a special bill was introduced in the Fifty-fourth Congress for his relief.

Mr. SIMS. I understood the report to say that he had made no application for increase since 1888.

Mr. GAMBLE. But that was pending until 1895, and was not rejected until that time.

Mr. SIMS. On what ground was it rejected?

Mr. GAMBLE. I do not know that I can state.

Mr. SIMS. Do not the records here show?

Mr. GAMBLE. I do not know that the record states that. I am not so familiar with the history of the case in the Pension Office that I can answer the question of the gentleman.

Mr. SIMS. The committee, in the last session, made it a rule that the applicant must have made an application and that application have been rejected.

Mr. GAMBLE. That is true in this case, and it was pending from 1888 until 1895.

Mr. SIMS. Is there no ground stated for the cause of rejection?

Mr. GAMBLE. Yes; it stated that they failed to prove clearly that the disability was of service origin, on account of the death of some of his comrades.

Mr. SIMS. It was rejected because the disability was not shown to be of service origin?

Mr. GAMBLE. Not clearly. It was shown, but not as clearly as the Pension Office thought it should be.

Mr. SIMS. What is his present pension?

Mr. GAMBLE. Ten dollars a month.

Mr. SIMS. And what increase is asked for?

Mr. GAMBLE. An increase to $20.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CELIA A. JEFFERS.

The next business on the Private Calendar was the bill (S. 1251) granting an increase of pension to Celia A. Jeffers.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Celia A. Jeffers, widow of Aaron Jeffers, late of Company F, Nineteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

Mr. TALBERT. I should like to have the gentleman who introduced the bill give us some light upon it, unless the report is read.

Mr. SULLOWAY. I yield to the gentleman from Nebraska [Mr. NEVILLE].

Mr. NEVILLE. This is a Senate bill, which passed the Senate and came over here, so it was not introduced by a member of this House. I introduced a similar bill in the House, but as this passed the Senate first I thought it was better to let the House bill go and have the Senate bill pass, so as to save time.

This widow lives at Bassett, in Rock County, in my district. Her husband served nearly four years, serving from August, 1862, until June, 1865. He was taken prisoner at Thompsons Station, Tenn., March 5, 1863, and confined at Richmond, March 22, 1863, being paroled at City Point, Va., March 31, 1863.

He reported at College Green Barracks April 1, 1863, and was sent to Camp Parole, Maryland, April 3, 1863, where he arrived the same day. He was sent to Camp Chase, Ohio, April 6, 1863, where he reported for duty, and was present there May 7, 1863. The company reports show him as follows: June 9, 1863, left in hospital, Louisville, Ky.; July 24, 1863, returned from hospital. He died February 27, 1880, and the widow filed her declaration for a widow's pension March 1, 1887, which was granted March 22, 1889, carrying a rate of $8 per month from February 27, 1880, the date of the death of the soldier above referred to, and $12 per month from March 19, 1886, with $2 additional for minor child, who was 16 March 6, 1891.

This young man, Charles C. Jeffers, on the 16th day of September, 1891, while driving the city dray, fell forward from the load, falling directly behind the mules, receiving a kick on his head which caused a fracture and heavy depression of his skull about 3 inches above his left eye. From this there resulted a permanent injury which made the young man an absolute invalid and a charge upon his widowed mother, which he has been for years.

The bill was unanimously reported by the Senate committee, and, as I understand, unanimously reported by the House committee. I know that it is a worthy case and I hope there will be no objection to it.

Mr. TALBERT. Mr. Chairman, I see by the reading of the report here that the father of the applicant here——

Mr. NEVILLE. The husband of the applicant.

Mr. TALBERT. The one for whom the pension is claimed received no disability in the service; but the report says:

On the 16th day of September, 1891, while driving the city dray, the said Charles C. Jeffers fell forward from the load, falling directly behind the mules, receiving a kick on his head, which caused a fracture and heavy depression of his skull, about 3 inches above his left eye.

Now, does this House propose to grant pensions upon such flimsy excuses as that? It does seem to me that this is an unworthy case, with due deference to what the gentleman has said. I know that his statements are facts, but the granting of this pension would be in direct violation of all law and all right and all justice.

It may be a small matter, but a great many of these small matters put together will make a very large matter. Now, why continue to do that? Do we propose to pension the wife and children of every man who falls off a wagon and gets his head hurt, or anything of that kind? Is there not provision made in the poorhouses for cases of this kind? If this Congress is going to pension all the poor people of this country, it will have a tremendous burden upon its hands. I submit that this is an unjust and unmeritorious claim, and ought not to pass.

Mr. SULLOWAY. Mr. Chairman, it would seem to be almost impossible to conceive a more meritorious case than this. The gentleman has not stated a single reason, he has not stated, so far as I could hear, a single fact in regard to it. What are the facts? This widow has a helpless child, the son of a soldier; and the fact is that if he had received his disability that made him as helpless as an infant six months and ten days earlier than he did, he would have been allowed a pension under the general law, and he would not have come here, as his mother comes here, asking this Government, for him whose father served his country, to contribute the difference between her pension as a widow and what this bill gives her to take care of this helpless son of that old soldier; and if there is a man in this House or in this country who begrudges taking that from the Treasury, God pity him; I can not.

Mr. TALBERT. I want to say, in reply to the gentleman, that I have no doubt that the statements that he has made are true. But are you going to give pensions to all those people who may have fallen off a load of wood and injured themselves? Do you propose to go ahead and pension out of the public Treasury every man's widow, if he died poor in this country? If you do, I think you will have on your hands a tremendous burden. I want to say, while you talk about pity, we should pity the taxpayers of this country a little as we are dispensing pity in this country. There seems to be an inordinate greed on the part of members to run their hands into the public Treasury. There seems to me to be a general system of logrolling in this House, where men get together and see if they can not pass each other's claims; and I say that the time has come when we should call a halt in the extravagant pension appropriations, and stop long enough to recollect that somebody has got to pay this money that you are appropriating here so lavishly. We do not stop long enough to recollect that the taxpayers as well as the tax consumers of this country deserve consideration at the hands of the lawmakers of this great nation.

Mr. NEVILLE. I think the gentleman misunderstands the situation here. The husband of this widow, who is the applicant here, enlisted at Schoolcraft, Mich., and the son, Charles C. Jeffers, is the son of a soldier and of the widow who here applies. The soldier himself is dead, and the son of this soldier is absolutely dependent upon the mercy and generosity of the people of the United States. I say that it is time that the people of this country should be willing to grant every old soldier who bared his breast to the bullets of the people who endeavored to deprive the country of its stability and its Union a pension; and I hope there will be no objection to pensioning any old soldier's widow, whether she has a son dependent upon her or not, if she is dependent upon the cold charity of this country for her livelihood. But when that dependence is doubled by the unfortunate circumstances which made the son of this soldier an invalid there ought not to be a man who has a spark of American blood in his veins that would for a moment seek to deprive the widow and the son, through the widow, of the benefits of a pension when the soldier was as deserving as any other old soldier; and I hope there will be no objection to this bill.

The bill was ordered to be laid aside with a favorable recommendation.

MARY A. RUSSELL.

The next business on the Private Calendar was the bill (S. 3375) granting a pension to Mary A. Russell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Russell, helpless and dependent daughter of Herbert C. Russell, of Company C, Sixty-eighth Regiment of Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. TALBERT. I ask for the reading of the report.

The report (by Mr. SAMUEL W. SMITH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2375) granting a pension to Mary A. Russell, have examined the same and adopt the Senate report thereon, and recommend that the bill do pass.

[Senate Report No. 235, Fifty-sixth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2375) granting a pension to Mary A. Russell, have duly considered the same and submit the following report:

Herbert C. Russell, the father of the claimant, was a soldier in Company C, Sixty-eighth Regiment Ohio Volunteer Infantry, enrolled January 3 and mustered into the service January 23, 1864, and was honorably discharged June 10, 1865, and while in the service was sick in hospitals at Mound City, Ill., and Camp Denison, Ohio, and died December 5, 1876, leaving two daughters, Lurr, aged 5 years and 6 months, and the claimant, Mary A., aged 3 years and 6 months, and a widow, Cora, who died July 16, 1881.

The claimant applied for a pension in 1896, which was rejected on the ground that the records of the War Department did not show the incurrence of the fatal disease of her father in the service. The evidence clearly shows that the claimant was from infancy a nervous, sickly child, who, at about the age of 12 years, was afflicted with neurasthenia, which has steadily grown worse, and for the past seven years she has been entirely helpless and bedridden, unable to sit up, requiring constant attention. Claimant is permanently helpless and was left utterly dependent, and is so now. No one is pensioned on account of her father. Her case is meritorious and exceptional, and your committee report back the bill with a recommendation for its passage.

Mr. TALBERT. Now, Mr. Chairman, here is a report of the committee, as in all the other reports, showing that a claim was filed for a pension in 1896, which was rejected on the ground that the records of the War Department did not show the incurrence of the fatal disease of her father in the service. I only want to bring this fact to the attention of the country and the public, that in nearly every case here it is admitted that the claimant does not really deserve a pension, and can not get it under the law, and yet as an appeal court here we must take them here and grant them a pension.

The bill was ordered to be laid aside with a favorable recommendation.

ALLEN BUCKNER.

The next business on the Private Calendar was the bill (S. 320) granting an increase of pension to Allen Buckner.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allen Buckner, late colonel Seventy-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report.

Mr. MIERS of Indiana. Will not the gentleman allow me to make a statement?

Mr. TALBERT. Certainly. All I want is a statement of the facts, so that we shall not be at work here blindfolded.

Mr. MIERS of Indiana. I will try and take the blindfold down. This soldier had a service of three years and one month. He was wounded and left on the battlefield, and laid over night without attention. He was finally discharged and granted a pension at first of $22.50, and finally $30; and at the last examination in 1892 the medical examination shows that for service origin he was entitled to $45, but there was no pensionable standing between $30 and $50, so he was turned down on that account. Now, the officer in charge, the brigadier general, says, "I do not remember ever having seen a braver and more gallant man than Mr. Buckner. We could always find him if we sought the post of danger," etc.

Mr. GAINES. How much is his pension now?

Mr. MIERS of Indiana. He is now pensioned at $30.

Mr. TALBERT. Now drawing $30 a month?

Mr. MIERS of Indiana. Yes, $30. One eye out and the other barely able to see, hobbling along for thirty-odd years, blind, wounded, but entitled to a pension by service origin for $45, and the committee thought it would give him $50.

Mr. TALBERT. What is his pecuniary condition?

Mr. MIERS of Indiana. Poor as a church mouse.

Mr. TALBERT. How poor is that? [Laughter.] The reason I ask is that very statement was made here at the last Congress in regard to the pension of General Palmer, who, it was afterwards said, was worth $50,000 or $75,000. I would like to know how poor a church mouse is. I have seen church mice tolerably fat. [Laughter.]

Mr. MIERS of Indiana. It is easy to take the time of the House with such talk as this; but that is past and gone. Now let us give this old soldier what he deserves.

The bill was laid aside to be reported to the House with a favorable recommendation.

FREDERICK HIGGINS.

The next business on the Private Calendar was the bill (S. 2209) granting an increase of pension to Frederick Higgins.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Higgins, late of Company G, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

Mr. TALBERT. I ask for the reading of the report, Mr. Chairman.

Mr. MIERS of Indiana. If the gentleman will allow me, I will make a statement in this case. Here is an old soldier three years in service, old and poor. The examining surgeon states that the claimant has a double scrotal hernia not retained by truss, tumors at least 7 inches in diameter, for which they rate $17 a month.

He has other disabilities, and the committee thought this old soldier ought to have $25.

Mr. TALBERT. Mr. Chairman, I want to put in the RECORD another statement from the report. It appears from the report that he made a claim under the general law of September 25, 1884, alleging that at Bentonville, N. C., in March, 1865, while on a retreat from the line of skirmishing, in attempting to jump a ditch, he missed his footing and fell into the ditch, causing a rupture of his side. He fell into a ditch and now he is here claiming a pension.

Mr. MIERS of Indiana. I could say something that would sound as well as that, but I will forbear and let it go.

The bill was laid aside to be reported to the House with a favorable recommendation.

DAVID HUNTER.

The next business on the Private Calendar was the bill (S. 645) granting an increase of pension to David Hunter.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Hunter, late first lieutenant and adjutant, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. MIERS of Indiana. Here is a case of a soldier 56 years old. He received an injury by a horse falling on him while in the service. He was discharged and came home, and the official examination shows that his physical condition was the result of this accident.

Official examinations were made of his physical condition at various times, with the following result: In February, 1867, his mind was reported weak; his voice hesitating; in September, 1873, "hearing of left ear impaired and sense of smell gone. The head is affected by heat of sun. He probably suffered severe concussion of brain, from effects of which he has not fully recovered." In September, 1875: "The man's manner and conversation indicate that his mental powers have been and are still impaired." September, 1877: "Still suffers from the consequences of concussion of the brain, brought on by a fall from his horse; has lost the hearing of left ear and the sense of smell; is subject to headache and dizziness after physical or mental excitement." There is also sufficient evidence on file to prove that the claimant is a sufferer from epileptic fits.

Mr. GAINES. Was he ever pensioned before?

Mr. MIERS of Indiana. He is now pensioned at the rate of $17. This is the Senate report. The bill passed the Senate in the Fifty-fourth Congress, it was reported favorably in the Fifty-fifth Congress, and it has passed the Senate in the Fifty-sixth Congress, and they say that the old soldier ought to have $30 a month.

Mr. TALBERT. Why could not he get an increase at the Pension Bureau?

Mr. MIERS of Indiana. Because they say that his condition shows only $17 pensionable service origin. This great American Congress is called upon to bring relief to an old soldier whose body has been enfeebled, whose mind was weakened, whose eyes are practically out, and who can not perform any manual labor whatever. They say that only $17 of it is attributable to his service. If I had my way, I would give him $50 instead of $30. I think the Senate bill is a fair one, and it ought to pass.

Mr. TALBERT. What do you think the taxpayers would say about it?

Mr. MIERS of Indiana. If there is a taxpayer in America who, after seeing this old soldier and taking into consideration the fact that in order to maintain the flag of the Union he gave not only three years of his life but sacrificed his eyesight and his health and even his mind—if there is a single taxpayer not willing to pay his portion of the taxes to pay a pension in this case, then, in the language of the chairman of the committee, I say, "God pity that taxpayer!" [Applause.]

Mr. PAYNE. How old is this man?

Mr. MIERS of Indiana. Fifty-seven.

Mr. TALBERT. Mr. Chairman, it seems to me that the taxpayers know very well that these bills are for increasing the pensions of those who are already drawing a sufficient amount of pension to keep them out of the poorhouse, which they ought to have. But these increases are asked for upon the top of these liberal pensions that they are already drawing. Why do not the gentleman from Indiana [Mr. MIERS] and the gentleman from New Hampshire [Mr. SULLOWAY] bring in here claims for pensions to old soldiers who have never had a cent of pension? Why are not such bills put ahead of these claims for increase of pension? It seems to me that if gentlemen want to prove their friendship for the old soldier—gentlemen who talk about "pitying the taxpayer"—I ask, why do you not give pensions to some of these old soldiers who are unable or unwilling to swear to what is not true, and who have no political "pull?" Why not give pensions to such men? Why not give them a little of that Government aid of which they have had not a bit? Why not do this instead of increasing the pensions of those who have enough to keep them out of the poorhouse?

The question being taken, the bill was laid aside to be reported favorably to the House.

ELENDER HERRING.

The next business on the Private Calendar was the bill (S. 1265) granting a pension to Elender Herring.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elender Herring, dependent mother of George W. Herring, late of Company I, Sixty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. MIERS of Indiana. If the gentleman from South Carolina desires information about this case, I will make a statement of it. This is the claim of a dependent mother. She had a marriage ceremony with the father of this soldier in 1837. It seems that there is some question as to whether she had been properly divorced from her former husband—her first husband. The Pension Department holds that there is some question about the legality of her marriage. But the marriage ceremony was performed between her and this man in 1837, and she lived with him in good faith. The soldier in this case was the legitimate offspring of that marriage. She is now 75 years of age. The Pension Bureau did not recognize her as having any pensionable standing, because, as I have said, a question was raised as to the legality of her marriage. That is all there is in this case.

[Cries of "Vote!" "Vote!"]

Mr. TALBERT. Mr. Chairman, here is a case of an original pension, as I understand—not a claim for an increase.

Mr. MIERS of Indiana. The gentleman said a moment ago, Why do you not bring in here bills for original pensions—not applications for increase. We now have before us such a case as the gentleman asked for.

Mr. TALBERT. This is not an application for an increase of pension?

Mr. MIERS of Indiana. No, sir.

Mr. TALBERT. There is some sense in that.

Mr. MIERS of Indiana. Thank you.

Mr. TALBERT. For God's sake, let us take up some of these applications for original pensions in preference to the cases of those who already have pension enough to get along with.

The question being taken, the bill was laid aside to be reported favorably to the House.

JOHN B. RITZMAN.

The next business on the Private Calendar was the bill (S. 1194) granting an increase of pension to John B. Ritzman.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Ritzman, late of Company F, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

Mr. TALBERT. I ask for the reading of the report.

The report (by Mr. HEDGE) was read, as follows:

[Senate Report No. 267, Fifty-sixth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1194) granting a pension to John B. Ritzman, have examined the same and report:

A similar bill was introduced in the Senate in the Fifty-fifth Congress, favorably reported, and passed the Senate.

The report was as follows:

"The War Department records show that claimant was enrolled in Company F, Fifth Iowa Cavalry, on the 16th of September, 1861, and was mustered out October 25, 1864. There is no record of treatment for any disability while in the service.

"He filed an application for pension May 28, 1883, on account of rheumatism and results of salivation. On February 23, 1888, he alleged sunstroke. These claims were ajudicated in October, 1889, and he was allowed $4 per month from May 28, 1883, and $8 from May 4, 1887, for rheumatism and resulting disease of mouth following salivation. Sunstroke was rejected because of no record and inability of claimant, after special examination, to furnish any evidence showing incurrence in line of duty.

"November 30, 1889, he applied for increase and for resulting erysipelas. This claim was allowed, and his pension increased to $12 per month from June 18, 1890, for same disability. Application for increase for deafness and erysipelas was rejected May 21, 1894, because of no increase of pensioned disability. Erysipelas was rejected legally, because of no record and claimant's apparent inability to connect the same with service. Deafness was rejected by the medical referee because of no disability since filing.

"Efforts have been made by the claimant to have the claim for deafness allowed, but without success. An examination was made by a specialist April 15, 1895, and upon the receipt of his report the medical referee said:

"'Neither the evidence nor the certificates of examination filed since rejection of claim show the existence of a pensionable degree of disability therefrom.'

"March 19, 1896, another examination was made by a specialist, who reports as follows:

"'The membrane tympanum normal, except in lower anterior margin, where it is opaque and thickened. There is a small, round depression in this opaque space that looks like a hole into the middle ear, but I am unable to poke the smallest probe through the membrane. Ordinary voice sounds are distinguished at 6 feet, but not heard distinctly at 10 feet. The left ear is normal in every respect, and hears ordinary conversation readily at 20 feet. There is no disease of the post nares or throat or eustachian tubes of either ear.'

"The medical referee, in a slip dated September 28, 1897, says:

"'The evidence referred to in your slip of September 22, 1897, is not sufficient to warrant the granting of another medical examination with a view to reopening the claim on account of deafness of right ear, for the reason that said evidence can not be accepted as controverting the adverse report of experts who have examined this claimant.'

"The evidence filed by the claimant tends to show that he is about three-fourths deaf in right ear. This disability has been legally established in the Pension Office, and it would seem that there is some disability from deafness, but not enough to warrant an increase to $24, as provided by the bill.

"Your committee recommend the passage of the bill."

Your committee adopt the foregoing report and recommend the passage of the bill.

Mr. TALBERT. Mr. Chairman, it appears from this report that the increase asked for here was not granted at the Pension Bureau because the disability was not of service origin. Bearing on that question I desire to send to the desk and have read an editorial which appeared a few days ago in the Washington Post in regard to the position of a Representative in this House upon this question of special pensions.

Mr. MIERS of Indiana. Mr. Chairman, I dislike to see the RECORD filled with matter which appears to be all on one side of these cases. Let me say that I have in my desk more letters of condemnation in regard to those who oppose these pension bills than the gentleman possibly can have letters of commendation. I prefer, however, not to fill the RECORD with matter of that kind. I do not know but there may be in this case no other course open to me than to "fight fire with fire." I should very much dislike to object to the reading of anything which any gentleman desires to have read.

Mr. TALBERT. I have no objection whatever to the gentleman printing in the RECORD what he pleases; but I now ask for the reading of the editorial in my own time.

Mr. MIERS of Indiana. I must object.

The CHAIRMAN (Mr. GROSVENOR). Does this relate to the pending bill?

Mr. TALBERT. It relates to the general subject of pensions.

The CHAIRMAN. The Chair will hold, then, that it is not in order, except by unanimous consent. [Applause.]

Mr. TALBERT. Then, Mr. Chairman, I take the floor in my own right and demand my right to read this myself.

The CHAIRMAN. Well, that would be another question, for future determination.

Mr. TALBERT (continuing). I do not propose to be overruled by any Chairman in the exercise of my right as a Representative on this floor.

Mr. FORDNEY. If the gentleman chooses to read it I, will object to its going into the RECORD.

Mr. TALBERT. I will read the article myself.

REPRESENTATIVE LOUD ON SPECIAL PENSIONS.

On Friday last the House of Representatives passed 97 pension bills, special acts——

The CHAIRMAN. The gentleman from South Carolina is not in order.

Mr. TALBERT. Does the Chair decide that I am out of order?

The CHAIRMAN. The Chair does.

Mr. TALBERT. In reading this article?

The CHAIRMAN. The Chair decides that the gentleman is out of order.

Mr. TALBERT. Then I appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chair announced that the ayes seemed to prevail.

Mr. TALBERT demanded a division.

The committee divided; and there were—ayes 52, noes 8.

Before the announcement of the vote,

Mr. TALBERT. I make the point that no quorum is present.

The CHAIRMAN. The gentleman had better wait until the result of the vote has been announced.

Mr. TALBERT. Oh, well, Mr. Chairman, I will be early enough.

The result of the vote was then announced as above recorded.

Mr. TALBERT. I make the point of order that no quorum is present. Now overrule that, will you? [Laughter.]

The CHAIRMAN (having counted the committee). One hundred and sixteen members are present; a quorum is present, the ayes have it, and the decision of the Chair is sustained.

The question is on laying the bill aside with a favorable recommendation.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CASPER MILLER, JR.

The next business on the Private Calendar was the bill (S. 994) granting an increase of pension to Casper Miller, jr.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Casper Miller, jr., late first lieutentant Company E, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

Mr. TALBERT. I ask for the reading of the report in that case.

The report (by Mr. GASTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 994) granting an increase of pension to Casper Miller, jr., have examined the same and adopt the Senate report thereon, and recommend that the bill do pass.

[Senate Report No. 224, Fifty-sixth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 994) granting an increase of pension to Casper Miller, jr., have examined the same and report:

This bill proposes to increase the pension of Casper Miller, jr., late first lieutenant Company E, Eighty-second Pennsylvania Volunteer Infantry, from $12 to $17 per month.

Casper Miller, jr., enlisted in Company F, Twenty-third Pennsylvania Volunteer Infantry, August 2, 1861; reenlisted as a veteran volunteer December 26, 1863; was promoted to second lieutenant August 27, 1864; promoted to first lieutenant Company E, Eighty-second Pennsylvania Volunteer Infantry, April 14, 1865, and was discharged July 13, 1865. He was wounded in head in action at Cold Harbor, Va., June 2, 1864. Hospital records show him treated in June, 1864, for wound of scalp.

He first made claim for pension under the general law December 31, 1885, alleging that while a sergeant he received gunshot wound right side of head in action at Cold Harbor, Va., June 1, 1864. On October 21, 1886, he was allowed a pension for this wound at the rate of $2 per month. This pension was increased to $4 per month October 9, 1889, and to $8 per month August 13, 1890.

On July 9, 1890, he filed a claim under the act of June 27, 1890, and on May 6, 1892, he was allowed a pension under this law at the rate of $12 per month, which is the pension he now receives.

Examining surgeons, May 8, 1891, report:

"Claimant 51 years of age, 5 feet 9 inches high, and weighs 185 pounds; gunshot wound of head located over right occipito-parietal suture, cicatrix is linear in shape, 1 inch by one-eighth inch, not tender, dragging, or adherent, no loss of tissue or fracture of outer table; slight prominence of skull at that point, slight enlargement about size of pea; neuralgic pains radiate from seat of injury; right peripheral nerve is doubtless injured, as considerable pain is induced upon pressure upon the scar; neuralgic pains all over posterior and outer surface of right side of head; rate, $6; chronic granular pharyngitis, with elongation of uvula, laryngitis with loss of voice; has not spoken, except in a loud whisper, for three years; rate, $6.

"Two internal piles, each the size of a bean, engorgement of internal veins, but no ulceration, prolapsus, or bleeding; rate, $4. Thickening of both spermatic cords, result of hydrocele, which operated upon two years ago on the right side of scrotum, whole scrotal structures are enlarged, being now in the absence of fluid 8 inches in circumference, spermatic cords are three times their normal size; rate, $4. Rheumatism, crepitation in both shoulders, both knees, and hips, but no swelling, inflammation, etc.; lumbago well marked; rate, $4. Claimant is one-half disqualified for the performance of manual labor."

Your committee believe that the neuralgic pains over the greater part of his head from which this claimant suffers are due to the gunshot wound received in battle, and this, with his other disabilities, entitle him to a higher rate of pension than he now receives. His service was long and honorable, and the passage of the bill is recommended.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN F. BOURNE.

The next business on the Private Calendar was the bill (S. 819) granting an increase of pension to Benjamin F. Bourne.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Bourne, late of Company F, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

Mr. TALBERT. I ask for the reading of the report in that case.

Mr. GRAFF. Would the gentleman from South Carolina be satisfied with a brief explanation?

Mr. TALBERT. Certainly; that would be entirely satisfactory to me.

Mr. SIBLEY. Mr. Chairman, I ask that the reading be dispensed with.

Mr. GRAFF. I have asked consent to make a short explanation for the special benefit of the gentleman from South Carolina.

Mr. SIBLEY. Very well; I did not know that the gentleman had taken the floor.

Mr. GRAFF. This soldier, Mr. Chairman, served over three years in the war of the rebellion and was honorably discharged at the end of the war. He is pensioned under the act of June 27, 1890, at the rate of $12 per month, which means, practically, that he is totally disabled for the performance of manual labor.

The bill seeks only to increase the pension to $20 per month. He had a claim under the general law in the Bureau, but it was rejected for the reason that part of the disability was incurred while he was on detached service, and also while a prisoner of war at Lynchburg, Va., and hence was not able to prove, technically, the incurrence of the disease as the result of his Army service.

Mr. TALBERT. Has he any means for his support?

Mr. GRAFF. None whatever.

The CHAIRMAN. Without objection the bill will be laid aside to be reported to the House with a favorable recommendation.

There was no objection, and it was so ordered.

RHODA A. FOSTER.

The next business on the Private Calendar was the bill (S. 239) granting an increase of pension to Rhoda A. Foster.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Rhoda A.

Foster, widow of Albert H. Foster, late captain of Company D, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

Mr. TALBERT. I ask for the reading of the report.

The CHAIRMAN. The gentleman asks for the reading of the report. Is there objection to the reading of this report?

Mr. SHATTUC. I object.

The CHAIRMAN. Objection is made.

Mr. TALBERT. I move that the report be read.

The question being taken on the motion of Mr. TALBERT, on a division, demanded by Mr. TALBERT, there were—ayes 7, noes 45.

Mr. TALBERT. I make the point that there is no quorum present.

The CHAIRMAN. The Chair overrules the suggestion, because there is a quorum present, within the knowledge of the Chair.

Mr. TALBERT. I appeal from the decision of the Chair.

The CHAIRMAN. The Chair has just counted the House and there are more than a hundred members present.

Mr. GRAFF. I submit that the gentleman's point is dilatory.

Mr. TALBERT. I should like to know how the gentleman knows whether it is dilatory or not.

The CHAIRMAN. The present occupant of the chair would hold that a suggestion of no quorum could always be made, even though it was intended, as in the present case, to be dilatory, but in the present case the Chair takes knowledge of the fact that there is a quorum present and overrules the suggestion. The question is upon the motion that this bill be laid aside to be reported to the House with a favorable recommendation.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ANNIE B. GOODRICH.

The next business on the Private Calendar was the bill (H. R. 1419) granting an increase of pension to Annie B. Goodrich.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie B. Goodrich, widow of Amos B. Goodrich, late second lieutenant of Company A, Twentieth Massachusetts Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

Mr. TALBERT. Mr. Chairman, I move that the report be read.

Mr. SIBLEY. I move that the reading of the report be dispensed with.

The CHAIRMAN. Does the gentleman from South Carolina make a motion that the report be read?

Mr. TALBERT. Yes.

The CHAIRMAN. The gentleman from South Carolina, as the Chair understands it, can ask that this report be read in his time, he having now taken the floor upon this bill; but if objection is made to the reading of the report, it is a question for the House to say whether it shall be read or not.

Mr. TALBERT. I understood the Chairman to put the motion a while ago.

The CHAIRMAN. The gentleman from South Carolina made the motion himself, upon objection being made.

Mr. TALBERT. And the Chairman put the motion. I submit that the Chair is sometimes fair; but I want to say——

The CHAIRMAN. Does the gentleman from South Carolina now move that the report be read?

Mr. TALBERT. I do.

Mr. SIBLEY. I object.

The CHAIRMAN. The gentleman from South Carolina moves that this report be read.

The question being taken, on a division (demanded by Mr. TALBERT) there were—ayes 1, noes 55.

Mr. TALBERT. I make the point again, Mr. Chairman, that there is no quorum present.

The CHAIRMAN. The Chair overrules the point.

Mr. TALBERT. I appeal from the decision of the Chair.

The CHAIRMAN. The Chair is of the opinion that that is made for the purpose of delay.

Mr. TALBERT. I desire to say a few words.

The CHAIRMAN. The gentleman from South Carolina.

Mr. TALBERT. I am surprised, indeed, at this very drastic and arbitrary proceeding, revolutionary——

A MEMBER. Unconstitutional.

Mr. TALBERT. The gentleman down there says unconstitutional.

Mr. NEVILLE. Will the gentleman yield for a question?

Mr. TALBERT. Why, certainly, always, my friend.

Mr. NEVILLE. Will you tell this House why you do not make this point of no quorum when other business than pensions to the old soldiers is being considered? [Applause.]

Mr. TALBERT. I will say to the gentleman that I make my own statements, and I state why I do a thing when it suits me, and when it does not suit me I do not do it; but let me say to the gentleman that if he will sit down and be easy and let his hair grow, I will tell him why I do it.

Mr. NEVILLE. Is it not true that at the same time you do this you claim that you are in favor of pensions to the old soldiers?

Mr. TALBERT. To an honest, patriotic old fellow who followed the flag from first to last, I am. But I am absolutely opposed to giving pensions to bummers, deserters, and coffee coolers, and all that sort of thing, and I am opposed to these infernal increases to men and women that already have a competency, whilst the old soldiers are left out without original pensions. The gentleman asks me why I am here in opposition to pension legislation? I will tell the gentleman why. It is because no other member out of 356 will do it, and I believe it ought to be done; and believing that it ought to be done, and believing that I am right, is why I, singly and alone, have stood up here and had criticisms harsh and extreme put upon my head for doing what I believe to be right.

Mr. MIERS of Indiana. May I ask the gentleman a question?

Mr. TALBERT. Why, certainly.

Mr. MIERS of Indiana. Now, this bill is to increase the pension of an old woman who was only drawing $8. She is blind and 75 years old, and it only proposes to give her $15.

Mr. TALBERT. I have no doubt about that.

Mr. MIERS of Indiana. Let it pass.

Mr. TALBERT. I have no doubt that if she had half a dozen eyes the gentleman would still want to pension her. I am not responsible for this delay. The House saw how the thing was going on. They had a gentleman in the chair that would not undertake to be arbitrary, and they hunted up the present occupant of the chair and put him there to decide what he has decided. [Hisses.] I say that with all due respect to my friend, who looks so much like Santa Claus that I like him, because he pleases the children. [Laughter.]

I deny it most emphatically. I am trying to treat them all alike, God knows; but I am opposed to men who are rich, who are millionaires, getting pensions. I am opposed to men in high office drawing pensions. There are numbers of these men in your Departments, with salaries from $1,000 to $2,000 a year, drawing pensions. I am opposed to members of Congress upon the floor of this House drawing a pension and also a salary of $5,000 a year; but I am not opposed to proper pensions to the old soldiers.

Mr. HILL. Mr. Chairman, I make a point of order. A few days ago the Chairman, when the House was in Committee of the Whole, made a ruling in the debate that a matter could not be read without the consent of the House.

Mr. TALBERT. I can read the report in my time.

Mr. SIBLEY. Will the gentleman yield to me for a question?

Mr. TALBERT. Certainly.

Mr. SIBLEY. Now, I have no doubt about the gentleman's sincerity—that he in his own mind believes he is defending the interests of the taxpayers of this country. I give him credit for sincerity, and I want to ask him to stop and think. Let him take his pencil and a bit of paper and figure up. For this House to be in session it costs something like $15,000 a day. Now, if the gentleman will make a little mathemathical calculation he will find——

Mr. HEPBURN. Will the gentleman allow me right there?

Mr. SIBLEY. Certainly.

Mr. HEPBURN. Take the days that we are in session one year with another, and he will find that it costs the Treasury $37,000 a day or $7,500 an hour in a day of five hours.

Mr. SIBLEY. Seventy-five hundred dollars an hour. My friend from South Carolina will admit that in the last few years he has used months' of the time of this House in opposing legislation the cost of the time for which would have paid every pension bill that has been before the House this session. [Great applause.]

Mr. TALBERT. I want to say to the gentleman that he is entirely mistaken. I have prevented the passage of a hundred or more than I have favored. [Derisive applause on the Republican side.]

Ah, gentlemen, I have heard it thunder before. I have seen the lightning flash, and there are not Republicans enough to scare this boy. [Laughter.] But I want to say in reply to my friend yonder that he gets out of one place and into another so often that I can not follow him. [Laughter.] I want to say, gentlemen, that I stand by the faith of the fathers.

Now, Mr. Chairman, I desire to read the report, if the Clerk will furnish me with it, in my own time.

Mr. TALBERT began reading the report.

The CHAIRMAN. The Chair will say to the gentleman from South Carolina that the House has voted that that report should not be read.

Mr. TALBERT. I did not think, Mr. Chairman, there had been any vote on this report.

The CHAIRMAN (Mr. GROSVENOR). This was the report. I hope the gentleman from South Carolina, unless he has some point to make about the report, will allow the business to go on. If the gentleman wishes to hear the rule, the Chair will read it:

It is equally an error to suppose that any member has a right, without a question put, to lay a book or paper on the table and have it read on suggesting that it contains matter infringing on the privileges of the House.

Mr. TALBERT. Well, Mr. Chairman, we will have the next bill read. [Laughter.]

The bill was laid aside to be reported to the House with a favorable recommendation.

FRANKLIN C. PLANTZ.

The next business on the Private Calendar was the bill (S. 2167) granting an increase of pension to Franklin C. Plantz.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin C. Plantz, late corporal, Company C, Fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

ROBERT BLACK.

The next business on the Private Calendar was the bill (S. 62) granting an increase of pension to Robert Black.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Black, late a private in Company C of the Eighth Regiment of New York Volunteer Heavy Artillery, and pay him a pension of $24 per month in lieu of the pension he is now receiving.

Mr. TALBERT. Mr. Chairman, I ask that the report be read.

Mr. SIBLEY. I object, Mr. Chairman.

Mr. TALBERT. I desire to make a few remarks on this bill.

The CHAIRMAN. The question before the committee is whether or not the report shall be read. Does the gentleman withdraw his request for the reading of the report?

Mr. TALBERT. No, Mr. Chairman; I submit that I shall be compelled to read the report, or a portion of it, in discussing the bill before the House. I hope this House has not arrived at that understanding or at that point where they want to stifle free speech, where they want to gag anybody, especially my distinguished, smooth-faced chameleon from Pennsylvania [laughter], coquetting, with silver and gold, with the facile ease of an agile acrobat. [Great laughter.]

The CHAIRMAN. The gentleman from South Carolina will confine himself to the bill before the committee.

Mr. TALBERT. Confine himself to the subject in hand. [Laughter.]

The CHAIRMAN. The Chair accepts the amendment of the gentleman from South Carolina.

Mr. TALBERT. "The Committee on Pensions, to whom was referred this bill granting an increase of pension to Franklin C. Plantz, examined the same and reports." That is what the report says. Here you are allowing another increase. Nearly every one of these bills are for an increase from the original pension. I make the point against this bill that the claimant is in comfortable circumstances, doing very well, with a pension sufficient to live, while numbers of other old soldiers have not received a single cent. The report further says:

A bill identical in form was introduced in the Senate during the Fifty-fourth Congress, passed the Senate, and was reported favorably to the House.

Mr. Chairman, you know that anything can pass the Senate if it has a special appropriation.

Mr. MIERS of Indiana. Mr. Chairman, a point of order. It is bad enough to read the report of every bill that comes up, without undertaking to read the report of a bill that has already been laid aside.

The CHAIRMAN. The Chair will call the attention of the gentleman from South Carolina to the fact that he is reading the report of a bill that has already been laid aside to be reported to the House with a favorable recommendation.

Mr. TALBERT. I am like the old nigger preacher when he was preaching on Jonah and the whale, said he knew there had been swallowing done somewhere.

Mr. NORTON of Ohio. Will the gentleman yield to me?

Mr. TALBERT. Yes; for a question.

Mr. NORTON of Ohio. I will wait until the gentleman has finished.

Mr. TALBERT. This report says this bill proposes to grant an increase of pension to Robert Black, late a private in Company C, in the Eighth Regiment New York Volunteer Heavy Artillery, from $17 a month to $24 a month. So here it is again, giving an increase to a man who has enough and has all that he is allowed by the liberal pension laws of this great Government, leaving out other deserving old soldiers. Now, Mr. Chairman, I will say no more on this bill.

Mr. NORTON of Ohio. Mr. Chairman—— [Cries of "Vote!" "Vote!"] If it is necessary, I shall raise a question of personal privilege before a vote shall be taken. I ask the right to address the House in reply to some remarks made by the gentleman from South Carolina [Mr. TALBERT] so unjust that no member of this committee ought to sit silent any longer. Mr. Chairman, while I may be prejudiced in favor of the men that defended the flag, in the years I have been in this House the longest hours have been given to the careful, honest, faithful consideration of these pension measures.

Now, I know that the gentleman from South Carolina [Mr. TALBERT] is a kind-hearted man. I know he is contentious, and, when he meets contention, becomes angry and unreasonable; but he has no right to charge upon this floor as against this committee—I will not speak of myself, but for every other member of the committee, who is just as honest and just as honorable as he is—that we are acting in a manner false to facts, false to right, justice, and honor.

Mr. TALBERT. I hope the gentleman does not think that I charged any dishonesty to the committee.

Mr. NORTON of Ohio. You must charge dishonesty when you say that we are pensioning millionaires and unworthy, dishonest, and perjured applicants.

Mr. TALBERT. I did not say any such thing. I did not charge that upon the committee.

Mr. NORTON of Ohio. The gentleman's statement is certainly in the RECORD that we are "adding to the pensions of those who have already enough and more and who are living in ease and luxury." I deny it, and I hurl that back. I say to you that no pension ever reported on this floor by the committee to which I belong—not one—but what has had the most careful consideration by a committee at least as honest and conscientious as any other committee in this House; and I say to the gentleman if it is your desire and ambition to continue to fight the idea of pensions you ought to see that it must be futile now. You ought to know that on your side and in every State of this great country there is not a voice raised against the men who fought against you except your own.

In the name of God and humanity, what pride can a man have in feeling within himself that he is supreme over all the members of this House, Democrats and Republicans alike? [Applause.] Will it bring you a higher glory, a higher fame? Will it add to your honor? Will it make your own people love you better to stand here hour by hour and fritter away the time of the House and the time of the people asserting your judgment in opposition to that of every other man on this floor and holding that yours is supreme over all?

I beg you, in the spirit of kindness—in that spirit of love that I have learned to have for you—to desist. When you can come on this floor and assert in honor and in integrity of purpose that a particular claim is an unjust claim, and when you can prove your assertion, I will stand by you and vote against it. [Applause.] But the mere cry "Read the report," the mere cry "I raise a point of order," the mere cry "There is no quorum" does not prove sincerity, but only an absolute determination to delay doing justice to the men who in their old age are going down to their graves in penury.

I would be glad if I could arouse you to a higher patriotism, to take care of the men of your own State who were at Appomattox and Stone River and Gettysburg, and I would say that you would be cowardly if on this floor you did not take care of them when you had the opportunity. But when you come here and undertake to deny that right to these men, charging perjury and fraud, we on our side have something to complain of. The soldier has something to complain of against you and me. We have made it hard enough, God knows, for the soldier and his widow and his orphans to secure justice. The Pension Department and Congress itself have raised barriers enough against my old comrades without having the aid of South Carolina to, by its unreasoning Representative on this floor, assassinate justice, kill patriotism, and deny equity to the men who saved the nation. It is not necessary longer to keep up this unseemly and absolute senseless performance in this House. I offer you my hand in kindness. I say nothing detrimental to your honesty; but I beg of you to use your judgment and your reason, to stand forth as a man and earn the approbation of all men on this floor by doing justice and legislating along the lines of common decency and common sense. [Loud applause.]

Mr. TALBERT. Mr. Chairman, I will say, in reply to what the gentleman from Ohio [Mr. NORTON] has said, that so far as concerns charging the committee with dishonesty or anything of that sort, nothing was further from my thought. I stated that the committee had been honest and that when they brought in a report here it showed that the claimant had been to the Pension Bureau and that his application had been denied.

I want to say to the gentleman that when he twits me with being the only man on this floor who is opposed to fraudulent pensions, I accept the distinction; I feel that I am honored if I am the only man on the Democratic or the Republican side who has the manhood to rise up here and vote against fraudulent pensions. When the gentleman says that I have undertaken to stop the pension of a single deserving old soldier, he misstates the fact.

I appeal to every gentleman on this side and on the other side;

they will bear me out in the statement that since I have been a member of this House I have never voted against a pension when I thought that the soldier honestly deserved it. I want to say to the gentleman that I expect to persist in this course, and the Democratic party can do as it pleases. For one I do not wish to go to the public Treasury to get money to electioneer with by getting money out of pensioners who have received pensions that they do not deserve.

I believe that the pension laws of this nation are sufficiently liberal to give every old soldier who deserves it a pension; but I do say that you are rushing through here in this House numbers of claims that are unjust, that have no merit in them, and that the Grand Army posts themselves are passing resolutions against this wholesale passage of pension bills.

Mr. NEVILLE. May I ask the gentleman a question?

Mr. TALBERT. Certainly.

Mr. NEVILLE. If you say as a matter of fact that we are rushing through a great many pensions which are unjust and fraudulent, how could you, a few moments ago, say that you were not making a charge of dishonesty against the members of the Pension Committee?

Mr. TALBERT. I will answer the gentleman with pleasure by saying this: The Committee on Invalid Pensions is composed of gentlemen of high patriotism.

That is exactly the case, Mr. Chairman; but we know that they are human beings after all, and members on this side of the House and members on that go to them and appeal to them and ask them to help this poor old man or poor old woman in order to get their pensions, or get an increase of pension, when they know, and must know, that these people are not entitled to the pension, and ought not to have it, and yet in the goodness of their hearts, with the desire to help those who are poor and impoverished, they go before the committee and appeal, and therefore get the bills through that ought not to pass, as they themselves must admit, if they will examine the records in the case. That is all I meant to say. I never have made any assault on that committee. I have made no charge against them on the score of dishonesty; but, as I say, they are simply human beings and subject to the appeals of their fellow-members, and, like all other men, are liable to error.

Mr. GASTON. Will the gentleman allow an interruption just there?

Mr. TALBERT. Certainly.

Mr. GASTON. As a member of the Committee on Invalid Pensions, I wish to say that the statement of the gentleman that appeals are made to members on that committee by the members on this floor is not true. We do not meet with members at all in that way. The gentleman is mistaken altogether in assuming that the committee hears the appeals of members for the passage of this, that, or the other bill.

Mr. TALBERT. Well, I did not yield to the gentleman for a speech.

Mr. GASTON. That is all I desired to say. Simply that the gentleman is in error as to his statement.

Mr. TALBERT (continuing). But, Mr. Chairman, when a gentleman rises on this floor and undertakes to lecture me for my course here, I want to say to him, sir, that I have adopted my position with reference to this matter after mature deliberation and careful consideration. I want him to understand that my position here has been taken after that consideration and deliberation and study, and that I stand by every word that I have ever said and every position that I have ever taken since I have been a member of this body with reference to pension legislation or anything else.

And I will say to the gentleman from Ohio [Mr. NORTON], who undertook to lecture me, that I feel as friendly to all the old soldiers as the gentleman does, or any other member on this floor, and would be just as ready to raise my voice or my arm in behalf of any old soldier, whether he wore the blue or the gray, as the gentleman himself would be. But all of this criticism that has been showered down upon my head because I dared to stand here and oppose what I regard to be an injustice to the taxpayers of this country has no effect upon me and can not induce me to change my position.

Mr. NORTON of Ohio. Will the gentleman yield to a question?

Mr. TALBERT (continuing). And I hope the Chair will allow me to have read the protest of the veterans as bearing upon this very question, which I send to the desk.

Mr. LAMB. Will the gentleman allow me to ask him a question?

Mr. TALBERT. Yes, sir.

Mr. LAMB. I want to know what good you hope to accomplish by all of this delay in the business of the House?

Mr. TALBERT. Oh, well, Mr. Chairman, I have no little petty claims to beg anybody for, or to ask any assistance to secure their passage. You are sitting there, and this man is sitting here, with these little petty claims that you are anxious to get through, and you will vote for almost anything in order to get that little, infernal claim of your own through. [Laughter.] I am citing what I regard to be the justice and the merits of the position itself, and not because I have any favors to ask of anybody. This whole thing looks like a mere matter of "log rolling," each member voting to help the other, and all of them ready to use the taxing power of the Government in order to put pension claims through Congress, many of which, as I have said, I do not believe to be meritorious or have any warrant in law. I am absolutely opposed to it.

Mr. LAMB. I want to ask my friend from South Carolina another question. Do you mean that you have no "petty claims" here yourself, and that therefore you have no sympathy for your fellow-colleagues who have such claims?

Mr. TALBERT. If they are true and honest I should favor their payment. I am not dealing in war claims myself. When I went into the Confederate army with my people we went in with the understanding that we would take the consequences, whatever they might be, and I am not here as a beggar for anything at the hands of the Government. I do not intend to do this now or in the future. Other gentlemen may come to beg and ask favors at the hands of the Government. I will not. I shall oppose these measures whenever they come before the House and whenever I have an opportunity of presenting my opposition to them, unless I believe them to be absolutely just and founded in right.

The CHAIRMAN (Mr. CAPRON). Does the gentleman from Virginia desire to be recognized?

Mr. LAMB. Yes; in my own time.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. LAMB. I want to say to my friend from South Carolina that there are numbers of us in Virginia and the border States who have meritorious claims that ought to be considered by this House; and if the gentleman had not made this dilatory move here and prevented us from having these pension claims considered at night sessions, we should have had two more Fridays in each month for the consideration of those claims. I want to say to my friend that I have been before the Committee on Invalid Pensions and the Committee on Pensions, and I know that they have scrutinized and criticised every bill that has been before them.

I have in my own district numbers of Federal soldiers who moved down there, who are now old and dependent; numbers of soldiers of the Mexican war, and of the Indian wars, for whom I have been unable to get any recommendation from these committees, so particular have they been in this matter, and I want to exonerate this committee, so far as I am concerned, and I want to say now to my friend from South Carolina that I beg him to cease this work here which he is doing and let us carry on business in the proper way.

Mr. TALBERT. I should like to ask the gentleman if his having these private claims here does not prevent him from voting against what he considers to be unjust claims for fear members who are interested in them will fight his own claims?

Mr. LAMB. No, sir; my claims stand on their merits, and I challenge investigation. I was a Confederate soldier, as well as my friend, and am ready to vote for meritorious claims that are reported to this House.

Mr. TALBERT. That is what is the matter. If I have any claim here, I will present it on its merits, and I will not beg to have any little infernal thing paid back that we lost in the war. We staked everything and lost it, and we submit to it and do not whine about it.

Mr. SIBLEY. Mr. Chairman, a parliamentary inquiry. How many times is the gentleman entitled to recognition upon one bill?

The CHAIRMAN. Once. If there be no objection, the bill will be laid aside to be reported to the House with a favorable recommendation.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

PATRICK LAYHEE.

The next business on the Private Calendar was the bill (S. 241) granting a pension to Patrick Layhee.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Layhee, invalid and dependent son of William Layhee, late of Company G, First Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELLEN C. ABBOTT.

The next business on the Private Calendar was the bill (S. 1331) granting an increase of pension to Ellen C. Abbott.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Ellen C. Abbott, widow of Joseph C. Abbott, late colonel of the Seventh Regiment New Hampshire Volunteer Infantry, and brevet brigadier-general, United States Volunteers,

and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM F. BOYAKIN.

The next business on the Private Calendar was the bill (H. R. 8830) granting an increase of pension to William F. Boyakin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Boyakin, late chaplain of the Thirtieth Regiment of Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The following amendments recommended by the Committee on Invalid Pensions were read:

In line 7 strike out the word "of" before the word "Illinois."

In line 8 strike out the words "seventy-two" and insert in lieu thereof the word "forty."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CORNELIA DE PEYSTER BLACK.

The next business on the Private Calendar was the bill (S. 209) granting an increase of pension to Cornelia De Peyster Black.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia De Peyster Black, widow of Henry M. Black, late colonel, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOSEPHINE I. OFFLEY.

The next business on the Private Calendar was the bill (S. 208) granting an increase of pension to Josephine I. Offley.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine I. Offley, widow of Robert H. Offley, late colonel of the Tenth United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that which she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

OLIVER J. LYON.

The next business on the Private Calendar was the bill (S. 1729) granting an increase of pension to Oliver J. Lyon.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver J. Lyon, late of Company K, Twenty-fifth Regiment Iowa Volunteer Infantry, also of Company G, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. TALBERT. I ask that the report in that case be read.

The CHAIRMAN. The Clerk will read the report.

The Clerk began the reading of the report.

Mr. SIBLEY. I move that the further reading of the report be dispensed with.

The CHAIRMAN. If there is no objection, the further reading of the report will be dispensed with.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRIETTA CUMMINS.

The next business on the Private Calendar was the bill (S. 531) granting a pension to Henrietta Cummins.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta Cummins, widow of Vincent Cummins, late captain of Company H, Seventy-second Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

Mr. TALBERT. I ask for the reading of the report.

The CHAIRMAN. If there be no objection the report will be read.

Mr. FITZGERALD of Massachusetts. I object.

The CHAIRMAN. If there be no objection, the bill will be laid aside with a favorable recommendation.

Mr. LOUD. Mr. Chairman, I object. I will ask that some member of the committee give some explanation of this bill.

The CHAIRMAN. The chairman of the committee is called upon for an explanation of the bill now pending.

Mr. SHATTUC. Mr. Chairman, may I ask the gentleman from California a question?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Ohio?

Mr. LOUD. Certainly.

Mr. SHATTUC. Did you observe that as soon as you took the floor Mr. TALBERT went out? [Laughter.]

Mr. TALBERT. The gentleman has not gone out. Why, I thought the gentleman had eyes. He had eyes and saw not; he had nose, but could not smell. [Laughter.]

Mr. LOUD. I have no doubt but what the gentleman fairly represents his constituency, and shows his ability when he asks a question of that character. [Laughter.] It is a laughing matter with him. I will state, gentlemen, why I asked for an explanation of the bill. The Missouri Enrolled Militia, as I understand, are not entitled to a pension under existing law.

Mr. SULLOWAY. Exactly so.

Mr. LOUD. There are many thousands of them, and I want to ask why you make an exception in this case?

Mr. SULLOWAY. This is a Senate bill, and the report states the question thoroughly. This is an old lady 70 years of age. She married the soldier in 1845, and was his wife during the war. She is extremely poor. He died in the service. The Senate passed this bill giving her $20, the rate that her husband would have been entitled to if mustered. It is a fact that he was not mustered, but he did serve.

Mr. MIERS of Indiana. From this report——

Mr. CALDERHEAD. If the gentleman will permit me.

Mr. MIERS of Indiana. I yield the floor to the gentleman.

Mr. CALDERHEAD. I want to add to what the chairman of the committee has just said.

The CHAIRMAN. Does the gentleman from California yield?

Mr. LOUD. Certainly I yield.

Mr. CALDERHEAD. This man served two hundred and forty-seven days. He was paid for it by the State, and the State was afterwards reimbursed by the United States. He performed the same kind of service, the same kind of duty, that an officer would have performed who was in the volunteer service. That is the whole of it. If there had been a time when the organization had been under the command of a United States officer so that that fact would have appeared of record, then the uniform rule of the Department is to admit that they were within the general law and entitled to the benefits of the general pension laws.

Here was an organization under the command of General Holland, in the center of the State, in the very theater of war, under two different enlistments, one of one hundred and eighty days and the other of forty-seven days. If a general officer of the United States Army had issued orders to the organization as a whole, or they had been paid directly by the United States instead of indirectly, they would have been eligible under the general law. His widow, who was his wife then, is now 70 years old, blind, and poor, and is just as much entitled to recognition as the widow of any other soldier who served. That is apparent from the reading of the Senate report. The testimony which was before the Senate was not exhibited to our committee, and seldom is, unless there is some occasion for calling for it. If the Senate report which is exhibited to our committee sets out facts which would entitle the claimant to relief at the hands of our committee, we accept the Senate report. In this case we have accepted the Senate report, and there is no challenge except the general challenge made by the distinguished gentleman from California and the distinguished gentleman from South Carolina that these are cases, are all cases, in which the claimants are not entitled to pensions——

Mr. LOUD. I would not go into that field.

Mr. CALDERHEAD. Do not come under the general law.

Mr. LOUD. I suggest to the gentleman that he do not go into that field, because I do not care to enter it myself, unless it is forced upon me at the present time.

Mr. CALDERHEAD. I do not care to force it upon the gentleman at the present time, or care to force it upon him at all; and I yield the floor to the gentleman, thanking him for the time he has given me.

Mr. LOUD. I assumed, Mr. Chairman, that I had the right to respectfully address the House. Now, what I want to call attention to is that there are several thousand persons now living——

Mr. ROBINSON of Indiana. I insist upon order, Mr. Chairman.

The CHAIRMAN. The committee will be in order.

Mr. LOUD (continuing). Who were members of the Missouri Enrolled Militia; and while I believe that Congress has in the past gone to the extreme limit of generosity in according pensions, it never has yet considered it wise to extend the pension laws to those regiments and companies which performed at best a mere nominal service.

It does not appear in the report that this man who rendered the service ever received a pension. The country never saw fit to reward him for all his services to the old flag. Neither have they ever by general law taken in the many thousand others who rendered probably as meritorious service as this man did. Yet you take up a sympathetic case; the woman he says is blind. Unfortunately there are many blind people in the world. Unfortunately there are many people in the world that are poor; but I say that

any member of Congress transgresses his oath when by his vote and action he puts his hand into the public Treasury to compensate a person because he is blind and because he is old.

Oh, you can laugh to scorn my friend from South Carolina. I had about made up my mind to not enter this field again, because it can only break by the weight of its own wickedness; and if you are permitted to pass sixty or eighty cases per hour, then that fact alone will so arouse the sentiment of the people of this country that I believe you ultimately may be brought to a realizing sense of the shameful acts of Congress in rushing pension cases through here as no other class of legislation ever was attempted. Why, if a case comes up here to pay for a mule that was stolen or lost during the late war, the report must be read and discussed for an hour. Yet you attempt to laugh to scorn a man who asks for the reading, or the partial reading, of a report upon a case where you must admit that you have gone beyond the point of reason.

Now, let us assume that this woman was entitled to a pension under the law. She would get $8 a month, Mr. Chairman; but, from the fact that her husband had no pensionable status, you give her $20 a month. My attention was drawn to a case that came up this afternoon, which provoked some discussion, where you gave a widow whose husband had been absent twenty years, whose death was presumptive, $8 a month. And yet, if she had been a remarried widow, you would have given her $12 a month. If she had broken the laws of the land, you would have given her $12. Where in any court of justice in the land this woman could have claimed her right, then you give her what the law permits her to have, and gentlemen rise here and refute the charge the gentleman from South Carolina made that the committee is dishonest. No; what he says is true; you are all human, you are all liable to err, the same as other people.

I say to you that your course in reporting cases is not consistent; it can not be successfully claimed as consistent; and later on you will reach that point where you will be confronted with a condition that will be more serious to you and to the country than any that has yet confronted us, when the widow of every officer that was killed in the late unpleasantness will be knocking at our doors for a pension. You can not reconcile them with consistency, as you will no doubt attempt. If you want to be fair to yourselves and honest to the country, do not take Mrs. A here and Mrs. B there, and Mrs. C in another place, because she happens to have a Representative upon the floor of this House who is interested in her to give her a pension of $5, $10, or $50 a month more than the law gives her, for you will find another who is too modest to come here and beg at your doors. Then you will be confronted with a serious problem.

Now, then, coming back to this case. If you think this widow ought to have a pension, her husband never having had a pensionable status, have the manhood and courage to add a few thousand more to the pension rolls and take in all the Missouri Enrolled Militia.

Mr. MIERS of Indiana. Mr. Chairman, in response to what the gentleman has said in reference to the consistency of the committee, I want to say a word. He says that we propose to pension this woman because she is 70 years old and nearly blind. No. If the gentleman will go to the records, he will find that this woman was the wife of a captain of the militia over in Missouri, just on the line where the war raged one way and the other. Her husband served two hundred and forty-seven days. The State of Missouri paid the captain as well as the members of the company for the two hundred and forty-seven days' service.

Not only is that true, but the Federal Government reimbursed the State of Missouri and paid it back. Here is this old mother, 70 years old, who gave her husband 247 days for the nation's services. Missouri has paid it, the Government has paid it; but because the Government did not pay it first, pay for his services originally, the Pension Department under the law is not permitted to grant either the old soldier or the widow a pension. Then where shall she go? She must come here.

I grant you that the law is not what it ought to be. I grant you there ought to be a law passed to put that class of widows on the eligible pension list. But Congress has not done it; and if you apply the rule of the gentleman who says that if some mule has been stolen you have got to file your claim, and after filing it have got to wait until it is reported, and then wait day after day for action on the report—if that is to be the rule in this case, what is to become of this old widow, 70 years of age, now on the road to the poorhouse?

Mr. Chairman, there may be some question about some of these bills; but when the case is one where the claimant has no pensionable standing we have no right to say aught against the Pension Department. This lady is the widow, and during the war was the wife, of a captain; and I submit she is entitled to the $15 a month which the Senate bill gives her.

Mr. LOUD. Does the gentleman assume or does the testimony in the case tend to show that this captain died as the result of disability incurred in the service?

Mr. MIERS of Indiana. It does not.

Mr. LOUD. Then would she be entitled to more than $8 a month?

Mr. MIERS of Indiana. She would be entitled to $12 a month, under the pension law, at the Bureau——

Mr. LOUD. I hardly agree with the gentleman.

Mr. MIERS of Indiana. Here is the case of a widow 70 years of age. I grant that the committee on the floor of the House has not been as liberal as the Senate committee, but when the Senate committee has reported in favor of giving her $15 a month, rather than take the chances, rather than have her put in the catalogue where the gentleman from California would put her, rather than weigh this widow's pains and aches alongside those of some old, crippled mule, we decided that we would recommend the passage of the bill as it came from the Senate. I trust there is patriotism enough, justice enough—yes, money enough in the Treasury—to enable us to rise to the demands of this occasion and put this bill through just as it came from the committee.

There being no objection, the bill was laid aside to be reported favorably to the House.

AMOS H. GOODNOW.

The next business on the Private Calendar was the bill (S. 1721) granting an increase of pension to Amos H. Goodnow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos H. Goodnow, late of Company C, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. TALBERT. I ask that the report be read.

The CHAIRMAN. If there be no objection, the report will be read.

The Clerk proceeded to read the following report:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1721) granting an increase of pension to Amos H. Goodnow, have examined the same and adopt the Senate report thereon and recommend that the bill do pass.

[Senate Report No. 269, Fifty-sixth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1721) granting an increase of pension to Amos H. Goodnow, have examined the same and report:

A similar bill was introduced in the Senate during the Fifty-fifth Congress, reported favorably, and passed the Senate.

The report was as follows:

"The records of the War Department show that this soldier was mustered into service as a private in Company C, Thirtieth Iowa Infantry, and that he was wounded in battle. Certificate of disability for discharge, May 24, 1865, reports: 'Wounded in action at battle of Resaca, Ga., resulting in amputation of leg.' The surgeon reports: 'Loss of right leg by amputation at middle third from gunshot wound received at battle of Resaca, Ga., May 13, 1864. Disability, total.'

"He was pensioned at $8 per month from May 24, 1865; increased to $15 from June 6, 1866; to $18 from June 4, 1872; to $24 from March 3, 1883, and to $30 from August 4, 1886.

"August 20, 1890, he applied for increase. The medical referee refused to order an examination, on the ground that the evidence showed that soldier could and did wear an artificial limb. An examination was considered unnecessary, as it would not alter the status of the case.

"After rejection of this claim an appeal was taken to the Secretary of the Interior, who affirmed the action of rejection, holding that it was shown by the evidence that the leg was not totally disabled, and hence he was receiving all the pension to which he was entitled. No effort has been made to secure increase at the Pension Office since rejection in 1891.

"Evidence on file with the committee shows that claimant suffers constant pain in the limb, and that he can not wear the artificial limb furnished by the Government, but uses one of his own make.

"Your committee are of opinion that this is a case where some degree of relief should be accorded by Congress, and accordingly recommend the passage of the bill."

The foregoing report is adopted, and the passage of the bill recommended.

Mr. SIBLEY (before the reading of the report was concluded). I move that the further reading of this report be dispensed with.

Mr. SIMS. Mr. Chairman, is not this motion debatable? In this case the pension proposed to be paid is $40, and I think we are entitled to know the reasons on which the bill is based.

Mr. SIBLEY. This is a case of the loss of a leg——

The CHAIRMAN. The Chair will state that the proper course for the gentleman from Pennsylvania [Mr. SIBLEY] would have been to object to the further reading.

Mr. MIERS of Indiana. I hope we shall allow this report to be read. While I would not myself ask for the reading of the report, yet the request seems to be practically fair. The report will show the merits of the claim thoroughly.

Mr. SIBLEY. The question is not what the report shows; but if we pass 100 of these pension bills, it will cost the Government $36,000; and the time we are wasting in the reading of these reports is going to cost the Government just as much as or more than the passage of all the pension bills on the Calendar.

Mr. TALBERT. If the reports were not read, would we not still remain here?

Mr. SIBLEY. I do not think we would be here, or we would at any rate get through more quickly with our business.

Mr. TALBERT. The gentleman might not be here, because he hardly ever is here. We do not know where he is. He is like a flea—in politics and everything else.

The CHAIRMAN. The Clerk will proceed with the reading of the report.

The reading of the report was resumed and concluded.

Mr. COWHERD. I would like to put a question either to the chairman of the committee or to some other member. The other day, when calling on the Department in reference to a bill in which Congress had provided by legislation what allowance should be made for certain disabilities, I was informed that a pension of over $17 a month was not allowable under the law unless the disability was equal to the loss of a hand or a foot, in which case the pension would be $24 a month; and that if both hands or both feet were lost the pension would be only $30 a month. Now, as I understand, this applicant has lost one foot, and we propose to make the pension $40. Is not that larger than the law allows for a corresponding injury?

Mr. CALDERHEAD. I do not remember what the testimony in the case was, except in a general way. My recollection is, however, that the testimony shows that this man is entirely enfeebled; that he is worn out by pain from the disabled limb. There is a disability there that is practically total and permanent.

Mr. COWHERD. If the gentleman will allow me to interrupt him at this point and permit me to renew my question I wish to say that my point is this: I suppose, of course, that the committee desires in these special cases to put the party on the same general plane of others who are on the pension roll under the general law and who get their pensions through the Department?

Mr. CALDERHEAD. Certainly.

Mr. COWHERD. Now, if I am correct, the pension under the law in this case will be $24 or $30 for this disability?

Mr. MIERS of Indiana. If the gentleman will allow me, I will state that this report is not as full as it ought to be. If this foot were off below the knee so much or above the knee so much, it would entitle him to a pension under the general law at such and such a rate. But in addition to the disability there are peculiar surroundings in the case of this old soldier which are such as to deprive him of all means of usefulness and all opportunity of earning a living for himself. He is old, as I am informed, ill, emaciated, and scarcely able to get about, and is absolutely senile, and the trouble is one not arising entirely from the absence of the limb itself, but from peculiar conditions surrounding it.

The report should have gone very much further and shown the condition of the soldier. I grant you that the gentleman from Missouri is right, and it shows the necessity of the reading of the reports and also the necessity of having the reports complete in their details, so that the House may readily understand the question presented.

But this is not a case like that of a foot cut off or the disability arising from the loss of a foot. This old man, as I understand the testimony, is utterly broken down in health, emaciated in body, senile, as I remember the case, and the committee thought, under the circumstances, that the increase to $40 was but fair and right. I admit that an increase of pension of this character should never be made unless there is something in the case that fully warrants such an increase.

The CHAIRMAN. Without objection, the bill will be laid aside to be reported to the House with favorable recommendation.

There was no objection, and it was so ordered.

MARIA A. THOMPSON.

The next business on the Private Calendar was the bill (S. 2622) granting a pension to Maria A. Thompson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria A. Thompson, widow of Charles A. Thompson, assistant surgeon, Thirteenth, and surgeon, Ninetieth Regiments Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. TALBERT. Mr. Chairman, I rise now to ask the reading of the report.

The CHAIRMAN. Without objection, the report will be read.

Mr. TALBERT. I hope gentlemen will allow reports in all these cases to be spread upon the RECORD, so as to show to the House and the country the reason for the action taken. I think it nothing but just and right, and I do not do this in order to kill time; but I submit that the report should be read for the information of the House.

The CHAIRMAN. The report will be read in the time of the gentleman from South Carolina.

Mr. SULLOWAY. The report will go upon the record whether it be read or not.

Mr. TALBERT. The facts embodied in the report should be in possession of the House before being called upon to vote. Besides that, reports do not always go into the records.

Mr. SULLOWAY. The House does not manifest a great appetite for them; but still the gentleman may desire to be gratified in that respect.

Mr. TALBERT. It is not a question of that kind. It is a question that I raise for the information of the House and the country.

Mr. CALDERHEAD. I wish to say, in reply to the gentleman, that the report ought to set out all the reasons which operated with the committee in making its recommendation. They usually attempt to give a full statement of the reasons. The report in this case, however, is a very brief one. We have given this woman what she would have been entitled to under the law. We have given to her this pension for the reason that the evidence in the case before the committee, we believed, warranted us in determining that the death of her husband was traceable to his Army service. The Pension Department, however, did not accept the evidence upon which the House committee acted. For that reason they rejected the claim in the Department. We did accept it, and have made an allowance of $12 a month; and therefore the gentleman can be satisfied when the report goes into the RECORD that it contains a history of the reasons on which the committee made the allowance.

Mr. TALBERT. I ask for the reading of the report.

The CHAIRMAN. The report will be read in the time of the gentleman from South Carolina.

Mr. GAINES. Mr. Chairman, a parliamentary inquiry. Has the Chair ruled that no member has a right to have these reports read?

The CHAIRMAN. The Chair has not ruled that.

Mr. GAINES. Is that the rule of the House?

The CHAIRMAN. The report is now in process of being read in the time of the gentleman from South Carolina.

Mr. GAINES. I do not care to hear it; but suppose I call for the reading of a report. Have I not that right, under the rule of the House?

The CHAIRMAN. Not if objection is made. No member can call for the reading of a report if objection is made, unless the House votes to hear the report read.

Mr. GAINES. What on God's earth are the reports printed for, if not to enlighten the House?

Mr. MORRIS. They are printed for the members to read.

Mr. GAINES. Let me ask how far back does that ruling go?

Mr. GROSVENOR. It only goes back to Jefferson's Manual; that is all. A part of the rules of the House absolutely prohibits the reading of a report against the objection of a member, unless the House votes that it may be read.

Mr. GAINES. I do not understand that we are in the House now; we are in the Committee of the Whole.

Mr. GROSVENOR. Well, I speak of the House in the proper sense.

The CHAIRMAN. For the information of the committee the Chair will ask the Clerk to read the rule.

The Clerk read as follows:

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

Mr. GAINES. Is this report to be considered a paper, a newspaper? It is an official document of this House.

Mr. GROSVENOR. The bill is the thing that the House has to vote upon and not the report. This rule goes back to Jefferson's Manual, and has never been disputed by anybody who knew anything about parliamentary procedure. [Laughter.]

The bill was ordered to be laid aside with a favorable recommendation.

HATTIE E. REDFIELD.

The next business on the Private Calendar was the bill (S. 1250) granting a pension to Hattie E. Redfield.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hattie E. Redfield, widow of Charles E. Redfield, late second lieutenant Company A, Forty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The bill was ordered to be laid aside with a favorable recommendation.

EUDORA S. KELLY.

The next business on the Private Calendar was the bill (S. 2220) granting an increase of pension to Eudora S. Kelly.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eudora S. Kelly, widow of James R. Kelly, late captain, Third Artillery, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HERMAN PIEL.

The next business on the Private Calendar was the bill (S. 1309) granting an increase of pension to Herman Piel.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Herman Piel, late of Company B, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELI J. MARCH.

The next business on the Private Calendar was the bill (S. 1960) granting an increase of pension to Eli J. March.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli J. March, late of Company I, Third Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

OSCAR TAYLOR.

The next business on the Private Calendar was the bill (S. 1298) granting an increase of pension to Oscar Taylor.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar Taylor, late captain Company D, First Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH R. BURRELL.

The next business on the Private Calendar was the bill (S. 1268) granting a pension to Sarah R. Burrell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah R. Burrell, widow of Andrew J. Burrell, late captain Company A, Fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MRS. ARETHUSA WRIGHT.

The next business on the Private Calendar was the bill (S. 346) granting an increase of pension to Mrs. Arethusa Wright.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arethusa Wright, widow of Emanuel Wright, late of Company B, Thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES M. SIMERAL.

The next business on the Private Calendar was the bill (S. 1255) granting an increase of pension to James M. Simeral.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Simeral, late first lieutenant Company L, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LIZZIE H. HYNDMAN.

The next business on the Private Calendar was the bill (S. 261) granting an increase of pension to Lizzie H. Hyndman.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie H. Hyndman, widow of William Hyndman, late captain, Fourth Regiment Pennsylvania Volunteers, and pay her a pension at the rate of $30 per month in lieu of the pension she is now receiving.

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report. I thought it was agreed that the reports should be read.

Mr. BENTON. I object.

The CHAIRMAN. The gentleman from South Carolina moves that the report be read.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TALBERT. I demand a division, Mr. Chairman.

The committee divided; and there were—ayes 4, noes 36.

Mr. TALBERT. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina makes the point of no quorum. The Chair will ascertain. [After counting.] One hundred and four gentlemen present, a quorum. The noes have it; and the reading of the report is refused.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY FRANK.

The next business on the Private Calendar was the bill (S. 1769) granting an increase of pension to Henry Frank.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Henry Frank, late of Company G, Thirty-ninth Regiment of Illinois Volunteer Infantry, and pay him a pension at the rate of $15 per month in lieu of the pension he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS JORDAN.

The next business on the Private Calendar was the bill (S. 1228) granting an increase of pension to Thomas Jordan.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Jordan, late of Company G, Sixty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARY E. LAW.

The next business on the Private Calendar was the bill (S. 2636) granting an increase of pension to Mary E. Law.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Law, widow of Richard Law, late captain, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JERUSHA W. STURGIS.

The next business on the Private Calendar was the bill (S. 677) granting an increase of pension to Jerusha W. Sturgis.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerusha W. Sturgis, widow of Samuel D. Sturgis, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is no receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

HENRY ATKINSON.

The next business on the Private Calendar was the bill (S. 833) granting an increase of pension to Henry Atkinson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Atkinson, late of Company G, One hundred and eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report.

Mr. GIBSON. I object.

Mr. UNDERWOOD. Mr. Chairman, I want to say a few words on this bill. I want to say that I have been a member of this House in former Congresses, and I never objected to the reasonable consideration of any measure. I do not think that more than once or twice during the history of my legislative career have I voted against a pension bill on the floor of this House. I believe that the men who fought for the Union are entitled to a fair, reasonable, and just pension—that they should be paid in meritorious cases.

I have no sympathy with any filibustering tactics to delay the procedure of this House; but I do say to gentlemen on the other side of this Chamber, and to gentlemen on this side, that when a member stands in his place and desires a report to be read for the information of himself and members, that he may know intelligently what he is voting on, it is as reprehensible to deny him that privilege as any filibustering tactics that can be pursued on either side. We come here, men like myself, who have not a pension bill before the committee—come here in your interest to make up a quorum, and we are entitled to have the information that we seek, and not be led blindly to the desk to vote on what we know nothing about.

Mr. GIBSON. Will the gentleman yield to me?

Mr. UNDERWOOD. Not now; I do not care to be interrupted. I say it is an injustice, when a report is requested to be read, to apply the strict letter of the rule. Gentlemen come here to make up a quorum, and they have a right to understand and know upon what they are voting.

Mr. GIBSON. Will the gentleman allow me a question now?

Mr. UNDERWOOD. Yes, a question.

Mr. GIBSON. I will ask the gentleman if reports in any other cases are ever read to the House?

Mr. UNDERWOOD. Of course they are.

Mr. GAINES. Always when requested.

Mr. GIBSON. Reports from the Committee on Ways and Means and the Appropriations Committee? Never.

Mr. UNDERWOOD. Very frequently reports are read, except in cases where there is protracted debate, and then the members explain the bills themselves. There is hardly ever a bill that comes up by unanimous consent that the report is not read. The object of reading the report is to save time and delay. It would be impossible for every member of the House to take up the pension bills and reports and read and examine them before they come up. If he did, he could not do anything else. Now, when a bill is read at the desk and a member desires further information, I say it is worse than any filibustering tactics to prevent that member from having a just understanding of what he is about to vote for.

Mr. GIBSON. Mr. Chairman, I wish to say that the rule in this House, ever since I have been a member, now for five years, has been to take the action of the House committees as based upon proper evidence and their conclusion as the result of honest action and good faith. We have bills here appropriating tens and hundreds of millions of dollars; and not since I have been a member of this House has a solitary one of the reports on these bills ever been read.

Mr. GAINES. Then why do you have the reports printed? Why not bring the bill in without any report?

Mr. GIBSON. I am glad the gentleman asked that question. They are printed for the information of the members, so that if a member wants a report of the reasons for the bill he can go to the document room and get it.

Mr. GAINES. I understand there are not enough reports there to go round.

Mr. GIBSON. The object of printing the report is not to have it read in the House, but for the information of individual members who wish to invesigate the matter and inform themselves with reference to the subject to which the bill relates. If this House should adopt the practice of reading all the reports, business would be so greatly delayed that it would be impossible in the course of two years to dispose of the public business. The practice is not to read the reports, and never has been since I have been in Congress. When the reading of the reports is called for, in nine times out of ten the object is to create delay. That is the object, the main object, and oftentimes the only object, in calling for the reading of reports upon special pension bills.

The Invalid Pension Committee is composed of men of both political parties. Since I have been a member of that committee, now over three years, no question of politics has ever been raised there. It is indistinguishable to an observer who are the Democratic members of the committee and who are the Republican members; nobody could tell from the action of the committee whether the individual members were Republicans or Democrats. We have looked at the cases before us from the broad standpoint of a charitable patriotism.

I have heard members say, "This man or this woman does not come under the law." Why, sir, if they came under the law, there would be no need for special bills. The object of special bills is to provide for meritorious cases which do not come under the law and also to provide for cases where, in consequence of the generality of the law or in consequence of harsh adjudications by the Pension Bureau, we feel that adequate justice has not been done to some deserving soldier or some widow of a deceased soldier.

Mr. Chairman, we have had a number of these reports read today. In what case has this committee been "turned down?" We hear talk about "fraudulent pensions." What "fraudulent pension" has been recommended by the Invalid Pension Committee? Not one. Where is the member who can rise on this floor and put his finger upon a single "fraudulent pension?" We hear talk about "coffee coolers" and "bounty jumpers" and "deserters." What bill reported by this committee has pensioned any coffee cooler or bounty jumper or deserter? Not one. The fact is that the action of the Invalid Pension Committee——

Mr. MIERS of Indiana. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MIERS of Indiana. What is the subject under discussion?

The CHAIRMAN. The subject under discussion is the request to have the report read and the refusal of that request.

Mr. MIERS of Indiana. I wish we might get at the question.

Mr. GIBSON. Mr. Chairman, it is very easy for members to get up here and talk about pensioning "bounty jumpers" and "coffee coolers" and "deserters," but this House is not in that business; the Invalid Pension Committee is not in that business, and the man who talks about pensioning those classes of people is not only slandering the committee, but is also casting an unjust, unmerited, and unpatriotic aspersion upon deserving soldiers and deserving widows of soldiers who are being pensioned.

Mr. MIERS of Indiana. I make the point of order that the gentleman is not discussing the question at issue.

Mr. GIBSON. I am discussing the very question at issue—whether this report ought to be read. That is the very matter I am discussing.

The CHAIRMAN. The Chair was in error in stating that the pending question was a motion. The motion was objected to, and, under the parliamentary conditions, that motion is not debatable. Does the gentleman from Tennessee desire to proceed in order? If so, the Chair will recognize him in his own time to speak on the bill.

Mr. MIERS of Indiana. I make the point of order that there is no question now pending upon the bill. It is simply a motion——

A MEMBER. An objection.

Mr. MIERS of Indiana. An objection; and must be passed on without debate.

Mr. GIBSON. I wish to say this: The gentleman from Indiana has occupied very considerable time of this House——

The CHAIRMAN. The point of order of the gentleman from Indiana is well taken.

Mr. MIERS of Indiana. Then I insist on it.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. TALBERT] insist upon his motion that the report on the bill now pending be read?

Mr. TALBERT. "The gentleman from South Carolina" does not recollect to have made that motion in this case. But if any gentleman wants the report read, I would be glad to hear it. The gentleman from Tennessee has occupied a good deal of time——

Mr. GRAFF. Will the gentleman permit me to state the facts in this case?

Mr. TALBERT. Certainly.

Mr. GRAFF. Three years' service in the war of the rebellion; rheumatism, anchylosis, general debility, nervous prostration—all the result of Army service.

Mr. TALBERT. And the fellow is not dead yet!

Mr. GRAFF. The soldier was alive when the report was made.

Mr. TALBERT. Well, let him have the pension. God knows, if he is not dead, I would be in favor of granting $100 to have him buried. [Laughter.]

There being no objection, the bill was laid aside to be reported favorably to the House.

JAMES A. SOUTHARD.

The next business on the Private Calendar was the bill (S. 1264) granting an increase of pension to James A. Southard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Southard, late of Company K, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and Company K, One hundred and fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

There being no objection, the bill was laid aside to be reported favorably to the House.

ANNIE A. GIBSON.

The next business on the Private Calendar was the bill (S. 2742) restoring to the pension roll the name of Annie A. Gibson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie A. Gibson, widow of James Walters, of Company E, Thirty-eighth Regiment Massachusetts Volunteers, and pay her a pension at the rate of $12 per month.

There being no objection, the bill was laid aside to be reported favorably to the House.

Mr. GAINES. Mr. Chairman, I would like somebody to tell us why this party was placed upon the pension roll and taken off again and also why the restoration is made. I do not ask for the reading of the report, but some brief explanation will be satisfactory. There must be some reason for the action of the committee.

Mr. SULLOWAY. I will state to the gentleman from Tennessee that this is to restore a remarried widow to the rolls. She is old—58 years of age—nearly blind, and without property. Her pension was at this rate before her remarriage to the second husband, who is now dead.

Mr. MIERS of Indiana. She was a widow of the soldier during the war?

Mr. SULLOWAY. Yes.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JULIA M. EDIE.

The next business on the Private Calendar was the bill (S. 3017) granting an increase of pension to Julia M. Edie.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia M. Edie, widow of John R. Edie, late captain, Ordnance Department, United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH W. SKELTON.

The next business on the Private Calendar was the bill (S. 2351) granting an increase of pension to Joseph W. Skelton.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Skelton, late first lieutenant, Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM PADGETT.

The next business on the Private Calendar was the bill (S. 2942) granting an increase of pension to William Padgett.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Padgett, late of Capt. David J. Miller's company, Georgia Militia, Seminole Indian war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 8 strike out "thirty" and insert "twenty."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JEREMIAH B. MOORE.

The next business on the Private Calendar was the bill (H. R. 3224) granting a pension to Jeremiah B. Moore.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Jeremiah B. Moore, late a sergeant of Company K, First Massachusetts Volunteers, in the Mexican war, and subsequently lieutenant-colonel of the Third Regiment California Volunteer Infantry in the war of the rebellion, and pay him a pension of $30 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 9 strike out the word "thirty" and substitute therefor the word "twenty," so as to fix the rating at $30 per month, in accordance with precedents in similar cases.

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

Add to the end of the bill the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Jeremiah B. Moore."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

FLORA B. HINDS.

The next business on the Private Calendar was the bill (H. R. 4368) for the relief of Flora B. Hinds.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Flora B. Hinds, late a nurse in the Spanish war, and to pay her a pension at the rate of $30 a month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Amend the title so as to read: "A bill granting a pension to Flora B. Hinds."

Strike out "twenty," in line 6, and substitute therefor the word "twelve."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

J. J. ANGEL.

The next business on the Private Calendar was the bill (H. R. 1381) granting a pension to J. J. Angel.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Jet. J. Angel, late Second Company, Second Regiment Tennessee Volunteers, Indian war, and to pay him a pension at the rate of $24 per month, and this pension so paid shall be in lieu of pension that claimant is now drawing under certificate No. 2364.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Change the title so as to read: "A bill granting an increase of pension to James J. Angel."

In line 6 strike out "Jet." and insert "James;" in the same line strike out "Second Company, Second Regiment" and substitute therefor "corporal of Captain McClelland's company."

In line 8 strike out "twenty-four" and insert in lieu thereof the word "twelve."

Strike out all in the bill after the word "month," in line 8, and substitute therefor the words "in lieu of that he is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LILLIAN CAPRON.

The next business on the Private Calendar was the bill (S. 1905) granting an increase of pension to Lillian Capron.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lillian Capron, widow of Allyn K. Capron, late captain Troop L, First Regiment United States Volunteer Cavalry, war with Spain, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out "forty" and insert "thirty;" so that it will read: "$30 per month."

Mr. MIERS of Indiana. Mr. Chairman, I hope this House amendment will not prevail. This bill has passed the Senate at $40. If I am correct in the bill, this lady was the mother of Captain Capron——

Mr. LOUDENSLAGER. I think the gentleman has the wrong bill.

Mr. BROMWELL. There are two Capron bills.

Mr. LOUDENSLAGER. This is not the bill the gentleman from Indiana has in mind.

Mr. MIERS of Indiana. Then I will withdraw what I have said; but if this is the bill for the lady who is the wife of Captain Capron, who died of fever, and who afterwards lost her son during the late war, he being killed in battle——

Mr. LOUDENSLAGER. This is not the bill.

Mr. MIERS of Indiana. Very well; I will withhold what I desired to say until that bill is presented.

Mr. O'GRADY. I should like to know myself, Mr. Chairman, why this bill is to be cut down from forty to thirty dollars per month. I did not hear the explanation of the chairman of the committee.

Mr. LOUDENSLAGER. Mr. Chairman, I would say that this bill represents the maximum amount agreed upon by the Committee on Pensions for all widows of officers holding this rank and grade. The committee did not come suddenly to their conclusion of what they deemed was right and proper in these cases, but after giving the matter due consideration; not considering the one isolated case, but all of the cases that were presented to them. In their judgment they believe that $30 a month is as much as ought to be allowed to the widow of any officer of this rank and grade.

Mr. BROMWELL and Mr. O'GRADY rose.

The CHAIRMAN. The gentleman from New York.

Mr. O'GRADY. I yield to the gentleman from Ohio [Mr. BROMWELL].

The CHAIRMAN. The gentleman from Ohio [Mr. BROMWELL] is recognized.

Mr. BROMWELL. Mr. Chairman, in addition to what the chairman of the Committee on Pensions has said, I also, as a member of that committee, desire to say that in the matter of all claims that have come before it we have endeavored to be entirely consistent. As the chairman said, we did not take up the first claim that was presented to the committee and fix an arbitrary rate. Neither did we feel that we were bound to adopt the rate fixed by the Senate, because it is a well-known fact that nearly every bill, without regard to the merits of the bill, comes from the Senate with rates allowed far in excess of what has been allowed in the past to meritorious claimants, either before the Committee on Pensions or the Committee on Invalid Pensions.

Mr. GAINES. I should like to ask the gentleman a question.

Mr. BROMWELL. Just let me finish, and then I will answer any question gladly. Now, it seemed to us that the fairest way of reaching reports on these claims—and there are a great many of them, and all of them asking for high rates of pensions, very few less than $50 a month—it seemed to us that before taking up the consideration of any one claim the committee should carefully consider a plan by which all claims could be fairly adjusted.

With that object in view we fixed a maximum rate that should be allowed according to the grade of the soldier. We fixed a rate for lieutenants, captains, majors, lieutenant-colonels, colonels, brigadier and major generals, and that rate we have attempted to adhere to strictly and conscientiously as the maximum rate to be

allowed. Where there were any circumstances connected with the claim which would show that there was an income independent of the pension the committee have not reported the maximum rate. Where, however, the claimant had nothing but the pension, and there were no special reasons, either on account of the gallantry of the soldier or the circumstances of the beneficiary, to call for a specially high rate, we have made discriminations and have not reported, as a rule, the maximum amount.

Now, in regard to this particular claim, and others which are going to follow, I will not yield to any gentleman in this House in my admiration and respect for the services of the men who went into the Spanish war and made such a magnificent record for themselves and the country; but I call attention to the fact that, distinguished as those services were, there were thousands of others during the civil war who were equally distinguished and who rendered services equally meritorious; and I for one do not see any good reason why, in the temporary excitement of the present day, we should ignore the claims of the old soldiers and their widows of the civil war by making a rate of fifteen or twenty dollars to them and a rate of forty or fifty dollars to those of the Spanish war.

There were two Caprons, father and son. Their services were distinguished, their conduct gallant, and both died as the result of the Spanish war. The first of these claims is that of the widow of one of these officers. Under the law she would not be entitled to what this bill gives her, even with the House amendment. We are giving her as a bonus an amount in excess of what, under the law, she is entitled to. She went to the Pension Bureau, the facts were all taken into account, the law was taken into account, and she was given a maximum rating and allowed a maximum pension there. Without any additional facts before the committee than what went before the Pension Bureau, the committee nevertheless felt that it was a case where they might, in view of the legislation of this House increasing pensions, give an additional amount on this claim, and we gave her the maximum allowed under our rule.

The action of the Pension Committee has been uniformly consistent in these claims. If you increase any one of them, then in fair justice you will have to increase every claim that is reported from the Pension Committee. We have carefully examined all the facts. We have taken into account the circumstances, pecuniary and otherwise, the physical condition and everything that goes to enter into the question of sympathy in these cases, and we have attempted to act honestly and consistently in every one of them.

Mr. GAINES. Now will the gentleman allow me?

Mr. BROMWELL. Certainly.

Mr. GAINES. Will the gentleman please state the difference between the two bills as to the amount recommended?

Mr. BROMWELL. That is, the first Capron bill——

Mr. GAINES. The bill that is now before the committee.

Mr. BROMWELL. The first Capron bill is for $30 and the other is for $25; and I will explain to the gentleman, although it is a little in advance of the other bill, why we make the distinction. In this case of Lillian Capron she has nothing but the pension; in the case of Agnes Capron, which follows a little further on on the Calendar, she has an income independent of the pension, which would, with the pension, make more than $30.

Mr. GAINES. Now, I understand the Senate has passed a bill which gives this party so much money, and that the House has recommended another figure. Why is the difference between the amounts?

Mr. BROMWELL. The Senate allowed $40 per month, and the House amendment allows $30. I appeal to gentlemen of the House in this initial case, which is the first one, probably, of a number where an attempt will be made to increase these pensions—I appeal to you to be consistent in this matter.

Mr. GAINES. The point you are making is that they are giving a higher figure for the same service than was done in the civil war.

Mr. BROMWELL. I state to the gentleman that there are thousands of pensioners who are widows of officers of the same grade of Captain Capron, and with the same merit, so far as that is concerned, and are getting less money than would be given under this House committee amendment.

Mr. GAINES. Then you object to these large pensions?

Mr. BROMWELL. I object to any enormous increase in these pensions.

Mr. GAINES. Over that which is allowed for the civil war.

Mr. BROMWELL. This is the first case you have growing out of the Spanish war, and it is the first attempt to increase the pension over the report of the Pension Committee. I think it is excessive to allow $40, the amount fixed by the Senate, and I hope the committee will not consent to that amount.

Mr. DE VRIES. What is the amount recommended by the House committee?

Mr. BROMWELL. The House bill recommends $30 a month.

Mr. DE VRIES. This is the case of the wife and not the mother?

Mr. BROMWELL. This is the case of Lillian Capron. They are both widows; one is the widow of the father and the other of the son.

Mr. SIMS. Mr. Chairman, I want to say a few words, and I hope the committee will give me its attention. I want to indorse every word that has been said by the gentleman from New Jersey [Mr. LOUDENSLAGER] and the gentleman from Ohio [Mr. BROMWELL]. I have served on that committee, and know they make absolutely no discrimination. They take up every case and investigate it on its merits and try to be consistent. While I served on that committee we never permitted the Senate to go above our rules of what we thought was right, and they have a disposition to do right. I think the committee ought to stand by the rules they have made. They have a maximum amount, and yet they might vary in very exceptional cases. I know at the last session, before pension certificates were hardly issued, a very distinguished gentleman came before that committee and asked us to increase pensions above that given by the law because the matter was recent and the grief was sharp.

Mr. Chairman, the war with Spain technically is over. But the war over the results of that war is not over, and we do not know when it is going to be over; and if we set an example here of almost instantly doubling up and increasing the pensions of the widows of the Spanish war, what are you going to say about the enormous cost of the increase of all widows pensioned up to the same level? Now, this committee have given $30 a month, which is quite a considerable pension; and there ought to be extraordinary reasons advanced why more should be given and why the rule of that committee should be overridden. They commence with a minimum, and if we increase and increase over the increase, where is this matter going to end?

I can not give the details of this case better than they have been given. I am so well acquainted with the members of this committee that I hope this House will not make this initial case more than the amount that the committee has recommended, which is a reasonable and just one, and I hope the House will leave it to the committee hereafter. Put it at $40 and disregard the committee, and then what are you going to do with each and every one that follows? I hope the House will sustain the action of the Committee on Pensions and sustain the amendment, and make this $30 instead of $40. [Cries of "Vote!"]

Mr. GREEN of Pennsylvania. Mr. Chairman, this is an initial case, and we all know these people. I think we might as well start off and grant fair pensions to the families of the few men that have been killed in the Spanish war. In this time, when this particular war was fought, the necessities of life are higher, and $40 to-day would not be as much as $30 would be ten or fifteen years ago.

Mr. BROMWELL. May I ask the gentleman a question?

Mr. GREEN of Pennsylvania. Yes, sir.

Mr. BROMWELL. If the gentleman says $40 to-day is not so much as $30 would be several years ago, while the old pensioners are only getting $30 a month to-day, does my friend think that $30 will go any further with them than with the Spanish war widows?

Mr. GREEN of Pennsylvania. I can not say; but there are many reasons why we should be liberal with these. I think at this time we are capable of being more liberal than we were in the civil war. I can not see why in pensions granted to the widows of men killed in the Spanish war we can not be liberal. We are talking about $10 a month. There is no man here but what knows a young woman who loses her husband can not be compensated by a pension of $10. We should look at this matter now in a liberal way; and for one on the Democratic side of the House I propose in all these matters of the Spanish war pensions to be consistent in giving all these people the same alike. The work which the soldiers in the late Spanish war accomplished entitled them to all the credit that is properly belonging to them, and it touched our sympathy in this country; and this country will receive a benefit far greater in amount from that war than will be received from any other war.

Mr. LOUDENSLAGER. Will the gentleman allow me a question?

Mr. GREEN of Pennsylvania. Yes.

Mr. LOUDENSLAGER. The gentleman spoke of the few numbers of pensioners in the Spanish war. Does he know how many have been filed?

Mr. GREEN of Pennsylvania. I know there are many applications, but few applications of widows for the loss of husbands and sons have been allowed. They have undoubted rights, and we should not deny them because people who have no right to a pension have filed so many claims——

Mr. LOUDENSLAGER. I ask if the gentleman knows the number?

Mr. GREEN of Pennsylvania. You mean how many altogether?

Mr. LOUDENSLAGER. There are very nearly 29,000 already filed.

Mr. GREEN of Pennsylvania. How many men were killed in the Spanish war?

Mr. LOUDENSLAGER. I do not know.

Mr. GREEN of Pennsylvania. How many widows are there on account of loss of husbands, or how many women have lost sons by being killed in the Spanish war?

Mr. LOUDENSLAGER. I do not know.

Mr. GREEN of Pennsylvania. I would like to ask the gentleman from New Jersey how many pensions up to this time have been granted to applicants who served in the Spanish war, or as dependents?

Mr. LOUDENSLAGER. I think this is the first one.

Mr. GREEN of Pennsylvania. I mean at the Bureau?

Mr. LOUDENSLAGER. I do not know the number.

Mr. GREEN of Pennsylvania. Are there not less than 400?

Mr. LOUDENSLAGER. Every one has been granted a pension that has been considered by this committee and reported to the House. They have all been granted. That was a prerequisite for consideration by the committee.

Mr. GREEN of Pennsylvania. I understand of the 29,000 applications less than 400 have been granted. Of course those have been largely cases where there has been no dispute, where the husband or son, where the soldier, died and the dependent could make a clean case.

Mr. GAINES. I would like to ask the gentleman from Pennsylvania a question.

Mr. GREEN of Pennsylvania. Certainly.

Mr. GAINES. You were in the late war and no doubt suffered greater hardship than those who were not in it. Can you tell why there should be a distinction drawn between the widow of a Spanish-war soldier and the widow of a civil-war soldier for identic ly the same service, identically the same disability?

Mr. GREEN of Pennsylvania. I will say to the gentleman from Tennessee that there is one great reason, if he will stop to consider. While it may not apply to this case, because I believe this father and son were shot, but in many cases the United States is largely to blame for there being any pension at all. There was mismanagement, which we all know, and that is one reason why we should be more liberal to the men in the Spanish war.

Mr. GAINES. Suppose a civil-war soldier came up here with one leg off and an eye out, and a Spanish-war soldier in like condition, and they both did exactly the same service. Would you be in favor of giving one $40 a month and the other $30 a month?

Mr. GREEN of Pennsylvania. I would be in favor of giving them both a pension, but that question has no application to this case. Anybody can ask questions.

Mr. GAINES. I am asking you if there should be a distinction when the services are identically the same?

Mr. GREEN of Pennsylvania. This is a case where the widow has lost her husband. Forty dollars a month will not put her back where she was before.

Mr. GAINES. I do not suppose it would; nor a thousand dollars either.

The CHAIRMAN. The question is on agreeing to the amendments recommended by the committee.

The committee amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

FESTUS DICKINSON.

The next business on the Private Calendar was the bill (H. R. 2331) to increase the pension of Festus Dickinson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the pension of Festus Dickinson be increased from the sum of $12, the amount now being paid him, to the sum of $20 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Change the title so as to read: "A bill granting an increase of pension to Festus Dickinson."

Strike out all after the enacting clause and substitute therefor the words: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Festus Dickinson, late captain's clerk, United States Navy, war with Mexico, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

PLEASANT H. M'BRIDE.

The next business on the Private Calendar was the bill (H. R. 7624) to increase the pension of Pleasant H. McBride.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase to the sum of $40 a month the pension of Pleasant H. McBride, late sergeant, Company I, First Tennessee Mounted Volunteers, Mexican war, said pension to be in lieu of pension No. 8768.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Change the title so as to read: "A bill granting a pension to Pleasant H. McBride."

Strike out all after the words "directed to," in line 4, and substitute in lieu thereof the words "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Pleasant H. McBride, late sergeant in Capt. L. D. Newman's company, First Tennessee Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CATHARINE A. BROWN.

Mr. COX. Mr. Chairman, I want to ask unanimous consent of the committee to take up a bill of an old woman 84 years old, who is as blind as she can be, worth not a dollar on earth to live on except what is furnished her by her friends, and I am afraid she may die before I can get her bill up.

Mr. SULLOWAY. I hope that request will be granted.

Mr. COX. The Calendar number is 562.

The CHAIRMAN. The gentleman from Tennessee [Mr. Cox] asks unanimous consent that House bill 9574 be now taken up. If there is no objection, the Clerk will read the bill.

There was no objection.

The bill (H. R. 9574) to increase pension of Catharine Brown, widow of Frank Brown, was read as follows:

Be it enacted, etc., That the pension of Mrs. Catharine Brown, widow of Frank Brown, be increased from $8 per month to $20 per month.

The amendments reported by the Committee on Pensions were read and agreed to, as follows:

Change the title so as to read: "A bill granting an increase of pension to Catharine A. Brown."

Strike out all after the enacting clause and substitute therefor the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine A. Brown, widow of Benjamin F. Brown, late of Captain Crouch's company, First Tennessee Mounted Volunteers, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

The bill as amended was laid aside to be reported favorably to the House.

Mr. LOUDENSLAGER. Mr. Chairman, I desire to announce in all fairness that I shall hereafter object to any pension bill being taken up out of its regular order. My object is that business may go along with continuity and that we may have before us such cases as have been regularly reported, and the bills and reports of which are before the House.

GEORGE H. FRENCH.

The next business on the Private Calendar was the bill (H. R. 4520) increasing the pension of George H. French, Company A, Forty-eighth Wisconsin Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the pension roll of the United States, at the rate of $20 per month, George H. French, who served in Company A of the Forty-eighth Wisconsin Volunteer Infantry, in lieu of the pension he now draws under certificate No. 565447.

The amendments reported by the Committee on Invalid Pensions were read and agreed to, as follows:

Strike out all after the word "place," in line 4, and insert the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. French, late of Company A, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to George H. French."

The bill as amended was laid aside to be reported favorably to the House.

AGNES K. CAPRON.

The next business on the Private Calendar was the bill (S. 1906) granting an increase of pension to Agnes K. Capron.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Agnes K. Capron, widow of Allyn Capron, late captain, First Regiment United States Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment reported by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out "forty" and insert "twenty-five;" so as to make the rate of the pension $25 per month.

Mr. O'GRADY. I should like to hear the reasons which influenced the committee in reporting this amendment.

Mr. LOUDENSLAGER. In reply to the inquiry of the gentleman from New York [Mr. O'GRADY], I desire to say that the reason this bill was not reported by the committee at the maximum rate of $30 a month was that this widow is possessed of a certain amount of property outside of the pension she is now receiving.

In disposing of these cases the committee has considered that in order to be entitled to the maximum amount the claimant should not have any property—should be totally dependent upon the pension for support. We believe in making a discrimination between those widows who are left totally helpless, without property, without any means of support, and those who are entirely dependent, and those who have possibly thousands of dollars out at interest. We think that the latter class ought not to be as largely benefited by the bounty of this Government as those who are entirely destitute—without any means of support. That is the reason we have not reported the maximum amount.

Mr. O'GRADY. Mr. Chairman, as the House probably knows, the beneficiary named in this bill is the widow of Captain Capron, of Capron's Battery. The pension claim under discussion a few moments ago was that of the widow of young Captain Capron, of the Rough Riders. In other words, the son was killed in Cuba, he being among the first of our soldiers to die there, and the father died after his return from Cuba of disease contracted there.

Mr. LOUDENSLAGER. May I ask the gentleman a question?

Mr. O'GRADY. Yes, sir.

Mr. LOUDENSLAGER. Is this lady the own mother of the son?

Mr. O'GRADY. I am not familiar with the facts; but the chairman of the committee [Mr. CAPRON], who seems to know, says that this lady is the widow of one soldier and the mother of the other.

This woman has been left with two young children—under 16 years of age. The only property she has is a small amount of insurance she received upon her husband's life.

It seems to me a sufficient reason has not been given by the committee for discriminating between these two women. I am perfectly willing to yield to the committee upon any proposition that is reasonable. I believe that their action on the former bill was proper enough, but I see no reason why they should have discriminated against this woman or why she should not have received the maximum of $30. The small amount of money she has received as insurance upon the life of her husband will not be sufficient to educate her children.

These two soldiers represent the second and third generations of a family of soldiers, beginning with a first generation represented by one who was killed in the Mexican war. It is an unexampled case of distinguished gallantry in each instance, and I believe the House should defeat the amendment proposed by the committee and agree to the amount fixed by the Senate, granting to the widow the maximum amount which the committee is confessedly allowing in such cases.

Mr. GAINES. What is the amount reported?

Mr. O'GRADY. In this case they report a pension of $25 per month to the House. The Senate fixed it at $40 per month. In the case of the widow of the son, which was acted upon a short time ago, they fixed the amount at $30.

Mr. GAINES. I understood the gentleman to speak of some life insurance which this lady had received. What is the amount of it?

Mr. O'GRADY. The amount, I think, is $4,000.

Mr. GAINES. What amount of pension do the children get?

Mr. O'GRADY. The two children are allowed $2 a month, and the insurance of $4,000 at 4 per cent would produce $160 a year.

Mr. BROMWELL. Mr. Chairman, I wish to take the floor for a moment to explain the difference in the two cases.

The statement of Mrs. Capron, in the form of an affidavit now before the committee, shows that she gets $4,000 life insurance. Now, assuming that this is loaned out at 4 per cent, although it may be loaned out at a higher rate, she gets an income of $160 a year from that source. That is something over $13 a month.

Under this bill she gets $25 a month pension and $4 a month for the two children until they become 16 years of age. This amount allowed by the Government, together with the income of $13 a month by way of interest on the $4,000 at 4 per cent, makes $42 a month she will get in the way of income. Now, if there is to be any distinction or discrimination in these matters, it seems to me it should have been made in the other case rather than in this one, where the committee allowed $30 a month. These are the facts and the reason on which the committee bases the distinction.

While the maximum for a captain's widow is $30 a month pension, yet the independent income of this lady, when added to what she is allowed in the pending bill, and the allowance made to the children until they are 16 years of age, will give her far in excess of the other Capron bill; and we see no good reason why the amount of pension should be put at the maximum of $30. That is the reason why the committee acted. Under the law she is entitled to $20, but we give an increase of 25 per cent when we make it $25.

Mr. DE VRIES. How old are these children?

Mr. BROMWELL. It is stated in the report; one is, I think, about 15 years of age and the other 13.

Mr. DE VRIES. And in one year therefore $2 will be cut off of the allowance of this widow, and in another year $2 more.

Mr. BROMWELL. When the law fixes the limit at 16 years, the supposition is that at that age the children would become capable of taking care of themselves or self-supporting. We make a limit of 16 years in all other cases. Instead of being a burden after they are 16 years of age, it is supposed that these boys will be in a position to help themselves and to help their mother.

Mr. DE VRIES. This, I understand, is the pension for the mother of Captain Capron, who was killed in Cuba?

Mr. BROMWELL. Yes; the other was for the wife. One of these officers died of sickness, the other was killed in action. The father died September 18, 1898, of typhoid fever, following an attack of dysentery in Cuba. He had been in the Army for some thirty-five years.

Mr. FITZGERALD of Massachusetts. Is it not a fact that he was brevetted major after his death?

Mr. BROMWELL. That is true; but the brevet rank is not taken into consideration in the Pension Bureau or in the consideration of pensions by the Pension Committee; only the actual rank.

Mr. FITZGERALD of Massachusetts. I appreciate that. But does it not show the fact that if he had lived for a few months longer he would have had a major's commission, and his widow would have been entitled to the pension of that rank?

Mr. BROMWELL. Oh, it is true that if he had lived he might have gone into the Philippines and become a major-general. It is true also that if he had lived his widow would not be here now asking for a pension under the pension laws of the country.

Mr. O'GRADY. Mr. Chairman, I desire to add a single word to what I have said. One of the boys of Mrs. Capron is now 15 years and 9 months of age, as I understand it. In four months more the widow will lose the $2 a month pension which she now receives for him. So that it is not right to say that she is going to receive that pension for this boy. The other boy is 13 years of age. She will have to educate these boys after they are 16 until they reach their majority.

Mr. BROMWELL. Even if you count out the $2 a month for the two children, she still will have an income, under this bill, if it passes, of $25 pension and $13 from her life insurance, making $38, which is $8 a month more than was given in the other Capron case, which is equally meritorious.

Mr. O'GRADY. In answer to the gentleman from Ohio, I desire to say that when the committee come in here and say they have agreed upon a certain figure by which they are going to stand, I am willing to stand with them; but when they use their judgment and discriminate as to how much they shall allow for this pensioner or that pensioner in lieu of something which she may have, then I say that this House itself can make that allowance.

It is no more than right and fair that this woman should receive the amount which she has been voted by the Senate, and therefore I hope that the House will disagree to the amendment of the House committee and vote for the amount of this pension as agreed upon by the Senate—$40 a month—voting down the House amendment.

Mr. DE VRIES. Mr. Chairman, I think that in this case the House should at least allow the amount to this widow which has been adopted as the rule of the committee, namely, $30 a month.

It has been developed here that the circumstances which have been taken into account by the committee in order that this widow should be denied $5 a month are two: First, that the children receive $2 per month each, or $4 in all; and second, that she has $4,000 in life insurance.

It has been further developed that the $4 per month for the children will soon terminate under the law. Within one year $2 of that amount will be cut off, and within three years more $2 further of that amount will be cut off; and I submit to this House, in all candor and fairness, that in a fair determination of the pension due this widow we should take into consideration the fact that she has two children to educate and maintain from the age of 16 years until they are able to earn a livelihood for themselves, and this can be no more than equalized by the $4,000 life insurance which she is fortunate enough to possess. I submit, therefore, she should be given at least the amount allowed in other cases, or $30 per month, considering that the $4 allowed for the children and the interest upon the insurance money is offset by the necessity which is upon her of educating and maintaining those children until they are able to maintain themselves.

Mr. LOUDENSLAGER. I desire to say a word or two in reply to the remarks of the gentleman from New York [Mr. O'GRADY] and of the gentleman from California [Mr. DE VRIES].

In regard to the maximum amount allowed by the committee, we allow the maximum amount to a captain's widow of $30; or, in other words, we grade them according to what we think is equitable and just, from what the regular law allows, twenty to thirty dollars.

The object of the Pensions Committee and of pension legislation in this House in passing special acts was to conform to the line of equity, and I am sure the gentleman from New York or the gentleman from California would not think that equity would be done by establishing the maximum rate in this case and a minimum rate, or between the maximum and minimum rate, in other cases more meritorious.

In my judgment this is a very equitable disposition of this case. As I understand the object of the pension law, it is to keep pensioners from want and from necessity. This widow, under this law, will get more in proportion than the other widow will get under the special law we have just passed.

And I want to call the attention of the committee to the fact that the injustice which has been done in the past by special legislation has generally occurred when the applicants had a social standing sufficiently strong to direct the attention of members to their cases.

Before our committee to-day we have bills pending for increases of the pensions of widows of 63 officers who fought in the Spanish war, and we have but one bill for the increase of the pension of the widow of a private in that war.

When you increase a private pension bill here beyond the line of equity and justice, you do inequity and injustice to all other pension claimants, and I trust that the action of this committee will conform to the action of the Committee on Pensions.

Mr. RIDGELY. Will the gentleman allow me to ask him a question?

Mr. LOUDENSLAGER. Certainly.

Mr. RIDGELY. Do you think we would have trouble in getting officers to serve in our Army if we should put them and their dependents upon the same scale as the privates in their pension matters?

Mr. LOUDENSLAGER. I do not know that we would; but I wish to say, in reply to the gentleman, that not only in the pension laws, but the rules governing all trades and professions recognize ability. So we have recognized it here. But what I want to call the attention of the committee to is, not to go too far; not to make the discrimination too great. The records of these officers are gallant and meritorious; yet behind them, and making it possible for them to make such records, were the boys behind the guns—the boys in blue—and they deserve from us some consideration. We ought not to be for legislation for high pensions for some particular one, but we ought to be for such pension legislation as is equitable and just, and grant pensions that are equitable and just to all. I trust this committee will conform to the action of the Committee on Pensions. The committee have considered all the cases that have been brought before them, and given them what they consider they are fairly entitled to, after a fair consideration; and people should not insist upon having a higher pension or a higher rate of pension than they are willing to accord to like rank and condition. [Loud applause.]

Mr. FITZGERALD of Massachusetts. I desire to say only a few words in reply to the statement made by the gentleman from New Jersey and to call the attention of the House to the fact that Captain Capron was in the Army practically all his life, and yet when he died, owing to the slow manner in which promotions were made, he never was above the rank of captain.

Mr. BROMWELL. And drew a good salary.

Mr. FITZGERALD of Massachusetts. He would have drawn a much larger salary if he had not died in the performance of his duty at Santiago, as can be judged by the number of promotions which have taken place since that date. Captain Capron was brevetted after his death as major, and this should entitle him to greater consideration.

Mr. BROMWELL. That is true.

Mr. LOUDENSLAGER. I would like to ask the gentleman a question.

Mr. FITZGERALD of Massachusetts. In a moment. I think it is a pretty poor spectacle for the House of Representatives, with the Treasury overflowing, as the Secretary of the Treasury said the other day—$80,000,000 surplus this year and $90,000,000 next year—in the case of a man who gave his entire life to his country and died in the service, to give his widow to support her and her family in her declining years but $25 a month.

I think I have as much sympathy for the common soldier as the gentleman from New Jersey has, and I say that if the opinion of the common soldier were consulted, he would insist on a proper pension for the family of a deceased officer. I do not think it is fair to bring up a comparison of that kind in order to influence the House against increasing the pension of this worthy widow. I do not think that when a man has served the Government all his life, has made his oath of allegiance to the Government to defend it with his life, as he did in this instance, and then in the declining years of her life, when the widow seeks the Government for support, that this House of Representatives can justly say that $25 per month is a sufficient pension.

I would like to ask any member of Congress on this floor, if he should die to-morrow, after his wife and family had been accustomed to living at the rate of $3,000 per year, as was the case with this officer, how he would like to see that wife and family eke out an existence on $25 per month? Mr. Chairman, this is the richest Government on the face of God's earth. Every time its life has been threatened it was the same common soldier and sailor, led by the trained officers of the Army and Navy, who saved the Government, and we should be liberal in our treatment of the families of these men. I think the taxpayer, whom some of the gentlemen in the House are so anxious to protect, is anxious and willing to give the soldier his just due, and I do not think there is a fair-minded citizen in this country to-day who thinks $25 per month is sufficient pension for the widow of such a brave, noble, and distinguished officer as Captain Capron.

Mr. RIDGELY. Mr. Chairman, on behalf of privates and dependents of privates who have pension bills pending upon this Calendar, I hope this discussion may end. We have heard both sides. It is simply a question of $5 a month involved to the widow of an officer, and I hope this discussion may end right here and let us vote. [Cries of "Vote!"]

Mr. GREEN of Pennsylvania and Mr. LOUD rose.

The CHAIRMAN. The gentleman from Pennsylvania having spoken once before, the Chair will recognize the gentleman from California.

Mr. GREEN of Pennsylvania. I have not spoken on this claim.

The CHAIRMAN. The Chair recognizes the gentleman from California.

Mr. LOUD. Mr. Chairman, I hope the Committee on Pensions will recognize the difficulty of the situation that confronts them. It is but the result of your own vicious system. You have attempted to discriminate between two widows, unfortunately bearing the same name. It would seem to me from a casual glance that the widow of the other officer had the most equity, in that her husband had the longest service; but I can not understand how any reasonable man could advocate an increase of pension in either of these cases above what the law gives them.

Now, as the chairman of the Committee on Pensions says, 63 cases are before him at present. I think about all of them passed the other branch of Congress. I think every application that has been made, and so far has received consideration at the hands of the other body, has passed. Now, this condition confronts you. You are going to increase the pensions of the widow of every officer who lost his life incidentally as the result of the late Spanish war.

Is it fair or decent to do this? Is it not the decent thing to do, if you think the widow of a captain ought to have $25 or $30, to pass a general law? The committee say they have fixed the maximum, and I can not understand why the committee should assume the right to fix the maximum compensation of a widow when the law itself has fixed the maximum, beyond which they have no right to go, except when they consider the equities of that particular case; and when we consider the equities of a particular case, we consider the special meritorious and gallant services of the late husband.

Mr. BROMWELL. May I suggest to the gentleman that the Committee on Pensions has, in many instances, turned down bills calling for more than the law allows when there were no circumstances of merit in the claim. These two Capron cases, for the reason stated by the gentleman from Massachusetts and the gentleman from New York, by reason of distinguished services, were considered cases where the committee could conscientiously recommend something beyond the law. I will say to the gentleman from California, and to the members of this House, that we have turned down and laid upon the table a number of cases where there were no special circumstances of merit entitling the claimant to anything beyond the amount allowed by law.

The committee has attempted to do just what the gentleman from California suggests—conform to the law. In ordinary cases that had no merit in them, or special circumstances of hardship and suffering, the committee have turned those claims down and laid them on the table, and they will not come to the House for action. We have not felt constrained in every case where a bill came before us to necessarily report the maximum. Every case has received individual consideration, not alone by the members of the subcommittee, but by the Committee on Pensions itself.

Mr. LOUD. I want to say in regard to the Committee on Pensions that they not only deserve the thanks of this Congress, but the thanks of the whole country for striving to the best of their ability to stem the tide which it seems is covering us all. So much for the committee. Now, let us take the case of Lillian Capron. I find that this officer entered the service in October, 1890. It is true he was killed. Yet it is true that there were many thousands killed in the struggle from 1861 to 1865. Why should the widow of a person who was killed in the Spanish war be entitled to and receive any more consideration than any other widow? I fail to see. Was it a more holy war? One was undertaken, as acknowledged by all to-day, North and South, to sustain

and perpetuate the nation. The other, as some people believe, was to subjugate a people. But whatever the cause of the last war, was it any more holy than the other? I ask you, Mr. Chairman, and members of this House, were their services any greater or more meritorious than those during the war from 1861 to 1865?

Now, you are establishing a precedent here that wherever a widow of a person who died as the result, incidentally or otherwise, of the late war, who was a captain, you will give her at least $25 a month if she has got the courage to come to Congress; and if she has got a good many friends you will give her $30, and then the other body will give her $40 or $50; and when your bills get into conference the inevitable result will follow there. The Committee on Pensions will be swept along, as they have been so far, and will be swept still further along by the other branch of Congress, and you will find yourselves giving to widows of officers of the late war $10, $15, $25 a month in every instance in excess of the law where no man can reasonably assume that there is even equity.

I did not desire to speak on this pension question until we reached these very cases. This is the threshold; to-day you are setting the precedent for all time to come. As I pointed out to the House three or four weeks ago, our friends on this side of the House are as much interested in pushing these cases of the Spanish war widows as you are upon that side. Perhaps it is well, as I suggested to you before, perhaps the more speed with which you can pass these cases the greater the number you can pass, may accomplish results that all honest men wish may come as soon as possible—a thousand an hour, and the country may then begin to ascertain what you are doing.

Mr. DE VRIES. Mr. Chairman, in order to bring before the House one phase of this matter, I desire to submit an amendment to the amendment, striking out "twenty-five" and inserting "thirty;" so that the amount of the pension shall be $30 a month. In support of this amendment I shall submit one or two remarks. We have just passed a bill allowing $30 to Mrs. Lillian Capron, the widow of the son of the lady who is the applicant in the case before the House. We are now considering the case of the mother of the deceased son, who was the husband of Lillian Capron; and it is proposed by the committee to allow her $25 a month—$5 less than we voted to the widow of this lady's son.

The son went into the Army in 1890, and was killed in 1899. The father went into the Army in 1863; served from that date to the time of his death, and died as the result of disease contracted in the Cuban war—the same service in which his son died. The widow of the son has lost a husband; the widow of the father has lost a husband and son. The widow of the son has nobody to depend on for support. The widow of the father has two children depending upon her.

If the committee in this case is going to contend for uniformity, I submit that the pension of the mother who reared the son in order that he might fight in the battles of his country, and who comforted the husband during the years of his service from 1863 down to a very recent period (the father of this husband having fallen in the Mexican war), we can establish uniformity by giving to the mother at least as much as we have given to the widow of the son.

I submit that an allowance of $30 a month is not unfair. I submit that the $4,000 life insurance is more than offset by the duty devolving upon the widow to support, maintain, and educate in a becoming manner two children after the age of 16. While we should be just to the widow, we should not forget the mother, the relict of a brave family of soldiers who have all lost their lives in the battles of our country. The mothers are entitled to our first attention.

Mr. BROMWELL. Mr. Chairman, one minute more and I shall be through. The gentleman who has just taken his seat says that we should make these allowances uniform. That is exactly what the committee propose to do. The gentleman draws a distinction between these two widows, speaking of the one as having children and the other not. He did not refer to the fact that one has $4,000 of money to invest, from which she can derive an income of $13 a month, while the other has not a cent except her pension. I say, let us have uniformity, if we can get it; but we can get it better by following the action of the committee than by adopting any other proposition here submitted.

Mr. THROPP. Mr. Chairman, I move to amend the amendment of the gentleman from California [Mr. DE VRIES], so as to make the amount of this pension $40 instead of $25.

The CHAIRMAN. The original text of the bill proposed to allow $40, and that allowance will be reached by defeating all the amendments proposing to change that sum. The question before the House is on an amendment offered by the gentleman from California [Mr. DE VRIES] making the amount of the proposed pension $30 instead of $25, as proposed by the committee.

The question being taken on the amendment of Mr. DE VRIES, it was not agreed to.

The question being again taken upon the amendment of the committee, to strike out $40 and insert $25, it was adopted—ayes 45, noes 34.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, is it in order now to ask unanimous consent that we have a vote on the $30 proposition, so as to make this matter uniform? I do not think there will be any objection to this request.

The CHAIRMAN. The Chair will state to the gentleman from Massachusetts that the House has, a moment ago, voted down the $30 proposition.

Several MEMBERS. Regular order!

Mr. FITZGERALD of Massachusetts. I believe I have the floor; and I desire to make a parliamentary inquiry. Is there any way in which the Committee of the Whole can vote at the present time on the $30 proposition?

The CHAIRMAN. The Chair repeats, that the vote taken a few moments ago was upon that proposition.

Mr. GROSVENOR. I rise to a point of order, which is that the hour of 5 o'clock has arrived, and the Committee must now rise; that no further business is in order.

The CHAIRMAN. The point of order is not well taken.

Mr. LOUDENSLAGER. I move that the bill be laid aside with a favorable recommendation.

Mr. GAINES. Mr. Chairman, I ask unanimous consent to print in the RECORD reports Nos. 702 and 714, bearing upon these two pension bills.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The reports referred to by Mr. GAINES are as follows:

Mr. LOUDENSLAGER, from the Committee on Pensions, submitted the following report:

The Committee on Pensions, to whom was referred the bill (S. 1905) granting an increase of pension to Lillian Capron, beg to submit the following report and recommend that said bill do pass with an amendment:

The bill is accompanied by Senate Report No. 311, this session, and the following facts are quoted therefrom:

"This bill proposes to grant an increase of pension to Lillian Capron, widow of Allyn K. Capron, late captain Troop L, First Regiment United States Volunteer Cavalry, war with Spain.

"The soldier entered the service as a private in Troop B, Fourth United States Cavalry, October 20, 1890. He was promoted through the grades of corporal and sergeant, and on October 7, 1893, was appointed a second lieutenant, Fifth United States Infantry, and November 30, 1894, was transferred to the Seventh United States Cavalry.

"On the outbreak of the war with Spain he was mustered in as a captain in the First United States Volunteer Cavalry, and by his skill and military knowledge contributed largely to the organization and efficiency of that regiment. His ability and bravery are matters of public knowledge.

"Captain Capron was one of the first victims of the war with Spain, having been killed in battle near Sevilla, Cuba, June 24, 1898.

"The claimant has been allowed a pension of $20 per month, this being the pension provided by the general law for a captain's widow. She has no other income. In her affidavit executed January 24, 1900, she states 'that her only income is the $20 a month pension which she receives as the widow of the said officer, and that this said amount is her only means of support.'

"Testimony of disinterested witnesses is on file with the bill in corroboration of the claimant's statement as to her dependency."

Your committee believes, after very careful consideration of this case, that the facts are sufficient to justify an increase of the claimant's pension, but not to the extent proposed by the Senate bill. The general law rating for the widows of captains of the Army is $20, and it is believed that an increase of 50 per cent in this allowance will give Mrs. Capron substantial relief, and will be as high a rating as can be granted with propriety and justice.

It is therefore recommended that the bill be amended so as to fix the rating at $30 per month.

Mr. LOUDENSLAGER also submitted the following report, to accompany the bill S. 1906:

The Committee on Pensions, to whom was referred the bill (S. 1906) granting an increase of pension to Agnes K. Capron, beg leave to submit the following report and recommend that said bill do pass, with an amendment:

The bill is accompanied by Senate Report No. 312, this session, and the following is quoted therefrom:

"This bill proposes to increase the pension of Agnes K. Capron, widow of Allyn Capron, late captain, First Regiment United States Artillery, from $20 to $75 per month.

"The military records show that soldier was a cadet at the United States Military Academy from September 1, 1863, to June 17, 1867, when he was graduated and appointed second lieutenant, First United States Artillery. He was promoted to first lieutenant August 19, 1873, and to captain December 4, 1888. He was honor graduate of the Artillery School, Fort Monroe, Va., in 1873, and participated in the campaign against the Sioux Indians in 1890 and 1891, being engaged in the battles at Wounded Knee Creek, South Dakota, December 29, 1890, and near Catholic Mission, South Dakota, December 30, 1890. He was commended in General Orders, No. 100, Adjutant-General's Office, December 17, 1891, 'for gallant service in action against hostile Sioux Indians at Wounded Knee Creek, South Dakota, on December 29, and near the Catholic Mission, on White Clay Creek, South Dakota, on December 30, 1890.' He died September 18, 1898, of typhoid fever, following malaria dysentery, contracted in Cuba, having had in the Army twenty-five years of continuous service.

"His widow, the claimant under this bill, is now receiving a pension of $20 per month, with the usual pension for two children under 16 years of age.

"In an affidavit filed with the committee the claimant states that 'her only income is the $20 per month pension she receives as widow of said officer; that she has two children, Paul, aged 15 years, and Webster, aged 13 years, each of whom receives $2 per month; that there are $4,000 insurance money, which will have to be expended for the support and education of the children.'

"In a letter dated January 26, 1900, she states: 'I am now dependent upon Captain Capron's relations.'

"Claimant's allegations as to her financial condition are substantiated by the testimony of witnesses having personal knowledge of the facts."

Your committee fully appreciate the brave and honorable record of this officer and are disposed to make some recognition of it in this bill for the

benefit of his widow, but it is not believed that in justice to numerous other widows of captains who draw but $20 the increase of pension to Mrs. Capron should be as large as that proposed by the bill. The claimant is now in receipt of $24 per month ($20 for herself and $2 for each of her two children), and an added allowance of $5 per month will, until her oldest child becomes 16 years of age, make her monthly allowance $29, and this, with her other means, should enable her to live in some degree of comfort.

The Senate bill as passed fixes the rate of pension at $40 per month, and your committee recommend that this be amended so as to fix the rating at $25 per month.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, does the presentation of the motion of the gentleman from New Jersey prevent a motion for the reconsideration of the vote on the thirty-dollar question?

The CHAIRMAN. No motion for reconsideration will be in order.

Mr. WILLIAMS of Mississippi. I move that the committee rise.

Mr. LOUDENSLAGER. Mr. Chairman, I have made a motion that this bill be laid aside.

Mr. GROSVENOR. Mr. Chairman, I would like to have the order read providing for this session.

Mr. LOUDENSLAGER. I have already moved that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The first business will be that the House must come to order. Gentlemen will please be seated.

Mr. GROSVENOR. Mr. Chairman, I make the point of order that the rule provides for the adjournment of the session at 5 o'clock on these days. I think the gentleman in the Chair is not quite aware of the order under which we are acting. I may be mistaken; but if I am not mistaken, I think this session must adjourn at 5 o'clock.

The CHAIRMAN. The Clerk will read the order of the House.

The Clerk read as follows:

Resolved, That during the remainder of this Congress the second and fourth Friday in each month, after the disposal of such business on the Speaker's table as requires reference only, shall be set apart for the consideration of private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion.

Mr. DALZELL. But, Mr. Chairman, that is not all of the language that is used in the rules.

The CHAIRMAN. The question is on laying aside the bill before the House. Without objection it will be laid aside.

Mr. GREEN of Pennsylvania. I object.

Mr. LOUDENSLAGER. I move that it be laid aside.

Mr. GREEN of Pennsylvania. I move that the committee rise.

The CHAIRMAN. The question is on the motion of the gentleman from New Jersey [Mr. LOUDENSLAGER] that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to; and accordingly the bill was laid aside to be so reported.

Mr. SULLOWAY. Mr. Chairman, I move that the committee now rise and report the bills to the House with such action as may have been taken in the Committee of the Whole.

The motion was agreed to.

The committee accordingly rose; and Mr. HEPBURN, as Speaker pro tempore, took the chair.

Mr. CAPRON reported that the Committee of the Whole House, having had under consideration bills of the Senate of the following titles, had directed him to report the same favorably without amendment, and that said bills do pass, viz:

S. 1251. An act granting an increase of pension to Celia A. Jeffers;

S. 2375. An act granting a pension to Mary A. Russell;

S. 320. An act granting an increase of pension to Allen Buckner;

S. 2209. An act granting an increase of pension to Frederick Higgins;

S. 645. An act granting an increase of pension to David Hunter;

S. 1265. An act granting a pension to Elender Herring;

S. 1194. An act granting an increase of pension to John B. Ritzman;

S. 994. An act granting an increase of pension to Casper Miller, jr.;

S. 819. An act granting an increase of pension to Benjamin F. Bourne;

S. 239. An act granting an increase of pension to Rhoda A. Foster;

S. 1419. An act granting an increase of pension to Annie B. Goodrich;

S. 2167. An act granting an increase of pension to Franklin C. Plantz;

S. 62. An act granting an increase of pension to Robert Black;

S. 241. An act granting a pension to Patrick Layhee;

S. 1331. An act granting an increase of pension to Ellen C. Abbott;

S. 209. An act granting an increase of pension to Cornelia De Peyster Black;

S. 208. An act granting an increase of pension to Josephine I. Offley;

S. 1729. An act granting an increase of pension to Oliver J. Lyon;

S. 531. An act granting a pension to Henrietta Cummins;

S. 1721. An act granting an increase of pension to Amos H. Goodnow; and

S. 2622. An act granting a pension to Maria A. Thompson.

S. 1250. An act granting a pension to Hattie E. Redfield;

S. 2220. An act granting an increase of pension to Eudora S. Kelly;

S. 1309. An act granting an increase of pension to Herman Piel;

S. 1960. An act granting an increase of pension to Eli J. March;

S. 1298. An act granting an increase of pension to Oscar Taylor;

S. 1268. An act granting a pension to Sarah R. Burrell;

S. 346. An act granting an increase of pension to Mrs. Arethusa Wright;

S. 1255. An act granting an increase of pension to James M. Simeral;

S. 261. An act granting an increase of pension to Lizzie H. Hyndman;

S. 1769. An act granting an increase of pension to Henry Frank;

S. 1228. An act granting an increase of pension to Thomas Jordan;

S. 2636. An act granting an increase of pension to Mary E. Law;

S. 677. An act granting an increase of pension to Jerusha W. Sturgis;

S. 883. An act granting an increase of pension to Henry Atkinson;

S. 1264. An act granting an increase of pension to James A. Southard;

S. 2742. An act restoring to the pension roll the name of Annie A. Gibson;

S. 3017. An act granting an increase of pension to Julia M. Edie; and

S. 2351. An act granting an increase of pension to Joseph W. Skelton.

Mr. CAPRON also reported that the Committee of the Whole House, having had under consideration bills of the House of the following titles, had directed him to report the same with amendment and with the recommendation that as amended said bills do pass:

H. R. 1737. A bill to grant a pension to Cora I. Cromwell;

H. R. 1801. A bill granting a pension to Elijah Biddle;

H. R. 3655. A bill granting a pension to Mrs. Margaret Burns, as widow of Peter Burns, late of Company F, Twenty-third Regiment Illinois Volunteer Infantry, in the war of the rebellion;

H. R. 1943. A bill granting an increase of pension to Simon Price;

H. R. 8830. A bill granting an increase of pension to William F. Boyakin;

H. R. 3224. A bill granting a pension to Jeremiah B. Moore;

H. R. 4368. A bill for the relief of Flora B. Hinds;

H. R. 1381. A bill granting a pension to J. J. Angell;

H. R. 2331. A bill granting an increase of pension to Festus Dickinson;

H. R. 7624. A bill granting an increase of pension to Pleasant H. McEride;

H. R. 9574. A bill granting an increase of pension to Catherine Brown, widow of Frank Brown; and

H. R. 4520. A bill granting an increase of pension to George H. French, Company A, Forty-eighth Wisconsin Infantry.

Mr. CAPRON also reported that the Committee of the Whole House, having had under consideration bills of the Senate of the following titles, had reported them with amendment, and with the recommendation that as amended said bills do pass:

S. 2942. An act granting an increase of pension to William Padgett;

S. 1905. An act granting an increase of pension to Lillian Capron;

S. 1906. An act granting an increase of pension to Agnes Capron.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that the previous question may be considered as ordered upon the several bills reported from the Committee of the Whole and the amendments thereto to their passage.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

Mr. LOUDENSLAGER. I do not object except to the last bill.

Mr. SULLOWAY. That is all right; it is included.

Mr. LOUDENSLAGER. I have no objection.

The SPEAKER pro tempore. The Chair hears no objection to the request of the gentleman from New Hampshire, and it is so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. POWERS, for two weeks, on account of important business.

To Mr. BRUNDIDGE, indefinitely, on account of sickness.
To Mr. YOUNG, for one week, on account of important business.
To Mr. PHILLIPS, for ten days, on account of important business.
To Mr. BOUTELL of Illinois, for to-day and to-morrow, on account of illness in his family.
To Mr. MCLAIN, for this day, on account of illness.
To Mr. MORGAN, for ten days, on account of important business.

ORDER OF BUSINESS.

Mr. PAYNE. I move that the House do now adjourn.
Mr. THOMAS of North Carolina. I ask the gentleman to withdraw that motion for a moment so that I may make a statement.
The SPEAKER pro tempore. The gentleman from New York moves that the House do now adjourn.
The motion was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred by the Speaker as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Surgeon-General of the Marine-Hospital Service submitting an estimate of appropriation for maintenance of quarantine service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for fees and expenses in the Weil and La Abra case—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. J. D. Miller, administrator of estate of John D. Miller, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Kenneth R. Pendleton against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and fact in the case of ship *Star*, John Burchmore, master, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, recommending the transfer of certain buildings at Key West to the Convent of Mary Immaculate—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting the draft of a bill and a letter from the Commissioner of the General Land Office, relating to grazing in forest reserves—to the Committee on the Public Lands, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MARSH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4742) to amend section 1225 of Revised Statutes, so as to provide for detail of active or retired officers of the Army and Navy to assist in military instruction in public schools, reported the same with amendment, accompanied by a report (No. 1000); which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 887) to provide for adding to and completing specimens and productions, both natural and manufactured, of the United States and of foreign countries, to be exhibited in the Philadelphia Museums for the purpose of increasing the trade of the United States, reported the same without amendment, accompanied by a report (No. 1001); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOODY of Oregon, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2866) to extend the provisions of section 8 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, concerning prosecutions for cutting timber on public lands, to California, Oregon, and Washington, reported the same without amendment, accompanied by a report (No. 1002); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 8298) to remove the charge of desertion from the record of Walter Allen, of the United States Navy, reported the same with amendment, accompanied by a report (No. 1003); which said bill and report were referred to the Private Calendar.

Mr. NEEDHAM, from the Committee on Claims, to which was referred the bill of the House (H. R. 6591) for the relief of Austin A. Yates, reported the same without amendment, accompanied by a report (No. 1004); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HOPKINS: A bill (H. R. 10696) relating to the Twelfth and subsequent censuses, and giving the Director thereof additional power and authority in certain cases, and for other purposes—to the Committee on the Census.

By Mr. RIDGELY: A bill (H. R. 10697) to amend section 4787, Revised Statutes of the United States, as amended by the act of February 27, 1877, and March 3, 1891—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 10698) to amend an act amending the act entitled "An act to authorize the receipt of United States gold coin in exchange for bars"—to the Committee on Coinage, Weights, and Measures.

Also, a bill (H. R. 10699) to authorize the holding of foreign coin as bullion—to the Committee on Coinage, Weights, and Measures.

By Mr. VREELAND: A bill (H. R. 10700) to confirm a lease with the Seneca Nation of Indians—to the Committee on Indian Affairs.

By Mr. MORRIS: A bill (H. R. 10701) to amend section 6, chapter 119, United States Statutes at Large numbered 24—to the Committee on Indian Affairs.

By Mr. BULL: A bill (H. R. 10732) to reimburse certain States for expenses incurred in aiding the United States to raise and equip the Volunteer Army of the United States in the war with Spain—to the Committee on War Claims.

By Mr. CUMMINGS: A joint resolution (H. J. Res. 235) authorizing the exhibit of Government relics at the New York Printing Exposition from May 2 to June 2, 1900—to the Committee on Appropriations.

By Mr. WEEKS: A joint resolution (H. J. Res. 236) providing for a survey of the St. Clair Flats Canal, in the State of Michigan—to the Committee on Rivers and Harbors.

By Mr. METCALF: A concurrent resolution (H. C. Res. 38) for the improvement of Oakland Harbor—to the Committee on Rivers and Harbors.

By Mr. OTEY: A resolution (H. Res. 224) relative to guards and watchmen at the male workhouse in the District of Columbia—to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Mississippi: A bill (H. R. 10702) for the relief of Susan C. Robinson, Iuka, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10703) for the relief of the estate of Mary H. Moore, deceased, Iuka, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10704) for the relief of the estate of William Clement, deceased, late of Tishomingo County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10705) for the relief of Henry M. Cobb, of Tishomingo County, Miss.—to the Committee on War Claims.

By Mr. BOREING: A bill (H. R. 10706) to pension Miss Flora Moore, of Williamsburg, Ky.—to the Committee on Invalid Pensions.

By Mr. CARMACK: A bill (H. R. 10707) to carry into effect a finding of the Court of Claims in favor of Charles O. Spencer—to the Committee on War Claims.

Also, a bill (H. R. 10708) to carry into effect a finding of the Court of Claims in favor of Emma R. Bailey, executrix of the estate of J. J. Bailey, deceased—to the Committee on War Claims.

By Mr. COWHERD: A bill (H. R. 10709) for the relief of the

legal representatives of M. B. Mosley, deceased—to the Committee on War Claims.

By Mr. CUSHMAN: A bill (H. R. 10710) for relief of Socrates Thallhmer—to the Committee on Invalid Pensions.

By Mr. GAINES (by request): A bill (H. R. 10711) for the relief of Patrick Twohig, Shelby County, Tenn.—to the Committee on Claims.

Also (by request), a bill (H. R. 10712) for the relief of the estate of John Kerr, deceased, late of Shelby County, Tenn.—to the Committee on Claims.

Also (by request), a bill (H. R. 10713) for the relief of the Columbia Athenæum, Columbia, Tenn.—to the Committee on Claims.

By Mr. GILBERT: A bill (H. R. 10714) for the relief of A. Portwood—to the Committee on War Claims.

Also, a bill (H. R. 10715) for the relief of S. P. Martin—to the Committee on War Claims.

Also, a bill (H. R. 10716) for the relief of Joseph Martin—to the Committee on War Claims.

By Mr. HAUGEN: A bill (H. R. 10717) for the relief of James Curran—to the Committee on Military Affairs.

By Mr. HEMENWAY: A bill (H. R. 10718) granting an increase of pension to J. W. Gatton—to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 10719) granting a pension to Elizabeth S. Seymour—to the Committee on Invalid Pensions.

By Mr. LENTZ: A bill (H. R. 10720) for the relief of William T. Alexander—to the Committee on War Claims.

Also, a bill (H. R. 10721) granting an increase of pension to Matthew Cherry—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 10722) granting a pension to Josephine Hussey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10723) granting a pension to Laura Levensaler—to the Committee on Invalid Pensions.

By Mr. McALEER: A bill (H. R. 10724) granting an increase of pension to Martha G. D. Lyster—to the Committee on Pensions.

By Mr. MANN: A bill (H. R. 10725) granting a pension to Mae Pearman—to the Committee on Invalid Pensions.

By Mr. MARSH: A bill (H. R. 10726) for the appointment of assistant surgeons of volunteers—to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 10727) granting a pension to Frances A. Wilkins—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 10728) for the relief of Hiram Cronk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10729) for the relief of Frederick Graff—to the Committee on Claims.

By Mr. SUTHERLAND: A bill (H. R. 10730) granting an increase of pension to Jesse Clark—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 10731) for the relief of William H. Denniston, late an acting lieutenant, Seventieth New York Volunteers—to the Committee on Military Affairs.

By Mr. GRAHAM: A bill (H. R. 10733) granting an increase of pension to Jeremiah Evans—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 10734) granting an increase of pension to William McFee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10735) granting a pension to Josiah C. Hancock—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Mississippi: Petition of citizens of Baldwyn and Starkville, Miss., in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, protest of Moses Harris and others, of Browns Creek, Miss., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BARNEY: Petition of Dunlap & Williams and other druggists of Waukesha, Wis., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, resolution of Old Guard Post, No. 211, Department of Wisconsin, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BELL: Petitions of G. W. Bartholomew and E. Margaret Gowdy, of Colorado Springs, Colo., favoring the passage of House bill No. 5457, known as the Spalding bill—to the Committee on Military Affairs.

Also, petitions of the First Baptist and Congregational churches, of Grand Junction, Colo., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

Also, resolutions of Mulligan Post, No. 79; Upton Post, No. 8, and J. W. Anderson Post, No. 96, Department of Colorado, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BOUTELLE of Maine: Petition of Frank G. Flagg Post, No. 122, Grand Army of the Republic, of Hampden, Me., urging the passage of Senate bill No. 1477, with certain amendments, relating to pensions—to the Committee on Invalid Pensions.

Also, petition of the Pinetree Creamery Company, of Sherman Mills, Me., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. BOWERSOCK: Resolutions of the Woman's Christian Temperance Union of Burton, Mich., against the sale of intoxicants in the Army—to the Committee on Military Affairs.

Also, resolutions of Building Trades Council of Cincinnati, Ohio, against the passage of the bill relating to oleomargarine, etc.—to the Committee on Agriculture.

By Mr. BROMWELL: Petition of the Building Trades Council of Cincinnati, Ohio, relating to bill in reference to the manufacture and sale of oleomargarine—to the Committee on Agriculture.

By Mr. BROSIUS: Petition of the Woman's Christian Temperance Union of Lititz, Pa., and churches and societies of New Holland, Pa., and Woman's Christian Temperance Union of Landisville, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. BULL; Petition of J. A. Tillinghast, master of the Rhode Island State Grange, in favor of various bills—to the Committee on Agriculture.

Also, petition of citizens of East Greenwich, R. I., favoring the Grout bill, relating to dairy products—to the Committee on Agriculture.

Also, petition of Blanding & Blanding, druggists, Providence, R. I., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, petition of John W. Tillinghast, manager of the Rhode Island News Company, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lodge No. 119, International Association of Machinists, of Newport, R. I., for the building of one or more new war ships in Government navy-yards—to the Committee on Naval Affairs.

By Mr. BURKE of South Dakota: Petitions of the Baptist and Methodist Episcopal churches and Epworth League of Brookings, S. Dak., against the sale of intoxicants in the Army, etc.—to the Committee on Military Affairs.

By Mr. CAPRON: Protest of John W. Tillinghast, manager of the Rhode Island News Company, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Blanding & Blanding, druggists, Providence, R. I., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of J. A. Tillinghast, master of the Rhode Island State Grange, in favor of various bills—to the Committee on Agriculture.

By Mr. COCHRANE of New York: Petition of Winans Post, No. 34, of Troy, N. Y., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union of Lansingburg, N. Y., relative to the sale of liquors in the new possessions—to the Committee on Insular Affairs.

By Mr. DALZELL: Resolutions of National Jobbing Confectioners' Association, in favor of the substitution of aluminum for copper coins—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of Engineers' Society of Western Pennsylvania, in favor of legislation for a national bureau of standards and standardization—to the Committee on Coinage, Weights, and Measures.

Also, paper to accompany House bill for the relief of W. H. Denniston—to the Committee on Military Affairs.

By Mr. DENNY: Petition of Park Avenue Young Woman's Christian Temperance Union, of Baltimore, Md., favoring the passage of the Bowersock bill and the abolition of the Army canteen, etc.—to the Committee on Military Affairs.

By Mr. DOVENER: Affidavits of B. F. Hardin and T. H. Werrich, to accompany House bill No. 1769, granting an increase of pension to I. H. Duval—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of Massachusetts: Memorial of the United States Brewers' Association, of New York, asking for the repeal of the war tax on malt liquors—to the Committee on Ways and Means.

Also, petitions of the Columbus Trades and Labor Assembly

and Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen, Columbus, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of 29 associations of brewers in all parts of the United States, in favor of a reduction of the internal-revenue tax on beer—to the Committee on Ways and Means.

Also, petition of William W. Castle and other members of a committee of the Annual Encampment of the Grand Army of the Republic, at Boston, Mass., for the observance of the 12th day of February as a national holiday, in honor of the birthday of Abraham Lincoln—to the Committee on the Judiciary.

By Mr. GAMBLE: Petitions of the Universalist and Methodist Episcopal churches of Wessington Springs, S. Dak., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petitions of the Congressional, Baptist, and Methodist Episcopal churches of Armour, S. Dak., and Methodist Episcopal and Universalist churches of Wessington Springs, S. Dak., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. GRAHAM: Resolutions of the Building Trades Council of Cincinnati, Ohio, in opposition to proposed legislation restricting the sale of butterine—to the Committee on Agriculture.

By Mr. HENRY of Connecticut: Petition of the Woman's Christian Temperance Union of Wallington, Conn., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

Also, petition of West Hartford Grange, Patrons of Husbandry, West Hartford, Conn., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of West Hartford Grange, Patrons of Husbandry, West Hartford Conn., in relation to the passage of Senate bill No. 1439, known as the Cullom bill—to the Committee on Interstate and Foreign Commerce.

By Mr. JACK: Petition of George P. Simpson and others, of Blairsville Intersection, Pa., and various churches of Leechburg, Saltlick, Elderton, Putneyville, and Blairsville, Pa., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. KLEBERG: Petition of W. B. George and other citizens of Calhoun County, Tex., asking for the removal of the sand bar between Lavaca and Matagorda bays, for a survey of same with a view of dredging, etc.—to the Committee on Rivers and Harbors.

By Mr. LACEY: Resolutions of Ed Carris Post, No. 333, of Keota, and Post No. 105, of Lynnville, Iowa, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. McALEER: Petition of P. H. Morrissey, grand master Grand Lodge Brotherhood of Railroad Trainmen, Cleveland, Ohio, urging the passage of House bill No. 10302, providing that railroads report the details of all injuries to employees to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the United States Brewers' Association, for the repeal or reduction of the war tax on malt liquors—to the Committee on Ways and Means.

Also, petition of the mayor and aldermen of Frederick, Md., urging the passage of a bill to indemnify the city of Frederick for the ransoms exacted by the Confederate army on invasion—to the Committee on War Claims.

Also, petition of the State Horticultural Association of Pennsylvania, favoring the passage of the Brosius pure-food bill—to the Committee on Agriculture.

Also, petitions of Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen, of Columbus, Ohio, and Building Trades Council of Cincinnati, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. McDOWELL: Petitions of D. E. Weiss and A. M. Weiss, of Hanover, Ohio, favoring the Grout bill relating to oleomargarine—to the Committee on Ways and Means.

By Mr. MAHON: Petition of the Young Men's Working Band, Methodist Episcopal Church, Chambersburg, Pa., favoring the anti-canteen bill—to the Committee on Military Affairs.

Also, petition of the Young Men's Christian Association of Susquehanna University, Selinsgrove, Pa., to prevent the dealing in intoxicating drinks upon premises used for military purposes—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Papers to accompany House bill granting a pension to Mrs. Matilda Daugherty—to the Committee on Invalid Pensions.

Also, petitions of the United Presbyterian Church, Young People's Christian Union, and Maple Heights Mission, of Bloomington, Ind., against the sale of intoxicating liquors in our new islands and in our Army—to the Committee on Insular Affairs.

Also, papers to accompany House bill granting an increase of pension to Richard Hardin—to the Committee on Invalid Pension.

By Mr. NEVILLE: Affidavits of J. C. Beswick and Manford Mott, in behalf of the pension claim of Alexander Boltin—to the Committee on Invalid Pensions.

By Mr. PACKER of Pennsylvania: Petition of F. L. Morgan and other citizens of Osceola, Pa., against the sale of liquor in Army canteens and at Soldiers' Homes, Government buildings, etc.—to the Committee on Military Affairs.

By Mr. PAYNE: Petition of the Woman's Christian Temperance Union of Preble, N. Y., urging the passage of House bill abolishing the Army canteen, etc.—to the Committee on Military Affairs.

By Mr. PUGH: Paper to accompany House bill No. 9102, to increase the pension of James R. Chapman—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of the International Printing Pressmen's Union No. 19, Fort Wayne, Ind., in opposition to proposed legislation restricting the sale of butterine—to the Committee on Agriculture.

By Mr. SHATTUC: Resolutions of Commodore Foote Post, No. 200, Grand Army of the Republic, Department of Ohio, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SHOWALTER: Petitions of the Woman's Christian Temperance Union of New Wilmington, Pa., and Baptist Church of Salem, Pa., urging the enactment of House bill known as the anti-canteen bill—to the Committee on Military Affairs.

By Mr. SPALDING: Petition of D. M. Young and other citizens of Youngtown, N. Dak., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, petition of Phil Sheridan Post, No. 3, of North Dakota, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union of Amenia and Sunday school of Absaraka, N. Dak., for the suppression of liquor selling in our new islands and in our Army—to the Committee on Military Affairs.

By Mr. SUTHERLAND: Resolutions of the Woman's Christian Temperance Union and Methodist Episcopal Church, of Spring Ranch, Nebr., and Woman's Christian Temperance Union of Bartley, Nebr., to prohibit the sale of intoxicating liquors in Army canteens and at military posts—to the Committee on Military Affairs.

Also, petition of the Congregational Church of Naponee, Nebr., favoring restriction of saloons in our new possessions, and other reforms—to the Committee on Insular Affairs.

By Mr. WILSON of New York: Resolution of Burtis Post, No. 185, Department of New York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the United States Brewers' Association, for the repeal of the tax upon malt liquors—to the Committee on Ways and Means.

By Mr. YOUNG: Papers to accompany House bill No. 6947, granting a pension to Alonzo C. Rembaugh—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 9341, granting a pension to Thomas Case—to the Committee on Invalid Pensions.

Also, petition of the Association of United States Government Employees of the navy-yards and arsenals of Philadelphia, urging the passage of House bill No. 4728, relating to leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

Also, petition of the Commercial Travelers' Mutual Accident Association, for a trade treaty between the United States and Canada—to the Committee on Foreign Affairs.

Also, petition of A. Donald Tiemann, of Philadelphia, Pa., against the sale of intoxicating liquors in the Philippines—to the Committee on Insular Affairs.

Also, petition of the legislative committee of the Pennsylvania State Grange, Harrisburg, Pa., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, petition of the Philadelphia Hardware Association, Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pennsylvania Fish Protective Association, favoring House bill No. 7343, establishing a fish hatchery and fish station in Pennsylvania—to the Committee on the Merchant Marine and Fisheries.

Also, petition of William Henry Maule, of Philadelphia, Pa., in support of House bill No. 9632, providing a safer and easier method of sending money by mail, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Central News Company and Lee Bros. & Co., Philadelphia, Pa., in relation to the Loud bill and amendments—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Courtland Saunders Post, No. 21, Grand Army of the Republic, Department of Pennsylvania, protesting against the passage of any bill placing deserters on the same equality with honorably discharged soldiers—to the Committee on Invalid Pensions.

Also, communication of S. G. Simpson & Co., of Philadelphia, Pa., in relation to Senate bill No. 222, to provide a government for the Territory of Hawaii—to the Committee on the Territories.

SENATE.

SATURDAY, *April 14, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on motion of Mr. PETTIGREW, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

GRAZING WITHIN FOREST RESERVES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office, together with the form of a bill entitled "A bill to authorize the Secretary of the Interior to make a charge for grazing within forest reserves;" which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

AGES OF EMPLOYEES IN EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 16th ultimo, a statement showing the number of persons employed in the Department of Justice as clerks, messengers, etc., together with their ages; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 16th ultimo, a statement showing the number of persons employed in the Interior Department as clerks, messengers, etc., together with their ages, their ability to perform manual labor, etc.; which, with the accompanying paper, was ordered to lie on the table and be printed.

SHIP STAR—FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and the opinion of the court filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings and opinion by the court relating to the vessel ship *Star*, John Burchmore, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the bill (S. 2336) repealing section 4716 of the Revised Statutes so far as the same may be applicable to the claims of dependent parents of soldiers, sailors, and marines who served in the Army and Navy of the United States during the war with Spain.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. BINGHAM, and Mr. ALLEN of Mississippi managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 9388) to provide better facilities for the safe-keeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Porto Rico; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 1092) to set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office;

A bill (H. R. 2356) for the relief of Hiram Johnson and others; and

A bill (H. R. 2456) for the relief of the heirs and assignees of Philip McLoskey and John Hagan.

PETITIONS AND MEMORIALS.

Mr. LINDSAY presented memorials of the Carter County Bugle, of Grayson; of Paul Kratz, of the Pentecostal Herald, of Louisville; of the Harrodsburg Sayings, of Harrodsburg, and of the Lost Cause, of Louisville, all in the State of Kentucky, remonstrating against the passage of the so-called Loud bill, relating to second class mail matter; which were referred to the Committee on Post Offices and Post-Roads.

Mr. MCMILLAN presented a petition of sundry citizens of Romeo, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of the general committee of the Polish Republican clubs of Detroit, Mich., praying for the repeal of the revenue law providing for revenue stamps on eighth and sixth kegs of beer; which was referred to the Committee on Finance.

He also presented a petition of 4,000 citizens and taxpayers of the District of Columbia, praying for the appointment of two superintendents instead of one for the schools of the District of Columbia and that one superintendent be a colored man and in charge of the colored schools; and also that three clerks be appointed instead of two and that the appointments of superintendents be vested in the board of education; which was ordered to lie on the table.

Mr. STEWART. I present resolutions adopted by the National Board of Trade, and also resolutions by Chambers of Commerce, Boards of Trade, Business and Labor Leagues, Exchanges, and other commercial bodies of the cities of Denver, Colo.; Cleveland, Ohio; Des Moines and Sioux City, Iowa; Manchester, N. H.; Los Angeles, Cal.; Clinton, Iowa; New Brunswick, N. J.; Quincy, Ill.; Buffalo, N. Y.; Phœnix, Ariz.; Peoria, Ill.; Sacramento, Cal.; Baltimore, Md.; Philadelphia, Pa.; Atlanta, Ga.; Bay City, Mich.; Birmingham, Ala.; Council Bluffs, Iowa; Charleston, S. C.; Detroit, Mich.; Eugene, Oreg.; Honesdale, Pa.; Indianapolis, Ind.; Kuttawa, Ky.; Lancaster, Pa.; Montgomery, Ala.; Muskegon, Mich.; New Haven, Conn.; New Orleans, La.; Passaic, N. J.; Pensacola, Fla.; Pittsburg, Pa.; Topeka, Kans.; Sagua la Grande, Cuba; St. Louis, Mo.; Schenectady, N. Y.; Savannah, Ga.; Wilkesbarre, Pa.; Wilmington, Del.; Wheeling, W. Va., and San Francisco, Cal., all in favor of the construction of a competing cable line between the United States and Cuba. I move that the resolutions be printed as a document and referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. COCKRELL presented a petition of the Commercial Club, of St. Joseph, Mo., praying that an appropriation of $250,000 be made for a survey of the arid lands in the West; which was referred to the Committee on Public Lands.

He also presented a petition of the Liquor Dealers' Benevolent Association of Missouri, praying for the repeal of the present tax on beer; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Adrian, Mo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of the Missouri and Kansas Lumber Dealers' Association, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. FORAKER presented a petition of the congregation of the Third Church of Christ, of Akron, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the newly-acquired possessions of the United States, immigrant stations, Soldiers' Homes, and upon any premises used for military purposes by the United States, and also praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on Military Affairs.

He also presented petitions of the congregation of the Presbyterian Church of Oxford; of the United Brethren Christian Endeavor Society of Johnsville; of the Christian Endeavor Society of Marysville, and of the congregation of the Methodist Episcopal Church of Oxford, all in the State of Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

He also presented a petition of St. Joseph Grange, No. 1082, Patrons of Husbandry, of Ohio, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of St. Joseph Grange, No. 1082, Patrons of Husbandry, of Ohio, praying for the enactment of legislation to secure to the people of the country the advantages of State control of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a petition of Macedonia Post, No. 469, Grand Army of the Republic, of Illinois, praying for the enactment of legislation granting pensions to soldiers and sailors of the war of 1861–1865 who are incapacitated for the performance of manual labor; which was referred to the Committee on Pensions.

He also presented a petition of sundry brewing companies of Peoria, Ill., praying for the reduction of the present tax on beer; which was referred to the Committee on Finance.

Mr. PETTIGREW presented a petition of the congregation of the Universalist Church of Wessington Springs, S. Dak., and a petition of the congregation of the Methodist Episcopal Church of Wessington Springs, S. Dak., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were ordered to lie on the table.

He also presented a petition of the congregations of the Universalist Church, the Free Methodist Church, and the Methodist Episcopal Church, all of Wessington Springs, in the State of South Dakota, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut presented a petition of West Hartford Grange, No. 58, Patrons of Husbandry, of Connecticut, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented the petition of Charles W. Deane and sundry other citizens of Bridgeport, Conn., praying for the enactment of legislation for the propagation and distribution of game and other wild birds, etc.; which was referred to the Committee on Agriculture and Forestry.

Mr. BURROWS presented petitions of the Christian Endeavor Society of the Congregational Church; of the Young Men's Christian Association, and of the congregation of the Congregational Church, all of Union City, in the State of Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

He also presented memorials of the Building Trades Council of Cincinnati; of Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen of Columbus, and of the Trades and Labor Assembly of Columbus, all in the State of Ohio, remonstrating against the enactment of legislation to place a tax upon butterine, oleomargarine, and all other kindred dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Modern Woodmen Society of Petoskey, Mich., and a petition of the Modern Woodmen Society of Climax, Mich., praying for the adoption of certain amendments to the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Polish Republican clubs of Detroit, Mich., remonstrating against the enactment of legislation repealing the clause in the revenue law providing for a tax on kegs of beer representing one-eighths and one-sixths; which was referred to the Committee on Finance.

He also presented the memorial of Lillian M. Hollister, of Detroit, Mich., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Shipmasters' Association No. 7, of Detroit, Mich., praying for the enactment of legislation providing for a resurvey of the north end of Lake Michigan and the west end of the Straits of Mackinac; which was referred to the Committee on Commerce.

He also presented a petition of Typographical Union No. 72, of Lansing, Mich., praying for the enactment of legislation providing for the printing of the label of the Allied Printing Trades on all publications of the Government; which was referred to the Committee on Printing.

He also presented a petition of the United States Brewers' Association, of New York City, praying for the repeal of the war-revenue tax on malt liquors; which was referred to the Committee on Finance.

Mr. MCBRIDE presented a petition of Fairmount Grange, No. 252, Patrons of Husbandry, of Oregon, praying for the enactment of more adequate anti-trust laws; which was referred to the Committee on the Judiciary.

Mr. SPOONER presented the petition of Prentice & Evensen and 98 other citizens of Wisconsin, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Grant County, Wis., and a petition of the Young Men's Christian Association of the University of Wisconsin, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4805) granting a pension to Isaac Price; and

A bill (S. 1069) granting a pension to Flora Hollifield.

Mr. MCMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 124) regulating permits for private conduits in the District of Columbia, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7479) for the relief of John A. Narjes, of Washington, D. C., reported adversely thereon; and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 4114) to prevent the placing of certain signs upon private property in the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3984) to prevent the unlawful placing of signs for sale or rent upon private property in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2748) granting an increase of pension to Henry Schnetberg; and

A bill (H. R. 3225) granting a pension to Elizabeth Bent Cooper.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the bill (S. 4018) to amend an act regulating the inspection of flour in the District of Columbia, approved December 21, 1898, reported it without amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 276) for the erection of a public building at Kingston, N. Y., reported it with an amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Commerce, to whom was referred the bill (S. 3465) to provide an American register for the steamship *Garonne*, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY. The Committee on Military Affairs, to whom was referred the bill (S. 3600) for the relief of the estate of Maj. Gen. Henry W. Lawton, have directed me to submit a report thereon and to ask that the committee be discharged from its further consideration. The matter has been adjusted by the War Department, and under the circumstances I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. SHOUP, from the Committee on Territories, to whom was referred the bill (S. 4075) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and so forth, reported it without amendment, and submitted a report thereon.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Mr. President, I desire to make a request for unanimous consent. If at 3 o'clock this afternoon neither the unfinished business nor the resolution relating to the seating of Mr. Quay shall be before the Senate for consideration, I ask that forty-five minutes be given to the consideration of unobjected pension bills on the Calendar.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that at 3 o'clock to-day, if neither the unfinished business nor the Pennsylvania case shall be under

consideration, forty-five minutes may be given to the consideration of unobjected pension cases.

Mr. CARTER. I should like to have the Senator likewise except the Alaska bill.

Mr. GALLINGER. Yes; I will do that.

The PRESIDENT pro tempore. The Senator also excepts the Alaska bill. Is there objection? The Chair hears none, and it is so ordered.

LANDS IN BENSON COUNTY, N. DAK.

Mr. McCUMBER. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 3670) authorizing and directing the Secretary of the Interior to issue a patent to the heir or heirs of one Tawamnoha, or Martha Crayon, conveying to them certain lands in the State of North Dakota, confirming certain conveyances thereof, and for other purposes, to report it with amendments, and I ask unanimous consent for its immediate consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on Indian Affairs was, in section 1, line 10, after the word "numbered," to insert "one of section;" so as to make the section read:

That the Secretary of the Interior be, and he is hereby, authorized and directed, upon due proof of the death of one Tawamnoha, or Martha Crayon, an Indian woman, late of the Devils Lake Sioux Indian Reservation, and due proof of heirship, to issue a patent to her heir or heirs conveying to them the following-described premises, situated in the county of Benson, State of North Dakota, to wit: The lots Nos. 2 and 3 of section 15, the lot No. 1 of section 22, and the southwest quarter of the southwest quarter of section 14, in township 153 north, of range 67 west of the fifth principal meridian, in the State of North Dakota, containing 159 acres and eight one-hundredths of an acre; the said premises being land allotted to her in severalty by trust allotment patent of date November 2, 1892; such patent so to be issued to convey to said heir or heirs the said premises in fee, discharged of any trust or incumbrance whatsoever.

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

SEC. 3. That said heir or heirs are, upon the issuance of said patent, hereby authorized and empowered to sell and convey the said premises, or any part thereof, free of any trust or incumbrance, or to plat or cause to be platted the same, or any part thereof, into city, village, or town lots, and in like manner sell and convey any of such lots.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

Mr. STEWART. I present from the Committee on the District of Columbia a supplementary report on the resolution of the Senate in relation to the public schools in the District of Columbia, covering some matters that did not come in in time for the previous report. It is quite important that it should be printed, and I ask that it be printed in connection with the report heretofore made. I move that 500 extra copies of this supplementary report be printed, as it will be in demand in connection with the preceding report.

The motion was agreed to.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 4177) for the relief of the heirs of Alonzo Child, Pearley A. Child, Elon G. Pratt, and Elias W. Fox; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4178) granting a pension to Thomas White; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 4179) to amend section 2 of the act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 4180) granting a pension to John W. Pennell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4181) granting a pension to Benton M. Beebe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 4182) granting a pension to Benjamin H. Smalley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LINDSAY introduced a bill (S. 4183) for the relief of L. Y. Craig; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4184) granting an increase of pension to Evelyn Neale Murray; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 4185) for the relief of the estate of Hixey Parker, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 4186) to remove the charge of desertion from the military record of Andrew J. Duncan; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4187) to remove the charge of desertion from the military record of Anton Smith, alias Charles Roehmer; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4188) granting an increase of pension to George B. Cock; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4189) granting an increase of pension to Hiram S. Swank; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS (for Mr. HOAR) introduced a bill (S. 4190) to provide for the removal to the proper district for trial of persons indicted for offenses against the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DAVIS introduced a bill (S. 4191) granting a pension to Anna E. Littlefield; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 4192) in relation to the police court of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4193) to regulate the grades of Twentieth street, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FAIRBANKS introduced a bill (S. 4194) to correct the military record of Edward Smith; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 4195) for the extension of Maryland avenue, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4196) granting an increase of pension to James W. Hankins; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of James W. Hankins, with the affidavits of John C. Miller and Charles M. Elliott and a certificate of the county clerk. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PENROSE introduced a bill (S. 4197) to provide for the construction of a revenue cutter for use at Philadelphia, Pa.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4198) to correct the military record of John Piles; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4199) granting a pension to Annie M. Buker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 4200) for the relief of acting assistant surgeons of the United States Army; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4201) to advance Bvt. Maj. Gen. Galusha Pennypacker, United States Army, from the rank of colonel on the retired list to the rank of major-general on the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PETTIGREW introduced a bill (S. 4202) granting a pension to Edwin B. Paddock; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 4203) for the relief of John T. Lehman; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4204) for the relief of Mrs. M. L. J. Christian; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut introduced a bill (S. 4205) granting a pension to Lucy Stanton Wheeler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. RAWLINS introduced a bill (S. 4206) to provide for the purchase of a site and for the erection of a public building thereon at Ogden, in the State of Utah; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CARTER introduced a bill (S. 4207) to increase the limit of cost for the purchase of site and erection of a building thereon at Helena, Mont.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. RAWLINS introduced a joint resolution (S. R. 112) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States; which was read twice by its title, and referred to the Committee on Privileges and Elections.

Mr. GALLINGER introduced a joint resolution (S. R. 113) authorizing the exhibit of Government relics at the New York Printing Exposition from May 2 to June 2, 1900; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARREN submitted an amendment proposing to appropriate $70,000 for continuing the work of constructing quarters, etc., at Fort D. A. Russell, Wyo., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. PENROSE submitted an amendment relative to officers of the Navy retired prior to March 3, 1899, and June 30, 1899, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. HAWLEY submitted an amendment proposing to appropriate $200,000 for constructing an addition to the public building at Hartford, Conn., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

READJUSTED SALARIES OF POSTMASTERS IN OHIO.

Mr. FORAKER submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Postmaster-General be, and he hereby is, directed to report upon a schedule to the Senate the readjusted salaries of all postmasters who served in the State of Ohio between July 1, 1864, and July 1, 1874, whose names as claimants appear in the Court of Claims in the case entitled Hester A. Birdsong and others against the United States, No. 18261, each such stated account to conform in all respects to the order of the Postmaster-General published by circular under date of June 9, 1883, and to the requirement of the act of March 3, 1883, as said requirement was published by the Postmaster-General in the newspapers of the country under date of February 17, 1884, and with such report transmit to the Senate a full copy of the text of the construction by the Postmaster-General of the act of March 3, 1883, embodied in the said circular and publication in the newspapers and in circular form No. 1223, the text of each of which, under date of November 8, 1897, was transmitted by the Postmaster-General to the Attorney-General for use in the case of Jane Yarrington and others against the United States, No. 16345.

HEARINGS BEFORE COMMITTEE ON MILITARY AFFAIRS.

Mr. HAWLEY submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Military Affairs be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had by the committee or its subcommittees in connection with bills pending before the committee, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate; and that the stenographer who reported the hearing already had before said committee be paid from said fund.

UNION PACIFIC RAILWAY INDEBTEDNESS.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be, and is hereby, required to transmit to the Senate copies of all papers connected with the consent filed in October, 1899, on behalf of the United States to the distribution of the receivership fund of the Union Pacific Railway Company in favor of the Union Pacific Railroad Company in the circuit court of the United States for the district of Nebraska, together with all correspondence between the Attorney-General and the special counsel for the United States, John C. Cowin; and also the grounds and reasons of the Department of Justice for agreeing to the appropriation of the fund in question, so that the Union Pacific Railroad Company received $4,000,000 thereof and the United States less than 12 per cent of its claim on said fund, namely, $881,000.

MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. GALLINGER submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 30,000 additional copies of the document known as Messages and Papers of the Presidents, of which 10,000 copies shall be for the use of the Senate and 20,000 copies for the use of the House of Representatives, the "remainder," if any, to be held by the Superintendent of Documents subject to the future action of Congress.

LAND IN NEWPORT, R. I.

Mr. HAWLEY. I ask for the present consideration of the bill (S. 3679) granting a deed of quitclaim and release to Lorillard Spencer, his heirs and assigns, of all the right, title, and interest in and to certain land in the city of Newport, R. I.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to execute, acknowledge, and deliver, in the name of the United States of America, a deed of quitclaim and release to Lorillard Spencer, of Newport, R. I., his heirs and assigns, of all the right, title, and interest which was granted to the United States of America by a deed from Elisha Brown to the United States of America, dated the 15th day of November, A. D. 1808, and recorded in volume 11 of the Land Evidence of the city of Newport, in the county of Newport, in the State of Rhode Island, at pages 11 and 12, in and to the land described in the deed, upon the payment by him of the sum of $25.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 9388) to provide better facilities for the safekeeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Porto Rico was read twice by its title, and referred to the Committee on Finance.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. PETTIGREW rose.

Mr. BERRY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Arkansas?

Mr. PETTIGREW. I yield.

Mr. BERRY. I ask whether the Chair has laid before the Senate the joint resolution which came over from the House of Representatives this morning proposing an amendment to the Constitution in regard to the election of United States Senators?

The PRESIDENT pro tempore. The Chair has not.

Mr. BERRY. I desire when the Chair lays the joint resolution before the Senate to make a remark or two in regard to it; that is all. I heard it read by title this morning.

Mr. CHANDLER. I ask that the message from the House may be laid before the Senate.

The PRESIDENT pro tempore. The Chair is informed that the joint resolution has not come from the House.

Mr. BERRY. I heard the Clerk report it this morning; at least, I so understood him.

Mr. HALE. It should come in this morning.

Mr. BERRY. And I understood that it was brought in.

The PRESIDENT pro tempore. The Senator from Utah [Mr. RAWLINS] introduced a joint resolution proposing an amendment to the Constitution for that purpose and had it referred to the committee, but the joint resolution to which the Senator refers has not come from the House.

Mr. BERRY. I possibly may have been mistaken, but I understood the clerk to announce it. I know it passed the House on yesterday. What I desire to say, if the Senator from South Dakota will permit me, I can say right now. It will take only two or three minutes.

The PRESIDENT pro tempore. Does the Senator from South Dakota yield for that purpose?

Mr. PETTIGREW. I yield, Mr. President.

Mr. BERRY. On the second day of the session I introduced a joint resolution proposing an amendment to the Constitution of the United States, directing that United States Senators shall be elected by the people of the respective States. I asked the chairman of the committee to report it in time, if possible, so that we could have a vote on the question during the present session. Yesterday the House of Representatives passed by an overwhelming majority a joint resolution proposing an amendment to the Constitution providing for the election of United States Senators by popular vote, as they did at the last session of Congress.

All I desired was to make an appeal to the Committee on Privileges and Elections to bring in a report, either for or against this proposition, so that there may be an opportunity for the Senate of the United States to express its views by a vote.

I do not think there is any question before the American people where so large a majority favor any proposition as favor the proposition to elect United States Senators by the people. I believe it is right to do so, and I think it is but just and fair to them and to the House of Representatives that the Committee on Privileges and Elections shall give us a report on that question, so that a vote can be taken.

Mr. CHANDLER. Mr. President, the Committee on Privileges and Elections has had before it, it is true, for two or three months the joint resolution to change the Constitution, submitted by the Senator from Arkansas. During that time the committee has been very much engaged in other business, but now that the opinion of the Senator from Arkansas is reenforced by the House of Representatives the committee will undoubtedly, at the earliest possible opportunity, take up the proposition and consider it.

I am not myself, Mr. President, in favor of the election of United States Senators by the people. No member of the committee, I will say, since the Senator introduced his joint resolution, has asked for a consideration of the subject by the committee. There will now be an opportunity, however, for any such request to be made; and I should be very glad, in response to the appeal of the Senator from Arkansas, myself to call not only his joint resolution, but the joint resolution of the House of Representatives to the attention of the committee at an early day.

Mr. BERRY. I understood the Senator to say that no member of the committee had made the request. The Senator will remember that I spoke to him about the joint resolution I had introduced and asked him to report it early.

Mr. PETTIGREW. Mr. President, I decline to yield further.

Mr. CHANDLER. The Senator from Arkansas is correct.

The PRESIDENT pro tempore. The Senator from South Dakota declines to yield further.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution, which will be read.

The Secretary read the resolution reported by Mr. TURLEY from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. CHANDLER. If no Senator desires to speak, I shall ask that the resolution may go over until Monday, especially in order that the Senator from South Dakota need not be interrupted in the eloquent remarks which he did not finish on Thursday. I will ask if any Senator wishes to speak on the Pennsylvania resolution today? [A pause.] If not, I request Senators who desire to speak to kindly endeavor to be ready early next week. There is a day fixed for voting upon the resolution and the speeches which Senators desire to make ought not to be postponed too long. I make that request.

The PRESIDENT pro tempore. Without objection, the resolution will go over until Monday.

SOUTH AFRICAN REPUBLIC.

Mr. PETTIGREW. I ask that my resolution may be read.

The PRESIDENT pro tempore. The Chair lays the resolution before the Senate.

The Secretary read the resolution submitted by Mr. PETTIGREW February 2, 1900, as follows:

Whereas from the hour of achieving their own independence the people of the United States have regarded with sympathy the struggles of other people to free themselves from European domination: Therefore,

Resolved, That we watch with deep and abiding interest the heroic battle of the South African Republic against cruelty and oppression, and our best hopes go out for the full success of their determined contest for liberty.

Mr. PETTIGREW resumed and concluded the speech begun by him on Thursday last. The entire speech is as follows:

Mr. PETTIGREW. Mr. President, it is my opinion that the Senate should pass this resolution of sympathy for the people of South Africa. If we do not, it will be the first time in our history as a Republic that we have failed to express our sympathy and interest, in emphatic terms, for any race or people whatever who were striving to maintain free institutions.

We are parties to the agreement resulting from the conference at The Hague last year; and while I do not believe that America should take up the quarrels of other nations or become complicated in European controversies, it does not appear to me that the Administration has made an honest effort in good faith to comply with and carry out the terms of The Hague agreement. For that agreement provided—

TITLE SECOND.—*Of friendly offices and mediation.*

ART. 2. In case of serious dissension or of conflict, before the appeal to arms, the signatory powers agree to have recourse, as far as circumstances will permit, to the friendly offices or to the mediation of one or of several friendly powers.

ART 3. Independently of this resort, the signatory powers think it to be useful that one or more powers who have no part in the conflict may offer of their own volition, so far as circumstances may make it appropriate, their friendly offices or their mediation to the states engaged in the conflict. The right to offer these friendly offices or mediation is absolute in the powers which take no part in the conflict even during hostilities. The exercise of this right shall never be considered by either of the parties to the contest as an unfriendly act.

ART. 4. The duty of a mediator consists in conciliating the opposing claims and appeasing the resentment which may have sprung up between the states engaged in the conflict.

ART. 5. The duties of a mediator cease from the moment when it is officially declared by either party to the strife, or by the mediator himself, that the methods of conciliation proposed by him are not accepted.

I can not learn that we have proposed any method of conciliation. It is reported that, in a perfunctory way, our Government asked Great Britain if it could do anything to settle the quarrel. Our plain duty was to have acted before the first gun was fired, and then, if refused, to have at once expressed our disapproval of England's course by passing resolutions of sympathy for the South Africa Republics.

Instead of taking the most American course our Administration has allowed the world to believe we are in full sympathy with Great Britain. Even if there is not a verbal understanding between Mr. Hay, our Secretary of State, and the English Government, approved by the President, it is evident that as long as Mr. McKinley is in power England will have at least the moral support of the United States in whatsoever she may do. I believe that there is such an understanding, for in no other way can I explain the course and conduct of the President.

There is strong corroboration of this view in the visit of the Senator from Ohio, Mr. HANNA, to England last year, and his great admiration for the English Government, expressed on his return.

The struggle going on in South Africa is between the same despotic power, intensified a hundredfold, that over a century ago endeavored to destroy liberty on the American continent and a republic weaker in numbers than we were when we made our triumphant resistance to British tyranny.

Who can say that the Boers are not prompted by as lofty a patriotism, by as ardent a desire for freedom, as inspired our forefathers in that Revolution which, in 1776, brought our own Republic into being as a model after which the liberty of the world has been fashioned.

Under the conditions and circumstances grouped about the origin of our Government and the historical events attending its course of development, the most unnatural alliance for us to make is an English alliance. Our most natural alliance would be one of sympathy with the heroic defenders of the Transvaal, who have been winning victories that take their places beside Marathon, Bunker Hill, and Lexington.

And in response, from the Atlantic to the Pacific, a wave of enthusiasm moves across our continent, and in public meetings the hope everywhere finds expression that the Republic of South Africa shall not perish from the earth, and that the red uplifted hand of British greed may be stayed.

Why, then, did not our Executive take action in behalf of liberty and humanity, action that would have convinced the world that we still believed liberty and humanity should prompt nations in their dealings with each other? Simply because he is engaged in the same wretched business as that which is drenching the soil of Africa with the blood of martyrs. He is busy with an effort to rob the people of the Philippine Islands, and is slaughtering those who resist robbery because, forsooth, it will pay, because they are rich and are worth robbing, and because their island possessions will furnish a foothold for other robberies. The Executive has the power to intercede in behalf of the South African Republic, and if he had spoken as Cleveland spoke in the Venezuela case, there would have been no war in South Africa. But the President will not avail himself of the humane opportunity. The duty is then upon us to act.

Who are these people that excite our sympathy?

They are of our own race. The same blood courses in their veins and in our veins. They sprang from the Dutch, who drove Phillip out of Holland, and from the French Huguenots, who fled to Holland rather than surrender their convictions. Their career in South Africa is a living, burning page in the history of the world, and the impress of their earnestness comes down to the children of the thirteen colonies through the adoption of the alternative so eloquently voiced by the patriot Virginian, "Give me liberty or give me death."

I hope to enjoy the day when England shall have been driven from every foot of the soil of Africa and a republic of united and happily governed states constructed on the ruins of her despotic power. England has conquered no people but to rob them, has governed no race but to blight it with the curse of her presence. The Boers know her methods and their results better than any people in the world. Sixty-five years ago they left their homes in Cape Colony and fled into the wilderness, preferring to wander in the desert and fight for an existence against the savage tribes of that region than accept the pretended protection of a nation of canting hypocrites.

The South African Republic and the Orange Free State are in the interior of South Africa, and neither of these Republics touches the coast at any point. The South African Republic is separated from the Indian Ocean by a long, narrow strip of coast land, from 30 to 60 miles in width, owned by Portugal. The chief seaport is Lourenco Marquez, on Delagoa Bay. Both of these Republics are dry, treeless, elevated plains, broken by mountain ranges, like Wyoming. They are naturally too dry for successful cultivation, but are covered with the rich grasses of semiarid growth. Farming is carried on through irrigation. Small patches of ground along the low river bottoms produce crops without irrigation, but their area is limited. Timber is scarce and is found only upon land contiguous to the streams. The principal industry is raising cattle, and the population is scattered over wide areas in isolated communities.

The area of the South African Republic (or the Transvaal) is 119,139 square miles.

Its population in 1898 was 336,400 whites—137,900 men and 107,450 women and 101,000 children—with a black population of 748,750 persons. Pretoria, the capital, has a population of 10,000.

Johannesburg, which is the gold-mining center, has a population of 108,063 people—79,500 men and 28,763 women; the whites, 60,000; Chinese, 4,800; black, 42,500. In the Transvaal there are 10,000 Jews. The rest of the population are Protestants, mostly Dutch Reform and Lutheran. The Republic owns the railroads and telegraph lines. The total revenue is over twenty millions; but this includes railroads, telegraph, postal receipts, and the sale of explosives.

The government is a republic.

The legislature consists of two houses of 27 members each.

No person can be a member of either house unless he is 30 years of age and possessed of fixed property. The term of service is four years.

The first chamber is elected by the first-class burghers.

The first-class burghers are white male persons residing in the republic prior to 1876, or those who fought in the wars of the republic, including the Jameson raid, and the children of such persons over 16 years of age.

The second chamber of the legislature is elected by the first and second class burghers.

Second-class burghers are naturalized citizens and their children over 16 years of age.

Naturalization may be obtained after two years' residence by taking the oath of allegiance and paying $10.

Naturalized burghers may become first-class burghers after twelve years.

Sons of naturalized burghers may become naturalized burghers at 18 years of age.

First-class burghers ten years thereafter.

The president and commanding general are elected by the first-class burghers only.

The executive authority is vested in a president, elected for five years, assisted by a council of four members.

The Orange Free State is south of the Transvaal, and has an area of 48,300 square miles, and in 1890 had a population of 77,700 whites and 130,000 blacks or natives.

The capital is Bloemfontein, with a population of 2,077 whites and 1,300 blacks.

The railroads and telegraph lines are owned by the government.

Exclusive of the railroads the revenues in 1897 was $2,010,000, and the expenses $1,905,000.

Government.—Written constitution. President elected for five years by voters. Executive council consists of the secretary and four others.

Legislature.—Popular assembly; 60 members, elected by popular vote for four years, one-half every two years; salary, $10 per day; qualification, burghers 25 years old, owner of real estate valued at $2,500. Voters, white burghers, by birth or naturalization, who own real property worth $750 or pay a rent of $180 per annum or a yearly income of not less than $1,000 or own personal property worth $1,500.

Law.—Roman Dutch. Supreme court, composed of three judges. Circuit courts.

Religion.—Dutch Reform, 68,940; English Episcopal, 1,353; Methodist, 753; Lutheran, 312; Roman Catholic, 416; Jews, 113.

Education, free, compulsory, and universal. Two daily and two weekly papers.

Every man over 16 years of age or under 60 is enrolled in the militia and trained to handle arms, but the standing army is very small, consisting of a few trained artillerymen. The total white population of these two Republics is less than 500,000, and they are to-day holding in check and have repeatedly defeated the greatest army England ever sent from her shores. Their army has no doubt received many recruits from Cape Colony.

Cape Colony is a British colony, and embraces the southern coast of Africa, possessing an area of 191,400 square miles, with a population of 956,900 people in 1891. Of these 336,900 are European, three-fourths of the white population Dutch, and those who first occupied Cape Colony were the ancestors of the Boers of the two Republics now at war with Great Britain.

Cape Colony was settled by the Dutch in 1652, when a number of Hollan l farmers were land d at Table Bay, now Cape Town, for the purpose of raising vegetables and cattle to supply the Dutch vessels engaged in trade with India, Java, and Borneo. This trade was very profitable and the settlement prospered. The vessels of all nations trading with the East put in here to secure fresh supplies, and thus the farmers found a good market for all their crops. Families arrived each year from Holland, and the settlement spread along the coast and into the interior and engaged in all kinds of agriculture and stock raising. They made slaves and servants of members of the native tribes of blacks, compelling them to cease their wandering habit and establish themselves in permanent settlements.

In 1795 England, being at war with Holland, sent a fleet and an army to South Africa and captured Cape Town and garrisoned it. England held the colony until 1803, and then surrendered it to the Batavian Republic; but in 1806, the Batavian Republic having been conquered by Napoleon and erected into the Kingdom of Holland, with Louis Bonaparte upon the throne, England sent a fleet of ships and an army of soldiers and again captured Cape Town and resumed the government of the country.

In 1814, when Holland again became independent and the monarchy was restored, England refused to surrender Cape Colony, but annexed it to the British Empire and paid Holland $30,000,000 for a quitclaim title to the colony.

England despised the Dutch and her officers treated them with contempt, and under her domineering rule the people were oppressed.

All semblance of a republican form of government was abolished.

Civil offices were filled from England with broken members of Parliament, with bad, if any, character.

Adventurers, worthless sons of distinguished men, were commissioned to rule the colonists, and places were even bartered away for money.

The English language was made the official language, and no man could serve on a jury unless he could speak English. In the country the people were not able to employ the English language. All trials, therefore, had to be conducted in Cape Town; and men charged with offenses were taken long distances from their homes and tried by a jury of foreigners, whose language the victims of so-called justice could not understand.

The vagrant laws were repealed, and the consequence was that the country swarmed with Hottentots, who begged from and robbed the settlers and became worthless, diseased tramps. They were rapidly becoming extinct under this loose system, although while the strict Dutch rules were in vogue these natives had been giving promise of rapid civilization.

The Dutch have demonstrated superior ability in civilizing inferior races and seldom go to war with them, while the English have developed no capacity in that direction. Where the contact is close and constant, English rule has resulted in ceaseless conflict, wearisome war, and the final extinction of the inferior race by the sword and by disease.

Finally England freed the slaves of the colonists under a proposition to pay about half their value to their owners. Payment for the slaves was to be made in London, and so the Dutch farmers found themselves the victims of claim agents, and, being under the disadvantage of inability to speak the language, many never presented their claims. Those who did were robbed by attorneys, agents, and middlemen, so that they realized only one-quarter of the value of the property.

The Dutch, had they been accorded proper treatment, would have been contented and would have made loyal citizens. They would have united in marriage with English settlers who had begun to locate in the colony, for they were of the same family or race as the English. But England treated them as conquered subjects, as an inferior race, as people fit only to be trampled upon. Thus, after almost a century, she is reaping the fruits of tyranny in a war waged in self-defense by the descendants of those people who should and would have remained loyal under the beneficent management of a humane government.

Great Britain is gathering the harvest of a policy that is testing the strength of the Empire and may accomplish its overthrow. One thing is certain: England's prestige is gone and the limit of her aggressive empire has been reached. Decay, rapid decay, will now set in. The reflex influence of a century of wrong practiced upon others has destroyed the manhood and the character of the people at home, and the ranks of her armies are no longer filled by the sturdy farmers of the days of Drake and Howard.

In discussing the events that follow I have drawn my information from British sources alone.

South Africa, by George M. Theal, page 175:

It is not a pleasant admission for an Englishman to make, but it is the truth, that it would be difficult to find in any part of the world a people with so much cause to be discontented as were the old inhabitants of Cape Colony for many years after the fall of the ministry of the Earl of Liverpool.

Page 196, Theal gives the cause of the Dutch leaving Cape Colony:

First. There was subjection by a foreign and unsympathetic government.

Second. There was prohibition of their language in the public offices and the courts of law.

Third. There was the superintendent of the London Missionary Society, their ablest and most relentless opponent, in possession of boundless influence with the British authorities.

Fourth. There were the slanderous statements made by the philanthropic societies of England concerning them.

Fifth. There was the sudden emancipation of their slaves without adequate compensation.

Sixth. There was the whole mass of the colored people placed upon a political footing with them, and that without a vagrant act being put in force.

Seventh. There was no security for life or property in the eastern districts, which were exposed to invasion by the Kosas, as the secretary of state took part with the barbarians.

These were the chief causes of the great emigration, and there were many others of less importance.

Froude, Oceana (page 39), sides with the Boers and gives the same reason for their departure.

Bryce, M. P., in North American Review, December, 1899:

She [England] altered the system of courts and local government, reducing the rights which the people had enjoyed. She insisted on the use of the English language to the exclusion of Dutch. In undertaking to protect the natives and the slaves whom the Dutch were accused by the English missionaries of treating very harshly, that the missionaries sometimes maligned them and greatly resented the attention which was paid to the charges. Finally she abolished slavery and allotted a very inadequate sum as compensation to the South African slaveholders, much of which sum never reached their hands because it was made payable in London.

For these reasons, in 1836 thousands of the Dutch abandoned

their homes, took their cattle and personal property, made domiciles of their wagons, and started northward into the wilderness, fighting their way or making their peace with the savage tribes. They crossed the Orange River and then considered themselves beyond English dominion, for over and over again England had declared that she would not enlarge her possessions in South Africa. Here the settlers established a rude republic, and enjoyed the freedom implanted in their natures generations ago. To these descendants of the men who let the sea in upon Holland rather than submit to the hateful rule of the Duke of Alva, liberty was dearer than life.

That portion of Africa to which these people had gone in search of a land where freedom might thrive without restraint was dry and fit only for grazing purposes. It lies in the high plains region at the head of the Orange River. Along the east coast of southern Africa there is thrown a chain of high mountains parallel with the sea.

Some of the migrating settlers crossed the mountains and found their eastern slopes plenteously clothed with rich vegetation. Near the coast semitropical plants grew in luxurious abundance. Rains gave the soil an adequate supply of moisture, and the streams plunged over great precipices down to the sea. At what is now Durban was found a fine harbor. Many of the emigrants followed the transmountain explorers and settled along the east slope, contiguous to the sea. Here, however, the Dutch home seekers ran counter to England's scheme of benevolence toward mankind (for we of the United States are not the originators of governmental desire to make all people happy), and the sturdy wanderers were forced by British bayonets to recross the mountain chain and occupy the inhospitable plateaus of the semiarid belt. The country about Durban, the colony of Natal, the coast line the Boers had hoped to make lodgment upon, was promptly annexed to the Empire of Great Britain, and England thanked God that the circumference of the sea was safe from the occupancy of any other power.

The Boers, determined not to submit to British rule, went back over the mountains and located upon plains between the Orange River and the Vaal River, some of their number crossing the Vaal and settling in what is known as the Transvaal. England, however, adhered to the dogma that "Once a British subject, always a British subject;" that by migrating to and subduing new land these sturdy farmers, fleeing from English oppression, were extending the domain of the Crown, and so in 1846 England affirmed her title by arbitrarily annexing all the country between the Orange and the Vaal rivers, embracing what is now the Orange Free State. A war ensued. The Boers were defeated at Bloemfontein by an army dispatched from Cape Town to enforce the merciless edict of an implacable sovereign.

Froude (an Englishman) has truthfully written that England always hates those whom she has injured. But with the aid of the Boers beyond the Vaal the republic maintained the contest, with varying success, until 1852, when England made a treaty with the Boers by which she recognized the Dutch settlement beyond the Vaal as a free and independent state. In 1854, by treaty, England also recognized the independence of the Orange Free State. The treaty of 1852 was confirmed by the cabinet of Lord Derby, and the treaty of 1854 was confirmed by the cabinet of Lord Aberdeen. Thus both of the English political parties participated in the recognition of these two Republics as independent states.

Following the treaty of 1852, peace reigned for seventeen years. In 1869 a dispute arose concerning the boundary between the Orange Free State and the native tribes. England interfered and after some fighting decided in favor of the Orange Free State, and a treaty was signed, called the treaty of Aliwal North, fixing the boundary of the Orange Free State so as to embrace all the territory in which the South African (or Kimberley) diamond mines were located.

Froude may tell the story of English duplicity and treachery. I read from pages 45 and 46 of his Oceana:

> The ink on the treaty of Aliwal North was scarcely dry when diamonds were discovered in large quantities in a district which we had ourselves treated as a part of the Orange territory before our first withdrawal, and which had ever since been administered by Orange Free State magistrates. There was a rush of diggers from all parts of the country. There was a genuine fear that the Boers would be unable to control the flock of vultures which was gathering over so rich a prey. There was a notion also that the finest diamond mine in the world ought not to be lost to the British Empire. It was discovered that the part of the country in which it lay was not a part of the Free State at all and that it belonged to a Griqua chief named Waterboer. The chief, in past times, had been an ally of the English. The Boers were accused of having robbed him. He appealed for help and in an evil hour we lent ourselves to an aggression for which there was no excuse. Lord Kimberly gave his name to the new settlement.
>
> The Dutch were expelled. They did not resist, but they yielded under protest to superior forces, and from that day no Boer in South Africa has been able to trust to English promise. The manner in which we acted or allowed our representatives to act was insolent in its cynicism.
>
> We had gone in as the champions of the oppressed Waterboer. We gave Waterboer and his Griquas a tenth of the territory. We kept the rest, and all that was valuable, for ourselves. What could the Dutch have done worse? We have accused them of breaking their engagement with us, and it was we who taught them the lesson. A treaty but a few months old was staring us in the face. Even if Waterboer's title had been as good as his friends pretended, we had pledged ourselves to meddle no more in such matters, in language as plain as words could make it.
>
> Our conduct would have been less entirely intolerable if we had rested simply on superior strength—if we had told the Boers simply that we must have the diamond fields and intended to take them; but we poisoned the wound and we justified our action by posing before the world as the protectors of the rights of native tribes whom we accuse them of having wronged.
>
> And we maintained this attitude through the controversy which afterwards arose. I had myself inquired subsequently into the details of this transaction, perhaps the most discreditable in the annals of English history.

Theal (an English writer), South Africa, page 325, finishes the story in the following language:

> President Brand, of the Free State, then went to England and laid the case before the imperial authorities. In brief it was this: That Great Britain had taken the land from the Free State under pretense that it belonged to Waterboer, and that a British court after a careful examination had decided that Waterboer had no right to it. The reply which Brand received was to the effect that it was a necessity for the paramount power in South Africa to be in possession of the diamond mines, but he would receive $450,000 for Griqualand West, which contained the diamond fields, as a solution. This sum President Brand accepted. There was no other way.

English honor went for naught. The Boers had long since found that out, and hatred of England and of Englishmen had become an inherited trait of Boer character.

The country beyond the Vaal was loosely governed. The Boers did not like to pay taxes, so each community would meet occasionally in mass meeting and make their own laws, being better satisfied with the home product than with the kind sent them from the charnel house of corruption across the seas.

The blacks outnumbered the whites and the disparity in numbers emboldened the natives. Conflicts between roving bands and the settlers were a result of this condition. The situation furnished the excuse, and in 1877 England marched an armed force into the Transvaal and declared that it was annexed to the British Crown as a colony, under the pretext of establishing a stable government for the protection of life and property.

The Boers did not at first resist this usurpation of government and seizure of territory. They were scattered over wide areas, were poor, and it was not easy to mobilize for defense. In order to avert any tendency toward resistance, the robber government promised the Boers a system of local self-government. It happened, as usual, that the English officials failed to keep their promises, and they became arrogant, insolent, and offensive in the collection of taxes. This condition, forced upon the Boers, continued until 1880, when they revolted, made prisoners of the English garrison, occupied the passes leading to Natal and in three engagements defeated their oppressors, killing over three hundred and wounding as many more. The loss of the farmer warriors in these encounters was 17 killed and 28 wounded.

Following these bloody events came the famous and historic battle of Majuba Hill. During the darkness of the night of February 26, 1881, a force of 600 British troops occupied a high hill which commanded the Boer position. With the dawn of the succeeding day the Boer commander, General Joubert, discovered the presence of England's fighting force on the crest high above him. It was an advantage that must be overcome, as its retention involved grave consequences to the cause for which General Joubert had armed his followers. The emergency demanded prompt action and the general called for volunteers to storm the height. In response 150 intrepid Dutchmen stepped forward and offered themselves as a forlorn hope to scale the hill and drive the British away. They were placed under command of Nicholas Smit. After several hours of laborious ascent, Smit reached the top of the elevation at noon with about 80 of his followers. In the face of this heroic success the enemy gave way to panic and fled, suffering the loss of 92 killed, 134 wounded, and 59 prisoners. It was the charge of the old 600 reversed. Theirs not to question why; theirs but to run or die. And they went, leaving among the slain the body of their commander, General Colley. The loss to the Boers was 1 killed and 5 wounded in this sanguinary affair. English historians who belong to the ruling oligarchy of Great Britain say that they were defeated at Majuba Hill by an overwhelming force of Boers, but they give no figures.

The paternal home Government now hurried reenforcements to Africa to wipe out the disgrace of Majuba Hill, but up to date the account has not been squared, unless the surrender of Cronje, with his 3,000 men, to Lord Roberts's army of 78,000, after killing and wounding more English than he had men in his command and holding the British army at bay for months, can be considered as squaring the account.

Gen. Sir Evelyn Wood was in command of the new levy of 12,000 men who took the field against the Boers. It appears, however, that he deemed discretion the better part of valor, for on the 5th of March an armistice was concluded between Sir Wood and the farmer triumvirate, Paul Kruger, M. W. Pretorius, and Peter Joubert, and this was soon followed by peace, with independence restored to the South African Republic.

The terms agreed upon included a provision recognizing England's suzerainty and the right of that Government to regulate

the foreign affairs of the Transvaal, so that no treaty could be made with any foreign state (excepting only the Orange Free State) without England's consent.

Having thus recovered their internal independence, the Boers began immediately to plan for complete sovereignty, involving an abandonment of English suzerainty over them, and in 1884, as a result of their efforts, a new convention was signed by Lord Derby on the part of England, by which the South African Republic was granted full recognition. The British resident was withdrawn from Pretoria and a council appointed. In 1885 a new element of discord escaped from the Pandora box of Boer destiny. Gold was discovered. The richest and most remarkable mines in the world were exposed to British cupidity. They were apparently inexhaustible, yielding an even average of gold to each and every ton of ore. As a result of this discovery immigration poured into the Transvaal from all parts of the world. England, Russia, France, Germany, the United States, and Canada sent their quotas of fortune seekers, and many of them were mere adventurers. They invaded the Boer domain, not to found homes and transport their families thither, but to wrest wealth from the soil and send their gains to distant climes.

The Boers soon realized that the newcomers, gathered from every quarter of the globe, would some day outnumber them, and, by the force of numbers, take control of their government and turn their country over to some foreign power. And thus their freedom, so long sought amid dangers and suffering, and for which they had sacrificed so much, would be taken away forever. There were two preventive courses, either of which they had a perfect right to adopt. One was to forbid the opening of more mines, and the other was to limit the franchise and extend the time of residence required before an alien could secure citizenship. The latter course was pursued, and the length of residence required to entitle an immigrant to citizenship was extended to fourteen years.

England was determined, in pursuance of her historic habit, to possess herself of the Transvaal gold fields. Cecil Rhodes, the president of the South African Chartered Company, and at that time prime minister of Cape Colony, who had made many millions out of diamond mines at Kimberley, devised a plan for the consummation of England's scheme of greed. His plan involved a rebellion on the part of the English residents of Johannesburg and the overthrow of the Dutch government. In pursuance of this plan arms were secreted in the city. Dr. Jameson, administrator of the territories of the South African Company, who had at his disposal a body of mounted police, was brought into the conspiracy and a day fixed for an uprising. On that day Dr. Jameson was to march in with his raiders and assist in accomplishing the overthrow of the Dutch Republic. For some reason the Uitlanders changed the date of the demonstration; but Dr. Jameson, impatient over the delay and believing that his allies in Johannesburg would fly to arms on the appearance of his force, determined to spring the plot. So, late in December, 1895, with a force of about 800 men, he entered the Transvaal and advanced toward Johannesburg.

The Boers had been warned, and Jameson was soon surrounded and compelled to surrender.

Jameson's force consisted of 512 well-mounted men and a strong quota of artillery, including 8 Maxim guns. The Boers had not over 700 men, and only 50 were at any time actually engaged. The last charge of the English was met and overcome by 7 Boers. Jameson lost 50 men and the Boers 4. On every previous occasion and on each subsequent occasion the British have failed utterly to prevail over the untrained citizen-soldiers of the Dutch Republic.

It is believed, and I believe, that the British foreign office had full knowledge of the contemplated raid and approved it. The affair exhibited all the marks of identification of the time-honored English method as described by Morley, a method that provokes resistance and then assumes that the Queen's forces have been attacked. But in this case the overthrow of Dr. Jameson was so sudden and so complete, and his operation so barefaced, infamous, and unjust, that even the English Government did not dare defend the raid or follow it up, although no one was punished for participating in it.

Jameson's revolutionary act caused great indignation among the Dutch of all South Africa and unified them in a determination to resist English aggression. It convinced the most conservative among the inhabitants that there was no limit to English perfidy and English dishonor. The Boers began at once to arm themselves and to fortify and to organize and drill all men between 16 and 60 years of age. Pretoria was fortified and works were constructed to command Johannesburg. Guns and ammunition were bought in Europe, and the miners were taxed to pay for these weapons of war. A treaty was made with the Orange Free State, offensive and defensive.

Members of the English Parliament have said recently that Kruger began his armament before the Jameson raid, with a view to driving the English out of South Africa entirely.

Mr. Drage, M. P., at Derby, December 7, 1899, said:

I charge conspiracy among the Dutch to overthrow English rule in South Africa. The armaments which have been accumulated for many years past, even before the Jameson raid, and the efficient drill and equipment of the Boers, alone showed what their ambitions have been.

The Boers have for nearly eighteen years been accumulating artillery, rifles, melinite, German and Hollander officers with which to oust England from South Africa.

This statement is untrue, but it illustrates the English method of falsehood to justify crime.

In 1895, just before the Jameson raid, Cecil Rhodes sent Major White to Pretoria to see what arms Kruger had, in order to judge what force to send to make the raid successful.

White's diary was afterwards found with a memorandum of the guns he found at Pretoria.

1. One half dozen very old pieces of ordnance.
2. One bronze gun of the date of the Second Empire.
3. A broken Maxim Nordenfelt.
4. A small muzzle-loader in bad condition.

Three Maxims and six other guns.

He says:

None of the guns I saw were fit for much work.

Captain Young visited Pretoria for the Times early in 1896, just after the Jameson raid, and he reports:

Orders for batteries of field guns, quick-firing guns, and Maxims, and for sufficient rifles to arm every Dutchman in South Africa were being sent to Europe; European drill inspectors were being imported and forts were being constructed around Pretoria on the most improved designs. One attempt had been made to take their country from them: they were thoroughly convinced that the attempt would be renewed at some future date, so the Boers were determined to be thoroughly on their guard the second time.

For 1892 the military expenditures of the Transvaal were $150,000, and for 1893 they were less than $100,000. In 1894 they were less than $150,000. In 1895, the year of the raid—and there were rumors of the raid for weeks before it occurred—the military expenditures were $435,000, and in 1896 the expenditures were $2,500,000.

The St. James Gazette of the 29th of August, 1899, says that in September, 1895, President Kruger asked why the Chartered Company was buying hundreds of horses for presentation to the new Volunteer Rhodesian Horse.

The truth is that the Boers armed only for defense, and after the Jameson raid, and they have continued to arm ever since. They had good reason to prepare for protection, for they saw Chamberlain was still foreign secretary and had whitewashed Cecil Rhodes in Parliament, and England treated Jameson and his raiders as the heroes of the Empire.

Proof is abundant that English spies have been engaged in mapping all the roads, rivers, and defenses in both the Transvaal and the Orange Free State for the past two years. In 1899 England determined to make another effort to secure the gold mines, for their richness had been further demonstrated by the production of over $80,000,000 in one year.

To accomplish this covetous design excuses must be produced for a quarrel. The English papers began to publish daily editorials rehearsing alleged wrongs perpetrated upon her subjects in the Transvaal. It was said they were taxed without representation, and a demand was made that the time required by the Dutch law to acquire the right to vote for members of both houses should be reduced to five years.

These assertions were formulated by Chamberlain, the minister for the colonies, and presented by the British representative at Pretoria, and then the British Government, for the first time in its history, presented the curious spectacle of one government endeavoring to compel another government to make it easy for her English citizens to renounce their allegiance to the Queen.

After negotiations had continued for several months, the government of the Transvaal surrendered to all the demands of the English, and sent the following communication to Mr. Chamberlain, through the English representative at Pretoria, who said there was no doubt it would be accepted:

DEPARTMENT OF FOREIGN AFFAIRS, GOVERNMENT OFFICE,
Pretoria, August 19, 1899.

SIR: With reference to your request for a joint inquiry, contained in your dispatches of August 2 and 3, the Government of the South African Republic have the honor to suggest the alternative proposal for the consideration of Her Majesty's Government, which this Government trusts may lead to final settlement.

1. The Government are willing to recommend to the Volksraad and the people a five years' retrospective franchise, as proposed by his excellency the high commissioner at Bloemfontein on June 1, 1899.

2. The Government are further willing to recommend to the Volksraad that 8 new seats in the First Volksraad and, if necessary, also in the Second Volksraad be given to the population of the Witwatersrand, thus, with the 2 sitting members of the gold fields, giving to the population thereof 10 representatives in a Raad of 36, and in the future the representation of the gold fields of this Republic shall not fall below the proportion of one-fourth of the total.

3. The new burghers shall, equally with the old burghers, be entitled to vote at the election for State President and commandant-general.

4. The Government will always be prepared to take into consideration such friendly suggestions regarding the details of the franchise law as Her Majesty's Government, through the British agent, may wish to convey to it.

5. In putting forward the above proposals the Government of the South African Republic assumes:

(*a*) That Her British Majesty's Government will agree that the present

intervention shall not form a precedent for future similar action, and that in the future no interference in the internal affairs of the Republic will take place.

(b) That Her Majesty's Government will not further insist on the assertion of the suzerainty, the controversy on this subject being allowed tacitly to drop.

(c) That arbitration (from which foreign element other than Orange Free State is to be excluded) will be conceded as soon as the franchise scheme has become law.

The Government trusts that Her Majesty's Government will clearly understand that in the opinion of this Government the existing franchise law of this Republic is both fair and liberal to the new population, and that the consideration which induces them to go further, as they do in the above proposals, is their strong desire to get the controversies between the two Governments settled; and, further, to put an end to the present strained relations between the two Governments and the incalculable harm and loss it has already occasioned in South Africa, and to prevent a racial war, from the effects of which South Africa may not recover for many generations, perhaps never at all.

Mr. Chamberlain rejected the reasonable proposals, and, instead of coming to a fair understanding, he increased his demands. The Boers were disheartened and grieved. Consequently the South African Republic withdrew its proposals and asked Her Majesty's Government to stand by the original ones.

Mr. Chamberlain replied by breaking off negotiations in the form of an ultimatum, saying:

The Imperial Government are now compelled to consider the situation afresh and formulate proposals for a final settlement of the issues which have been created in South Africa by the policy constantly followed for many years by the Government of the South African Republic (the Transvaal).

They will communicate the result of their deliberation in a later dispatch.

It was then September 22. The promised proposals were not forthcoming. The efforts of Mr. Green, the consular agent in Pretoria, were in vain. In the meantime and previous to these negotiations war preparations were going on, and a cry for war was heard in the English Parliament. To gain time was the scheme for the present until the British Government had a sufficient army landed, so as to dictate terms. The Boers waited until October, and then sent an ultimatum demanding that no more troops be sent to Africa pending negotiations and offering to arbitrate.

Mr. Chamberlain now replied that the Dutch were not an independent nation and that they were in revolt against their sovereign, the Queen of England. This was a position Mr. Chamberlain could not sustain, for after the Jameson raid, when he was criticised in Parliament, on May 20, 1896, he made the following statement:

In some quarters the idea is put forward that the Government ought to have issued an ultimatum, which would have certainly been rejected and which must have led to war. Sir, I do not propose to discuss such a contingency as that. A war in South Africa would be one of the most serious wars that could possibly be waged. It would be in the nature of a civil war. It would be a long war, a bitter war, and a costly war. It would leave behind it the embers of a strife, which I believe generations would hardly be long enough to extinguish. To go to war with President Kruger in order to force upon him reforms in the internal affairs of his State, in which secretaries of state, standing in this place, have repudiated all right of interference—that would be a course of action as immoral as it would have been unwise.

That declaration bears great similarity to the talk of our President when he announced that forcible annexation would be criminal aggression.

It is very appropriate that, as we should be trying to destroy a republic in partnership with England, the President's own words and Chamberlain's own words are sufficient to expose the duplicity of both.

In February, 1896, in a speech, Mr. Chamberlain made the following statement:

The answer which has hitherto been given, not on the part of the Transvaal, but on the part of some of its friends, was that to grant this request was to commit suicide, inasmuch as the moment the majority got the franchise the first use they would make of it would be to turn out the existing Government of the Transvaal and substitute a government of their own liking. [Hear! Hear! and laughter.] I confess I thought there was some reason in that objection. It is difficult to attempt to persuade anyone so capable as President Kruger that it would be desirable that he should proceed to his own extinction, and accordingly I brought before him an alternative suggestion, which, at all events, would relieve him from that difficulty. The question is whether President Kruger will consider that that proposal will endanger the security of the Transvaal Government. If he does, he will be perfectly justified in rejecting it.

James Bryce, M. P., in the North American Review, December, 1899, says:

Under the convention of 1884, which fixed the relations of Britain and the South African Republic, the latter had the most complete control of its internal affairs, and Britain possessed no more general right of interfering with those affairs than with the affairs of Belgium or Portugal. The suzerainty which has been claimed for her, if it existed (for its existence under the convention of 1884 is disputed), related solely to the power of making treaties and did not touch any domestic matter.

That which caused the war was the discussion of another matter altogether, which was admittedly not a grievance for the redress of which Britain had any right to interfere, and which therefore could not possibly amount to a casus belli. This matter was the length of time which should elapse before the new immigrants into the Transvaal could be admitted to citizenship, a matter entirely within the control of the Transvaal legislature.

It is the story of the diamond mines over again, with this exception: The Transvaal after the Jameson raid began to buy arms, and has become an arsenal of modern war equipment. Paul Kruger announced to the nations of the earth that, if they must surrender their liberties, England would pay a price in human life that would stagger humanity.

But was there oppression in the Dutch Republic, of the uitlanders or miners, as they are called?

Thael says, on page 350 in his work on South Africa:

The great majority of the people engaged in the mining industry are English speaking, while the farming population is Dutch. The intercourse between them is, upon the whole, friendly, and each section certainly exercises considerable influence upon the other. In the legislature, however, the English-speaking section is almost powerless, and taxation is arranged so as to fall lightly upon agriculture. In other respects no one has anything to complain of.

Andrew Carnegie, in the North American Review for December, 1899, says:

In the Transvaal there was scarcely any people but the Dutch until the discovery of the mines, which have attracted foreigners from all nations, until to-day, by counting all foreigners as British, there may be a small majority against the Dutch; but these are not all British. Some estimate that there are not more than 6,000 British among the miners. Those of all other nationalities do not side with the British as against the Dutch. The vast majority of these, as well as of the British, are opposed to the present attack upon the Transvaal. Of this there can be no doubt. The people are working the mines, receiving enormous wages and only wish to be let alone. They do not wish to become burghers in order to vote; especially is this true of the British. I have peculiar means of knowing this. Several of the tenants upon my Skibo estates have sons or brothers in the mines, and I have from time to time been informed of the letters which they write home. There is one now in charge of an important mine whose letters are most significant. He stated to his father in one of these what I have already said, and that the Britons liked the Boers and did not wish to become burghers. They were there as Britons to make money and finally to return to their homes. They wanted no franchise. He stated that the petition to Her Majesty praying her to interfere was not generally signed by the Britons, and that many of the foreigners signed the petition believing it had reference to some dreaded temperance legislation in which they were deeply concerned.

H. A. Rose, formerly superintendent of the Homestake mine, in South Dakota, now engaged in mining in the Transvaal, writes a friend at Deadwood that the sympathies of most American miners there are with the Boers, and that many of them will fight in the ranks of the Dutch army. The miners are of the opinion that if the British conquer and get possession of the gold mines, which are the richest in the world, the miners' wages will at once be reduced.

William Adan, who left Sioux Falls, which is my home, some years ago for South Africa, writes that he left Johannesburg just three days before hostilities between England and the Boers commenced. He says that the war was uncalled for and that the so-called injustice of the Boer laws was greatly exaggerated by the British press. The Boers, he says, are a very temperate class of people, and the foreigner who behaved himself and acted like a man was respected by them and had no more trouble than in any other civilized community in the world.

Froude thus describes the Boers in his book Oceana, on page 42:

The Boer, as we call him, is a slow, good-humored person, not given to politics, occupied much with his religion and his private affairs.

The Boers of South Africa, of all human beings now on this planet, correspond nearest to Horace's description of the Roman peasant soldiers who defeated Pyrrhus and Hannibal. There alone you will find obedience to parents as strict as among the ancient Sabines, the severa mater whose sons fetch and carry at her bidding, who, when those sons go to fight for their country, will hand their rifles to them and bid them return with their arms in their hands or else not return at all.

They arrange their disputes with the natives with little fighting.

In the Transvaal a million natives live peaceably in the midst of them, working with them and for them. There has been no uprising of the blacks against whites in the Transvaal.

I have presented this evidence to show who the Boers are. Now, who are the Uitlanders? They all, or nearly all, live in Johannesburg, which is a city of 108,000 people, 28,000 women and 80,000 men. The whites number 60,000 and the blacks 43,000. There are 5,000 Chinese. Very few white women live in Johannesburg, and nearly all who are there are harlots. Chamberlain and the English Government pretend to the world that Great Britain was forced to go to war against the Boers to redress the wrongs of these unmarried men who are living there without family ties or social restraints, intending to remain only long enough to make their fortunes and then depart. These foreigners were not asking for the franchise, and now this young Republic is to be destroyed by England's mighty army because Paul Kruger would not turn his government over to this band of adventurers, to these men without families and the consorts of harlots.

Mr. President, it was not the alleged wrongs of the Uitlanders that caused the war. We must look for another reason. Any person familiar with English history for the past century will experience no trouble in reaching the cause.

I find the following in Reynolds's Newspaper, London:

1. The taxes in the Transvaal are levied on the rich and not on the poor. The Uitlander worker who earns from £5 to £10 a week is only taxed to the extent of 1½s. per annum.

2. Wages at the Kimberley mines, under Rhodes & Co. and the British Government, are less by one-half than those of the Transvaal mines.

The Johannesburg capitalists have declared in print that so soon as Britain has annexed the Transvaal wages will be lowered by 40 per cent.

3. In the Transvaal Sunday labor is prohibited, and the authorities fine any employer who permits it.

In Kimberley, under the British flag, the mines are kept going seven days a week.

4. In the Transvaal the working day for both black and white men is eight hours by law.

At Kimberley black men are worked for twelve hours a day.

5. In Kimberley what is called the "compound" system is in force for colored men. This is slavery by another name. The Government of the Transvaal Republic will not allow the system to be introduced into the Transvaal.

6. At the meeting of the South African Chartered Company the other day, Earl Grey said that our—the British—Government would support the company in the introduction of native (black) and Asiatic (yellow) "labor" because of its "cheapness" as compared with white or British "labor."

The real motive for the war against the Boers is founded in English greed, in English cupidity, and in English dishonor.

Labouchere, M. P., in his paper, the London Truth, of January 18, 1899, says:

The real fact, as every day is becoming more clear, is that Mr. Rhodes wished to reacquire power in the Cape in order to sell his chartered company to us with the aid and approval of the Cape Colony, and that the mine owners in the Transvaal wanted to convert its government into an organization to crimp blacks and to force them to work in the mines. Admitting that we had cause to complain of the treatment by the Transvaal of our citizens in not allowing them to make a sufficient number of blacks work for them, we ought to have consented to arbitration, as suggested by President Kruger. The only reason we did not was that any independent investigation would have blown to the winds the fabrications of the South African League and of the Transvaal mine owners which were circulated by Mr. Chamberlain in order to arouse the passions of Englishmen at home to war point.

Mr. Frederic Harrison, one of the foremost men of England, has to say about this question of the franchise in the Transvaal. In an open letter to Lord Salisbury, the premier of Great Britain, published in the London Chronicle August, 1899, Mr. Harrison said:

"Measured by the compromises with foreign nations which you may justly claim to have brought to a successful issue, the concessions already accepted by the Republic are indeed decisive. From nine years to seven years, from seven to five years, from one demand of the outlanders to another, the Boers have given way. They have already conceded the whole of the original demand made upon them and have even added more. And at every fresh concession Sir Alfred Milner is instructed to make further demands, until throughout the Transvaal, and we may well add at home, the impression prevails that it is not concession of claims which is sought from the Republic, but submission, humiliation, and loss of independence. Is this how negotiations have been carried on, when you, my lord, as head of the foreign office have dealt with Russia, Turkey, France, or the United States? This is not negotiation. It is war, war of naked aggression, war wherein the Boers will not yield without a desperate struggle and after bloody combats, a war which can not be closed by a few victories nor the traces of it wiped out by a few promises or proclamations, a war wherein many true and patriotic Englishmen devoutly trust that the Boers may not be ultimately crushed."

Mr. J. A. Hobson, in the London Speaker, asked "What are we fighting for?" And he then asserted that the mine owners in the Transvaal desired to overthrow the Republic so they could enact the same slave-labor laws in force at Kimberley; so that they could repeal the eight-hour law and compel the black laborers, at least, to work twelve hours a day; so that they could repeal the Sunday laws and run the mines seven days each week, as they do at Kimberley. Mr. Hobson says:

The attitude of the mining industry toward the Transvaal Government in respect of the labor question is instructive. Witnesses before the industrial commission at Johannesburg were unanimous in maintaining that it was the duty of the Government to procure a steady and sufficient supply of Kaffirs for the mines. The Government was called upon to accredit and assist agents of the mining industry to obtain native labor, to pay premiums to Kaffir chiefs, to furnish extra pay to the native commissioners for the same object, and to convey this labor "under supervision" to the mines, erecting "compounds" along the road, reducing railroad fares to one-third of the existing rate, and in a dozen other ways spending further money in serving the private interests of the mines. Why politics and economics are so closely connected that the public purse should be used to keep down the wages bill of the mines is not intelligible to English people. But it is perfectly clear that under a "reformed" government the mine owners will take every care to press these claims.

The testimony of Mr. Albu before the industrial commission at Johannesburg throws a great deal of light upon this feature of the case:

"The native at the present time receives a wage which is far in excess of the exigencies of his existence. The native earns between 50 shillings and 60 shillings per month, and then he pays nothing for food or lodging. In fact, he can save nearly all that he receives. If the native can save £30 a year, it is almost sufficient for him to go home and live on the fat of his land. In five or six years' time the native population will have saved enough money to make it unnecessary for them to work any more. The consequences of this will be most disastrous for the industry and the State. This question applies to any class of labor and in any country, whether it be in Africa, Europe, or America. I think if the native gets enough to save £5 a year, the sum is quite enough for his requirements and will prevent natives from becoming rich in a short space of time.

"You say the native does not require luxuries, and if he has worked for a year he has saved enough to go back to his kraal and remain idle?

"Yes.

"Can you suggest any remedy for this?

"The only remedy which I can suggest is that we pay the native a wage which, while enabling him to save money, will hinder him from becoming exceptionally rich.

"Is it in the control of the mining industry to regulate the wages of Kaffirs?

"To a great extent—that is, if the Government assists us in bringing labor to this market."

Here, Mr. President, is the gist of the whole controversy. If the English Government conquer the Transvaal, they will take those people, as they did at Kimberley, to assist in bringing labor to the market. In fact, to-day there are four English colonies where the contract-labor system is in force—Jamaica, British Guiana, Mauritius, and Trinidad. There a system of slave labor exists enforced by the British Government, the laborers being imported under contract and driven to toil by their slave masters, punished if they are idle, fined, and compelled to have the hours which they shall toil regulated by the labor contractor; and an English writer announces to-day that this is the proper system for labor in the Tropics; that no matter what country holds colonies in the Tropics, the labor system adopted by the English at Kimberley, in British Guiana, in Jamaica, and in Trinidad is the system for the best interests of the laborer and of the employer.

Mr. Hobson says:

If this war can be successfully accomplished and a settlement satisfactory to the mine owners can be reached, the first fruits of victory will be represented in a large, cheap, submissive supply of black and white labor, attended by such other economies of cost as will add millions per annum to the profits of the mines.

The blood and the money of the people of Great Britain are being spent for this purpose. No other definite, tangible result of the conflict can be shown. The men who, owning the South African press and its political organizations, engineered the agitation which has issued in this war are the same men whose pockets will swell with this increase. Open-eyed and persistent, they have pursued their course, plunging South Africa into a temporary ruin in order that they may emerge victorious, a small confederacy of international mine owners and speculators, holding the treasures of South Africa in the hollow of their hands.

Any person who will examine this disgraceful chapter of English history will find that the more closely it is looked into, the more shocking it becomes, and he will be led to marvel that the world looks on while the infamy is being accomplished.

The argument employed to silence the consciences of the small number of English people who are possessed of that moral faculty is that they propose to confer the blessings of English rule upon these people.

Is English rule such a blessing?

In India to-day 75,000,000 of enforced British subjects are starving, and Moreton Frewen, a prominent English writer, with an estate in Ireland, says the chief cause of this condition was the closing of the India mints to silver coinage, thus destroying the value of the savings of these people, which were in silver ornaments and bullion. We may add to this cause the vast sums taken annually from India by taxation to support a foreign army and a great foreign pension list.

Before English occupation a native farmer could not be deprived of his title to his land. No matter how deeply he might become involved in debt, the title to his home was sacred and could not be taken away. England changed the law and allowed the title to pass by foreclosure or by judgment for debt, and the result has been the same as it has been in every other place where similar practices exist—the usurers are acquiring vast estates, the independent land owners are becoming tenants and hence slaves, forced to take what is left of the product of their toil after their landlords are satisfied. These causes, all the result of English rule, have produced starvation in India every year, and in bad years, like the present, people die by millions. What is given in compensation for this horrid condition? The people of India have not adopted anything that is English. They are not Christians. They can not speak the language of their conquerors. In fact, England has never tried to Christianize them or teach them the English language. England's only incentive to the improvement of the Indian has been, how much money can our favored classes make out of India by exploiting the country for franchises and by taxation?

Mr. MASON. I would not interrupt the Senator but for the fact that he is just leaving the question as to the cause of the famine in India; and I wish to ask him, is it not also true that one of the principal causes of that famine is that the cereals of India which the natives raise are exported and taken away to England—that the very food they themselves raise is taken away from them?

Mr. PETTIGREW. Oh, yes, Mr. President. I say that, added to the fact that silver has been demonetized in India, comes the shipping away of vast sums to feed the British army and an enormous civil pension list. The food supply of India to the amount of $150,000,000 a year is shipped away and sold for the purpose of paying a vast army of pensioners in England who have been engaged in the Indian service—either the civil or the military service. The balance of trade is in favor of India $150,000,000 each year, but no money goes to India to square the account. It is squared by the pretended philanthropic services of the English civil service and the English army, who are there simply to advance the interests of English capital.

Mr. MASON. There are more people starving in India than the English are losing in the South African war.

Mr. PETTIGREW. There are fifty-odd million people in India to-day who are starving. In fact, 80 out of every 100 of the people of India never have enough to eat. Some few of the people have plenty of food, and 4 out of each hundred live in luxury. That is the effect of caste in India, and we are approaching the same condition of things in this country. It has been accomplished in India by ages of progression, but is being accomplished in this country by a few years of a different system.

Mr. GALLINGER. There is plenty to eat in this country.

Mr. PETTIGREW. The Senator from New Hampshire says he has plenty to eat.

Mr. GALLINGER. Mr. President——

Mr. PETTIGREW. I am very glad of that, but I presume there are people in New Hampshire who do not, as a rule, have plenty to eat, and there are some in all our great cities.

Mr. GALLINGER. Mr. President, if the Senator will permit, I did not say what he represents me as saying. I said our people were getting plenty to eat.

Mr. PETTIGREW. Well, I suppose the Senator is one of the people.

Mr. GALLINGER. I think the Senator's statement is hardly borne out by the facts, and I trust the Senator, at least, is not in that category.

Mr. PETTIGREW. Mr. President, the coal miner in Ohio in 1898 received $192 for his yearly wage; and, with a family of five, that would leave $39 per capita to furnish a home, education, food, and raiment for an American citizen and his family. Last year the coal miner in Ohio received $241 for his yearly wage; which was about $48 per capita to feed, to clothe, to educate, and to house his family. Whether they had enough to eat or not I have not investigated. I presume they would have been glad to have had more and better food than they could buy with such a wage. Further than that, the wages of the Ohio coal miner were less last year and the year before than were the wages of miners in Austria.

I have previously described Johannesburg, in the Transvaal.

It is a typical English foreign settlement.

There are two other English colonies to which I will call your attention—Singapore and Hongkong. The latter is a city of 222,000 people (1891 census). The white population is 8,550, of whom 6,468 are males and 2,085 are females. The Asiatics number 151,100 males and 61,800 females. There are therefore 3 white males to 1 female, and almost three colored males to each female. Even the Asiatics recognize the character of the settlement.

In Singapore there are 184,500 people, 4,312 of whom are white males and 942 white females. There are 135,000 Asiatic males and 40,500 Asiatic females. The white males outnumber the white females more than 4 to 1, and the Asiatic males outnumber the Asiatic females more than 3½ to 1. In both of the typical English colonies even the Asiatics will not live with their families because of the vile character of the settlements. These colonies are little better than brothels, and these Englishmen are there only for purposes of trade. Their golden rule is to keep all they get and get all they can, as the first and the last and the whole duty of man, and the thought of benefiting the people over whom they rule never enters into their calculations.

The person would be simple indeed who believed these soulless adventurers were there to teach or practice the golden rule. Yet Kipling says they are there to "bear the white man's burden." At Singapore benevolent assimilation has done its work and has left impress upon the morals of the people.

The Statesman's Year-Book says that in Singapore there are 3,600 Eurasians. I looked to see what a Eurasian was and I found it was a person born of a European father and an Asiatic mother, and through further investigation I learned that not one in twenty was born in lawful wedlock.

The English army and the English police protect property and trade in these colonies, and that is the only boast England can lay claim to wherever her infamous heel has poisoned the earth.

England must rise or fall in her boast of power to govern others and confer the benefits of a Christian civilization upon them by the success or failure of her effort in India; by the success or failure of her effort in Singapore; by the success or failure of her effort in Hongkong, in Jamaica, in Trinidad, in fact, wherever she has planted her flag; and I defy any person to find a colony under English rule, not composed of Englishmen, where they have not been miserably cursed by her presence.

Nothing that is good, nothing that is beneficial, nothing that is of advantage to those people has been conferred by England's presence, until to-day she is hated wherever she is, and it would be a blessing to mankind if she were driven from those countries.

Mr. President, there are many noble Englishmen—Mathew Arnold, John Stuart Mill, John Morley, James Bryce are examples which would honor any land or any race; but these men have no influence and exercise no force in shaping the political and industrial elements that control the English Government. The governing classes of England are governed by but one motive—greed—and to satisfy greed they engage in plunder. They have no higher aim than that which rules the highwayman. They hate and despise all other nations and all other races of men. If they bestow the flattery of friendship upon any nation or any man, it is to enable them to use the intended victim of their mercenary attentions. They scheme to reap an advantage by a pretense of friendship. That is the pretense they are tryng to play upon the people of the United States to-day, and I am sorry that they have found a foothold with a so-called American Administration.

Through all time, with what brutal contempt they have looked down upon and despised the Irish people. Just now they find it to their advantage to extol Irish bravery. You may travel around the world and make it a point to associate with the English residents and travelers in every country, and you will find that, which I have found, to be the fact.

In this connection I quote from a letter written by a graduate of Harvard College, who has been in almost every country upon the globe. He says:

> I was brought up in an atmosphere of great admiration for England—

If he was brought up in Massachusetts, that is pretty hard on Massachusetts—

> and I was an ardent admirer of Great Britain, but after I have traveled in almost every country of Europe and Asia, and met the Briton home and abroad, I came to know that in Germany the British spent their time cursing the Germans. In France they cursed the French. In their own colonies they curse the natives. In Japan they loathe and despise the Japanese. In China no words are too strong to express the British contempt for the average Chinaman. In India they kick and cuff and swear at the natives of India. By mere contact with the British race I have got so I can scarcely speak of them without intense prejudice. I believe that the average Briton, unless you entirely sympathize with him in his prejudices, is the most prejudiced and meanest man in the world. He will have nothing to do with you unless you swing in line with his prejudices.

He must be exceedingly gratified with the present condition of this country, for the Englishman writes our treaties; and when we amend them, they are submitted to him to ascertain whether or not he is willing to accept the amendment previous to our action. I will quote further from this letter of my friend:

> As for the boasted freedom of the English courts, from actual experience I think it is all humbug. The British courts are settled in injustice. I had rather be tried by a German or even a Russian court than by an English court. I saw a woman tried in an English court in one of the countries of Asia, and it was utterly shocking to me to see what that woman had to endure. She was charged with having given poison to her husband. I believe her to be innocent to-day, yet the whole community had not a single Englishman who did not vent his British prejudice against this poor woman.
>
> She was sentenced to death, but the sentence was commuted to life imprisonment, and there it will end. I don't believe that the British Government, in its most generous mood, ever mitigated a sentence beyond life imprisonment when it concerned a woman. I should judge that there was solid satisfaction in the whole of England whenever a woman was condemned by the court. Of course the ultimate quality of an Englishman is hypocrisy. Wherever he goes he criticises from his peculiarly hypocritical point of view. If he goes to a French colony, he has unlimited sympathy for the natives who are crushed by the French Government. But if he goes to an English colony, he loathes and despises the natives. I have read in a number of books where Englishmen have traveled in the colonies of foreign nations. Never once have I seen the slightest evidence of fair judgment toward the governing power. It is only the English who understand liberty, and yet they are the most utterly illiberal people toward others in their mode of government on the face of the earth. God help those who are under British rule!

The English Government is organized to promote the getting of property, no matter who produced the property, and to the protection of that property after it has passed into English hands.

This force moves England's navies and sends her armies into distant lands to murder and to rob the weaker nation of its share of the earth.

The rights of man have no place in England's moral or legal lexicon. This is true to such an extent that even in England her courts punish for offenses against property ten times more severely than for offenses against the person. For years London Truth has published in parallel columns the punishments administered for petty thefts and trespass and for brutal assaults, in order to try and correct this abuse, but to no purpose, for English thought has been directed so long to the idea that property is sacred above all things and that the things man produces are more important than the man, that only a revolution in English sentiment can work the needed change; and that revolution can and will come only when the English Empire is dismembered and destroyed, and from its embers shall arise the new Englishman, believing in the rights of his fellow-men in place of the long-existing belief that no people have rights an Englishman is bound to respect.

During the reign of Victoria England has evicted from their homes in Ireland 3,668,000 Irishmen, and 4,185,000 Irishmen have left Ireland and gone to seek homes elsewhere, while during this reign over 1,200,000 people have died of starvation in Ireland. Yet in the midst of the most acute famine experiences vast quantities of food produced in Ireland were shipped to England to appease the appetites of English landlords, while the men, women, and children whose labor produced the food in Ireland died of starvation for the want of what their toil had earned, and the same thing is seen every year in India and is intensified to-day. Irish evictions were always made in the Queen's name. Gladstone said in Parliament: "We are particeps criminis. We with power in our hands look on." Taxation in Ireland to-day is very much higher than it is in England. Moreton Frewen, who is an English landlord with an estate in Ireland, is my authority for this statement.

Mr. President, I hope the day will come, and I hope the Transvaal war will furnish the opportunity, when Ireland will rise in her might and drive every English soldier into the sea and every English landlord from her soil. That island belongs to the people

who till it. Confiscation of the rights of the nonresident landlord would be eminently justified in their case.

But how fares it with India? In the reign of the present monarch over 12,000,000 people have perished from starvation, and this year, the worst of all, that number is likely to be exceeded, as efforts for relief are almost suspended while the English nation spends its money and sheds the blood of its people in an effort to steal the Transvaal gold mines, so that her overrich may reap greater profit and employ slave labor to work the mines. But the opium trade flourishes and is profitable, for that is a government monopoly in India, and over the factories the English flag floats, and upon every package of the deadly drug is the stamp of Victoria and her coat of arms.

During the reign of Victoria, England has been engaged in forty wars, and in every one she was the aggressor. These have been wars of conquest and of plunder. During all this bloody and terrible reign the sun has arisen each morning to be greeted in its course around the world by the shrieks of her victims and the sound of English guns employed to murder those who resisted her oppression and gave up their lives in the vain effort to stay the course of English greed.

But the reflex influences of this half century of wrong to others have worked the ruin of the English race at home. One-tenth of her people are paupers; 66 per cent are without property and do not own the shelter over their heads or one foot of the earth on which they live.

Her yeomanry of the last century have disappeared forever. The lands they tilled are in pastures and in parks.

For the first time in history the English troops were beaten in and turned back by the people of central Asia in 1897.

Soldiers are not bred in the slums of cities; they are not recruited from the families of paupers; and if it were not for the contingent furnished by Ireland and Scotland and the recruits from the farms of Canada and Australia, the English armies in South Africa would long ago have been driven into the sea. The English soldier from England will no longer fight. Four hundred and fifty Boers attacked Spion Kop and killed and wounded 2,000 and drove those who were left to their defenses. The same story, wherever England has met white men for years, has been told. Fighting naked savages has become her business, the only business at which she is successful; and yet this work is the white man's burden, which we are asked to help bear.

England carries on these wars against the poorly armed people of Asia and Africa with the most cruel and savage barbarity. First the foe, often armed with old muzzle-loading rifles or spears, crowded together, without artillery, are mowed down by rapid-fire guns, and the survivors are demoralized. Then English mounted lancers charge the fleeing mass, overtaking individuals here and there and running them through the backs with their lances, keeping count of their victims and boasting of the number slain. Those left upon the field who are wounded are then murdered in cold blood. In the Soudan, in 1898, Kitchener fired upon crowds of women and children and killed hundreds at Omdurman.

Why is the lance longer used in modern warfare? Why are English horsemen armed with lances, the remotest relic of barbarism in connection with war? It is simply for the fun of what they called, when the war opened with the Boers, "pig-sticking." Is it not time that the civilized nations of the world rose and stayed the course of this nation which carries the black flag and is engaged in the murder of our fellow-men throughout the world?

Here is a picture of the Soudan campaign of 1896, from Winston Churchill, in the London Post, September 29, 1898:

> We had not gone far when individual dervishes began to walk toward the advancing squadrons, throwing down their weapons, holding up their hands, and imploring mercy. The laws of war do not admit the right of a beaten enemy to quarter.

The victor is not obliged to accept surrender. This is the new English doctrine of war. Churchill does not say what was done, but there is no doubt these supplicants for mercy were murdered on the spot.

Mr. E. N. Bennett, in the January Contemporary Review, related what he saw in the Soudan campaign:

> All the wounded were killed and then robbed.
>
> This slaughter of the wounded was not confined to Arab servants. It was stated that orders were given to kill the wounded. Certain it is no protest was made when scores of wounded were dispatched. The dervishes, who were stretched on the sands within a few yards, were bayonetted. Arabs, who lay further out in the desert from the line of march and happened to move or turn over in their agony, were instantly pierced with bullets. On some occasions shots were fired into the bodies of wounded men at such close quarters that the smell of burning flesh was sickening.
>
> After the battle of Omdurman, Dervishes, who lay with shattered legs or arms, absolutely without weapons, were bayoneted and shot without mercy. Our own British soldiers took part in it. On the west slopes of Surgham I noticed a fine old Dervish, with a gray beard, who was disabled by a wound in his leg. About 8 yards from him was his son, a boy of 17, whose leg had also been lacerated by a bullet. Both were without arms, yet an Englishman stepped out of the ranks and drove his bayonet through the old man's chest. The old man begged in vain for mercy and clutched the soldier's bayonet, reddening his hands in his own blood in a vain attempt to prevent a second thrust. No effort was made by officers or men to prevent the murder, and the report was that General Kitchener had given orders to kill all wounded.

This is from an English correspondent, who relates what he saw with his own eyes:

> No attempt was made for two days to do anything for the wounded Dervishes.

Except to murder and rob them.

General Kitchener returned from these terrible scenes with the blood of thousands of murdered men, women, and children on his hands, and urged Christian England to forget his barbarity and subscribe a fund to build a college at Khartoum to teach Christianity and English civilization. I can imagine the children, whose fathers and mothers had been thus barbarously murdered, flocking in numbers to become students of a civilization and a religion that had deprived them of their parents—and the justification for all this was that their purpose was to benefit and bless mankind.

Hear the canting Salisbury, at a dinner of the Constitutional Club, London, December 16, 1898. Referring to the Soudan campaign, he said:

> The Empire is advancing and must advance. The great strength you have must be used unfalteringly, unsparingly, but still prudently, for the advancement of the interests of the Empire and for the benefit of mankind. That we have used the force intrusted to us not violently, not sentimentally, but with calm and courageous calculation for the advancement of the interests of the Empire and the benefits of the civilization of mankind.

The cargo of an English ship starting to the Tropics on a mission of civilization and Christian mercy is made up of an assortment of merchandise, among which may be found rum and opium, with the Queen's stamp upon them. There are Bibles, English harlots, and the missionary to go before and open the way for the introduction of the rest of the cargo, until a colony is built up like Singapore and Hongkong. No wonder, with these experiences fresh in their minds, that the Asiatics do not embrace Christianity.

Our imperialistic friends and the President favor taking tropical colonies and holding them, after the English model, on the plea of duty to mankind, and the President employs fine passages of hypocritical cant borrowed from England's long experience. We are told we should join England in her work and help bear the white man's burden. We are told that now is the moment when the destiny of Anglo-Saxon civilization hangs in the balance, and we must take up the burden and spread civilization and enlightenment and Christianity, after the English fashion, over that portion of the world not yet cursed by the blight of English presence; that England has been doing the work for a century, and now she falters and finds the burden too great to bear. Jealous rivals covet her empire and her dominions; that the great prize at stake for mankind is Anglo-Saxon dominion and lordship over the world; that dominion after the English fashion it is our duty to uphold; that it is God's work, and that He desires we should make England's struggle our own. And so imbued has the President become with this idea that he has pursued a course that has led the whole world to believe he has made at least a verbal alliance with Great Britain to render aid, if occasion requires. The effect of our attitude has been to prevent the nations of Europe from helping the South African republics.

Therefore our duty is plain. We should pass this resolution of sympathy with these struggling Republics. We should show the world that England can not rely upon us for support in any form. We should encourage and counsel with her enemies. We should show to the whole world that we condemn her course in South Africa.

I spurn an English alliance and English sympathy. I want nothing to do with that nation of robbers and murderers, unless it be to join the other nations of the earth in a notice to England that she must close her career of piracy, must pull down her black flag, and withdraw her armed forces from all her colonies and allow them to be free. Rather than join in this unholy work, called by that poet of blood "the white man's burden," let us emulate the example of our forefathers and be again the champions of all men struggling to be free, the example to the world, the proof to mankind that a nation of freemen can do right, can be just, can resist the temptation to conquer and oppress, and that we hate injustice. Let us exhibit the example of a government conceived in liberty and dedicated to the proposition that all governments derive their just powers from the consent of the governed, and demonstrate that this Government, so conceived and so dedicated, a government of, for, and by the people, shall not perish from the earth.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none.

Mr. QUARLES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. CARTER. I yield to the Senator from Wisconsin for a moment.

PORT OF GREENBAY, WIS.

Mr. QUARLES. I ask unanimous consent for the present consideration of the bill (H. R. 963) to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Greenbay, Wis. It is a very short bill and it is unanimously recommended by the committee. There will be no objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SPANISH AND AMERICAN CLAIMS COMMISSION AWARDS.

Mr. COCKRELL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Missouri?

Mr. CARTER. I yield to the Senator from Missouri.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 558) to make disposition of the increment and accretions upon the sums reserved by the Department of State from the fund received by the United States upon the account of the payment of the awards of the late Spanish and American Claims Commission, and to pay and distribute the same. The bill simply provides for the distribution of the balance of $14,000, and is reported favorably by the Committee on Foreign Relations. It is a short bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment, to insert, after the word "Congress," in line 5, on page 2, the following:

And the sum of $14,485.50 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of State to carry out the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3119) making further provision for a civil government for Alaska, and for other purposes.

Mr. CARTER. I am advised that the Senator from North Dakota [Mr. HANSBROUGH] is detained from the Senate to-day by illness, and in consequence the amendment offered by him can not be proceeded with without some discourtesy to the absent Senator. I therefore suggest that it go over for the day and that other amendments contemplated or to be presented to the bill be now offered.

Mr. STEWART. I should like to call the attention of the Senator from Montana to one point.

Mr. CARTER. Will the Senator from Nevada permit me for a moment?

Mr. STEWART. Certainly.

Mr. CARTER. Before proceeding, I desire to say that upon Monday next it is earnestly hoped the bill may be finally disposed of. I have heretofore taken occasion to urge upon the Senate the necessity of prompt action upon this bill. It is very voluminous, and yet it is exceedingly difficult to discern in what respect it can be limited in volume or extent.

This morning I received from the Attorney-General a letter in which he states:

I inclose herewith for your information a copy of a communication from Major Ray, commanding officer of the district of north Alaska, reviewing the situation as to civil government in that section.

The communication of Major Ray is very suggestive and instructive, and to the end that all points covered by it may become known to Senators I ask that it be read from the desk. It is a graphic picture of conditions existing in northern Alaska and the strongest kind of a plea for the passage of the bill which has been before the Senate for some time.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

CIVIL GOVERNMENT IN NORTH ALASKA.

HEADQUARTERS DISTRICT OF NORTH ALASKA,
Fort Egbert, Alaska, December 31, 1899.

The ADJUTANT-GENERAL UNITED STATES ARMY,
Washington, D. C.
(Through Headquarters Department of the Columbia.)

SIR: With the close of the year I have the honor to report that the situation of north Alaska as to civil government remains unchanged. While at the last session of Congress a criminal code was established, no machinery was provided to properly enforce it. The United States district judge, who resides at Sitka, passed down the Yukon in August, but did not stop at any one place long enough to hold court or to hear cases over which his court only has jurisdiction.

He appointed several court commissioners and deputy United States marshals. Such commissioners having, under the law, the powers of a justice of the peace in criminal cases only, and being without money, jails, courthouses, or any means of conducting their courts, except on credit, they have been of but little service. The attainments of some of the appointees do not demand that respect that a representative of the United States judiciary should in a country like this.

In civil cases no court has been established, except at Sitka, that has jurisdiction, and there is no officer north of that point before whom a civil suit can be commenced.

The practical operation of this condition leaves all of north Alaska without any court to which the citizens can appeal, owing to the time and expense attending the process of bringing suit, and even the commissioner's court is too expensive a luxury to be indulged in except by the most opulent.

Where it is a question of title or ownership there is no court that has the power to issue an injunction or a restraining order pending action by the Sitka court. Consequently many serious complications are arising out of disputed title to placer mines, owing to the fact that the delay incident to filing information in the court at Sitka gives either party ample time to take from the ground all the valuable mineral before any action can be had in determining title by the court.

Where action in determining title by a miners' meeting I interfere to restrain until such time as both parties can get into court, but individual disputes I am unable to adjust. Crimes arising out of such disputes do and will occur, and are only incident to the conditions that exist here.

To me the most remarkable feature is the peaceable character of the population all along the Yukon Valley. In an experience of over thirty years along our frontier I have never seen so little crime in proportion to the population and the interests at stake. It will be a great misfortune if the present Congress does not give to this north country a well defined civil government, fully adequate to settle all questions that may arise, with judicial districts easily accessible to the people living in the interior. The people have just cause for complaint when a Government like ours forces any portion of its citizens to make a journey half around the world to get an appeal for justice, for, measured by the time and expense it takes to make the journey, it is farther, for nine months of the year, from here to Sitka than it is from Washington to the Philippines. The salaries paid to the officials now authorized is a mere pittance compared with the cost of living, and bars the securing of competent men unless they devote their time to their personal interests instead of their duties. This should be recognized, and such salaries paid that men of ability and integrity could afford to take the offices and refrain from becoming interested parties in the matters they may be called upon to adjudicate.

At Anvil City, I learn from an officer in command there that the citizens have organized a full municipal government, with the necessary constables and police to preserve the peace, with most satisfactory results; but here at Circle City and Rampart City no such action has been taken, which I am of the opinion is owing to the fact that the transient element so largely predominates. They are here solely for what they can make, and naturally defeat any attempt of the citizens who are here to stay to organize any government that the people must support by taxation. Knowing the country and the character of the people as I do, I am strongly of the opinion that it is not for the best interests of the country or the people now here or who may come in the near future to give the same form of Territorial government (except as to judiciary) to Alaska as that given to the Territories in the United States proper.

An election by the floating population for the local civil officers would be a farce. The real resident would not, as a rule, be elected. The majority, with their officers, would migrate with the first rush to a new discovery. The conditions demand strong, quick action for the criminal class, and a conservative, simple government until the period of extreme inflation and excitement has passed; and all officials should be of a class not dependent upon the popular suffrage for office. The vast resources of this region, now just becoming known, should not be further jeopardized by allowing the country to drift into a condition of anarchy. That an abnormal condition of affairs exists should be fully recognized and met by proper laws suited to this country and its interests, which are often the opposite that exist in the United States proper. One of the most important interests that requires legislation is that of placer mining.

Very respectfully,

P. H. RAY,
Major, Eighth Infantry, Commanding District.

Mr. CARTER. Major Ray, the writer of the letter which has just been read, has been on duty in the district of Alaska for wellnigh two years. He is an intelligent officer and an acute observer of conditions. It is fortunate, indeed, and a subject of congratulation that the bill now before the Senate, which was framed without consultation with that officer, practically meets every suggestion made by him from an independent point of view.

I have heretofore taken occasion to suggest that a large number of people would go into the gold regions of Alaska during the coming summer. I placed the number at 100,000. Persons unfamiliar with conditions have flippantly regarded the figures thus stated as extravagant and impossible. There are now between 30,000 and 40,000 residents in Alaska; probably 20,000 to 25,000 persons in the vicinity of Dawson City and in the district known as the District of British Columbia, in the Canadian country.

The miners will not go exclusively by steamer to Cape Nome and St. Michaels. It is a fact not generally known, but nevertheless a fact, that a railway has been constructed from Skagway, at the head of the Lynn Canal in American territory, across the mountain range to the head waters of the Yukon River. That railroad has been in operation for some time, and is being rapidly constructed down the Yukon River to a point near Dawson City. Over this line of railroad, connected with steamers that pass to and fro several times each week from Seattle, Portland, and other points on Puget Sound, passengers, prospectors, miners, and their supplies will find way into the district of Alaska, with a view to exploring the vast mineral deposits of the Yukon Valley.

The number of persons who will go to Cape Nome the coming summer will be limited only by the transportation facilities, and

I do not think it is at all extravagant to suggest that the laws we have in contemplation now embodied in this bill proposed to be enacted into law will apply during the coming summer to more than 100,000 residents or inhabitants of Alaska. The failure to pass the bill will, as Major Ray suggests, invite anarchy and confusion, which will be distressing to the unfortunate people there and a disgrace to the Congress of the United States.

In view of the necessity for prompt action upon this bill, if it is to be made a law at the pression session, I feel called upon now to say that upon Monday next, when the attendance of the Senate will be more full than at present, I shall ask unanimous consent for the fixing of an hour for a final vote upon the bill and all amendments pending at the hour agreed upon.

But two amendments remain to be seriously considered, one being the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH] and the other proposed by the Senator from Tennessee [Mr. BATE]. The amendment of the Senator from North Dakota refers to certain mining rules and regulations and the presentation of proofs—the raising of issues in the course of litigation.

The amendment of the Senator from Tennessee proposes the submission to a jury of contempt cases in certain instances. The amendment the Senator from Tennessee can explain, I assume, within the limits of an hour, and I do not think that the debate upon the amendment proposed by the Senator from North Dakota can extend much beyond that limit.

So, when the proposition is made on Monday morning to take a vote at 4 o'clock on Monday, or at 4 o'clock Tuesday, if desired, upon the bill and all pending amendments, I trust that Senators will be prepared to propose such amendments as they have in contemplation, to the end that they may at that time assent to the fixing of an hour for a vote.

There is a matter of detail, Mr. President, which may be acted upon in the absence of the Senator from North Dakota. I suggest an amendment, which is one of detail, on page 325 of the bill, and which I will ask the Senate to pass upon: After the word "court," in line 10, section 47, that is at the bottom of the page, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary read as follows:

The secretary of the district shall collect $5 for each certificate of appointment made under this chapter, and disburse the same as provided in section 32, Title I, chapter 1, of this act.

Mr. CARTER. The purpose of this amendment is to authorize the secretary of the district to collect a fee of $5 from each person appointed a commissioner of deeds in any State or Territory without the limits of Alaska. The section referred to, which controls disbursements, provides that a like sum shall be collected from each person appointed a notary public in the district of Alaska, and the sum thus collected shall be used as a library fund for the district, the object being to lay the foundation for a historical library for the district of Alaska. The section provides for the collection of such curios as may be of historical interest, and the collection of such books and periodicals as may have been or may hereafter be published in the district, and such other matter as may to the governor and Secretary of the Interior appear appropriate for collection in a historical library. This amendment would add a small amount to the sum thus provided, which in the aggregate would not exceed $1,200.

The PRESIDENT protempore. The amendment will be agreed to without objection. It is agreed to.

Mr. STEWART. Mr. President, I wish to call the attention of the Senator from Montana to the amendment that was proposed to section 26, page 23. I think that some of the provisions of that amendment were adopted without understanding the exact facts. I did not understand the full provision myself at the time, and I had not examined the report of the Secretary of War with regard to what he had done. It was supposed that he had made regulations, and I was laboring under that impression, in granting permits between high and low water where miners might work, and that he had granted permits which were working a monopoly. I find that that is not the case. The Secretary's order and his proceeding there were very proper and necessary. The applications which were made were applications for permits to mine below mean low tide in the ocean. Of course mining rules and regulations could not be applied, and before any person could afford to make the expenditure necessary to mine in the ocean he would have to have some space upon which to work. Besides, such persons would be liable to criminal prosecution, to arrest, and all that, for interfering with navigation, and it was not only right and proper, but necessary, that they should have a permit from the War Department to mine; that there should be some space designated to them so that they could make the investment.

I think perhaps there is only one criticism to be made. The order says mean low tide. I think it might be confined to low tide and satisfy everybody. But these permits are necessary and proper. I will state that the Senator from Washington [Mr. TURNER], who introduced the amendment, is not here. I called his attention to it this morning, and told him that the report from the Secretary of War made it entirely proper, and he appeared to concur with me. I think he has no objection to the amendment I shall now propose.

Then there is another matter that was in the law passed in 1898 with regard to homesteads which left a space between the homesteads and also provided for a roadway parallel with the coast. That was manifestly intended to apply to agricultural lands, but it is construed by some to apply to mineral lands and town sites. Everyone recognizes that that ought to be corrected. I have drawn a substitute for the amendment which was submitted by the Senator from Montana and adopted by the Senate, which I think will meet all the situation and will be satisfactory to everybody.

Provided further, That subject only to such general limitations as may be necessary to exempt navigation from artificial obstruction all land and shoal water above low tide on the shores, bays, and inlets of Bering Sea, within the jurisdiction of the United States, shall be subject to exploration for gold and other precious metals by citizens of the United States or persons who have legally declared their intention to become such, under such reasonable rules and regulations as the miners in organized districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law: *Provided further*, That the rules and regulations established by the miners shall be in conformity with the mining laws of the United States, and all permits heretofore or hereafter granted authorizing any person or persons, corporation or company, to excavate or mine under any of the said waters are limited to lands below low tide: *And provided further*, That the reservation of a roadway 60 feet wide under the tenth section of the act of May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes," shall not apply to mineral lands or town sites.

The PRESIDENT pro tempore. The Senator from Nevada will suspend one moment. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in and to the government of the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. STEWART. I will state that the amendment of the Senator from Montana has been passed upon, but I ask that by unanimous consent it may be reconsidered, and I trust that the chairman of the committee will accept this substitute.

Mr. CARTER. I ask unanimous consent that the unfinished business be laid aside without prejudice, to the end that we may proceed with the consideration of the Alaskan bill.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Montana? The Chair hears none.

Mr. FAIRBANKS. The amendment proposed by the Senator from Nevada——

Mr. STEWART. My amendment does not come in until I get consent to reconsider the other amendment which was adopted by the Senate. I want to offer this as a substitute. I ask unanimous consent that the amendment for which this is a substitute and which was adopted, to come in at the end of section 26, on page 23, be reconsidered, with a view to offer this as a substitute.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the amendment heretofore agreed to on page 23 be reconsidered. Is there objection? The Chair hears none.

Mr. STEWART. Now, I offer what I send to the desk as a substitute for that amendment.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment as a substitute for the former amendment, which will be read.

The Secretary read as follows:

Provided further, That subject only to such general limitations as may be necessary to exempt navigation from artificial obstruction all land and shoal water above low tide on the shores, bays, and inlets of Bering Sea within the jurisdiction of the United States shall be subject to exploration for gold and other precious metals by citizens of the United States or persons who have legally declared their intention to become such under such reasonable rules and regulations as the miners in organized districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law: *Provided further*, That the rules and regulations established by the miners shall be in conformity with the mining laws of the United States, and all permits heretofore or hereafter granted authorizing any person or persons, corporation or company to excavate or mine under any of the said waters are limited to lands below low tide: *And provided further*, That the reservation of a roadway 60 feet wide, under the tenth section of the act of May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes," shall not apply to mineral lands or town sites.

Mr. CARTER. Mr. President, the difference between this amendment and the amendment which was adopted on a former day goes to the merits of a controversy raised by the resolution of inquiry presented by the Senator from the State of Washington [Mr. TURNER]. That inquiry was directed to the Secretary of War, and required him to advise the Senate what, if any, permits had been granted to excavate along the shores of Bering Sea; and what, if any, rights or privileges had been granted in reference to the subject. The Secretary of War, in response to that resolution, replied that numerous applications had been made under a statute

which he cited, and that certain permits had been granted, one to an individual in the State of Washington, another to an individual in the State of Ohio, and that others would be granted from time to time as formal application happened to be made.

In the case of the individual to whom a permit was granted in the State of Washington, it appeared by the appendix attached to the report of the Secretary that the right was given, which in itself constituted nothing more than an exemption from criminal prosecution, to the person named in the permit to excavate sand along the shore of Bering Sea near Cape Nome for a distance of 2 miles and a width of 500 feet extending out from low-tide line. Another permit was granted for a distance of 3 miles along the coast of the same width, to wit, 500 feet.

This report of the Secretary of War led to what seemed to me to be a line of unjust comments in this Chamber. It was claimed that he had no legal authority to grant the permit, to begin with. It was asserted that this granting of permits constituted a high-handed species of favoritism; that it gave to the individuals who possessed the permits special rights and privileges not granted to or intended to be granted to other persons. For a time the debate in the Chamber was of a stormy, vehement, and acrimonious character. It seemed from the statements made by Senators that the Secretary of War had been guilty of high crimes and misdemeanors in connection with the proceeding.

It was argued upon this side of the Chamber, and I believe is insisted still, that the action of the Secretary of War was regular, not extraordinary, not without authority of law, in conformity with a regularly established routine business regulation in the War Department, and in conformity with the provisions of a statute of the United States. Senators, however, on the other side of the Chamber continued to insist that it was a grave abuse of executive power; that no authority could be found in the statute for the granting of the permits, and that it should be stopped.

To the end that citizens of the United States might be permitted to get gold out of the sand along the shores of Bering Sea, if they could, the amendment which appears in the bill on page 23 was presented by me, and provided in substance that at any point in the shoal waters of Bering Sea citizens of the United States, or persons who had declared their intention to become citizens, under such rules and regulations as the miners themselves prescribe, not in conflict with the laws of the United States, might proceed to occupy, temporarily possess, and mine for gold or other precious metals along those shores to such an extent as would not interfere with navigation.

That is the amendment as it appeared in the bill when the request for unanimous consent was presented by the Senator from Nevada. Now the Senator proposes a substitute for that amendment.

Mr. SPOONER. On what page is that?

Mr. CARTER. At the bottom of page 23 the amendment came in, and the amendment as finally adopted will be found in the RECORD of March 27, on page 3575.

Mr. President, it is for the Senate to determine in passing upon the substitute proposed by the Senator from Nevada whether the contention of those who assailed the Secretary of War was well or ill founded. If Senators who charged the Secretary of War with transgressing or going beyond the limit of legal authority are willing to accept the view of the Senator from Nevada that a mistake was made in that behalf, I have no objection to offer, because I believed at the time, and I believe now, that the Secretary of War acted strictly within the limits of his legal authority, and that the method of procedure inaugurated by him was wise and entirely justified by the conditions.

Mr. PETTUS. Mr. President, will the Senator allow a question?

Mr. CARTER. Certainly.

Mr. PETTUS. Where is the law under which the Secretary of War had power to do that thing?

Mr. CARTER. The law is cited in the report of the Secretary of War in reply to the resolution. A copy of that report I will procure and have delivered to the Senator for his information.

Now, I am advised by the Senator from Nevada that the assault upon the Secretary of War was ill-timed, and that those who made the inquiry and severely commented upon the action of the Secretary of War, being advised of the error of their way, desire the amendment proposed by the Senator from Nevada to be incorporated in the bill.

That amendment in effect proposes that between low and high tide on the shores of Bering Sea and its inlets the miners of the district may make rules and regulations governing the location of claims, such rules and regulations not to be in conflict with the laws of the United States; and that below low-tide line the Secretary of War may continue, as heretofore, to issue permits to persons desiring to dredge in the sands and attempt to get the gold that is supposed to be lodged there.

Mr. BATE. Mr. President, this seems to be a very grave question and goes back over the ground we have once traveled, touching the right of the Secretary of War and his action in granting permits. I think that, as the amendment involves three or four points, it had better be printed and go over until Monday, when we will understand it more thoroughly. It ought to be printed and go over.

Mr. STEWART. I have no objection to that course. I want everybody to understand it.

Mr. BATE. I observe that Senators who participated in the debate here in regard to the right of the Secretary of War to grant those permits are not here, and perhaps they would like to be here when the matter is further considered.

Mr. STEWART. I should like to have the Senator from Washington [Mr. TURNER] here. I do not care about pressing my amendment in his absence.

Mr. BATE. I ask that the amendment be printed.

Mr. BERRY. Mr. President, I wish to offer an amendment to the amendment of the Senator from Nevada, which I would like to have printed with that amendment. I do not know just where it will come in, but it follows the provision in regard to the roadway reservations.

Mr. STEWART. Let it come in at the end of my amendment.

Mr. BERRY. Very well; I think it will come in at the end of the amendment.

The PRESIDENT pro tempore. The Senator from Arkansas offers an amendment to the amendment, which will be read, and then be printed and lie over.

Mr. BERRY. Yes; I ask that it be read.

The Secretary read as follows:

It being the intention hereof that locations upon or claims to land within said reservation shall have originated only after the passage and taking effect of this act.

The PRESIDENT pro tempore. Does the Chair understand that the amendment accepted by the Senator from Montana is still before the Senate?

Mr. CARTER. As I understand the parliamentary situation, Mr. President, the Senate, by unanimous consent, reconsidered the vote whereby the amendment was adopted.

The PRESIDENT pro tempore. Yes; and that leaves it before the Senate.

Mr. CARTER. That leaves the substitute before the Senate, which is the amendment presented by the Senator from Nevada [Mr. STEWART].

The PRESIDENT pro tempore. Then the amendment of the Senator from Arkansas [Mr. BERRY] would not be in order at this time, but it can be printed and lie on the table.

Mr. BERRY. Is the amendment of the Senator from Nevada an amendment to an amendment?

The PRESIDENT pro tempore. It is.

Mr. BERRY. Then I ask that my amendment be printed with that, and I will offer it hereafter.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Arkansas [Mr. BERRY] will be printed and lie on the table. The Senator from Tennessee [Mr. BATE] has asked that both amendments may go over until Monday. Is there objection? The Chair hears none, and it will be so ordered.

Mr. CARTER. Mr. President, since a number of Senators have entered the Chamber recently, I desire to renew the statement by me made at the opening of the discussion on the Alaska bill, that upon Monday morning I shall ask unanimous consent that a time be fixed for the final vote upon the bill and all amendments pending, at such time as may be agreed upon for the final vote. Meantime I move that the Senate proceed to the consideration of executive business, there being no further amendments of which I am advised.

Mr. GALLINGER. Will the Senator withhold that motion for a moment?

Mr. PETTUS. I hope the Senator from Montana will wait one moment before making that motion.

Mr. CARTER. I withdraw the motion at the request of the Senator from Alabama [Mr. PETTUS].

Mr. PETTUS. I desire information from the President of the Senate; and that is, whether the amendment to which the substitute is proposed has been adopted?

The PRESIDENT pro tempore. It has not been adopted.

Mr. PETTUS. There has been nothing stricken out of the bill yet?

The PRESIDENT pro tempore. There has not been. Both the amendments and the subsequent amendment offered by the Senator from Arkansas [Mr. BERRY] have been ordered to be printed, and under request of the Senator from Tennessee [Mr. BATE] have gone over until Monday.

Mr. PETTUS. The Chair does not understand my question. The Senator from Nevada [Mr. STEWART] made a motion to strike out and insert. Was that done?

The PRESIDENT pro tempore. It was not. That is pending.

Mr. PETTUS. There is nothing struck out from the bill this morning?

Mr. CARTER. Mr. President, the Senator from Nevada [Mr.

STEWART] asks unanimous consent to reconsider the amendment which was inserted at the bottom of page 23 of the bill. That unanimous consent was given; whereupon he offered an amendment to be inserted at the same place, in lieu of the amendment previously adopted. No part of the bill was stricken out in connection with the proceedings.

Mr. BATE. I will say that the amendment is intended to be a substitute for section 26 as amended on the motion of the Senator from Montana [Mr. CARTER].

Mr. CARTER. It is to be added to section 26.

The PRESIDENT pro tempore. At the request of the Senator from Tennessee, all the amendments will go over until Monday.

Mr. BATE. And be printed.

The PRESIDENT pro tempore. And be printed.

Mr. BACON. I should like to inquire of the Senator from Montana if this reconsideration relates to the amendment which is offered by the Senator himself and which was adopted by the Senate?

Mr. CARTER. That is correct.

Mr. BACON. And under the action of the Senate this morning that has been reconsidered.

Mr. CARTER. That has been reconsidered for the purpose of permitting the Senator from Nevada to present his amendment.

Mr. BACON. And if the amendment of the Senator from Nevada is not adopted, before the amendment previously adopted, which has been reconsidered this morning, can be of any avail it will have to be again adopted.

Mr. CARTER. It will have to be again adopted.

Mr. BACON. I desire to say that if I had known that, I think I would have objected, because that amendment was adopted after very full debate; and it does seem to me that there should have been some hesitation in receding from that amendment unless the mind of the Senate had been very carefully directed to it to show that it had committed an error when it did adopt the amendment.

Mr. BATE. I can not see but what the amendment offered by the Senator from Nevada is a substitute for section 26; because if it is an amendment, it may be placed there as an amendment without affecting section 26 at all.

Mr. STEWART. I could have waited until we got into the Senate and then have offered it as a substitute, but I wanted to have the bill perfected before it went into the Senate.

Mr. BATE. Then it is a substitute for section 26?

Mr. STEWART. A substitute for the amendment to section 26.

Mr. BACON. I should like to inquire of the Senator from Montana, in order that I may be informed on the subject, whether he himself has ceased to desire the amendment which was previously adopted by the Senate at his instance?

Mr. CARTER. My position with reference to the action of the Secretary of War has not changed. I think the Secretary of War acted in a perfectly regular manner, but the amendment was presented for the purpose of meeting the objections made upon the floor of the Senate and to facilitate the passage of this bill. A certain line of comment was made upon the action of the Secretary of War, which seemed to me unjust and unwarranted by the facts; and yet the same purpose the Secretary of War had in view could be served in another way, which seemed more satisfactory to the Senate. The amendment which I presented seemed to embody the concurrent judgment of the Senate, and it was adopted. Now the Senator from Nevada says that Senators who made the assault upon the Secretary of War have changed their minds and ask the privilege of having his proposition considered.

Mr. BACON. Mr. President, I still have not received from the Senator from Montana the information which I desire. I listened with very great interest to the debate between himself and the junior Senator from Colorado [Mr. WOLCOTT], each of whom presented an amendment; and the question was a choice between the two. I was convinced by the very satisfactory argument of the Senator from Montana that his amendment was right; and I voted for it. Now, I desire to know whether the Senator himself is still in favor of that amendment, and as a matter of courtesy has consented to its temporary withdrawal in order that the Senator from Nevada may offer his amendment, or whether he still adheres to the amendment which he offered, and which he induced me as one to support by my vote.

Mr. CARTER. Mr. President, the amendment of the Senator from Nevada does not essentially change the amendment presented by me. It limits its operation only to the point above mean low tide. The amendment as adopted by the Senate extends the rules and regulations of miners into the waters of the sea without any other limitation than the 3-mile limit, fixed by law for neutral waters.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. CARTER. Certainly.

Mr. SPOONER. As to those who desire to operate below mean low tide, under what jurisdiction would they operate?

Mr. CARTER. Under the amendment of the Senator from Nevada, those who desire to operate under mean low tide would operate under permits from the Secretary of War.

Mr. SPOONER. Under the power which has been challenged here?

Mr. CARTER. Under the power which has been challenged here.

Mr. SPOONER. If there is a doubt about the existence of that power, ought it not to be distinctly conferred by this bill?

Mr. CARTER. I think the amendment of the Senator from Nevada would confer that power if any question existed with reference to its application.

Mr. SPOONER. I understood the Senator from Montana to say just now that the amendment of the Senator from Nevada did not apply to mining operations or explorations below mean low tide.

Mr. CARTER. The very opposite of that was what I said. I suggested that the amendment of the Senator from Nevada did not make any change in the operations of the amendment presented by me and adopted by the Senate, except beyond the line of low tide into the sea. The rules and regulations of the miners under the provisions of his amendment would be identical in application with the rules and regulations of miners under the amendment previously adopted by the Senate, but those rules and regulations would stop at low tide, and beyond that, according to the amendment of the Senator from Nevada, the jurisdiction of the Secretary of War would apply.

Mr. SPOONER. If it applies under existing law?

Mr. CARTER. Yes, if it applies under existing law.

Mr. SPOONER. But that jurisdiction is challenged by Senators on the other side of the Chamber.

Mr. CARTER. The policy of allowing the Secretary of War to interfere in any manner is challenged.

Mr. BACON. The Senator from Wisconsin is very much mistaken. The Senators on this side of the Chamber did not challenge it, and, if I remember correctly, had nothing to say. The question was between the Senator from Montana [Mr. CARTER] and the junior Senator from Colorado [Mr. WOLCOTT], each of them offering a separate amendment antagonistic to the other—the Senator from Colorado contending that the matter should be under the control of the Secretary of War, and the Senator from Montana contending, on the contrary, that the miners' meetings should control; while the Senator from Alabama [Mr. PETTUS], a practical miner at one time in his life, gave his concurrence, or rather his consent, by his speech and vote to the substitute offered by the Senator from Montana. So I think the Senator from Wisconsin is in error in saying that the challenge came from this side of the Chamber.

Mr. SPOONER. I was not present during the debate. I made that statement upon what the Senator from Montana [Mr. CARTER] said.

Mr. CARTER. If the Senator from Wisconsin will permit an interruption at that point, the Senator from Georgia [Mr. BACON] is in error as regards the nature of the contention between the Senator from Colorado [Mr. WOLCOTT] and myself. Primarily the right of the Secretary of War to grant permits to excavate the sands on the shores of Bering Sea was challenged under a resolution of the Senator from Washington [Mr. TURNER]. The reply of the Secretary of War was alleged, upon the other side of the Chamber, to be without warrant of law or color of right; whereupon a division of opinion arose as to the method of dealing with the question.

The Senator from Colorado presented an amendment which provided that this disputed area, known as the tide lands to shoal water, should be passed to the jurisdiction of the Secretary of the Interior, and that he might prescribe rules and regulations under which miners could work there. The Senator from Montana, on the other hand, contended that the Secretary of the Interior, being so remote from the scene of activity, could not in the nature of things make reasonable rules and regulations, and that the miners on the ground should be permitted to make the rules and regulations governing their own action. The latter view was adopted by the Senate; and having been adopted by the Senate, the Senator from Nevada [Mr. STEWART], desiring to renew the controversy, asked unanimous consent to reopen the question, and unanimous consent was granted.

Mr. STEWART. I should like to make a few explanatory remarks, as I know something about this subject.

Mr. BACON. I desire to make a remark.

Mr. STEWART. A good many of the remarks of the Senator from Georgia would be obviated if he knew something about this question.

Mr. BACON. I desire to know this: I followed the distinguished lead of the Senator from Montana [Mr. CARTER] in that debate simply by my humble vote. I desire to know whether or not my leader upon that occasion has changed his position; in other words,

whether he is still in favor of the amendment for which I had the privilege and the honor of then voting?

Mr. CARTER. The Senator from Montana still adheres to the amendment adopted, but consents to the reopening of the question that the Senator from Nevada may be permitted to present his views, and for no other purpose.

Mr. BACON. In other words, I understand that I will still be following the lead of the distinguished Senator from Montana if I adhere to his amendment and refuse to support the additional amendment offered by the Senator from Nevada?

Mr. CARTER. Unquestionably; and I think the Senator will be right in so doing.

Mr. BACON. In other words, the Senator from Montana does not favor the amendment of the Senator from Nevada?

Mr. CARTER. The Senator from Montana does not.

Mr. STEWART. He will favor it. [Laughter.]

Mr. CARTER. The Senator may convince me before this debate is concluded.

Mr. STEWART. I will convince the Senator that it is the only sensible thing to be done.

I am opposed to allowing the Secretary of the Interior to make rules and regulations as to mining—that is, to legislate. In order that the history of the situation may be understood, I should like to state something of the condition of the mining law, and I do it especially for the benefit of those who know nothing about it.

I have opposed for over thirty years legislation by the Government Departments in regard to the miners. The rules and regulations of the miners were approved by the Supreme Court of the United States in the case of Sparrow *vs.* Strong. I want to call the attention of those people who think so flippantly of the rules and regulations which have been adopted by the miners to some history connected with those rules and regulations which have been adopted and enforced, and also to the impropriety of turning this matter over to the Secretary of the Interior or anybody else here in Washington who knows nothing about it.

Mr. BACON. Will the Senator from Nevada let me ask him a question?

Mr. STEWART. No; not now. I am teaching now, and I do not want the scholars to interfere. [Laughter.]

Mr. BACON. I simply want to know which amendment the Senator voted for the other day?

Mr. STEWART. I decline to be interrupted. I want to read from the case of Sparrow *vs.* Strong, in 3 Wallace. That was a case that went to the Supreme Court of the United States from the Territory of Nevada before it became a State. A motion was made by Messrs. O'Conor and Billings to dismiss the case because the parties in possession under the mining rules had no title; that they were trespassers under every law of the United States; and counsel even sneered at the idea that there should be title against the positive law of the United States. The court say:

> And we can not shut our eyes to the public history, which informs us that under this legislation—

That is, the Territorial legislation—

> and not only without interference by the National Government, but under its implied sanction, vast mining interests have grown up, employing many millions of capital and contributing largely to the prosperity and improvement of the whole country.

The court held they had title, notwithstanding the statute declared that they were trespassers, and in order to sustain what they had said the court ordered the reporter to put in my statement of the then condition, and I think it is pretty important that the Senate should understand it, and I hope they will give it attention. This is what appears in the appendix:

> The remarks of Mr. Senator STEWART, of Nevada, referred to in a note on this page, were originally contained in a public letter, I think, to his fellow-Senator, Mr. Ramsey, of Minnesota. They have since been made in nearly the following form to the Senate of the United States:
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> "Upon the discovery of gold in California, in 1848, a large emigration of young men immediately rushed to that modern Ophir. These people, numbering in a few months hundreds of thousands, on arriving at their future home found no laws governing the possession and occupation of mines but the common law of right, which Americans alone are educated to administer. They were forced by the very necessity of the case to make laws for themselves. The reason and justice of the laws they formed challenge the admiration of all who investigate them. Each mining district, in an area extending over not less than 50,000 square miles, formed its own rules and adopted its own customs. The similarity of these rules and customs throughout the entire mining region was so great as to attain all the beneficial results of well-digested general laws. These regulations were thoroughly democratic in their character, guarding against every form of monopoly, and requiring continued work and occupation in good faith to constitute a valid possession.
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> "After the admission of California as a State, in September, 1850, Mr. Frémont, then Senator from that State, introduced a bill the purpose of which was to establish police regulations in the mines. It imposed a small tax upon the miners to defray the expenses of the system. Many Senators, when the bill came up for discussion, expressed the opinion that the mines ought to be sold or some means devised by which a direct revenue might be obtained from that source. Various amendments were offered to effect these purposes But Mr. Benton took a leading part in the discussion and contended throughout that good policy required that the mines should remain free and open for exploration and development. Mr. Seward sustained Mr. Benton.
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> "The arguments of Senators in favor of free mining finally prevailed, and all amendments looking to sale or direct revenue were voted down; and the bill finally passed the Senate, without material amendment, in its original form, but failed in the House from want of time to consider it. Before the meeting of the next Congress the fact became known that the miners themselves had adopted local rules for their own government which rendered action on the part of Congress unnecessary; and from that time to the present nonaction has been the policy of the Government, with one single exception. The solemn declaration, however, just mentioned, on the part of the Senate in favor of a just and liberal policy to the miners was hailed by them as a practical recognition of their possessory rights and greatly encouraged and stimulated mining enterprise and laid the foundation for a system of local government now in full force over a vast region of country inhabited by near a million men.
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> "The legislature of California, at their following session, in 1851, had under consideration the subject of legislating for the mines, and, after full and careful investigation, wisely concluded to declare that the rules and regulations of the miners themselves might be offered in evidence in all controversies respecting mining claims, and when not in conflict with the constitution or laws of the State, or of the United States, should govern the decision of the action. A series of wise judicial decisions molded these regulations and customs into a comprehensive system of common law, embracing not only mining law (properly speaking), but also regulating the use of water for mining purposes. The same system has spread over all the interior States and Territories where mines have been found, as far east as the Missouri River. The miner's law is a part of the miner's nature: he made it, and he loves it, trusts it, and obeys it. He has given the toil of his life to discover wealth, which, when found, is protected by no higher law than that enacted by himself, under the implied sanction of a just and generous Government. Miners, as a community, devote three-fourths of their aggregate labor to exploration, and consequently are, and ever will remain, poor, while individuals amass large fortunes, and the treasury of the world is augmented and replenished.
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> "Persons who have not given this subject special attention can hardly realize the wonderful results of this system of free mining. The incentive to the pioneer held out by the reward of a gold or silver mine, if he can find one, is magical upon the sanguine temperament of the prospector. For near a quarter of a century a race of men, constituting a majority by far of all the miners of the West, patient of toil, hopeful of success, deprived of the associations of home and family, have devoted themselves, with untiring energy, to sinking deep shafts, running tunnels thousands of feet in solid granite, traversing deserts, climbing mountains, and enduring every conceivable hardship and privation, exploring for mines, all founded upon the idea that no change would be made in this system that would deprive them of their hard-earned treasure. Some of these have found valuable mines and a sure prospect of wealth and comfort when the appliances of capital and machinery shall be brought to their aid. Others have received no compensation but anticipation—no reward but hope.
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> "While these people have done little for themselves, they have done valuable service for this Government. They have enhanced the value of the property of the nation near 100 per cent; have converted that vast unknown region extending from British Columbia on the north to Mexico on the south, and from the eastern slope of the Rocky Mountains to the western decline of the Sierra Nevada, into the great gold and silver fields of the United States, surpassing in richness and extent the mines of any other nation on the globe. I assert, and no one familiar with the subject will question the fact, that the sand plains, alkaline deserts, and dreary mountains of rocks, and sage brush of the great interior, would have been as worthless to-day as when they were marked by geographers as the great American desert, but for this system of free mining fostered by our neglect, and matured and perfected by our generous inaction. No miner has ever doubted the continued good faith of the Government, but has put his trust in its justice and liberality, traversing mountain and desert as incessantly and as hopefully as the farmer of the West has plowed his field. What he now occupies he has discovered and added to the wealth of the nation.
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> "This good faith of the Government (promised, as it were, by the action of the Senate sixteen years ago) not only inspired enterprise and led to discoveries the magnitude and importance of which can not be overestimated, but in the time of the severest trials of the Union no people were more loyal than the miners. They lost no opportunity to enlist in your armies or contribute to the support of the Government. Their liberal donation to the sanitary fund was but a slight manifestation of their deep love of the Union and sympathy for its suffering heroes. The little town in which I reside contributed in gold coin over $112,000, being at the time about $80 to each voting inhabitant, and a like liberality was displayed by the whole coast. The people are truly grateful to a generous Government, and time seems to have strengthened the regard they feel for their native land and their early homes; but they look with jealous eyes upon every proposition for the sale of the mines which they have discovered and made valuable. Any public man who advocates it, with whatever motive, is liable to be condemned and discarded as an unfaithful servant. The reason for this is obvious. It is their all, secured through long years of incessant toil and privation, and they associate any sale with a sale at auction, where capital is to compete with poverty, fraud and intrigue with truth and honesty."
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> It is not because they do not desire a fee-simple title, for this they would prize above all else; but most of them are poor and unable to purchase in competition with capitalists and speculators, which the adoption of any plan heretofore proposed would compel them to do, and for these reasons the opposition to the sale of the mineral lands has been unanimous in the mining States and Territories.
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> To extend the preemption system applicable to agricultural lands to the mines is absurd and impossible. Nature does not deposit the precious metals in rectangular forms, descending between perpendicular lines into the earth, but in veins or lodes varying from 1 foot to 300 feet in width, dipping from a perpendicular from 1° to 80°, and coursing through mountains and ravines at nearly every point of the compass. In exploring for vein mines it is a vein or lode that is discovered, not a quarter section of land marked by surveyed boundaries.
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> In working a vein more or less land is required, depending upon its size, course, dip, and a great variety of other circumstances, not possible to provide for in passing general laws. Sometimes these veins are found in groups, within a few feet of each other, and dipping into the earth at an angle of from thirty to fifty degrees, as at Freiberg, in Saxony, or Austin, in Nevada. In such case a person buying a single acre in a rectangular form would have several mines at the surface and none at five hundred or a thousand feet in depth. With such a division of a mine, one owning it at the surface, another at a greater depth, neither would be justified in expending money in costly machinery, deep shafts, and long tunnels for the working of the same. Nor will it do to sell the land in advance of discovery, for this would stop explorations, and practically limit our mining wealth to the mines already found, for no one would "prospect" with much energy upon the land of another, and land speculators never find mines. The mineral lands must remain open and free to exploration and development; and while this policy is pursued our mineral resources are inexhaustible. There is room enough for every prospector who wishes to try his luck in hunting for new mines for a thousand years of exploration, and yet there will be plenty of mines undiscovered. It would be a national calamity to adopt any system that would close that region to the prospector.

The question then presents itself. How shall the Government give title, so important for permanent prosperity, and avoid these intolerable evils? I answer, there is but one mode, and that is to assure the title to those who now or hereafter may occupy according to local rules, suited to the character of the mines and the circumstances of each mining district. In the increasing agitation of the subject by the introduction into Congress of bills which miners regard as a system of confiscation, and which tend to destroy all confidence in mining titles, we now need statutes which shall continue the system of free mining and hold the mineral lands open to exploration and occupation, subject to legislation by Congress and local rules; something which recognizes the obligation of the Government to respect private rights which have grown up under its tacit consent and approval, and which shall be in harmony with the legislation of 1865, protecting possessory rights, irrespective of any paramount interest of the United States. The system will be in harmony with the rules of property as understood by a million men, with the legislation of nine States and Territories, with a course of judicial decisions extending over near a quarter of a century, and finally ratified and confirmed by the Supreme Court of the United States; in harmony, in short, with justice and good policy.

A system such as the eloquent Senator conceived to be accordant with these ideas was introduced by him to the Senate in June, 1866. (See the Daily Globe, of June 19, 1866.)

Mr. RAWLINS. Will the Senator yield to me for a question?

Mr. STEWART. I will yield for a mere question; but I have got a few more remarks to make.

Mr. RAWLINS. I understood the Senator's proposed amendment to give effect to the miners' rules as to all mining lands above low tide, but it proposes to transfer to the Secretary of War the authority to grant licenses for mining below.

Mr. STEWART. It leaves that just as it is.

Mr. RAWLINS. Does not the Senator——

Mr. STEWART. I do not want to be diverted by answering questions. I will come to that in a moment. I want to do a little schoolmaster work just now.

Mr. RAWLINS. That was the point on which I desired enlightenment from the Senator.

Mr. STEWART. I know, but I do not want to be interrupted now.

The following year, after a very extended controversy in which I labored harder than I ever did in my life, for I had been familiar with how the system had grown up; I had been a part of it; for I was in the first miners' meeting which established laws in California for the government of vein mining. As new mines were opened such laws were adopted and spread all over the country. In 1866 there was a proposition by Mr. Julian, chairman of the Committee on Public Lands of the House of Representatives, to sell mines at auction. We had to take some action or be ruined.

I had one bill passed through the Senate which went to the House, and went to the foot of the Calendar. A California member had a bill pending regarding ditch rights. I managed to get my bill passed as an amendment to that; and it went on the House bill as a Senate amendment; which brought it nearer the top of the Calendar and gave it some advantage in the struggle for supremacy. Finally, by the means of a two-thirds vote, it was carried over Mr. Julian's head, and became a law. The title of the bill under those circumstances was a little queer. It was entitled "An act granting a right of way to ditch and canal owners over the public lands, and for other purposes." I call attention to the first section of the act, which was passed on the 26th of July, 1866. That section reads:

That the mineral lands of the public domain, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and occupation by all citizens of the United States, and those who have declared their intention to become citizens, subject to such regulations as may be prescribed by law, and subject also to the local customs or rules of miners in the several mining districts, so far as the same may not be in conflict with the laws of the United States.

Subsequently I introduced a bill and had extra copies of it printed, sent them out to the miners in all the mining districts, and continued to do so for six years, and finally in 1872 the law which has remained ever since was passed. It was really made for the miners. It was criticised in every mining district. To every mine owner and mining engineer were sent copies, and it was digested according to the suggestions, and it resulted in a law which was passed in 1872, and which has not been changed since. Some little things grew up by the decisions of the Department that we thought ought to be changed. I introduced a bill several times to try to change those. The Senator from Colorado was on the committee. We fixed it up and sent it out, but it did not meet with general approval, because we could not get the consent of the miners to have the law of 1872 changed. That is the reason why I do not want to authorize any Department of this Government to change it. It has worked well. Local disputes have been settled there, and the mining laws of the United States are the best in the world.

They were the result of the experience of the miners, not mine alone. I merely sent it out with suggestions from time to time. The first law was mostly mine; but after that, when it came to define claims, etc., a very difficult matter, we wanted the experience of mining engineers and miners. Then this law was passed. The first section of the law of 1872, which is in the Revised Statutes, is as follows:

All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

Then this statute further provides:

The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the 10th day of May, 1872, and until a patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year. On all claims located prior to the 10th day of May, 1872, $10 worth of labor shall be performed or improvements made by the 10th day of June, 1874, and each year thereafter, for each 100 feet in length along the vein until a patent has been issued therefor; but where such claims are held in common such expenditure may be made upon any one claim.

It goes on and makes those regulations. That is the limit to which the miners have the power to legislate. They can legislate subject to those rules and regulations. That is all they can do up in that Territory. When we get the rules and regulations as specific as they are, as careful as they are, with limitations to cover every case of abuse, leaving them to legislate within those bounds, you do not want any rules and regulations of the Departments making new laws. The miners will fix it better than anybody else. That is the experience of more than a generation. They have done it, and all our rights have grown up under it.

I objected to the amendment of the junior Senator from Colorado [Mr. WOLCOTT] principally because it delegated the power to legislate to the Secretary of the Interior. The Secretary of the Interior knows nothing about these laws. Half of the Senate know nothing about them. Those who live there—the miners—know about them. The courts know about them; the courts enforce them, and you have had peace and development and a fair administration of justice.

So far as concerns this amendment as it now stands, there is general power given to the Secretary of War to protect navigable waters, and anyone who interferes with them he has the right to arrest and punish, etc. It is made criminal to interfere with the navigable waters, and persons are not likely to fit out expeditions and go out there because they might meet with arbitrary interference by the War Department. They might fear to do it. They would not want to invest upon an uncertainty. Consequently the Secretary has granted permits below low tide, and there the miners' laws could not operate. You could not locate a claim. You could not put up stakes. You could not put up monuments. You could not comply with any of the conditions necessary to locate a mining claim, because you must put up monuments and make reference to some known object. You could not do that in deep sea. You can not locate a mining claim at deep sea provided Congress authorized it.

These regulations can not be applied to that. They are not provided for the ocean, but for the land. You must have land in order to make the mining laws apply. You can make them applicable above low tide, because you can get there when the water is low and put monuments there that would probably stay and refer to something on land, and so locate under the mining laws; but below low tide you can not do it. A person who is going to invest must have some guaranty that the Government will not interfere. It will take hundreds of thousands of dollars perhaps to fit out machinery to work the ocean. It is a new thing. The miners do not want this, and there is no reason why we should attempt to extend the rules and regulations into the ocean.

The difficulty about the amendment of the Senator from Montana as it stands now is that it says the miners' laws shall be extended into the ocean. You can not operate them there. My amendment limits the extent of the mining laws to low tide, where the miners' laws are applicable, and expressly limits the permits of the Secretary of War to the land below low tide. It makes a distinction. I hope it will be examined. It has been ordered to be printed and laid over. I hope it will be examined by Senators, because this is a very important matter. It would be very dangerous if, without consideration, we should introduce a novelty into the mining laws, which have gone on for more than a generation and which Congress has been unable to change because public sentiment is so strong in their favor, which have settled the rights of property so long and upon which so much depends. It ought not to be done. Before it is done we ought to see what they are, how they have grown up, what is dependent upon them. The miners in the country understand them. The

miners who go to Alaska will take with them these laws as the immigrants who went to California took with them the common sense of American citizens to make such laws to protect themselves.

If we have no mining law for Alaska except that which the miners make, you will see it is all right. When it is said they will do all sorts of rash and foolish things it is a mistake. There may be men who may want to do it, but the general public sentiment where all are interested in having good laws and in enforcing them is so strong that no wrongdoer can withstand it. I have seen a community of 200,000, in a climate which was congenial, where every man could go into the ravines and dig and get money, where the majority of the inhabitants were not 30 years old, the ages ranging from 18 to 25, and they made rules and regulations that fitted the situation. They enforced those rules until the courts came in. Absolute justice almost was done. The weak were protected. You will find it so up there. I tell you the miners are a pretty good set of men.

The idea of being afraid that anybody will monopolize that country! It can not be done under the rules and regulations that can be made subject to the mining laws. Let foreigners or anybody else go into that region; the more the better. We want gold. It is a hardy race that does it. They will be punished for doing it. Most of them will lose their lives. Very few will make a success, but the prospect held out, the occasional find, is such that it will lead them on. Let them be Laplanders, or let them be Swedes, or let them be Norwegians or Americans, or let them be who they will, if they will go into the Arctic regions and discover mines and help to relieve mankind of the contraction of the gold standard, let them go. I want free mining. I am glad the Canadian government made no distinction between citizens and aliens, except in one instance, and I hope they will take that back. As to placer mining in British Columbia, not on the Yukon, in 1899, aliens were prohibited from locating. I am sorry she did it. We want to appeal to her to change that.

There is Russia. For the last forty years I have heard constantly from men who have been there. Siberia was a penal colony, and men could not mine there. They have gone there with permission. They would get permission from the authorities to travel through the country. They saw the situation. There is a very vast mining region in Russia. The world has got to have gold. They are hardy men who are willing to make great sacrifices to dig for gold. It is not a profitable business.

I prefer to let our people work in the Tropics and produce sugar and other articles with which to buy gold. We are paying out two hundred and fifty millions for tropical products. I want the islands kept, and I want to see sugar and coffee and all the other tropical commodities we require produced there, so as to keep our money at home. If we can do that, let the hardy Norwegians and Laplanders mine in the frozen zones about the Bering Sea. What they get will be turned into the channels of commerce, and we can buy it a great deal more cheaply than we can earn it.

There are only a very small class of people who are willing to make those sacrifices, and those who do I would not trammel. I would encourage them, because they are doing great good to mankind. Let them be encouraged. Ninety-nine out of a hundred of them die in poverty and must necessarily in this contest. In seeking for gold the prize is very great, and there is a class of hardy men who will do it, and they should not be checked or trammeled or dealt unfairly with.

As to California, there were wise men in the Senate. Seward and Benton and Chase and others were here then, who were wise in this regard. It was a common sense to let the miners alone, and letting them alone accomplished great results. They built up States out of that wilderness. They had good laws. They were allowed to develop that country. They made it what it is. Let those laws be taken by our people to Alaska. Do not trammel them. Do not make regulations here that they do not understand and confiscate their property. When they have found property, protect it, deal honestly and fairly with them, and they will be the greatest benefactors of any we will have, not to themselves, but to us.

I have heard people engaged here in manufacturing and raising products laugh when it was said they made more money here, and all that, and that mining was bad, after all. But you must have gold. You passed a decree that money should only be stamped on gold. Now let the Norwegians and the Danes and the Laplanders dig gold. Do not stop that. Do not throw any obstructions in their way, and you will have plenty of gold. The gold standard may be all right if we have plenty of gold. It is only a question of quantity. Let Russia, let the country all around Bering Sea and Hudson Bay, let this Arctic region, closed against mankind for centuries, be opened. Let them get gold and supply you. You must have that article. Now let them dig it. The idea that you should pass laws that will cause other countries to retaliate! If you commence proscribing foreigners, other countries will do the same, and this vast region will be shut up for all time.

The most liberal policy should be adopted toward foreigners about the Arctic Ocean, because very few of our people will go there. Some of them have the mining instinct, but none but that class will go and none but that class will stay. I believe in letting that class have their own way, and they will see that they have fair play as between each other. They have the strongest sense of fair play and justice. In this document which has been read the military commander says they are the most peaceable and law-abiding people he ever saw. Of course they are, because every man there is interested in seeing that the laws are executed. He is a law giver and an executor of the law, and all depends upon good laws faithfully executed. That is the situation up there.

When this matter comes up again, if further explanation is desired I will be glad to make it.

Mr. GALLINGER. I wish to have an order made before proceeding to the execution of the unanimous-consent agreement. I understand the Senator from Montana is willing that the Alaska bill shall go over for the day.

Mr. CARTER. I have no objection to the bill going over.

The PRESIDENT pro tempore. The amendment has gone over.

Mr. CARTER. I suggest, however, that the amendment for which the amendment of the Senator from Nevada is proposed as a substitute be printed separately, to the end that Senators may understand it.

Mr. TELLER. Let all amendments be printed.

The PRESIDENT pro tempore. The amendment of the Senator from Montana has been printed.

Mr. CARTER. It has merely been printed in the RECORD.

The PRESIDENT pro tempore. All three amendments will be printed.

Mr. CARTER. Let it be printed as perfected.

Mr. TELLER. Let all amendments which have been offered be printed.

BALTIMORE AND POTOMAC RAILROAD.

Mr. GALLINGER. I move that 500 additional copies of the bill (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes, together with the report thereon, be printed. The supply in the document room is exhausted.

The motion was agreed to.

EMILY BURKE.

The PRESIDENT pro tempore. Under the unanimous-consent agreement heretofore made, the first pension case on the Calendar will be stated.

The bill (H. R. 4089) granting a pension to Emily Burke was announced as the first bill in order; and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Emily Burke, widow of John Burke, late first lieutenant Company F, Seventy-third Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month and $2 per month additional for each of her minor children until such children shall arrive at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. DUKATE.

The bill (H. R. 3214) granting a pension to John S. Dukate was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Dukate, late assistant surgeon, Fifty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. WETHERBEE.

The bill (S. 3139) granting a pension to J. B. Wetherbee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Wetherbee, late cook with Company G, First Regiment Washington Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month.

The amendment was agreed to.

Mr. GALLINGER. In connection with this bill I desire to have the report printed in the RECORD. This is a man who was not enlisted, but he was very dangerously wounded, so much so that he is entirely paralyzed in his lower limbs, and according to the rule of our committee he becomes pensionable by special act. I

should like to have the report printed in the RECORD to show why it is proposed to pension him.

The PRESIDENT pro tempore. The report will be printed in the RECORD.

The report referred to is as follows:

The Committee on Pensions, to whom was referred the bill (S. 3139) granting a pension to J. B. Wetherbee, have examined the same and report:

The claimant, John B. Wetherbee, was a cook in the employ of Company G, First Regiment Washington Volunteers, and while so serving with the company in the Philippine Islands was severely injured by a gunshot wound of the back and spine at Paco Church, near Manila, while serving in the ranks and assisting in the construction of a telegraph line.

The following is an official report from the War Department regarding the occurrence:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, February 16, 1900.

SIR: Referring to your letter of the 10th instant, addressed to the Surgeon-General of the Army and by him transmitted to this office, where it was received yesterday, in which letter you request a copy of the report of the medical treatment of J. B. Wetherbee, who was engaged as cook for Company G, First Regiment Washington Volunteers, and was wounded at Paco Church, Manila, February 5, 1899, a report of whose medical treatment, made at the Presidio, Cal., it is stated, has been placed on file in this Department, I beg to state that an examination has been made of all records on file deemed likely to afford information in the case, but the special report referred to has not been found on file.

It appears from the records, however, that J. B. Weatherby, whose name also appears upon the records as Wetherbee, civilian cook, Company G, First Washington Infantry Volunteers, was wounded severely by a gunshot wound of the back and spine at Paco, Manila, Philippine Islands, February 5, 1899, and it is stated that he fought in the ranks with Company G, although he was not an enlisted man.

The records also show that he was treated in various hospitals, including the general hospital at Presidio, San Francisco, from February 5, 1899, to November 1, 1899, for gunshot wound, "Mauser," severe, center spinal column, which produced partial paralysis of the lower limbs. It is stated on the records that there was no evidence of the exit of the bullet, and that it was not found by the X ray.

Very respectfully,
JOHN TWEEDALE,
Acting Chief Record and Pension Office.

Hon. W. L. JONES,
House of Representatives.

A petition signed by large numbers of the officers and men of the First Washington Volunteer Infantry accompanies the bill and sets forth that at the time claimant received his wound he was standing on the stone bridge assisting members of the Signal Corps to raise a telegraph wire. Previous to this he, with Company D, First Washington Volunteers, was engaged in firing into the church from which our men were receiving a fire from the enemy. Claimant was requested by the officer in charge of the detail engaged in raising the wire to assist them, he being told that it was desired to establish communication between certain points as soon as possible. While thus engaged claimant was wounded by a bullet fired by an insurgent, presumably from a house near by.

The following are sworn statements by claimant and medical officers, showing the circumstances, and also setting forth the nature and extent of the wound:

I, J. B. Weatherbee, make the following statement:

I joined the regiment the 1st day of November, 1898, at Honolulu, Hawaiian Islands, acting in the capacity of cook of Company G, First Washington Volunteer Infantry. I went to Manila with the regiment, acting in that capacity up to February 5, 1899. On January 8, 1899, I was issued arms and ammunition by the company commander, Capt. M. Ellrich, of Company G, First Washington Volunteers, as the condition at that time was such that every able-bodied man was needed to defend the position. From that time until February 5, 1899, I was called on for outpost duty the same as any enlisted man in the regiment. On February 5, at the battle of Paco Church, I was ordered by an officer of the United States Signal Corps to assist in establishing telegraphic communications with the lines, and while in the act of raising a telegraph wire I was struck by a bullet in the back, fired by one of the insurgents, and fell helpless

I was carried from the field by Albert Anderson and Lieutenant Bryan, of the First Washington, and lay in the First Reserve Hospital at Manila until March 28, 1899, then in the Second Reserve Hospital until June 2, 1899. During those months I lay completely paralyzed and perfectly helpless as regards the use of my lower limbs and suffered intense pain. From June 2 to August 2 I was aboard the hospital ship *Relief*, reaching San Francisco August 2, 1899, and being sent to the hospital at Presidio. The sea voyage and change of climate improved my physical condition so that I could be lifted from my bed, and by the assistance of persons or crutches move a little. Reference to the hospital reports of Manila and the Presidio will show the exact condition more completely than I could state it here. There is among those reports a photograph of the wound, as shown by the X-rays. Surgeons have always refused to operate, considering that the location of the ball so near the heart and spine renders an operation dangerous and probably fatal, and all surgeons have refused to undertake the risk of performing it.

Carried in the arms of my comrades, I was taken aboard the ship *Queen* at San Francisco on November 4, 1899, and brought to Seattle; was carried in their arms from steamer to carriage and from carriage to hospital, and the Red Cross and Fortson Relief Corps (a similar organization) have undertaken the entire charge of my expenses up to this time. On November 25, 1899, I was removed from the hospital to a private residence, but am obliged to have the care of a nurse. My physical condition is improved; my helplessness is not so great as during the first eight months after I was wounded, but I am entirely unable to perform any labor of any kind or do the least thing toward my own support, and am obliged to have assistance even in caring for me personally.

I have no real estate or personal property that will aid me in my support, and while I have living relatives, they are not financially able to assist me in the least degree. My sole income since November, 1898, has been one month's pay as cook of Company G, First Washington Volunteer Infantry, after reaching Manila, and $100, contributed largely by the enlisted men of Company G. The Red Cross and Fortson Relief Corps have, as I stated before, assumed all responsibility for my care and attention since I reached Seattle, November 6. I am a single man and have no one except myself dependent upon me. I have no assurance from any physician who has ever examined my case, in the United States service or out of it, that I will be able to support myself again. While it is evident that my physical condition is improving, it does not place me in a condition to do anything for my own support at the present time.

The surgeons in charge of my case from the time I was wounded until I left the hospital at the Presidio were Major Crosby, U. S. A., in charge of the First Reserve Hospital at Manila, and Major Fitzgerald, of the Thirteenth Minnesota Volunteers; at the Second Reserve Hospital at Manila was Capt. Frank B. Kiefer, surgeon, U. S. A.; on the hospital ship *Relief* was Major Bradley; at the Presidio hospital were Colonel Gerard and former regimental doctor Maj. L. R. Dawson, whose reports in the War Department will give a more detailed account of my case than I can give or secure from them, scattered, as they are, out of the reach of my knowledge of their whereabouts. Maj. L. R. Dawson examined me at Manila at the First Reserve Hospital, and on about the 1st day of February, 1900, examined me at Seattle, Wash. His affidavit and that of Dr. A. B. Kibbe accompany this paper.

Praying that the Government for which I fought will recognize my great need and reward my services by relieving me from dependence upon the charity of others, I am,

J. B. WETHERBEE.

Subscribed and sworn to before me this 8th day of March, 1900.
[SEAL.] H. J. RAMSEY,
Notary Public in and for the State of Washington, residing at Seattle.

SEATTLE, WASH., *February 21, 1900.*

John B. Wetherbee, civilian cook of G Company, First Washington Infantry, United States Volunteers, was wounded in the back during general engagement of February 5, 1899, near Paco Church, Manila, Philippine Islands. I saw him two days later in Ward 2 of the First Reserve Hospital, Manila, Philippine Islands, at which time he was completely paralyzed from the hips down, with no control of bowels or bladder.

He was in the First Reserve Hospital a long time, and was sent thence to the general hospital at the Presidio of San Francisco, Cal. He came to Seattle with a part of the First Washington Infantry, United States Volunteers, on the steamship *Queen of the Pacific*, and was sent to the Seattle general hospital for a time by the Seattle Red Cross Society.

About the 1st day of February I examined him, with Dr. A. B. Kibbe, by the Roentgen ray in the office of Dr. Kibbe. The fluoroscope showed a projection or protrusion on the left side of the spine at level of fourth or fifth dorsal vertebra, which Dr. Kibbe and myself both regarded as the missile which inflicted the wound, surrounded by an inflammatory thickening or exudate. The scar of the wound of entrance was about 2 inches to the right of the spinous processes, and about 1¼ inches lower than the site of the missile, which corroborated his statement that his arms were raised above his head at the moment he received the wound.

At this time he was able to stand alone, supported by his crutches, and, with their support, to walk alone a short distance. The kneejerk was exaggerated decidedly in both legs. The left knee was still rather stiff, and the muscles of both legs considerably atrophied.

LEWIS R. DAWSON, M. D.,
Late Major-Surgeon First Washington Infantry, U. S. V.

The foregoing subscribed and sworn to before me by said Lewis R. Dawson this 21st day of February, 1900.
[SEAL.] H. J. RAMSEY,
Notary Public in and for the State of Washington, residing at Seattle.

SEATTLE, *March 1, 1900.*

With reference to the case of John B. Weatherbee, described in full by Dr. L. R. Dawson, I can say that I also examined Mr. Weatherbee with the fluoroscope and found the same conditions described by Dr. Dawson, and that I fully concur with his diagnosis and opinions in the case.

ALFRED B. KIBBE, M. D.

The foregoing subscribed and sworn to before me by said Alfred B. Kibbe this 1st day of March, 1900.

H. J. RAMSEY,
Notary Public in and for the State of Washington, residing at Seattle.

Other evidence accompanying the bill shows that claimant is practically a helpless cripple from his wound, and that he has no means whatever, but is dependent upon the Red Cross Society and other charitable organizations at Seattle, Wash., where he now resides.

Not being an enlisted man, claimant can obtain no relief under existing pension laws, but, in view of the foregoing facts, your committee are of the opinion that it would be but an act of justice to grant him a pension for his wound.

The passage of the bill is therefore recommended when amended as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Wetherbee, late cook with Company G, First Regiment Washington Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month."

Also amend title so as to read: "A bill granting a pension to John B. Wetherbee."

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to John B. Wetherbee."

ROSALIA TEJIDOR BRINCKERHOFF.

The bill (S. 3470) granting a pension to Rosalia Tejidor Brinckerhoff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rosalia Tejidor Brinckerhoff, widow of George L. Brinckerhoff, late captain Company B, Tenth Regiment New York Volunteer Cavalry, and to pay her a pension of $20 per month.

Mr. GALLINGER. In line 9, before the word "dollars," I move to strike out "thirty" and insert "twenty;" so as to read "twenty dollars."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. SWIFT.

The bill (S. 2570) granting an increase of pension to John M. Swift was considered as in Committee of the Whole. It proposes

to place on the pension roll the name of John M. Swift, late of Company A, First Regiment Maine Veteran Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY I. BRADBURY.

The bill (S. 3314) granting a pension to Mary I. Bradbury, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 7, before the word "of," to strike out "sergeant," and in line 9, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary I. Bradbury, widow of Eben H. C. Bradbury, late of Company K, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIE SHARPE.

The bill (S. 1347) granting an increase of pension to Marie Sharpe was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marie Sharpe, widow of John B. Sharpe, late of Company C, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HOLLAND.

The bill (S. 3480) granting a pension to John Holland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Holland, late of Company C, Twenty-eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH F. ALLISON.

The bill (H. R. 5134) granting an increase of pension to Joseph F. Allison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph F. Allison, late of Company H, Fifteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIMON VAN DER VAART.

The bill (H. R. 4654) granting an increase of pension to Simon Van Der Vaart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Simon Van Der Vaart, late surgeon Twenty-sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $25 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M'CARTHY.

The bill (H. R. 876) granting a pension to Mary McCarthy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary McCarthy, mother of John E. McCarthy, late of the Sixth Company, First Battalion New York Volunteer Sharpshooters, and to pay her a pension of $12 per month.

Mr. GALLINGER. Let the word "dependent" be inserted before the word "mother," in line 6; so as to read "dependent mother."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES A. HAUSMAN.

The bill (H. R. 5961) granting an increase of pension to Charles A. Hausman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles A. Hausman, late second lieutenant, Thirtieth Independent Battery, New York Volunteer Light Artillery, and to pay him a pension of $15 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS H. KEARNEY.

The bill (S. 1031) granting an increase of pension to Thomas H. Kearney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out the letter "a;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Kearney, late surgeon Forty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHRISTINA NOLL.

The bill (S. 2795) granting an increase of pension to Christina Noll was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christina Noll, widow of Adam Noll, late of Company K, Eighty-third Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANKLIN M. BURDOIN.

The bill (H. R. 7799) granting an increase of pension to Franklin M. Burdoin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin M. Burdoin, late a private in Company I, One hundred and third Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS R. ARMSTRONG.

The bill (H. R. 6356) granting an increase of pension to Lewis R. Armstrong was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis R. Armstrong, late of Company E, One hundred and fifty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUREN R. SHERMAN.

The bill (S. 3337) granting an increase of pension to Buren R. Sherman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Buren R. Sherman, late of Company E, Thirteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE E. SCOTT.

The bill (S. 2101) granting an increase of pension to George E. Scott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George E. Scott, late of Company D, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay to his wife, Mary B. Scott, for the use and benefit of himself and family, a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH CHAMPLIN STONE.

The bill (H. R. 8605) granting a pension to Joseph Champlin Stone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Champlin Stone,

late captain and assistant adjutant-general of volunteers, and to pay him a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALANSON C. EBERHART.

The bill (H. R. 3962) granting an increase of pension to Alanson C. Eberhart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alanson C. Eberhart, late of Company D, Tenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EZRA A. BENNETT.

The bill (H. R. 4267) granting an increase of pension to Ezra A. Bennett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, before the word "is," to insert "he;" and in line 6, after the word "Company," to strike out the letter "C" and insert the letter "E;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezra A. Bennett, late of Company E, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM R. WALLACE.

The bill (H. R. 5171) granting an increase of pension to William R. Wallace was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. Wallace, late of Company E, Seventieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 a month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYRUS JOHNSON.

The bill (H. R. 5170) granting a pension to Cyrus Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cyrus Johnson, substitute for Elijah S. Coat, late private in Company H, One hundred and fifty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET E. MEYLERT.

The bill (S. 3058) granting an increase of pension to Harriet E. Meylert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet E. Meylert, widow of Asa P. Meylert, late medical director of the Army of the Ohio and Cumberland and originally surgeon of the Fifteenth Regiment Pennsylvania Infantry Volunteers, and to pay her a pension of $50 per month in lieu of that she is now receiving.

Mr. GALLINGER. I move to amend by striking out the word "fifty" before the word "dollars," in line 10, and insert "forty;" so as to read "forty dollars."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNA WHITNEY TARBELL.

The bill (S. 2142) for the relief of Anna Whitney Tarbell was considered as in Committee of the Whole.

Mr. GALLINGER. I move the amendments which I send to the desk.

The SECRETARY. In line 6 it is proposed to correct the word "Jonathon" so as to read "Jonathan;" in line 7, before the word "Brevet," to insert "and;" and after the word "her," in line 8, to insert "a pension at the rate of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Whitney Tarbell, widow of Jonathan Tarbell, colonel Ninety-first Regiment New York Volunteer Infantry and brevet brigadier-general, and pay her a pension at the rate of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL DORNON.

The bill (S. 3342) granting an increase of pension to Samuel Dornon was announced as the next case in order on the Calendar.

Mr. GALLINGER. Let the bill be passed over.

The PRESIDENT pro tempore. It will be passed over.

HELEN G. HEINER.

The bill (S. 3534) granting an increase of pension to Helen G. Heiner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen G. Heiner, widow of the late Capt. Robert G. Heiner, Company A, First United States Infantry, and to pay her a pension of $40 per month in lieu of that she is now receiving.

Mr. GALLINGER. In line 8, before the word "dollars," I move to strike out "forty" and insert "thirty;" so as to read: "thirty dollars per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HELLEN LANG.

The bill (S. 3467) granting a pension to Hellen Lang was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "fifteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hellen Lang, widow of James Lang, late of Company C, Eleventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTUS C. PYLE.

The bill (S. 1274) granting an increase of pension to Augustus C. Pyle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus C. Pyle, late of Company G, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN CARR.

The bill (S. 1776) granting a pension to John Carr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Carr, late of Company D, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROSA L. COUCH.

The bill (S. 314) granting a pension to Rosa L. Couch, of Leavenworth, Kans., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "Volunteers," to insert "and pay her a pension at the rate of $12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosa L. Couch, of Leavenworth, Kans., widow of Simon A. Couch, late captain in Company D, Thirteenth Regiment Wisconsin Infantry Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. GALLINGER. In line 6, I move to strike out the words "of Leavenworth, Kans.," and in line 7, the word "in," after the word "captain."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title of the bill was amended so as to read: "A bill granting a pension to Rosa L. Couch."

MRS. THERESE W. HARD.

The bill (H. R. 6019) granting a pension to Mrs. Therese W. Hard was considered as in Committee of the Whole. It proposes

to place on the pension roll the name of Therese W. Hard, widow of Benjamin F. Hard, late of Company G, First Regiment Ohio Volunteer Light Artillery, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRISON CANFIELD.

The bill (H. R. 7323) granting an increase of pension to Harrison Canfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harrison Canfield, late of Company C, Thirty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILFORD COOPER.

The bill (H. R. 8045) granting an increase of pension to Wilford Cooper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilford Cooper, late of Company D, Fourth Missouri State Militia Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHEBE S. RILEY.

The bill (H. R. 5970) granting a pension to Phebe S. Riley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "fifteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phebe S. Riley, blind and helpless daughter of Lucas S. Riley, late of Company D, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM A. KEYES.

The bill (S. 3549) granting a pension to W. A. Keyes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Keyes, late first lieutenant Company D, One hundred and fourteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William A. Keyes."

LUKE H. COOPER.

The bill (H. R. 1147) granting an increase of pension to Luke H. Cooper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Luke H. Cooper, late assistant surgeon, Seventeenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. EDMONDS.

The bill (H. R. 4335) granting a pension to William H. Edmonds was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "fourteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Edmonds, the helpless and idiotic son of Joseph C. Edmonds, late of Company E, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $12 per month, such pension to be paid to his duly constituted guardian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MELANCTHON M'COY.

The bill (S. 3039) granting an increase of pension to M. McCoy was considered in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "McCoy," to strike out the letter "M" and insert "Melancthon;" and in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melancthon McCoy, late of Company K, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Melancthon McCoy."

LAURA S. PONTIOUS.

The bill (H. R. 4657) granting a pension to Laura S. Pontious was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Laura S. Pontious, widow of Augustus T. Pontious, late first sergeant Company B, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE J. STEALY.

The bill (H. R. 1768) granting an increase of pension to George J. Stealy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George J. Stealy, late captain and assistant quartermaster, United States Volunteers, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED T. MORELAND.

The bill (H. R. 6089) granting a pension to Alfred T. Moreland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred T. Moreland, late recruit of Company L, Thirteenth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILBUR F. LOVELAND.

The bill (H. R. 4836) granting an increase of pension to Wilbur F. Loveland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilbur F. Loveland, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN V. MYER.

The bill (H. R. 3312) granting an increase of pension to Ellen V. Myer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen V. Myer, widow of George V. Myer, late of Company K, Fiftieth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $15 per month and $2 per month additional for the minor child, Cecil B., in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOIS A. FIELDS.

The bill (H. R. 4562) granting a pension to Lois A. Fields was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lois A. Fields, widow of George W. Fields, late of Company I, Forty-seventh Regiment Pennsylvania Volunteer Militia, and to pay her a pension of $8 per month, and $2 per month additional for the child of said George W. Fields until said child shall arrive at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WESLEY REED.

The bill (H. R. 625) granting an increase of pension to Wesley Reed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wesley Reed, late a private in Company E, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. GATES.

The bill (H. R. 8339) granting an increase of pension to Charles H. Gates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Gates, late private, First Independent Battery, New York Volunteer Light Artillery, and to pay him a pension of $45 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE F. CHALMERS.

The bill (H. R. 1946) granting a pension to Jane F. Chalmers, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane F. Chalmers, widow of George Chalmers, alias George Watts, late of Company D, Eighth Regiment United States Infantry, and of Company A, Sixty-ninth Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. KURTZ.

The bill (H. R. 6900) granting an increase of pension to Benjamin F. Kurtz was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Benjamin F. Kurtz, late of Company A, Second Regiment West Virginia Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA J. JONES.

The bill (H. R. 1172) granting a pension to Rebecca J. Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, after the word "he," to insert "is;" in the same line, after the word "hereby," to strike out "is;" in line 6, before the word "widow," to insert "former;" and in line 7, before the word "company," to strike out "private in" and insert "of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca J. Jones, former widow of William J. Comstock, late of Company F, Twenty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. GALLINGER. The committee suggested some technical amendments. They are inconsequential, and I ask the Senate to disagree to the amendments to the bill.

The amendments were rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS TERRY.

The bill (S. 3119) granting an increase of pension to Lewis Terry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis Terry, late of Captain McClintock's company, Kentucky Home Guard Regiment, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA L. REESE.

The bill (S. 2729) granting a pension to Eliza L. Reese was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Eliza L. Reese, widow of James T. Reese, private in company commanded by Capt. William Butt, Creek Indian war of 1836, and to pay her a pension of $8 per month.

Mr. GALLINGER. In line 4 I move to substitute the word "on" for the word "upon;" at the beginning of line 5 I move to strike out "otherwise;" in lines 6 and 7 I move to strike out the words "private in company commanded by;" in line 7 I move to strike out the word "Butt" and insert the words "Butt's company;" so as to read "Capt. William Butt's company;" and in line 9, after the word "pension," I move to insert the words "at the rate."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELVIRA HUNTER.

The bill (S. 1901) granting a pension to Elvira Hunter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars, to insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elvira Hunter, widow of Nicholas Hunter, deceased, of Company F, First Regiment Arkansas Mounted Gunners in the war known as the Sabine disturbance, at the rate of $8 per month.

The amendment was agreed to.

Mr. GALLINGER. In line 6 I move to strike out the word "deceased" and insert the words "late of;" and in line 8, after the word "disturbance," I move to insert "and pay her a pension."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH F. WOLFLEY.

The bill (S. 3082) granting a pension to Elizabeth F. Wolfley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth F. Wolfley, widow of William I. Wolfley, late assistant surgeon of the Sixty-second Regiment Ohio Volunteer Infantry and surgeon of United States Volunteers, and to pay her a pension of $25 per month.

Mr. GALLINGER. In line 4, after the word "roll," I move to insert the words "subject to the provisions and limitations of the pension laws;" and at the beginning of line 8 I move to strike out the word "to;" so as to read "and pay her a pension."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNA M. COLLIER.

The bill (S. 3790) to increase the pension of Anna M. Collier was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna M. Collier, widow of Benjamin W. Collier, late second lieutenant Company D, First Regiment Virginia Volunteers, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Anna M. Collier."

ANNIE D. M. WOOD.

The bill (S. 1975) granting a pension to Annie D. M. Wood was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 1, after the name "Wood," to insert "widow of the late Commander Edward Parker Wood, United States Navy;" in line 3, before the word "dollars," to strike out "one hundred" and insert "fifty;" and in the same line, after the word "of," to strike out "the pension of $30 per month which she now receives" and insert "that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie D. M. Wood, widow of the late Commander Edward Parker Wood, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Annie D. M. Wood."

Mr. GALLINGER. I move to strike out the preamble.

The motion was agreed to.

HELEN M. GLENNY.

The bill (S. 4030) granting a pension to Helen M. Glenny was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out "the late;" in line 7, before the word "colonel," to insert "late lieutenant;" and in the same line, before the word "Sixty-fourth," to strike out "of the;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen M. Glenny, widow of

William Glenny, late lieutenant-colonel Sixty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDITH LOCKWOOD STURDY.

The bill (S. 2400) granting an increase of pension to Edith Lockwood Sturdy, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edith Lockwood Sturdy widow of Edward William Sturdy, late lieutenant-commander, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM F. TAIT.

The bill (H. R. 6731) granting an increase of pension to William F. Tait was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Tait, late of Company G, Eighty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORANGE F. BERDAN.

The bill (H. R. 6486) granting an increase of pension to Orange F. Berdan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orange F. Berdan, late of Company C, Fifth Regiment Michigan Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN O'CONOR.

The bill (H. R. 4795) granting an increase of pension to John O'Conor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John O'Conor, late of Company G, One hundred and tenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN WHITE.

The bill (H. R. 8397) granting an increase of pension to John White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John White, late of Company I, Fourteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSHUA RICKETTS.

The bill (H. R. 3758) granting an increase of pension to Joshua Ricketts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joshua Ricketts, late of Company B, Bissell's Engineer Regiment of the West, Missouri Volunteers, and first sergeant Company A, One hundred and forty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES D. BEST.

The bill (H. R. 3821) granting an increase of pension to Frances D. Best was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances D. Best, widow of Joseph G. Best, late lieutenant-colonel Twenty-first Regiment Missouri Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BERNARD DUNN.

The bill (S. 4007) granting an increase of pension to Bernard Dunn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bernard Dunn, late of Company A, Second Regiment Iowa Volunteer Cavalry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN J. WILLIAMS.

The bill (H. R. 8599) granting a pension to Ellen J. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen J. Williams, widow of William F. Williams, late of Company D, Thirteenth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHEBE E. C. PRIESTLY.

The bill (S. 1569) granting a pension to Mrs. Phebe E. C. Priestly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Phebe E. C. Priestly, on account of her services as a nurse for the sick and wounded Union soldiers at Humansville, Mo., during the years 1862, 1863, and 1864, and to pay her a pension of $12 per month.

Mr. GALLINGER. In line 6 I move to strike out the word "Mrs." before the name; and after the word "Priestly," in the same line, I move to strike out "on account of her services as a nurse for the sick and wounded Union soldiers at Humansville, Mo." and insert "late an Army nurse."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Phebe E. C. Priestly."

CATHARINE WEINHEIMER.

The bill (S. 3436) granting a pension to Caroline Wienhimer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine Weinheimer, widow of Melchior Weinheimer, late of Company I, First Regiment United States Reserve Corps Missouri Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Catharine Weinheimer, invalid and dependent child of said Melchior Weinheimer, the additional pension herein granted on account of such child shall cease and determine.

Mr. COCKRELL. This bill, as I introduced it, was for "Caroline Wienhimer, the idiotic and deformed child of Melchoir Wienhimer, of Companies K and I, First Regiment United States Reserve Corps Missouri Volunteer Infantry." I did not know that the mother was drawing a pension. I suppose she is.

Mr. GALLINGER. She is. I will say to the Senator that the mother is drawing a pension, and it is not the habit of the Bureau to grant two pensions for the same service, but this was a case of great distress, and instead of pensioning the child the committee thought it advisable to increase the pension of the mother, as the substitute bill does. I move that, in line 11, the committee amendment be amended by striking out the words "on account of such child," after the word "granted."

Mr. COCKRELL. Let us see how that would read.

The SECRETARY. In line 11 strike out the words "on account of such child;" so as to read:

The additional pension herein granted shall cease and determine.

Mr. GALLINGER. In the event of the death of the child the additional pension would cease and determine. I think the Senator from Missouri will, upon examining the case, see that the committee acted wisely in this matter.

Mr. COCKRELL. I have no objection to it at all. I simply did not want to get it confused, and I did not know the mother was a pensioner.

Mr. GALLINGER. Such is the fact. I will say to the Senator that a certain other body is getting quite in the habit of sending such bills over here. The committee has one before it granting three pensions for one service.

Mr. COCKRELL. I do not want that done. I want to conform strictly to the rule of the committee. I drew this bill without knowing anything about the widow drawing any pension at all. I drew it on account of this helpless and dependent child of a soldier.

Mr. GALLINGER. Precisely.

Mr. COCKRELL. But the committee has reported it properly to increase the widow's pension on account of this dependent child, and then that the increased pension shall cease at the death of the child.

Mr. GALLINGER. It is to cease on the death of the child.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Catharine Weinheimer."

JOSEPH B. COONS.

The bill (S. 825) granting an increase of pension to J. B. Coons was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph B. Coons, late captain Company B, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joseph B. Coons."

SAMUEL B. WEEKS.

The bill (H. R. 3941) granting a pension to Samuel B. Weeks was considered as in Committee of the Whole. It proposes to pay to Samuel B. Weeks, late of Company L, Ninth Regiment Indiana Volunteer Cavalry, a pension of $12 per month granted to him by certificate No. 581146, under the act of June 27, 1890, without any further deduction or rebate on account of former overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSHUA MITCHELL.

The bill (H. R. 8390) granting an increase of pension to Joshua Mitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joshua Mitchell, late of Company D, Eighth Regiment Kansas Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL W. CHILDS.

The bill (S. 78) granting a pension to Samuel W. Childs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Cavalry," to insert "and pay him a pension at the rate of $12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel W. Childs, late of the quartermaster's department, Company E, First Oregon Cavalry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY CORINNE BLANDIN.

The bill (S. 3922) granting an increase of pension to Mary Corinne Blandin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Corinne Blandin, widow of Lieut. John Joseph Blandin, late of the United States Navy, and to pay her a pension of $50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH E. BALDWIN.

The bill (H. R. 3454) granting a pension to Joseph E. Baldwin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph E. Baldwin, late of Company C, First Regiment Enrolled Missouri Militia, Company C, Seventh Regiment Enrolled Missouri Militia, and Company E, Thirty-second Regiment Enrolled Missouri Militia, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEXICAN WAR PENSIONS.

The bill (S. 3683) to increase the pensions of widows of the Mexican war soldiers and sailors to $16 per month was announced as next on the Calendar.

Mr. GALLINGER. Let that bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. PETTUS. I should like to ask the Senator in charge of the pension bills to let us know why the Mexican pension bill should go over?

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Under the unanimous-consent agreement the bill will go over because, being an adverse report, it is regarded as objected to.

Mr. PETTUS. Is there an adverse report with the bill?

The PRESIDENT pro tempore. Yes, sir; and there being an adverse report, it is in the nature of an objection, and under the unanimous-consent agreement the bill would go over anyway.

The bill (S. 250) granting increase of pension to soldiers of the Mexican war was announced as next in order.

The PRESIDENT pro tempore. That bill will also go over, it being adversely reported.

ELISHA F. BARTON.

The bill (S. 3268) granting an increase of pension to Elisha F. Barton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elisha F. Barton, late of Company E, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY P. HUNTER.

The bill (S. 3634) granting a pension to Mary P. Hunter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary P. Hunter, widow of Joseph Hunter, late of Company C, Sixth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH CLARK.

The bill (S. 3900) granting a pension to Sarah Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the initial "W.," to strike out "Cook" and insert "Clark;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Clark, widow of John W. Clark, late of Company G, Sixth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. HARRISON.

The bill (S. 3708) granting a pension to John H. Harrison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to insert "U. S. S. *Walker;*" and in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Harrison, late of U. S. S. *Walker*, United States Navy, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES COOK.

The bill (S. 3899) granting a pension to James Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Cook, late of Company G, Sixth Regiment Delaware Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI B. ROSS.

The bill (H. R. 1677) granting an increase of pension to Missouri B. Ross was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Missouri B. Ross, widow of Orlando H. Ross, late of Company D, Twentieth Regiment Illinois Volunteer Infantry, and captain and aid-de-camp, staff of General Grant, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC M. LOCKE.

The bill (H. R. 1681) granting an increase of pension to Isaac M. Locke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac M. Locke, late of Company F, Fifteenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAVINIA M. PAYNE.

The bill (H. R. 2303) granting an increase of pension to Lavinia M. Payne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "pension," to insert "at the rate;" and in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lavinia M. Payne, late a nurse in the medical department of United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. GALLINGER. I move that the committee amendments be disagreed to.

The PRESIDENT pro tempore. Without objection, the committee amendments will be disagreed to.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALVIN E. MYERS.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 3654) granting a pension to Calvin E. Myers, to report it without amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Calvin E. Myers, late of Company E, Fourth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT GREAT FALLS, MONT.

Mr. CARTER. I ask unanimous consent of the Senate for the present consideration of the bill (S. 943) to provide for the erection of a public building in the city of Great Falls, Mont.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, at a cost not exceeding $20,000, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, for the use and accommodation of the United States post-office and other Government offices in the city of Great Falls and State of Montana, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $200,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefore, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after said examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all maps, statements, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EAST WASHINGTON HEIGHTS RAILROAD COMPANY.

Mr. SULLIVAN. I ask unanimous consent for the present consideration of the bill (H. R. 4604) to amend the charter of the East Washington Heights Traction Railroad Company.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments, on page 2, section 1, line 5, after the word "northward," to strike out "along the Anacostia road" and insert "on Minnesota avenue as laid down on the highway-extension plans;" and in line 9, after the word "Columbia," to strike out the following proviso:

Provided, That said railway shall be removed from Anacostia road and placed in Minnesota avenue within one year after said avenue is opened up as a public thoroughfare.

So as to make the section read:

That the charter of the East Washington Heights Traction Railroad Company, of the District of Columbia, be, and the same is hereby, amended so as to authorize and permit the said company to lay down its tracks and operate its cars from its present authorized terminus at the western approach to the Pennsylvania Avenue Bridge, as provided in section 1 of the act of incorporation; thence north on Seventeenth street east to East Capitol street; thence west on East Capitol street to Fifteenth street east, connecting with the Metropolitan Railway; also from the intersection of Minnesota avenue and Harrison street thence westerly on Harrison street to Pierce street; thence southerly on Pierce street to Jackson street; thence westerly along Jackson street to Monroe street; also northward on Minnesota avenue as laid down on the highway-extension plans, to connect with the Columbia Railway at Benning, over a route and at a point acceptable to and approved by the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was to add to section 2 the following proviso:

Provided, That if within two years from the date of the passage of this act the Washington and Marlboro Railroad Company shall build its lines into and within the District of Columbia, then said company shall have the right to use such of the routes in this act provided for as may coincide with the route provided for in the charter of the said Washington and Marlboro Railroad Company.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JERONEMUS S. UNDERHILL.

Mr. WARREN. I desire to call up at this time the bill (S. 2259) for the relief of Jeronemus S. Underhill.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Wyoming asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate.

Mr. WARREN. It is a bill that was passed over without prejudice some days ago.

The PRESIDING OFFICER. The Chair is informed that the bill has been read once, and unless a request be made for another reading it will not now be read.

Mr. BATE. I ask to have the bill read.

The PRESIDING OFFICER. The bill will be again read.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HALE. Yes; I object, Mr. President.

Mr. WARREN. I will ask the Senator from Maine if he will not withdraw his objection for a moment until I can state the case?

Mr. HALE. Certainly.

Mr. WARREN. This is one of a class of claims which have engaged the attention of the Committee on Claims more or less for a good many years, one of a class of bills some of which have passed this Senate or passed the House at different sessions alternately, and some of which have passed both Houses. This bill has not yet passed both Houses. The committee have spent a good deal of time in examining the entire subject relating to the causes which have led up to these claims, and to the reports of the so-called Marchand and Selfridge boards with regard to the construction of this class of boats. We have allowed some bills to go through with less scrutiny than we give to others; and we now seek to get the findings of the Court of Claims, I might say, on sample or representative cases, and the Committee on Claims have prepared a statement which goes over the entire subject

briefly, and which, if the bill is allowed to pass, as I hope it will be, I want to have inserted in the RECORD and also printed as a miscellaneous document, so that we may be able to fully consider and to reach some finality regarding this class of claims.

Mr. HALE. Mr. President——

Mr. WARREN. I hope the Senator will not object.

Mr. HALE. I do not know that I shall object, but I want a little information. I did not hear the bill fully read.

Mr. WARREN. I will say to the Senator that this case was passed upon by one of these special naval boards, and now it is proposed to ask the Court of Claims to review the findings of the board.

Mr. HALE. What I want to ask the Senator is, What class of cases does this bill cover? Is it one of the ships lately built, while we have been increasing the Navy within the last ten or twelve years, or is it one of the old cases that we have passed, of claims in reference to vessels used during the war of the rebellion?

Mr. WARREN. This is an old case. This is in reference to one of the so-called double-ender boats which were constructed immediately after the *Monitor* had distinguished herself in wrecking the *Merrimac*. Contracts were let for building boats similar to the *Monitor* upon the slight information they then had. The boats, before in some cases even the keels were laid, were altered because the *Monitor* was found to be a failure in many respects. The first boat built under these contracts sank before it got out of sight of land. The consequence was that every one of the remaining boats had to be changed. Under the terms of agreement the contracts were let to parties who were to finish the vessels in from three to five months, as the case might be, or pay heavy forfeits. Then came the Government with new plans and new alterations and consequent delays. Because of this there was a largely increased expenditure. Then followed the so-called Selfridge board and the Marchand board, who reviewed the cases and found for the various amounts recommended as justly due these various builders. This is one of a class of cases desired to be sent to the Court of Claims for final adjudication.

Mr. HALE. I am very glad to get this information. There were cases of this kind that came over from the civil war where, undoubtedly, the contractors had good claims against the Government. These double-enders furnish instances of that kind. Congress has passed several bills that were sent to the Court of Claims, and several of them have been paid. This being one of those claims, I do not object to it because I know something about them.

I was afraid when I rose that this was one of a class of cases, which have arisen in the last five or six years, where contractors with the Navy Department for modern ships have not only got their contract money but have got immense premiums for increased speed, and are now clamoring at our doors for damages for detention and all the imaginable and ingenious things that can be got up by contractors, to which I am entirely opposed. If this were one of those cases, I certainly should insist upon my objection; but as it is not of that class, I do not object.

Mr. WARREN. I will say to the Senator that the class of cases he speaks of will certainly receive very close scrutiny if they get to the Senate Committee on Claims.

Mr. HALE. I am sorry to say the committee has reported one or two cases that, so far as I am concerned, I will not if I can help it permit to go through.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. BATE. How much is involved in the bill?

Mr. WARREN. The Court of Claims will have to determine that. It may be $5,000 and it may be $20,000, but the Court of Claims will determine.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I want the papers presented by the Senator from Wyoming printed as a separate document, because we may have use for it.

Mr. WARREN. I ask that the papers which I send to the desk may be printed in the RECORD and also printed as a document.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

The papers referred to are as follows:

CERTAIN CLAIMS FOR EXTRA PAYMENTS FOR VESSELS BUILT FOR THE UNITED STATES NAVY.

At the commencement of the war, in April, 1861, the United States Government had only 89 vessels of all kinds, including ships of the line, frigates, sloops of war, brigs, steam sloops, etc., ranging from a tonnage of 566 tons in a sloop of war up to a tonnage of 4,580, the largest vessel in our Navy at that time.

At the breaking out of the war the vessels first built were screw sloops and gunboats. The first ironclad vessel constructed was the *Monitor*, which was turned over to the Government in March, 1862, followed the next month by the *Galena*.

From 1861 up to May, 1868, the Government built itself, and had built by different contractors, 179 vessels. Of this number 20 were light-draft monitors, of which the following is a history in part:

During the year 1862 the necessity for some light-draft armored vessels for operations on our Western rivers and the shallow bays and sounds upon the Atlantic and Gulf coasts became so urgent that the Navy Department determined to provide some for that purpose, if possible. Application was made to Mr. John Ericsson, the inventor of the original monitor, for a plan of a light-draft monitor, to carry one turret and to have a draft of from 6 to 6½ feet. On the 9th of October Mr. Ericsson submitted to the Department a plan, which, to use his words, was not intended as a working plan, yet it defined with clearness and precision the general principle and the mode of building the vessel, engines, boilers, and propeller.

Mr. Ericsson not having time to make all the calculations and detailed working plans, that work was confided to Chief Engineer Alban C. Stimers, of the United States Navy. Mr. Stimers had been engaged with Mr. Ericsson in the construction of the first monitor; had gone in that vessel in the capacity of engineer from New York to Hampton Roads; had there assisted in the contest between the *Monitor* and the rebel ironclad *Merrimac*, and since that time had been engaged more or less, by order of the Navy Department, in superintending the construction of the other monitors contracted for by the Department. The detailed plan having been prepared by Mr. Stimers, the Department advertised for proposals. * * *

From the bids thus received a general average price was established of a little less than $400,000 each, and during the months of March, April, and May, 1863, contracts were made for the building of 20 light-draft monitors upon the same plan. Mr. Stimers was placed in charge of their construction, and the contractors were directed to look to him for instructions. He was ordered to consult with Mr. Ericsson in preparing his plans and drawings for contractors, and, at his own request, was authorized to establish an office and employ assistants in New York City, where he could have facilities for frequent and easy consultation with Mr. Ericsson.

In May, 1864, the first of these vessels, the *Chimo*, built by Mr. Aquila Adams, was launched at Boston. She was found to be a failure, so far as the original design was concerned, of a light-draft river monitor. All these vessels having been designed upon the same plan, further work was at once suspended upon them. A commission was appointed on the 11th of June, 1864, to examine them and to recommend what should be done with them to remedy their defects.

The commission reported on the 9th of July, 1864, recommending that 5 of the vessels should be changed into torpedo boats by removing the turrets, etc., in order to lighten their draft, and that the other 15 should be changed by building up their sides 22 inches, increasing their draft, but rendering them more serviceable as monitors. That recommendation was adopted by the Department, and the proposed changes have been carried out.

These vessels were found to be defective in draft and in speed. Instead of being some 15 inches out of water when fully completed and equipped, as was the original design, it was found that they would barely float, their decks being awash with the water. Their speed, instead of being from 7 to 9 knots an hour, was found upon trial to be only from 3½ to 4 knots an hour.

The increased draft was caused, first, by reason of a miscalculation of the weights of the materials and the amount of displacement, and secondly, in consequence of the additions and alterations made in the plans after the contracts were entered into. Many of these alterations were considered necessary from the experience gained by the Navy in the attack made by the monitors and other vessels upon the rebel forts in the harbor of Charleston, and were adopted to obviate defects which that engagement showed to exist in the monitors.

When it was found that these vessels were failures as originally designed and constructed, Mr. Stimers was removed from the position he had held in relation to them, and they were placed in charge of other officers and altered as recommended by the commission appointed to examine them.

Because of these many changes, and others, and consequent extra cost of construction, the "Selfridge board" was organized in compliance with a resolution of the Senate of March 9, 1865, and the Secretary of the Navy, Gideon Welles, appointed Commodore Thomes O. Selfridge, Chief Engineer Montgomery Fletcher, and Paymaster Charles H. Eldredge.

The board commenced its session on the 5th of June, 1865, and adjourned December 23, 1865, having been in session one hundred and seventy-two days and examined the claims of 57 contractors. This board recommended to Congress the payment of $2,270,627.14. Of this amount Congress has since paid nearly $900,000. This board gave the claims before it very close scrutiny. The majority of the claims considered were for hulls and machinery of what were called wooden double enders.

These claims grew out of the hurry and confusion incident to the building of a navy during the war, and appear to be directly due to the fact that the Government was not prepared at the time the contracts were let to furnish specific plans of what it desired. The shipbuilders were seen by Mr. A. C. Stimers, who had charge of the bureau of construction in New York, and some of them, according to their testimony, were practically impressed into the service of accepting contracts upon such crude descriptions as Mr. Stimers could give them of what he wanted.

The *Paul Jones* was generally used by him as an illustration of what he would expect in the way of vessels, whereas it appears that in all cases of the vessels contracted for the machinery was heavier and more expensive than that of the *Jones*. In the case of the *Peoria*, for instance, the engines weighed nearly 600,000 pounds, while those of the *Jones* weighed only 380,000 pounds.

The delay, ranging from six months to eighteen months, caused by the Government's tardiness in furnishing plans and its persistence in changing its plans caused loss by virtue of the increase in the cost of labor and materials. These increased prices are dwelt upon in an affidavit made by the late John Roach when the claims first came before Congress, in which he said:

"The great scarcity of skilled mechanics, the disorganization of labor during and in consequence of the war, the giving out of so many contracts at the same time for steam machinery by the Government, and the chartering of so many steam vessels of all classes to be used in the Government service created a demand for skilled mechanics to meet which the ordinary supply was totally inadequate.

"Later this state of affairs was much aggravated by numbers of mechanics, induced by the heavy bounties, entering the volunteer service, others being conscripted or moving to distant localities to avoid conscription, many of the best workmen being absorbed by the Navy and navy-yards, others being attracted into avocations rendered by the war temporarily more lucrative than mechanical pursuits.

"Not only the cost of labor kept advancing through the whole time the work was in progress until it reached from 50 to 100 per cent above the rates paid at the time the contract was made, but owing to the great infusion of inexperienced hands its efficiency kept assteadily falling to a lower standard, taking much longer to build a pair of engines at that period than it had previously done with the same number of workmen at lower prices.

"This disorganization in the labor market affected the cost of work indirectly as well as directly, subcontractors in most instances failing to finish the articles contracted for at the time specified, and in many instances furnishing materials which, not coming up to the standard of quality, had to be

condemned and replaced, causing much delay, unnecessary labor, and increase in cost.

"The enormous advance in the cost of all materials was in a great measure owing to the depreciation in value of paper money, caused by the extraordinary issue by the Government of an irredeemable currency. Pig iron rose while the work was in progress from $27 per ton in October, 1862, when the contract was made, to $80; boiler plate from 6¼ cents per pound to 10¼ cents; bar iron from $72.50 to $220 per ton; ingot copper from 25½ cents to 51¼ cents per pound; sheet copper from 30½ cents to 70 cents per pound."

Later on the "Marchand board" was organized under the act of March 2, 1867, with Commodore J. B. Marchand as president; Chief Engineer J. W. King and Paymaster Edward Foster as the other members of the board. They examined the claims of 48 contractors, were in session one hundred and twenty-three days, and had under consideration claims amounting to $10,184,592.50. They took no testimony and had no hearings, but found due different contractors for vessels built by them the sum of $225,988.56, which was paid by act of Congress approved July 13, 1868.

The Navy Department on August 6, 1869, appointed another board, called the "Boggs board," which examined the claims of one contractor and awarded him $93,116.98. This amount was an additional allowance to that made by the Marchand board to a contractor who had been awarded $115,539. That Congress has not considered the action of the Marchand board as final is evidenced by the following list of claims paid since that board was organized:

Name of vessel.	Date of Marchand board report.	Amounts paid to various contractors since Marchand board report was made, saying nothing due.	Date of payment	How paid.	Found due by Marchand board and appropriated by Congress.	Date of payment.
	1867.					
Shiloh	Nov. 26	$125,000.00	1873	Congress direct		
Squando	do	115,157.00	1892	Court of Claims		
Umpqua	do	118,327.00	1893	do		
Manayunk	do	91,072.99	1893	do		
Nauset	do	101,529.71	1894	do		
Tippecanoe	do	76,000.00	1870	do		
Cimarron	do	48,000.00	1874	Congress direct		
Keokuk	do	50,000.00	1870	do		
Standish, Mayflower	do	86,400.06	1867	do		
Modoc	do	28,000.00	1870	do		
Naubuc	do	127,077.00	1896	Court of Claims		
		966,563.70				1868.
Canonicus	do		1868		$38,513.00	July 13
Casco	do		1868		4,852.58	Do.
Chimo	do		1868		4,852.58	Do.
Cohoes	do		1868		4,852.58	Do.
Sandusky, Marietta	do		1868		15,171.00	Do.
Mackinaw	do		1868		3,694.81	Do.
Saugus	do		1868		38,513.00	Do.
Manhattan, Tecumseh, Mahopac	do		1868		115,985.01	Do.
					225,988.56	
Amount paid to various contractors since Marchand board reported saying there was nothing due					966,563.70	
Amounts found due by Marchand board and appropriated by Congress (act July 13, 1867)					225,988.56	
Amount paid by Congress before the Marchand board was organized					1,249,000.00	
					2,441,553.26	
Oneota, Catawba	do				None	
Turrets of Miantonomoh and Tonawanda	do				do	
Turrets of Monadnock and Agamenticus	do				do	
Yazoo	do				do	
Koka	do				do	
Warsaw	do				do	
Shawnee	do				do	
Etlah	do				do	
Klamath and Yumah	do				do	
Muscoota	do				do	
Mohongo	do				do	
Winnepec	do				do	
Chicopee	do				do	
Agawam and Pontoosuc	do				do	
Iosco	do				do	
Lenapee	do				do	
Mingo	do				do	
Eutaw	do				do	
Massasoit	do				do	
Port Royal	do				do	
Mattabesett	do				do	
Osceola	do				do	
Mendota	do				do	
Metacomet	do				do	
Chenango	do				do	

At a later Congress the validity of the awards of the Selfridge board was still further recognized by the payment of $22,386.61 on account of the *Otsego*, $64,693.97 for the machinery of the *Agawam* and *Pontoosuc*, $13,777.24 for the hulls of the *Agawam* and *Pontoosuc*, $68,163.13 for the ironclad vessel *Onondaga*, and $57,252 for the construction of the *Muscoota*. (30 Stats., 1236, 1236.)

In further settlement of such claims the following amounts have been paid by the United States on ironclad vessels since July 13, 1867:

Name of vessel.	To whom paid.	Amount.
Chimo	A. Adams	$4,852.58
Cohoes	M. F. Merritt	4,852.58
Mackinaw	Poole & Hunt	3,694.81
Modoc	J. S. Underhill (17 Stat., 671)	28,000.00
Keokuk	C. W. Whitney (17 Stat., 671)	50,000.00
Cimarron	D. S. Mershon (18 Stat., 635)	48,000.00
Standish and Mayflower	James Tetlow	86,000.00
Comanche	Donahue, Ryan & Co. (15 Stat., 353)	179,000.00
Tippecanoe	Miles Greenwood (17 Stat., 409)	76,000.00
Passaic, Patapsco, Sangamon, Lehigh, Montauk, Catskill	John Ericsson (13 Stat., 409)	1,070,000.00
Canonicus	Harrison Loring (act July 13, 1868)	38,513.00
Casco	Atlantic Works	4,852.58
Saugus	Harlan & Hollingsworth (act July 13, 1868).	38,513.00
Sandusky and Marietta	Tomlinson, Hartupee & Co. (act July 13, 1868).	15,171.00
	Secor & Co., and Perine, Secor & Co. (act July 13, 1868).	115,539.01
	do	*193,116.98
Shiloh	Geo. C. Bester (17 Stat., 753)	125,000.00
Squando	N. McKay (Court of Claims, 27 Stats., 307).	115,157.00
Umpqua	Snowden & Mason (Court of Claims, 28 Stats., 450).	118,327.00
Manayunk	Snowden & Mason (Court of Claims, 27 Stats., 667).	91,072.99
Nauset	Donald McKay (Court of Claims, 28 Stats., 868).	101,529.71
Naubuc	William Perine (Court of Claims, 29 Stats., 305).	127,077.00
Total		2,534,269.24

*This $93,000 was paid three years after Congress passed the act to pay the Secors $115,000.

In discussing claims of this character, Senator Sumner (see Congressional Globe, 1865, page 1892) said:

"The Senator from Kentucky said they took the war into their calculations. Perhaps they did; but who among these contractors could take that war adequately into his calculations? Who among those sitting here or at the other end of the avenue properly appreciated the character of the great contest that was then going on?

"Sir, we had passed half a century in peace; we knew nothing of war or of war preparations, when all at once we were called to efforts on this gigantic scale. Are you astonished that these contractors did not know more about the war than your statesmen? Be to these contractors as gentle in judgment and as considerate as you have been to others in public life who have erred in their calculations with regard to it.—*Congressional Globe*, page 1987.

"The building of that invulnerable Navy was one of the great victories of the war, not to be commemorated on any special field, but to be seen in those mighty results which we all now enjoy.

"And now, again, I ask, Are you ready to see these contractors who have done this service sacrificed? You do not allow the soldier to be sacrificed, nor the national creditor who has taken your stock; will you allow the mechanic to be sacrificed? * * * My friend on my right [Mr. Nye] asked you to be magnanimous to these contractors. I do not put it in that way. I ask you simply to be just. Do by them as you would be done by.

"The Senator from Nevada also very fitly reminded you of the experience of other countries. He told you that England, at the close of the Crimean war, when her mechanics had suffered precisely as your mechanics have suffered, did not allow them to be sacrificed, but every pound and shilling of their liabilities under their contracts was promptly met by that Government. Will you be less just to your mechanics than England? It is an old saying that 'Republics are ungrateful.' I hope that this Republic may certainly vie with any monarchy in gratitude to those who served it."—*Congressional Globe*, page 1987.

During the same debate Senator Hendricks, of Indiana (see Congressional Globe, page 1964, 1865), said:

"I am of the opinion that these sums ought to be paid, as a matter of justice and right, by the Government to these contractors. Each case, of course, has its special merits or demerits. But, sir, I believe in the doctrine that where a man contracts to do a great and very important work for the Government he ought not to be allowed to be a large loser, and, in some cases, as will be the result here, to be broken up by the contract that he may have made, and especially in the case of contracts made at such a time as these were made, and for such work as they were made. * * *

"We had to have these ships; the Government could not progress in the war without them, and great numbers had to be manufactured or contracted for about the same time. What was the effect of that? The Government made a contract with one man, then with another, then with another, and started her own shipyards with all the force it was possible to command. What was the effect of that? Of course, to increase the price of labor; of course, to increase the price of material required in the construction of the ships. There are some general views about the equity of these claims without reference to the particular merit of each case. (Congressional Globe, page 1890, 1866.)

"The point is that, these contracts being made in 1862 and 1863, the prices continued to advance during all the time that these parties were building the vessels and constructing the machinery for them, so that they were overtaken by this enormously high rate of prices and destroyed. (Congressional Globe, page 1892.)

"These contracts were made by some below their own propositions, and at barely fair prices at the then current rates. Is there any Senator here who wishes to see these men broken up merely because they entered into a contract with Government? Is there any Senator here who wishes to say to these men, 'We have your bond, and we will hold you to your bond; we will

take the blood out of your business; we will have the pound of flesh?'" (Congressional Globe, page 1964.)

The following letter of Commodore B. F. Isherwood, written in 1887, contains a concise statement of the claims of contractors who constructed the light-draft monitors:

WASHINGTON, D. C., *January 26, 1887.*

DEAR SIR: I have the pleasure of acknowledging the receipt of your communication of the 22d instant, asking me to inform you of the causes of the alterations and changes in the plans of the light-draft monitors, constructed during the war for the Navy Department, and the causes of the delays in their construction, and whether these delays caused extra expense to the contractors.

In reply I would refer to the report on this subject made by the Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, United States Senate, volume 3. From this report you will find that, although I was, as you state in your note above referred to, the Chief of the Bureau of Steam Engineering in the Navy Department during the war, I had nothing to do whatever with either the designing or the execution of the work for these monitors.

The Navy Department had established what was in effect a bureau for this purpose in New York City, and had placed Mr. Alfan C. Stimers at its head, with a large corps of assistant engineers, draftsmen, etc. The whole work, hulls and machinery, was entirely in his hands. He was absolutely untrammeled, being allowed carte blanche by the Department, and his acts and plans were never submitted to any other person.

The selection of Mr. Stimers by the Navy Department for this duty was most unfortunate. The selection was wholly the act of Mr. G. V. Fox, then the Assistant Secretary of the Navy, who had unbounded but misplaced confidence in Mr. Stimers's abilities. In making the appointment Mr. Fox did not consult either of the mechanical bureaus of the Navy Department, nor was Mr. Stimers's plans ever submitted to them.

The result, as is well known, was a most disastrous failure, due to the absolute and astonishing incapacity of Mr. Stimers, and to the fact of his selection by Mr. Fox without inquiry of the mechanical bureaus as to Mr. Stimers's qualifications. In a professional matter of which Mr. Fox had no knowledge, such a selection without careful investigation of Mr. Stimers's abilities was an act of temerity which in a measure made the Navy Department a party to the cause of failure.

At the commencement, then, Mr. Fox was responsible for a most injudicious selection for a most important position, and Mr. Stimers was responsible for the absurd blunders he committed, and as both represented the Government, the latter was to that extent justly responsible for their acts.

Under this system 20 vessels were built, all of which (they were exact duplicates) proved absolute failures, their only value being their worth as old material. The cost to the Government was about $8,000,000, and there was, in my opinion, a considerable loss borne by the contractors chargeable to the action of the Government and not yet compensated.

The contracts were taken at a round sum for a certain amount of work to be done in a certain time, conformably to drawings and specifications to be furnished by Mr. Stimers. The responsibilities of the contractors were limited to the quality of the materials and workmanship and to the completion of the vessels in the specified time. They were not at all concerned in the final success or failure of the vessels.

From the first the plans were continually changed and important modifications introduced, all in the direction of more expensive work and materials and requiring longer time for execution. This increased length of time involved greatly increased cost of the work of the contractors, owing to the daily and rapidly increasing rise, at that date, in the cost of materials and labor.

The war was then at its height, and the Government was in the market for the whole mechanical resources of the country, which were not able to meet the demand upon them, and, as a result, the price of certain materials and labor used in the construction of ships and machinery rose abnormally high above even the general increase of price. The loss due to this cause was of necessity borne by the contractors, and has never in any of the settlements made been taken into consideration.

Had the plans and specifications been delivered to the contractors at the date of the contract, so that they could have then made their purchases of materials, and had there been no changes in these plans and specifications, so that the work could have been prosecuted uninterruptedly to completion without the great delays unavoidable to such changes and alterations, it could have been executed in the contract time, and the contractors would have saved to themselves the rise in the price of materials and labor which took place during the extended time.

There must be here recalled that for the great extension of time in the completion of these contracts the Government alone was responsible by the changes, alterations, and additions it made to the work after the contracts were executed. This extension of time reacted upon the cost of the work as a whole, and, though the Government paid a certain sum for additional work, that sum was inadequate to cover the losses of the contractors by the rise in the cost of materials and labor used in the construction of the work done according to the original contract, and which was prolonged in consequence of the alterations and additions.

All that the Government paid for was the price of additional work at current rates, but the work as a whole could only progress together; that which was in accordance with the original contract had to wait until the additions and alterations could be completed, and in the meantime the cost of materials and labor was rising rapidly and enormously.

These delays, which no efforts of the contractors could prevent, and which were caused exclusively by the action of the Government, were ruinous to the contractors by reason of the continual rise of prices; materials and labor became every day scarcer and scarcer; the shops and plant of the contractors were occupied by the vessels that they could neither abandon nor complete. They could not, therefore, take other and remunerative work, and they had to keep a full force of workmen, for if they once lost them they could not at that time be recovered, so great was the demand.

Some approximation may be furnished of the losses sustained by the contractors from the action of the Government in departing from the original plans and specifications by additions and alterations involving great increase of time by estimating the cost to the contractors of the original work, had it been done in contract time, which would have been the case but for the interference of the Government, and the cost of the same work done in the extended time caused by the action of the Government, taking as the basis the average price of materials and labor in the two cases.

The additions and alterations referred to were due to the incapacity of Mr. Stimers to properly design such vessels. Without knowledge of how to proceed, he was constantly vacillating, doing and undoing; completed work was destroyed and other work substituted; time was lost between the notification to the contractors that other plans would be prepared in place of those already furnished and the reception of such plans.

In fact, the character of the vessels was essentially changed during their construction from the original programme; great delays were consequently necessarily experienced, and as the price of materials and labor was continually increasing, due to the continually increasing demand for the same caused by the war, the cost of executing the work, which was done according to the original contract, was much increased at the expense of the contractors.

Respectfully,

B. F. ISHERWOOD.

Hon. BENJAMIN BUTTERWORTH.

I certify the above is a true copy.

[SEAL.] WM. H. DAVIS,
Notary Public for New Jersey.

WYNN W. PEFLEY.

Mr. SHOUP. I ask unanimous consent for the immediate consideration of the bill (S. 2762) to authorize the Secretary of War to correct the military record of Wynn W. Pefley. It directs the Secretary of War to correct the military record of Wynn W. Pefley, late sergeant, Company H, First Idaho Infantry, so as to show that his height at the time of enlistment in said organization was 5 feet 10½ inches.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

APPRAISERS AT PHILADELPHIA AND BOSTON.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 3286) to diminish the number of appraisers at the ports of Philadelphia and Boston.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in line 8, before the word "thousand," to strike out "five" and insert "four;" so as to make the bill read:

Be it enacted, etc., That sections Nos. 2529 and 2544 of the Revised Statutes of the United States are hereby so amended that there shall be one appraiser of merchandise at each of said ports instead of two, as now provided by law.

The salary of said appraisers shall be $4,000 each per annum, instead of $3,000 each, as now established by law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN REGISTER FOR STEAMSHIP GARONNE.

Mr. TURNER. I ask unanimous consent for the immediate consideration of the bill (S. 3465) to provide an American register for the steamship *Garonne*.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in line 8, after the words "United States," to strike out:

Whenever it shall be shown to the Commissioner of Navigation that the repairs put upon such vessel in the United States are equal to three-fourths of the cost of such vessel when so repaired—

So as to make the bill read:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamship *Garonne*, owned by Charles Richardson, of Tacoma, State of Washington, and Frank Waterhouse, of Seattle, State of Washington, citizens of the United States, to be registered as a vessel of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEVI STOLTZ.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 879) for the relief of Levi Stoltz.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Commissioner of Internal Revenue, any statute of limitation to the contrary notwithstanding, to consider and adjust the claim of Levi Stoltz, a citizen of Greenville, Darke County, in the State of Ohio, in accordance with the provisions of section 6, act of March 1, 1879, as amended by subsequent acts, for excess of taxes and assessments charged by the United States against him prior to January 1, 1874, on the Greenville distillery, owned and operated by him, said excess of assessments caused by accidental bursting of the stills, necessary changes in the still tubs by errors in surveys, and to refund the amount of taxes that may be found to have been thus overcharged or allowable on account of accident; but the whole sum allowed shall not exceed the sum of $1,153.56.

Mr. CHANDLER. Is there a written report in that case?

The PRESIDING OFFICER. The Chair is informed that there is.

Mr. FORAKER. Yes; there is a report with the bill.

Mr. CHANDLER. From what committee and made by what Senator?

Mr. FORAKER. Made by the Senator from Wyoming [Mr. WARREN], from the Committee on Claims.

Mr. CHANDLER. What is the date of the report?

Mr. FORAKER. January 17, 1900.

Mr. CHANDLER. Does the Senator know the amount involved?

Mr. FORAKER. One thousand one hundred and fifty-three dollars and fifty-six cents. It has twice passed the Senate, I believe, and has been favorably reported in both Houses.

Mr. CHANDLER. The Senator's information is so accurate that I will not ask to have the report read.

Mr. FORAKER. I am much obliged to the Senator.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 28) proposing an amendment to the Constitution providing for the election of Senators of the United States; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions:

A bill (S. 62) granting an increase of pension to Robert Black;

A bill (S. 208) granting an increase of pension to Josephine I. Offley;

A bill (S. 209) granting an increase of pension to Cornelia De Peyster Black;

A bill (S. 239) granting an increase of pension to Rhoda A. Foster;

A bill (S. 241) granting a pension to Patrick Layhee;

A bill (S. 261) granting an increase of pension to Lizzie H. Hyndman;

A bill (S. 320) granting an increase of pension to Allen Buckner;

A bill (S. 346) granting an increase of pension to Mrs. Arethusa Wright;

A bill (S. 531) granting a pension to Henrietta Cummins;

A bill (S. 645) granting an increase of pension to David Hunter;

A bill (S. 677) granting an increase of pension to Jerusha W. Sturgis;

A bill (S. 819) granting an increase of pension to Benjamin F. Bourne;

A bill (S. 833) granting an increase of pension to Henry Atkinson;

A bill (S. 994) granting an increase of pension to Casper Miller, jr.;

A bill (S. 1194) granting an increase of pension to John B. Ritzman;

A bill (S. 1228) granting an increase of pension to Thomas Jordan;

A bill (S. 1250) granting a pension to Hattie E. Redfield;

A bill (S. 1251) granting an increase of pension to Celia A. Jeffers;

A bill (S. 1255) granting an increase of pension to James M. Simeral;

A bill (S. 1264) granting an increase of pension to James A. Southard;

A bill (S. 1265) granting a pension to Elender Herring;

A bill (S. 1268) granting a pension to Sarah R. Burrell;

A bill (S. 1298) granting an increase of pension to Oscar Taylor;

A bill (S. 1309) granting an increase of pension to Herman Piel;

A bill (S. 1331) granting an increase of pension to Ellen C. Abbott;

A bill (S. 1419) granting an increase of pension to Annie B. Goodrich;

A bill (S. 1721) granting an increase of pension to Amos H. Goodnow;

A bill (S. 1729) granting an increase of pension to Oliver J. Lyon;

A bill (S. 1769) granting an increase of pension to Henry Frank;

A bill (S. 1960) granting an increase of pension to Eli J. March;

A bill (S. 2167) granting an increase of pension to Franklin C. Plantz;

A bill (S. 2209) granting an increase of pension to Frederick Higgins;

A bill (S. 2220) granting an increase of pension to Eudora S. Kelly;

A bill (S. 2351) granting an increase of pension to Joseph W. Skelton;

A bill (S. 2375) granting a pension to Mary A. Russell;

A bill (S. 2622) granting a pension to Maria A. Thompson;

A bill (S. 2636) granting an increase of pension to Mary E. Law;

A bill (S. 2742) restoring to the pension roll the name of Annie A. Gibson;

A bill (S. 3017) granting an increase of pension to Julia M. Edie;

A joint resolution (S. R. 34) authorizing the printing of 35,000 copies of Bulletin No. 24, Department of Agriculture, entitled "A Primer of Forestry," for the use of Congress and the Department of Agriculture; and

A joint resolution (S. R. 108) providing for the printing of the report of the governor of Arizona for 1899.

The message further announced that the House had agreed to the amendment of the Senate to the following bills:

A bill (H. R. 1201) granting a pension to James McNutt;

A bill (H. R. 2170) granting a pension to Angeline Eyestone;

A bill (H. R. 6527) granting an increase of pension to George Myers; and

A bill (H. R. 7264) granting a pension to Hannah C. Smith.

The message also announced that the House had passed a concurrent resolution to print 13,000 copies of Report No. 64, Department of Agriculture, entitled "Field Operations of the Division of Soils in 1899;" in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution to print 1,000 extra copies of the report of the Superintendent of Indian Schools for the year 1899; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the concurrent resolution of the Senate relative to the acceptance of the statue of Oliver P. Morton, presented by the State of Indiana, to be placed in Statuary Hall.

The message further announced that the House had passed with an amendment the concurrent resolution of the Senate to print 5,000 copies of the report of Capt. W. R. Abercrombie on the Copper River exploration expedition to Alaska, etc.; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the concurrent resolution of the Senate to print 2,500 additional copies of the annual report of the Commission to the Five Civilized Tribes for the fiscal year ending June 30, 1899.

The message further announced that the House had passed with amendments the concurrent resolution of the Senate to print 20,000 copies of the message of the President transmitting the treaty of peace with Spain, etc.; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the concurrent resolution of the Senate to print 1,500 copies of the report of the United States Commission to the Philippine Islands.

The message further announced that the House had passed with amendments the concurrent resolution of the Senate to print 4,500 copies of the work entitled "The Louisiana Purchase;" in which it requested the concurrence of the Senate.

PRINTING OF TREATIES.

On motion of Mr. DAVIS, it was

Ordered, That Senate Document No. 160 of the present session, being the Hay-Pauncefote and Clayton-Bulwer treaties, be reprinted.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 18 minutes p. m.) the Senate adjourned until Monday, April 16, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 14, 1900.

SURGEONS IN THE MARINE-HOSPITAL SERVICE.

Passed Asst. Surg. Thomas B. Perry, of Georgia, to be surgeon in the Marine-Hospital Service of the United States.

Passed Asst. Surg. Rell M. Woodward, of Indiana, to be surgeon in the Marine-Hospital Service of the United States.

Passed Asst. Surg. George T. Vaughan, of Virginia, to be surgeon in the Marine-Hospital Service of the United States.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 14, 1900.

APPOINTMENT IN THE MARINE CORPS.

Mr. John P. V. Gridley, a citizen of Pennsylvania, to be a second lieutenant in the United States Marine Corps, from the 26th day of March, 1900.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Capt. John Millis, Corps of Engineers, to be major, April 2, 1900.

First Lieut. Herbert Deakyne, Corps of Engineers, to be captain, April 2, 1900.

Second Lieut. Clarke S. Smith, Corps of Engineers, to be first lieutenant, April 2, 1900.

Artillery arm.

First Lieut. Isaac N. Lewis, Seventh Artillery, to be captain, April 5, 1900.

Second Lieut. Sam F. Bottoms, Sixth Artillery, to be first lieutenant, April 5, 1900.

Infantry arm.

Second Lieut. William K. McCue, First Infantry, to be first lieutenant, March 4, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY—SQUADRON PHILIPPINE CAVALRY.

To be major.

First Lieut. Matthew A. Batson, Fourth Cavalry, United States Army, April 3, 1900.

To be assistant surgeon with the rank of captain.

Maxwell S. Simpson, of New Jersey, acting assistant surgeon, United States Army, April 3, 1900.

To be captains.

First Lieut. Joseph C. Castner, Fourth Infantry, United States Army, April 3, 1900.

First Lieut. William C. Geiger, Fourteenth Infantry, United States Army, April 3, 1900.

Second Lieut. James N. Munro, Fourth Cavalry, United States Army, April 3, 1900.

First Lieut. Francis H. Cameron, jr., Thirty-fifth Infantry, United States Volunteers, April 3, 1900.

To be first lieutenants.

Second Lieut. David H. Biddle, Thirty-sixth Infantry, United States Volunteers, April 3, 1900.

Second Lieut. Dennis P. Quinlan, Eleventh Cavalry, United States Volunteers, April 3, 1900.

Corpl. James Conway, Troop L, Fourth Cavalry, United States Army, April 3, 1900.

Clarence C. Culver, of Nebraska, April 3, 1900.

POSTMASTERS.

Frank S. Kenyon, to be postmaster at Adams, in the county of Jefferson and State of New York.

Robert J. Buck, to be postmaster at Watertown, in the county of Jefferson and State of New York.

Charles P. Barnes, to be postmaster at Brighton, in the county of Monroe and State of New York.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 14, 1900.*

The House met at 12 o'clock m., and was called to order by the Clerk, Hon. ALEXANDER MCDOWELL, who read the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., April 14, 1900.

To the House of Representatives:

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, to perform the duties of the Chair during the day, Saturday, April 14, 1900.

D. B. HENDERSON, *Speaker.*

Mr. DALZELL then took the Chair as Speaker pro tempore.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

USE OF TIMBER AND STONE IN THE INDIAN TERRITORY.

Mr. JETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10665) to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized to prescribe rules and regulations for the procurement of timber and stone for such domestic and industrial purposes, to be used only in the Indian Territory, as in his judgment he shall deem necessary and proper, from lands belonging to either of the Five Civilized Tribes of Indians, and to fix the rates of royalty to be paid therefor, and collect the same for the benefit of said tribes; and every person who unlawfully cuts, or aids, or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon the land of either of said tribes, contrary to the regulations prescribed by the Secretary, shall pay a fine of not more than $500, or be imprisoned not more than twelve months, or both, in the discretion of the court trying the same.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, and it was accordingly read the third time, and passed.

On motion of Mr. JETT, a motion to reconsider the last vote was laid on the table.

On motion of Mr. JETT, the bill H. R. 5780, relating to the same subject, was ordered to lie on the table.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I desire to state, for the information of the House, that on Monday next I will call up the naval appropriation bill and ask for its consideration.

The SPEAKER pro tempore. The gentleman from Illinois gives notice that on Monday next he will call up for consideration the naval appropriation bill.

Mr. WHEELER of Kentucky. Before the gentleman states the arrangement for debate on that bill, I wish to say that I do not see the gentleman from New York [Mr. CUMMINGS], the ranking member of the committee on this side, in his seat, and I think it would be well enough for him to come in before that is stated.

Mr. FOSS. Very well; he can do that.

CORRECTION.

Mr. GROSVENOR. I desire to make a correction in the RECORD. On page 4137, the temporary Chairman, while the House was in Committee of the Whole, cited an authority. The full text of the authority, which is found on page 147 of Jefferson's Manual, is not given at length in the RECORD, and I will hand it to the Reporter to be printed as the full text of the authority cited by the Chair on yesterday.

The matter referred to is as follows:

It is equally an error to suppose that any member has a right, without a question put, to lay a book or paper on the table, and have it read, on suggesting that it contains matter infringing on the privileges of the House.—*Ib.*

For the same reason, a member has not a right to read a paper in his place, if it be objected to, without leave of the House. But this rigor is never exercised but where there is an intentional or gross abuse of the time and patience of the House.

A member has not a right even to read his own speech, committed to writing, without leave. This also is to prevent an abuse of time, and therefore is not refused but where that is intended.—2 *Grey*, 227.

PRIVATE PENSION BILLS PASSED.

Mr. SULLOWAY. Mr. Speaker, I call for the regular order.

The SPEAKER pro tempore. The regular order is the consideration of the pension bills on which the previous question was ordered on yesterday.

The following House bills, reported from the Committee of the Whole with amendments, were severally considered, the amendments recommended by the committee agreed to, and the bills as amended ordered to be engrossed, read a third time, and passed; and amendments to the titles agreed to on the bills on which the Committee of the Whole recommended that the titles be amended:

H. R. 1737. A bill to grant a pension to Cora I. Cromwell;

H. R. 1801. A bill granting a pension to Elijah Biddle;

H. R. 3655. A bill granting a pension to Mrs. Margaret Burns, as widow of Peter Burns, late of Company F, Twenty-third Regiment Illinois Volunteer Infantry, in the war of the rebellion;

H. R. 1943. A bill granting an increase of pension to Simon Price;

H. R. 8830. A bill granting an increase of pension to William F. Boyakin;

H. R. 3224. A bill granting a pension to Jeremiah B. Moore;

H. R. 4368. A bill for the relief of Flora B. Hinds;

H. R. 1381. A bill granting a pension to J. J. Angell;

H. R. 2331. A bill granting an increase of pension to Festus Dickinson;

H. R. 7624. A bill granting an increase of pension to Pleasant H. McBride;

H. R. 9574. A bill granting an increase of pension to Catherine Brown, widow of Frank Brown; and

H. R. 4520. A bill granting an increase of pension to George H. French, Company A, Forty-eighth Wisconsin Infantry.

SENATE BILLS WITH AMENDMENTS PASSED.

In the following bills the amendments reported by the Committee of the Whole were agreed to; and the bills as amended were ordered to a third reading, read the third time, and passed:

S. 2942. An act granting an increase of pension to William Padgett;

S. 1905. An act granting an increase of pension to Lillian Capron; and

S. 1906. An act granting an increase of pension to Agnes Capron.

SENATE BILLS PASSED.

The following Senate bills, reported from the Committee of the Whole, were ordered to a third reading, read the third time, and passed:

S. 1251. An act granting an increase of pension to Celia A. Jeffers;

S. 2375. An act granting a pension to Mary A. Russell;

S. 320. An act granting an increase of pension to Allen Buckner;

S. 2209. An act granting an increase of pension to Frederick Higgins;

S. 645. An act granting an increase of pension to David Hunter;

S. 1265. An act granting a pension to Elender Herring;

S. 1194. An act granting an increase of pension to John B. Ritzman;

S. 994. An act granting an increase of pension to Casper Miller, jr.:
S. 819. An act granting an increase of pension to Benjamin F. Bourne;
S. 239. An act granting an increase of pension to Rhoda A. Foster;
S. 1419. An act granting an increase of pension to Annie B. Goodrich;
S. 2167. An act granting an increase of pension to Franklin C. Plantz;
S. 62. An act granting an increase of pension to Robert Black;
S. 241. An act granting a pension to Patrick Layhee;
S. 1331. An act granting an increase of pension to Ellen C. Abbott;
S. 209. An act granting an increase of pension to Cornelia de Peyster Black;
S. 208. An act granting an increase of pension to Josephine I. Offley;
S. 1729. An act granting an increase of pension to Oliver J. Lyon;
S. 531. An act granting a pension to Henrietta Cummins;
S. 1721. An act granting an increase of pension to Amos H. Goodnow;
S. 2622. An act granting a pension to Maria A. Thompson;
S. 1250. An act granting a pension to Hattie E. Redfield;
S. 2220. An act granting an increase of pension to Eudora S. Kelly;
S. 1309. An act granting an increase of pension to Herman Piel;
S. 1960. An act granting an increase of pension to Eli J. March;
S. 1298. An act granting an increase of pension to Oscar Taylor;
S. 1268. An act granting a pension to Sarah R. Burrell;
S. 346. An act granting an increase of pension to Mrs. Arethusa Wright;
S. 1255. An act granting an increase of pension to James M. Simeral;
S. 261. An act granting an increase of pension to Lizzie H. Hyndman;
S. 1769. An act granting an increase of pension to Henry Frank;
S. 1228. An act granting an increase of pension to Thomas Jordan;
S. 2636. An act granting an increase of pension to Mary E. Law;
S. 677. An act granting an increase of pension to Jerusha W. Sturgis;
S. 883. An act granting an increase of pension to Henry Atkinson;
S. 1264. An act granting an increase of pension to James A. Southard;
S. 2742. An act restoring to the pension roll the name of Annie A. Gibson;
S. 3017. An act granting an increase of pension to Julia M. Edie; and
S. 2351. An act granting an increase of pension to Joseph W. Skelton.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the various bills had been passed was laid on the table.

HOUSE BILLS WITH SENATE AMENDMENTS.

The SPEAKER pro tempore laid before the House the following House bills with Senate amendments.

The Senate amendments were severally read, and, on motion of Mr. SULLOWAY, concurred in.

A bill (H. R. 1201) granting a pension to James McNutt;
A bill (H. R. 7264) granting a pension to Hannah C. Smith;
A bill (H. R. 6527) granting an increase of pension to George Myers; and
A bill (H. R. 2170) granting a pension to Angeline Eyestone.

FISH AND FISHERIES OF PORTO RICO.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask unanimous consent for the present consideration of the joint resolution H. J. Res. 198.

The Clerk read as follows:

Joint resolution (H. J. Res. 198) providing for the printing and distribution of the general report of the expedition of the steamer *Fishhawk* to Porto Rico, including the chapter relating to the fish and fisheries of Porto Rico, as contained in the Fish Commission Bulletin for 1900.

Resolved, etc., That there be printed and bound, under the direction of the Joint Committee on Printing, 15,000 copies of the general report of the expedition of the steamer *Fishhawk* to Porto Rico, including the chapter relating to the fish and fisheries of Porto Rico, as contained in the Fish Commission Bulletin for 1900; 9,000 for the use of the House, 3,000 for the use of the Senate, and 3,000 for the use of the United States Fish Commission.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Reserving the right to object, I would like to ask the gentleman to give an explanation as to the amount of cost.

Mr. HEATWOLE. This work has reference to Porto Rican fish and fisheries. The work has not yet been completed, and the definite cost can not be given. If the resolution is not passed now, the lithographic stones will be destroyed and the illustrations would have to be reproduced, at considerable additional cost.

Mr. UNDERWOOD. Do these books when published go to the folding room?

Mr. HEATWOLE. Yes.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE OF THE PRESIDENT TRANSMITTING THE TREATY OF PEACE WITH SPAIN.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of Senate concurrent resolution No. 19. I think, however, it is a privileged report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 20,000 copies of the message of the President transmitting the treaty of peace with Spain and the accompanying documents, in one volume, of which 13,000 copies shall be for the use of the House of Representatives and 7,000 copies for the use of the Senate.

The amendments recommended by the committee were read, as follows:

In line 2 of engrossed copy of resolution strike out the word "twenty" and insert "nine;" in line 6 strike out "thirteen" and insert "six;" and in line 7 strike out "seven" and insert "three."

So that it will read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 9,000 copies of the message of the President transmitting the treaty of peace with Spain and the accompanying documents, in one volume, of which 6,000 copies shall be for the use of the House of Representatives and 3,000 copies for the use of the Senate.

The amendments recommended by the committee were agreed to.

The concurrent resolution as amended was agreed to.

ANNUAL REPORT OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES FOR 1899.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of the Senate concurrent resolution 41.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,500 additional copies of the annual report of the Commission to the Five Civilized Tribes for the fiscal year ending June 30, 1899, of which 250 copies shall be for the use of the Senate, 500 copies for the use of the House of Representatives, and 1,750 copies for the use of the Commission to the Five Civilized Tribes.

Mr. UNDERWOOD. I would like to ask the gentleman from Minnesota what is the necessity for the additional number?

Mr. HEATWOLE. It is asked for by the Dawes Indian Commission, as well as by the Secretary of the Interior.

Mr. UNDERWOOD. How many of the original were there printed?

Mr. HEATWOLE. One thousand, I understand.

Mr. UNDERWOOD. This increases it to double the number, does it not?

Mr. HEATWOLE. This is an addition to the regular number printed of 250 copies for the use of the Senate, 500 copies for the use of the House, and 1,750 copies for the use of the commission.

Mr. UNDERWOOD. Is the report unanimous?

Mr. HEATWOLE. Yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

The question was taken; and the concurrent resolution was agreed to.

HEARINGS ON HOUSE BILL 3353.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask unanimous consent for the present consideration of House resolution 119.

The Clerk read as follows:

Resolved, That there be printed of the hearings had before the Committee on the Post-Office and Post-Roads on House bill 3353, including the text of the bill, 3,500 copies for the use of the House.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

Mr. HEATWOLE. Mr. Speaker, I will say that this is asked for by the Committee on Post Offices and Post-Roads.

The resolution was agreed to.

A PRIMER OF FORESTRY.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of Senate joint resolution 34.

The Clerk read as follows:

Joint resolution authorizing the printing of 35,000 copies of Bulletin No. 24, Department of Agriculture, entitled "A Primer of Forestry," for the use of Congress and the Department of Agriculture.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed 35,000 copies of Bulletin

24 of the Division of Forestry of the Department of Agriculture, entitled "A Primer of Forestry;" 5,000 copies for the use of the Senate, 10,000 copies for the use of the House of Representatives, and 20,000 copies for the use of the Department of Agriculture.

Mr. UNDERWOOD. I would like to ask the gentleman if these pamphlets go to the credit of members in the folding room?

Mr. HEATWOLE. I understand so. All these publications for the use of the House and Senate should go to the folding room.

The SPEAKER pro tempore. Is there objection to the present consideration? [After a pause.] The Chair hears none.

The resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

PRELIMINARY EXAMINATION OF RESERVOIR SITES IN WYOMING AND COLORADO.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of Senate joint resolution No. 10, providing for the printing of 3,000 copies of House Document No. 141, relating to the preliminary examination of reservoir sites in Wyoming and Colorado.

The Clerk read as follows:

Resolved, etc., That there be printed for the use of the Senate and House of Representatives 3,000 copies of House of Representatives Document No. 141, Fifty-fifth Congress, second session, being "Preliminary examination of reservoir sites in Wyoming and Colorado," 1,500 copies for the use of the Senate and 1,500 copies for the use of the House of Representatives.

With the following amendment:

In line 7 strike out all after the word "one" and insert "thousand copies for the use of the Senate and 2,000 copies for the use of the House of Representatives."

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The amendment was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

FIELD OPERATIONS OF THE DIVISION OF SOILS.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of House concurrent resolution No. 31.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed from the stereotype plates now in the Government Printing Office an extra edition of —— thousand copies of Report No. 64, of the Department of Agriculture entitled "Field Operations of the Division of Soils in 1899;" —— thousand copies for distribution by Members and Delegates of the House of Representatives; —— thousand copies for distribution by Senators, and 10,000 copies for distribution by the Secretary of Agriculture.

With the following amendments recommended by the committee:

In line 4, before the word "thousand," insert "thirteen."
In line 7, before the word "thousand," insert "two."
In line 8, before the word "thousand," insert "one."

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I would like to know where the demand for the publication of these documents comes from. The House has been doing a great deal lately in the matter of furnishing additional documents for distribution to farmers, and I would like to know if this publication is of practical use to the farmer. I wish some explanation from the gentleman on this matter. I do not think the Government Printing Office ought to be turned into a bureau for the dissemination of literature to farmers unless the printing thus issued is of practical value.

The SPEAKER pro tempore. Does the gentleman from Massachusetts object?

Mr. FITZGERALD of Massachusetts. Reserving the right to object, I would like to ask the reason for this order and where the demand comes from for the distribution of these documents. I am in favor of every legitimate aid to the farmer, but I think it is due the House that the members should know the practical value of all documents printed and distributed at the expense of the Government.

Mr. HEATWOLE. I think, Mr. Speaker, it is proper that I should have the correspondence in relation to this matter read for the information of the House and the gentleman from Massachusetts.

The Clerk read as follows:

LETTER OF TRANSMITTAL.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 1, 1900.

MR. PRESIDENT: I have the honor to transmit a report of this Department upon the field operations of the Division of Soils during the year 1899. It covers not only the most important work of this Division, but, in my opinion, regarded in the light of the possible results of the information which has been secured thereby, the most important work of this character ever undertaken in any country.

It consists of an introduction by Prof. Milton Whitney, the Chief of the Division, and special reports on the various lines of field work by the scientific assistants of that Division in cooperation, in some instances, with educational institutions in various parts of the country. The report covers, altogether, a soil survey of an area of not less than 720,000 acres, scattered throughout the following regions: New Mexico, Utah, Colorado, and Connecticut. These accounts of soil surveys are followed by some valuable discussions on "The application of the theory of solutions to the study of soils," "Some necessary modifications in method of mechanical analysis as applied to alkali soils," and "Salts as influencing the rate of evaporation from soils."

It need hardly be said that it was found quite impossible to restrict this report within the limits of a hundred octavo pages, and consequently, under the operations of section 89, chapter 23, Volume XXVIII of the Statutes at Large, 1895, the Secretary of Agriculture has no authority to secure the printing of more than 1,000 copies, a number which would be entirely inadequate to supply our exchanges, our agricultural colleges and experiment stations, and the divisional list of the Division of Soils, to say nothing of any miscellaneous demand. In this case, moreover, the Department, in my opinion, is bound to supply copies of the report to the very large number of persons who have rendered efficient aid to our surveyors in their field work.

Under these circumstances and in view of the great importance of the subject covered, I have the honor to recommend that it be transmitted to Congress, together with the maps, illustrations, and diagrams accompanying, to be printed by order of that body, and I further recommend that not less than 10,000 copies be printed for the use of this Department, in addition to such number as Congress may order for the use of its members.

I have the honor to remain, Mr. President, very respectfully,
JAMES WILSON, *Secretary*.

UNITED STATES DEPARTMENT OF AGRICULTURE,
DIVISION OF PUBLICATIONS,
Washington, D. C., March 26, 1900.

DEAR SIR: We have received concurrent resolutions 31, 32, and 33, of the House of Representatives, all of which I see have been referred to your committee.

I inclose a copy of the letter of transmittal addressed by the Secretary to the President in forwarding the report covered by concurrent resolution 31. It will give you some information as to the importance of the subject covered and of the reason which impelled the Secretary to ask for 10,000 copies.

The reports covered by concurrent resolutions 32 and 33 are reports submitted in compliance with the law, and it has always been usual for Congress to print an extra number of copies of such reports for the use of this Department. You will notice that only 2,000 of each of these reports are asked for, the expense of which will be comparatively trifling.

In connection with this subject, may I be permitted to recall to your mind the fact that the Public Printer is earnestly desirous of an early passage of the resolution ordering 5,000 extra copies of the Yearbook for foreign use? Inasmuch as this edition will necessitate the preparation of another set of stereotype plates, the matter already set, of which there are now considerable over 400 pages, can not be distributed until the fate of that resolution is decided.

Yours, very truly,
GEO. WM. HILL.

Hon. JOEL P. HEATWOLE, M. C.,
House of Representatives.

Mr. FITZGERALD of Massachusetts. Do I understand that the resolution offered by the gentleman from Minnesota just carries out the recommendations of the Secretary of Agriculture?

Mr. HEATWOLE. That is all.

Mr. FITZGERALD of Massachusetts. Then I have no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the concurrent resolution? [After a pause.] The Chair hears none.

The amendments were agreed to.

The resolution as amended was agreed to.

REPORT OF THE GOVERNOR OF ARIZONA.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to ask unanimous consent for the present consideration of Senate joint resolution 108, providing for the printing of the Report of the Governor of Arizona for 1899.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Printer be, and he is hereby, authorized and directed to print 4,000 additional copies of the Report of the Governor of Arizona for 1899, of which 1,000 copies shall be for the use of the Department of the Interior, 1,500 copies for distribution by the governor of Arizona, 500 copies for the use of the Senate, and 1,000 copies for the use of the House of Representatives.

Mr. UNDERWOOD. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman what the necessity is for the additional copies of a report of a governor of a Territory for distribution?

Mr. HEATWOLE. I will answer the gentleman by reading an extract from a letter of the Secretary of the Interior.

Under existing law only 1,000 copies of this report can be printed by the Department, which number is found altogether too small to meet the demands made on this office for the work. The report gives very full information about all important matters relating to the Territory, and is therefore of great interest, especially to persons who contemplate moving to that section of the country. It serves as a reply to many inquiries as to the conditions in the Territory and the advantages afforded immigrants.

It is not only asked for by the Secretary of the Interior, but by the governor of Arizona, and the cost is not very great.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be read the third time, was read the third time, and passed.

REPORT OF COMMISSION TO PHILIPPINE ISLANDS.

Mr. BOREING. I am directed by the Committee on Printing to report back with a favorable recommendation the resolution which I send to the desk. I ask for its immediate consideration.

The Clerk read as follows concurrent resolution No. 27:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the United States Commission to the Philippine Islands 1,500 copies of volume 1 of their report, recently submitted to the Senate by the President.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky [Mr. BOREING] that this resolution be immediately considered?

There was no objection.

The question being taken, the resolution was agreed to.

REPORT ON INDIAN SCHOOLS.

Mr. BOREING. I am also directed to report from the Committee on Printing another resolution, which I request may be read; and I ask unanimous consent for its present consideration.

The Clerk read concurrent resolution No. 28, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Department of the Interior, 1,000 extra copies of the Report of the Superintendent of Indian Schools for the year 1899.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky that the resolution just read be immediately considered?

There was no objection.

The House proceeded to the consideration of the resolution; which was adopted.

ABERCROMBIE'S EXPLORATION OF ALASKA.

Mr. BOREING. I am further directed to report back with an amendment concurrent resolution 18, which I send to the desk; and I ask unanimous consent for its immediate consideration.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of the Report of Capt. W. R. Abercrombie on the Copper River Exploration Expedition to Alaska, transmitted by the Secretary of War, of which 1,500 shall be for the use of the Senate, 2,500 for the use of the House of Representatives, and 1,000 for distribution by the War Department.

The amendment reported by the committee was read, as follows:

Strike out all after the resolving words and insert:

"That there be printed 4,000 copies of the Report of Capt. W. R. Abercrombie on the Copper River Exploration Expedition to Alaska, transmitted by the Secretary of War, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution by the War Department.

There being no objection, the House proceeded to the consideration of the resolution.

The amendment was agreed to; and the resolution as amended was adopted.

HISTORY OF LOUISIANA PURCHASE.

Mr. BOREING. I am also directed by the Committee on Printing to report back favorably concurrent resolution of the Senate No. 36. I ask that the resolution be immediately considered.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 4,500 copies of the work entitled "The Louisiana Purchase," by the honorable Commissioner of the General Land Office of the United States, 1,500 copies for the use of the Senate and 3,000 copies for the use of the House of Representatives.

The SPEAKER pro tempore. Is there objection to the present consideration of this resolution?

Mr. UNDERWOOD. What is this document proposed to be printed?

Mr. BOREING. This is a proposition to print a work entitled The Louisiana Purchase, by the Commissioner of the General Land Office. There is great demand for the document.

Mr. UNDERWOOD. Is this resolution reported by the Committee on Printing?

Mr. BOREING. It is a Senate concurrent resolution. It has been considered by the House Committee on Printing, who recommend that the House concur in it.

Mr. UNDERWOOD. Is it a unanimous report?

Mr. BOREING. Yes, sir.

Mr. HITT. Is not this an historic inquiry into the Northwestern region and its supposed relations to the Louisiana purchase?

Mr. BOREING. Yes, sir.

Mr. HITT. It is wholly devoted, I think, to the Oregon question.

Mr. LACEY. It is intended to correct the supposed history of our acquisitions in the Northwest. Commissioner Hermann has made a very careful compilation covering the whole question.

Mr. UNDERWOOD. Is this a political report?

Mr. LACEY. Not at all; it is thoroughly historical.

Mr. BOREING. There is no politics in it.

There being no objection, the House proceeded to the consideration of the resolution.

Mr. JONES of Washington. I desire to offer the amendment which I send to the desk.

The Clerk read the amendment, as follows:

In lines 2 and 3 strike out "four thousand five hundred" and insert in lieu thereof "nine thousand."

In line 6 strike out "one thousand five hundred" and insert "three thousand."

In lines 7 and 8 strike out "three thousand" and insert "six thousand."

Mr. JONES of Washington. This is a matter in which there is a great deal of interest, especially among the people included in this section of country. The amendment which I offer is satisfactory to the committee, and I hope it will be agreed to by the House.

The amendment was agreed to; and the resolution as amended was adopted.

Mr. KNOX addressed the Chair.

The SPEAKER pro tempore. For what purpose does the gentleman from Massachusetts rise?

Mr. KNOX. Simply to make inquiry for information whether all these documents, the printing of which we are authorizing, will go to the folding room to the credit of members.

Mr. BOREING. That is my understanding; they all go to the folding room.

Mr. Speaker, I move to reconsider the several votes by which the resolutions I have reported have been adopted, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HEATWOLE. I move to reconsider the votes by which the several resolutions reported by me from the Committee on Printing were adopted, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMERCIAL AND INDUSTRIAL CONDITIONS—CHINA AND JAPAN.

Mr. LOVERING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1939) authorizing the President of the United States to appoint a commission to study and make full report of the commercial and industrial conditions of China and Japan, and for other purposes.

The SPEAKER pro tempore. The bill will be read, subject to the right of objection.

The bill was read at length.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERWOOD. Mr. Speaker, I desire to inquire if there is not a special order set for to-day at 1 o'clock?

The SPEAKER pro tempore. There is.

Mr. UNDERWOOD. Then I demand the regular order.

The SPEAKER pro tempore. Objection is made.

RECEPTION OF STATUE OF OLIVER P. MORTON.

Mr. STEELE. Mr. Speaker, I call up the special order set for to-day at 1 o'clock.

The SPEAKER pro tempore. The Clerk will report the order of the House.

The Clerk read as follows:

SATURDAY, *April 14*.

On motion of Mr. STEELE, by unanimous consent, it was ordered that Saturday, April 14, beginning at 1 o'clock, be set apart for addresses on the receipt of the statue of Hon. Oliver P. Morton. (Order made March 24.)

Mr. McCLEARY. Mr. Speaker, on behalf of the Committee on the Library, I desire to report back the concurrent resolution S. 37 with a favorable recommendation. The Committee on the Library, to whom was referred the resolution in question, has directed me to report it back with the recommendation that it do pass.

The SPEAKER pro tempore. The gentleman from Minnesota presents a resolution, which will be read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the statue of Oliver P. Morton presented by the State of Indiana, to be placed in Statuary Hall, is accepted in the name of the United States; and that the thanks of Congress be tendered the State for the contribution of the statue of one of the most eminent citizens and illustrious statesmen of the Republic.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of Indiana.

Mr. STEELE. I call up for present consideration the resolutions which have just been read.

The SPEAKER pro tempore. The gentleman from Indiana.

Mr. STEELE. Mr. Speaker, in 1864, soon after the completion of the present Hall of the House of Representatives, a law was enacted by Congress which contained the following provision:

And the President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their historic renown or for distinguished civil or military services, such as each State may deem to be worthy of this national commemoration; and when so furnished the same shall be placed in the old Hall of the House of Representatives in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, for the purpose herein indicated.

In compliance with this resolution we are about to accept, as a gift from the State of Indiana, a statue of her illustrious son, Oliver P. Morton.

Oliver P. Morton was born in the village of Salisbury, then the county seat of Wayne County, Ind., on August 4, 1823. He was of humble parentage, his father being a shoemaker. His mother died when he was but 14 years of age. He was then sent to live with his grandparents and aunts, and was afforded an opportunity to attend school one year. It is not recorded that he was considered brighter than his fellow-students, but he was already

distinguished by persistence. At the age of 15 he undertook to learn the hatters' trade, which he no doubt intended should be his life pursuit. At this work he remained for four years. During this period he spent much time in reading, and employing every means possible to acquire information. Quitting his trade, he entered Miami University, at Oxford, Ohio. Here he industriously improved his opportunities, not studying, apparently, toward any particular end, but always more anxious to acquire knowledge than to display it. This was throughout his life one of his characteristics. He was a favorite member of his college society at Miami University and stood well among his fellows.

For want of means he was compelled to relinquish his college work. Returning to Centerville, Ind., he entered the office of Hon. John S. Newman, one of the well-known lawyers of our State at that time, and began the study of law. This was in 1845. In May of that year he married Miss Lucinda M. Burbank. That this alliance was greatly to his advantage throughout his career there can be no doubt. In 1847 he was admitted to the bar of Wayne County, which included in its membership some of the most prominent attorneys of Indiana. It is not surprising, therefore, that he did not leap immediately into prominence. He soon became known, however, as one of the profound lawyers of the circuit in which he resided.

As an evidence of the esteem in which he was held, it may be mentioned that in 1852, at the age of 29 years, he was appointed by the governor of the State to a vacancy on the circuit bench. This honorable position he filled with credit to himself and to the entire satisfaction of members of the bar. At the expiration of one year's service he declined an election to the bench, the duties not being to his liking. In spite of the reputation he had achieved he was not too proud, upon leaving the bench, to enter law school for the purpose of completing an education interrupted by the poverty of his earlier years.

In 1856 the People's Party of Indiana, comprising those who were opposed to the further extension of slavery, met in State convention. Oliver P. Morton, who had identified himself with the movement, was unanimously nominated for governor. While it was apparent that he could not be elected, he entered upon the canvass with that energy and zeal which had characterized him ever since reaching the age of maturity. His opponent was Hon. Ashbel P. Willard, one of the strongest among Democratic leaders, a successful politician, and a fluent speaker. At this time Morton had his reputation as a speaker yet to make. It was not a difficult matter, therefore, to arrange a joint canvass between the candidates. It had not proceeded far until the friends of Morton were entirely satisfied with the arrangement.

As a debater Morton did not indulge in any attempts at sharp practice. He made legitimate points, and elucidated them with a power of direct statement which carried conviction. He ignored every attempt on the part of his opponent to divert the attention of the audience from the vital issues by ridicule and catch phrases. From the first day of the canvass Morton's followers increased in number, and when the campaign closed, although Morton was defeated, he had laid the foundation for the political organization which carried the State four years later.

The campaign over, Morton returned to the practice of his profession. During the four years which followed his power as an organizer was manifested in the rapid growth of the Republican party in Indiana. In 1860 Morton and his friends, deferring to the age and experience of Henry S. Lane, consented to Morton's nomination for lieutenant-governor, with Lane as the head of the ticket.

Morton threw his whole strength into the momentous campaign of 1860. He was at this time in the prime of his physical strength. His competitor was Hon. David Turpie, an unusually strong man, and, in accordance with custom, a joint debate was arranged between these gentlemen. Their meetings were attended by great crowds, and Morton again manifested his exceptional ability as a debater. Stephen A. Douglas had given the Democratic party its shibboleth of "State sovereignty." Morton attacked this as a catch phrase designed to cover a hateful doctrine, and proved by close logic that Congress, and Congress alone, had the constitutional power to make needful rules and regulations for the Territories.

In a speech at Fort Wayne he said:

> The Territories are the property of the General Government, and the right to acquire them will not be disputed. Would the right to acquire, without the power to govern the thing acquired, be of any value? The right to govern, therefore, is an incident of the right to acquire. The Territories belong to all the people of the United States, and not to any particular part of them. They belong to them in their corporate, national, and governmental capacity. This being the case, how shall the people, the nation, express themselves or make manifest their wishes respecting their property, these Territories, excepting through Congress?

At the election the State was carried by the Republicans. Four days after Governor Lane was sworn in he was elected to the United States Senate, and Morton, assuming the governorship, took upon himself the heaviest responsibility devolving upon any man in the nation at that time, excepting only President Lincoln.

From the first he manifested the firmness and profound good sense necessary to the highest executive efficiency. He had attained a reputation as a lawyer and a politician, but while his friends had the fullest faith in his ability and integrity they had not anticipated that Morton would show a degree of executive ability in the crisis he was compelled to face which would stamp him as one of the great men of his time.

Governor Morton was among the first men of prominence in the Union, if not the first, to declare the position of the Republican party upon the question of secession, with which the result of the election of 1860 brought the country face to face. At a great ratification meeting held in Indianapolis on November 22, 1860, he declared in a memorable speech that "if the issue now before us was disunion or war," he was for war, and that he believed this was the position of the Republican party. "Grant the right of secession," he declared, "and the Union is dissolved." I will not stop to quote further from this great speech. It is enough to say that it was widely printed, and that it aroused the patriotic feeling of loyal people all over the North and brought Morton at once into national prominence as a patriot and a statesman.

He clearly foresaw the crisis which was approaching, and warned the people of Indiana and the country of its coming. After the inauguration of Mr. Lincoln he lost no time in visiting the President and holding a conference with him. Governor Morton was not surprised when, on April 12, 1861, the news was flashed over the country that Fort Sumter had been fired upon. On April 15 he telegraphed to the President offering 10,000 men for service in behalf of the Union. It was the first tender of volunteer troops which came to Abraham Lincoln. Under the leadership of Governor Morton, Indiana was one of the first States to put her soldiers in the field.

At this time there was less than $15,000 in the State treasury, and after our first quota of troops had been supplied with inferior arms and equipments we were practically without arms, supplies, or munitions of any kind, yet on the 20th of April, foreseeing the future needs of the Government, Governor Morton telegraphed the Secretary of War, offering six additional regiments, which he had already begun to organize and equip. Receiving no reply, on April 23 he sent a special messenger to Washington to renew the offer. From that day until the close of the war there was not a time in which he was not urging an increase of our forces or that he was not organizing and equipping regiments in Indiana in anticipation of additional demands. During the war Indiana sent over 208,000 soldiers to the front, a larger per capita representation in the field, it is said, than that of any other Northern State.

The legislature elected in 1862 refused to come to his assistance; on the contrary, sought in every way to embarrass him. His message to the legislature, which was considered one of the strongest ever submitted by a State executive, was treated with contempt, that body refusing to receive it. This legislature refused to provide the funds necessary for carrying on the great work of organizing and equipping troops. Morton was undaunted. A great sum of money was borrowed on his own personal account, individuals and counties all over the State advancing funds to meet the emergency.

Thus was the confidence of the people in Morton's integrity exemplified. That confidence was not misplaced. Every dollar passing through his hands, directly or indirectly, was satisfactorily accounted for. The best of everything that money could buy was furnished to our soldiers. In the estimation of Governor Morton, nothing was too good for the men who were fighting the battles of the Union. No man could have discharged his duty with greater courage, more untiring industry, or more lofty patriotism. In spite of the great responsibilities which weighed upon him at home, he found time to visit the Union armies, for the purpose of seeing for himself that Indiana soldiers were in no wise neglected. He was a familiar figure in camp, hospital, and field, wherever Indiana soldiers were to be found. He was frequently called to Washington for consultation with the President and Secretary of War.

At this time he was embarrassed at home by an unfriendly minority which opposed the prosecution of the war. There existed in Indiana an oath-bound conspiracy, which sought the establishment of a Northwest confederacy, the release of Confederate prisoners in Northern prisons, the overthrow of the State government by force, and even the assassination of Governor Morton. Its members were organized and drilled, and sought every opportunity to discourage enlistment and to encourage desertions from the Union ranks. I refer to this only for the purpose of showing the desperate situation Governor Morton was compelled to face. He thwarted the purposes of this organization by courage and vigilance. As we look back over those troublous times, it is with a feeling of gratitude that we had at the helm of state a man so strong and so resourceful.

It is not strange that Oliver P. Morton became known throughout the Union as "Indiana's great war governor." His readiness to supply troops for the protection of Kentucky from invasion gained for him the admiration of the people of that State.

George D. Prentice, the talented editor of the Louisville Journal, said of him:

He has been emphatically Kentucky's guardian spirit from the very commencement of the dangers that threatened her existence. Kentucky and the whole country owe him a large debt of gratitude. Oh, that all the public functionaries of the country were as vigilant, as clear-sighted, as energetic, as fearless, as chivalrous as he.

Mr. Charles Walker, author of an admirable sketch of The Life, Character, and Public Services of Oliver P. Morton, has well said that—

His heart was as full of sympathy as his head was of resources.

And that—

In every sense of the word he was the soldier's friend.

It is fair to the soldiers of Indiana that I should say that they thoroughly appreciated his watchful care and attention and that on every field of battle during that unhappy conflict they gave a good account of themselves. In the language of James A. Garfield—

On a hundred battlefields his name was the battle cry of the noble regiments he had organized and inspired with his own lofty spirit.

In 1864, at the age of 41, Morton was reelected governor, defeating Joseph E. McDonald, a strong and able man, who was not a sympathizer with the rebellion. Shortly after his election Morton's friends were alarmed by the first premonitions of the great physical affliction which afterwards overtook him, and one morning in the latter part of the summer of 1865 he awoke to find his lower limbs paralyzed. The best medical advice and treatment was sought and applied, but with no avail. In further search of relief he decided to visit Europe. Before his departure Hon. Joseph E. McDonald, his late competitor, and Hon. Samuel Buskirk, also a leading Democrat, introduced in the legislature then sitting resolutions commending Morton for his ability and integrity, which were passed without a dissenting vote.

In March, 1866, he returned from Europe, his condition unimproved. In that year a State legislature was to be elected, upon which devolved the duty of choosing a United States Senator. By the Republicans of Indiana it was taken by common consent that in case of Republican success Morton should be chosen. Notwithstanding his affliction, he made a thorough canvass of the State. His mental vigor seemed to have increased. The campaign was a memorable one, the Republicans were successful, and Morton was elected Senator by the unanimous vote of the Republican members of the general assembly.

On the 4th of March, 1867, he took his seat as Senator in a body numbering among its members many men distinguished for eminent public service and for unusual ability. It is sufficient to say that Morton was soon recognized as a leader among the great leaders of that body, which had to deal with the troublesome question of the reconstruction and rehabilitation of the Union. In spite of the bitterness of the conflict from which the country had just emerged, and in which Morton was a favorite target for assault, he brought to this work a spirit of kindness toward the South. In one of his speeches he said:

I am, from my heart, anxious for the complete restoration of the South, the upbuilding of her prosperity, and the reunion of all the States in sentiments of love for each other and devotion to our common country.

Senator Morton was a potent factor in the framing of the important legislation enacted during the period of his Congressional service. In spite of his great physical infirmity he was untiring in his industry and followed the subjects of legislation which came before Congress with sleepless vigilance. As a member of the Committee on Foreign Relations he was largely instrumental in bringing about the treaty with Great Britain under which the *Alabama* award was made. As an evidence of the esteem in which he was held by General Grant, it may be stated that he was tendered the British mission. The appointment was approved by the Republican press of the country and was a source of special pride to the people of Indiana, although they preferred that Morton should decline the appointment.

During the whole of General Grant's Administration he was the close friend and counselor of the President. In the Republican national convention of 1876 he was put forward by the Indiana delegation as a candidate for the Presidential nomination. It was readily seconded by many delegates from other States, notwithstanding his physical infirmities, except for which there was a general feeling that he might have been nominated.

He was a central figure in the complications which followed the disputed election of 1876. He opposed the authorization of the Electoral Commission, but upon its creation he was made a member of the body and carried to that work the same vigilant industry which had characterized his whole career.

With the completion of the work of that commission Senator Morton's connection with public life practically ceased. In the summer of 1877 he made a trip to the Pacific coast, where another attack of that dreadful malady, paralysis, overtook him. He insisted on starting home at once. He was depressed but patient during the long return trip. After reaching Indiana he lived for some weeks, during which time the President of the United States journeyed to his bedside to express his sympathy and hope for his recovery. But it was a struggle in which even the physical and moral strength of Morton could not conquer. On November 1, 1877, he died, his last words being, "I am dying; I am worn out."

He was at the time of his death but 54 years of age. Indiana lost in him her most eminent statesman, the country one of its wisest counselors, and the Republican party of our State its greatest leader. None has arisen to fully fill his place.

It is a source of satisfaction to the people of our State, especially to those of us who were more or less on the active stage of life during the troublous period in which Morton achieved his fame, to be able to record that twenty years after the death of Governor Morton the general assembly of the State of Indiana, composed for the most part of men who were unborn when the war of the rebellion was begun and who were but lads when Morton died, passed a resolution authorizing the governor of the State to appoint a commission to procure a statue of Indiana's great war governor, to be placed in Statuary Hall, thus recognizing him as a man "illustrious for his historic renown, for distinguished service to the State," and as "most worthy of national commemoration."

As citizens of Indiana, we are proud to know that through the years to come the statue of Oliver P. Morton will stand in that great hall among those of the illustrious men of other States, an evidence of our supreme appreciation of his great and glorious service to the State and nation.

He was a courageous patriot, a loyal friend, an honest man. [Applause.]

Mr. MIERS of Indiana. Mr. Speaker, as a representative of the State of Indiana, I take pleasure in adding my voice to those raised in reverential commemoration of the man whom my State has by honoring honored herself and the nation of which she is a part. The voiceless marble now placed in Statuary Hall will honor that sculptured room as did the living being whose form is thus preserved honor the upper house of the National Legislature.

Oliver Perry Morton was one of those men whose conditions and environment gave the strength which makes them great, and renders time necessary to bring out their truly admirable qualities without the view being marred by personal or sectional hatred. Oliver Perry Morton was a great man when living, but even a greater man when viewed by the historian. His was a life of turmoil and conflict; his mind rose superior to the ravages of disease and the irritation of constant and excruciating pain. Severe lines were drawn in his face by the pain he suffered, and men, looking only at the face, thought him austere. Those who really knew the man, and not merely his outward semblance, loved him. His heart was as big as his brain, and few, if any, men have been blessed with greater intellects.

His life was gentle, and the elements
So mix'd in him, that Nature might stand up
And say to all the world, "This was a man."

Oliver Perry Morton came of old New England stock, his ancestors emigrating to this country with Roger Williams. His father was one of the hardy pioneers who opened up the fertile prairies of the West. At the little town of Salisbury, Wayne County, Ind., Oliver Perry Morton was born on the 4th of August, 1823. At an early age he was apprenticed to his brother to learn the hatter's trade. After learning the trade he studied law, and so prominent was his legal acumen and his forensic ability that at the age of 29 years he was placed upon the circuit bench, and there his decisions were marked with such a thorough grasp of law and such a sense of exact and clear justice that he became at once a prominent figure in the councils of his State.

He was elected lieutenant-governor of Indiana in 1860, and upon the elevation of Governor Henry S. Lane to the United States Senate Oliver Perry Morton, at the age of 38 years, became governor of the State of Indiana. He was elected to this office in 1864, and resigned to accept the position of United States Senator in 1867, which position he filled twelve years. In 1876 he received the second largest vote as a candidate for the Presidential nomination at the hands of the Republican party. It was as the "war governor" of Indiana that he won the admiration of the entire nation. He was essentially an executive.

An eye like Mars, to threaten and command;
A station like the herald Mercury
New-lighted on a heaven-kissing hill—
A combination and a form indeed,
Where every god did seem to set his seal,
To give the world assurance of a man.

He worked day and night, and kept peace within the borders of his State when it seemed impossible that there could be peace. When he was stricken with paralysis, the entire nation mourned. It was supposed that never again could his voice be heard in counsel; but while he could no longer walk, or even stand, and although every moment brought intense pain, for eleven years the great mind arose superior to the wrecked body, and until the day of his death Oliver Perry Morton did a prodigious work in the United States Senate and throughout the State of Indiana in personally caring for the interests of his constituents. He at times seemed merciless toward the Southern States—the friends of Sumner

thought him unkind—but Oliver Perry Morton always intended to be just.

No friend ever went to him and found an ear deaf or a heart closed to his appeals. He was strong in his convictions, but when convinced that he was wrong he always acknowledged it and proceeded to repair the wrong. His life was one of constant criticism and censure; he made strong friends and bitter enemies.

He arose superior to all strife—

> Like some tall cliff that lifts its awful face,
> Swells from the vale, and midway leaves the scene,
> Though round its breast the rolling clouds are spread,
> Eternal sunshine settles on its head.

Now that sectional hatred has died away and the bitter prejudice born of the conditions of the sixties are no longer felt, we can look back upon the life and record of Oliver Perry Morton, and while we regret that the conditions of his time made him violent in some of his methods, yet we can see clearly, as could not be seen in those dark days, that when Oliver Perry Morton's soul left the body which had so long been an incumbrance to it that one of the best and greatest men had passed from the visible present to the invisible future.

His services to his State and his nation will live forever in history, while the enmities which he engendered have already been buried.

Indiana, in placing this statue in the halls of the National Capitol, honors herself and honors the nation rather than Oliver Perry Morton, for his memory will live without the aid of sculptor's chisel. Could Oliver Perry Morton, free from pain, have lived his allotted three score years and ten, no one can tell what the nation would have profited by his counsels.

Why this great man should have been so hampered by physical infirmity and his brain racked by intense pain is one of those mysterious problems which men can not solve. Oliver Perry Morton is dead, but—

> Death is another life. We bow our heads
> At going out, we think, and enter straight
> Another golden chamber of the King's,
> Larger than this we leave and lovelier,
> And then, in shadowy glimpses disconnect,
> The story, flower-like, closes thus its leaves.

[Applause.]

Mr. GROSVENOR. Mr. Speaker, I shall not attempt to speak upon the character and personal characteristics of Oliver P. Morton. My presence here on this occasion is due to a fact which I will state, and which I presume no other man in the capital at Washington can state. I refer to my acquaintance with Mr. Morton and an incident of the early days of the party in Indiana.

Oliver P. Morton was a Democrat, as I was. He was born ten years before I was, but had I voted in 1853 I should have voted the Democratic ticket. As I was not old enough to vote until 1854, I began with the Republican party.

In the spring of 1854 I went to Indiana and settled at Lafayette, intending to make it my home; so that under the statute of that State I was entitled to vote at the end of six months. I went to Indiana a Democratic boy; but without going into any considerable detail it is enough to say a complete revolution in the public sentiment of this country took place at about that period of time.

Those of us who had hoped the better judgment of the Democratic party would prevail over the proslavery tendencies of the party were disappointed. The action of the Democratic Administration in the matter of the contest in Kansas and Nebraska between freedom and slavery disappointed us; and so it happened that a great political revolution took place, and it swept over Indiana in that year. The breaking up of the Whig party and the natural antagonism to the Democratic party had produced a number of political organizations; among others, a strong Temperance party and also the Knownothing party; and then the opposition to the attitude of the Democratic party in Congress upon the subject of the Kansas and Nebraska difficulties took the form, not only in Indiana but in other States, of an anti-Lecompton or anti-Nebraska party—a coming together of all shades and forms of opinions.

Morton was a Democrat, as I said, and his attitude at that time was a matter of speculation in Indiana. On the 13th of July, 1854, I went with a great concourse of people to a mass convention of all the elements in opposition to the then regular Democratic party. It was held at Indianapolis. It was presided over by Bishop Ames, of the Methodist Church, and as we are recording history, it might be well for me to give the reason why he appeared on that occasion and presided in that convention.

An attack had been made upon the Methodist preachers of Indiana by the then United States marshal, and among other epithets that he applied to them he called them "itinerating vagabonds." That aroused the sentiment of the Methodist Church, and there came to Indianapolis a great host of Methodist preachers, Methodists, and all sorts of people; and in order to emphasize the positions of things Bishop Ames was called upon to preside, and made a speech. I remember it as though it were but yesterday. It was strong, eloquent, and full of the fire of the old-time Methodist preacher.

It was in that convention, of which I was a member, that Oliver P. Morton first publicly made known his retirement from the Democratic party and his entry into the party in opposition. The Democrats in that day called the opposition party the Abolition, Free Soil, Maine Law, Native American, Anti-Catholic, Anti-Nebraska party of Indiana. I copied this name from a history of Mr. Morton himself, and nearly all of those names are very familiar to me, because we heard them in the course of the campaign very often. They were repeated with variations.

That was the break that Morton made, and he followed it up, and there was this characteristic of him: Indiana at that time had an October election, as Ohio did, and within a very few days following the October election he began a campaign, and made a great speech in the city of Indianapolis in the latter part of October immediately following. He entered upon a war against the proslavery tendencies of the Democratic party, and he never ceased his battle. Defeat did not dismay him.

I was not personally familiar with him afterwards. I met him several times during one of the great campaigns in Indiana, and had the honor of speaking with him at two or three places about 1872. I considered him the most available, the most powerful, and the most effective stump orator in the United States. He was not a man of great eloquence, but he was a man who had the power of statement beyond almost any man that I ever heard speak. I saw him last in 1876 and 1877, and heard him last as he made a speech from the balcony of the Ebbitt House, in this city, when, in a rapid and wonderfully powerful speech, he reviewed the whole of the troubles about the electoral count; and he stood there, as he always did stand forth, as the greatest leader and the greatest exponent of the principles of his party that we had in the United States. This was after the Electoral Commission had decided for Hayes. I believe that it was Morton who gave more shape and more potentiality to the principles of the Republican party in its formative days and in its days of triumph than any other man in the United States. [Applause.]

Mr. OVERSTREET. Mr. Speaker, the characters of truly great men suffer no more by being viewed from a distance than the beauty of a mountain when observed from a point which fails to disclose the smaller hills. Oliver Perry Morton was truly a great man, and throughout all time will be known as the idol of the Indiana soldiery, the trusted friend of Lincoln, and an essential part of the forces which constituted the support of the Government in the time of its greatest peril and the formative period, in which was shaped and established the policies of the reunited States. Whatever traits of character he may have possessed which commended him in the lesser walks of life, and received the approval of admiring friends who came in close contact with his everyday affairs, will be lost sight of in contemplating the larger and more prominent characteristics, which brought him into bold relief at a time when great events stirred the nation and strong men trembled under the burden of their responsibilities.

Left motherless at 4 years of age, he was deprived of those earlier influences which can spring only from a mother's care. Unfavored by either wealth, position, or name, he was to battle single-handed and alone with those obstacles which always press upon him who is educated in the school of adversity. Inheriting strong traits of mind from his English ancestry, he devoted himself to study with a persistency, courage, and patience which never wavered under his indomitable will. The discipline of both body and mind, occasioned by his necessities, became in after years the bulwark of his nature. He who succeeds in the school of adversity learns confidence and self-respect, which always prove great aids in contests where principles are involved. His education for and early practice in the law, while followed but a brief time, yet served to strengthen his powers of logic and debate, which proved so valuable to him in his efforts in the Senate of the United States, where, from his entrance until the close of his service, he ranked as the foremost debater and one to be reckoned with in all of the discussions which grew out of the great questions that then commanded the attention of Congress.

In some mysterious way, which has always been the subject of controversy and never satisfactorily settled, men seem to come forth on every great occasion peculiarly fitted and equipped for special services which are essential to success within the time in which they live. The war of the rebellion brought forth Oliver P. Morton and developed his opportunity. It is as the great war governor that he is best known and loved. Speculation as to how successfully he might have filled different positions, either civil or military, in the period in which he lived would be interesting, because his was a nature which seemed to possess those traits which might have shown equally brilliant in battle or powerful in peace.

He seemed to possess the patient persistency of Cromwell and the indomitable loyalty to principle which moved Martin Luther. His constant vigil, complete grasp of detail, incessant investigation of the actions of his enemies developed a courage which was certainly possessed in no higher degree by any general who faced the cannon of the rebellion. He who could with intrepid spirit

and undaunted and unwavering courage thwart the insidious attacks of the Knights of the Golden Circle investing his own State and, under cover of darkness and deceit, intriguing against a Commonwealth whose honor and good name he was upholding would have commanded with credit at the Bloody Angle or with bravery have repelled the charge of Pickett at Gettysburg. His methods strongly portrayed military characteristics.

As an organizer Morton was unequaled. Anticipating the wants of the Government, he acted with a promptness which inspired confidence, and became an example to stimulate tardy spirits in other States. The quick responses with which he met the calls of the President soon made him one of the President's councilors, and he thereby became one of the men who shaped the policies of the nation. The completeness of his conduct in following the troops of his State after their enlistment, and administering to their wants when stricken in the field, made permanent his place in their hearts and added glory and renown to the State he served. Where opportunity afforded, and especially in the earlier part of the war, he made personal visits to the fields of battle where Indiana regiments had met with losses. At all times his volunteer force of physicians afforded quick and effective relief to the soldiers of his State, who, inspired by his conduct and patriotism, had poured out their blood upon Southern fields.

The promptness and universal practice of sending aid and equipment to the soldiers in the field established affection and confidence, not only among the soldiers of our State, but builded for Morton a reputation among all the soldiers who observed this treatment, which, in my judgment, is one of the most valuable and beautiful elements of a character which seems so full of grandeur. I remember having been told by one of the volunteer physicians sent into the field by Morton that, passing through the hospital among the wounded soldiers in search of those of Indiana regiments who had suffered injuries, he overheard a wounded soldier of another State whisper to a comrade in equal distress, "There goes one of Morton's men, caring for the Indiana boys."

Through this practice of humanity, spreading his kindly and generous spirit over the battlefields bathed with the blood of the soldiery of his State, he broadened the scope of his influence and inspired hearts from other States which beat in unison with those of the men his agents sought to succor. The kindliness of his character manifested in such action, the unselfishness of his disposition in the consideration of the needs of others, and the honesty of his purpose in rendering every possible aid to all who were laboring for the same cause constituted the strength of his nature.

Morton brought to bear upon the great purposes, the accomplishment of which even Lincoln did not more greatly cherish, every faculty and fiber of his nature, and yielded to the duty every element of his strength. His opportunity for good was increased by reason of the division of sentiment in his own State. The greater the opportunity, the greater the success, and Morton's success was quite commensurate with his opportunity.

"Grit is the grain of character. It may generally be described as heroism materialized—spirit and will thrust into heart, brain, and backbone, so as to form part of the physical substance of the man." The writer of that truth might well have had Oliver P. Morton in mind.

It is rarely given to one to demonstrate great strength and success in more than one field. Yet the success with which Morton managed the affairs of state while governor of Indiana, organized, equipped, and cared for more than 200,000 soldiers in the field, seems little greater than the success which he met as a Senator from that great State during the period immediately following the war, within which the great questions of reconstruction and the establishment of policies growing out of the war were considered and determined. He brought to bear upon those great questions the same spirit of loyalty, candid expression, sound logic, and courageous conduct that characterized his actions during the war.

Through all of the period from the time he took his courageous stand for the Union and assumed the charge of affairs of his native State until his untimely death he was the recognized and accepted leader of his party in the State, the successful champion of the principles which dominated his party in the nation, and one of the few men who were always to be considered in the framing of policies which affected the perpetuity of the Government. Time has cast no cloud upon his memory nor darkened a single spot upon his record. History will ever record him as one of the great men of the nation, possessing a character which has appeared in every movement for the formation of States or in the preservation of the true and essential principles of government. Linking his destiny with that of the Union, he became the rivet which made secure the position of his State, and has earned in full measure the honor his State to-day accords him. [Applause.]

Mr. GRIFFITH. Mr. Speaker, without any reference to the issues of party politics, either present or past, I desire to take an humble part in these proceedings.

When I was a young man, taking my first lessons in politics, the leader of the opposing party in my State was Oliver Perry Morton. During his lifetime he was most ardently admired by those of his own political faith and greatly feared by men of opposing views. While he was a man who had strong friends, there was probably no man in the United States who provoked more bitter criticism than did Oliver P. Morton. The opposition came not only from without his party, but also from within it. The mind of Oliver P. Morton, while not at all times great enough to rise above all prejudice, was yet so great that he could stand practically alone in his own party upon the monetary question and yet continue to be the acknowledged leader of that party.

Oliver P. Morton while living was, in a sense, a disturbing element as well as a quieting one. His mind was never in repose, and it was impossible for his contemporaries to view him calmly and dispassionately. He was a man of strong likes and dislikes. He was either overloved or overdisliked. He had strong friends and bitter enemies. He has now been dead for a little more than twenty years, and he is now known as he was never known during his active, turbulent life. Looking back through the shadows of the years that have gone, Republicans and Democrats alike can see the real character of the man, and there are no longer any diverse opinions as to the manner of man he was. We trace him back to his early ancestor, Roger Williams, and we find that he inherited an indomitable will, a force of intellect, and a bravery which nothing could deter. He was a born leader, and in whatever sphere of action he moved he molded both thought and action.

We find him among the quiet Quakers of Wayne County as a boy, and we find that the records of the church show that he was a leader there; he was a leader among the young men when he worked upon a hatter's bench as an apprentice. When not yet 30 years of age he was one of the leading jurists of his State. His course as governor of Indiana during the civil war was one of the most interesting features of the history of our country during that period, and he and Governor Curtin, of Pennsylvania, were recognized as the great war governors.

At the close of the civil war, when a stroke of paralysis completely wrecked his physical being, it was supposed, even by his friends, that his public work was done. It had in reality but commenced. The eleven years of life which his strong will power wrested from the grasp of death were eleven years of constant work and increasing activity. Wheeled from place to place, in the Senate of the United States, in national conventions, in public halls throughout the country, Oliver P. Morton held the people as few men have ever held them. And in his wrecked physical condition, with death seeming ever near, he came within a few votes of being nominated for the Presidency by the Republican party.

Mr. Speaker, old prejudices are forgotten. The sound of hasty words has died away. We can view Oliver P. Morton as he really was, and Democrats can unite with Republicans to-day in doing homage to that iron will and great intellect which assisted to restore order out of chaos in Indiana, and assisted in guiding the ship of state safely through the most stormy waters it ever encountered.

Mr. Speaker, I am glad, as a member of the Democratic party, proud of its history and loving its principles, to stand upon this floor as a Representative from the State of Indiana and testify to the love which the people of my State bear for the memory of the man whom they have selected as worthy of a place in Statuary Hall.

Indiana is entitled to thus honor but two of her sons.

Indiana has been prolific in great men. She has produced men who have occupied higher positions than did Oliver P. Morton. She has produced great authors, great jurists, great warriors, and great statesmen; and it is no idle compliment for me to say that the record of Oliver P. Morton justified his State in thus honoring his memory.

Oliver P. Morton and Thomas A. Hendricks were contemporaries. While Morton was always aggressive and forceful, Hendricks was equally effective by reason of being conservative and persuasive.

When the statue of Hendricks is placed alongside that of Morton the citizens of Indiana will have honored two favorite sons that in their day typified the highest character of American citizenship, and by whose efforts the growth and development of our State was such that Indiana to-day honors herself by these exercises. [Applause.]

Mr. HEMENWAY. Mr. Speaker, the State of Indiana offers to the United States of America a tribute to her most admired son. She wishes that in sculptured marble a form of Oliver Perry Morton shall remain in Statuary Hall in order that it may prove an inspiration to all succeeding generations for truth, patriotism, and force of character. The man whom Indiana thus delights to honor was probably the most feared and the most admired man of his time. A staunch Democrat up to the time that the question of slavery shook this nation from center to circumference, he became one of the early leaders of the Republican party and can be truthfully termed one of its founders.

He was a natural leader. During his boyhood, in the little town of Salisbury, Ind., when working as a hatter's apprentice; and, when not yet 30 years of age, on the circuit bench, and in every other department of life, he showed himself a master. When the elevation of Henry S. Lane to the United States Senate caused Oliver Perry Morton, then lieutenant-governor, to become governor of the State of Indiana, he found that State in the throes of insurrection which threatened to bring about its dissolution. Strong men discussed the situation in every county in the State, and none could suggest a solution of the problem which confronted him.

At the popular election the people did not indorse the administration. The legislature was about to overturn the State government. The Republican members of the legislature withdrew, leaving that body without a quorum. The legislature dispersed and was not called together again. The supreme court of the State refused to uphold the governor. Without a legislature, without any appropriations, without funds with which to carry on the State government, and with the courts opposed to him, Oliver Perry Morton undertook to raise troops for the National Government and to restore peace and quiet at home. This caused a plot for his assassination. The governor had arrested the leaders of the plot, some of them of great power and prominence, and he was not assassinated.

Viewed from our standpoint nearly forty years after this condition of affairs has happily ceased, it seems almost impossible for any man to have successfully contended against the difficulties which surrounded Oliver Perry Morton during those four years as governor of Indiana. At that time he did not have a friend who believed that he could succeed. He practically never slept. So intense was the strain that after it was over and there was once more peace the great war governor of Indiana was stricken with paralysis, which left him a physical wreck. Notwithstanding the pain he suffered, his mind rose so superior to his body that, hopeless cripple though he was, he was elected to the United States Senate and was there the leader of his party. He was a member of the Electoral Commission, and he had received the second largest vote for the Presidential nomination in the Republican convention of 1876.

After the war was over it may seem to the student of history that Governor Morton was somewhat severe in his dealings with the Southern States. But whether that be true or not, it is certain that those four years, when he had the entire responsibility of the executive, the legislative, and the judicial departments of the State government of Indiana, he must have suffered so much that he could not well be otherwise than extreme in his views.

He lived in times of turmoil and was never allowed to rest. He was loved by many, he was feared by many, he was respected by all. Now that the questions which divided the nation are happily settled and the bitterness has all passed away, we can look upon the character of Oliver P. Morton calmly and dispassionately. I believe that I but voice the conviction of every man that Oliver P. Morton was the greatest executive that any State of the Union ever placed in the gubernatorial chair. His mind was strong, his will power absolutely inflexible. He had no weaknesses which affected his intellect. Those who were most violent in their opposition to the man when he was living are among the most ardent in their admiration of his character as viewed in the light of memory.

His statue placed in Statuary Hall will teach the youth of America to be true, to be strong, and to be patriotic.

His counsels were not heeded by the majority of the people of Indiana when he was their governor. They refused to sustain his administration at the polls. And yet if a list of fifty of Indiana's gifted sons should be presented to the people of Indiana to-day from which to make a choice as to whose memory to honor in Statuary Hall, I believe that the name of Oliver P. Morton would lead all the rest.

I do not believe there is a citizen of Indiana who is not proud that the statue of the great war governor is placed in the National Capitol. I believe that those whom he fought so earnestly—and it may be said at times so severely—unite with us to-day in admiration of the man who, single-handed and alone, could conduct the entire affairs of the State under the circumstances which attended his administration from 1861 to 1865.

Mr. Speaker, in the name of the State of Indiana I unite my voice with the voices of my colleagues in presenting the statue of her greatest son to perpetuate his memory in the Capitol of the United States, where his living presence once exerted so powerful an influence. [Applause.]

Mr. BRICK. Mr. Speaker, a great State, renowned in him, to-day answers to the call of the United States, and presents to the whole country he served so well, the statue of Oliver P. Morton, placed in her national hall of heroes, there to be reverently guarded so long as adamant endures and memory wakes.

The man who was known as the great war governor of Indiana, peerless among all the magistrates of those mighty days, requires no other tribute than the simple statement of that giant fact.

And this monument need not be erected for his sake; but we plant it there for his country's sake.

The noblest sentiment of any land is the debt it pays, in its richest excess of tenderest memory, bestowed on honored dead.

How poor and desolate this world would be without its monumental grave, without the quickening conscience of its remembered great!

And so to-day, after more than twenty years of days, with cumulative tense, the public grief bows homage to his name and lays upon his tomb a laurel wreath of glory.

Greatness lies in nobility of mind and goodness of heart, as well as in illustrious deeds.

And Oliver P. Morton lived the brief day that nature spares to man, but that day of his was fuller filled with deeds than hours, with palpitating thoughts than dial marks.

His name comes down to us radiant with a land redeemed, jeweled with the joys of hope, and shining bright and clear in a people reunited, where every man reveres the flag and not one wears a manacle.

This is a generation when kings and conquerors die and naught remains but speechless dust; the end of all is six feet of earth—so spoke Napoleon.

A day when love of man and country confers a prouder name, a grander title than all the glory found in war's grim pageantry of crimsoned conquest.

A day when earth's immortal crown is placed on heads that think—whose proudest epaulets of honor adorn the arm that works—whose most immemorial badge of heraldry reclines on breasts where hearts have felt.

Napoleon spoke better than he knew—wiser than he thought.

To the man who wears the borrowed plumes of ancestry or sports the fading livery of favoritism, the grave ends all.

To the warrior whose sordid ambition may have changed the map of nations, to the soldier whose glory clings round the crown of a destroyer, "the end of all is six feet of earth."

But to the patriot, to the constructor, to the empire builder, to one who learned from mother's lips and father's face and breathed it in from the very air of native soil that his first and last duty was to his country; that to live for her is honor and to die for her is glory—to such a man as Oliver P. Morton—for him to die was to just begin to live.

No widows or orphans were made for him, no tears were shed for his glory.

But his grave is watered by the dews of gratitude and lighted by the stars of a nation's love.

History is like the sibyl; she reveals her secrets leaf by leaf. Time and events solve what no prophet dare forecast.

The price of eminence is a cross and a crown.

To be great is to be maligned, to be misunderstood, to live amidst the curses of the present, and to die in the blessings of the future.

Living, he was a rival; dead, a benefactor.

The grave and mother earth cleanses all.

The man they called a demagogue is now known as a patriot. He whom they called a tyrant, history tells us was a man hurricane battling for the life of a nation—his country—the only true Republic that ever lived.

The man they thought a politician, the sage of events reveals to have been an inspired statesman with a soul and a message.

He delivered that message, and in the realm of time it has become a star that gleams and shines on the crowds of countless waves that ebb and flow in human life and round about the Ship of State.

Oliver Perry Morton was born of rugged mold, fresh from the soil, a native Indianian. Sooner or later the stock of all great men must be rejuvenated from the soil.

He came from the Middle West at a time when mighty, elemental forces were evolving within her.

She had not the proud heritage of New York; neither did she possess the polish of Boston; but she did have the smoke and fire and dust out of which worlds are made and swing into orbit.

And it was from such soil and in this air and sky in which he grew.

In the very heart of that land where in his day the battle of ages was begun, he awoke to the contest like a sleeping giant.

He continued that contest, a great blast furnace, with the brain of a Jove, with the courage of a Titan, and the heart of a mother, until that afternoon when he kissed his wife and sons to say, "I am worn out." These were his last words.

But the task was finished, and Morton's life work was over.

He was the foremost man in all the nation to maintain the Union. He lived long enough to perpetuate for all time the results of the war.

This was enough for one man to do.

He is Indiana's greatest son.

Who shall say to what degree he is great among the nation's heroes? There are no degrees in masterpieces.

There is one thing we know—that in one way and another they

have all reached those sublime heights of human greatness to which God descends and man ascends.

There he will remain.

His were the days of rock and bronze, of decks wet with blood and men black with trials.

Days of crises and ominous hope for human liberty.

Days filled with the dread music of preparation and impending suspense—music mingled with the muttered roll of thunders and the crash of empire.

They demanded a Colossus, and in Oliver P. Morton was found a Thor.

A nation was to be saved, and there was no time for argument. No disturbing doubt of vacillating ethics swerved his mind when the issues were so vast and the field a kingdom.

Guns were to be bought, an army to be raised, and men to be cared for.

He was first of all the Union to telegraph Lincoln: "On behalf of the State of Indiana, I tender to you for the defense of the nation ten thousand men."

That was the message of his birth. He filled it with two hundred thousand men and all the days and hours of his life.

It was a message of blood and iron.

To-day it stands a granite statue—an imperishable name.

From that moment he became a god of war, and the arm he raised remained aloft till it nerveless fell in death, "worn out" in his country's cause.

He brooked no opposition, he spurned all compromise.

He had but one passion, his country; but one principle, its salvation, now and forever.

To him firmness was mercy, to bend a crime.

The Union was more sacred than even human blood, than his own life.

And so he lived, a giant oak, but around his rugged breast there twined all the vines and flowers of manly love, the love of home and country, of wife and child and friend.

We will not trespass here on old remembered days of long ago, when love and joy had mingled into wedded bliss upon the happy hearth of home, nor tell of days when hand in hand they wandered down the shadowy slope in self-forgetting rapture.

There is a love too great for utterance, a grief too strong for sentiment.

No soldier ever had a truer friend, no nation a better soldier.

When they left him for the battlefield his hand clasped every man's—a brother; as they fought in the carnage of conflict, with hearts of oak and nerves of steel, he was their comrade, and in the night of pain and death his ministering hand was always there, with tearful eye—their nurse and friend.

And then, when over all the blue and the gray, the smoke roll'ed away forever, he was the good father of every widow and orphan; he kept green the graves of the dead, and gave honor and relief to the living.

As some one said, in many a humble home where his picture was suspended by the side of the young soldier fallen, the message that the "good governor" had ceased to live would bring sadness as if death had again broken that family circle and once more had chilled the fires of the family hearthstone.

There came to the executive office at Indianapolis two old Quaker friends of Governor Morton, to get from his own lips news from the front. When they heard his words, and looked into that great, solemn countenance saddened by the love of menaced liberty, and tear-stained by the agony of the boys in blue, the eldest one, a man of seventy years or more, reverently placed his hands on Morton's head, and with simple pathos invoked God's providence with "May God bless you, Governor Morton."

Many a soldier has echoed that prayer; the nation has reiterated it.

And, Mr. Speaker, it must be so; God has blessed you, Governor Morton. [Applause.]

Mr. ALEXANDER. Mr. Speaker, attracted by the generous salary of an Indiana school, I became the citizen of a State whose admiration for its war governor was unlimited either by tradition or political affiliation. It mattered not under what circumstances or from what section one came, whether as a soldier who had shared the material blessings of another State executive, or as a son of New England whose ideal of a war governor had developed under the burning zeal and crowning ability of John A. Andrew, he had only to study the history of Indiana to appreciate that the work of Governor Morton, under conditions confronted in no other Northern State, entitled him to the immortal fame of the Greek hero who lived for the glory of Athens.

During the closing years of Governor Morton's life it was my good fortune to know him somewhat intimately. I met him for the first time in 1871. Fifty or more gentlemen, representing a dozen counties of Indiana, were introduced to him in the reception room at the White House, and, after a brief interview, he led the way to the Cabinet room, where, without hesitation, and apparently without the slightest mental effort, he presented each one of us by name to President Grant, mentioning some pleasant incident suggested in the previous brief conversation. At first this familiarity created no surprise, but after twenty or thirty had been treated in the same courteous manner, making each one feel that he was a gentleman of some consequence in his locality, I became deeply interested in observing the work of such a remarkable memory.

He met us as strangers; he left us his friends. It was enough that we caught his smile; that we heard his voice mellowed into tenderness; that we looked into his face, full of tremendous determination, but softened by eyes twinkling with good nature. No wonder that old men revered, that middle age admired, and that the young loved him.

"How to win friends and keep them," says Mr. Forney, "is the secret of a successful public man." Senator Morton possessed this gift in large measure—not, perhaps, in the same form as that of Henry Clay, whose charms of unrivaled eloquence, of commanding presence, and of great personal magnetism drew men to him in spite of their previous prejudices, but because back of his recognized ability there were strict integrity, high honor, a generous nature, and a smile that illuminated the simplicity and sincerity of his life. "Did you ever see Senator Morton smile?" asked President Garfield of Mr. Schurz. "No man is arrogant who carries a heart so warm and generous that it creates such an expression. To me his smile is a benediction."

He easily met common men on a common level, because he sprung from the ranks of common people. Among those classed as great intellectually he was the peer of the ablest, with all of whom he mingled with ease and confidence. Thus he was perfectly at home with whatever class of men he happened to be thrown, winning some by sympathy, others by his friendly manner, and all by the superiority of his mind.

Senator Morton regretted that his early opportunities for obtaining such an education as cultivates and refines had been so limited. His education, although sufficient for most purposes, had been obtained under adverse circumstances, and for the most part after he was 20 years of age. Prior to that he knew little of the choice associations and refinements which give finish and gloss to scholarship. While Sumner was associating with Justice Story and the cultured men of Boston, Morton was serving at the trade of hatter and using such moments for reading and study as he could catch in the evenings and early mornings.

What others gain in youth and young manhood he was compelled to learn amidst the activities and bustle of a wonderfully busy life; but nature richly endowed him with those qualities of head and heart which, when once their roots touch a sympathetic soil, spring quickly into notice, attracting the most scholarly and refined. It is conceded that the sickness beginning in 1865 mellowed and enriched his nature, and that his greatest intellectual growth was reached after he entered the United States Senate.

He became strongly attached to Senator Sumner almost immediately upon taking his seat. Of all his associates in the Senate he spoke of him most frequently. The similarity of their views respecting President Johnson drew them together very early after he entered that body, the attachment being greatly strengthened by their service upon the Committee on Foreign Relations and by their efforts to secure the passage and ratification of the fifteenth amendment; but their friendship was based upon something more than the mere interest which springs up between men who meet often or are engaged in a common cause. They were very much alike in many respects.

In sincerity, inflexibility of purpose, dislike of cant, and unflinching fidelity to principle as he saw it, regardless of the men who stood in the way, Senator Morton resembled Mr. Sumner more nearly than any other of the latter's associates. Mr. Sumner's courage to express his convictions upon all occasions and under all circumstances won the Senator's admiration no less than his own fearlessness won the admiration of Mr. Sumner. Neither of them knew the feeling of fear in the performance of duty. Had Morton stood in Sumner's place in 1856, he would no doubt have arraigned the slave power with all the severity of his Masonic Hall speech in 1856, even though warned, as Mr. Sumner had been by Mrs. Seward, that such statements would lead to an assault.

But there were other reasons why these distinguished men, apparently so unlike, were very close friends. Senator Morton appreciated the scholarly character and attainments of Mr. Sumner, not so much because they made him preeminent in a body distinguished for its able men, but because something in his own nature was aroused and satisfied by this contact with the highest type of refinement and culture. "My pleasantest relations were with Sumner," he once said to me. "His information came from the Brights and the Cobdens of a nation, and he patiently sought the honor of his country through peace, believing that the views of such men would in the end prevail."

It is not unlikely that these long and friendly relations aided Senator Morton in assisting to bring to a successful termination the vexed questions that grew out of the depredations of the pirate *Alabama*. If ever there was good cause for war between

the two great English-speaking nations, it was given in the cruel and inexcusable part which England then played.

Senator Morton shared the indignation of the American people, and was ready with argument and precedent to show that England must pay or fight; but he never lost the even temper or the patient ear or the generous hope that the better English sentiment would finally control. President Grant recognized his fitness to represent our Government during this trying ordeal by the offer of the English mission; but Morton was a born Senator of the true Roman type. His place was in the United States Senate, and he declined the flattering compliment with thanks.

A year or two after Mr. Sumner's death I asked the Senator why he did not take the chairmanship of the Committee on Foreign Relations. "It is not the committee that makes the chairman," he replied; "everybody knew of the Committee on Foreign Relations because Mr. Sumner lifted it into great prominence, but we hear little of it to-day, and few people know who is its present chairman."

But they knew who was chairman of the Committee on Privileges and Elections after his investigation of the charge that Senator Caldwell, of Kansas, had procured his election by the corrupt use of money. Caldwell was a Republican, a man of influence, possessed of many powerful friends and an excellent family. The strongest influences were brought to bear in his behalf. Men argued and threatened, newspapers criticised and lampooned, and old friends begged, pleading extenuating circumstances; but the chairman, always patient and courteous, was immovable. Senator Morton recommended his expulsion, and Mr. Caldwell escaped only by resignation.

Governor Morton was a great worker. It has been well said of him that "he was never idle when out of the bed, and often spent the dark hours of the night in thought." His attention to details and his ability to carry them in mind from month to month placed him in this respect by the side of the greatest generals in the field. In 1862 he organized the "General Military Agency of Indiana," whose duty it was to contribute to the welfare of Indiana troops, establishing fourteen subagencies in as many different cities throughout the East, South, and West. To supply the means to carry on this work he created the "Indiana Sanitary Commission," with auxiliary societies in every county. Under his personal direction the whole State became a supply camp, contributing in money and supplies over four and a half million dollars.

"In all our armies from Kansas to the Potomac, wherever I have met Indiana troops," writes the well-known correspondent of the New York Tribune, Mr. A. D. Richardson, "I have encountered some officers of Governor Morton going about among them inquiring as to their needs in camp and in hospital and performing those thousand offices the soldier so often requires." He once told me that he kept informed of the location, movement, condition, and strength of each of Indiana's 163 regiments and could call by name most of their commissioned officers.

After the war his attention to the details of party organization was no less thorough. He frequently met the prominent men of the State to obtain their views on public questions and to express his own. I recall several hurried trips from Washington to Indianapolis—one in 1872, another in 1873, and, again, another in 1874—that were concluded before the press was aware he had been out of Washington. He took nothing for granted. It must be positive knowledge, or he had no use for the information. A rumor or report, if of sufficient importance to be heeded at all, must be carefully run down and its truth or falsity known. "I had rather hear a man say it than have him write it," was a frequent saying, "for then I can search his mind."

I have heard it said that he was not a reader. This probably grew out of the fact that he was seldom seen reading. At home he was ever ready to receive callers, and in Washington he seemed always leading in debate or counseling in committee. When he found time to read was a mystery, yet Mr. Spofford, of the Congressional Library, is authority for the statement that Mr. Sumner, General Garfield, and Governor Morton were the three great users of books. He seemed able, as it has been said of Sir William Hamilton, "to tear the entrails from book or paper by a glance and forever to retain their contents." Yet if a book treated of suffering or oppression, except historically, he avoided it. He once told me that he had never finished The Scarlet Letter.

I have referred to the Senator's remarkable memory. He seemed never to forget anything. In the preparation of a speech he needed no index, but called for volume after volume, turning readily to the page, and rarely finding occasion to correct his dictation. In opening the campaign in 1876 he felt obliged to criticise at some length and with severity the public acts of Governor Hendricks, who had then been placed in nomination for Vice-President. His speech was dictated in three or four mornings while lying in bed, without opportunity for reference either to books or pamphlets, but not a single correction needed to be made.

It was interesting to watch his intellection, whether speaking or dictating. One could almost see his mind work as he paused between sentences, apparently pondering the best manner to express the next thought; but when the words came they fell from his lips beaten into such clear, finished sentences that change was afterwards rarely made. "He cared little for the mere graces of speech," said General Garfield, "but few men have been so greatly endowed with the power of clear statement and unassailable argument. The path of his thought was straight, like that of the swift cannon ball, shattering that it may reach, and shattering what it reaches."

Senator Reverdy Johnson said that Morton's first speech in the United States Senate, delivered in January, 1868, recalled the great speeches of Webster and Calhoun. General Grant declared that it settled the question of reconstruction.

His speeches were a library of political information, full of compact statement of apt illustration, and glistening with facts that were impregnable. He grasped and simplified every question, driving home his points with a power and often with an eloquence that never failed to hold audiences as long as he would talk to them. Whatever he said at once became of importance.

In politics Senator Morton was a master. He was not made to follow. Possessing the qualities that make a great leader, fertility of resource, boldness without rashness, aggressiveness without violence, alertness without irritating suspicions, with unerring judgment and a bulldog determination, he was admittedly one of the most consummate political leaders of his time. Circumstances gave him a most tremendous power, additional to the forces bequeathed him by nature. As the great war governor, whose head and heart were large enough to include every soldier and soldier's family, and the welfare of every charitable institution of the State, whether supported by legislative appropriation or not, the foundations of his influence became deeply embedded in the affections of the people.

How genuine and general was this attachment only those could fully appreciate who had been with him about the State. The people's greetings were not of the formal or usual character, but deeply earnest and affectionate. The loud huzzas were frequently hushed into whispered "God bless you;" the crowd, eager to take his hand, pressed about him as if some accident had happened and all were curious to see, while scores of women, dressed in black and holding their little ones by the hand, waited patiently on the outskirts until the way was cleared for them to reach him. To such a man, so loved and trusted and honored, the right to lead was cheerfully granted by the many, doubted by few, and successfully disputed by none.

He was not easily moved from his settled purposes, nor ready quickly to overlook the temerity of those who assumed to question his authority or to thwart his plans; but he controlled by the force of intellect, supported by a dominating will, by tremendous energy, by attention to the smallest details, and by the respect and love of the people.

Judge Headley, of Cincinnati, one of the ablest lawyers of the Ohio Valley, but opposed to Governor Morton politically, said of him that "he seemed incapable of deceit or disguise, but conducted his political warfare in the boldest and most direct and manly style."

On one occasion he was informed that a gentleman—long since dead, but at that time a very prominent and able member of the Indianapolis bar; erratic, perhaps, at times, but one of those large-hearted, generous, impulsive men whom most men respected and no one disliked—proposed standing for the legislature for the avowed purpose of defeating the Governor's reelection to the United States Senate.

"I hope he will do it," replied the Senator with emphasis. "That will give the people an opportunity to say whom they favor." Then, seizing his cane and stalking across the room, he exclaimed: "If he does it, I will canvass every school district in Marion County. Tell him to run and then throw open the schoolhouses and churches that the people may hear us."

That is neither the talk nor the way of a boss. He did not turn to the star chamber or to caucus. No henchmen were called in and instructions given them to find out his backers and see that by fair means or foul their names did not appear among the delegates who were to nominate a candidate for the State senate. His appeal was directly to the people. "Come and hear us, and then judge ye whether ye be for your old war governor or against him!" Had they met in the political arena, he must have trampled down his opponent like a charge of cavalry; not, however, in a manner to give personal offense, for the speeches of none of the great political leaders of the century were freer from personal abuse.

He belonged to a class of statesmen whose methods and ways were illuminated by unselfish patriotism, and whose leadership was gladly accepted, because, like guideposts, it directed from principle to principle, and always ended in victory and peace. Chase, of Ohio, Seward, of New York, Sumner and Andrew, of Massachusetts, Fessenden, of Maine, belonged in this glorious galaxy. They made platforms, they outlined principles, they blazed the way for a new party which should stand for freedom

and Union. They were leaders because God made them great and noble, and men instinctively recognized their right to lead.

In studying the biographies of these men I have often compared their early struggles, the obstacles in the way of success, the assistance and encouragement received, and the fierce opposition encountered. It is certain they would have been recognized as great leaders wherever their lot had been cast; but whether another could have accomplished as much under the trying circumstances which faced Governor Morton throughout the war may be well doubted. The bitterness with which he was assailed by the enemies of the Union belongs to the sixteenth and seventeenth centuries, rather than to the nineteenth. It was not criticism; it was brutal personal abuse, often as coarse and cruel as the bludgeon wielded in the hands of a would-be murderer. State pride, recognition of great services and great abilities, nothing seemed sufficient to restrain or soften those terrible assaults.

Yet he gave them little or no heed. Although reviled, he reviled not again. Certainly these assaults did not in the slightest weaken his purposes to sustain the Union and bring confusion to its enemies, whether at home or in the South. Mr. Lincoln is quoted as saying: "If I were called upon to name the civilian who had rendered the greatest service to the Government under the greatest difficulties, I should unhesitatingly name Governor Morton."

One of the crowning glories that characterized his political leadership was fidelity to friends. It was charged that he carried this too far. The same charge was preferred against General Grant. I do not deny that there was some reason for the criticism; but it is a glorious fault. Unswerving devotion to principle always goes hand in hand with fidelity to friends. These traits have a common origin, springing from a good conscience, supported by firmness, warmed by active sympathies, and guided by intelligence. Senator Morton could not have been so true to principle and less constant to friends. Who can imagine General Washington casting off Hamilton because of the clamor against him? When Mr. Lincoln put his arms about the neck of Secretary Chase, asking him to withdraw his resignation and remain in the Cabinet, it was an exhibition of the same fidelity that struck off the shackles from 4,000,000 slaves.

It is only when we meet in history the false-hearted, the weak, the fickle, the designing, or the wickedly ambitious that we hear the cry of Wolsey:

> Had I but served my God with half the zeal
> I served my king, he would not in mine age
> Have left me naked to mine enemies.

I have said that Governor Morton never finished the "Scarlet Letter." This sensitiveness to suffering, either mental or physical, permeated his everyday life, his one continued, sustained effort as governor being to ameliorate as far as possible the horrors and sufferings of war.

When Pericles was dying, the principal men of Athens, supposing him beyond the power of hearing, spoke in his presence of his many victories and trophies; but the great statesman and warrior, still clutching the sense of hearing and of speech, kindly chided them for extolling what fortune had assisted his doing. "Say rather that no Athenian, through my means, ever put on mourning." The great war governor of Indiana could have said the same with equal truth.

He did not always receive credit for such tenderness and sympathy. His tremendous energy, his ceaseless activity, his fearless arraignment of the opposition, his terrible denunciation of atrocities practiced in the South by Ku Klux and White Cap, and his apparent insensibility to criticism, however brutal and drastic, created an impression tha the was severe and vindictive and by nature cold and coarse. On the contrary, he was as tender and gentle and affectionate as a Sydney.

The great work of the Indiana sanitary commission had its inception in his active sympathies, and his eloquent and earnest efforts for freedom found their origin in his deeply seated hatred of wrong and his profound sympathy for the oppressed. He delighted in doing good to others. When a returning regiment suddenly appeared in Indianapolis and found the rain leaking through the roof of the barracks in Military Park he ordered it into the statehouse and threw open the doors of his own office for its comfort. Learning at the War Department in Washington that one of his regiments had been ordered East, he telegraphed the mayor of Cincinnati to have ready for them "a good, warm, home supper" as they passed through that city.

His home life was ideal. The wish of one was the desire of all. Never cloud shadowed it nor frown chilled it. Sickness might invade it, disappointment might enter it, severe pain, endless and unremitting, might smite it, and calumny, coarse, brutal, and persistent, might pound and clamor at its doors; but the peace, the love, the good-night kisses, and the happy morning greetings of that united and joyous household were never interrupted or disturbed.

It was my privilege to remain often at the bedside of the great statesman during the last two months of his life. The pain, the long, stifled groans, the intense suffering, the pleading tenderness of his voice, weakened to soft whispers, wrung tears from the stoutest hearts; but there was no impatience, no peevish repining, no words of bitterness or of regret. The coming of a friend illuminated the agonized face as quickly as the sun, bursting through threatening clouds, floods a landscape with its golden beams.

To the end his room was headquarters and his life the center of a nation's thought. There came to him the representatives of States and the head of the American commonwealth; each day loving and tender solicitude clicked its messages from far-off friends by the Golden Gate and along the Columbia and Willamette; the flowers which bloomed in the valleys of the Tennessee and the Cumberland came as a morning salutation from the faithful Uncle Toms and the sorrowing Topsies; the silver-tongued and silver-haired orator whose eloquent words had been heard on every stump in the land and whose voice was only recently hushed in death sat often by the bedside, holding in his the withered hand that he had strengthened and sustained; and when at last came the feeble and final words, "I am worn out," they fell upon the ears of the learned and loving physician to whose memory came the words of Longfellow to Mr. Sumner:

> Good night, good night, as we so oft have said,
> Beneath this roof at midnight, in the days
> That are no more and shall no more return.
> Thou hast but taken thy lamp and gone to bed;
> I stay a little longer, as one stays
> To cover up the embers that still burn.

[Applause.]

Mr. CRUMPACKER. Mr. Speaker, Oliver P. Morton attained to manhood's estate at a time in the history of the country when the greatest issue that ever engaged the thought of the Republic was rapidly reaching an acute stage in its development. Dialectics and parliamentary skill reached the climax of their development in the Federal Congress in the historical and often acrimonious contests over the slavery question. The "irrepressible conflict" had already reached the stage of all-absorbing interest, and the forces were reconnoitering for advantage in the final conflict. The slave interests were represented in all branches of the Government and in party councils by as able and courageous statesmen and as skillful parliamentarians as ever stood in defense of any cause in any country.

Every measure proposed, every policy suggested, was rigidly scrutinized to discover its bearing upon the "peculiar institution," compared with which every other interest was dwarfed into insignificance. Its advocates viewed with apprehension and astonishment the rapid growth of the free States and the development of institutions inherently antagonistic to slavery. Compromise after compromise had been effected in the hope that the troublesome question would be entirely eliminated from political controversy, but it would break out again with increased fury upon the slightest provocation.

Political ambition, party fealty, and commercial conservatism could not suppress it. Politicians endeavored to placate, but succeeded only in tiding over an immediate emergency, to witness a volcanic outburst at an unlooked-for point. The question was fundamental, and political empiricism could only palliate—could only serve to postpone to a remoter date the inevitable crisis.

Morton belonged to the Democratic party, the dominating influence of which was committed at all hazards to the protection of the interests of slavery. That unhallowed system was so interwoven into the social and industrial life of the Southern States that almost every law of general application affected it in some degree, and it was a source of increasing irritation between the North and the South and was rapidly becoming a positive menace to the Union. The growth of antagonistic sentiment in the North was as resistless as the tides of the ocean and as involuntary as the sweep of the storm. The Democratic party was the best organized and the most powerful party the Republic had yet seen. The interests of slavery controlled that party, and the party controlled the destinies of the country.

Slavery became aggressive and demanded new territory to preserve its political equilibrium, and Northern politicians submitted to the demand as far as they could without positively offending Northern sentiment. They became apologists for, rather than defenders of, that institution, and they were fortified in their positions by trade—obsequious, truckling trade—while the opposition was poorly organized and without discipline. But its motive was conscience and its purpose humanity.

This was the situation in the middle fifties when Oliver P. Morton renounced allegiance to the Democratic party, the only party that held out any hope to his personal ambition, and allied himself with a movement to create a new organization out of the dismembered fragments of the opposition upon the proposition that slavery should not be carried into new fields.

He was possessed of an intense nature and human ambitions, but he was a man of powerful convictions. Viewed from his standpoint, the change of party allegiance was a sublime sacrifice of ambition to principle, an act worthy of the noblest character in

all history. The world loves to honor those lofty spirits whose life powers were dedicated to the cause of human liberty.

Morton was a giant physically, morally, and intellectually, and was led only by an overmastering sense of duty. Like a mighty leviathan of the sea, he came forth as the great champion of human rights, and his thunderous voice was heard all over the land. He was a veritable Joshua, attacking the walls of slavery's Jericho with the bugle blasts of his ponderous eloquence. He loved the truth for the truth's sake, and he was the most conspicuous and influential of all that splendid galaxy of statesmen of his time, who placed duty above party and joined the holy cause of freedom.

As an orator, as governor of Indiana, as a Senator in Congress, as an adviser in the councils of his party, he was an ardent and consistent advocate of human equality. He never abandoned a principle or forgot a friend. He was as loyal to his convictions as the needle to the pole. He sought public office only because it would enlarge his field for usefulness. He would scorn to subvert a public trust to personal ends.

His nature was rugged, his ideals noble, his methods practical. He knew human nature as it was, and made the highest and best use of its weaknesses as well as its virtues. He had confidence in himself, and he never disappointed his own hopes nor the expectations of his countrymen.

His forensic feats were those of a mighty gladiator whose weapons were an intense passion for his country and the ponderous trip-hammer of eloquent logic. He became a Republican at the organization of that party, and to say that he was not a strong partisan would belie his heroic nature. He loved his party because he saw in it a potent agency for the betterment of his country. He indorsed and approved party methods only to make it a more effective agency for doing good; but he never compromised a truth nor sacrificed a principle to gain temporary party advantage.

He had no patience with demagogues or timeservers. He was a leader of men whose commission came from on high and whose credentials were never called into question. He looked not for pathways in which to tread, but with unerring instinct he followed the light of truth as it was revealed to him, whithersoever it led.

To such noble characters the world is indebted for the establishment and preservation of the Republic.

Morton was actively identified with the momentous issues of the civil war, and President Lincoln had no more loyal supporter than he. He was in deed as in name Indiana's "great war governor," whose indomitable will found a way to accomplish its every purpose. He was largely instrumental in shaping the troublesome reconstruction legislation following the war. No Senator was heard with more respect or spoke to greater purpose.

His life is a splendid contribution to that glorious list of illustrious statesmen and patriots who controlled the destinies of the Republic in the greatest crisis of its history. We may pay respect to his memory by the beautiful statue in yonder hall, the tribute of affection of the great State whose interests he served so well, but his influence will be felt in free institutions and his fame will dwell in the hearts of a free people long after that elegant piece of chiseled stone shall have crumbled into dust. [Applause.]

Mr. FARIS. Mr. Speaker, the name of Oliver P. Morton stands without a peer among the sons of Indiana. The annals of his time furnish an ample record of his signal achievements, and my colleagues have suitably recalled them to-day. It does not detract from his fame as a Senator to say that the people of Indiana remember and cherish him most as their unexampled war governor. He was then on their soil, where they could see and touch him, and his gigantic efforts during that period of fire were truly wrought with masterful hand. When the mightiest issue of the age was cast for settlement amid the stern forces of war, his place was with the foremost on the side of the right. His was a conspicuous power to discriminate against the nonessential and grasp and make effective the vital. He did not heed the tongue of calumny and detraction, but made herculean efforts to save his imperiled country. In the matchless scenes of that awful tragedy but one name could have precedence over his with the people of Indiana, and that the immortal name of Lincoln.

It is not possible, Mr. Speaker, with any knowledge of his career, to think of Morton except as great. His ceaseless energy suggests the ceaseless motion of the sea. Had he continued his life as lawyer and jurist he would have taken place with John Marshall and Daniel Webster; had he chosen the military profession he would have rivaled a Napoleon and a Grant. In the list of eminent war governors he easily stood at the top, and upon his advent to the Senate of the United States he ranked at once the equal of Sumner and his great compeers. Adventitious conditions did not contribute to his rise. From boyhood his chief capital for his future was reliance upon himself, upon his own integrity, upon his own conscious power to achieve. His was the genius of action, and when opportunity came he was equipped, ready, and equal to it.

In November, 1860, when the execution of the threat of secession was imminent, his was the first potential voice to sound throughout the nation that coercion should be the policy of the Government. Having thus declared himself and committed the State he governed, throughout the unspeakable conflict which followed all his gigantic powers were exercised in the cause of the Union.

The consideration of the obstacles he encountered and overcame in this task adds luster to his irrepressible qualities of mind and heart. In the capitol that sheltered him were State officials hostile to his determination that Indiana should contribute her full share toward the preservation of the Union. Likewise a hostile legislature adjourned without making appropriations to carry on the State government and institutions.

In various localities the State was honeycombed with Southern sympathizers, and from these even Morton's life was threatened and at least once attempted. But he resolutely ignored the hostility of officials; with a courage that was regal he disregarded threats of personal violence; he borrowed money on his own account to support the State institutions and pay the interest on her debt, and at the same time enlisted, clothed, armed, and furnished to the National Government from the State he loved more than 200,000 soldiers with a promptness and apparent facility that startled the whole country.

While other States were considering plans and enlistments the Hoosier regiments were taking the field and making their sacrifices for country and for home. Where weaker spirits would have faltered, his great soul was inspired in the presence of danger and necessity. And thus, by the indomitable will and steadfast vigil and tireless labors of her great war governor, sustained by a brave and generous people, did the proud State of Indiana assume at once and forever her merited position with the great Commonwealths of the nation.

Mr. Speaker, it is pleasing to contemplate another side of the life of the great Morton. The public saw and judged of his conspicuous, his public, achievements. Every eye can see the sun; but the public knew little of the perfect domestic life he enjoyed. While his grasp upon momentous questions was of steel, his indictment and invective against wrong and injustice were heroic, in the sacred precincts of home he was gentle and loving as a woman. There he found his relaxation; there the perfect rest of the human life.

Linked with the question of the state of his soul he consciously carried to the very portals of the beyond his supreme love as husband and father. It is related that in the last hour Mrs. Morton asked if he was not afraid to die, and he answered in the negative. She then asked if he loved the Saviour, and he answered, with emphasis, "I do," and added, "and my wife and boys."

I hope it is not inappropriate to reveal, in this presence, at least, a little of the gentle side of this now illustrious man. As a youth it was my privilege to receive his words of encouragement and to feel the warmth of his genial hand clasp.

Mr. Speaker, if it is true that in great stress and emergency leaders of men are reared, and I believe it true, then is it easy to accept Morton as a gift to carry out the purposes of God among the sons of men. His was a character that towered. It stood through untold temptations and vicissitudes as the tall cliff around whose peak the lightning plays only to leave it the cleaner. We accept to-day the shining marble in yonder historic hall.

It typifies the physical presence of his great personality and the pride of Indiana in her chivalrous son.

But his heroic deeds for State and nation, the example of his patriotism, his uprightness among men, his love of home, and his exalted character will forever outshine the marble, and will survive while virtue and honor live. [Applause.]

Mr. CANNON. Mr. Speaker, the gentleman from Indiana [Mr. STEELE] some days ago asked me to say a word on this occasion. In the business of the House and of the committee I have not had the time or the opportunity to prepare anything to submit. But, sir, there has been no occasion during my service in the House where my heart would prompt me more to submit a few remarks touching the life, the character, and the services of this great man.

I very well recollect the first time I ever saw him. Away back in 1856, when I was but a boy, during the Fremont campaign, living in the county of Park, Ind., Governor Morton, a candidate for governor on the Republican ticket, and a great meeting at the county seat of that county—Rockville. I, with many others from the neighborhood where I lived, went to that meeting, and for the first time listened to Mr. Morton. A new party had just been born, and, as I recollect, it required courage for a man to belong to that party at that time, his opponent, Governor Willard, a Democrat, an able and great man, having the confidence of his party—two young giants making a contest against each other.

The new party had just been organized and was accused of many improper things, being the party of abolitionism, of black Republicanism, and so on, and so on. I said a moment ago that it required courage—that it cost something then to belong to the Republican party. A great crowd, as I have said, had gathered together; and then this young man, standing, as it seemed to me,

like a second Saul, a head and shoulders above his fellows, not only physically but intellectually, addressed the multitude.

There was but little of applause given to him during that two hours' talk; and it was two hours' talk, I recollect—such talk as I had never heard before and such talk and speech as I have never heard since. It was characterized by great intellectual force and great power, coupled with great animal force; and as a result of that great meeting, he being the retaining point on that day, you could see the people draw to him, and the faith of those was strengthened who were inclined to believe in the principles of the party just born, and were followers of the Pathfinder as their leader in that contest; and the great multitudes of people—some who had been Democrats, but did not agree with the doctrines of Democracy in apologizing for or defending the institution of slavery, and great numbers of men who theretofore had been Whigs and were afraid of the obloquy of belonging to the new party—came together, as it seemed to me, almost as one man; and that county, largely from the effects of that speech, the county of Park, from that time to the present has been a stronghold of the policies of the Republican party.

I again listened to him in 1860, when he was a candidate for lieutenant-governor. A little previous to that time, finding my home in Illinois, I did not see much of him, but I knew of him. He was a great leader in the politics and the progress of the contests that were made from 1861, when he became governor.

On an occasion of this kind of course it would not be proper, nor have I any desire, to speak of the party contests as a partisan. They are behind us. Men honestly held views different from each other, not only South but North; views that came with education, environments, and surroundings; and I may say, and truly say, that in that contest in Indiana, settled as it was largely from Kentucky, North Carolina, South Carolina, and Tennessee, the same as in southern and central Illinois, men by education and environment had extreme feelings touching the great contest.

It was Morton's duty as governor of the State of Indiana to lead in the contest. With nerve and courage through that contest of four years, from 1861 to 1865, as governor of that State, leading the people of that State under most trying circumstances, he gave strong, earnest, and effective support to the President of the United States; and of all the great war governors he was the greatest, and I am not saying less for the others, but more for him.

No man can write the history of that great contest, has written it, or can in the future write it, without making Oliver P. Morton one of the great characters in it. I think I know that he saved his State from civil war, and his influence was especially felt over in Illinois and supplemented the efforts of the great war governor Richard Yates.

Great men sometimes live and die without being known. I believe there are as many strong men now in the United States, perhaps more, than there ever were before, but many of them will not be known, and will live and die without attracting much of notice. The Republic, in perilous times, when surrounded by circumstances that require great wisdom, great strength and courage, has always found great men to meet them. Oliver P. Morton was in Indiana, not only for Indiana but for the whole country, a saving force in that great emergency.

Later on he became Senator from the State of Indiana. I never met him again until in the Forty-third Congress, when I served my first term here. I took an early opportunity to call upon Oliver P. Morton and pay my respects, telling him where I had first seen him and the circumstances. It seemed to interest him, and from that time on my acquaintance was fairly intimate with him. Reconstruction was not at that time complete. There were great debates in the Senate. The results of the great contest were being secured.

I frequently went to the other end of the Capitol that I might listen to the debates. There were great men there. Morton, Senator Carpenter, Senator Logan were there; and other great men upon the other side, among them Thurman, of Ohio. There were veritable giants there upon each side. Conkling was there, amongst others.

I do not think Mr. Morton in eloquence, culture, or polish was the equal of Senator Conkling; I do not think, in some respects, that he was the equal of Senator Thurman or Senator Carpenter; but as I listened from day to day, Morton sitting in a chair, unable to stand, but sitting and talking in these great debates, with his great strength and earnestness, his great voice, and his great intellectual force, he impressed me then, and my recollection of him is now—and the reading of some of those debates confirms my recollection—he was easily the strongest and best debater that I have ever had the pleasure of listening to in that great body or this great body, and in making that remark I do not disparage the great men with whom he had contests.

Weakened by disease, he fought the grim monster month by month and year by year to the end by his strong will power, keeping him at bay. But finally the sad hour came when he was to pass from earth, and he passed from earth as he lived, with dignity and with courage. His character, his teachings, his courage, his intelligence and strength, long years after all of us shall have passed away, will live in history, an example and an inspiration to those who shall do the Republic service in perilous times. Peace to his ashes. [Applause.]

Mr. WATSON. Mr. Speaker—

> Can storied urn, or animated bust,
> Back to its mansion call the fleeting breath?
> Can honor's voice provoke the silent dust,
> Or flatt'ry soothe the dull cold ear of death?

These solemn questions, asked with such marvelous richness of poetic beauty, carry with them their own reply. They implicitly tell us that the dead are as far beyond the reach of our short arms as are the stars that shine above us in the heavens at night. Shakespeare, that marvelous delineator of human character and impulses, recognizing the tendency in man to excessively eulogize the dead, puts it upon the tongue of his supreme orator to exclaim:

> I come to bury Cæsar, not to praise him.

And so, I shall indulge in no fulsome flattery; I shall enter upon no lofty panegyric. For well nigh a quarter of a century he has slept in the cold and narrow house, indifferent alike to the careless shallows and the tragic deeps of human life, above the utmost power of human help or harm, beyond the speech of the gem-laden tongue of praise or the putrid lips of calumny and hate. In his sculptured presence all tongues are silent save those of praise; all lips are mute save those of love. There were sufficient eulogy for his great soul.

It is for the living, rather, that these exercises are of surpassing moment. And so, we are assembled in this great forum, with every mournful ceremony of respect, to recall the instructive story of his life; to commemorate the commanding virtues of his soul; to learn again the heroic lessons that he taught; to draw from his lofty example and luminous patriotism renewed inspiration for the solution of the mighty problems that confront and vex us as a people.

To-day the rivalries and resentments engendered by the greatest conflict of our history are all extinguished, and we can search out the place in the temple of fame which impartial history has irreversibly decreed to him. We can, in a spirit of fairness and candor, determine why Indiana should have provided a marble representation of her greatest son, and why this nation should accept this speechless yet eloquent figure to adorn the Rotunda of her Capitol.

Three forces enter into and determine the character of every man—the force of heredity, the force of environment, the force of will.

Morton sprang from a sturdy stock—his paternal ancestry from Rhode Island, whither they came with Roger Williams; his maternal from New Jersey. These States derived it from England, and England bred it at a time when Puritans were made—men of iron mold, hammered out upon the anvil of adversity. If, sir, it be true that "the source of genius is oftimes in ancestry," Morton was doubtless indebted to that ancestry for the solid granite of his character, for from them he obtained that indomitable will that met no obstacle it could not overcome, that masterful energy that set no limit to its possibilities, that inflexible purpose that never faltered in the accomplishment of its object, that heroic optimism that in every conflict steadfastly believed in the ultimate triumph of the right.

Like nearly all the conspicuous figures of our history, he was a self-made man. "Orphanage was his only patrimony." He was not born in the lap of lavish luxury, but was reared in poverty; not, indeed, that degraded and dependent indigence so prevalent in our large cities, but that healthful poverty that stimulates to action, that sets a ladder for ambition, that gives wing to inborn hope. What he won was his because of genius and of talent, by dint of struggle and of toil.

Young Morton possessed to a remarkable degree the art of creating opportunities, of fashioning circumstances, of foreseeing the future and molding it to the accomplishment of his purposes.

He was also gifted with that intuitive sagacity that enabled him to seize the opportunity when it did come and profit by it immeasurably, to take the flood tide of the wave and on its crest to ride to victory and to final triumph.

As the gold in the mountain may be hurled to the surface by a mighty volcanic outburst, so some men are brought to the supreme summit of affairs by ghastly revolution. But if no revolution comes, that gold, to be enjoyed, must be patiently sought and as patiently dug. Oliver P. Morton could not have remained unknown in any country or in any age, for both in boyhood and in manhood he possessed that overpowering and overmastering will that with a regal stride scaled every height and forced him to the very front as by right.

Oliver P. Morton was thrust into life in an era of the profoundest moral apathy in our history. When he was born, in Wayne County, Ind., in the district which I have the honor to represent, seventy-six years ago last August, the fervor of the Revolution had long since spent its force, while the fires of slavery agitation,

which were subsequently to envelop and well-nigh consume the Republic, were not yet kindled.

While he was yet in his childish years Garrison issued the first Liberator and "Nat" Turner's insurrection occurred in Virginia. While he was yet a youthful lad that same Garrison, within sight of Faneuil Hall, in a city which had taught a nation its independence, was thrust into prison for declaring that all men are created free, and in the great State of Illinois Lovejoy, for reiterating the principles of the Declaration of Independence, was cruelly murdered.

And so the youthful Morton grew and strengthened with the years, "all unconscious of the ominous and threatening clouds in the political sky above, the quaking and convulsion of the political earth beneath," in the future outbreak and final and triumphant culmination of which he was to play so important and conspicuous a part.

At the tender age of 4 death deprived him of his mother, and his home was subsequently made among his relatives.

His education consisted in attendance upon the school of his native village, supplemented by two years at Miami University, at Oxford, Ohio, after which he served four years as an apprentice in learning the trade of a hatter.

There was nothing fascinating for him in this occupation, however, and he succeeded but indifferently. He longed for other and broader fields of usefulness. His ambition was on the wing and beckoned him onward and upward. But the four years of his service here assisted in laying the broad foundation of his character. He acquired an accurate knowledge of men and affairs. He became a student by force and habit. In the debating school he developed into a fluent talker and a ready speaker—the easy master of forceful speech. He became a leader by the bent and inclination of his mind. Thus equipped he entered upon the study of the law in 1843.

His venerable preceptor, Hon. John S. Newman, thus wrote of him:

> Senator Morton came into my office at Centerville in 1843 at the age of 20. As a student he was industrious and thoughtful; anxious at all times to accomplish everything he undertook. In discussing questions that arose in his reading he exhibited a quickness of comprehension and a clearness in statement that gave promise of that success in his chosen profession which he afterwards secured.

His professional career covered the seventeen years from 1843 to 1861, when he became governor of Indiana. When he retired from the profession he stood well toward the front.

He was a splendid lawyer. He knew the history of the law, its growth, its evolution. "From the fields of contest in the past he saw great principles arise and take the form of law." He knew that truth is a structure reared only on the battlefields of contending forces; that these truths ripen into principles, and these principles into law. These principles he knew—these larger outlines of the law. He was not a case lawyer; he was not a precedent hunter; he was not an index to many musty books, not "an echo of a voice long stilled;" but in the field of research and investigation he was original, thoughtful, and profound.

At the age of 29 he was appointed judge, and served on the bench one year, when he resigned. He was ill adapted to the position. His aggressive and combative spirit longed for the field of conflict. He was essentially a child of the storm, and in this great forum had no superior and few equals. He forged steadily forward and upward because of his courage, his perseverance, and his indomitable will, until he became the acknowledged leader of the bar of eastern Indiana—a bar numbering among its members such men as Caleb B. Smith, afterwards a Cabinet member; Samuel W. Parker, James Rariden, Jehu T. Elliott, afterwards judge of the supreme court of Indiana; Charles H. Test, John S. Newman, George W. Julian, member of Congress and candidate for Vice-President on Free Soil ticket, and Thomas M. Browne, who afterwards represented that Congressional district in this body with conspicuous ability for fourteen years.

General Browne, in speaking of him as a lawyer, says:

> He presented a legal question with great force and clearness. With a mind at once robust and critical, he was able to grasp the whole scope of his subject, to fathom its profoundest depths and master its minutest details. With a quickness that was notable he seized upon the strong point in his case and centered upon it every power of his mind. He fortified it with facts, intrenched it behind with precedents, environed it about with illustrations, until his position seemed impregnable. While he chose with unerring certainty the strong point in his own cause, with equal readiness and accuracy he discovered the weak one in that of his adversary.
>
> No man was better versed in putting facts to the court or jury. He readily detected a sophistry and would crush it into fragments as the "spray is broken upon the rocks." With no eloquence other than the talent of giving force to reason, he was a most successful and formidable jury lawyer. He had a keen insight into human nature and possessed an extraordinary influence over men. With a dominion that was absolute, he seized upon the sympathy of the jury and poured the resistless tide of his own earnest emotions and convictions into their hearts.

Had he chosen to remain in this profession, who can doubt his final success and complete triumph?

But this was not to be. His was destined for a broader field of action. His soul was molded for a more heroic strife. In the beginning of one of the mightiest conflicts of history he was taken from his office to uphold a State. A crisis was approaching in the history of our country. One that would require for its solution the sternest morality and the loftiest patriotism; the grandest combination of heart, conscience, and brain beneath the flag. It was for such prodigious tasks that his titanic abilities were destined. He flung himself into the conflict with all the fiery ardor of his impassioned soul.

No power in all the history of the world was ever more firmly established than was slavery in this country during the time Morton was achieving success at the bar. Intrenched behind popular favor, social power, boundless wealth, a cringing state, and an uncensuring church, it deemed itself impregnable. Before this crime wealth and power fell upon their knees. The rich, the great, the strong, the wise, the good bowed low before its cruel might. The men who spurned the Declaration of Independence were called the friends of the Republic, while those who refused to kneel were denounced as the enemies of their country.

For fifty years slavery ruled at the White House, made laws in the Capitol, wrote statutes in the legislative halls, and dictated the policy of the Executive Chamber. "Courts of justice were its ministers, and legislatures were its lackeys." It ruled this entire nation with absolute sway, and with an iron hand suppressed discussion of its institutions. It interpreted the Bible to support its savage code. It prohibited in the free States schools for the hated race, and with hungry hounds hunted women who taught little children to read.

"It tore the Golden Rule from the schoolbook and from the book of prayer the pictured benignity of Christ." Under the shadow of the Dome of our national Capitol droves of slaves with clanking chains upon their limbs were scourged and driven to the market. This system, which, fortified in selfish greed, enlisted to its support the lowest instincts of man, which "transfigured with hate the gentle face of mercy," and which violated every Christian precept, was such a damning blot upon the fair name of the Republic that it could be wiped out only with blood. Slavery herself hastened the crisis.

Lovejoy was murdered, Garrison imprisoned, Sumner stricken down. The fugitive slave law—passed by compromisers to appease the owners of human flesh—a law that put a chain on the neck of every man, was placed upon the statute books; the Missouri compromise was swept aside, and slavery marshaled her forces to invade the virgin soil of the free Territories.

But a few heroic men cried out, "No!" and slavery recoiled at the first word of independence spoken to her in all her years of power. But she recovered from the shock and gathered all her forces about her not only to preserve her own domain but also to conquer an empire for her dominion. She sought to tear the Stars and Stripes into shreds and from the tattered fragments to construct the Stars and Bars. She sought to crush the Union and from its ruins to erect a new nation whose foundation should be the stooping and lacerated backs of 4,000,000 human beings. But a merciful God interposed, the mighty North arose in the majesty of freedom, 2,000,000 soldiers sprang to arms to rescue the imperiled Republic, vindicate liberty, and perpetuate the Union, and after four years of unparalleled conflict the flag came forth with every star upon its folds.

Into this mighty conflict the young Morton threw himself with characteristic intensity. His early training and association had been with the Democratic party, but when its leaders sought with ruthless hand to sweep away the Missouri compromise he refused to follow.

He had heard the ringing words of Sumner when he cried out to the slave oligarchy in the Senate:

> Say in your lofty madness that you own the sun, the moon, the stars, but do not say that you own a man, endowed with a soul that shall live immortal when sun and moon and stars shall have passed away.

And they made a lasting impress on his soul. Above the lightning's flash and the thunder's peal he had heard the clarion voice of Wendell Phillips crying clearly and steadily above the din, "Slavery must be destroyed! Slavery must be destroyed!" He saw and understood. And in the shadow of secession, on the edge of disunion, near the abyss of war, with the air filled with the ominous and threatening sounds of preparation, to the demands of his party that the Missouri compromise should be repealed, he cried out, "No!"

> So near is grandeur to our dust,
> So near is God to man,
> When duty whispers low, "Thou must,"
> The youth replies, "I can."

He was unquestionably the choice of his party for the nomination for Congress in his district, and was even mentioned for the United States Senatorship, but his convictions on the subject were so strong that he put aside all blandishments in order that he might follow his sense of right.

He did not leave his party, however, without a struggle, but labored ceaselessly with its leaders in the State in order to prevent a resolution supporting the repeal of the Missouri compromise; but his labors were in vain, and when, amid the hisses and jeers

of the Democratic State convention of that year, he withdrew from its midst they themselves had virtually expelled from their party the man who was to be the most steadfast and the most powerful champion of the Republican principles in Indiana, if not in the nation, for many years to come.

In 1856, at the age of 33, he was nominated by the young Republican party as its candidate for governor. He was defeated in that contest, but his active canvass demonstrated his transcendent ability to grapple with the great problems which then confronted the people, and his services were so conspicuous that he easily became the leader of his party in that pivotal State, and from that time forward all looked to him for counsel, for leadership, for advice. In 1860 he was nominated and elected lieutenant-governor, but served in that office but two days. Henry S. Lane, who was elected governor, was sent to the Senate, and Oliver P. Morton at once entered upon the duties of the chief executive office of Indiana.

Hon. William Dudley Foulke, the cultured and classical biographer of Oliver P. Morton, who for so many years lived in the same county with him, thus describes the condition of Indiana when he became governor:

> Such was the condition of Indiana; her treasury bankrupt, her credit poor, frauds everywhere, no money, no arms, no ammunition, no militia, except on paper—and even this organization in the hands of officers many of whom were in sympathy with rebellion—a legislature with a formidable minority, reluctant and revolutionary, having the power and the will to stop even the most needful measures of public defense—such was the condition of the State when the most gigantic war in American history broke out, and demanded resources and energy for which prosperous times and undivided patriotism would seem barely sufficient. But the will and intellect of the great war governor were equal to the emergency.

The mantle of prophecy no longer descends upon a successor; but in every age there are a few masterful men who are masterful because they comprehend the true condition of affairs, see clearly the inevitable end from the beginning, and at once discern the surest and the swiftest way to reach the goal. Such a man was Oliver P. Morton, and on the 22d of November, 1860, but a few days after the election of Abraham Lincoln, in a speech on the duty of the hour, he gave utterance to truths so great and announced principles so weighty that it rang throughout the land like a bugle call. At that time the shadow of secession was flung across the land. "In the darkness the bravest halted, the stoutest stood appalled."

Horace Greeley proposed that the erring sisters be allowed to depart in peace, and the sentiment was echoed and reechoed throughout the North. Conferences, conventions, compromises, peace proposals, panaceas, and remedies followed in wild disorder. Abraham Lincoln had not yet spoken. The nation was bewildered. Confusion reigned supreme. The one momentous question of the hour was, "What shall be done if South Carolina secedes?" and brave men answered it with bated breath. It was reserved for Morton to speak, to formulate a policy, to announce a plan, and he did this so boldly, so fearlessly, so ably, that Abraham Lincoln, when he read the speech, exclaimed, "That settles the whole matter. It states the necessary policy of the Government," and all the North applauded. Hear his ringing words:

> There is but one way in which the President can be absolved from his duty to exert all the power reposed in his hands by the Constitution to enforce the laws in South Carolina, and that is by our acknowledgment of her independence. The Constitution provides that Congress may admit new States into the Union, but there is no provision for turning one out or permitting one to go out. A State once admitted into the Union becomes a part of the body of the nation. A severance or secession is not contemplated by the Constitution as permissible or possible.
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> If we allow a State peaceably to secede, we thereby concede the right of secession in the most substantial and solemn manner. It would be sheer nonsense to allow a State to secede and yet deny that other States may retire in the same manner whenever they see fit. We can not, therefore, allow South Carolina to secede without conceding the right, and thereby settling the principle as to the remaining States. The right of secession conceded, the nation is dissolved. Instead of having a nation—one mighty people—we have but a collection, a combination of thirty-three independent and petty States, held together by a treaty which has hitherto been called a Constitution, of the infraction of which Constitution each State is to be the judge, and from which combination any State may withdraw at pleasure.
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> If South Carolina gets out of the Union, I trust it will be at the point of the bayonet, after our best efforts have failed to compel her submission to the laws. Better concede her independence to force, to revolution, than to right and principle.
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> Shall we now surrender the nation without a struggle, and let the Union go with merely a few hard words? Shall we encourage faint-hearted traitors to pursue their treason, by advising them in advance that it will be safe and successful? If it was worth a bloody struggle to establish this nation, it is worth one to preserve it; and I trust that we shall not, by surrendering with indecent haste, publish to the world that the inheritance which our fathers purchased with their blood we have given up to save ours. Seven years is but a day in the life of a nation, and I would rather come out of the struggle at the end of that time defeated in arms and conceding independence to successful revolution than purchase present peace by the concession of a principle that must inevitably explode this nation into small and dishonored fragments.

As governor of Indiana he had the most prodigious tasks of her history to perform. Frauds, gigantic and unblushing, were rampant on every hand. With one powerful blow he crushed them all, brought order out of chaos and purity out of corruption.

His State seemed to be the center of the conflicting elements, of the struggle between union and disunion, slavery and freedom. For many months it trembled on the edge of secession, and naught but his stalwart presence preserved it to the Union. He, in and of himself, formed an impassable barrier between Indiana and the abyss of secession.

His record as the war governor of Indiana is without a parallel, even in that heroic day. But the darker the hour the more determined his purpose, the greater the obstacle the more unbending his will. As Conkling so well said of him, "No labor discouraged him, no contingency appalled him, no disadvantage dismayed him, no defeat disheartened him."

When the Government was tardy in supplying him with ammunition, he directed, without warrant of law, an establishment for his own State, which freely supplied all Indiana soldiers, frequently served the Government, and very often administered to the necessities of neighboring States. On his own responsibility he purchased vast quantities of clothing and stores for Indiana soldiers. He established a great sanitary commission which ministered to the wants of every Hoosier soldier on every battlefield and in every camp. His was a sleepless vigilance. He organized his own physicians and nurses into trained corps, and no sooner had the smoke of battle risen from the field than his ministers of mercy were bending over the wounded and caring for the dying.

"These agents had their instructions to follow in the track of our armies, to pick up the disabled who might have fallen by the wayside; to visit the hospitals, report the names of the sick, wounded, and dead, and afford relief wherever it could be afforded; to inform the State authorities what kind of supplies were needed and where to visit the troops in the field, ascertain their wants and condition, and aid in having their requests for supplies promptly filled. They aided in procuring furloughs for the sick and wounded and discharges for such as would not be able to serve again; in furnishing transportation at the expense of the State for such as had not the means of getting home; in receiving the soldiers' money and distributing it to their families; in hunting up the descriptive rolls for such as had been long confined in hospitals, but for want of their rolls could not be paid or discharged; in visiting battlefields, bringing home the wounded, and distributing sanitary stores."

He anticipated every soldier's want. He ministered to every soldier's necessity. He gratified every soldier's wish. He made frequent and stirring appeals to the loyal women of his State, and, with devotion worthy so grand a cause, they responded to his every call. The amount of stores and clothing and other necessities thus supplied was incalculable, and the good thus accomplished inconceivable. Morton himself, even amidst his herculean labors, found time to visit many battlefields and encourage his Hoosier boys. One wounded soldier said of him after the battle of Shiloh:

> I saw the old governor reach out and shake hands with us, and then saw the tears starting out of his eyes as he saw the wounded and heard their groans. Since then I have appreciated his love for us.

He was the last to bid farewell to every regiment as it marched proudly away to the conflict, and was the first to greet it as it returned home, marching proudly to the inspiring music of the Union.

He was the idol of his soldiers. He was as true to them as the magnetic needle to the pole. Among them his name was magic and his presence was inspiration. As Garfield said of him:

> The memory of Governor Morton will be forever cherished and honored by the soldiers of my State. They fought side by side with the soldiers of Indiana, and on a hundred glorious fields his name was the battle cry of the noble regiments which he had organized and inspired with his own lofty spirit.

He was indeed the "soldier's friend" in the hour of their necessity and the day of their distress. And, sir, no truer or more fitting words could be inscribed upon the statue which we this day present in honor of his memory than these:

> Morton—The soldier's friend.

The labors he performed in this field alone were prodigious, enough to overwhelm a man of less titanic mold, but these were the very least of his great deeds.

The celerity with which he enlisted men and organized regiments has never been excelled. No demand was made upon him which was not promptly met. With a population well-nigh one-half of which was opposed to the purposes of the war and one-third of which was openly hostile to the cause of the Union, with treason raging all about him and treasonable organizations innumerable in his State, he yet organized, equipped, and hurried to the front 208,000 of Indiana's loyal sons—on every crimson field their blood was poured; on every trembling slope their valor was displayed.

While these thousands of brave men were at the front struggling to maintain the supremacy of the Union, traitors in the rear, with tireless vigilance, were always organizing, always agitating, always seeking to overthrow Morton and the State government and carry Indiana into the Confederacy. More than

50,000 men were armed at one time for this black purpose. Indiana fairly swarmed with treasonable societies. There were the "Knights of the Golden Circle," the "Circle of the Mighty Host," the "Mutual Protective Society," the "Knights of the White Camelia," the "Circle of Honor," the "Order of American Knights," and, last and most powerful, the "Sons of Liberty." But Morton crushed them all.

When Kentucky was threatened with invasion, Governor Boyle implored Morton's powerful aid. He sent troops flying to that border State, where the conflict was so fierce and unrelenting, to uphold the Union cause. According to Mr. Foulke, he thus announced the departure of the troops:

August 17. I send 1,000 men to-night; 7,000 to-morrow and Tuesday.
August 21. I sent another regiment last night; a battery will go to-morrow. The Sixty-ninth has started. The Seventy-fifth leaves at 6 p. m. and the Seventy-fourth at 9 p. m. to-day for Louisville.
August 23. Will have at least 17 additional regiments ready for arms this time next week.
August 26. The Seventy-ninth leaves Tuesday; will hurry others; Indiana has put 14,480 men in Kentucky up to Friday last; this will make it 19,206 by Thursday, this week. This includes two batteries.
August 27. Another regiment can leave to-morrow; one leaves this evening.
August 30. The Eighty-ninth leaves this afternoon. The Eighty-first and Eighty-second will be armed to-day. Two regiments will start to-morrow, and five more will be ready next week.
August 31. The Eighty-eighth is at the depot. The Eighty-seventh will be in Louisville to-morrow morning. Two regiments leave to-day and two more to night.

In this way he organized, equipped, and sent 14,000 men into the field in four days.

There was no money to pay bounties; Morton borrowed it. There was no money for advance pay; Morton borrowed it. In this way he borrowed on his own responsibility, without security, with no pledge save his own word, many millions of money during that awful war, and at this time alone it amounted to over $500,000. But the work must be done. Nothing was permitted to stand in his way. His imperial will crushed every obstacle in his path.

When Cincinnati was threatened, the mayor telegraphed Morton for aid. Instantly the answer was flashed over the wires:

One battery ready with two carloads of ammunition. Will send another train in two hours.

In compliance with this promise he sent 20 pieces of artillery, 3,000 stands of arms, 31,136 rounds of artillery ammunition, and 3,365,000 musket cartridges, all of which arrived in Cincinnati within fifteen hours after the reception of the first news. The manner in which he furnished troops was so surprising that a prominent man in Louisville, speaking of it, said:

If you want soldiers from Indiana, all you have to do is to take some blue cloth and brass buttons, throw them into a hopper, put Morton at the crank, and they will come out regiments.

Morton anticipated every call for troops and constantly enlisted regiments in advance. He was always ready, and Indiana regiments were almost invariably first in the field. Besides all this, when Morgan entered the State, he prepared in a single week 20 regiments of militia to repel the invader from Hoosier soil.

He was utterly indifferent to obstacles. His overmastering will could not be thwarted. A hostile legislature, reeking with treason, sought to rob him of his military power and thus bring revolution and anarchy upon the State. Morton's friends withdrew and left it without a quorum and powerless to act. It adjourned without having appropriated a single dollar to carry on the government. But he was not dismayed. He appealed to the supporters of the Union throughout the State and to his friends in the East. He thus borrowed over $2,000,000, without a fragment of security, to maintain the government of his State, to aid in keeping the boys in blue at the front and the old flag in its place in the heavens. And every dollar of the sum was afterwards repaid.

He was the earnest friend of Abraham Lincoln, the loyal supporter of Edwin M. Stanton. He never wavered in his devotion to them, and they leaned strongly upon him in that trying crisis of our country's history.

Morton greatly feared the Northwest conspiracy, which was so earnestly advocated by so many of the distinguished leaders of the opposition in Indiana. In order to prevent the consummation of this disaster and to crush the hope of those who fostered it he insisted that the Mississippi should be opened for the commerce of the Northwestern States, and that thereby also the Southern Confederacy should be rent in twain. Impatient of delay because his cherished plan was not speedily carried into execution, he himself offered to lead an army for that purpose into the field, but President Lincoln deemed his services too valuable as the chief executive of that great pivotal State, and his offer was declined.

The following letter of Salmon P. Chase, expressive of the relations between Morton and Stanton, will not be inappropriate at this place:

WASHINGTON, *November 10, 1865.*

MY DEAR GOVERNOR: I think it is the right of men who have ably and faithfully served their country to know that their labors are appreciated. So I will not deny myself the pleasure of telling you that Secretary Stanton was with me last evening, and we, naturally turning our minds to the past, fell to talking of you. We agreed that no governor had rendered such services or displayed such courage or ability in administration, and we agreed that your recent services were the most meritorious of all, because rendered under circumstances of personal risk of health and life which would have been by almost any man regarded and by all accepted as good reason for total inaction.

I have seldom heard Stanton express himself so earnestly. I hope you will derive some satisfaction from this little relation. The talk gave much to me.

Cordially, your friend,

S. P. CHASE.

Sir, why should Indiana present this marble figure of her greatest son? Because he saved her for the Union, and in thus saving her aided immeasurably in saving the Union itself. As Senator Booth well said:

To leave out Morton and his influence would be to rewrite the history of this country for the last eighteen years and to modify it for all time to come. In the great struggle on which the existence of the Union was staked he held the central fort. No living man can tell what the result would have been had he not been where he was and what he was.

He was elected governor in 1864 and was advanced to the position of United States Senator on the 22d of January, 1867.

He entered that great body at the special session on the 4th of March, 1867, and at once advanced to the front with that commanding ease that ever marked his course. He was the one man who was never required to serve an apprenticeship in that body. On the very day he entered it he assumed the leadership; a position he did not relinquish and from which he could not be dislodged, but proudly held through all the varying vicissitudes of political life until the day of his death in 1879. And the classical Sumner was there. The imperious Conkling was there. The wise Sherman was there. The profound Edmunds was there. The sagacious Cameron was there, and so were the astute Thurman and the able Pendleton.

Great men were there from every State, but this man, of giant intellect, of granite will, of unyielding conviction, soon outstripped them all. And this leadership was no mere accident. It was not the result of craft or cunning. Such methods he disdained. But his massive ability as a debater, his unbending will, the profound depth of his convictions, the unaffected sincerity of his purpose, all combined to supply that irresistible momentum which pushed him to the forefront and that steadfast power is held him there.

He was the greatest debater of his time—intense, logical, and profound; bold, manly, and energetic. His was the ponderous and invincible logic of a Webster. He disdained utterly the tawdry ornaments of speech. He never resorted to the trickery of rhetoric. His diction was so simple, his logic so overwhelming, that his hearers gave no heed to his sentences. The thought was so prominent that it stood boldly to the front and the words seemed to be massed behind it, crowding irresistibly upon his auditors. It was truth in action.

He accomplished so much in this chosen field because he never vainly attempted anything in speech. There was no pomp of declamation; no feigned earnestness; no superficial emotion. He never spoke until he had thoroughly mastered his subject, until the mind was convinced and the heart engaged, and then there was no affected intensity. The divine energy of his soul utterly possessed him, and his—

Pure and eloquent blood
Spoke in his cheek, and so distinctly wrought,
That one might almost say his body thought.

As an orator he was not overtrained; and certain it is that unless great care is taken such may be the case in oratory and speech. The round diamond has no brilliancy. It is only the angle that plants the rainbow in its bosom and mirrors the sunshine in its heart. If too much of the polishing process be indulged in, it loses both its corners and its value.

Language is the vehicle by which thought is conveyed from one mind to another. It is not an end, but a means. If the vehicle is cumbrous, the mind tires in its comprehension and loses the idea hidden within. The gorgeous outfit attracts the eye, but the rider is unnoticed. And so clearness, force, and earnestness are three indispensable elements of successful speech. In each and all of these he was a master. He had an abundant vocabulary of Anglo-Saxon words, those best adapted to the terse and forcible expression of thought; but never employed to so great a degree the Latin derivatives, those best adapted to copious imagery and charming ornamentation. He never spoke to please, but to convince. He never spoke to charm, but to arouse.

He never quoted a line of poetry; he never used an illustration; he never employed a metaphor. Some one said of him that he "turned a brood of thoughts upon the world without a rag to cover them." And while he was not elegant, not graceful, "yet," as Jefferson said of Adams, "he came out with a power, both of thought and expression, which moved us from our seats."

His great speech on reconstruction has certainly not been excelled in that body since Webster spoke. Walter Q. Gresham said of it that it was the greatest effort made in the Senate since the triumphant effort of the Massachusetts man. And yet it was not polished or ornamented with the graces of language. It was a learned, penetrating, constitutional argument expressed in a

strain of elevated patriotism, and it announced the necessary policy of the Government.

Others have more vividly portrayed his characteristics as a debater than I can hope to do. Senator Booth well said:

As a debater he was an athlete, trained down to pure muscle. In speech, careless of the graces of oratory and polish of style, his earnestness enchained attention, his directness carried conviction, and there was a natural symmetry in the strength of his statements above the reach of art.

Senator Wadleigh thus forcibly expresses the same thought:

In robust manliness the intellect of Senator Morton was unexcelled. His speeches were marked by logical force, clear perception, and a strength of statement which amounted to demonstration. Though destitute of rhetoric and bare of ornament, their massive force almost silenced doubt and compelled conviction.

Senator Conkling thus describes him:

He will go down to a far hereafter, not as one who embellished and perpetuated his name by the studied and scholastic use of words, nor as a herald of resounding theories, but rather as one who day by day on the journey of life met actual affairs and realities and grappled them with a grasp too resolute and quick to loiter for the ornament or the advantage of protracted and tranquil meditation.

Senator Edmunds well said of him:

The graphic clearness of his statements, the simple directness of his logic, and a sense of his sincere earnestness that he impressed upon his hearers placed him among the most powerful and successful speakers.

Senator Paddock thus voices this sentiment:

We, sir, do well remember that with all this blight upon his physical powers the great Senator bore an intellectual lance to the very last day of his career in this Chamber which no adversary ever despised or was overeager to measure. Often during the period of my service here have I seen the whole Senate filled with admiration of him, when, after many days, perhaps weeks, of continuous debate upon some important question in which he had constantly participated, and when the endurance of even the very strongest had been greatly overtaxed, he arose, and with no external evidence of weariness, restated, reviewed all the arguments of perhaps a dozen adversaries in the discussion, and with one great, masterful, overpowering presentation of the law and the facts in the case answered them all at once. When the full river of his speech came down upon an opposing disputant with its richly laden argosies of fact and precedent—of thought, philosophy, and logic—if his opponent himself were not a master in debate he was sure to be overwhelmed, for only such a one could stand at all against the almost resistless current of his argument.

General Garfield said of him:

He possessed an intellect of remarkable clearness and force. With keen analysis he found the core of the question and worked from the center outward. He cared little for the mere graces of speech, but few men have been so greatly endowed with the power of clear statement and unassailable argument. The path of his thought was straight, like that of the swift cannon ball, shattering that it may reach and shattering what it reaches. When he had hit the mark he used no additional words and sought for no decoration. These qualities, joined to his power of thinking quickly, placed him in the front rank of debaters and every year increased his power.

But the tremendous force of his incorrigible will will be best understood when it is remembered that during all his service in the Senate he was suffering from that dread disease from whose clutches there is no escape—paralysis. No words of mine can add to the encomium paid him by Senator Joseph E. McDonald, who served in that body with him from my State as a Democrat:

His labors upon the Electoral Commission during the eventful period when it seemed as if the very foundations of our Government were in danger of being uprooted are vividly remembered by all. Physically disabled, yet he was everywhere present; borne to his committee room, carried to this Chamber, lifted to his seat in the Electoral Commission by the strong arms of others, there remaining into the long, dreary hours of the night, tireless among the tired, pressing on where strong men gave way, he presents a picture that may well excite our wonder and challenge our admiration and for which history furnishes no example.

Also the words of Senator Thurman:

Suffering for years from a painful and hopeless disease that ultimately terminated his life, we yet saw him, year after year, perform an amount of labor from which the most robust man might have recoiled as from a task too heavy to be borne. He evaded no duty, however onerous; he asserted his claim to leadership at all times and under all circumstances, however great might be the sacrifice of comfort, repose, or health.

Another Senator said of him:

Mr. President, who of us has not now in his memory, photographed there ineffaceably, that sad, thoughtful, but resolute face, as through the corridors and into this Chamber, borne in his chair by two stalwart men, he came to his daily service? The noisy throng in the passages became silent and gave way at his approach with the same instinctive reverence that reached the gallant soldier who has borne a distinguished part in the memorable battle when afterwards he is brought from the field weary, worn, wounded, and dying. The doors flew open before him always as if by magic. The party spirit could at no time run so high as to cause to be withheld from him when he entered here the most cordial, the most sincere, the most respectful greeting from every Senator present.

He was the champion of sound money, the earnest advocate of resumption. In 1869 he introduced a bill providing for a return to specie payment in 1871, and made one of the master speeches of his life in support of it. But the time was not yet ripe for that movement, and his measure failed of passage. But when resumption did come, it was largely along lines which he had recommended and which he championed in his speech.

He was an ardent believer in expansion. The idea that his country should play a secondary part in the affairs of the world was to him little less than profanation. He believed in the masterful virility of the Anglo-Saxon race and in the manifest destiny of our nation.

Mr. Foulke relates of him that—

After it had become reasonably certain that Kansas would be admitted as a free State, he was standing one day in his law office in Centerville looking at a large map of the United States which hung upon the wall. He was examining carefully the Mexican States to the south. "Kibbey," said he to his partner, "if Kansas and Nebraska come in as free States, the other States will be free, too, and the present issues between the Republican and Democratic parties will be over.

"Now, we have a new party and we must have a living issue. The Democratic party has always been the champion of the extension of territory, and I think the Republicans ought to be ahead of them in advocating the acquisition of Mexico."

In 1870, in a speech in the Senate relative to the annexation of San Domingo, the cherished plan of President Grant, Senator Morton used this language, which in the light of present events seems to have had the force and authority of prophecy:

Mr. President, the annexation of San Domingo will come. I prophesy here to-night that it will come. It may not come in the time of General Grant, or in my time, but I believe it is destined to come, and with it, too, the annexation of Cuba and Porto Rico. Why, sir, this thing was foreseen long ago.

I will refer to a Massachusetts authority of high character nearly fifty years ago with regard to the propriety of annexing Cuba. Cuba is not now before the Senate nor involved in this controversy. But, sir, San Domingo lies between Cuba and Porto Rico. San Domingo is the key to the West Indies. It contains the finest harbor in the world. It commands the great Mona passage from the Atlantic Ocean to the Caribbean Sea. I wish to refer to what Mr. John Quincy Adams said with reference to the acquisition of Cuba, to show his foresight and his philosophy. In a letter written by him as Secretary of State to our minister in Spain, as long ago as 1823, he used the following language, which I commend to the Senator from Massachusetts:

"Numerous and formidable objections to the extension of our territorial dominions beyond the sea present themselves to the first contemplation of the subject; obstacles to the system of policy by which alone that result can be compassed and maintained are to be foreseen and surmounted both from at home and abroad; but there are laws of political as well as of physical gravitation, and if an apple served by the tempest from its native tree can not choose but fall to the ground, Cuba, forcibly disjoined from its own unnatural connection with Spain and incapable of self-support, can gravitate only toward the North American Union, which, by the same law of nature, can not cast her off from its bosom."

Sir, I regard it as destiny, not to be averted by the Senator from Massachusetts nor by any power, that we shall acquire San Domingo and Cuba and Porto Rico. * * *

I know there is talk about the populations of these countries. Sir, they are friendly to us now, and will rapidly become incorporated and consolidated with the people of this nation in case of acquisition. They will become absorbed in this great people long before the people of Canada will be converted to annexation. The Senator from Massachusetts is greatly in favor of the acquisition of all the Canadas, and I shall be, too, when the time comes, but I tell him that the most unconquerable and obstinate thing in this world is a British prejudice, and that the people of Canada are further from us to-day and are less inclined to annexation at this time than they were thirty years ago.

When they are ready to come peaceably and are anxious to do so, I am ready to receive them. But the line of demarcation between them and us, in point of feeling and sentiment, will still remain distinct long after that between us and the people of Santo Domingo and Cuba shall have been obliterated.

I remember, when the proposition was made to annex California and New Mexico, what fearful pictures were drawn of the character of the New Mexican population, and yet there is not to-day a more loyal people to this Government than the people of New Mexico.

How striking these words! How appropriate for present consideration.

He was universally admitted to be the greatest party leader of his time. His ability to organize regiments and send them flying to the field was equally marked in the arena of politics. He grappled his friends to him with hooks of steel, and alway had the most powerful and compact organization at his back of any man in public life. He possessed to an overmastering degree the art of selecting the field of contest, of arranging the details of the battle, of telling when to strike and where to strike and how to strike. For one dozen years he sounded the keynote of every campaign, either in the Senate or in Indiana, and his voice was the bugle call which brought the clans into action. He had the remarkable faculty of forcibly putting into language what everybody felt but could not express. And thus his speeches became platforms written in advance of conventions.

Morton could never be induced to leave the Senate. He was offered the exalted position of Chief Justice of the Supreme Court of the United States; he was tendered the mission to the Court of St. James; he was asked to enter the Cabinet by two Presidents, but he declined them all.

He was possessed of an idea which dominated his whole life and impelled him irresistibly forward, and the Senate was the forum in which he could compel attention and achieve results.

He impressed his remarkable personality upon every one in his presence. They felt the unseen power of the man. "It was a strange sight," said Senator Ingalls, "to see that old giant lying helpless in bed, pounding and gesticulating and impressing his views upon the committee."

But the two successive objects of his life were, first, to save the Union, and, second, to incorporate the results of the war into the Constitution and the laws. To this end he lived and wrought.

To see the fruits of victory frittered away in a moment of apathy or false generosity was to him but sacrilege. To his mind the war decided that this was an indivisible Union, and that all men are absolutely equal before the law, and he never faltered or hesitated until the fourteenth and fifteenth amendments were embedded in the granite of the Constitution.

With him this was more than an opinion; it was a conviction. It was more than a sentiment; it was a passion. It was more than

a theory; it was an inspiration. And to him, more than to any other, we owe those last elemental additions to the great charter of our liberty. To this end he brought to bear his power as an organizer, his ability as a leader, his force as an orator, his logic as a debater, his inflexible will, his titanic intellect, his regnant soul—and for this reason, above all else, his sculptured presence is a fit object to adorn and forever sanctify yon Pantheon of the Republic.

I sometimes think, sir, that we of the rising generation came too late upon the world's stage of action. I sometimes feel that it would have been better to live when Washington graced the earth; when Hamilton and Jefferson and Franklin and Madison and all that great galaxy of the world's liberators blazed forth in their full-orbed glory, and when they and their companions laid broad and deep and lasting the enduring foundations of our nation.

I sometimes feel, too, that it would have been greater to live when Webster lived; when Clay and Calhoun and Benton and Hayne fought the battles of the giants; when the real limits of the Constitution were eternally established and the lines of our future progress were permanently laid.

I sometimes feel, too, that it would have been grander to live when the land was wrapped in the sheeted flames of civil strife; when Lincoln, the emancipator, lived; when Grant and Sherman and Sheridan and Thomas and Logan and a million boys in blue fought; when Lee and Jackson and Johnston and Longstreet and a million boys in gray wrought; when our hillsides were drenched with the blood of our bravest and our best, and all our rivers ran red to the sea; when the indissoluble unity of the Union was forever established and the equality of all beneath our flag eternally settled.

But, sir, I am glad to-day that I am a child of these latest and best days of the Republic. I am glad that I am the heir of all the accumulated glory of the past. I am glad that mine is the priceless heritage of all the infinite toil and struggle of the centuries gone—the heroism of Washington, the patriotism of Webster, the martyrdom of Lincoln, the countless sacrifices of all who went down to the eternal glory of death for the liberty of men.

And to-day, as we stand upon the shining summit of the present and lift the thin veil which separates from the future, we can see that a grander day will soon be ushered in upon the children of the Republic yet to be—a broader, wiser, nobler day of universal peace.

And, sir, it will be the high privilege of our country, realizing that all the past was a necessity and that the present is an inspiration; our country having one flag without a stain, save the blood of soldiers who died to defend it; one Constitution without a seam, save where patriots have inlaid the eternal principles which strengthen it; one hope without a spot, save the sacrifices which must be endured to realize it; aye, it will be the sacred duty of our reunited country, which Morton loved and for which he wrought and died, to move forward to the accomplishment of that high mission for which God created us. [Applause.]

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. METCALF, indefinitely, on account of sickness.

To Mr. JOY, for ten days, on account of important business.

To Mr. STEVENS of Minnesota, until May 1, on account of important business.

To Mr. GIBSON, for one week, on account of important business.

Mr. STEELE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 37 minutes) the House adjourned until Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Light-House Board submitting an estimate of appropriations for a new light-vessel in the Fifth light-house district; to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for armament of fortifications—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a communication from the chairman of the Chickamauga and Chattanooga National Park Commission relating to an appropriation for the improvement of the Lafayette State road—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9835) to establish a code of law for the District of Columbia, reported the same with amendment, accompanied by a report (No. 1017); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9164) for the relief of Poole & Hunt, reported the same without amendment, accompanied by a report (No. 1005); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5360) for the relief of the legal administrators of Daniel McLeod, deceased, of the South Brooklyn Works, reported the same without amendment, accompanied by a report (No. 1006); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2091) for the relief of Larrabee & Allen, reported the same without amendment, accompanied by a report (No. 1007); which said bill and report were referred to the Private Calendar.

Mr. DICK, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 197) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, reported the same with amendment, accompanied by a report (No. 1008); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 10693) granting a pension to George Serrell; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LOUDENSLAGER: A bill (H. R. 10736) to reimburse certain States for expenses incurred in aiding the United States to raise and equip the Volunteer Army of the United States in the war with Spain—to the Committee on War Claims.

By Mr. WILSON of Arizona: A bill (H. R. 10737) to amend an act entitled "An act to amend an act to prohibit the passage of local or special laws in the Territories, to limit Terrtorial indebtedness, and so forth"—to the Committee on the Territories.

By Mr. BULL: A bill (H. R. 10738) to repeal certain provisions of an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," relating to medicinal proprietary articles and preparations—to the Committee on Ways and Means.

By Mr. WILSON of Idaho: A bill (H. R. 10739) relating to forest reserves, amending the act of June 4, 1897, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes"—to the Committee on the Public Lands.

By Mr. BABCOCK: A bill (H. R. 10740) to regulate the grades of Twentieth street, and for other purposes—to the Committee on the District of Columbia.

By Mr. BULL: A joint resolution (H. J. Res. 237) authorizing the Secretary of War to cause a preliminary examination to be made of Ohio Reef in the east passage of Narragansett Bay, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 225) relating to the lobster industry—to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 10741) for the relief of the mayor and council of the city of Macon, Ga.—to the Committee on War Claims.

By Mr. BENTON: A bill (H. R. 10742) granting a pension to Wilburn W. Testerman—to the Committee on Invalid Pensions.

By Mr. BROMWELL: A bill (H. R. 10743) granting a pension to Augusta Ullman—to the Committee on Pensions.

Also, a bill (H. R. 10744) granting an increase of pension to Louis Hahn—to the Committee on Invalid Pensions.

By Mr. DICK: A bill (H. R. 10745) granting a pension to Mabel A. Woolsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10746) granting a pension to Philenia White—to the Committee on Pensions.

By Mr. GRIFFITH: A bill (H. R. 10747) granting an increase of pension to Jacob M. Stites—to the Committee on Invalid Pensions.

By Mr. JOY (by request): A bill (H. R. 10748) granting an increase of pension to Julius Sporleder—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 10749) granting a pension to Henry L. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10750) to restore James H. Rainey to the pension roll—to the Committee on Invalid Pensions.

By Mr. STARK: A bill (H. R. 10751) granting an increase of pension to Seth H. Craig—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Petition of the Central Federation of Labor, Columbus, Ga., against the ceding of public lands to States and Territories—to the Committee on the Public Lands.

Also, memorial of Federal grand jury of the southern district of Georgia, in relation to the extradition of persons indicted—to the Committee on the Judiciary.

Also, memorial of the executive council and committee on legislation of the National Shorthand Reporters' Association in relation to Senate bill No. 2352, providing for the appointment of stenographic reporters in the United States district courts—to the Committee on the Judiciary.

By Mr. BABCOCK: Petition of Henry Didiot Post, No. 141, of Hillsboro, Wis., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BARTLETT: Papers to accompany House bill No. 263, indemnifying the city of Macon for damage to city property while United States troops were quartered in the city park in 1898—to the Committee on War Claims.

By Mr. BURLEIGH: Resolutions of the Universalist Parish, of the State of Maine, relative to the sale of liquors in the new possessions—to the Committee on the Territories.

By Mr. CALDWELL: Petition of Jordan Post, No. 535, of Macon (Ill.) Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. COCHRANE of New York: Petition of the Baptist Young People's Society of Christian Endeavor of Stephentown, N. Y., for the passage of a bill giving prohibition to our new possessions, and favoring the anti-canteen law—to the Committee on the Territories.

By Mr. COX: Paper to accompany House bill No. 1136, relating to claims for lost horses taken from Confederate soldiers in violation of the terms of surrender at the close of the war—to the Committee on War Claims.

By Mr. DICK: Petition of W. W. Harvey and others, of Akron and vicinity, State of Ohio, to accompany House bill granting a pension to Maj. O. M. Brown—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: Protest of the Buffalo (N. Y.) News Company, against the passage of House bill No. 10275, as being detrimental to the business of news dealers—to the Committee on the Post-Office and Post-Roads.

Also, petitions of E. O. Knapp Post, No. 340; Joseph Jones Post, No. 358; Reece Post, No. 49, and Colonel Randall Post, No. 648, Department of New York, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petitions of the Woman's Christian Temperance Union, Methodist Episcopal Church, Methodist Preachers' Meeting, and others, of Syracuse; Baptist Church of Brokenstraw, N. Y., and Woman's Christian Temperance Union of Webster, N. Y., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. EMERSON: Petitions of E. M. Wing Post, of Glens Falls, and C. E. Mills Post, of Fort Edward, Grand Army of the Republic, Department of New York, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petitions of citizens of Chateaugay and West Chazy, N. Y., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, letter of J. A. Strong, with reference to law exempting from taxation property purchased with pension money—to the Committee on the Judiciary.

By Mr. FITZGERALD of Massachusetts: Petition of the mayor and aldermen of Frederick, Md., urging the passage of a bill to indemnify the city of Frederick for the ransoms exacted by the Confederate army on invasion—to the Committee on War Claims.

Also, resolutions of the Building Trades' Council of Cincinnati and vicinity, State of Ohio, protesting against the passage of the butterine bill—to the Committee on Agriculture.

By Mr. GREEN of Pennsylvania: Petition of the Woman's Christian Temperance Union of Reading, Pa., asking for the passage of the anti-canteen bill—to the Committee on Military Affairs.

Also, petition of the Federated Trades' Council of Reading, Pa., to print the label of the Allied Printing Trades on publications of the Government—to the Committee on Printing.

Also, protest of the Berks County Medical Society, of Pennsylvania, against the passage of Senate bill No. 34, prohibiting vivisection—to the Committee on the District of Columbia.

By Mr. JONES of Washington: Protest of Local Union No. 188, of Seattle (Wash.) Cigar Makers' International Union, against the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. KETCHAM: Petition of D. W. Jackson and other members of Oak Grove Grange, No. 873, Patrons of Husbandry, New York, for State control of imitation dairy products as provided in House bill No. 3717—to the Committee on Agriculture.

Also, petition of W. W. Smith, president, and W. S. Johnson, secretary, of the Poughkeepsie (N. Y.) Temperance Society, that gambling and sale of opium and intoxicating drinks of all kinds be prohibited in Porto Rico—to the Committee on Insular Affairs.

By Mr. KNOX: Petition of South Church Young People's Society of Christian Endeavor, of Andover, Mass., to prohibit the sale of liquor in canteens and in all Government buildings and premises—to the Committee on Alcoholic Liquor Traffic.

By Mr. LACEY: Petition of the Grand Army of the Republic, Department of Iowa, favoring the passage of House bill No. 2967, providing a sanitarium for the treatment of rheumatism and other diseases of poor disabled soldiers—to the Committee on Military Affairs.

Also, petition of substitute letter carriers of Des Moines, Iowa, in favor of House bill No. 1051, relating to grading of substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LATIMER: Petition of Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen, Columbus, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. LITTAUER: Petition of Ransom Post, No. 354, of Ogdensburg, N. Y., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LONG: Petition of L. Ardery and 9 others, of Hutchinson, Kans., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Letter of William W. Morris, of Pueblo, Colo., in relation to pension laws—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Petition of P. H. Sheridan Post, Grand Army of the Republic, Department of Indiana, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. RIDGELY: Petition of the Young People's Christian Union of Beulah, Kans., urging the passage of House bill prohibiting the sale of liquor in Army canteens, Soldiers' Homes, or reservations used by the Government—to the Committee on Military Affairs.

By Mr. RUSSELL: Resolutions of Iron Molders' Union, No. 65, of Stonington, Conn., opposing the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of the Woman's Christian Temperance Union of Pawtucket, Conn., urging the passage of House bill prohibiting the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. SCUDDER: Petition of the Woman's Home Missionary Society of the Presbytery of Nassau, Long Island, N. Y., to prohibit the sale of intoxicants in our new possessions—to the Committee on Alcoholic Liquor Traffic.

By Mr. SHERMAN: Resolutions of W. H. Reynolds Post, N. B. Hinckley Post, Hunt Post, and G. W. Chadwick Post, Department of New York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of W. H. Reyno'ds Post, No. 36, Grand Army of the Republic, in regard to Senate bill No. 1477, relating to pensions, as amended—to the Committee on the Judiciary.

Also, petitions of Camden Grange, No. 354, and citizens of Verona and Louisville Landing, N. Y., in favor of the passage of House bill No. 5717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. SHOWALTER: Petition of the United Presbyterian Church and Free Methodist Church of Rochester, Pa., favoring the passage of the Bowersock bill and the abolition of the Army canteen, etc.—to the Committee on Military Affairs.

By Mr. STARK: Affidavits to accompany House bill granting an increase of pension to Seth H. Craig, of Beatrice, Nebr.—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: Petition of 26 citizens of Hull, Sioux County, Iowa, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *April 16, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, and was interrupted by—

Mr. GALLINGER. I ask unanimous consent that the further reading of the Journal be dispensed with.

The PRESIDENT pro tempore. Is there objection?

Mr. JONES of Arkansas. Mr. President, I object.

The PRESIDENT pro tempore. The Secretary will resume the reading of the Journal.

The Secretary resumed the reading of the Journal, and was interrputed by—

Mr. SCOTT. I ask unanimous consent that the further reading of the Journal be dispensed with.

The PRESIDENT pro tempore. That request has been made, and there was objection to dispensing with the reading. The Journal will be read.

The reading of the Journal having been concluded, it was approved.

FIELD OPERATIONS OF THE DIVISION OF SOILS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed from the stereotype plates now in the Government Printing Office an extra edition of 13,000 copies of Report No. 64 of the Department of Agriculture, entitled "Field Operations of the Division of Soils in 1899;" 2,000 copies for distribution by Members and Delegates of the House of Representatives; 1,000 copies for distribution by Senators, and 10,000 copies for distribution by the Secretary of Agriculture.

REPORT ON INDIAN SCHOOLS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Department of the Interior, 1,000 extra copies of the Report of the Superintendent of Indian Schools for the year 1899.

ELECTION OF SENATORS BY DIRECT VOTE.

The joint resolution (H. J. Res. 28) proposing an amendment to the Constitution providing for the election of Senators of the United States was read the first time by its title.

Mr. BUTLER. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, who shall be elected by a direct vote of the people thereof for a term of six years, and each Senator shall have one vote. A plurality of the votes cast for candidates for Senator shall be sufficient to elect. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures, respectively.

"When a vacancy happens, by death, resignation, or otherwise, in the representation of any State in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the executive thereof may make temporary appointment until the next general or special election, in accordance with the statutes or constitution of such State."

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

Mr. BUTLER. Mr. President, this proposed amendment to the Constitution, passed by the House on Friday last, is, I think, in the exact language of a similar proposition that has passed the House three or four times and at least once unanimously. It is practically or in the exact words of similar propositions that have been introduced in this body and referred to the Committee on Privileges and Elections for many years in succession. I myself every year since I have been a member of this body have introduced a similar joint resolution, and it has gone to the Committee on Privileges and Elections, but no report has been made. There is such a proposition now before that committee, and I think half a dozen or a dozen other Senators have introduced similar measures.

Now, Mr. President, it is the purpose of a committee and its function to examine legislation and to report to the Senate its judgment as to its form, to amend it if it sees fit, or to make a favorable or unfavorable report, but not to smother legislation.

When a measure has been considered as long and as carefully as this has been, and public sentiment, as we understand it and have reason to believe is true, is so crystallized in its favor, and especially in view of the recent history of this country, giving most striking and eloquent object lessons and examples why such legislation should be adopted, I see but little need for committee consideration, because the form of this proposed amendment has been carefully considered for many years by the ablest men in this and the other House. A very able report has been prepared on the other side of the Chamber, and similar reports have been made for many sessions of Congress preceding.

Therefore, Mr. President, it is only a matter of form or habit to send such a measure to the committee. It could only go as a matter of courtesy, if the committee require it or desire it. Unless the committee desire to have this measure go before it for consideration, I wish to make a motion that it shall go on the Calendar. If the committee desire to have the joint resolution go before it for consideration, then the committee could desire it but for one purpose fairly, and that would be to consider it and report it. If it will be the purpose of the committee to let it lie and die, and not consider it and report it, then the committee should not ask or desire that it shall go before it at all.

Mr. SEWELL. Mr. President, will the Senator allow me? I wish to make an inquiry as to the parliamentary status of the joint resolution at the present time. Is it subject to objection?

The PRESIDENT pro tempore. The joint resolution has been laid before the Senate by the Presiding Officer, and it can be read but once if an objection is made. Objection being made, debate would not be in order.

Mr. SEWELL. But it goes to the committee to which it properly belongs unless by a vote the Senate should order otherwise.

The PRESIDENT pro tempore. Not if an objection is made. If an objection is made, it lies over one day upon its first reading.

Mr. SEWELL. I do not object, then.

Mr. CHANDLER. I should like, if the Senator from North Carolina will allow me, to interrupt him. He seems to be disposed to make imputations upon the committee somewhat prematurely, I think. He says that the committee could not want to consider this proposed amendment to the Constitution except for the purpose of determining whether or not it should be reported to the Senate; that it ought not to want to consider it for the purpose of smothering it. If the Senator means to suggest that there is or has been any such intention on the part of the committee, I should like to tell him right now that he is mistaken.

Mr. BUTLER. I state a fact and I will show.

Mr. CHANDLER. It is a fact that I want to speak of.

Mr. BUTLER. If it is not the fact, I would like to be informed.

Mr. CHANDLER. Will the Senator restate his fact?

Mr. BUTLER. The fact is that during this session of Congress similar propositions have gone to that committee; not only propositions introduced in this body, but House propositions, having passed the House unanimously, with no objection at least, have gone to the committee and slept and died and the committee made no report to this body.

Mr. CHANDLER. There has been a report made to the Senate in one Congress upon a joint resolution of this kind. There may have been a Congress in which no report was made upon the proposition, as the Senator says; but be that as it may, in the present Congress, I think, there has been nothing before the committee except the joint resolution introduced by the Senator from Arkansas [Mr. BERRY], on which he made a speech, and the joint resolution went to the committee. There has been no motion, no suggestion, made in the committee by any member of the committee that that joint resolution should be taken up and acted upon. This joint resolution having passed the House, as I said a few days ago, reenforced the joint resolution introduced by the Senator from Arkansas, and if it goes to the committee it will be considered by the committee in due time. There is no purpose, as far as I know, on the part of the present committee, whether any previous committee has been delinquent or not, not to consider and report upon this measure.

I think, therefore, the Senator had better withhold any imputation upon the committee and allow the joint resolution to go in the usual form to the committee, and if it is not reported within a reasonable time the Senator has a perfect remedy. I do not quite like to have him attack us in advance.

Mr. BUTLER. Mr. President, I do not know that my remarks

can be called an imputation on the committee. I did not intend that. But there has grown up a custom here that I think is unwarranted of committees holding matters that they do not themselves approve, and smothering them, if the term is not offensive, at least letting them die and not reporting them. Whether that is ever justifiable or not it surely is not in the case of a proposition of this nature, when thirty-four States through their legislatures have passed resolutions petitioning Congress to submit to them such a proposition. When the House has repeatedly passed the measure and there is so much public sentiment for it, it deserves the consideration of a committee. It is immaterial with me whether that report is favorable or unfavorable. I hope it will be favorable; but to get it before the Senate where it can be discussed and where the members of this body can vote on it is what I desire.

Mr. STEWART. Mr. President, with the permission of the Senator from North Carolina, I should like to make a request of the committee. I want to have them take into consideration and report, if this amendment should be adopted, what provision they can make for preventing political conventions from taking the place of the legislatures. Will not turning it from the legislature into a political convention create a greater danger of extraneous influence than now exists? I want the committee to report how this amendment, or any that they may report, will avoid the control of the election of Senators by political conventions, and whether the control by political conventions will be much of an improvement on legislatures. I want to have that point investigated and to have a parallel drawn in the report, so that we can form some idea as to whether we are not jumping out of the frying pan into the fire. I want to be informed on that point before I vote on the measure.

Mr. HOAR. Mr. President——

The PRESIDENT pro tempore. In the opinion of the Chair, this debate is not in order, and it is proceeding by unanimous consent.

Mr. HOAR. I should like to be permitted to say a word, as other Senators have been permitted, if there be no objection.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. BUTLER. Yes, sir.

The PRESIDENT pro tempore. Is there objection?

Mr. HALE. After the Senator from Massachusetts has spoken I shall object to further debate.

Mr. HOAR. Mr. President, I think it is proper, after what the Senator from North Carolina has said, to point out the great gravity of the question to which he has spoken. This is the first proposition in our history seriously——

Mr. TELLER. Will the Senator allow me a moment? I think if the merits of this subject are to be debated, the Senator from Maine ought to withdraw his objection. I do not think it is quite fair to have it debated on one side without anybody else having an opportunity to be heard. I do not mean to object to the Senator speaking.

Mr. HOAR. It was debated on one side, and I thought I ought to say one or two words on the other.

Mr. TELLER. I have no objection to the Senator speaking.

Mr. HALE. I had that in my mind, and I shall object. I do not think this matter should be brought up now for serious consideration and debate, because the Senate is not ready for it. Whenever the Senator from Massachusetts concludes his remarks I shall object to its further consideration.

Mr. HOAR. I rose to address myself to the question whether the joint resolution shall be considered without reference to a committee.

Mr. TELLER. Mr. President, with the Senator's permission, I should like to say just one word. I think this is a very important question. I think perhaps it ought to go to the committee. I am personally very much in favor of the joint resolution. If the committee should attempt, as is suggested, to smother it, I think we might have the strength here to take it out of the committee. However, I do not think the committee will attempt to smother this House resolution. That is all I will say now about it.

Mr. HOAR. Mr. President, this is the first attempt in our history seriously pressed to destroy the principles of the old Constitution of the United States. The amendments so far have been either amendments further securing personal rights, or, in the case of the machinery for electing a President, an amendment to the provision requiring the voting for two persons in the electoral college, which would frequently, of course, bring about a tie vote.

But this is a proposition which if carried out with legitimate consequences will, in my opinion, very soon destroy the equality of the States in the Senate and give us two legislative bodies, both the result of popular elections, the only difference between them being that the Senator is voted for by a larger constituency than the Representative.

I am surprised that the eagerness for dealing with this matter promptly and without the ordinary consideration comes from a representative of the State of North Carolina, a State now one of the smaller States in the Union and certain, as far as anything in our history can be certain, to remain in the great growth of the future stationary as compared with the great States, both in the East and in the West.

Now, in the character of the Senate, a body removed from popular election, chosen by a legislative and not a popular body, those great States will not submit long to an equality between Delaware and New York or between North Carolina and New York in that body, and you will have your unmixed and unchecked democracy instead of our plainer confederacy of republics and the National Government that we have now.

My honorable friend, with all respect, is contending against the dearest interest that the State of North Carolina can have if she is to preserve her equality in this Union in the future. From whatever other source pressure should come I am astonished that it comes from that source.

Now, Mr. President, with haste, without consideration, without debate, without, in my judgment, serious reflection, this popular cry has been taken up in another place, which is to result in the substitution of a new Constitution for our old one.

Of course the matter will come from the committee as it goes to the committee. Of course it will be considered. If the United States Senate has anything in its history of which the American people shall be proud, if it is worth defending, it should defend itself, and the defense should come upon the Senate floor.

Of course I am bound to submit now, as always, my judgment to the judgment of a majority, if there be a majority; but I think this is one of those things which is entitled to deliberation, to full reflection, to a study of history, and a comparison of the advantage of the new scheme with the old scheme.

Mr. BUTLER. If the Senator from Massachusetts will pardon me a moment——

Mr. HOAR. For that reason I hope the joint resolution will go to the committee, and I hope that it will be considered in the committee and in the Senate when there is time, when the thoughts of the Senate are open so that it can be dealt with as we deal with other great subjects, and that it is not to be crowded in at the end of a session when other vast new subjects are engrossing all our time and thought.

Mr. BUTLER. Mr. President, I did not yield to the Senator from Massachusetts to argue the merits of this question, for I think I could have ample argument to answer what he has said. But the observation of the Senator from Nevada——

Mr. HOAR. I only argued so much of it as to show that it should go to the committee; that it is a question of sufficient gravity for that purpose; that is all. I did not make any other argument.

Mr. BUTLER. Mr. President, I do not think argument is necessary when you have such object lessons more eloquent than words as we have in Pennsylvania and in some sagebrush States, and others to-day that speak to the country in thunder tones that overweigh all the scruples of possible danger that might come in the future when we have them here alive and present.

Mr. HOAR. If my honorable friend will pardon me, that is just what I addressed myself to. He says he does not think in any question of this kind argument is necessary. Now, I think it is.

Mr. BUTLER. Mr. President, I am ready to argue it; I am anxious to do it, and my only complaint is that so far I have been deprived of an opportunity to discuss it when the question was before the Senate to be acted upon. That is the only complaint I rose to make, and that is why I attempted to make a motion to place the joint resolution on the Calendar and not let it go to the committee.

But I have been assured since I rose by members of the committee that this question would probably have had consideration before had it not been for other matters that we are all familiar with which have engrossed all the time of the committee, and that at an early day the committee will take up this House joint resolution and report it to the Senate. In fact, I am assured that possibly a majority of the committee are now for it. At any rate, whether the report is favorable or unfavorable, I am assured that we will soon have it before the Senate in a shape for discussion and for action. With that assurance I am content, for I would rather that it should go before the committee and have a report made upon it in due season, so that we may possibly get action upon it at the present session.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Privileges and Elections.

Mr. PETTUS. Mr. President, I wanted to say one word before this subject passed from the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The Senator from Alabama will proceed.

Mr. PETTUS. I am sorry that the Senator from North Carolina chose to make these reflections on the committee; but so far as I am concerned, I leave that subject to the chairman. Individually I say that no committee of the Senate ought to be driven

by any hard words that any man chooses to utter against it from considering a subject maturely and carefully, especially when you come because of a certain clamor to pull down one of the corner stones of the Republic. It ought not to be done in haste.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury.

Mr. HOAR. Has the joint resolution gone to the committee?

The PRESIDENT pro tempore. It was referred to the Committee on Privileges and Elections.

STATIONERY FOR TREASURY DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the chief of division of stationery, printing, and blanks, Treasury Department, in regard to the necessity for an additional appropriation of $7,000 for stationery for the Department for the remainder of the current fiscal year; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

DOCUMENTARY HISTORY OF SMITHSONIAN INSTITUTION.

The PRESIDENT pro tempore laid before the Senate a communication from the secretary of the Smithsonian Institution, transmitting a compilation of the acts, resolutions, and proceedings of Congress from its Forty-fifth session to its Fifty-fifth session, inclusive, relating to the Smithsonian Institution and the work intrusted to its care by the Government; which, with the accompanying papers, was referred to the Committee on Printing.

Mr. CULLOM. I hope the Committee on Printing will look at that document and have it printed if they deem it worthy.

VESSEL SNOW ISABELLA.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel snow *Isabella*, James Helm, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed with amendments the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (S. 1905) granting an increase of pension to Lillian Capron;

A bill (S. 1906) granting an increase of pension to Agnes K. Capron;

A bill (S. 2942) granting an increase of pension to William Padgett; and

A joint resolution (S. R. 10) providing for the printing of 3,000 copies of House Document No. 141, relating to the preliminary examination of reservoir sites in Wyoming and Colorado.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1381) granting an increase of pension to J. J. Angel;

A bill (H. R. 1737) granting a pension to Cora I. Cromwell;

A bill (H. R. 1801) granting an increase of pension to Elijah Biddle;

A bill (H. R. 1943) granting an increase of pension to Simon Price;

A bill (H. R. 2331) granting an increase of pension to Festus Dickinson;

A bill (H. R. 3224) granting an increase of pension to Jeremiah B. Moore;

A bill (H. R. 3655) granting a pension to Margaret Burns;

A bill (H. R. 4368) granting a pension to Flora B. Hinds;

A bill (H. R. 4520) granting an increase of pension to George H. French;

A bill (H. R. 7624) granting an increase of pension to Pleasant H. McBride;

A bill (H. R. 8830) granting an increase of pension to William F. Boyakin;

A bill (H. R. 9574) granting an increase of pension to Catharine A. Brown;

A bill (H. R. 10665) to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory; and

A joint resolution (H. J. Res. 198) providing for the printing and distribution of the general report of the expedition of the steamer *Fishhawk* to Porto Rico, including the chapter relating to the fish and fisheries of Porto Rico as contained in the Fish Commission Bulletin for 1900.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 4696) granting an increase of pension to Ruthrer W Houton; and

A bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Woman's Christian Temperance Union of New Brighton, Pa., praying for the enactment of legislation to prohibit the sale of beer, wine, or other intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Worcester, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Hawaii; which was ordered to lie on the table.

He also presented a petition of Local Union No. 420, Carpenters and Joiners, of Webb City, Mo., praying that all the remaining public lands be held for the benefit of the whole people and that no grants of the title to any of these lands be made to any but actual settlers and home builders thereon; which was referred to the Committee on Public Lands.

Mr. FOSTER presented a petition of sundry druggists of Ritzville, Wash., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Chehalis, Wash., remonstrating against the enactment of legislation increasing the number of hours in which cattle may be kept in transportation from one State to another; which was referred to the Committee on Interstate Commerce.

Mr. WARREN presented a memorial of the Central Labor Council of Cincinnati, Ohio, and a memorial of the Burlington Trades Council of Cincinnati, Ohio, remonstrating against the enactment of legislation placing a tax upon oleomargarine and other kindred dairy products; which were referred to the Committee on Agriculture and Forestry.

Mr. TALIAFERRO presented memorials of the Orange County Bar Association, the Valusia County Bar Association, the Hamilton County Bar Association, and the St. Johns County Bar Association, all in the State of Florida, remonstrating against the enactment of legislation to change the United States judicial districts in that State; which were referred to the Committee on the Judiciary.

Mr. McMILLAN presented a petition of the Luce & Skinner Company, of Kalamazoo, Mich., praying for the construction of a new fireproof Patent Office building; which was referred to the Committee on Public Buildings and Grounds.

Mr. NELSON presented a petition of the Epworth League of the First Methodist Episcopal Church of Minneapolis, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. HOAR presented memorials of Christine H. Lee and 27 other citizens of Boston, Mass.; Margaret L. Thacher and 5 other citizens of Cambridge, Mass.; C. L. Chellenger and 9 other citizens of Colorado; J. K. P. Holt and 9 other citizens of Texas; Maria Freeman Gray and 59 other citizens of California, and of Dr. A. C. Whitman and 50 other citizens of Maine, remonstrating against any extension of the sovereignty of the United States over the Philippine Islands in any event, and over any other foreign territory without the free consent of the people thereof; which were referred to the Committee on the Philippines.

Mr. CLARK of Wyoming presented a petition of sundry conductors on the Union Pacific Railroad in Wyoming, praying for the passage of the so-called initiative and referendum bill; which was referred to the Committee on the Judiciary.

Mr. THURSTON presented a petition of 90 citizens of Hansen, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and in all Government buildings; which was referred to the Committee on Military Affairs.

He also presented petitions of the Woman's Christian Temperance Union of Hastings; the congregation of the First Baptist Church of Hastings; the Presbyterian Woman's Missionary Society of Hastings, and of the congregation of the First Congregational Church of Hastings, all in the State of Nebraska, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were ordered to lie on the table.

Mr. DANIEL presented a petition of the Young Woman's Christian Temperance Union of Wrights Chapel, Caroline County, Va., and a petition of the Rehobeth Young Woman's Christian Temperance Union, of Caroline County, Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 10449) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes, to report it with amendments, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HALE. I ask that the customary order take place, that the formal reading of the bill be dispensed with and that the amendments of the committee be considered as they are reached in the reading.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with and that the committee amendments be first considered. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was to insert, after line 4, on page 3:

TREASURY DEPARTMENT.

For stationery for the Treasury Department and its several bureaus, $7,000.

The next amendment was to insert after the preceding amendment:

ENGRAVING AND PRINTING.

For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees, other than plate printers and plate printers' assistants, $60,942.90, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired.

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants at $1.25 a day each when employed, $91,399.25, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired.

For engravers' and printers' materials and other materials, except distinctive paper, and for miscellaneous expenses, $61,253.

The amendment was agreed to.

The next amendment was to insert at the top of page 4:

PUBLIC PRINTING AND BINDING.

For printing and binding for the Treasury Department, $60,000.

The amendment was agreed to.

The next amendment was to insert on page 4, after line 3:

For printing and binding for the Department of the Interior, $43,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3937) to amend an act entitled "An act to regulate in the District of Columbia the disposal of certain refuse, and for other purposes," approved January 25, 1898, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2076) granting an increase of pension to Horace N. Brackett; and

A bill (H. R. 7535) granting an increase of pension to Clare H. Burleigh.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 8079) granting a pension to Bertha M. Jordan, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8582) making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901, reported it with amendments.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2237) setting apart certain public grounds in the city of Washington for the use of the National Society of the Daughters of the American Revolution for the erection of a memorial building, reported it without amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1290) to provide for the erection of a public building at San Francisco, in the State of California, reported it with amendments, and submitted a report thereon.

Mr. SULLIVAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3918) providing for the erection of engine house and the purchase of a chemical engine at Congress Heights, D. C., reported it with amendments, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Commerce, reported an amendment proposing to appropriate $15,000 for the construction, maintenance, and operation of telegraph and telephone lines between Glen Haven, Mich., and Manitou Island, Lake Michigan, and for the establishment and maintenance of wind-signal display stations at those points, intended to be proposed to the Agricultural appropriation bill, and moved that it be referred to the Committee on Agriculture and Forestry and, with the accompanying papers, printed; which was agreed to.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2610) to authorize the purchase of the property known as the Corcoran Art Gallery in the city of Washington, D. C., reported it with amendments, and submitted a report thereon.

GARFIELD HOSPITAL.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom the subject was referred, to report a joint resolution for the relief of Garfield Hospital, and I ask unanimous consent for its immediate consideration.

The joint resolution (S. R. 114) for relief of Garfield Hospital was read the first time by its title and the second time at length, as follows:

Resolved, etc., That $1,000 is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated and out of the revenues of the District of Columbia, in equal parts, for the maintenance of the isolating ward for minor contagious diseases at Garfield Memorial Hospital for the remainder of the fiscal year ending June 30, 1900.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRIAL OF OFFENSES AGAINST THE UNITED STATES.

Mr. HOAR. I am directed by the Committee on Judiciary, to whom was referred the bill (S. 4190) to provide for the removal to the proper district for trial of persons indicted for offenses against the United States, to report it favorably with amendments. I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments reported by the Committee on the Judiciary were: In line 4, after the word "any," to insert "judicial;" in the same line, after the word "district," to insert "or in any Territory or the District of Columbia:" in line 5, after the word "other," to insert "judicial;" in the same line, after the word "district," to insert "or in any Territory or the District of Columbia;" in line 6, after the word "district," to insert "or Territory or the District of Columbia;" in line 9, after the word "of," to strike out "the" and insert "a:" in the same line, after the words "United States," to strike out "or a United States commissioner" and insert "court;" in line 10, after the word "the," to insert "judicial;" in the same line, after the word "district," to insert "or to a judge or justice of the highest court of the Territory or of the District of Columbia;" in line 12, after the word "judge," to insert "or;" in the same line, after the word "justice," to strike out "or commissioner;" in line 13, after the word "the" where it first occurs, to insert "judicial;" in the same line, after the word "district," to insert "or Territory or District of Columbia;" on page 2, line 2, after the word "judge," to insert "or;" in the same line, after the word "justice," to strike out "or commissioner;" in line 4, after the word "the" where it occurs the third time, to insert "judicial;" in line 5, after the word "district," to insert "or Territory or the District of Columbia;" in line 7, after the word "judge," to insert "or," and in the same line, after the word "justice," to strike out "or commissioner;" so as to make the bill read:

Be it enacted, etc., That where any person indicted for any crime or offense against the United States in any judicial district, or in any Territory or the District of Columbia, shall be or be found in any other judicial district or in any Territory or the District of Columbia, it shall be lawful, and it is hereby made the duty of the district attorney of the district or Territory or the District of Columbia in which such indictment is found, to deliver, or cause to be delivered, a copy of such indictment, certified by the clerk of the court in which the same is pending, to a judge or justice of a United States court in the judicial district or to a judge or justice of the highest court of the Territory or of the District of Columbia where such indicted person is or may be found; and thereupon it shall be the duty of such judge or justice to issue to the United States marshal of the judicial district or Territory or District of Columbia a warrant for the arrest of the person named in the indictment, and upon the return of the warrant with the body of the person so named, the judge or justice shall, upon being satisfied that the person arrested is the person indicted, make an order to the marshal directing the removal of such person to the judicial district or Territory or the District of Columbia wherein the indictment is pending, and it shall be the duty of the marshal to execute such order. In bailable cases the judge or justice before

whom such proceedings are had may admit the defendant to bail for his appearance at the court to which he is held to answer the indictment.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD GOTTFRIED.

Mr. DAVIS. I am instructed by the Committee on Foreign Relations, to whom was referred the resolution submitted by the Senator from Pennsylvania [Mr. PENROSE] on the 4th instant, to report it favorably with an amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate proceeded to consider the resolution. The amendment reported by the Committee on Foreign Relations was, in line 7, after the word "memorial," to insert "and also copies of all correspondence between this Government and that of Peru and of any opinions or decisions of the Department of State."

Mr. COCKRELL. Now let the resolutions be read as proposed to be amended.

The PRESIDENT pro tempore. The resolution as proposed to be amended will be read.

The Secretary read as follows:

Resolved, That the Secretary of State be directed to send to the Senate a copy of the memorial of Edward Gottfried, a citizen of Wilkesbarre, Luzerne County, Pa., and late a consular agent of the United States of America at Trujillo, Peru, sworn to March 21, 1900, now on file in the State Department, together with all papers, letters, and exhibits attached to said memorial, and also copies of all correspondence between this Government and that of Peru, and of any opinions or decisions of the Department of State in connection with the action of a party of Peruvian revolutionists against the constitutional Government of Peru on and after August 28, 1898, the memorialist at the time being consular agent of the United States in Peru, the wrongdoers perpetrating, it is alleged, depredations on his property and injuries and indignities upon his person in violation of treaty rights.

The amendment was agreed to.

The resolution as amended was agreed to.

SAMUEL DORNON.

Mr. GALLINGER. I move that the bill (S. 3342) granting an increase of pension to Samuel Dornon be recommitted to the Committee on Pensions.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 4208) for the relief of George K. Bowen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4209) granting a pension to Mary Sanders; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BAKER introduced a bill (S. 4210) for the relief of John S. Crites; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4211) for the relief of C. B. E. Hawkins, alias Charles Haken; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4212) granting a pension to James M. Muck; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4213) granting an increase of pension to Samuel G. H. Whitley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 4214) granting an appropriation to the trustees of the Woman's National Industrial Exhibit, of the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4215) granting a pension to Belle Pean; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 4216) granting an increase of pension to Francis M. Porter; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4217) for the relief of J. C. Brooks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 4218) for the relief of Capt. Sidney F. Shaw; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WOLCOTT introduced a bill (S. 4219) for the relief of Lewis B. Brasher; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4220) granting an increase of pension to Edward J. Palmer;

A bill (S. 4221) granting a pension to John E. Clark (with accompanying papers);

A bill (S. 4222) granting an increase of pension to Charles A. Wyeth;

A bill (S. 4223) granting a pension to Henry Knodt (with accompany paper); and

A bill (S. 4224) granting an increase of pension to William H. Morgan (with accompanying papers).

Mr. SHOUP introduced a bill (S. 4225) for increasing the efficiency of the Signal Corps of the Army of the United States; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CARTER introduced a bill (S. 4226) to amend an act entitled "An act to authorize the construction of a bridge across the Yellowstone River, in the county of Dawson, State of Montana; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FAIRBANKS introduced a bill (S. 4227) for the purchase of a site for a hall of records; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4228) granting a pension to Mary E. Reynolds; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 4229) to amend an act entitled "An act to amend an act to prohibit the passage of local or special laws in the Territories, to limit Territorial indebtedness, and so forth;" which was read twice by its title, and referred to the Committee on Territories.

Mr. MONEY introduced a bill (S. 4230) for the relief of the estate of Thomas J. Gibson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. LINDSAY introduced a bill (S. 4231) granting a pension to Elizabeth King; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 4232) to invest the Washington Humane Society with the care, control, and management of the pound in and for the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. THURSTON introduced a bill (S. 4233) to limit the meaning of the word "conspiracy" and also the use of "restraining orders and injunctions" as applied to disputes between employers and employees in the District of Columbia and Territories, or engaged in commerce between the several States, District of Columbia, and Territories, and with foreign nations; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4234) granting an increase of pension to George W. Howard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 4235) for the relief of B. D. M. Jones; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also (by request) introduced a bill (S. 4236) for the relief of the trustees of Braddock Street Methodist Episcopal Church, of Winchester, Va.; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. FORAKER submitted an amendment proposing to appropriate $276,880 for clerical help and messenger service in the War Department, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

COMPLAINTS BEFORE INTERSTATE COMMERCE COMMISSION.

Mr. ELKINS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Interstate Commerce Commission be, and hereby is, directed to furnish to the Senate, as soon as practicable, the following facts and information:

First. The number of complaints of every sort and description which have been made to it against railroad companies each year during the last three years, the number of such complaints which have been disposed of informally by the commission without any formal hearing and determination each year during the last three years, and the number of such complaints which have come to a formal hearing and determination by the commission each year during the last three years.

Second. The total number of cases heard and determined by the commission during the last ten years, the number of such cases which have been appealed to the courts, the number of such cases in which the decisions of the commission have been sustained, the number of such cases in which the decisions of the commission have been reversed, and the number of such cases which have not been adjudicated.

EXPENSES OF THE PHILIPPINE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Philippines, and ordered to be printed.

To the Senate:

In response to a resolution of the Senate of March 23, 1900, reading as follows:

"*Resolved*, That the President be, and he is hereby, requested, if not incompatible with the public interest, to send to the Senate an itemized statement of the expenses of the Philippine Commission, together with a statement of the amount paid to each commissioner for his services and individual expenses."

I transmit herewith a report of the Secretary of State, with an accompanying statement, and have the honor to invite the attention of the Congress to the recommendation therein made as to the payment of the naval and military commissioners.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *April 16, 1900.*

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 12th instant approved and signed the act (S. 2679) declaring certain trestles of the Washington County Railroad Company to be lawful structures.

INTERNATIONAL UNION OF AMERICAN REPUBLICS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

In my message to Congress of December 5, 1899, referring to the insured maintenance for another period of ten years of the International Union of American Republics, I stated that "in view of this fact and of the numerous questions of general interest and common benefit to all of the Republics of America, some of which were considered by the first International American Conference, but not finally settled, and others which have since then grown to importance, it would seem expedient that the various Republics constituting the Union should be invited to hold at an early date another conference in the capital of one of the countries other than the United States, which has already enjoyed this honor."

Since then the Secretary of State has informed the governments of the various republics of this continent of our wish to see another conference convened, and has received formal favorable replies from some of them in response to my suggestion, and an expression of their willingness to send delegates to a second conference. From a majority of the other republics this Government has received oral assurances of a similar tenor, so that at the present time the recommendation made in my message is assured of the approval of the American republics.

In view of these facts and of the desirability that should the conference be called at an early date the expenses of the delegation to be sent by the United States may be provided for, I recommend to the urgent consideration of the Congress that it appropriate from any funds in the public Treasury not otherwise appropriated, to be made immediately available, the sum of $25,000, or so much thereof as may be necessary, to meet the actual and necessary expenses of the delegates to the conference and of their salaried clerical assistants, said fund to be at the discretion of the Secretary of State.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *April 16, 1900.*

LILLIAN CAPRON.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1905) granting an increase of pension to Lillian Capron, which was, in line 8, to strike out "forty" and insert "thirty."

Mr. GALLINGER. I move that the Senate nonconcur in the amendment of the House of Representatives and request a conference with the House on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SHOUP, and Mr. LINDSAY were appointed.

AGNES K. CAPRON.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1906) granting an increase of pension to Agnes K. Capron, which was, in line 8, to strike out "forty" and insert "twenty-five."

Mr. GALLINGER. I move that the Senate disagree to the amendment made by the House of Representatives and request a conference with the House on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SHOUP, and Mr. LINDSAY were appointed.

WILLIAM PADGETT.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2942) granting an increase of pension to William Padgett, which was, in line 8, to strike out "thirty" and insert "twenty."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1381) granting an increase of pension to J. J. Angel;

A bill (H. R. 1737) granting a pension to Cora I. Cromwell;

A bill (H. R. 1801) granting an increase of pension to Elijah Biddle;

A bill (H. R. 1943) granting an increase of pension to Simon Price;

A bill (H. R. 2331) granting an increase of pension to Festus Dickinson;

A bill (H. R. 3224) granting an increase of pension to Jeremiah B. Moore;

A bill (H. R. 3655) granting a pension to Margaret Burns;

A bill (H. R. 4368) granting a pension to Flora B. Hinds;

A bill (H. R. 4520) granting an increase of pension to George H. French;

A bill (H. R. 7624) granting an increase of pension to Pleasant H. McBride;

A bill (H. R. 8830) granting an increase of pension to William F. Boyakin; and

A bill (H. R. 9574) granting an increase of pension to Catharine A. Brown.

The bill (H. R. 10665) to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory was read twice by its title, and referred to the Committee on Indian Affairs.

The joint resolution (H. J. Res. 198) providing for the printing and distribution of the general report of the expedition of the steamer *Fishhawk* to Porto Rico, including the chapter relating to the fish and fisheries of Porto Rico, as contained in the Fish Commission Bulletin for 1900, was read twice by its title, and referred to the Committee on Printing.

CIVIL GOVERNMENT FOR ALASKA.

The PRESIDENT pro tempore. If there be no further concurrent or other resolutions, the morning business is closed, and the Chair lays before the Senate the resolution reported by the Senator from Tennessee [Mr. TURLEY] from the Committee on Privileges and Elections January 23, 1900, which will be read.

The Secretary read as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. CARTER. I ask that that resolution be informally laid aside, and that the Senate proceed to the consideration of Senate bill 3419, known as the Alaskan bill.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the resolution which has been read be informally laid aside, and that the Senate proceed to the consideration of the Alaskan bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

Mr. CARTER. Mr. President, during the consideration of this bill on Saturday I gave notice that, if a full attendance of the Senate was present this morning, I would ask unanimous consent to fix the time for a final vote on this bill and all amendments pending at the time agreed upon.

Mr. STEWART. I object for the present. We can not fix the time until we get a little further along with some of the amendments.

Mr. CARTER. Very well.

The PRESIDENT pro tempore. The pending question is on the amendment of the Senator from Nevada [Mr. STEWART] to the amendment previously offered by the Senator from Montana [Mr. CARTER].

Mr. PLATT of Connecticut. Let it be read.

The PRESIDENT pro tempore. The amendment offered by the Senator from Nevada [Mr. STEWART] as a substitute for the amendment of the Senator from Montana [Mr. CARTER] will be read.

Mr. CARTER. Mr. President, the amendment which had been previously agreed to has been formally reconsidered for the purpose of permitting the Senator from Nevada to present his amendment; and I presume that, if his amendment is defeated, the other will be reinstated in its former position.

Mr. WOLCOTT. I should like to have the amendment read, Mr. President.

The PRESIDENT pro tempore. The amendment of the Senator from Nevada [Mr. STEWART] will be stated.

The SECRETARY. At the end of section 26, on page 23, it is proposed to insert:

Provided further, That, subject only to such general limitations as may be necessary to exempt navigation from artificial obstructions, all land and shoal water above low tide on the shores, bays, and inlets of Bering Sea, within the jurisdiction of the United States, shall be subject to exploration for gold and other precious metals by citizens of the United States, or persons who have legally declared their intentions to become such, under such reasonable rules and regulations as the miners in organized districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law: *Provided further*, That the rules and regulations established by the miners shall be in conformity with the mining laws of the United States, and all permits heretofore or hereafter granted authorizing any person or persons, corporation or company to excavate or mine under any of said waters are limited to lands below low tide: *And provided further*, That the reservation of a roadway 60 feet wide, under the tenth section of the act of May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes," shall not apply to mineral lands or town sites.

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

Mr. PLATT of Connecticut. I should like to hear the provision for which this is proposed as a substitute read.

The PRESIDENT pro tempore. The Secretary will state the

amendment submitted by the Senator from Montana [Mr. CARTER], which was previously adopted and then reconsidered so that the Senator from Nevada [Mr. STEWART] might offer his amendment to it.

The SECRETARY. On page 23, at the end of section 26, insert the following:

Provided further, That, subject only to such general limitations as may be necessary to exempt navigation from artificial obstructions, all land and shoal water below mean high tide on the shores, bays, and inlets of Bering Sea, within the jurisdiction of the United States, shall be subject to exploration for gold and other precious metals by citizens of the United States, or persons who have legally declared their intentions to become such, under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law: *Provided further*, That the rules and regulations established by the miners shall not be in conflict with the mining laws of the United States; and all permits heretofore granted authorizing any person or persons, corporation, or company to excavate or mine under any of said waters are hereby revoked and declared null and void.

BIG SANDY RIVER BRIDGE.

Mr. ELKINS. I ask the Senator from Montana in charge of the pending bill to permit me to call up a bill which has been unanimously reported by the Committee on Commerce. It is Senate bill 4051, a short bill; and it is approved by the War Department.

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from West Virginia?

Mr. CARTER. I will yield providing the bill does not lead to debate.

Mr. ELKINS. I think it will not lead to debate.

The PRESIDENT pro tempore. The Senator from West Virginia asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate, subject to objection.

The bill (S. 4051) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky., was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, in line 11, section 7, page 4, before the word "railway," to strike out "street;" so as to read:

SEC. 7. That all railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto, upon payment of a reasonable compensation for such use.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nevada.

Mr. BACON. As I understand, the last amendment read is the one that was previously adopted by the Senate.

The PRESIDENT pro tempore. It is the one previously adopted.

Mr. BACON. It was offered by the Senator from Montana.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nevada.

Mr. WOLCOTT. Mr. President, of course the Senate understands that the effect of this amendment is to give the Secretary of War exclusive jurisdiction to grant all permits outside low-water mark at Cape Nome, of such dimensions and extent of privilege as he may see fit, so that he may grant miles square, if he desires, to anybody, and may refuse one and grant another. We should understand that it will be something pretty anomalous in our laws if such an amendment is to be adopted, and I hope we may have some discussion upon it before it is adopted.

Mr. DANIEL. Permits for what purpose?

Mr. WOLCOTT. For mining. The Senator from Virginia understands that the Secretary of War has no more authority to grant a permit for mining than has the Senator from Virginia as an individual—not the slightest—but because the law charges the War Department with the duty of protecting the harbors of the United States from being filled up or injured by improvident dredging or by other acts calculated to destroy the navigable channels or otherwise to interfere with navigation, this right is to be given him. All these permits from the War Department were simply to avoid the appearance of violation of the law. Although this is not a roadstead where navigation is in the slightest degree affected by the acts of miners, yet it was deemed wise, and properly so, that the Secretary of War should say to each comer, "Yes, you may dredge there, and you will not be prosecuted, because you are not interfering with the roadstead or with a navigable stream." Thereupon these permits were given—as to size, some being so many hundred feet and some so many miles. The Secretary of War made a very admirable report, in which he said every responsible man was given a permit to mine; but now, under this amendment, it could be claimed with propriety, because it will be sanctioned by legislative action, that the right exists in the Secretary of War to grant permits of varying sizes, dimensions, and terms of tenure for mining outside of the low-water mark. It is either open to the whole world, or else it should be put in some Department of this Government that deals with the question of the extraction of precious metals from soil over which we have any control. I merely want the Senate to understand it; that is all.

Mr. BACON. Mr. President, I quite agree with the Senator from Colorado. Either the amendment offered by himself or that offered by the Senator from Montana on a previous occasion ought to be the law and not the amendment which is now offered by the Senator from Nevada.

The Senator from Colorado, the Senate will remember, offered an amendment which provided for the Interior Department having jurisdiction of this matter, and the Senator from Montana offered an amendment which left it practically in the control of such regulations as might be made by miners upon the ground. Either one of those would have been a fair and practical and judicious method by which the matter could have been regulated by the Government. The Senate saw fit to choose the amendment offered by the Senator from Montana. I do not think it would have gone very far astray if it had taken either the one or the other. Each was a well-matured plan and each would have been a plan under which there could have been an impartial enjoyment of these mining rights by the public in general.

Mr. President, I was present Saturday when the unanimous consent was given for the reconsideration of the amendment of the Senator from Montana, which had been adopted after a very full discussion and a very full understanding by the Senate. I desire to repeat what I said then after the unanimous consent had been given, that if I had understood what was the particular amendment for which application was then made for unanimous consent for reconsideration, I should certainly have objected. The amendment having been adopted, it ought not to have been reconsidered without further consideration, in which the Senate should have been advised of the reasons.

As I understand the purpose of the amendment offered by the Senator from Nevada, it is this, that so far as concerns lands above low mean tide the amendment offered by the Senator from Montana would have been practically in force, but that as to all below mean low tide there shall be this arbitrary and absolute power on the part of the Secretary of War to say who shall mine and who shall not. I can not conceive that there can be any possible defense for such a proposition. The only argument I understood the Senator from Nevada on Saturday to advance why there should be this regulation by the miners above low water and why they should not have the power to regulate below low water was, as stated by him, that below low water they could not set up monuments which would show where the different lines of demarcation were. If that argument applies to the lines set up by miners, it would certainly also apply to the lines which might be prescribed by the Secretary of War, and I can not see why there should be the reason in the one case which would not apply in the other.

Mr. STEWART. Will the Senator from Georgia allow me to interrupt him?

Mr. BACON. I yield with pleasure.

Mr. STEWART. I wish to modify my amendment.

Mr. BACON. I yield to the Senator from Nevada.

Mr. STEWART. After the word "tide," in line 4 on page 2 of my amendment, I propose to insert the following:

No such permits shall exceed the area of placer claims under the mining laws.

Mr. BACON. I do not desire to detain the Senate. What I was particularly anxious to accomplish was simply that the Senate might be reminded of the fact that the amendment which it is sought to displace is the one which was adopted the other day after full debate, and I wish further to say that if that amendment is to be displaced at all I should very much prefer that it should be displaced by the amendment which had previously been offered by the Senator from Colorado rather than by the one which is offered by the Senator from Nevada.

Mr. WOLCOTT. I can say to the Senator from Georgia that the differences between the Senator from Montana and myself upon the amendment which we discussed at some length the other day were such differences as might naturally arise upon a view of the question by men accustomed to deal with mining litigation. It was the opinion of the Senator from Montana, borne out by the history of the early mining districts in the United States, that, subject to existing law as to the size of claims and as to the annual work necessary to be done before claims could be patented, the intelligent miners upon the ground were the people best fitted

to determine the rules and regulations as to the tenure of their claims.

Perhaps there are members of the Senate who may not fully understand to what extent this is done by the miners. For instance, the law as to lode claims now existing in the United States makes no provision as to the amount of development that shall be done within an area authorized by law to expose the lode, and the rules and customs of miners in the absence of State legislation prevails. In Colorado, for instance, a lode must be developed by a shaft 10 feet deep, which shall disclose the ore in rock in place. The law authorizes mining claims to be 1,500 feet in length by 600 feet in width, but permits the local laws and customs and the legislature of the State, within that provision, to limit them. Whereupon the State of Colorado limits in certain counties of the State mining claims to 1,500 feet in length by 300 feet in width, and in three of the counties of the State it limits the width of a mining claim to 50 feet of surface ground. So whatever is done by local laws and miners' customs is in limitation and not in enlargement of the Federal statute.

Therefore it seemed to me, in view of the fact that this is a new industry, involving a great outlay, requiring skilled knowledge, perhaps requiring aquatic knowledge as against land knowledge on the part of those who enter upon the waters of the sea to mine, and in view of the certainty of great litigation that must eventually ensue in any event if these fields shall prove to be rich, that it was wiser for the interests of those in this country who might send machinery and plants to that western country that before they went they should know that there were certain general rules and regulations which the Interior Department would apply to this anomalous and new sort of mining that would extend to the whole of Cape Nome.

It seemed to me it would be more conservative and would give miners and investors a better knowledge of what they might encounter, because it is true that along Cape Nome, which extends many miles, there may be twenty different mining districts, and one may say, "You must work your claim so constantly or expend so much money upon it, or you forfeit it; you must observe certain rules and regulations." And a mining district 10 miles beyond, and also upon the cape, may say, "The miners in this district need not do this," or must submit to other rules and regulations. The man here who one or two years before he does any mining has to buy perhaps from five to fifty thousand dollars' worth of machinery to take out there ought to have some general knowledge. This differs absolutely from the mining districts in the United States, where miners can make reasonable rules and regulations based upon long practice and experience. So it was thought wisest in the first instance for the Secretary to declare such rules and regulations.

The Senator from Montana and I differed as to that. It was a difference that any two mining lawyers might well encounter in consideration of the question. The Senator from Montana now informs me that he will accept, as an amendment to his amendment as adopted, something which to my mind covers the ground entirely. I am not dissatisfied with his amendment as it stands, except that I think it will work hardship upon people who start from here and need plants before they can enter upon the work. He offers to accept an amendment to this amendment. The amendment as adopted the other day is as follows:

That the rules and regulations established by the miners shall not be in conflict with the mining laws of the United States; and all permits heretofore granted authorizing any person or persons, corporation, or company to excavate or mine under any of said waters are hereby revoked and declared null and void.

The Senator from Montana suggests an amendment which seems to me to cover even the objection I made, which may or may not have been hypercritical, to add certain words at the end of line 13, so that it will read:

Provided further, That the rules and regulations established by the miners shall—

Then insert—

be subject to such general rules as the Secretary may prescribe and shall not be in conflict with the mining laws of the United States.

That gives the Secretary of the Interior a general supervision over the whole district, so that the miners' rules and regulations shall not hamper unduly or be applicable to one district and not to another, and so people who go there, 8,000 miles, to do their mining may have some general idea in advance of what general rules and regulations they may be required to encounter. That is the amendment which the Senator from Montana suggests to me he is willing to accept if it shall be the sense of the Senate to adopt it.

Mr. RAWLINS. Mr. President, this is an interesting and important subject, especially to the miners. I was not present last week when this matter was under consideration. The sole difference, substantially, between the Senator from Montana and the Senator from Colorado seems to be whether these rules ought to be promulgated by the Secretary of the Interior or left entirely to the adoption and promulgation of the miners who may go to Alaska.

Mr. President, the rules which the miners make or the rules which the Secretary of the Interior may make, provided the view of the Senator from Colorado is adopted, it seems to me can not very much affect the interests of people who may desire here in this country to invest in machinery for the purpose of taking it to Alaska to engage in mining, for this reason: For instance, if it is a placer claim, the dimensions of that claim, say 20 acres, are defined by law. The rules that the miners may prescribe, which must not be inconsistent with the mining laws of the United States, relate only to the amount of work which shall be done, possibly to the marking of the claims by the posting of notices, filing of plats, or the erection of monuments, as the case may be.

Now, none of these things which will be prescribed by the miners, although they may differ in detail, one set of miners' regulations in one district differing from those in another, can affect one way or another any company or any person desiring to make an investment or to engage in mining in Alaska, for this reason: For instance, a claim is initiated by the filing and recording of a notice, and requiring so much work to be done within a certain time after the claim is initiated; and the marking of boundaries in one way or another. Any company proposing to invest will not do so until it has first established a right to the ground.

Mr. WOLCOTT. May I interrupt the Senator to enlarge, perhaps, a little that he may understand me as to the suggestion I made?

Mr. RAWLINS. Yes.

Mr. WOLCOTT. There is no trouble at all about the rules and regulations above high-water mark. That is all right. That shall be exactly as the mining law is. Below high-water mark, and upon so much of the soil as is twice a day covered by water, there are different discoveries and appliances and inventions intended to extract the gold from these places. They include boats, shallow boats, which shall dredge, take the soil in the boat itself, land it, and wash it upon shore. There are other inventions, which provide an endless chain in connection with some floating apparatus which shall raise the earth and send it to the mainland, where it shall be washed. There are also schemes now being carried out, where from the surface tunnels are driven under the waters of the sea along the auriferous bearing stratum that is supposed to have the pay dirt in largest quantity.

We are all arguing 8,000 miles away, but it may be that between those mining upon the land and those mining upon the water friction will arise as to the rights of the soil, as to easements which those mining at sea might have upon the land. I can well understand, and so can the Senator from Utah, that differences might arise between the two classes of mining, which are more radically different than lode and placer mining, because new and anomalous conditions arise. Under these circumstances it might help, not the investor so much as the miner himself, to have known rules, as if the Senator or I were to go to Cape Nome and take our kit and outfit with us. If we had ideas as to how we could mine under water, on lands covered by water part of the time, it would be to our advantage if there could be some general rules and regulations prescribed by the Interior Department. That is the whole reason for the amendment which the Senator from Montana says he will accept, and which I think important, but not vital.

Mr. RAWLINS. If I understand the point which is suggested by the Senator from Colorado, it is that mining in Alaska under water may differ somewhat from the ordinary conditions of mining as it exists upon land in this and other countries and that there ought to be rules, general in character, prescribed here in advance relating to certain easements, perhaps, pertaining to the shore. Of course, already we have in our mining laws means by which miners can acquire rights or easements for transportation of water and things of that kind. I suppose that under the code which is being adopted and under the laws in force and which have been extended or which will be extended to Alaska similar rights will apply to that country.

I do not know and I am not prepared to say whether those laws will be sufficient to secure all of the rights that the miner may need, operating under water, below high tide, for access to the shore. But, Mr. President, the only point I desire to make in this connection is not in antagonism to some reasonable rules in that regard. They ought to be provided, undoubtedly, by the miners or by legislation of Congress, or by the authority of the Secretary of the Interior, so that there shall be no conflict. Ordinarily the miners themselves, recognizing their common interest, the general interest, have been reasonable enough. They have been intelligent, educated men. They desire to promote the general interest of miners. That is their general interest, and they appreciate it. Ordinarily they adapt themselves to actual conditions. The miners upon the ground, mining engineers who go there, the advice of the attorneys who devote attention to that special condition will for the time being, in my judgment, provide rules which will better subserve all the interests of all the miners

under all conditions there than will be adopted here by the Secretary of the Interior or could be adopted by us, even those who are here familiar with mining, now in advance of the actual necessities as they may develop in that country. So it seems to me that at present the safe and proper thing to do is to leave this to the miners. By and by we will hear from them. If difficulties arise, they will make suggestions for the solutions of those difficulties.

Mr. President, as to the amendment of the Senator from Nevada, proposing to grant unrestricted authority to the Secretary of War to grant rights over mining ground below low tide in the ocean, I think that is a reversal and a departure from the entire policy of this Government in relation to mining rights. It is a step which ought not to be taken. The ground for it, as I understand it to be stated by the Senator from Nevada, is that the miners could not mark upon the ground the boundaries of their claims in making their locations; that is, where the land was be ow mean low tide. The miners will make regulations just as conducive to an accurate ascertainment of the boundaries of their claims as the Secretary of War can in granting any license or permit to mine. Undoubtedly when they frame their regulations they will prescribe that certain notices describing the boundaries of their claims shall be recorded, perhaps that monuments shall be placed upon shore in such way as to indicate fairly the boundaries of the claim located by the miner under the ocean.

Indeed, in this country, upon land, the Supreme Court of the United States has held, while the statute requires actual marking of the boundaries upon the land, that wherever there are physical difficulties rendering it impossible to designate the corners by actual monuments, it may be dispensed with. There is nothing in the mining laws of the United States, according to the decision of the Supreme Court of the United States, which precludes the doing of that thing which the Senator from Nevada, as I understand him, says renders the granting of this extraordinary authority to the Secretary of War necessary. For instance, in many cases in this country mining claims extend into the water or across rivers or upon an inaccessible mountain in such a way that it is impossible to designate or mark the boundaries actually upon the ground. Then the rule is that such reasonable designation of the boundaries as is possible under the physical circumstances will be allowed.

Mr. SCOTT. May I ask the Senator from Utah whether he is in favor of the amendment of the Senator from Montana or is opposing it?

Mr. RAWLINS. I am in favor of the adoption of the amendment of the Senator from Montana and am opposed to the adoption of the amendment offered by the Senator from Nevada.

Mr. QUARLES. Mr. President, I should like to call the attention of the Senator from Utah to certain facts which may not be within his knowledge. I suppose, sir, that everyone is anxious to have the bottom of that ocean explored if it be true that there are auriferous deposits there, and no one would wish to throw any obstacle in the way of its proper exploration. It is in the interest of everybody that it should be made.

The fact exists that a considerable number of miners who are familiar with the situation up there have interested capital and have started in the preparation of very expensive experimental machinery for the purpose of making this exploration. Some of them have progressed to the extent of having already invested a considerable sum of money. They propose to go up there this summer with that machinery and explore that bottom and determine what there is there and make a practical examination of the whole field. They naturally, before they risk this amount of money in the machinery and in the great cost of getting it there, desire to know whether they are to have any concession or any right to use their machinery. Therefore it was that application was made to the Secretary of War to give them, not a permit to mine, but to exempt them from the penalty that they might incur under the statute of the United States which was referred to here the other day. They looked upon that simply as indicating to them that when their machinery got there they would have some place to put it.

Now, since the amendment of my friend from Montana was adopted these people have abandoned their plans entirely, because they can see no rights that they have, no concession, no place. They have abandoned this entire scheme, and it will stop right here, if you insist upon putting the territory below low-water mark in the hands of miners to make new regulations over a new subject and await their sweet pleasure to do it. Of course common sagacity would dictate that course.

Therefore, Mr. President, it is to be desired that this machinery should have an opportunity to make these explorations there. I suggest it is a matter of very great importance that this legislation should be shaped in such a way as to give those men some assurance that when they get there with their machinery, they are going to be recognized and not be left to the fancy or whim of the miners on land, who have had no experience with this matter and whose interests may be thought hostile to the people who are operating the machinery.

For instance, it has come to the attention of some of the gentlemen who are building these machines that there will be a theory entertained by the beach workers there that the operation of machinery farther out in the water may destroy the supply of gold-bearing sand and gravel that they are working on upon the shore. If that idea should take possession of the minds of the land workers, they would be hostile to the exploration out in deep water. The Senator can see that. These people who are investing their money say, "If you leave us to the tender mercy of those people on shore, they will be hostile to us. We will take our machinery there, and it will simply have to go into the scrap heap, or we shall be obliged to submit to such terms as the miners on shore may impose upon us, which may be unreasonable; and we will not build any machinery upon that uncertainty."

Now, I do not understand that this amendment confers any new power upon the Secretary of War. It does not give him any additional power. It simply by inference recognizes what we all recognize, that he has general control of any possible obstruction to navigation in any roadstead, bay, harbor, river, etc. So we are not conferring any new power upon him at all; but his concession is deemed sufficient by the gentlemen who are preparing this machinery to warrant them in going up there, in feeling that they will be recognized and have an opportunity to use their machinery.

Mr. RAWLINS. Mr. President, the amendment proposed by the Senator from Nevada——

Mr. CARTER. If the Senator from Utah will permit an interruption, I will state at this point that I understand the Senator from Nevada is prepared to withdraw his amendment and accept the amendment as it stood in the bill at the time he presented his amendment, with a slight change, to which, I think, all Senators will readily give assent; and if he will now withdraw his amendment, I will offer it.

Mr. STEWART. Let the Senator read what he has to suggest.

Mr. TELLER. I should like to inquire of the Senator from Montana what he proposes to amend. Does he propose to amend his amendment?

Mr. STEWART. He proposes to amend the original amendment.

Mr. CARTER. I propose to amend the original amendment, at the end of line 13 of the amendment.

Mr. SPOONER. Which amendment?

Mr. STEWART. The amendment of the Senator from Montana.

Mr. CARTER. I propose to insert at the end of line 13:

Be subject to such general rules as the Secretary of the Interior may prescribe for mining below high tide, and shall.

So as to read:

And shall not be in conflict with the mining laws of the United States.

Mr. STEWART. My object was to make some provision so that we would have some certainty about it that they could mine below low tide. If the regulations of the Secretary of the Interior are confined to the beach and do not go generally to making laws, I have no objection to that amendment. It is necessary that there should be regulations in order to enable anybody to mine where the mining laws do not apply. I will withdraw my amendment if the Senator from Montana will amend his amendment as he has suggested. I ask leave to withdraw my amendment, if there is no objection.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Senator from Nevada asks permission to withdraw the amendment, which is now under consideration, proposed by him. The Chair hears no objection, and the amendment is withdrawn.

Mr. CARTER. In lieu of that amendment I offer what I send to the desk.

Mr. RAWLINS. Let the amendment be read.

The PRESIDING OFFICER. The Senator from Montana offers an amendment which will be read for the information of the Senate.

Mr. TELLER. Just read the amendment now proposed. I suppose it will not be necessary to read it all.

Mr. BATE. Read it all.

The SECRETARY. Insert at the end of line 13, after the word "shall," the words:

Be subject to such general rules as the Secretary of the Interior may prescribe for mining below high tide, and shall.

Mr. RAWLINS. Now read that part of it beginning with the proviso?

The Secretary read as follows:

Provided further, That the rules and regulations established by the miners shall be subject to such general rules as the Secretary of the Interior may prescribe for mining below high tide, and shall not be in conflict with the mining laws of the United States.

Mr. CARTER. There is likewise added to the amendment as previously offered that portion of the amendment of the Senator from Nevada which provides that the 60-foot road strip provided by another act shall not apply to mineral lands or town sites.

Mr. TELLER. You want to modify your amendment by adding that?

Mr. CARTER. By adding that.

The PRESIDING OFFICER. The modification will be stated.

The SECRETARY. Add the last proviso of the amendment presented by Mr. STEWART.

Mr. BERRY. To that part of it, when it is in order. I have an amendment to offer—to the provision relating to the reservation of the roadway.

Mr. TELLER. I wish the Senator from Montana would complete his amendment if he has not done so.

Mr. CARTER. The amendment is now completed.

Mr. TELLER. That is, it is now completed by adding the proviso which formed a part of the amendment of the Senator from Nevada [Mr. STEWART].

Mr. BERRY. Then my amendment to that would be in order.

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana has been read, to which the Senator from Arkansas offers an amendment to the amendment.

Mr. BERRY. At the end of that part relating to the reservation of the roadway I move to insert what I send to the desk.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The SECRETARY. It is proposed to insert the following:

It being the intention hereof that locations upon or claims to land within said reservation shall have originated only after the passage and taking effect of this act.

Mr. WOLCOTT. I should like to have it read again.

Mr. TELLER. In what line does that come?

Mr. SCOTT. Where does that come in?

Mr. BERRY. Immediately following that part of the amendment of the Senator from Nevada which relates to the reservation of the roadway.

Mr. WOLCOTT. I should like to have it read.

The PRESIDING OFFICER. The Secretary will again read the proposed amendment.

Mr. PETTUS. Where does the amendment come in?

The SECRETARY. The amendment of the Senator from Nevada attached to the amendment of the Senator from Montana reads:

That the reservation of a roadway 60 feet wide, under the tenth section of the act of May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes," shall not apply to mineral lands or town sites.

Then comes the amendment of the Senator from Arkansas:

It being the intention hereof that locations upon or claims to land within said reservation shall have originated only after the passage and taking effect of this act.

Mr. TELLER. Mr. President, I was not present when this bill was discussed, having been absent from the Senate for some days, and I am somewhat embarrassed by not knowing exactly in what condition the bill has been placed.

Mr. CARTER. With reference to this particular amendment, to relieve the Senator's embarrassment somewhat, I will explain it. The Senator from Nevada, desiring to secure consideration for his amendment, which would permit the Secretary of War to continue the issuance of permits for shallow-water mining below high tide, asked unanimous consent that the amendment previously adopted should be formally reconsidered.

Mr. TELLER. That was your amendment?

Mr. CARTER. That my amendment should be formally reconsidered. That action was taken. Thereupon the Senator's amendment was considered until such time as an agreement was reached on the amendment now pending, whereupon the Senator from Nevada withdrew his amendment, and the amendment now pending is the one originally offered by me, with the suggestion of the Senator from Indiana [Mr. FAIRBANKS] and the suggestion of the Senator from Colorado [Mr. WOLCOTT] embodied in the amendment, providing that the Secretary of the Interior might prescribe general rules and regulations, and the further addition of an amendment providing that the 60-foot roadway should not apply to mineral lands or town sites.

Mr. SCOTT. And the further amendment by the Senator from Nevada.

Mr. TELLER. It seems to be the sentiment of the Senate that land under the water is not capable of being taken under the existing law. I do not know what examination has been made and what authority there is for that position, but that does not strike me as a very sure thing. I do not know but that I may be mistaken about it, but it strikes me that these shallow waters—and they are shallow, many of them not being over 15 or 18 inches deep—are just as appropriate under the existing mining laws as the country above, provided they are not in the harbor or roadstead or a place excepted in the statute where there can be no such thing as excavation and filling.

Now, I think we have got to go a little slow with this legislation. I understand that two classes are laying claims to this ground. One class lay claim under what they insist is a permit from the Secretary of War, which does not seem to be much of a permit. I think it is as much a permit as it is possible for the Secretary to justify himself in granting, and perhaps even more. Others claim to have taken it up under existing law. If a miner has gone and staked out 1,500 feet by 600 feet, which is a placer claim, and staked it, which he can do without any great inconvenience, either with a boat or with a pair of waders, I think he has got a title to it, provided he follows it up by actual possession as required. In the absence of any law up there he is not obliged to sink a shaft or do any considerable amount of work on it. All he has got to do is to signify his intention to work it and follow it with the proper appropriation.

Mr. WOLCOTT. I should like to have my colleague go a little further, if he will. As I understand the contention practically arising here, there was a little doubt as to the ground between high and low water.

Mr. TELLER. That is the 60-foot strip?

Mr. WOLCOTT. No, the difference between high water and low water. Now, this amendment removes th[e] uncertainty and gives you the area. But where the Secretary [of] War has assumed to interfere has been outside of low-water ma[rk].

Mr. TELLER. I understand.

Mr. WOLCOTT. And as to that, I should like to understand whether my colleague thinks that by any possibility the existing mining law could be held to be applicable to the soil under the waters of the ocean after the 3-mile limit, outside of low-water mark? That is the question.

Mr. TELLER. It could not absolutely. It is not public land, I know, in the sense that we use the term public land, because it is not surveyed except down to the water edge. But there is a general permission to mine anywhere on the lands of the United States, surveyed or unsurveyed.

Mr. WOLCOTT. That is right.

Mr. TELLER. They are not confined to land that is surveyed.

Mr. WOLCOTT. I agree to that entirely.

Mr. DAVIS. It is territorial sovereignty.

Mr. TELLER. There is just as much sovereignty over those 3 miles as over 3 miles the other way.

Mr. SCOTT. And they can stake it?

Mr. TELLER. If it is of such character that they can comply with the law by staking it, indicating where the claim is, I can not understand why they can not take it; and I believe that will be held by the courts. I do not see why they can not take it, because all these laws are made for the purpose of encouraging the extraction of gold from the earth. At one time it was silver and gold, but now it is gold.

Mr. CARTER. If the Senator will permit an interruption at that point I will make a suggestion for his consideration. It has been held by the Supreme Court of the United States, and I think it may be accepted as the settled law, that what we understand to be the tide land is held in trust by the Government of the United States for the future State, and that these tide lands are not subject to disposition by the United States Government as a part of the public domain. That was held very distinctly in the Seattle tide-land cases. Now, many of the land laws providing that the public domain shall be opened to exploration and location under the law relating to mines and mining, would the term "public domain" extend to the tide lands not owned by the Government, but held in trust by it for the State?

The PRESIDING OFFICER. The Senator will suspend a moment while the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. LODGE. I ask that the unfinished business may be temporarily laid aside in order that the pending bill may be further considered.

The PRESIDING OFFICER. If there be no objection, such will be taken as the sense of the Senate. The Chair hears no objection.

Mr. TELLER. If the Government of the United States is holding these lands in trust, which I understand to some extent they are, by a general law, as well as by a special law, we can cover them and grant permits that they may be mined.

Mr. WOLCOTT. That is what this amendment does.

Mr. STEWART. That is what the amendment does.

Mr. TELLER. This amendment does that?

Mr. STEWART. Yes.

Mr. TELLER. Now, if they are in trust and the general law can not take effect on them because they are held in trust, you can not legislate for them by special act either.

Mr. WOLCOTT. I do not understand that the Supreme Court's decision was to the effect that general legislation would not take them out of that trust.

Mr. TELLER. It has been the policy of the Government of the

United States to hold the tide lands for the States. There is no obligation whatever on the Government to give them to the States, and general legislation which in its terms will include them will be perfectly legal and perfectly proper, in my judgment. The general statute concerning miners and mining in the Territories covers that ground, it seems to me, unless there is an exception.

Mr. CARTER. The right to locate a piece of land under the mining laws of the United States presupposes the right to perfect a title under the location.

Mr. TELLER. Very good, Mr. President.

Mr. CARTER. The location being the initiatory step, if, as held by the Supreme Court, the tide lands are held in trust by the Government, can the United States in the interim, holding the fee in trust for a future State, grant a fee-simple title under a mining location to any citizen?

Mr. TELLER. If they can not do it by the general law, they can not do it now as proposed. There is the trouble the Senator is met with.

Mr. STEWART. But they do not propose to give them. They propose to give them the right of occupancy temporarily.

Mr. TELLER. You do not propose to give them a fee simple under any circumstances. A mining claim does not carry with it a fee simple.

Mr. STEWART. With the right to perfect it.

Mr. TELLER. With the right to perfect it at some time, it may be; but the title is in the Government in the great majority of claims to-day in many sections of the country and not in the holder. You can find claims in this country that have been occupied for fifty years by men who never got a patent. In 1865 the Government of the United States by statute—and that was the first mining statute ever enacted that applied to our Western country (there was in the early day one that was intended to apply to lead mines, but this was the first that applied to our Western country)—provided that it should be no defense, when two parties got into a controversy about a claim, that the title was in the United States. That statute was passed in February, 1865. Then came the statute of 1866, which was general in its terms.

I do not think there is any question about our right to grant a fee here if we see fit. In the first place, there is an assumption that this country is to be a State. There is no such assumption as that to be indulged in. It probably will not be a State for the next hundred years; certainly not unless this mining condition should be a permanent one, which nobody expects, for up to the present time they have found nothing but placer mines, and it is quite uncertain whether they will find any permanent mining there.

Mr. President, I want to get down to this question, which is a pretty important one. This amendment revokes the permit that the Secretary of War has granted. I suppose that is on the theory that he had not any right to grant the permit. I can not find any authority in his report. I have his report here before me. It is under this provision of the law and I want to read it:

> Whereas by section 10 of an act of Congress, approved March 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public work on rivers and harbors, and for other purposes"—

Now, this is the provision of the statute—

> it is provided that it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States outside established harbor lines or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of War; and "it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same."

Now, Mr. President, it is very apparent that that provision was never intended and contemplated by anybody to apply to a case out on the coast and away from the harbor—absolutely away—miles away. There is no harbor there; no pretense of a harbor; no pretense of a roadstead; no pretense of a haven. It is a shallow sea with a shore there that is probably 100 miles long—and more, too, I think—without a harbor in it. I am speaking now from general knowledge. That can not possibly have given any control or jurisdiction of the Secretary of War over it whatever, in my opinion.

The miner who goes there will be met with this permit, which I want to read. One has been granted and I will read it:

> And whereas Mr. George Max Esterly, of Seattle, Wash., has applied to the Secretary of War for permission to excavate or fill within the following-described area in Bering Sea, near the mouth of Snake River, Alaska, commencing at a point 200 feet east of the junction of mean low-tide water on Bering Sea and the mean low water at the mouth and on the east bank of Snake River, which latter empties into Bering Sea about 12 miles a little north of west of Cape Nome, in Alaska; then extending along on the said mean low-tide line in a general westerly direction for a distance of 2 miles, and extending out 500 feet from the mean low-tide line, which work has been recommended by the Chief of Engineers:
>
> Now, therefore, this is to certify that the Secretary of War hereby gives permission to said George Max Esterly and assigns to excavate or fill within the area described above in Bering Sea, near the mouth of Snake River, Alaska, upon the following condition:
>
> That the work herein permitted to be done shall not interfere with navigation or the rights of riparian owners, and shall be subject to the supervision and approval of the commanding general, Department of Alaska.
>
> Witness my hand this 1st day of March, 1900.
>
> [SEAL.] ELIHU ROOT,
> *Secretary of War.*

I submit that there is nothing there which authorizes the Secretary of War to give this man 2 miles on the coast, which is 100 acres and upward, with the right to mine at all, and if he gets a right he must get it under some other provision of law or he must get it under the miners' regulations, which are competent to give it.

Mr. PLATT of Connecticut. Is that a right to mine under water?

Mr. TELLER. This is to mine under water.

Mr. WOLCOTT. Below low water.

Mr. PLATT of Connecticut. Beyond where the tide ebbs?

Mr. TELLER. Beyond where the tide ebbs.

Mr. WOLCOTT. I call the attention of my colleague to the fact that the amendment of the Senator from Montana directly and in terms revokes every possible permit.

Mr. TELLER. That is one of the merits of the amendment. Now, in justice to the Secretary of War——

Mr. PLATT of Connecticut. May I inquire still further, has the Secretary of War issued any permit to mine upon the beach where the tide goes out and leaves the beach open? He does not pretend to do that?

Mr. TELLER. I think not. I have not heard of him doing that.

Mr. WOLCOTT. No; he has not.

Mr. TELLER. He has not. Now, the Secretary of War sends us what he calls "Form No. 5." After reciting the statute, and then after reciting that somebody else wants 500 feet, covering a space of 1 mile by 500 feet, he says:

> This is to certify that the Secretary of War hereby gives unto said F. S. Wood and assigns permission to excavate and fill within the area described above, it being understood that this instrument is simply a permission to excavate and fill under said act, and is not exclusive within said area, and that it may be withdrawn as to future work at the discretion of the Secretary of War.
>
> This permission is given subject to the following condition:
>
> That the work herein permitted to be done shall not interfere with navigation or the rights of riparian owners, and shall be subject to the supervision and approval of the commanding general, Department of Alaska.

Mr. President, there were no riparian owners up there. I think undoubtedly the Secretary of War undertook to exercise a doubtful authority here for the purpose of encouraging the development of that region. But it will turn out whenever anybody attempts to mine that one of the people holding this permit will claim that he has an exclusive permission to mine; and whether he has or whether he has not, whether that is intended to be exclusive or not, the effect will be the same—to exclude all others.

I think, Mr. President, the amendment proposes a very correct thing, and that is, to dispense with that difficulty by declaring that the permits shall be ultimately revoked. If I understand the proposed amendment of the Senator from Montana, it is that there shall be the right of miners to establish the size of the claims and what shall be done on the claims below high tide or low tide.

Mr. CARTER. It ought to be mean high tide.

Mr. TELLER. Mean high tide on the shores.

Mr. CARTER. I suggest that addition to the amendment in a side note. Instead of saying "high tide" it should be "mean high tide."

Mr. TELLER. It does say mean high tide here.

Mr. CARTER. That is the change proposed on the margin of the amendment.

The PRESIDING OFFICER. It will be agreed to, if there be no objection.

Mr. TELLER. I believe it is perfectly safe to leave all these questions to the miners. I should myself very much prefer to leave it to the miners without any restriction whatever on the part of the Secretary. I should very much prefer the amendment as drawn by the Senator from Montana. It is possible that that is not objectionable when it is confined only to high-tide lands. I have had some experience with this question. I have seen the miners in their assemblies making their laws and regulations as to this business; and I am one of those who believe that on the ground they are better qualified to judge of what should be the condition than we are, and there need be no fear whatever but that they will do the right and proper thing. I am not going to contend very strenuously that that amendment should not be adopted, although I should have preferred it very much if the Senator had not modified it in that way.

I do not know what an active clerk down in the Interior Department, to whom this may be referred, may want to do. He may conclude that he will make up an entire new set of mining laws; and the less he knows about the subject the more certain he will be to insist upon making them. In the twenty-odd years I have been in public life I have found that when we came to deal with

the question of mining, Senators and Members of the House of Representatives who knew least about the subject, who had the least possible information upon it, were always the most active and the most certain that they knew exactly what to do, though having no practical idea whatever of what ought to be done. We have been compelled for many years to refrain from attempting to secure fairly good amendments and what we wanted, because every time we attempted it we were met with such a general revision of the mining laws that we felt it would be better to—

Bear those ills we have
Than fly to others that we know not of.

Mr. PLATT of Connecticut. Mr. President, the trouble with the Senators who do not know anything about this matter is that they have to vote; and when Senators who do not know about it disagree, how shall we know what vote we ought to cast?

Mr. TELLER. We have not very often disagreed. The present situation in the Senate is an exhibition of what we have had to encounter. Here is a question involving the interests of a great class of men, hardy men, miners, men who take their lives into their own hands, and who go out and develop that country with infinitely greater danger than any man incurs who goes to Manila or than men incurred who went to Santiago; and there is not the quarter of a quorum in this Chamber half the time when these questions are discussed. I do not say what there is now, but half the time when these questions are discussed there is not a quarter of a quorum present. When we come to vote every Senator is, of course, duty bound to vote; he votes as his general impression impels him to; and in nine cases out of ten he votes in a way that would inflict great hardship and great disaster upon the hardy class of people as to whose interests he votes.

I want to say just a few words about the hardy miner. The Senator from Nevada [Mr. STEWART] the other day read a letter which is worth reading. I am sorry to say it, but I do not think there were more than five or six Senators who paid any attention to the reading of that letter, which he wrote some thirty-five years ago. In that letter he describes the people who go out and settle these new countries, and who create for themselves a system of mining laws which have grown up until courts have spoken of that system as the common law of mines.

When California was discovered there was nobody in the United States who knew anything about mining; there was no mining law in this country, common or uncommon, at that time. There was a mining law existing in Mexico. Our people went to California, and not finding the law just exactly to suit them, they made laws of their own. They ignored the Mexican law. They determined the size of claims, the conditions under which they should be appropriated, how they should be worked, and all that; and I venture to say that no legislative body in the world was as competent to deal with that question as those hardy miners in California.

Then when the discovery of gold occurred in Colorado in 1859, we had some of the original miners from California, but we had thousands of men who had never seen a mine, who did not know anything about a gold stratum, who had never seen any virgin gold except, perhaps, in a little vial that somebody might have brought from California; men unaccustomed to mining, unaccustomed to the hardships of such a country. They went to work, and with that common sense which always characterizes the American people they evolved a system of mining laws which exists practically to-day. They organized themselves into communities, perhaps not numerous in some instances, four or five hundred or a thousand; sometimes not so many and sometimes more. Having no law, being outside of an organized Territory, these people organized a government of their own; and from the fall of 1858, when the first settlement was made in Colorado, until the fall of 1861 a population consisting sometimes of fifty or sixty thousand governed themselves absolutely as a democracy in those communities.

They elected their judges; they elected their sheriffs; they elected their recorders; they elected their treasurers; they did everything that an organized community would do to maintain peace and order. They held their courts; they inflicted punishment, even the death penalty, if it was necessary. This was the result of proceedings regularly established and created by the people in their general assembly—I do not mean a regular legislative assembly, but by a pure democratic system, the people getting together in their miners' meetings and enacting laws providing what crimes should be punished and how they should be punished. Those courts, not self-constituted, but created by the community without any reference to the General Government or to any State government whatever, carried these laws into execution from the fall of 1858 to the fall of 1861, a period of three years.

Mr. President, it was my fortune to go to that country at that time, and my good fortune, too, for I think any man who has had the privilege of going into those new communities in the early days will, when he comes to look back at it, call it good fortune that he was there to see the American people exemplify their ability for self-government. There was not a State in the Union that did not have its representative there; there was not an isle of the sea nor any country on the face of the earth that did not have its representative there in harmonious community, dominated and controlled largely by what were called American citizens. They brought order out of confusion; they established everywhere a government that discharged all the duties of a government; that punished offenses; that protected life and property with as much certainty and with as much safety, Mr. President, as has been done in any State in the Union under a State government.

Mr. President, there has never been such an exemplification of American strength, American courage, and American good horse sense, if I may use the term, as was exhibited in those Western Territories. What they did in Colorado they did in Idaho, and what they did in Colorado they did in Montana, and in other sections of the great West.

I am willing to leave the determination of these matters to that class of people. The Senator from Montana and I feel alike when we come to that class of people. We know their capacity; we know their honesty; we know their conservative spirit.

I know it has grown to be the opinion of a great many people that the West contains a rough element. So it does, Mr. President. We had some rough people; and if we had not, the problem would not have been as difficult as it was, nor would our success have been as marked. We had men from all sections; we had men there who went to better their condition; who went there as American citizens ought to go anywhere; we had those who had escaped from the strong hand of the law and got out there, and yet we molded those people into a community that for decency and order and for obedience to law has no peer in any section of the country and never has had.

Mr. President, the State of Colorado, settled, as I say, by people from every portion of the Union—North, South, East, and West—from every isle of the sea, and from every nation of the world, when its first legislature met—I see the Senator from Idaho [Mr. SHOUP] looking at me, and he will bear witness to what I say—that when the first Territorial legislature met there was as much order then in the community as there was after it had enacted laws and put them in force.

Before there had been a surveyor's chain put upon the State of Colorado or any foot of it, when it was public land, the legislature of Colorado in its first session enacted a school law which made the schoolhouse free to all the children within its borders, then, I suppose, not sufficiently numerous to have filled half a dozen schools; but the members of that legislature knew that in time the hardy miner would bring his wife and his children, and so they provided early that all who came should have the benefit of free schools.

We have grown in strength; we have been represented on this floor for many years, as we have been in the other body; we have now a community composed of old settlers, their children, and those who have come since; but, Mr. President, no New England State, no State anywhere can show more order, greater stability, greater progress than can the State of Colorado and our adjoining mining States. Standing the lowest in illiteracy in the list of all the States is the State of Wyoming on our northern border, and we in Colorado would perhaps be still lower if it had not been that we have been blessed with a few of our Mexican brethren in the southern part of the State. Our towns are filled with the very flower of New England, of the Middle and also of the Southern States.

But, Mr. President, that has not much to do with this question. I have been led off into that line of thought because I know the proposition to submit to the miner the making of regulations to govern property not only for himself, but for the capital that goes into the mining country will be by some considered dangerous. I want to say that there need be no fear of that. The people who go there will be of the class who settled Colorado, Montana, Idaho, California, Utah, and Wyoming.

Before I conclude I want to call the attention of the Senator from Montana to section 26, where it is provided that—

The laws of the United States relating to mining claims, mineral locations, and rights incident thereto are hereby extended to the district of Alaska.

Mr. President, that is an absolutely unnecessary provision. The laws of the United States extend there now, and have extended there for some time. Therefore, referring to what I said about the right of the miners to take the land that is under water, I say, if any right could be conferred upon the citizens of that country or upon the occupants of it by the statutes of the United States, it was conferred some time ago and exists now. I suggest to the Senator that he does not need section 26 in the bill, and it ought to go out. I will not, however, go into that subject, as the Senator from Wisconsin [Mr. SPOONER] is prepared to discuss the question at length. I know his views upon the subject, and I will leave that question for him to present; but it is important, considering the amendment offered by the Senator from North Dakota [Mr. HANSBROUGH], for that would, in my opinion, be a repeal of the existing law, and so will section 26 to some extent.

Mr. CARTER. Mr. President, in that behalf, if the Senator will permit me a moment, the purpose of section 26 is to put the laws relating to mining in force in Alaska without any reservation, as they are in other Territories of the United States. I call the Senator's attention to the fact that the act providing a civil government for Alaska, found in 23 Statutes at Large, page 24——

Mr. TELLER. In what year was that passed?

Mr. CARTER. In 1884. That law provides, and I read all there is of it:

And the laws of the United States relating to mining claims, and the rights incident thereto, shall, from and after the passage of this act, be in full force and effect in said district, under the administration thereof herein provided for, subject to such regulations as may be made by the Secretary of the Interior, approved by the President.

Upon reading that section extending the mining laws, it occurred to me that it was not entirely clear that the mining laws were extended to Alaska without reservation, because the act referred to, in the language I have just quoted, provides that they shall be in force under the administration provided for in that act, which would be a limited enforcement of the laws in that country. Further still, that they should be subject to such regulations as the Secretary of the Interior, with the approval of the President, might prescribe. In view of this unique section extending the mining laws, with qualifications vague, indefinite, and uncertain, it seemed proper that we should extend them without any reservation whatever.

Mr. TELLER. I should like to ask the Senator whether the Secretary of the Interior ever made any regulations?

Mr. CARTER. I do not know of any regulations, nor are there any regulations worth speaking of in the act of which this is a part.

Mr. TELLER. I will not deal with that subject, but I will leave it to the Senator from Wisconsin, who will deal with it, and so I shall not undertake to answer the Senator now.

Mr. NELSON. Mr. President——

Mr. TELLER. I yield to the Senator.

Mr. NELSON. I do not care to speak, but I simply call the attention of the Senator from Colorado to the fact that all the proviso of section 26 is retroactive legislation in its legal effect.

Mr. TELLER. The Senator is right in the suggestion, but I am going to leave that question to be discussed by the Senator from Wisconsin. Perhaps I may have something to say about it when he gets through.

Mr. CARTER. Mr. President, in view of the observations of the Senator from Colorado, I beg to call his attention to the case of Shively *vs.* Bowlby, reported at the October term, 1893, found in 152 United States, page 1. That construction of the law led to certain care in framing the amendment which was proposed to this bill. The syllabus of the case announces the principle as follows:

The United States, upon acquiring a Territory, whether by cession from one of the States or by treaty with a foreign country or by discovery and settlement, take the title and the dominion of lands below high-water mark of tide waters for the benefit of the whole people, and in trust for the future States to be created out of the Territory.

The opinion does not go to the extent of holding that the Government may not dispose of the land notwithstanding this trust. The statement is made on page 48 of the volume in the opinion to which reference has been made:

By the Constitution, as is now well settled, the United States, having rightfully acquired the Territories, and being the only Government which can impose laws upon them, have the entire dominion and sovereignty, national and municipal, Federal and State, over all the Territories, so long as they remain in a Territorial condition. * * *

We can not doubt, therefore, that Congress has the power to make grants of lands below high-water mark of navigable waters in any Territory of the United States, whenever it becomes necessary to do so in order to perform international obligations, or to effect the improvement of such lands for the promotion and convenience of commerce with foreign nations and among the several States, or to carry out other public purposes appropriate to the objects for which the United States hold the Territory. * * *

The Congress of the United States, in disposing of the public lands, has constantly acted upon the theory that those lands, whether in the interior or on the coast, above high-water mark, may be taken up by actual occupants in order to encourage the settlement of the country, but that the navigable waters and the soils under them, whether within or above the ebb and flow of the tide, shall be and remain public highways, and, being chiefly valuable for the public purposes of commerce, navigation, and fishery, and for the improvements necessary to secure and promote those purposes, shall not be granted away during the period of Territorial government, but, unless in case of some international duty or public exigency, shall be held by the United States, in trust for the future States, and shall vest in the several States, when organized and admitted into the Union, with all the powers and prerogatives appertaining to the older States in regard to such waters and soils within their respective jurisdiction; in short, shall not be disposed of piecemeal to individuals as private property, but shall be held as a whole for the purpose of being ultimately administered and dealt with for the public benefit by the State after it shall have become a completely organized community.

By referring to section 2319 of the Revised Statutes, it will be observed that mining claims may be located and purchased. I will read the section. It is as follows:

SEC. 2319. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

It occurred to me in framing the amendment that we could not extend the mining laws to all of the shoal waters and tide lands in Alaska without a plain violation of the trust, the United States holding these lands for the future State. With that thought in mind, the amendment before the Senate was framed; and it will be perceived that it does not propose to grant anything more than a temporary easement. I will read the amendment at the place which illustrates the point:

That, subject only to such general limitations as may be necessary to exempt navigation from artificial obstructions, all land and shoal water below mean high tide on the shores, bays, and inlets of Bering Sea, within the jurisdiction of the United States, shall be subject to exploration for gold and other precious metals by citizens of the United States, or persons who have legally declared their intentions to become such, under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law.

It was assumed that this temporary possession might continue until Congress withdrew the privilege without giving a fee-simple title or a permanent property right to any of the miners in the particular lands over which this amendment would extend.

Mr. TELLER. I am not contesting the right of Congress to enact this legislation. I do not think there is any question about it. What I contended was that if we could not do it by special legislation, we might cover it by general legislation.

I want to say to the Senator that when I stated that these waters are not navigable waters of the United States, I said, if I recollect aright, that they were in depth from 15 inches upward, but they are none of them, as I understand, what might be called in navigable waters. A ship must lie out several miles, more than 3 miles, and discharge her cargo and passengers by lighters; which is quite a different thing from navigable waters. They are more like swamp lands. Perhaps at some places it may be deeper, but I have been told that within 3 miles a man can wade anywhere when the tide is out. I do not know how much tide there is there; there may be a large tide and there may not be; but it is utterly impossible, I am told, for any ship, even in high tide, to get up anywhere near the shore, and these sands which have been in controversy are only 300 feet out. Consequently they are in the shallow waters, nonnavigable waters, as I understand.

I had occasion, Mr. President, some years ago to examine the question of the right of a State to tide waters from a very notable case, the decision in which has been followed by the people of California for a great many years; and I have some general idea of what the rights of the States are. It was there contended that the Mexican Government could not have given away, or sold, or donated such lands because the State was entitled to them, and the Supreme Court of the United States held that they had an unquestioned right to do so.

Mr. PETTUS. Mr. President, I was very much pleased to hear the Senator from Colorado vindicate the men for whom he spoke, and I regret very much that after the Senator from Montana and the Senator from Nevada, with all their skill, had framed a bill which met the justice of the case and provided for the men who opened up the frontier, they have substantially abandoned their own wise work and destroyed it by making it subject to rules and regulations to be prescribed by the Secretary of the Interior. Of course, I want all men to be governed by the law as enacted by Congress, and that bill provides that they shall be; that all the rules and regulations the miners make shall be subject to the laws of the United States. That is right.

Mr. President, if you want to put any restrictions on these miners, I beseech you to put them on yourself. As I understand the last amendments that have been mixed and mingled, we come out of the amendment business with saying nothing about the grants that the Secretary of War has made. They are grants in every proper sense of the word. Some people call them permits, but they are grants for the time being. They do not purport to be a grant of the fee simple, but they are grants.

Mr. CARTER. If the Senator will permit me, he will observe at the top of page 2 of the amendment offered by me that all permits heretofore granted are expressly revoked.

Mr. PETTUS. You still hold on to that much of the amendment?

Mr. CARTER. We cling to that very tenaciously.

Mr. PETTUS. I am delighted that you do.

Senators ought to look at the law in reference to that subject. Here is a statute—I took the trouble to look it up—enacted at the last session, in which the words mines, silver, gold, copper, lead are not mentioned, or they were not thought of or dreamed of by the men who were writing the bill. It is the river and harbor act, and that is all it is, and that is all it intended to provide for.

Some Senators are entirely too sensitive when we come to speak of the head of one of these great Departments. Far be it from me to attribute any improper motive to the Secretary of War. I do

not think of such a thing. I believe he is conducting his great office according to his best judgment; but he has made a great mistake. There can be no doubt of that. He tells us that in the river and harbor act, on page 1151 of the statutes of the last session of Congress, he finds his authority for making these grants.

There was nothing further from the intention of Congress than to legislate about mining. There is not one word in this act about mining—not a syllable. The lawmakers were talking about rivers and harbors and wharves and such things that went to the improvement of harbors and the like, and never once about mines at all. The very wording of the act does not allow any such construction as to authorize the Secretary of War to make a grant or give a permit. When you are talking about rivers and harbors you might as well construe an expression of that sort into the building of a house on dry land as to talk about mining. Section 10, from which all this authority is drawn as contended for by the Senator from Colorado, has been wrenched away from the purposes for which it was enacted to an entirely different purpose. Here it is, sir. I will ask the Secretary, if he pleases, to read section 10, so that Senators may hear it.

The Secretary read as follows:

SEC. 10. That the creation of any obstruction not affirmatively authorized by Congress to the navigable capacity of any of the waters of the United States is hereby prohibited; and it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside established harbor lines, or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of War; and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same.

Mr. PETTUS. In all those words can you by any possible torture conceive that they were talking about mining? No lawyer, it seems to me, could possibly understand that that related to mining. But as the Senator from Montana assures me that he has adhered to that part of his amendment which relates to these permits, I will pass it by, only saying this:

Mr. President, it is a dangerous thing to permit any one man to grant any such a right as is talked of in these permits. It ought not to be done. If a bridge is to be built across a navigable stream, Congress has always exercised that jurisdiction itself properly, and it ought never to be permitted to go into the power of any one man to grant such permits as these. It leads directly to the prostitution of the Government to bad purposes. I am not accusing the Secretary of War of any such thing; I have no idea that such a thought crossed his mind; but if you indulge in granting that one-man power you will prostitute the Government to bad purposes.

Now, as to the other branch of the question, it seems to me the Senator from Montana has yielded against his conviction as to what ought to be done. I am amazed that the Senator from Nevada, after what he said about these miners, after what he said about their capacity for self-government, should insist that the Secretary of War ought to make rules and regulations for their government. It is impossible that he should do so wisely. He can not do it, because he can not understand the subject, and no man can understand the subject unless he is on the ground and sees the necessities of the case.

If the Senator from Nevada, who associated with these men in his boyhood days as I did, thinks they are so wise, so just, and have so much capacity to enforce the law, as they have, why put them under rules and regulations made by a man who can not possibly understand the subject? I hope the Senator from Montana will reconsider what he has done and go back to the wise provision he himself wrote.

Mr. SHOUP. Mr. President, I desire to ask the Senator from Montana if he can not amend his proposition so as to provide that all mining lands above low tide shall be regulated in one way, and submarine mining, which is a class of mining entirely different, the manner of work being entirely different, regulated in another way? In one instance ordinary mining tools are employed; in the other it requires a very large investment for machinery. I ask the Senator if he can not amend his proposition so as to divide the method of applying rules to the government of these two classes of mining? I would also ask the Senator if it would not be well to consider the suggestion of striking out "Cape Nome" and have it apply to all the shore lines of Alaska?

Mr. CARTER. The suggestions of the Senator from Idaho are very wise. I call his attention to the fact, as he was out of the Chamber at the time, that the amendment recently presented by me practically covers the points he has in mind. This amendment extends to "all land and shoal water below mean high tide on the shores, bays, and inlets of Bering Sea, within the jurisdiction of the United States," as the Senator will observe. It further provides, as finally amended, and that is the particular part to which the Senator from Alabama objects, that the Secretary of the Interior may make general rules and regulations which would, I assume, apply to the land constantly submerged by water; that is, the land below low water. The miners unquestionably would enforce their own regulations above the low-tide line. This combination, allowing the Secretary of the Interior to prescribe general rules and the miners permitted to legislate within those rules, when not in conflict with the laws of the United States, seems to be all in all the best general line of provisions we can make at this time for this unique situation.

Mr. SCOTT. Will the Senator from Montana allow me to ask him a question?

Mr. CARTER. Certainly, with pleasure.

Mr. SCOTT. Do I understand that the rule to govern the mining claims shall be that a miner is entitled to stake out a claim extending out so far as the low tide? For instance, on the coast or on the beach when the tide is out could a miner put up his monuments or his stakes and claim out to the extent of the low tide?

Mr. CARTER. In reply to the Senator, I will say that we give to the miners the right of temporary possession for the purposes of exploration and mining below mean high tide on the shores, bays, and inlets of Bering Sea, subject to such rules and regulations as they may themselves prescribe not in conflict with the laws of the United States or the general rules prescribed by the Interior Department. I assume, put into practical operation, that the miners will prescribe rules whereby claims can be staked or the outlines in some manner fairly determined so that a person passing can ascertain where the location is.

Below the low-tide line another condition will exist. As it is suggested by the Senator from Nevada, it will be impossible to maintain stakes on that tempestuous coast beyond the low-tide line. I am told that breakers come over that shoal water occasionally 4 or 5 or 6 or 8 feet in height, and that it will be impossible to moor a dredge or anchor it out a hundred feet from the shore and accomplish anything in the way of dredging at that point; that the eternal and violent motion of the water would prevent such operations.

Now, the manner in which the Secretary of the Interior can prescribe rules and regulations for everybody who has a dredge coming in there anywhere to go in and get gold out of the sands as best he may remains for the Secretary of the Interior to solve. It is a problem we relegate to him. We make the rule which he prescribes a general rule, however; and in that I believe we do better than to allow the Secretary of War to grant special permits. There may not be many dredging machines brought there; there may be a great many; but all hands will operate under the same general rules. No special favors will be granted to anyone; and before persons invest in machinery with a view of going to those shoal waters for the purpose of mining they will undoubtedly be advised of the general rule which the Secretary intends to prescribe to govern their action.

Mr. SPOONER. Mr. President, will the Senator from Montana allow me to ask him a question?

Mr. CARTER. I will be glad to answer the question.

Mr. SPOONER. As I understand his amendment, the primary rules are made by the miners, and his amendment gives to the Secretary of the Interior only power to review and modify those rules from time to time. Am I wrong about that?

Mr. CARTER. I think the Senator is in error in that respect.

Mr. SPOONER. I mean below low water.

Mr. CARTER. I think the Senator is in error in that respect. The local rules and regulations of the miners will be subject to two governing forces—one the general rules prescribed by the Secretary of the Interior; the other the mining laws of the United States.

Mr. SPOONER. Will the Senator permit his amendment to be read from the desk?

Mr. CARTER. I should be glad to have it read.

The SECRETARY. At end of section 26 insert the following:

Provided further, That, subject only to such general limitations as may be necessary to exempt navigation from artificial obstructions, all land and shoal water below mean high tide on the shores, bays, and inlets of Bering Sea, within the jurisdiction of the United States, shall be subject to exploration for gold and other precious metals by citizens of the United States, or persons who have legally declared their intentions to become such, under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law: *Provided further*, That the rules and regulations established by the miners shall be subject to such general rules as the Secretary of the Interior may prescribe for mining below mean high tide, and shall not be in conflict with the mining laws of the United States; and all permits heretofore granted authorizing any person or persons, corporation, or company to excavate or mine under any of said waters are hereby revoked and declared null and void. And the reservation of a roadway 60 feet wide, under the tenth section of the act of May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes," shall not apply to mineral lands or town sites.

Mr. SPOONER. Mr. President, practically, it seems to me, this leaves the matter of regulating mining operations below low tide

to the miners. I agree with the tributes which have been paid by Senators who are familiar with the administration of rules made by miners to their justice, but I doubt very much the wisdom of this amendment for this reason: The great body of miners who make the mining rules will be miners upon land. There will be, I suppose, comparatively few of them mining below the tide line. That will be done by machinery. It will be done by a class of men who will not participate much, probably, in making the mining rules. At any rate, the vast majority of men who make the mining rules will be men who mine upon land.

The amendment in itself grants authority, authority granted by Congress, to explore for gold and precious metals in the waters below the tide line; but it places the regulations entirely in the hands of the miners on the land. I can understand very well how miners regulating matters of that sort amongst themselves, where they have a mutual interest, may well be trusted to take care of the common interest, but this is a proposition to intrust to them the regulation of a power granted by the United States for exploration in a field which they do not enter. I have heard no answer made to the suggestion presented a little time ago by my colleague, in which I think there is very great force, that the miners upon the land might conceive it to be detrimental to their interest that explorations should be made below the tide line. As he stated, they mine upon the shore during the day. The next morning the excavations which have been made the day before are filled, and filled with gold-bearing sand, constantly replenished; and it does not require much imagination to conceive that the miners might not be willing that large operations should be conducted out in the water, which would interfere somewhat, or possibly might interfere, with this constant replenishing of a fresh supply from under the water for their mining operations.

I think we ought to give, if we are to grant at all the power to mine under water, to some Government authority here the regulation thereof; I think it would be well enough to give it to the Secretary of the Interior. But I believe as this amendment is drawn it will practically prevent in an efficient way explorations under the water. The Secretary of the Interior, in the very nature of things, can not at the outset make rules unless they are so general as to be incapable of efficient enforcement, and he certainly can not, in a single season, be expected to revise the rules made by the miners, because it is so remote that it will be impossible for him in a season—and the seasons there are very short—to be communicated with, to have the rules communicated to him and the objections presented to him, with an opportunity to review them and pass upon them and put in force such regulations as he sees fit.

I think the amendment offered by the Senator from Nevada is the fair and proper amendment. It leaves to the miners, as it should be left to them, to make regulations governing the mining operations upon the land where they mine, leaving it to the Secretary of the Interior, or, if it should be deemed wiser, to the Secretary of War, to make the regulations under which this power granted by Congress to explore in the waters for gold shall be exercised.

Mr. TILLMAN. I should like to ask the Senator from Wisconsin if it has occurred to him—and if not, I will present it and ask his opinion of it—as to whether or not there might not be more equity and justice to the miners on the land in putting a limitation on the depth of the water rather than putting it at the line of low tide? For instance, if there is a constant replenishing of the excavations that the land miner is making, with new crops of gold coming in at night with the tide, I can very readily see that he would object very strenuously to some fellow who had a boat—a large dredge—taking this crop of dollars, so to speak, and leaving him no share in it. That is very different from the right of the land miner, who might get a yawl or little boat but who might not be able to get a large dredge or a steam pump or something of that sort, to go out to certain depths in front of his claim and drop down a trawl—like you are pulling for oysters, for instance—and wind it up by a windlass and bring some of the auriferous earth within his reach.

I think there is a right that ought to be reserved to the land miner as against the capitalist; in other words, that anybody who risks his life in that climate, seeking gold, ought to have an opportunity, as far as this Government can allow, to get as much as his individual effort would permit him to get. I think a limitation as to the depth of water beyond which the Secretary of the War or the Secretary of the Interior shall govern and control, not to the edge of low tide, but to go a little farther, 10 feet or 8 feet, somewhere beyond the usual depth that a land miner could ever reach, would better divide the thing and give both a chance.

Mr. SPOONER. There is some force in what the Senator suggests, but my understanding is that the character of the surf there is such that it is impossible to mine in yawls and small boats.

Mr. TILLMAN. I am not talking about mining, but I am talking about getting the dirt to the shore to wash it out. I speak of getting the auriferous earth to the shore.

There is another phase of this subject about which I happen to know a little by reason of the fact that we in our State mine phosphate with dredges. The wash boat is alongside of the dredge, and after the deposit of phosphate, mixed with earth, in the percentage of 1 to 10 or 1 to 5, varying as they happen to strike the strata, a big dipper full is thrown into the machine and the earth washed right back to cover up the excavation. You can very readily see that if this washing of the auriferous earth by dredging and by pumping out in the water permits the earth to go immediately back, it covers up and to that extent dilutes the auriferous earth and makes mining ever less and less remunerative.

On the other hand, if all the earth were carried to the shore and the débris or the sand with no gold in it were washed and deposited there, you would by a proper system of demarcation wash the whole surface as far as you could reach by means of steam pumps or by dredges, whereas under any promiscuous system, turning loose a lot of greedy fellows in there with dredges to go about and get all sorts of potholes and other places, where they would wash the sand, unless there is some system, there would be a great deal of gold lost. I think, with some limitation as to the depth beyond which a land miner or rather inside which a water miner shall not go, you will have reached possibly the best solution as to the equities of this business and leave the individual a fair opportunity to get his share of the gold, or not shut him out from competition with the capitalist who goes there with dredges and steam pumps.

Mr. SPOONER. I have supposed that could be wisely left to the executive officer who might be selected by law to make the regulations. I have not thought that exclusive rights were to be given under this law anyway to mine under the water. I supposed that the land miner, if he chose to do it, would be permitted as anyone else to mine under the water or to explore the harbor for auriferous earth.

Mr. TILLMAN. But if you put the land miner to the edge of the water, at least do not allow him to go into the water or to use appliances under the water without a permit, you put him at a disadvantage.

Mr. SPOONER. Possibly so.

Mr. TILLMAN. I think a limitation as to the depth where the jurisdiction of the Secretary of War or the Secretary of the Interior shall begin to control and leave the land miners to govern the balance within reasonable limitations would be the most equitable way of settling this.

Mr. SPOONER. I think there is value in the suggestion. I do think that some officer of the Government should be charged with the duty of regulating the exploration under the water for gold-bearing earth, for gravel.

Mr. TILLMAN. I have no objection to the general scheme. The only danger I see that might possibly come to pass, and I do not know that I ought even to hint at such a thing, is that there might be favoritism exercised by that officer, unless the regulations were general and of such a character as would permit the smaller capitalist to compete on the same terms of equality with one who had half a million dollars' worth of dredges and a machine there with steam pumps or other appliances which would reach this earth under the water as against the particular individual with his little boat and whatever other appliances he might be enabled to obtain.

Mr. SPOONER. I have never supposed that it was in contemplation with the Senate to authorize any officer to grant exclusive permits at all to miners.

Mr. TILLMAN. Then you can readily see that unless there is some systematic mining done there under governmental control the loss that I have just spoken of will occur by the detritus or sand from which gold is extracted being poured right back into the water to cover up that which has not been mined, and therefore it looks to me that in order to save this gold for the uses of civilization, because it is becoming a very important matter in our day and time, there ought to be some legislation which will prohibit the destruction of this auriferous bearing sand by pouring it back on top of it by dredgers who will rush in there to get all the gold they can, without caring anything about what is left or whether they have got half of it or not, as you can readily understand.

Mr. SCOTT. Will the Senator allow me a moment?

Mr. SPOONER. Go on.

Mr. SCOTT. If the Senator will leave that to the miners I am sure that they will take care of the small interest to the exclusion of the capitalists.

Mr. TILLMAN. I was trying in my feeble way to help the individual miner against the capitalist who will go there with a great steam dredge and a steam pump, and ruin the mines of the poor people who have gone up there, and who have received frozen noses, frozen toes, and frozen limbs, and have risked their life and everything else in the search for gold.

Mr. SPOONER. I have not the slightest objection to the limit suggested by the Senator from South Carolina. That was not the

point of my suggestion. I suppose the capitalist can have his nose frozen as well as a man who is not a capitalist. I think if men invest money in machinery, and go up there for the purpose of exploring under the water for gold, they should have some reasonable assurance——

Mr. TILLMAN. I want reasonable protection given.

Mr. SPOONER. They should have some reasonable assurance from Congress that, when they have reached there with their machinery, expensive in itself and very expensive in the matter of transportation, they may utilize it. The suggestion made by the Senator from West Virginia that the miners will take care of the little interests is the very thought which led me to make the suggestion that they ought not to be left entirely to the regulation of the miners who control the operations upon the land and who will be in a large majority. Granting that this amendment, if adopted, will aid to explore under the water for gold, I think we should give to some executive officer of the Government power to regulate the operations under the water and not leave these gentlemen entirely subject to the control of the mining rules and regulations which will prevail upon the land. I have no objection at all to the limitation suggested by the Senator from South Carolina. I think it may be a wise one and a just one. I believe these operations will be conducted some way out from the shore—I mean by dredges and suction machinery and all that—because they must go out very far in order to be able to work at all, as I understand it, on account of the character of the surf.

Mr. TILLMAN. Would the Senator suggest some limit as to the depth within which the land miner would have absolute control and beyond which the rules and regulations of the Secretary of the Interior should govern?

Mr. SPOONER. I am not sufficiently familiar with the beach there and I am not a miner. I am not able to make a suggestion that I would regard as of value.

Mr. TILLMAN. Neither am I, but just as a matter of common sense I would suppose that any dredge of sufficient power to accomplish much could not come much within a depth of 10 feet at low tide. I do not know what the rise of the tide is. Does anyone else know? Does the Senator from Montana know what the rise of the tide is?

Mr. CARTER. I suppose at times the tide at that point of Bering Sea is 20 feet.

Mr. TILLMAN. Is that a matter of the wind driving it up, or is it a matter of the rise of the tide proper?

Mr. CARTER. It is said to be a very boisterous sea of water, so rough that it is difficult to get lighters through to land the goods from the ships at anchor a mile from the shore. It is said by those who have been there that no dredge boat can live in that surf.

This is a simple proposition. The Senator from Wisconsin suggests that these gentlemen will go up there with dredging machines. So they may, but they will be compelled to settle with the miner on the shore and acquire from him a right to plant their machines, precisely as the capitalist would be compelled, if desirous of conducting a manufacturing enterprise in Washington, to buy a lot from somebody who owned it. It is not in the line of possibility for men to go up and anchor boats out in that water and dredge for gold. Anyone familiar with the seashore anywhere, even in the placid waters of Cape May or Atlantic City, can readily tell that no one can go out and anchor a boat and go to dredging sand and trying to save gold out there.

It is my own judgment that most of these dredgers will come back. The dredgers will return and the dredges will be left up there as ordinary wrecks along the shore if they expect to go out and anchor their boats in the surf and do the dredging in that way. They will be compelled to go along the shore and purchase from the miners who have located claims there sufficient ground upon which to erect their machinery, and then endeavor to suck the sand from under the sea at as great distance as they can possibly reach.

The whole matter is experimental. We can not provide rules or regulations as to where the nozzle of the dredge may extend, as to where the jurisdiction of one officer shall begin and another terminate. I think we have in this amendment fairly provided for all that can be expected. Let the Secretary of the Interior promulgate general rules providing that the dredgers, as between themselves and the miners on the shore, must make an equitable adjustment in some manner or other. That will be done in the absence of a rule. The way it will be operated in a practical sense will be that the man with the dredge going from Wisconsin or Montana or elsewhere will find some miner who has a claim on the shore, and either give an interest in the dredge and take an interest in the claim or buy him out and take possession and go to work as he would start a new factory in New York or Washington or any other city, first buying a site upon which to put his plant.

This matter will settle itself. The amendment here provides all the rules and regulations necessary. We allow them to go in and temporarily occupy the ground. The Secretary of the Interior can make general rules, the miners to make rules not in conflict with those general rules. The whole matter will work itself out in very nice form, and I think those who do not invest in the dredging business will be more happy next winter than those who will invest in it.

Mr. SCOTT. Will the Senator from Montana allow me to ask him a question?

Mr. CARTER. Certainly.

Mr. SCOTT. Is it not true that in a mining district a miner may take a water claim as well as a placer claim or he may take a lead claim, making three distinct locations? Just as the Senator from Montana has said, these gentlemen from Wisconsin will go up there with their appliances for dredging out in the ocean. They first would have to get permission of the miner who had the water claim or the water right before they could use the appliances for mining or taking up the sand in the ocean.

Mr. President, the only thing that I want to do in regard to this bill is to perfect it in such a way that the prospector, the man who goes in that country with a sack over his shoulder or a piece of flitch and a few hard tack, may be protected in his rights. I have been interested in mining for forty years. That is the man whom I want to see protected in this bill. I do not think that the man with money or the man with appliances for sucking up the sand should in any way take his right from the miner who has gone up there and located his claim, either water, placer, or otherwise. That is the only object that I have in this measure.

Mr. CARTER. In reply to the Senator from South Carolina I made the statement that the tides at times were 20 feet in height at that point. Of course that statement is to be qualified. I presume the average tide there is the average tide of Bering Sea, which is from 3 to 7 feet.

Mr. SCOTT. An average of about 4.

Mr. CARTER. An average of 4 feet; possibly an average of 3; but the open sea, being in no sense chained or broken in its force, drives water in there in enormous banks at times and would, I assume, wreck any sort of craft that happened to be anchored in the shoal water.

Mr. PERKINS. There is no holding ground.

Mr. CARTER. There is no holding ground, as the Senator from California suggests.

Mr. TILLMAN. I should like to direct the attention of the Senator from Montana to this phase of it: We will suppose the provision in regard to the present low tide to continue as a limitation of the rights of the land miners. Now, it is not necessary to anchor your dredge, or your wash boat, or your steam pump, because you can simply run right up while the tide is high and put it at low-tide mark and leave it there, fastening it there, banking it there, and it then becomes a fixture on that coast that could only be displaced by a very severe storm. The water might break over it.

Mr. PERKINS. The Senator coming from the seacoast is aware that the surf rolls in, especially in shallow water, breaking perhaps at several hundred feet, and there being no holding ground for an anchor, to use a nautical term.

Mr. TILLMAN. I was not speaking about anchoring. I was talking about getting the dredge or boat ashore, so to speak; of getting it fastened on the shore by running it aground at low-water mark; in other words, just beyond the jurisdiction of the land miner. Then he has a base from which to begin his operations out in the water with his steam nozzle or pump, not going out, but pumping sand in and pumping gold along with it, and washing it right there on the edge.

I only know, as I said, a little about this question of mining by the phosphate miners in our State. I have seen them mine there in 27 feet of water. There was a dredge company which sent over a dredge with an endless chain of buckets that scooped down and brought up a ton or a ton and a half, and each bucket coming back up the ladder would drop its contents over into a washing apparatus that sent all the dirt back into the ocean or into the bay in which they were mining and left the phosphate rock as the result of the operation. Of course this was in an estuary some 10 miles broad, an inlet of the sea that was an average of 18 to 20 feet in depth.

All the phosphate we have ever gotten there, over a million tons, was brought up either by the dipper dredge or this dredge of which I speak. I do not see why, except for the safety of the anchorage, similar boats can not go beyond; but if the open ocean is there, as I know it is, with the danger to such machinery or such vessels from the storms that would come, then the only appliance that would appear to me to be safe would be something that would anchor this machinery on the shore and then send off and draw in the earth with the gold in it to the edge of the ocean and there wash the dirt out and get the gold, or else have it located on the shore entirely, and put out your steam pump with the nozzles and bring it back.

It is something about which I know nothing. I am only interested, as the Senator from West Virginia states, in the poor devil who has gone up there with a pick and shovel and his pan and his

few pounds of bacon. I do not want to see him hedged in by a limitation that will allow some fellow to come up and get right out there just below low tide and take all the gold and leave him nothing but the hardship.

Mr. BERRY. I believe the question is on the amendment offered by myself.

The PRESIDENT pro tempore. It is.

Mr. BERRY. That amendment refers entirely to the road reservation of 60 feet. If I understand correctly, in 1898 there was an act of Congress which reserved 60 feet for a roadway. The Secretary of the Interior held that that 60 feet was not subject to mining claims location, thereby preventing a great many parties who otherwise would have located claims from doing so. But I am told by a member of the House that some company did locate a claim there, and probably a valuable one, contrary to the order of the Secretary of the Interior and contrary to what the Secretary ruled the law to be. In other words, while he was keeping all the world back by this ruling a particular company went there and made a location.

Now, it is proposed by the amendment offered by the Senator from Montana to open up that roadway to the location of mining claims. The object and purpose of my amendment is simply to provide that the location shall be made after the passage of the law. I do not want to ratify or confirm the location made by particular parties while all the balance of the world was kept back.

I am told by the Senator from Montana, to use not exactly his language, but to the effect, that the Secretary of the Interior has taken back his ruling very recently and said he will hold the matter open as to whether the roadway was subject to the location of these mineral claims. But he had so ruled. He had thereby kept the world out in making a location. This company, contrary to his ruling, went in there and got some kind of a claim, and now they seek to have it confirmed by the amendment offered by the Senator from Montana.

My amendment simply provides that locations on this roadway shall be made after the passage of this law. That gives all the world an even chance and gives no special advantage to men who went there contrary to what the Secretary of the Interior held to be the law and got some kind of a claim. I do not want to legislate for anybody, but I want the law to bear equally upon everybody; and when the law passes opening the roadway, I desire every American citizen to have an equal chance and no one to have a better chance by reason of having made a location contrary to the law or the ruling of the Secretary of the Interior. That is the object of my amendment.

Mr. CARTER. Mr. President, the statement of the Senator from Arkansas is a very remarkable one in view of the record. In the first place, the Secretary of the Interior did not make the ruling to which he refers, nor anything that bears the color of such a ruling, until the 3d of January last. No mining has been done in Alaska since that date. The ruling was in the nature of a dictum or suggestion. There was no case for consideration; it was a mere letter. The ruling was manifestly erroneous, if made.

In 1898 we passed an act of Congress entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes," and the act was approved on the 14th of May, 1898. The tenth section of the act provides for the taking up of pieces of land for purposes of manufacture and productive industry. The purpose of that section was to give the persons engaged in the canning business in Alaska an opportunity to purchase patches of land upon which they could erect their works. It limited the amount of land they could acquire title for to 80 rods along the water front of navigable water. It provided that each alternate 80 rods of shore front should be reserved by the United States from entry and be subject to common use. It provided further that through each one of the tracts for which title should be given under the law a roadway 60 feet in width should be reserved parallel with the coast, not upon the edge of the tide, but parallel with the shore line. It might be 200 feet or a quarter of a mile inland, but the right of way for a road was reserved parallel to the shore line. This 60 feet of land was reserved only as to lands which should be patented under the particular act, and it is not susceptible of any other construction. Permit me to read the language:

> That there shall be reserved by the United States a space of 80 rods in width between tracts sold or entered under the provisions of this act on lands abutting on any navigable stream, inlet, gulf, bay, or seashore.

Then it provides for rules by the Secretary of the Interior, and proceeding says:

> And a roadway 60 feet in width, parallel to the shore line as near as may be practicable, shall be reserved for the use of the public as a highway.

The two portions of this section taken together show that we reserved every alternate 80 rods, and we reserved a roadway 60 feet in width in lands disposed of under that particular act. Now, the Senator from Arkansas contends that we went beyond the lands disposed of under the act and provided that there should be a 60-foot strip reserved along the entire coast of Alaska, extending in the aggregate over probably eight to ten thousand miles of territory. No such thought existed.

Mr. BERRY. If the Senator will permit me——

Mr. CARTER. And the Secretary of the Interior——

Mr. BERRY. I made no such statement.

Mr. CARTER. Well, then, the Senator——

Mr. BERRY. I said that the Secretary of the Interior held that this roadway, whether it be shorter or longer, whatever roadway you refer to in your amendment, was not subject to the location of mining claims, and having so held, my amendment simply provides that in opening it we shall have relation to future transactions and not to the past. I want to avoid, if the Senator will permit me, the confirming of the title of this company that went there when the whole world did not have the right to go.

Mr. CARTER. Mr. President, the Senator from Arkansas must then admit that if the Secretary construed the law, as he contends he construed it, erroneously, and if anybody located a claim up there on this 60-foot reserve, he had a perfect right to do so; and the Senator from Arkansas, upon his own construction, desires to deprive him of that right.

Now, the Secretary of the Interior has made no such decision as the Senator refers to. On the 5th of February the Secretary wrote the following letter to the Commissioner of the General Land Office:

> FEBRUARY 5, 1900.
>
> SIR: Referring to departmental letter of the 3d ultimo relating to the application of the mining laws of the United States to mineral lands in Alaska lying above and below the line of ordinary high tide, I now recall that paragraph of said letter relating to lands lying upon the beach above the line of ordinary high tide, and hereby substitute instead the following:
>
> As to that part of Mr. Logan's communication which relates to lands lying on the beach above the line of ordinary high tide there would be no doubt that such lands are public lands of the United States, and if mineral in character can be located, occupied, and held under the mining laws as extended to Alaska, the same as any other public mineral lands in said district, if it were not for the provision in section 10 of the act of May 14, 1898 (30 Stat., 409, 413)—

Which I have read—

> which declares that a "roadway 60 feet in width parallel to the shore line as near as may be practicable shall be reserved for the use of the public as a highway." The effect of this provision has not yet been sufficiently considered by the Department to justify the expression of any opinion thereon at this time.
>
> You will notify Mr. Logan hereof.
>
> Very respectfully,
>
> E. A. HITCHCOCK,
> *Secretary.*
>
> THE COMMISSIONER OF THE GENERAL LAND OFFICE.

Mr. President, the amendment which has been presented as part of the amendment accepted by the Senator from Nevada [Mr. STEWART] was presented because some one questioned the proper construction of the act of 1898. It never was intended that a roadway should extend over mineral lands. There is no reason for the rule. The lands to be conveyed under section 10 of the act of 1898 were intended to be conveyed to canning establishments. Those canning establishments would construct buildings upon the land and inclose them with fences; and to the end that we might prevent such fences and structures from preventing free access to and from one point to another on the shore, we provided that this open roadway should be retained parallel with the shore.

No such reason exists with reference to mining claims. Those claims are never inclosed. Inclosure is contrary to and in conflict with the general purpose for which mining claims are taken up. They sluice off the entire surface of those mining claims, wash the gravel and driveway into the sea, or the shore, or wheresoever they can lodge it. There is no pasture land; no desire to put up structures for habitations, or for any other purpose. Therefore, the whole country is an open roadway.

Now, to say that this road must be continued indefinitely around the coast of Alaska is to contend for a construction that seems to me utterly absurd and wholly at variance with the language and intent of the act which we undertake to construe in the light of the question that has been raised. In so far as the alleged company is concerned, it is said that somebody at some time last year or the year before, having this law in mind, perhaps giving a rational interpretation to it, located a mining claim which did not stop 60 feet above the shore line, but went down to the high-tide line; some one else located an adjoining claim, and thus they continued possibly 200 miles along that coast.

Now, the Senator from Arkansas by his amendment proposes to cut off the end line of each of those claims and move them back 60 feet, so that A, B, C, D, E, F, or anybody else can go in there next year and locate that 60-foot strip, taking it off the other lands claimed. I do not think the amendment ought to be entertained.

Mr. BERRY. Mr. President, I think it a little unfortunate that the Secretary of the Interior should have made a ruling which the Senator from Montana [Mr. CARTER] says is without foundation in law; that it is absolutely absurd and can not be sustained by any argument. If the Senator is correct, I think it unfortunate that we did not have a Secretary of the Interior who knew a little more about the law when he made that first ruling. I think

it unfortunate that he must come in now and modify and change and take back that ruling, and say that he will hold the question open.

The Senator says that my amendment proposes to continue this roadway. The Senator well knows that my amendment does not propose to continue the roadway. There is not one word in it about continuing the roadway. His amendment says that the roadway shall be opened up to location. If it is already open, what is the necessity of the Senator offering the amendment that he proposes to open it? I say by my amendment that when you do open it you must not confirm a title located contrary to the ruling of the Secretary of the Interior as to what the law was. It is not seeking to cut a man out of his rights; it is to prevent the Congress of the United States giving these parties, this company, an advantage over others who have equal rights and who were cut out by the law. Now, for us to come in and legislate to confirm a title to parties who located contrary to law is manifestly unjust. The only thing in my amendment is that it provides that this legislation authorizing the location of claims shall apply to future claims and shall not ratify a location heretofore made.

I think when we open up this location every man ought to have an equal right, and this company should not have its title confirmed to the exclusion of other people who have equal rights. That is all there is in the amendment.

Mr. SCOTT. Will the Senator allow me?

Mr. BERRY. Certainly.

Mr. SCOTT. Do I understand that the Senator's amendment would not interfere with locations already made?

Mr. BERRY. I understand that the object of the amendment is to prevent the confirmation of locations already made. My amendment was intended to confine its operation to the future. That is the purpose of the amendment. I do not want the parties who made locations contrary to all law to have their titles confirmed by this legislation; and therefore my amendment says that in locating these claims on that roadway this law shall apply to the locations to be made. That is what it does; that is, when the law passes that every man shall have an equal show, and that those men who are there now contrary to law shall not have an advantage over others.

Mr. STEWART. Suppose that the Senator from Montana [Mr. CARTER] is right in his construction—and I am very confident he is—that this law did not apply to mineral lands and never was intended to apply to them. The Senator from Arkansas [Mr. BERRY] always means to be a fair man.

Mr. BERRY. I try to be.

Mr. STEWART. I am very confident—and I have looked over the law—that it does not apply and was not intended to apply except to those pieces of ground granted for fishing and such purposes.

Here is land that was open to exploration and to location. Suppose people located it as mining ground innocently. I should have located it in that way if I had been there, and I was astonished when I heard a question had been raised in the Department that this applied to mineral lands. I have no doubt that all this ground, where it is in the mining region, has already been located, and located under the mining law as other mining ground. I do not think you will find a foot of vacant ground. The mining laws limit them to a certain amount; and if they have done that, would it be fair to say that their titles should not be good? If persons who located now could have a good title, I would not disturb the titles that exist.

Mr. BERRY. I say, if it was contrary to the law of location, and the Secretary of the Interior has ruled that it was, then it is unfair that a man who violates the law, or, as the Secretary has said, was violating the law—if you want to put it in that way—should be allowed to go in there and take advantage over other people, and then for Congress to confirm his location, that is not fair.

Mr. STEWART. But suppose he was there and made the location in good faith, and the Secretary made a mistake in what he said—I think he did—nobody up there knows anything about it, and this occurred down here—would it be fair to invalidate his title?

Mr. BERRY. I am not invalidating his title. I propose to let him law that out with the courts and the Secretary of the Interior.

Mr. STEWART. He would have no chance.

Mr. BERRY. But I do not desire to validate the title where there is a dispute as to whether it is legal or not.

If the Senator desires me to answer, I will say that what I object to is a ruling of the Secretary of the Interior by which one particular company can go there and make locations and the ordinary miner is kept away by reason of the law, and then we step in and confirm the title to that individual or to that company, to the exclusion of everybody else. I want them all to have a fair chance when this law passes, and to take equal chances under it.

Mr. STEWART. The difficulty will be when this law passes that those who have the information are here, and they will get up into that country as quickly as they can and take the ground before the others who are up there find out about it. The difficulty will be that a man who has been there for two years working this ground will find another man owning the ground if you invalidate his title. They all knew what the law was when they went there.

Mr. BERRY. The Senator can rest easy on that point. I assure him that the company has lawyers employed in this city now looking after the confirmation of their title, and they will be advised.

Mr. STEWART. I never heard of it.

Mr. BERRY. What I object to is giving them an advantage. I hope when the law passes for the opening of that roadway that all the world will have an equal chance. I do not seek to invalidate any valid title, but I seek to prevent the confirmation of a title which the Secretary of the Interior says is invalid.

Mr. STEWART. The Senator refers to a company. I have not heard of any company locating there. I have not heard anything about that.

Mr. BERRY. I was so told by a member of the House of Representatives.

Mr. CARTER. The Senator from Arkansas is the only one who knows anything about such a company.

Mr. BERRY. I will state to the Senator from Montana, since he makes this personal to me and wants to know what I have heard, I can tell him the whole story; but probably I had best not.

Mr. CARTER. I would tell the whole story.

Mr. BERRY. A member of the other House, the chairman of the Committee on Public Lands, has already secured the passage of a bill through the House of Representatives providing for the opening of this roadway, which he says does not confirm any past location. I have had information from other members of the House of Representatives that there was a company; and I say that the attorneys appeared here; and there are attorneys who object, they say, to interfering with the title that they claim they have already secured. That is what I have heard; and when the Senator says that I am the only man who has heard that there has been any such location, he is misinformed. There are others who have heard it.

Of course if the Senate of the United States want to confirm this title, they have the power to do it; but it seems to me it would be better to adopt my amendment and let these parties take their chance before the Interior Department and before the courts. If it shall be decided that they are entitled to the property, then they can not be kept out of it; but when you legislate to confirm their title, you give them an advantage over other men, who are kept out by reason of the fact that the Secretary of the Interior has held that they were not entitled to go there. I do not wish to confirm any title, but I wish to leave it to the courts to determine.

Mr. CARTER. The Senator from Arkansas must admit that the letter of the Secretary of the Interior in the Logan case was written after all of the people had concluded mining in the year 1899. The letter was written on the 3d of January, 1900. What mining location has been made in Alaska of which the Senator has knowledge, or the gentleman to whom he refers, since the 3d day of last January? Not a human being could get out from Cape Nome since January that I know of. It was certainly impossible under all the depths of snow that rest along that shore to have made any mining location since January.

Now, the Senator thinks it is outrageous when the Secretary of the Interior had advised these people of the law that they should go on and make locations. It can not be possible that any locations have been made since the Secretary's letter was written.

The necessary effect of the amendment proposed by the Senator from Arkansas is to disturb every title along the shore line of Bering Sea; not alone at Cape Nome, but along the whole shore line of Bering Sea throughout its length, by saying that hereafter the law of 1898, which by no distortion can be made to apply, shall not be hereafter applied. The sum and substance of it, the necessary inference will be, that every man who went there and in good faith made a location up to this date or prior to the date of the letter of January 3 shall be deprived of title and driven out. I do not think that is fair. I do not think it is just. I should like to see, in so far as litigants are concerned, people left in statu quo. It is not the part of Congress to place a retroactive construction on any law.

Mr. BERRY. That is precisely what the Senator from Montana is seeking to do by his amendment—to confirm these titles—and that is the thing to which I object. The confirmation of an illegal location made there, if it turns out to be illegal, thereby gives that party an advantage. I am not seeking to disturb title; I am saying by my amendment that this law opening that strip shall apply to future transactions, not to past transactions.

Mr. CARTER. But, Mr. President, the law has continuously applied to lands that were taken up under the act, and to none

others. Now, the Senator from Arkansas by his amendment would have an inference created that the act of 1898 was susceptible to a construction which does not apply, and I do not believe the Senator would say on his own responsibility that it does apply.

Mr. BERRY. Will the Senator permit me to ask him a question?

Mr. CARTER. Certainly.

Mr. BERRY. When the Senator by his amendment says that this shall be open to the location of mineral claims, is there not an inference there that that was the law? Otherwise, why put it in the bill at all?

Mr. CARTER. The Senator is right, except that he does not state what is correct.

Mr. BERRY. In what way did I state what was incorrect?

Mr. CARTER. There is nothing in the amendment saying a word about a location. It is merely provided that the act of 1898 shall not be construed as applying to mineral lands or town sites.

Mr. BERRY. Precisely, and is not that an inference that it does apply? Otherwise why legislate about it? Does not the inference follow that, if the Senator did not think it did apply, it would be unnecessary for him to legislate and say that it shall not apply? Why, then, does he speak of inferences, when he is seeking by an amendment of his own to open up that strip, and thereby he admits without legislation that it is not open?

Mr. CARTER. Mr. President, what the Secretary of the Interior in a formal letter declares to have been an inconsiderate expression raised the question of this law applying to mineral lands, thus making of that a debatable question.

The Senator from Nevada [Mr. STEWART] presented an amendment providing that this act should not apply to mineral lands or town sites. I do not know whence the Senator procured the draft of that amendment, but I do know that some days ago the Attorney-General for the Interior Department, claiming that this question was somewhat ambiguous, presented to me to be adopted here an amendment almost identical with the amendment to-day presented by the Senator from Nevada—an amendment written by the Assistant Attorney-General to cure what he thought was a defect in the law, in that it did not make clear the point at which this road was to terminate. The amendment is in these words:

Provided, That the 60-foot roadway provided for in section 10 of the act of May 14, 1898, shall not apply to mineral lands or to lands entered under the town-site law.

That comes from the Department. They did not see any reason for the application of this 60-foot roadway, but they think that possibly the law ought to be thus construed, and the reason the Secretary assigns is, as I understand it, that they did not provide that the 60-foot roadway should extend all around the coast, but it will stop short when it comes to the mineral lands, and therefore it ought to be extended to the mineral lands, running indefinitely after the reason for its existence has ceased to be.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Arkansas [Mr. BERRY] to the amendment of the Senator from Montana [Mr. CARTER]. [Putting the question.] By the sound the "noes" have it.

Mr. BERRY. I ask for the yeas and nays on the adoption of the amendment to the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULBERSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is necessarily absent. He is paired on this question with the Senator from West Virginia [Mr. ELKINS].

Mr. HEITFELD (when his name was called). I have a general pair with the senior Senator from New York [Mr. PLATT], and therefore withhold my vote.

Mr. MCMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. LINDSAY].

Mr. STEWART. I suggest to the Senator from Michigan that he transfer his pair to my colleague [Mr. JONES of Nevada], who is absent.

Mr. MCMILLAN. I transfer my pair with the Senator from Kentucky [Mr. LINDSAY] to the Senator from Nevada [Mr. JONES] and vote "nay."

Mr. PETTUS (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea."

Mr. RAWLINS (when his name was called). I have a general pair with the Senator from Ohio [Mr. HANNA].

Mr. TURLEY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. I do not know how he would vote if present; but if I were at liberty to vote, I should vote "yea."

Mr. WELLINGTON (when has name was called). I have a general pair with the Senator from North Carolina [Mr. BUTLER]. As he is not present, I withhold my vote.

The roll call was concluded.

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY], and therefore withhold my vote.

Mr. WELLINGTON. I understand that the Senator from Tennessee [Mr. TURLEY] who is paired with the Senator from Wisconsin [Mr. SPOONER] is willing that he and I may transfer pairs, I being paired with the Senator from North Carolina [Mr. BUTLER], which will enable us both to vote.

Mr. TURLEY. That is satisfactory to me.

Mr. WELLINGTON. I vote "nay."

Mr. TURLEY. Under that arrangement I am at liberty to vote, and I vote "yea."

The result was announced—yeas 17, nays 27; as follows:

YEAS—17.

Bacon,	Cockrell,	Nelson,	Turley,
Bard,	Culberson,	Quarles,	Vest.
Bate,	Daniel,	Taliaferro,	
Berry,	Harris,	Teller,	
Clay,	Jones, Ark.	Tillman,	

NAYS—27.

Carter,	Frye,	McMillan,	Simon,
Clark, Wyo.	Gallinger,	Perkins,	Stewart,
Cullom,	Hansbrough,	Platt, Conn.	Thurston,
Davis,	Hawley,	Ross,	Warren,
Deboe,	Kean,	Scott,	Wellington,
Fairbanks,	Lodge,	Sewell,	Wetmore.
Foraker,	McCumber,	Shoup,	

NOT VOTING—43.

Aldrich,	Depew,	Lindsay,	Pettigrew,
Allen,	Elkins,	McBride,	Pettus,
Allison,	Foster,	McComas,	Platt, N. Y.
Baker,	Gear,	McEnery,	Pritchard,
Beveridge,	Hale,	McLaurin,	Proctor,
Burrows,	Hanna,	Mallory,	Rawlins,
Butler,	Heitfeld,	Martin,	Spooner,
Caffery,	Hoar,	Mason,	Sullivan,
Chandler,	Jones, Nev.	Money,	Turner,
Chilton,	Kenney,	Morgan,	Wolcott.
Clark, Mont.	Kyle,	Penrose,	

So the amendment of Mr. BERRY to the amendment of Mr. CARTER was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Montana.

Mr. PETTUS. I desire to have the amendment divided. I move to amend the amendment by striking out the words added by the Senator from Nevada. Will the President pro tempore kindly allow me to look at the amendment? It has not been printed at all.

The PRESIDENT pro tempore. The Senator from Alabama demands a division of the amendment. In the opinion of the Chair it is capable of division.

Mr. PETTUS. I move to amend by striking out the words that are written on the side of the amendment, the words proposed by the Senator from Nevada and accepted, as I understood, by the Senator in charge of the bill. I want it distinctly voted on whether the Secretary of the Interior here in Washington is to be allowed to enact laws for the Pacific coast in reference to these miners. I do not think it ought to be done, and I want the Senate to say whether or not it shall be done separately from all other questions.

While I am on my feet I wish, in obedience to a promise I made to the Senator from Connecticut, to ask the Senator from Montana a question.

Mr. CARTER. I will be glad to respond if I can.

Mr. PETTUS. I would be very happy, and so would the Senator from Connecticut, if the Senator from Montana would inform us what he means by shoal water, when he gets outside of the land, and how far shoal water will go.

Mr. CARTER. I will utilize the Standard Dictionary of the English language as a part of my answer.

Mr. PETTUS. I want the Senator to answer. I do not want any of his dictionary definitions. That is a mere subterfuge. I do not want it, and the Senator ought not to practice such things on the Senate. What does he mean by it?

Mr. CARTER. I accept the compliment as well bestowed. I think the authority is quite as good as the dictionary. Shoal water is regarded as the water between the blue line and the shore on the edge of navigable water of the sea, and is defined by the dictionaries and is well understood in the nautical parlance of the age to be inside of the blue line of the sea. In the present case we have another qualification, the Senator will observe, which may be calculated to limit the extension of this shoal water; that is, the water within the jurisdiction of the United States. That jurisdiction does not extend beyond the 3-mile limit, I believe. If the Senator will indulge me for a moment, I will read from the dictionary, which I recognize as supplemental authority and of some little weight. It is defined:

To grow shallow; as, the change from blue to green shows that the water shoals.

Then it is also used in reference to shoals—

To throng in schools or shoals; assemble in multitudes.

Further—

Of little depth; shallow; as, shoal water.
The anchorage is shoal but safe, and easy of access.
A shallow place in any body of water; a shallow. A sand bank or bar, especially one seen at low water; as, stranded on a shoal, etc.

Mr. PETTUS. I suppose, then, the Senator would have the shoal water extend out 10 or 15 miles if it were actually shoal water out that far?

Mr. CARTER. I think the other clause in the amendment would limit the extension to our jurisdiction, which is 3 miles.

Mr. TELLER. Would there be any objection to extending it 15 miles if we could get gold?

Mr. CARTER. I think not.

The PRESIDENT pro tempore. The Senator from Alabama moves to strike out certain words, which will be stated.

The SECRETARY. After the word "shall," in line 13 of the amendment, it is proposed to strike out "be subject to such general rules as the Secretary of the Interior may prescribe for mining below high tides, and shall."

Mr. STEWART. When the junior Senator from Colorado had a similar provision in his amendment, it applied generally to the mines, and I opposed it. I do not want the Secretary of the Interior or any other tribunal authorized to change the general mining laws which have been established always since the people have inhabited the country. But on conversation with him I saw his purpose was to provide regulations for the lands that are below high-water mark, and I suggested this amendment to the Senator having charge of the bill. I think it would be very well. I am not tenacious about it. I do not think any harm would come, and I think good might come, from allowing the Secretary to make general rules and regulations applying to the mines in this anomalous condition. They may extend out to the 3-mile limit under water. It would be inconvenient to stake them, etc. There ought to be some power which should make general rules for marking the claims, stating how it should be done. It is not done in detail.

I think something of the kind is necessary in addition to such rules as the miners may make. They may supply the whole of it; but inasmuch as it goes out beyond what has been their jurisdiction, into the water, I thought it would be very well to allow a Government officer to make general rules as to that. I am not tenacious about it; and if it is voted down, I shall not feel myself rebuked, because it is somewhat doubtful with me whether it ought to be done. But still my belief is that it would be better to let some Government officer have general supervision of this anomalous condition, not in conflict with miners' laws and not in conflict with the existing law. It is not to give an undue area; he can not do that; but he might make some regulations as to how they should proceed, for they can not go upon the ground and mark it as they are required to do under the mining laws. I am quite indifferent as to this. Let the mining men work it out if you have that much confidence in them. They have done a great many extraordinary and difficult things. If the words are stricken out, I shall not object.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. PETTUS] to strike out the words which have been read.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Montana [Mr. CARTER] as amended.

The amendment as amended was agreed to.

Mr. CARTER. I now request that at 4 o'clock on Thursday next a vote be taken on the bill and all amendments then pending. I suggested that that agreement be entered earlier in the day, but the Senator from Nevada——

Mr. STEWART. I can not make any agreement until the amendment offered by the Senator from North Dakota [Mr. HANSBROUGH] has been disposed of, because otherwise I may not be in such a position to debate it. I want that amendment disposed of, because it will lead to a good deal of discussion, and other matters may come up and there may not be a clear opportunity for discussion if an agreement is now made. So I can not make any agreement until that is disposed of. I think when that is voted on it will dispose of the bill pretty much.

Mr. CARTER. Would it not suit the Senator's convenience to vote on Saturday?

Mr. STEWART. I will not make any agreement until the amendment of the Senator from North Dakota is disposed of.

The PRESIDENT pro tempore. Objection is made.

Mr. WARREN. I offer the amendment I send to the desk.

The SECRETARY. It is proposed to amend section 4 by striking out, in lines 7 and 8, on page 4, after the word "President," the words:

And no person over the age of 50 years shall be eligible to appointment as a judge of the district court.

The amendment was agreed to.

Mr. WARREN. I have another amendment which I wish to offer. I observe that there is in the bill no provision for anyone to act as chief executive officer in the absence of the governor. The executive officer is necessarily absent at times in a Commonwealth or Territory, and hence I offer the amendment I send to the desk.

The SECRETARY. It is proposed to strike out section 3 and substitute in lieu thereof the following:

SEC. 3. That there shall be appointed for the district a secretary, who shall reside therein during his term of office, whose duty it shall be, under the direction of the governor, to record and preserve all the papers and proceedings of the executive, and transmit one copy of the executive proceedings and correspondence semiannually, on the 1st days of January and July in each year, to the President of the United States. And in case of the death, removal, resignation, or absence of the governor from the district the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the governor during such vacancy or absence, or until another governor shall be duly appointed and qualified to fill such vacancy.

The amendment was rejected.

Mr. WARREN. In that case I offer the amendment I send to the desk, which covers the same point in another way.

The SECRETARY. It is proposed to add to section 10 the following:

In case of the death, removal, resignation or other necessary absence of the governor from the district, the surveyor-general and ex officio secretary of the district shall have, and he is hereby authorized and required to execute and perform, all the powers and duties of the governor during such vacancy or absence or until another governor shall be appointed to fill such vacancy.

Mr. BATE. Is that transferring the power of the governor to another man? I should like to have it explained.

Mr. WARREN. In the absence of the governor it merely authorizes the secretary to act for him just as is done in every other Territory and as it always has been done.

Mr. CARTER. I am inclined to think the Senator's amendment should be added to section 3 instead of section 10.

Mr. SHOUP. I think the word "qualified" should be added.

Mr. WARREN. What is the Senator's suggestion?

Mr. CARTER. I suggest that the Senator add his amendment to section 3 rather than to section 10.

The PRESIDENT pro tempore. On page 4.

Mr. WARREN. I do not think it matters where it comes in, except that section 10 is the one which refers to the duties of the surveyor-general.

Mr. CARTER. It is a mere matter of form.

Mr. WARREN. I am not particular where it is placed.

Mr. JONES of Arkansas. Let the amendment be stated.

The PRESIDENT pro tempore. The amendment will again be stated.

The Secretary again read the amendment.

Mr. CARTER. There is no objection to the amendment.

Mr. BATE. The word "removal" seems to be very broad, and I do not know whether it is proper or not. If he should be removed or impeached, or anything else should happen, I understand his successor takes his place, as indicated in the amendment. The Senator had better look at the word "removal."

Mr. WARREN. I will do so.

The PRESIDENT pro tempore. The Senator from Wyoming modifies his amendment.

Mr. CARTER. Let the amendment as modified be stated.

The Secretary read as follows:

In case of death, removal, resignation, or other necessary absence of the governor from the district, the surveyor-general, as ex-officio secretary of the district, shall have, and is hereby authorized and required to execute and perform, all the powers and duties of the governor during such vacancy or absence or until another governor shall be appointed to fill such vacancy.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments as in Committee of the Whole? If not, the bill will be reported to the Senate.

Mr. BATE. There are other amendments, but it is very late. I know of three or four. One is on hand now. I refer to the amendment of the Senator from North Dakota [Mr. HANSBROUGH].

Mr. STEWART. Let us take that up now.

Mr. BATE. It can be taken up to-morrow or at any other time. Senators will see it is now getting on toward 5 o'clock. It is hardly worth while to take it up now. We spent an hour on it the other day.

Mr. CARTER. The amendment of the Senator from North Dakota will lead to considerable debate, and, in order to facilitate the progress of the bill, I suggest to the Senator from Tennessee that he present his amendments at this time.

Mr. BATE. I have some amendments which I think will lead to perhaps more debate than the amendment of the Senator from North Dakota. That is one reason why I wanted to get his amendment out of the way. Then I will bring mine forward.

The PRESIDENT pro tempore. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. JONES of Arkansas. There are certain amendments to be offered which it will take time to consider. The Senate seems reluctant to proceed with the consideration of those amendments this afternoon, and I move to proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 17, 1900, at 12 o'clock m.

NOMINATION.

Executive nomination received by the Senate April 16, 1900.

GOVERNOR OF PORTO RICO.

Charles H. Allen, of Massachusetts, to be the governor of Porto Rico, an original appointment, as provided for by an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 16, 1900.

CONSUL.

Charles E. Barnes, of Illinois, to be consul of the United States at Cologne, Germany.

PROMOTION IN THE NAVY.

Capt. Silas W. Terry, to be a rear-admiral in the Navy, from the 29th day of March, 1900.

POSTMASTERS.

Frank G. Pennell, to be postmaster at Mount Joy, in the county of Lancaster and State of Pennsylvania.

William Krause, to be postmaster at Richland Center, in the county of Bucks and State of Pennsylvania.

Henry D. Ruth, to be postmaster at Lansdale, in the county of Montgomery and State of Pennsylvania.

Henry F. Hershey, to be postmaster at Steelton, in the county of Dauphin and State of Pennsylvania.

Daniel G. Engle, to be postmaster at Marietta, in the county of Lancaster and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 16, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday was read and approved.

POSTAL ECONOMIC BILL.

Mr. McPHERSON. Mr. Speaker, on behalf of the minority of the Committee on the Post-Office and Post-Roads, six in number, I desire to file a minority report on House bill 9393, and I ask for a reprint of the majority report with the minority report accompanying it. There was an arrangement by which the two were to be filed together, but through forgetfulness the majority report was on file a day before we knew about it.

The SPEAKER. The gentleman from Iowa asks unanimous consent to file a minority report from the Committee on the Post-Office and Post-Roads on the Post-Office appropriation bill, together with the reprint of the majority and minority report.

Mr. McPHERSON. Not the appropriation bill, Mr. Speaker, but what is called the postal economic bill.

The SPEAKER. Will the gentleman give the number of it?

Mr. McPHERSON. Nine thousand three hundred and ninety-three.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none, and it is so ordered.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the naval appropriation bill, and pending that motion, I am instructed by the committee to ask that the general debate be limited to fourteen hours, seven hours upon a side; seven hours to be controlled on that side by the gentleman from New York [Mr. CUMMINGS], or, if he so elects, to be distributed by the minority members of the committee, and the time on this side to be controlled by the acting chairman of the committee. And, furthermore, that upon the expiration of this time, or in case general debate should be exhausted before the expiration of the time agreed upon, it shall then be in order to call for the reading of the bill and debated under the five-minute rule.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill; and, pending that, he asks unanimous consent that general debate be continued for fourteen hours, seven hours on a side, and that the gentleman from Illinois, acting chairman of the committee, shall control one half of the time and the gentleman from New York shall control the other half of the time, with the right to yield to other members of the minority; that when general debate expires, or, if it shall be exhausted before the fourteen hours expire, the bill shall then be considered under the five-minute rule.

Mr. FOSS. Mr. Speaker, I will state that under this arrangement I hope that general debate will be through by to-morrow evening at 5 o'clock, because, although this side will have seven hours, I do not see where the speakers are to come from. I think we shall be able to finish it by that time.

Mr. CUMMINGS. Mr. Speaker, I am authorized to say that the proposition is acceptable to the minority, with the understanding that each member of the minority has his hour, and members who desire time, consequently, will get their time from the minority members.

Mr. CANNON. Mr. Speaker, I want to say a word, if I can have the attention of the gentleman from Illinois as well as the gentleman from New York. From glancing at the majority and minority report and the bill itself I can see some very important questions to be determined in Committee of the Whole. Take the coast survey which is proposed by it, for instance, and the question in the minority report of an armor-plate factory, and the question of the utilization of the navy-yards for construction of ships—all very important questions. Now, it seems to me it would be better to have an hour on each side to cover at least these three general questions—an hour on each side of general debate upon the particular measures when they are reached.

Mr. WHEELER of Kentucky. That is what I was going to suggest.

Mr. CANNON. I suggest that we should have an hour on a side, with the assurance that where the debate is in good faith and upon the merits of the proposition it will be a little bit free and easy for time when these measures are reached. I should be glad myself to submit some remarks upon one of these matters, but I should rather not do it to empty benches, and would rather it would be a real debate.

Mr. UNDERWOOD. Mr. Speaker, I desire to say something in the line of what the gentleman from Illinois has just said. The armor-plate question has harassed Congress in this general aspect for four or five years. As the gentleman from Illinois has said, if this question is discussed in general debate, the probabilities are that those who speak on the question will speak to empty benches, because the moment we agree upon fourteen hours of general debate on the bill the members drop out and attend to their business in town. It is a live question, one that ought to be settled now, one that is dealing with the building of the United States Navy. The Naval Committee has never brought a more important question before this House, and it is a matter that ought to be settled and settled right. Therefore, I hope the chairman of the committee will agree now that there shall be a liberal debate.

Mr. WHEELER of Kentucky. Along the line suggested by the gentleman from Illinois and the gentleman from Alabama, I desire to say to the House that the differences in the Naval Committee are merely questions of business judgment; and I think I am warranted in the statement that the discussion on general debate on both sides of the House will be confined entirely, or practically so, to matters of difference between members of the committee. I have no desire myself to give the benefit of what real observation and investigation I have made to empty benches and I sincerely hope that the members of the House will not pay us the compliment, but will feel it incumbent on themselves to listen to this discussion. I am satisfied that no member on the other side desires to bring general politics into this discussion. There are no politics in the Naval Committee; the matters of difference are simply questions of what is best for the American people.

Speaking for myself alone, I have absolutely no pride of opinion in regard to my individual views on this question. If the majority of my colleagues differ with me, I shall acquiesce with great pleasure in their judgment. But this is a matter which concerns the people, and, as suggested by the gentleman from Illinois, there are three matters of difference between us that the House alone can determine; and it would be absolute folly for us to indulge in general debate here for two days unless members of the House propose to remain and listen and take part in the discussion.

Mr. HOPKINS. Then why should not the gentleman in charge of the bill move that the general debate be limited to eight hours and provide that two hours shall be allowed for debate on each

proposition suggested by my colleague from Illinois when the bill is before the Committee of the Whole under the five-minute rule?

Mr. WHEELER of Kentucky. Mr. Speaker, that would be entirely satisfactory to me except for this consideration: I am quite confident that no man can intelligently present under the five-minute rule the objections that we of the minority have to the ideas embodied in this bill, and I should not like to make a speech in sections. I desire to say to the House what I have to say at one time and then quit. I think the other gentlemen of the committee feel the same way; I am quite sure the chairman does. And when the five-minute debate is reached it is my desire that the other members of the House be allowed to present their views fully in this debate. What we of the committee desire to say we want to say now, so that the members of the House may have the benefit of our investigations and of the hearings before the committee. For that reason I sincerely hope that the members of the House will stay here and listen to what we have to say.

Mr. CANNON. I suggest to the gentleman in charge of this bill that when the Coast Survey items are reached he ask unanimous consent that there be general debate of two hours at that time, if desired.

Mr. WHEELER of Kentucky. There is no disagreement in the committee on that question; we are unanimous upon it.

Mr. CANNON. We are not unanimous in the House.

Mr. WHEELER of Kentucky. I say the committee are unanimous.

Mr. FOSS. In view of what I have heard here this morning in reference to limiting general debate, I would suggest that a better arrangement might be made in this form: The general debate to continue for to-day, one-half to be controlled by the other side and one-half by this; that then we enter upon the reading and debating of the bill under the five-minute rule, but with the understanding that when we reach these points of disagreement—for instance, the Coast and Geodetic Survey, the question of the manufacture of armor plate, and the question of building ships in the Government navy-yards—we have debate upon those three propositions for two hours each.

The SPEAKER. The gentleman from Illinois [Mr. FOSS] modifies his request for unanimous consent so as to ask that general debate close with this day's session, and that to-morrow the House enter upon the consideration of the bill under the five-minute rule, with the understanding that when the questions of armor-plate manufacture, the building of ships in Government navy-yards, and the Coast and Geodetic Survey are reached there be allowed two hours' debate upon each of those three propositions. Is there objection?

Mr. CUMMINGS. I object. The minority of the committee is instructed to stand by the proposition for seven hours, which they desire for general debate. I have no idea but that when we reach the paragraph to which the gentleman has alluded some understanding can be reached by which debate may be confined to two hours or one hour, or some other definite time satisfactory to the House. But I do think we should stand by the original proposition. I know that members of the minority desire to present their views in general debate in such a way as that they may have ample time, and not have their speeches cut into sections as the bill is when we come to consider it by sections.

The SPEAKER. Objection is made. The question is on the motion of the gentleman from Illinois.

Mr. CANNON. Then I will ask the gentleman to further modify his proposition——

The SPEAKER. There is now no proposition before the House—only the motion to go into Committee of the Whole.

Mr. CANNON. I suggest that the gentleman ask also that when desired general debate for not exceeding two hours each may be had on the three propositions—the Coast Survey, the armor-plate manufacture, and the building of ships in the navy-yards—the debate to take place as each proposition is reached.

Mr. HEPBURN. Does the gentleman from Illinois suggest three hours' debate on each of those propositions?

Mr. CANNON. Only two hours on each, if that much time be desired.

Mr. HEPBURN. That would be sixteen hours of general debate upon this bill, which would occupy four days.

Mr. CANNON. I propose to have six hours of real debate when the bill is considered.

Mr. HEPBURN. I have no objection to that proposition, if it be coupled by unanimous consent with the further provision that there be no political debate.

Mr. WHEELER of Kentucky. Mr. Speaker, I will say that the committee itself requested that no political debate be had and that the debate should be confined to the consideration of the bill as far as practicable——

Mr. CUMMINGS. The committee is unanimous in that.

Mr. WHEELER of Kentucky (continuing). Except, of course, so far as we can not prevent.

Mr. CUMMINGS. And no objection is made to the proposition of the gentleman from Illinois except to the second one, which limits the general debate to this day.

Mr. FOSS. Mr. Speaker, I desire to state that I submitted the original proposition under the instructions of the Committee on Naval Affairs. The last proposition was simply a suggestion of my own and from hearing the remarks of gentlemen on the other side of the House. I understand, however, that objection is made to that. I will renew, therefore, the first proposition.

The SPEAKER. The request from the gentleman from Illinois is that two days be devoted to the general debate upon the pending bill——

Mr. CUMMINGS. Fourteen hours.

The SPEAKER (continuing). One-half to be controlled by himself and one-half by the gentleman from New York [Mr. CUMMINGS], making, as the Chair understands, fourteen hours altogether.

Mr. CANNON. Well, Mr. Speaker, I suggest, if there is no leeway for the general debate, that the gentleman go on with the consideration of the bill in Committee of the Whole, and he can tell better at the close of the day's session how much more time will be required. Of course he has it in his power, having the majority, to close debate at any time he desires.

The SPEAKER. The gentleman from Illinois objects, and the question is on the motion of the gentleman from Illinois [Mr. FOSS], that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill.

Mr. KITCHIN. I would like to ask a question for information. I want to know whether——

The SPEAKER. Objection has been made to all propositions for unanimous consent, and there is pending now before the House only the motion of the gentleman from Illinois.

Mr. KITCHIN. I ask if the particular proposition was made which was practically agreed to in committee?

The SPEAKER. It was made, and objected to.

The question now is on the motion of the gentleman from Illinois, that the House resolve itself into Committee of the Whole to consider the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10450) making appropriations for the naval service for the year ending June 30, 1901, and for other purposes.

Mr. FOSS. Mr. Chairman, I desire to state in the beginning of my remarks that I have prepared a careful report on every provision mentioned in this bill, explaining all of the increases in the appropriations and all of the new items embodied in the bill, which I would ask the members of this committee to carefully read.

In presenting this bill to you I realize that I am doing the duty of him whom, unfortunately, illness has now for many weeks prevented from occupying his accustomed place on this floor. No man in Congress to-day has a wider knowledge of the subject of naval affairs than CHARLES ADDISON BOUTELLE. [Applause.] Born with the true naval spirit, his father a shipmaster and himself when but a lad before the mast, he early became conversant with naval affairs and familiar with the seas. Returning from a foreign voyage in the spring of 1862, he volunteered, and was appointed acting master in the United States Navy. He served in the North and South Atlantic and the West Gulf squadrons, took part in the blockade of Charleston and Wilmington, and was conspicuous in other naval engagements.

While an officer on the U. S. S. *Sassacus* he won promotion for gallant conduct in an engagement with the rebel ironclad *Albermarle*, and later took part in the capture of Mobile and the surrender of the Confederate fleet. No man fought with greater bravery than he in the memorable conflict from 1861 to 1865; and when he entered Congress, just at that time when this country was beginning to build up its new Navy, it was but natural that he should be assigned to the important Committee on Naval Affairs.

No man in all the years from that time to this has been more active or devoted to the task of building up a navy that would inspire confidence at home and respect abroad than Mr. BOUTELLE. [Applause.] He was chairman of the Committee on Naval Affairs in the Fifty-first, Fifty-fourth, Fifty-fifth, and this Congress, and as such demonstrated his great ability and wise statesmanship in bringing the Navy to that point where it was able successfully to combat the forces of Spain in our recent war. Too much honor and credit can not be given to him. I know that I voice the unanimous expression upon both sides of this Hall when I say that we wish him a speedy recovery and an early return. [Applause.]

Bereft of his counsel and advice, never did men respond better

to the responsibilities suddenly thrust upon them than the members of the Naval Committee, with whom I have the honor to be associated, and to-day, as their representative, I present to you this naval appropriation bill, providing for the maintenance of the naval establishment for the coming fiscal year, the largest naval appropriation bill ever presented to an American Congress since the days of old Jack Barry, who, justly or unjustly I have not now time to discuss, has been called the father of the American Navy. We present it to you as the result of our best work, our best judgment, our best conclusions upon the various questions raised in the bill, and we welcome your most thorough consideration and your most searching scrutiny.

This bill carries a total appropriation of $61,200,000. The naval appropriation act of last year carried $48,100,000. This present bill is an increase over the naval appropriation act of last year of $13,109,000. Our appropriations, all told, from all acts last year for the naval service, amounted to $53,400,000. It will be seen that this bill, therefore, carries an increase over all acts appropriating money for the naval service this year of nearly $8,000,000.

The estimates called for by the Department amounted to $70,000,000. This bill shows a reduction from those estimates of more than $8,000,000; so that, from whichever standpoint you view it, this bill is unique in this respect, that in it there is comfort for the economist and satisfaction for the enthusiast.

This increase of a little over $13,100,000 above that appropriated in the last naval appropriation act is attributable to the necessary increase under the headings of "Public works," "Construction and repair," "Steam engineering," and "Increase of the Navy."

Under the head of "Public works" there is an increase over the appropriation of last year of approximately $2,330,000. The estimates of this Department were nearly $14,000,000; and your committee, after carefully scanning these items, came to the conclusion that while public works needed some substantial improvements in order to economically preserve and maintain our naval establishment, yet the amount called for was larger than that which could be judiciously expended during the coming year, and consequently they reduced this appropriation, and recommended, in all, about $8,000,000.

The increase of $3,000,000 under construction and repair is due to the fact that we have more vessels to repair. There are 42 now assigned to the different navy-yards awaiting repair, and it must necessarily follow that as we are building more ships we will have more ships to repair, and consequently there must be an increase in this appropriation year by year. There is an increase in the Bureau of Steam Engineering of $1,500,000 for practically the same reason.

Then, under the head of increase in the Navy the item of construction and machinery, which is an appropriation for vessels which we are now building; and I may say that there are already authorized, and most of them under construction, about sixty vessels; and the increase in this appropriation this year over that of last year is $6,600,000.

So that, taking all these items into consideration, we make up the total increase of this bill over the last naval appropriation act of over $13,000,000, and every dollar of this increase can be traced, either directly or indirectly, to the one fact that we are building up the American Navy.

Now, while this sum seems to be a large one, $61,200,000, yet I may say that, from editorial comments which I have received from different newspapers all over the country, from the most conservative newspapers in the land, as well as those which are the most enthusiastic for the Navy, such as, for instance, the New York Journal, which says that this appropriation is only half big enough, on all sides there has been favorable criticism, so far as the amount of appropriations involved in this bill is concerned.

While it is true that it carries an increase of $13,000,000 over the corresponding bill of last year, and while, as the minority have stated in their views, it is perhaps double what the naval establishment cost three or four years ago, yet it might also be said that it is a great deal more than that which was appropriated twenty-five and fifty years ago.

In fact, one hundred years ago the naval appropriation bill amounted to only about $3,500,000. But the country has grown since then, and some of its most magnificent strides have been made during the last three or four years; and I believe that the people to-day are in favor of a strong and efficient navy; and not only are the people in favor of it, but they are willing to pay for it.

Mr. CANNON. Will the gentleman allow me, if it is apt at this time, touching the increase of the Navy? I see provision is made on pages 62 and 63 of the naval bill for three battle ships.

Mr. DAYTON. Two battle ships.

Mr. CANNON. Two battle ships, 3 cruisers, 3 cruisers of a smaller size, which, I apprehend, while the armament is not spoken of, would cost in the aggregate from forty to forty-five million dollars—I am not strictly accurate, but in that neighborhood. I believe there is not any appropriation for this work.

Mr. FOSS. There is nothing appropriated for it; we simply authorized it.

Mr. CANNON. And authorized contracts?

Mr. FOSS. Yes; to have them built by private contract, but it takes about a year to get the plans out, and it is not presumed that the contracts will be let under a year, probably.

Mr. CANNON. Now, I notice here, in the gentleman's report, that under the head of "New Navy," I believe it is—I had it a moment ago; I will find it.

Mr. FOSS. Page 20?

Mr. CANNON. Is that the new Navy?

Mr. FOSS. "The cost of our new Navy."

Mr. CANNON. Under the head of "The cost of our new Navy," in the gentleman's report, I find the—

Actual cost of finished vessels	$98,529,511.85
Estimated final cost of vessels now under construction	62,570,610.23

substantially yet remains to be appropriated, and all of it, or most of it, appropriated by bills to follow hereafter and not included in the present bill.

Mr. FOSS. There is an appropriation in this bill of nearly $13,000,000 for that object.

Mr. CANNON. For that object, which will leave, in round numbers, for these new vessels of the Navy now authorized by contract prior to this Congress, after the thirteen millions is appropriated in this, in round numbers, $49,000,000, but yet to be provided for by bills following after this session; and then there is the authorization of the additional ships, and against the time they are armed and ready for service, as authorized in this bill, will amount to about how much—fifty millions or more?

Mr. FOSS. Those authorized in this bill, in round numbers, nearly forty millions

Mr. CANNON. Would that include armor and everything?

Mr. FOSS. The maximum cost of these hulls is put down here at $28,350,000, exclusive of armor and armament.

Mr. CANNON. Then if this bill passes as it now is, carrying the appropriation that it now does toward the construction of new ships not heretofore ordered, there will be, to complete these new ships, to complete the authorization in this bill, in round numbers, something over $90,000,000 to be appropriated finally. About forty-nine millions of that has been authorized, and about forty millions is to follow.

Mr. FOSS. I would state that under the head of "Increase of the Navy" in this bill——

Mr. CANNON. Nothing, I will say, is appropriated in this bill for the ships you propose to authorize.

Mr. FOSS. That is true; but under the head of "Increase of the Navy," on page 16, you will find that this bill carries for construction and machinery $12,740,000.

Mr. CANNON. Yes.

Mr. FOSS. We also recommend $4,000,000 for armor and armament and $250,000 for equipment, making a total of $16,990,000. So that the figure which I mentioned a few moments ago applies purely to construction and machinery for the increase of the Navy, whereas these other figures which appropriate for armament and armor and equipment ought to be included, making $17,000,000, the appropriation in this bill toward finishing these vessels which already have been authorized and which are now in process of construction.

Mr. CANNON. Now, then, you report $62,000,000 to finish these vessels, to finish them entirely, and that would leave in round numbers $44,000,000 to complete the vessels already authorized, and then to that would have to be added, if this bill passes authorizing the additional ships that the bill provides for, in round numbers, $40,000,000 more, making about $84,000,000 to complete the Navy that has been previously authorized and will be authorized by this bill, but not heretofore appropriated.

Mr. FOSS. I would say, practically, yes, taking into consideration the vessels which we authorize in this act, that it will require in the neighborhood of $80,000,000.

Mr. CUMMINGS. That is altogether.

Mr. CANNON. That is altogether, to finish the vessels that have been authorized and which you are authorized to contract for and not carried in this bill—that is $80,000,000 to be appropriated hereafter.

Mr. LOUDENSLAGER. That would cover a period of some seven or eight years.

Mr. WHEELER of Kentucky. It is an injustice to allow that statement to go against this bill——

Mr. CANNON. I am not making any objection to the bill.

Mr. WHEELER of Kentucky (continuing). If you mean to give the committee the impression that there is an increase of eighty millions in this bill.

Mr. CANNON. Oh, no; I am not criticising the bill at all or speaking against its policy, but I was trying to see what is to be the appropriation hereafter by virtue of the authorization heretofore made and the authorization in this bill.

Mr. CUMMINGS. Did I understand the gentleman from Illinois to say that the authorization in this bill would entail an expense of forty millions?

Mr. CANNON. That is what my colleague informs me.

Mr. CUMMINGS. I do not think that two battle ships and six cruisers will cost $40,000,000.

Mr. DAYTON. I want to call the attention of the gentleman from Illinois to the fact that if that is true, the total cost of the Navy of the United States, the bulwark of American defense, will only be about forty millions more than the appropriation every year in the annual pension bill.

Mr. CANNON. The gentleman must not misstate me, and I know my colleague, the gentleman occupying the floor, does not misunderstand me. I am in no sense criticising the bill, but I am trying in good faith to ascertain, as far as I can, what is the amount entailed in expense upon the money in the Treasury to be hereafter appropriated, by virtue of this and other legislation, for a new Navy.

Mr. CUMMINGS. A very laudable ambition. [Laughter.]

Mr. FOSS. I want to say to the gentleman from Illinois that I have not the accurate figures here, but that this bill, in authorizing new ships, fixes upon a maximum limit for the cost of construction, and in the figures, which I have presented in this bill for the hull of these vessels, cost, in round numbers, $28,500,000. I am simply taking the maximum limit, the cost of the different vessels authorized. The actual cost will be much lower than that—take, for instance, the hull of the *Indiana*, which costs $3,000,000; the hull of the *Kearsarge*, cost $2,250,000—and so, while we authorize the maximum limit, it does not mean that the limit is the actual cost of the construction of the hull.

Mr. RIDGELY. In this bill have you made any provision for the Government to manufacture armor plate of its own?

Mr. FOSS. I will reach that provision a little later. I will state to the gentleman, however, that we have made no such provision.

Mr. RIDGELY. Do you not think it is time that we should?

Mr. FOSS. I should be pleased to discuss that question a little later on in the debate.

Mr. RIDGELY. I think it is time that we should manufacture our own plate.

Mr. KITCHIN. I would like to ask the gentleman from Illinois, the acting chairman of the committee, a question. The limit of construction in the bill does not include the furniture and a great many other things that will probably enhance the cost. For instance, it does not include the machinery.

Mr. FOSS. We appropriate every year anywhere from $250,000 to $400,000 for equipment, and out of that appropriation, I understand, comes the equipment for these vessels—that is, the furniture, and such things as may be necessary in order to put them in condition to live in. Does that answer the gentleman's question?

Mr. KITCHIN. Partially. The point I am getting at is that twenty-eight millions, which is estimated to be the cost of the hulls, does not include the total cost to put them in condition for sea.

Mr. FOSS. No; it does not.

Mr. BROMWELL. On page 16 of the bill is a provision for ocean and lake surveys. I should like to ask the gentleman whether anything in that section is new legislation or whether it follows strictly the provisions in previous bills?

Mr. FOSS. I would state that this is new language, but not new law.

Mr. BROMWELL. Is there not any new law in it at all?

Mr. DAYTON. Not the slightest.

Mr. FOSS. That language, so we were informed by the head of the Bureau, is purely explanatory of what the Navy has been doing all these years.

Mr. BROMWELL. How is it as to the law?

Mr. LOUDENSLAGER. It was only for the purpose of more correctly auditing the account.

Mr. BROMWELL. Has the lake survey been in charge of the Navy heretofore?

Mr. FOSS. Always.

Mr. BROMWELL. And the sounding of channels?

Mr. FOSS. Yes; and the ocean survey.

Mr. BROMWELL. But I am speaking more particularly of the lake survey.

Mr. DAYTON. By law there is an office established for doing the work by the Navy Department.

Mr. FOSS. Now, Mr. Chairman, I desire to call the attention of the committee to a few points in connection with this bill. In the first place, there is a provision here for the abolition of the two years' sea course at the Naval Academy. It is necessary that we should have more officers, and in order to get more officers it is necessary to abolish a part of the course—what is known as the sea course—which will give the naval cadets a four years' course, the same as the war college has at West Point.

Now, this provision of two years' sea course was tacked on the four years' regular course at the Naval Academy at a time when our Navy was going into decay—away back in 1870, when we did not need any officers. The time has now come when we need some officers, and the sensible thing, in our judgment, is to abolish the two years' sea course, which will give us an additional number of officers. It will bring in, for instance, I think, about 90 or 100 cadets who are now off on their sea courses, and at the same time will allow each member of Congress to appoint a cadet every four years (the same as he does to the war college) instead of every six years, as now.

There is another provision in this bill to which I desire to call the attention of the committee, and that is the question of armor and armament. While I shall go into a more thorough discussion of this question when we reach that particular provision in the bill which applies to it, yet I want now to make a general statement upon this subject. The committee recommends that the Secretary of the Navy be authorized to contract for armor for the three ships, the *Maine*, the *Missouri*, and the *Ohio*, at a cost not to exceed $545 per ton.

Admiral O'Neil, in a statement which was submitted to the committee, said that this armor was needed now—this year. The ships are already in process of construction, and they will be ready to be supplied with armor before the year is over. And he said that in no case should a Government factory be regarded as a possible source of supply of armor for the *Maine*, the *Ohio*, and the *Missouri*. On page 5 of the hearings before the committee Admiral O'Neil makes this statement:

> I am of the opinion that the rational and most economical course to be followed with regard to procuring armor for three battle ships of the *Maine* class now under construction, and for which the aggregate of about 7,360 tons is required, is to purchase the same by contract at a price not to exceed that asked by the American armor manufacturers—namely, $545 per ton; such armor to be made by the Krupp process, or to be of a quality equal thereto in ballistic and other properties.

Further, he states:

> It is absolutely necessary that the armor for the three battle ships of the *Maine* class should be contracted for at an early date, as the contracts for the hulls and machinery of said vessels were executed October, 1898—sixteen months ago. To defer much longer making the armor contracts will undoubtedly delay the completion of these vessels or some of them beyond the contract date of completion, which expires in June, 1901.

Mr. WHEELER of Kentucky. Will my colleague permit me a question right there?

Mr. FOSS. Certainly.

Mr. WHEELER of Kentucky. Does not the gentleman think it would be just to the committee (if he proposes to enter into the discussion of the armor-plate question), to state that so far as concerns the procurement of armor for the three battle ships now on the stocks, there is absolutely no difference of opinion in the committee: that we are all in favor of buying the armor for those three battle ships? It is the question of future supply on which we disagree. I think that statement would be but just.

Mr. FOSS. I will say to the gentleman that in the statement I have made up to this time I have not criticised at all the views of the minority on this proposition.

Mr. WHEELER of Kentucky. I know that; but I think it would be just to make the statement I have indicated.

Mr. FOSS. As the gentleman has stated the matter, I will confirm it—that so far as the provision for armor is concerned for these three vessels which need it now, the *Maine*, the *Missouri*, and the *Ohio*, there is no difference of opinion in the committee. Upon the question of the authorization of an armor-plate factory by the Government, I beg to state that the committee saw fit to leave that matter entirely to the House. In view of the statement——

Mr. UNDERWOOD. Will the gentleman allow me a question?

Mr. FOSS. When I get through with this statement.

The committee did not believe it was wise for them to recommend to this House that the Government should undertake the manufacture of armor. Admiral O'Neil, in his statement, says that the cost of a Government armor plant would be $4,872,285.74. You will find this statement on page 37 of the hearings. He further stated, on page 6 of the hearings:

> I do not think it is expedient for the Government to undertake the manufacture of armor for several reasons, which I will state, though I do not regard it as an impracticable undertaking.

Further, on page 7, he says:

> It is not likely that armor could or would be more cheaply produced by the Government than it could be bought, unless all consideration of interest on the value of the plant and on working capital is discarded.

Now, I simply want to state just for the time being, because I do not care to enter into the discussion of this question at this time, preferring to discuss it when the provision comes up regularly—but in view of those statements, your committee did not see fit to recommend to Congress a provision authorizing a Government armor-plate factory.

Mr. HOPKINS. Will the gentleman allow me a question?

Mr. FOSS. Certainly.

Mr. HOPKINS. The gentleman has given the estimate made by Admiral O'Neil. Does he remember that when Mr. Herbert was Secretary of the Navy an investigation on this subject was had, and it was reported by the Secretary that a Government armor-plate factory could be constructed for $1,500,000 in round numbers?

Mr. FOSS. I would say to my colleague that there have been various estimates made, but this is the last estimate.

Mr. HOPKINS. Was not that estimate made by Secretary Herbert, after a thorough investigation had been made, as to the cost of the manufacture of armor plate and the cost of establishing a plant by the Government?

Mr. FOSS. I do not recollect, Mr. Chairman, the exact estimate that was then submitted. But I know this, that this estimate which has been quoted here in the statement of Admiral O'Neil was made by a board of officers, who presented a very voluminous document upon the subject to Congress.

Mr. BARBER. I would like to ask the gentleman a question.

Mr. FOSS. Certainly.

Mr. BARBER. It is not a fact that this estimate, to which the gentleman has referred, was an English estimate as to the cost of the establishment of such a plant; and whether it is not a fact that the armor-factory board, sent out by the Navy Department, found upon an investigation of the facts that the cost would be in the neighborhood of $3,300,000, instead of that which had been previously reported as to the English cost?

Mr. FOSS. That, I think, is true.

Mr. UNDERWOOD. But the difference, the gentleman will find, as the report of Mr. Herbert will show, contemplated an establishment capable of yielding 3,000 tons, while the statement of the board quoted by the gentleman from Pennsylvania had reference to 6,000 tons.

And I would like to ask the gentleman from Illinois a question. The gentleman, as I understand it, has stated that the committee desired to leave the subject of the establishment of an armor-plate factory or plant for the future. I want to ask if he, as the acting chairman of the Committee on Naval Affairs, is willing to adopt that suggestion and establish such a plant.

Mr. FOSS (interrupting). I would state, Mr. Chairman, to my friend from Alabama that when we reach that point in the bill I shall be moved largely by the considerations of the hour.

Mr. UNDERWOOD. The gentleman recognizes, of course, that he can submit the point of order, and we can not get at the question on such an amendment.

Mr. FOSS. At this time I will not state whether I shall raise the point of order at that time or not. When we reach that point, as I have already said to the gentleman from Alabama, we will consider the question then presented.

Mr. UNDERWOOD. But it would be quite satisfactory for this side of the House to hear the gentleman say that it is desirable that Congress should take the action proposed, and that he would not submit the point of order.

Mr. FOSS. But, Mr. Chairman, there is another branch of Congress where it will not be subject to the point of order.

Mr. UNDERWOOD. I was only hoping that the House might have an opportunity of coming to a direct vote upon that question without the submission of the point of order.

Mr. OLMSTED. If the gentleman from Illinois will allow me, I would ask if it is not true that the cost of labor, the cost of material, and other matters entering into the construction of an armor plant have so increased as to largely increase the question of cost, and whether this increase has not grown up in the question of armor plate and armor manufacture since either or both of the reports to which reference has been made were submitted—that is, the report of Secretary Herbert and the other report to which the gentleman has referred?

Mr. FOSS. I will say to the gentleman from Pennsylvania that the board which was appointed by Secretary Long went into the matter thoroughly of the advisability of the Government constructing a factory for the manufacture of armor plate, and made a careful and thorough report on the subject. They went all over the country, as I know to be a fact, and reported back that the estimate for a factory of that character would involve a cost of about $3,747,000. Then Admiral O'Neil states that, owing to a marked increase in the cost of structural material, especially of steel, since the dates of the different reports, it was probable that the cost of construction of a plant should be increased to not less than 30 per cent, making a total of $4,872,000.

Mr. OLMSTED. Then the report of Secretary Herbert to which the gentleman from Illinois—your colleague, Mr. HOPKINS—called attention is not a proper comparison with the present prices of labor and material, both of which have increased largely since that report was made. Is that not a fact?

Mr. FOSS. I think so.

Mr. OLMSTED. I am satisfied from the statements made that the cost of labor and the cost of material have both increased largely since those reports were made.

Mr. FOSS. Mr. Chairman, I desire to call the attention of members of the committee to another matter of importance in connection with the pending bill. We have authorized here, under the head of "Increase in the Navy," 2 battle ships, 3 armored cruisers, and 3 protected cruisers. We believe that in this report we meet the just demands of the public sentiment in that regard. The committee has seen fit to authorize the building in private yards, by contract, of these vessels, because they do not think it advisable to recommend to Congress that these ships shall be built in the navy-yards of the Government, and without going into a general discussion of the matter, which I shall do when the provision comes up in the ordinary procedure in the consideration of the bill, I desire to say here and now only a word, and in that connection to quote from the testimony of Secretary Long on that proposition to show what moved in the minds of the committee in the preparation of this provision of the bill.

In answer to a question by one of the members of the committee upon this subject as to advisability of building ships in the navy-yards, Secretary Long, on page 11, says:

> My general impression is that it is not desirable, as it costs twice as much and takes twice as long. I think the records show that. In the next place, I think it is not desirable to introduce into our navy-yards something which is not permanent and continuous. There is a great desire among the laboring men in our navy-yards that we shall build these ships in them, but that will not increase the general employment of labor at all, because if the labor is not employed in the yards it will be employed outside, etc. I think, too, that there is more danger of a navy-yard becoming a factor in politics if the number of employees is so largely increased as it would be if shipbuilding were added to repairing.
>
> If we build a ship at New York we must build one at Norfolk, and there will be a pressure to build one at Boston, and one at Mare Island, and one at Philadelphia, and one at Port Royal and Key West and Portsmouth. Then will follow a demand for new buildings, machinery, plant, etc. If you start a ship at any one of these places you must employ a great many men, and as soon as it is finished all these must be discharged; and then there is trouble, especially for you. On the other hand, in the business of repairing ships there is regular, steady employment. I really think it is a great deal better in the interest of labor as it is.

Upon the statement of Secretary Long that it would practically cost the Government of the United States twice as much to build ships in Government navy-yards as it does in private yards and take a great deal longer; in view of that testimony, and in view of an abundance of other testimony which I desire to present when this provision comes up, the Naval Committee, charged with the great responsibility of appropriating the people's money and seeing to it that every dollar of that money appropriated should go the farthest, did not see fit to recommend to this House that we build our ships in Government navy-yards.

Now, Mr. Chairman, I desire to call the attention of the committee to a part of this report which relates to the comparative strength of foreign navies with our own. You will see from a perusal of the different charts and maps that every nation in the world to-day is building upon a more gigantic scale than ever known before.

I may say that I have here in my hand a bill which is to-day pending in the Reichstag of Germany, and which is likely to pass, a bill which, if passed, will add to the German navy 422,000 tons of battle ships, armored cruisers, and protected cruisers, a larger tonnage than the German navy has to-day, a larger tonnage than we ourselves have; and if France and Russia and our own country do not keep up the pace, in 1916 the German nation will be the second great naval power upon the face of the globe.

Mr. KITCHIN. May I ask my colleague a question, Mr. Chairman?

Mr. FOSS. Certainly.

Mr. KITCHIN. As I understand, that German plan which you have just referred to covers a period of sixteen years?

Mr. FOSS. Sixteen years.

Mr. KITCHIN. Not a present appropriation.

Mr. FOSS. So far as the navies stand to-day, England is the first, France is the second, Russia is third, and the United States is fourth, by just about 2,720 tons ahead of Germany. Just a cruiser, for instance, the size of the *Atlanta*, one of the first cruisers which we authorized in the building up of the new Navy.

Now, I would like to say a few words in conclusion upon the general question, What are we building the Navy for? In the first place, we are building a navy for peace; not to provoke war, but to conserve international concord. That nation which is the best fitted to fight is the least likely to enter upon fight.

The international peace conference held at The Hague this last summer adopted a resolution that the peace conference is of the opinion that the governments taking into consideration the propositions made in this conference should make a study of the possibility of and agreement concerning the limitation of armed forces on land and sea, and of naval budgets.

It is a singular fact that after the adoption of that resolution the most gigantic naval programmes have been promulgated by some of the leading countries of the world. The German Emperor was not far from right when he said, "The best peace conference is a strong and efficient navy." Sea power is recognized more and more as the strength of a great nation.

And so we are building the Navy for peace. We are building the Navy also to maintain our foreign policy. We are building the Navy to maintain the Monroe doctrine, which a few years ago was resurrected into newness of life and clothed in the vigorous language of Richard Olney.

We are building the Navy to defend the proposed Nicaragua Canal, which, I trust, will never be built unless the American

Navy has the right, as it has the ability, to defend it against all comers. [Loud applause.] We are building the Navy for commerce. For a hundred years all the thought and purpose of this country has been devoted toward the development of our own resources.

Mr. HEPBURN. Mr. Chairman, would the gentleman from Illinois permit me to ask him a question there? When you speak of defending that great enterprise by the Navy, can you tell the committee the relative value of guns of the same caliber, one on land and the other on sea? Is it not true that one on land is said to be six times as effective as one on sea?

Mr. FOSS. I am not informed as to that.

Mr. HEPBURN. One having a permanent, stable platform and the other a constantly moving, oscillating platform.

Mr. WM. ALDEN SMITH. It can not go into so many places to meet the enemy.

Mr. FOSS. There would be some advantage in the one on land, but, as my friend from Michigan suggests, it could not go into so many places to meet the enemy.

Mr. HEPBURN. But if the enemy has an objective point, it might be there.

Mr. FOSS. True.

Mr. CUMMINGS. I would suggest to my friend from Iowa that I have read that it was estimated that a gun under those circumstances on land was three times as effective, but this is the first time I have heard that it was six times.

Mr. HEPBURN. If the gentleman from Illinois will excuse me, I will state that I had a conversation with one of the most distinguished naval officers we have living to-day, and he told me that the relative effectiveness was 1 to 6.

Mr. CUMMINGS. I would rather have the opinion of Admiral Farragut than that of Admiral Dewey.

Several members rose.

Mr. FOSS. I am very sorry that I can not yield to everybody.

Mr. BARTLETT. The court, in the claim of Admiral Dewey for prize money, decided that it was about three times, less than six months ago.

Mr. FOSS. I will say, gentlemen, that the great victories will be won hereafter on the sea.

We are building the Navy for commerce. For a hundred years this country has lived largely within itself and for itself, and all our thought and purpose has been devoted toward the building up of our own resources. Under the wise and beneficial system of protection this country has practically to-day made itself industrially independent of all the countries of the world. Protection has been the watchword of the past century—protection to American labor, to American industry, and to American homes—but I say to you that the watchword of the coming century will be "commerce."

Commerce will mean all that protection has meant and a great deal more. It will mean that we will not only build our own railroads, but at the same time we will send our locomotives to draw trains across the transcontinental roads of Asia and Europe. We will not only build our own bridges, but will build bridges to span the streams of Africa. It will mean that we will not only hold on to this home market of ours, the best in the world, but we will seek the markets of the Orient, and in the development of our commercial supremacy, which, in my mind, is sure to come, the Navy will play an important part.

By the mere logic of circumstances this country is bound in the next few years to be the greatest shipbuilding country on the face of the globe. I have here a statement which goes to prove that fact:

The foundation of steel and iron products is coal and iron ore. The total area of the British coal fields is 9,500 square miles. The total area of the United States coal fields is 197,000 square miles. In 1898 Great Britain consumed, in round figures, 18,000,000 tons of iron ore, of which one-third was imported—nearly 6,000,000 tons. Shipbuilding depends upon the development and expansion of the iron and steel industry. We now make 50 per cent more pig iron than either Great Britain or Germany, or more than one-third of the iron made in the world.

We make half as much steel as all the other nations put together; and when you take into consideration the fact that the raw material for our ships and the ships of the world is iron and coal, I say to you that by reason of our large supply here and the small supply over there, this country is to-day upon the eve of the greatest progress in the shipbuilding industry ever made.

Why, when we think that seventeen years ago we had practically no shipbuilding industry in this country, and find that which we had was discredited, that we had to go abroad for all the materials which enter into their construction and for the forgings, armor, and everything, almost, and that to-day we are not only supplying American ships, fashioned by American hands out of American raw material for ourselves, but at the same time building them for Japan, and building them for Russia and some of the other nations of the world, this country has made tremendous progress in the march of naval construction.

We are building the Navy for peace, for the maintenance of our foreign policy, for commerce, and then we are building our Navy for civilization. This country embarked in the war with Spain for the purpose of freeing the suffering Cubans from the tyranny of Spanish rule.

Under the rules of war, to fight our enemy where she was the most vulnerable was one of the first principles of successful warfare; and so, forced by the canons of international law to leave the harbor of Hongkong, the fleet of Dewey made for the harbor of Manila, and there in the memorable engagement with the Spanish fleet won the day, and the Spanish sovereignty of the Philippines passed by the rules of war over to ourselves. This was later ratified by the treaty of peace.

Whether it would have been better for Dewey to have sailed away and left these islands and those people to the jarring of domestic tribes, to become eventually the spoils of other nations, it is too late now to discuss. What their future may be I do not know. Perchance we may annex them permanently to ourselves, or we may civilize them until they arrive at that stage of civilization and of progress where they can erect a government of their own, a republic whose influence will penetrate through all the darkened portions of the Orient and start the fires of liberty on every altar. But that I leave to destiny and the future to reveal.

This I know, that our duty now is clear; our duty is to civilize those people, and toward that end there will be ten thousand ministering angels. The American school-teacher with her spelling book may enlighten the mind; the American missionary with his Bible may soften the heart; the American tourist and the American traveler may teach them the rules of living and the laws of trade; but I say to you that in the immediate years, while these people are barbarous as they are to-day and half civilized—when they recognize no virtue that is not accompanied by force—that the American battleship, fashioned by American hands, filled by American seamen, answering to every call and command, with an American flag above it that never waved over any people but to bless and save. [Applause.] I say that the American battle ship, that never bore a commission of duty but what it carried a message of hope, will do more to civilize these people than the ten thousand sweeter and gentler influences which mold the minds of more civilized people. [Applause.] It will teach them that liberty is not license, but that all true liberty is liberty under law, respect for order, and reverence for justice.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CUMMINGS. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to conclude his remarks.

There was no objection.

Mr. FOSS. I thank the gentleman. I say, Mr. Chairman, we are building up our Navy, building it up for peace, for the maintenance of our national honor, for commerce, for civilization, these mighty human instrumentalities which to-day are moving in the world and working out "that perfect liberty of mankind," the liberty of enlightened conscience, the liberty of regenerated humanity, the liberty of Christian statesmanship—that liberty, in short, which, under the benign rulings of Almighty God, is the great and peculiar mission of our country to advance. [Applause.]

APPENDIX.

[House Report No. 999, Fifty-sixth Congress, first session.]

NAVAL APPROPRIATION BILL.

Mr. Foss, from the Committee on Naval Affairs, submitted the following report, to accompany H. R. 10450:

The Committee on Naval Affairs, to whom was referred so much of the President's annual message as relates to the naval establishment, together with the annual estimates of the Navy Department, submit herewith a bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, with the following statement:

The amount carried by this bill is $61,209,916.67, the largest ever reported to the House from the Committee on Naval Affairs.

Appropriations for current fiscal year.

Naval appropriation act, March 3, 1899	$48,099,909.58
Urgent deficiency act, February 9, 1900	4,255,000.00
Urgent deficiency (reappropriated)	350,000.00
Additional urgent deficiency	645,000.00
Total	53,344,909.58

The total estimates of the Department, supplemental and otherwise, amounted to $69,885,634.67. In the Book of Estimates they appear much larger, but this is due to a clerical error of $5,962,402, which was made at the Department but afterwards rectified. The committee carefully scrutinized the estimates of the different bureaus, and without curtailing the work or usefulness of any, made such deductions, after hearing the several bureau chiefs, as in its judgment it believed to be in accordance with careful and judicious expenditure of money during the coming fiscal year. These deductions amounted to $8,675,718.

This bill, therefore, carries a proposed increase of appropriations over the naval appropriation act of last year of $13,109,947.00, and a total increase over all acts of $7,864,947.00. This increase, as will be seen from the table of estimates, is due largely to the improvements of our yards and docks, the construction and repair of our vessels, and the increase of the Navy.

This bill, following the custom of years, is divided into general headings, making appropriations for the different bureaus and departments of the naval establishment, as follows.

Comparative statement.

	Supplemental estimates as per H. Doc. 398.	Total Department estimates, 1901.	Proposed appropriations, 1901.	Appropriated, 1900.
Pay of the Navy	$5,600.00	$12,810,897.00	$12,810,897.00	$13,500,171.00
Pay, miscellaneous	----------	500,000.00	500,000.00	500,000.00
Contingent, including emergency	500,000.00	510,000.00	520,000.00	10,000.00
Bureau of Navigation	9,550.00	463,925.00	566,425.00	505,125.00
Bureau of Ordnance	----------	2,503,124.00	2,388,124.00	3,143,124.00
Bureau of Equipment	321,577.52	3,564,052.52	3,464,052.52	2,705,455.10
Bureau of Yards and Docks	220,000.00	753,322.83	608,439.83	453,442.23
Public works, yards and docks	----------	13,768,674.32	7,797,467.32	5,465,286.50
Public works, Naval Academy and Observatory	----------	2,051,500.00	690,000.00	730,000.00
Bureau of Medicine and Surgery	40,000.00	220,000.00	220,000.00	192,500.00
Bureau of Supplies and Accounts	10,800.00	3,231,232.03	2,731,232.03	3,220,432.03
Bureau of Construction and Repair	500,000.00	6,795,824.25	6,295,824.25	3,273,407.00
Bureau of Steam Engineering	----------	2,774,200.00	2,774,200.00	1,209,200.00
Naval Academy	----------	207,813.45	199,685.45	195,153.45
Marine Corps	25,000.00	2,740,370.27	2,712,870.27	2,544,271.27
Increase of the Navy	----------	16,990,699.00	16,990,699.00	10,302,402.00
Total	1,632,527.52	69,885,634.67	61,209,916.67	48,099,969.58

PAY OF THE NAVY.

The pay of the Navy in this bill is $12,810,897, which is made up from the following table:

Pay of 1,751 officers on the active list	$4,104,809
Commutation of quarters for officers	200,000
Pay of 284 naval cadets under instruction	142,000
Pay of 536 officers on the retired list	1,190,801
Pay of Admiral's secretary	2,500
Pay of 140 clerks	184,800
Pay of 17,500 petty officers, seamen, and other enlisted men	6,300,000
Pay of 2,500 apprentice boys at training stations and on board training ships	450,000
Pay of 20 mates (section 1408, Revised Statutes)	18,000
Pay of enlisted men on the retired list	40,210
Extra pay of petty officers and seamen reenlisting under honorable discharge	164,687
To pay interest on deposits by enlisted men (act February 9, 1889)	13,000
Total	12,810,897

This is a decrease of $689,274 from the last naval appropriation act, by reason of the fact that the appropriation made last year was based upon the hurried estimates prepared in accordance with the personnel act, which was passed on the last day of the session, the same day on which the naval appropriation act was passed, and also for the reason that an additional amount was required last year to pay officers and men who were engaged in temporary service in the Navy during the late war with Spain.

Under "Pay, miscellaneous," the appropriation this year is the same as that of last year, with the exception that there has been an additional appropriation of $10,000, to enable the Secretary of the Navy to transport home the remains of officers and enlisted men of the Navy and Marine Corps who die or are killed in action outside of the United States. Following this is a provision providing for an emergency fund of $500,000, which is necessary to meet unforeseen contingencies constantly arising in view of the unsettled condition in our insular possessions. This sum is to be expended in the discretion of the President.

Comparative statement.

	Estimates, 1901.	Carried by bill.	Appropriated, 1900.
For commission, interest, etc.	$500,000	$500,000	$500,000
Contingent	10,000	20,000	10,000
Emergency	500,000	500,000	----------
Total	1,010,000	1,020,000	510,000

BUREAU OF NAVIGATION.

This Bureau has general jurisdiction over the officers and men of the Navy, their training and assignment; also the movement of vessels in the Navy and their complement of officers and men. It has charge of the compilation of the Naval Register and preparation, revision, and enforcement of all tactics, drill books, signal codes, cipher codes, and the uniform regulations. It also has general supervision of the Naval Academy and technical school for officers (except the War College and Torpedo School).

The following is a statement of the estimates of the Bureau for the fiscal year 1901, with the appropriations carried by this bill and the appropriations for the current fiscal year:

	Estimates for 1901.	Appropriated, 1901.	Appropriated, 1900.
Transportation, recruiting, and contingent	$80,000	$80,000	$60,000
Gunnery exercise	12,000	12,000	12,000
Outfits for naval apprentices	112,500	112,500	112,500
Outfits for landsmen	----------	112,500	----------
Naval training stations:			
California, maintenance	30,000	30,000	30,000
California, buildings	34,750	34,750	50,000
Rhode Island, maintenance	45,000	45,000	30,000
Rhode Island, buildings	54,500	54,050	125,000
Naval War College, Rhode Island, maintenance	9,200	9,200	9,200
Naval Home, Philadelphia	76,425	76,425	76,425
Supplemental estimate (H. Doc. No. 398)	9,550	----------	----------
Total	463,925	566,425	505,125

The total increase of appropriations under this Bureau amounts to $61,300. This increase is more than accounted for by the provision inserted in the bill appropriating for outfits for landsmen training for seamen, which is earnestly recommended by the Secretary of the Navy and the chief of the Bureau. In view of the fact that it has been found difficult to enlist the full quota of men, some encouragement of this character has become necessary. It is believed that this provision will not only provide the full quota of enlisted men, but at the same time will have a tendency to improve the character of the applicants and also induce a larger number of our own citizens to become part of the personnel of the Navy. At the present time 88 per cent of the whole number of our petty officers and enlisted men are citizens of the United States, while 65 per cent of the remainder have declared their intention to become citizens. Of the other enlisted men 75 per cent are citizens and of the remainder 48 per cent have declared their intention to become citizens, while as to apprentices, over 91 per cent are native born.

Provision is made under this Bureau for the maintenance of our two important naval training stations, one at Yerba Buena Island, California, and the other at Coasters Harbor Island, Rhode Island, where our young men are trained in the duties of seamen. The training station in California has been recently established, and provision is made in this bill for a completion of the work. The training station at Newport, R. I., has been established for some years, and during the last year the number of apprentices under instruction was 1,027. Provision has also been made for the maintenance of the War College at Newport.

BUREAU OF ORDNANCE.

This Bureau has general charge of the ordnance of the Navy and the armor and armament of vessels, the torpedo station and magazines on shore, and designs the interior arrangements of all buildings erected for its use at navy-yards, as well as the machinery used for handling ammunition on ship, the interior of the turrets, and the arrangement of guns, and the distribution of armor thereon. All torpedoes, powder, guns, and war explosives of all kinds, and armor plate, are bought and manufactured under its supervision. It has control of all details of its own administration.

The following table gives the estimates for the next fiscal year, the amount carried by this bill, and the amounts appropriated for the current fiscal year:

	Estimates, 1901.	Carried by bill, 1901.	Appropriated, 1900.
Ordnance and ordnance stores	$1,805,500	$1,705,500	$1,875,000
Reserve guns for auxiliary cruisers	250,000	250,000	250,000
Smokeless powder factory	----------	----------	25,000
Torpedo station, Newport, R. I.	65,000	65,000	65,000
Repairs, Bureau of Ordnance	30,000	30,000	30,000
Puget Sound Naval Station, buildings	80,000	80,000	----------
Arming and equipping naval militia	60,000	60,000	60,000
Contingent, Bureau of Ordnance	30,000	30,000	15,000
Naval magazine, Norfolk, Va	20,000	20,000	27,500
Naval magazine, Dover, N. H	100,000	100,000	----------
Naval magazine, Fort Lafayette, N. Y	15,000	15,000	5,000
Naval proving ground, Indian Head, Md	15,000	----------	----------
Civil establishment	32,624	32,624	32,624
Naval magazine, New York Harbor	----------	----------	600,000
Naval magazine, Fort Mifflin, Pa	----------	----------	68,000
Machinery for ordnance building, League Island	----------	----------	60,000
Steam lighter, navy-yard, League Island	----------	----------	80,000
Total	2,503,124	2,388,124	3,143,124

It will be seen from the above table that the total appropriations for this Bureau are $755,000 less than that appropriated for the present fiscal year. There is an increase in the appropriation for the improvement of the gun factory at Washington, made necessary by the expansion of the Department incident to the increase in the Navy, while there is a decrease of the appropriation for the purchase of smokeless powder to $500,000, which, it is believed, will satisfy the demands of the Department for the coming year. An ordnance shop and two magazine buildings are required at Puget Sound naval station, owing to the fact that there are no facilities at this station for ordnance material, and an appropriation of $80,000 has been recommended therefor. Also the improvements in connection with the naval magazine at Norfolk are strongly recommended by the Department, and for which an appropriation of $20,000 is urged.

The naval magazine at Dover, N. J., which is the main depot of supplies, is in need of new storehouse, magazine, light, heat, and power plant, and other improvements, for which the committee recommend an appropriation of $100,000. The regular appropriations for providing reserve guns for auxiliary cruisers, the torpedo station at Newport, arming and equipping Naval Militia, and the maintenance of the Ordnance Department are the same, while the items carried by the last act, but omitted from this bill, will be seen in the above table.

BUREAU OF EQUIPMENT.

The duties of this Bureau consist in furnishing the coal and general equipment of vessels. It also has charge of the manufacture of rope, anchors, cables, rigging, sails, galleys, and cooking utensils, and a portion of the electrical machinery for ships; also of the Naval Observatory, Nautical Almanac and compass offices, and all details of its own administration. The following table shows the estimates, the amount of appropriations proposed in the bill, and the amounts carried by the last appropriation act:

Comparative statement.

	Estimates, 1901.	Carried by bill.	Appropriated, 1900.
EQUIPMENT.			
Equipment of vessels	$2,600,000.00	$2,600,000.00	$2,225,480.10
Ocean and lake surveys	100,000.00	100,000.00	100,000.00
Contingent Bureau	25,000.00	25,000.00	22,500.00
Depots for coal	500,000.00	700,000.00	400,000.00
Civil establishment	17,475.00	19,052.52	17,475.00
Supplemental estimate (H. Doc. 398):			
Coal wharf, Cavite	300,000.00	----------	----------
Equipment plant, Cavite	20,000.00	20,000.00	----------
Civil establishment	1,577.52	----------	----------
Total	3,564,052.52	3,464,052.52	2,765,455.10

As will be seen from the above table, there is an increase in the appropriations for this Bureau of $698,597.42, owing to the increase in the number of ships, and also to the necessity of establishing coaling stations in our insular possessions; $375,000 of this increase is in the item of equipment of vessels. The appropriation for this year was $375,000 short of what was absolutely necessary, and this amount was appropriated in the urgent deficiency act. There is an increase of $300,000 over that of the present year for coaling stations. A part of this appropriation, if made, will be spent in establishing coal sheds and a wharf at Cavite, P. I., capable of holding 25,000 tons of coal. This is made necessary by the fact that we have a large number of the ships of the Navy there, and between five and six thousand tons of coal per month are required for them. Coal is now stored in the open, and is consequently liable to rapid deterioration. An appropriation of $20,000 is strongly urged for the purchase of the necessary tools and appliances for the enlargement and increased facilities of the equipment plant at Cavite, which the committee favorably recommend. This is done in view of the fact that without it our vessels would be obliged to go to Hongkong, some 700 miles away, in case of needed repairs.

The appropriation of $100,000 for ocean and lake surveys is the same as that in the last naval appropriation act. The Navy Department has been making surveys on the coast of Cuba and Guam, the Philippines, and the Hawaiian Islands, and are in condition to continue this work, which is so important to navigation.

The Navy has done this work ever since its establishment, and it is the peculiar province of the Navy to do it. They are the men who sail the seas and whose duty it is to know every shoal, reef, and rock. They can do it more economically than any other bureau or department of the Government, because their ships carry on board all the instruments for making proper surveys, and in time of peace the Navy can be usefully employed in this important work. The other appropriations under this bureau are practically the same as those for the current year, including the civil establishment.

BUREAU OF YARDS AND DOCKS.

This is the civil engineering bureau of the Department and has charge of the construction of buildings and their maintenance in the several navy-yards, also of all docks and shore structures of all kinds, such as quay walls, wharfs, etc., for which it estimates. It also has charge of all topographical improvements in such yards, Newport, R. I., Annapolis, Md., and the Naval Home, Philadelphia, the magazines and hospitals outside of navy-yards, and the buildings for which it does not estimate being excepted from its jurisdiction. The part of the naval appropriation bill under public works is estimated for by this bureau.

The following table shows the estimates for the fiscal year 1901, the proposed appropriations in this bill, and the amounts carried by the last appropriation act:

Comparative statement.

	Estimates, 1901.	Carried by bill.	Appropriated, 1900.
YARDS AND DOCKS.			
Maintenance	$420,000.00	$475,000.00	$350,000.00
Contingent	30,000.00	50,000.00	20,000.00
Civil establishment	83,322.83	83,439.83	83,442.23
House Document No. 398:			
Maintenance	100,000.00	----------	----------
Repairs and preservation	100,000.00	----------	----------
Contingent	20,000.00	----------	----------
Total	753,322.83	608,439.83	453,442.23

As will be seen from the above table, the increase this year over that of the last appropriation act is $154,997.60. Of this increase $125,000 is for the maintenance of yards and docks, which is made necessary in view of the fact that the Navy Department has taken possession of the naval stations in Habana, Cuba; San Juan, Porto Rico; Manila, Philippine Islands, all of which require to be maintained and kept in a proper state of preservation. There is also an increase under the item of contingent expenses of $30,000, due partly to the fact that there is a deficiency in the present fiscal year. The other items under this Bureau are substantially the same as the last year.

PUBLIC WORKS.

	Estimates, 1901.	Carried by bill.	Appropriated, 1900.
Portsmouth	$602,000.00	$361,000.00	$306,000.00
Boston	1,798,300.00	866,300.00	379,000.00
New London, Conn	50,000.00	----------	25,000.00
New York	1,977,000.00	1,300,200.00	612,062.00
League Island	1,963,022.00	999,500.00	800,767.00
Washington	875,017.32	414,102.32	205,000.00
Norfolk	1,649,000.00	466,500.00	645,687.50
Fort Royal	882,000.00	227,000.00	145,000.00
Key West	117,000.00	97,000.00	112,520.00
San Juan	52,000.00	52,000.00	----------
Pensacola	29,500.00	9,500.00	----------
Algiers	145,000.00	145,000.00	----------
Mare Island	1,152,700.00	563,200.00	935,750.00
Puget Sound	226,065.00	206,165.00	48,500.00
Dredging, Dry Tortugas	300,000.00	100,000.00	----------
Habana, naval station	50,000.00	----------	----------
Dry dock, Algiers	650,000.00	650,000.00	----------
Four dry docks	900,000.00	900,000.00	800,000.00
Repairs and preservation	450,000.00	500,000.00	450,000.00
Total	13,708,674.32	7,797,467.32	5,465,286.50

The necessity for increased appropriations in this important branch of the naval establishment has been set forth in the able report of the Secretary of the Navy, on page 41, in which he says:

"The operations of the various bureaus at the yards during the war show that in very many respects the public works were not adequately equipped for the prompt and proper conduct of the work of repairing and fitting out vessels of war. Even in such navy-yards as New York, Norfolk, and Mare Island, the best equipped in the country, many deficiencies were found to exist. This was the experience of every bureau, and the importance of modernizing the navy-yard plants, erecting new storehouses and shops, providing adequate docking facilities, and thereby enabling the yards to meet the great increased requirements of the Navy was strongly impressed upon the Department."

The following table shows the value of the real estate, chattels, and machinery plants at the various yards and stations June 30, 1899:

Statement showing the value of real estate and chattels and machinery plant at the several yards and stations June 30, 1899, as per appraisal under Department's circular No. 94.

Navy-yards and stations.	Real estate and chattels.	Machinery plant.
Navy-yard, Portsmouth, N. H	$2,084,627.32	$243,063.00
Navy-yard, Boston, Mass	12,295,181.10	530,180.28
Naval War College, Newport, R. I	100,422.00	----------
Naval training station, Newport, R. I	313,005.60	7,315.00
Naval torpedo station, Newport R. I	230,576.38	45,060.90
Naval station, New London, Conn	131,146.52	900.00
Navy-yard, New York, N. Y	19,165,023.79	543,277.68
Navy-yard, League Island, Pa	2,523,506.27	126,349.60
Naval Home, Philadelphia, Pa	901,944.45	----------
Naval Academy, Annapolis, Md	569,268.40	21,432.50
Naval Observatory, Washington, D. C	869,948.77	----------
Navy-yard, Washington, D. C	4,375,091.61	1,746,562.57
Marine headquarters, Washington, D. C	220,293.50	----------
Navy-yard, Norfolk, Va	5,649,554.37	593,544.70
Naval proving ground, Md	272,084.00	5,500.00
Naval station, Port Royal, S. C	906,630.75	55,220.63
Naval station, Key West, Fla	497,837.31	37,474.48
Navy-yard, Pensacola, Fla	1,710,821.00	51,754.00
Navy-yard, Mare Island, Cal	4,127,611.48	435,420.00
Naval training station, Cal	578,023.50	----------
Naval station, Puget Sound, Wash	798,550.55	----------
Naval station, San Juan, P. R	193,143.83	6,000.00
Naval station, Honolulu, H. I	595,702.32	----------
Total	59,719,004.82	4,425,061.34

The above indicates the magnitude of these yards and stations. It is here that the ships are taken for repair and fully equipped for further service, and as the number of ships increases a corresponding improvement in our yards and stations follows as a necessary sequence in order that they may be able to meet the requirements of a growing navy. The two must go hand in hand. While the committee has not seen fit to recommend what has been asked for to the full extent, yet they have made provision for that amount of public works which can be judiciously carried on during the coming fiscal year. Under the head of public works is that of the completion of the dry docks which are now being built at Portsmouth, Boston, League Island, Mare Island, and the floating dock at Algiers, La., requiring an appropriation of $1,550,000. There has already been appropriated for these docks $1,800,000, making a total of $3,250,000, and $1,800,000 more will be required to complete them.

This bill also provides for the beginning of construction of two more stone dry docks, one at New York and the other at Norfolk, Va. These are urgently demanded by the Department in view of the importance of these two yards, that of New York being the largest and most important and that of Norfolk next. At the present time we have no docks at either place large enough to take in our largest battle ships with safety.

Under "Public Works" is a provision for barracks for enlisted men at New York and Mare Island, to take the place of receiving ships. The *Vermont* is the receiving ship at New York, and is in extremely bad shape and unfit for the purpose for which it is used. The one at Mare Island, the *Independence*, is but little better. Our Government is the last of the maritime nations to adopt the barracks system for its seamen. Every other nation has them. The British Government has already expended $7,600,000 for the purpose of properly housing their seamen. France, Germany, Italy, Russia, Austria, Japan, have already constructed barracks for their seamen.

There are many reasons which are urged in support of the establishment of barracks; among others, that of the health of the men, economy of administration, and the proper recreation for the men. Indeed, it has been estimated that there will be an annual saving to the Government of $150,000 if barracks were substituted in the place of receiving ships at Boston, New York, League Island, Norfolk, and Mare Island.

NAVAL ACADEMY.

The Naval Academy was founded in 1845 by the Hon. George Bancroft, Secretary of the Navy in the Administration of President James K. Polk, and was located at Annapolis, Md., on land occupied by Fort Severn, which was given up by the War Department for the purpose, where it has since remained, except for a short period during the civil war, when it was removed to Newport, R. I.

Reports of the Department and Boards of Visitors have been made from time to time as to the inadequacy and unsafe condition of many of the buildings, some of them being 50 years old, and in the act of May 4, 1898, Congress authorized the Secretary of the Navy to erect a building for an armory at a cost not to exceed $300,000, a boathouse at a cost not to exceed $90,000, a power house at a cost not to exceed $100,000, four double houses for officers' quarters to cost not more than $60,000; for grading, electric-light wiring, removing old buildings, and preparing plant at a cost not to exceed $90,000, and to construct a line of sea wall and for dredging and filling, $150,000, and appropriated $500,000 toward the construction of such work. In the last act, for the purpose of continuing such work, Congress appropriated $720,000 more, making a total of $1,220,000 already appropriated for new work at the Academy.

Naval Academy.	Estimates, 1901.	Carried by bill.	Appropriated, 1900.
BUILDINGS AND GROUNDS.			
For completion of buildings, and other works	----------	----------	$720,000
Cadets' quarters	$350,000	$350,000	----------
Power house	200,000	----------	----------
Foundations for general storehouse and engine building	----------	50,000	----------
General storehouse	200,000	----------	----------
Sea wall	200,000	200,000	----------
Foundations for gun battery	90,000	----------	----------
Subway	25,000	----------	----------
Restoration of colonial building	40,000	25,000	----------
Relaying walks	5,000	2,500	----------

Naval Academy.	Estimates, 1901.	Carried by bill.	Appropriated, 1900.
BUILDINGS AND GROUNDS—continued.			
Sewerage system	$10,000		
Temporary warehouse	15,000		
Additional land	80,000		
Officers' houses	75,000		
Additional land	181,000		
Grading, paving, etc	50,000	$50,000	
Total	2,021,000	677,500	$720,000

In this bill the committee recommend an appropriation of $350,000 to begin the erection of a building suitable for cadets' quarters at a cost not exceeding $2,500,000. The present cadets' quarters have already been condemned, and the Board of Visitors in their report strongly recommend that new cadets' quarters should be begun as soon as possible. While the Department recommend in their estimate a building to cost not exceeding $3,536,000, which would accommodate cadets to the number of about 500, yet the committee concluded that a building costing $2,500,000 could be built sufficiently large for all present and immediate future needs upon a plan which would allow the addition of wings to be built, as any future increased number of cadets might require. They also recommend the appropriation of $50,000 for foundations for a general storehouse and building for department of steam engineering, which can be made to greater advantage and economy now than later. Two hundred thousand dollars is also recommended for building the sea wall, which is necessary at this time.

The committee also recommend an appropriation of $25,000 for the restoration of the colonial and historical building now used as a library building, but which shall hereafter be used as a residence for the superintendent of the Academy; and for grading and paving, electric-light wiring, and the erection of a temporary electric-light plant, etc., $50,000. The estimates of the Department call for an appropriation of $361,000 toward the purchase of additional lands along the southeasterly line of the Academy grounds, and the Board of Visitors in their report recommend "That, in view of the prospective need of the Academy, it seems to be absolutely necessary that the southeasterly line of the Academy grounds be extended so as to include within the grounds" certain blocks of land, which in their report it is estimated would cost $461,000, including the removal of buildings, grading, etc.

In view of this recommendation made by the board and the estimates asked for in this connection by the Department the committee have seen fit to recommend that—

"The Secretary of the Navy is hereby authorized and directed to ascertain and report to Congress at its next session what additional grounds, if any, are, in his judgment, needed for the uses of the United States Naval Academy at Annapolis, Md., and to embody in such report a statement showing the estimated actual value of any additional land required in the aggregate, the value, respectively, of the separate parcels into which such lands may be divided, and the prices in detail, at which all additional lands needed, whether acquired as a whole or in separate tracts, can be obtained."

Your committee, while recognizing the importance of rebuilding this institution, have felt constrained to recommend an appropriation somewhat smaller than the estimates, believing that the amount herein recommended is all that can be judiciously expended during the coming fiscal year and that the continuation of the work by degrees from year to year under a careful scrutiny of expenditure will result in the ultimate completion of these new buildings with much more economy than if large appropriations are made.

NAVAL OBSERVATORY.

The appropriation recommended for grounds and roads at the Naval Observatory is the same this year as last, namely, $10,000. The only new provision is that for a building suitable for a dwelling for the foreman and captain of the watch, $2,500, which is urgently needed.

Naval Observatory.	Estimates, 1901.	Carried by bill.	Appropriated, 1900.
Grounds and roads	$10,000	$10,000	$10,000
New buildings	2,500	2,500	
Do	18,000		
Total	30,500	12,500	10,000

BUREAU OF MEDICINE AND SURGERY.

The duties of this Bureau are implied in its title, and comprise all that relates to laboratories, naval hospitals, and dispensaries. It designs various buildings erected within the navy-yard for its own purposes, so far as their internal arrangements are concerned, and has control of the same after completion. It designs, builds, and maintains all buildings erected for its own purposes outside of navy-yards, and generally, estimates for and controls all the details of its own organization.

The following table shows the appropriation for last year, the estimates for the fiscal year 1901, and the appropriation recommended by this bill:

Medicine and Surgery.	Estimates, 1901.	Carried by bill.	Appropriated, 1900.
Medical Department	$75,000	$95,000	$75,000
Naval hospital fund	20,000	40,000	20,000
Contingent	30,000	30,000	30,000
Repairs	20,000	20,000	20,000
Naval hospital, New York	5,000	5,000	
Naval hospital, Newport, R. I	20,000	20,000	
Naval hospital, Mare Island	10,000	10,000	
H. Doc. 388:			
Medical Department	20,000		
Naval hospital fund	30,000		
Cemetery, Chelsea, Mass			2,500
Naval hospital, Chelsea, Mass			45,000
Total	220,000	220,000	192,500

The total increase for this Department amounts to $27,500. This is due to the fact that the necessities of the Bureau are growing in consequence of the increase in the number of men, and also for the reason that supplies have to be sent to our men abroad.

Improvements and additions to our naval hospitals at Newport, New York, and Mare Island are also herein recommended.

A new provision has been inserted providing for an increased number of surgeons, passed assistant and assistant surgeons in the Navy. The surgeons hereafter shall consist of 55. This will be an increase of 5 as now allowed by law. The number of passed assistant and assistant surgeons shall be 110, who shall have rank with the assistant surgeons in the Army. This will be an increase of 20; and it is provided that the assistant surgeons who have made a creditable record during the war with Spain, now in the volunteer service, may be given permanent commissions without limitation as to age.

In recommending this increase the Surgeon-General in his letter to the Secretary of the Navy states that the increased number asked for is imperatively necessary. "In view of the large addition to the enlisted force of the Navy and the establishment of hospitals and sick quarters in the Philippines, Porto Rico, Guam, and Habana, it is simply impossible with the present force to provide adequate medical attendance. Ships and stations are left without assistant surgeons, and the Medical Department of the Navy can not be conducted in the efficient condition that it is the desire of the Department to maintain."

The committee recommend a provision in the nature of an amendment to section 13 of the personnel act, providing that nothing therein contained shall operate to reduce the pay which but for the passage of such act would be received by any commissioned officer. There was such a provision in the personnel act, but under the construction placed by the Comptroller of the Treasury there are a few officers in the Medical Corps whose pay is very materially cut down, as, for instance, that of Passed Assistant Surgeon Urie, whose pay is cut down $600 a year and is likely to continue so for some four or five years.

BUREAU OF SUPPLIES AND ACCOUNTS.

Generally speaking, this is the financial Bureau of the Department. Its duties comprise all that relates to requiring for or preparing provisions, clothing, small stores, and contingent stores of the Pay Department; the purchase of all supplies for the naval establishment except medicines and surgical appliances and instruments and supplies for the Marine Corps, and the keeping of a proper system of accounts of the same. Like the other bureaus, it estimates for and controls its own administration.

The following statement shows the estimates, the amount carried by this bill, and the amount appropriated for the current fiscal year:

Supplies and Accounts.	Estimates, 1901.	Carried by bill.	Appropriated, 1900.
Provisions, Navy	$3,000,000.00	$2,500,000.00	$3,000,000.00
Contingent	150,000.00	150,000.00	150,000.00
Civil establishment	70,432.03	81,232.03	70,432.03
H. Doc. 398, civil establishment	10,800.00		
Total	3,231,232.03	2,731,232.03	3,220,432.03

From the above table it will be seen that the amount carried by this bill is decreased $489,250 from that of the current year. The appropriations carried by the last act were somewhat larger than necessary, and it is likely that a large balance will be left over. Consequently the committee thought it advisable to reduce the appropriation to what is believed to be the actual needs and necessities of the Bureau.

BUREAU OF CONSTRUCTION AND REPAIR.

The duties of this Bureau comprise all that relate to the designing, building, fitting, and repairing the hulls of ships, their turrets, spars, capstans, windlasses, steering gear, and ventilating apparatus, and, in conjunction with the Bureau of Ordnance, designing the construction of ammunition hoists, their shafts, machinery, and appurtenances; placing and securing armor; placing and securing on board ship the armament and its accessories as manufactured and supplied by the Bureau of Ordnance. It has charge of the care and preservation of ships in reserve, the docking of ships, the designing of slips, and the internal arrangement of the various buildings and shops under its control, and estimates for and controls its own administration.

The following table shows the estimates for 1901, the amount carried by this bill, and the amounts appropriated for 1900:

Construction and Repair.	Estimates, 1901.	Carried by bill.	Appropriated, 1900.
Construction and repair of vessels	$6,000,000.00	$6,000,000.00	$3,000,000.00
Steel lighters:			
Navy-yard, Portsmouth	50,000.00		
Navy-yard, Boston	10,000.00		
Construction plant:			
Portsmouth	25,000.00	25,000.00	25,000.00
Boston	25,000.00	25,000.00	25,000.00
New York	25,000.00	25,000.00	25,000.00
League Island	25,000.00	25,000.00	25,000.00
Norfolk	25,000.00	25,000.00	55,000.00
Pensacola	5,000.00	5,000.00	25,000.00
Mare Island	25,000.00	25,000.00	25,000.00
Port Royal	5,000.00	5,000.00	25,000.00
Algiers	25,000.00	25,000.00	
Puget Sound	25,000.00	25,000.00	25,000.00
Civil establishment	25,824.25	25,824.25	23,407.00
Construction plant, Key West			25,000.00
H. Doc. 398, construction and repair	500,000.00		
Total	6,795,824.25	6,225,824.25	3,273,407.00

From the above table it will be seen that there is a large increase in the appropriation proposed for this Bureau, or, in other words, $2,962,407.25 over that of the current year. This increase is practically in one item, that of construction and repair of vessels. As we are increasing the number of our vessels we must necessarily provide for the r preservation and repair. We have also to consider in this connection that our vessels have just come out of a war in need of a larger measure of repair than would be necessary in time of peace.

BUREAU OF STEAM ENGINEERING.

The duties of this Bureau comprise all that relates to designing, building, fitting out, and repairing the steam machinery used for the propulsion of ships, and practically all of the machinery for which steam is the motive power on board ship. Like the other bureaus, it designs the internal arrangement of its various shops at the navy yard and estimates for and controls its own administration.

The following table shows the estimates for the fiscal year 1901, the amount carried by this bill, and the amounts appropriated for the current fiscal year:

Steam Engineering.	Estimates, 1901.	Carried by bill.	Appropriated, 1900.
Completion, repairing, etc	$1,585,000	$1,585,000	$380,000
Purchasing, handling stores, etc	900,000	900,000	400,000
Incidental expenses	15,000	15,000	10,000
Contingent	1,000	1,000	1,000
Machinery plant:			
Portsmouth	25,000	25,000	
Boston	50,000	50,000	
Mare Island	50,000	50,000	
Algiers	25,000	25,000	
Honolulu	25,000	25,000	
San Juan	25,000	25,000	
Civil establishment	13,200	13,200	13,200
Machinery plant:			
Norfolk			15,000
Puget Sound			25,000
League Island			15,000
New York			50,000
Total	2,774,200	2,774,200	1,209,200

The above table indicates an increase in the appropriation over that of the current year of $1,565,200. The same reasons which are urged in support of the increase under the Bureau of Construction and Repair apply to this Bureau as well. Appropriations are also recommended for machinery plants at Portsmouth, N. H., and Boston, Mass., of $25,000 and $50,000, respectively; $50,000 for machinery plant at Mare Island, Cal.; $25,000 for machinery plant at the naval station, Algiers, La., and $25,000 each for machinery plants at the naval stations at Honolulu and San Juan, in order to fully equip them for the needs of the service.

NAVAL ACADEMY (CIVIL ESTABLISHMENT).

The following table shows the estimates for 1901, the amount carried by the bill, and the amount appropriated for the fiscal year 1900:

Naval Academy.	Estimates, 1901.	Carried by bill.	Appropriated, 1900.
Pay of professors and others	$57,659.00	$59,991.00	$55,459.00
Pay of watchmen, mechanics, and others	45,529.95	44,069.95	44,069.95
Pay of steam employees	7,824.50	7,824.50	7,824.50
Pay of special course	3,000.00	3,000.00	3,000.00
Repairs	25,000.00	21,000.00	21,000.00
Heating and lighting	20,000.00	20,000.00	20,000.00
Contingent	48,800.00	43,800.00	43,800.00
Total	207,813.45	199,685.45	195,153.45

This is the regular appropriation for the civil establishment of the Academy, and the increase over that of the current year will be seen to amount to $4,532. This is due to the addition of a professor in Spanish, at $2,300, and increase in the salary of the assistant librarian of $400; an increase in the pay of 21 first-class musicians from $340 each to $420 each, and that of 7 second-class musicians from $300 to $360 each.

NAVAL CADETS.

The same provision providing for the restoration of the title of midshipman and the abolishment of the two years' course at sea, as contained in the personnel bill of last year, is herein inserted in this bill. This provision passed the House, but failed to become a law. It restores the time-honored title of mid-shipman, which was abolished by act of March 5, 1862. Midshipman was a term used to designate the young men who were being trained for naval officers, and is deemed more appropriate than the present appellation.

The discontinuance of the two years' course at sea is something that has been felt by naval officers for many years to be desirable. It gives the cadets their commissions at the end of four years, the same as at West Point, instead of at the end of six years, as now allowed by law, but the abolition of the two years' sea course becomes all the more necessary at this time by reason of the fact that we have to-day a scarcity of officers. In 1872 we added on this two years' sea course for the reason that owing to the decadence of our Navy we did not need officers; but now things have changed. In Senate Document No. 168 in this Congress, the Secretary of the Navy shows in a tabulated statement prepared by the Bureau of Navigation that we need an increase of 607 officers in addition to those we have already on the active list to give a full complement to all ships now in commission and those which could be placed in commission within thirty days in case of urgent necessity. This provision will give a most substantial increase, and in the report of the Chief of the Bureau of Navigation is strongly recommended in these words:

"One of the most important features of the bill (personnel bill) was stricken out, however, before it became a law, and by the omission of this feature—the change from the six-year to the four-year course at the Naval Academy—the number of commissioned officers intended to be provided was so largely reduced that it becomes necessary to ask that some relief be immediately furnished. The Bureau recommends that this serious omission be corrected and that the largely increased demands for officers for important service be met by increasing the number of officers in each grade by 10 per cent and by providing for the four years' course at the Naval Academy."

The Marine Corps is the military branch of the naval service and has made a commendable record.

The following table shows the estimates for 1901, the amounts carried by this bill, and the amounts appropriated for the current fiscal year:

Marine Corps.	Estimates, 1901.	Carried by bill.	Appropriated, 1900.
Pay	$1,694,054.23	$1,694,054.23	$1,597,879.23
Provisions	371,071.50	371,071.50	360,071.50
Clothing	290,199.54	290,199.54	290,199.54
Fuel	30,000.00	30,000.00	25,000.00
Military stores	46,297.00	46,297.00	46,297.00
Transportation and recruiting	35,000.00	35,000.00	25,000.00
Repair of barracks	20,000.00	20,000.00	13,000.00
Provisions, clothing, etc			20,400.00
Additions to barracks, New York	15,000.00	15,000.00	
Additions to barracks, Portsmouth	5,000.00	5,000.00	
Building for band, Washington	4,500.00	4,500.00	
New barracks, League Island	100,000.00	100,000.00	
Naval prison, Mare Island	15,000.00	15,000.00	
Officers' quarters, Sitka, Alaska	3,500.00	1,000.00	
Rent, building, Philadelphia	3,300.00	3,300.00	3,300.00
Forage	6,000.00	6,000.00	6,000.00
Hire of quarters	14,748.00	14,748.00	12,624.00
Repair of barracks, Annapolis, Md			50,000.00
Officers' quarters, Annapolis, Md			9,000.00
Grading, etc., Annapolis, Md			8,000.00
Officers' quarters, Annapolis, Md			14,000.00
Contingent	61,700.00	61,700.00	57,500.00
H. Doc. 326:			
Fuel	1,000.00		
Stores	5,000.00		
Transportation and recruiting	5,000.00		
Repair of barracks	7,000.00		
Hire of quarters	2,000.00		
Contingent	5,000.00		
Total	2,740,370.27	2,712,870.27	2,544,271.27

The above table shows an increase over that of the current year of $167,599. This is due to the fact that under the personnel law the Marine Corps was increased in the number of officers and men. At the present time the Marine Corps consists of 1 brigadier-general commandant, 1 adjutant and inspector (colonel), 1 assistant adjutant and inspector (major), 1 quartermaster (colonel), 2 assistant quartermasters (majors), 3 assistant quartermasters (captains), 1 paymaster (colonel), 1 assistant paymaster (major), 4 colonels, 5 lieutenant-colonels, 10 majors, 37 captains, 44 first lieutenants, 37 second lieutenants, and noncommissioned officers and musicians and privates aggregating 4,537 as the number comprised in the corps on the 31st day of January, 1900.

An increase of $7,000 has been made in the appropriation over that of the current year for the renting, leasing, improvement, and erection of barracks in view of the necessities in our foreign stations, where a large number of marines are now doing efficient service. Appropriations are further recommended for additions to barracks at New York, Portsmouth, and Washington, and the erection of new barracks at League Island, and an increase in the size of the prison at Mare Island, and for officers' quarters at Sitka, Alaska, $1,000, in addition to the unexpended balance of an appropriation made in the act of June 10, 1896; in all, $140,500.

INCREASE OF THE NAVY.

This is the last general heading of the naval appropriation bill and one which appeals more strongly to the interest and sentiment of the people. It will be observed by an examination of the following table that the committee has recommended an appropriation to the full amount of the estimates asked for by the Department:

	Estimates, 1901.	Carried by bill.	Appropriated, 1900.
Construction and machinery	*$12,740,699	$12,740,699	$5,992,402
Armor and armament	4,000,000	4,000,000	4,000,000
Equipment	250,000	250,000	400,000
Total	16,990,699	16,990,699	10,392,402

*This was originally $18,733,101, but was corrected by the Department.

We already have under construction, as shown by the Department's report of last December, 61 vessels, as follows:

Vessels authorized and under construction—United States Navy.

	Name.	Speed.	Builder, etc.
	Battle ships (3).	*Knots.*	
No. 5	Kearsarge	17	Newport News.
No. 6	Kentucky	17	Do.
No. 7	Illinois	17	Do.
No. 8	Alabama	17	Cramp & Sons.
No. 9	Wisconsin	17	Union Iron Works.
No. 10	Maine	18	Cramp & Sons.
No. 11	Missouri	18	Newport News.
No. 12	Ohio	18	Union Iron Works.
	Sheathed battle ships (3).		
	Pennsylvania	19	Designs in preparation.
	New Jersey	19	Do.
	Georgia	19	Do.
	Sheathed armored cruisers (3).		
	West Virginia	22	Designs in preparation.
	Nebraska	22	Do.
	California	22	Do.

Vessels authorized and under construction—United States Navy—Continued.

	Name.	Speed.	Builder, etc.
	Sheathed protected cruisers (7).	*Knots.*	
	Albany	20	Armstrong's, England.
No. 14	Denver	17	Neafie & Levy.
No. 15	Des Moines	17	Fore River Engine Co.
No. 16	Chattanooga	17	Lewis Nixon.
No. 17	Galveston	17	Wm. R. Trigg Co.
No. 18	Tacoma	17	Union Iron Works.
No. 19	Cleveland	17	Bath Iron Works.
	Monitors (4).		
No. 7	Arkansas	12	Newport News.
No. 8	Connecticut	12	Bath Iron Works.
No. 9	Florida	12	Lewis Nixon.
No. 10	Wyoming	12	Union Iron Works.
	Gunboat.		
	For Great Lakes. Authorized by act of May 4, 1898. Action suspended.		
	Training vessel for Naval Academy.		
	Chesapeake	(*)	Navy-yard, Boston.
	Torpedo-boat destroyers (16).		
No. 1	Bainbridge	29	Neafie & Levy.
No. 2	Barry	29	Do.
No. 3	Chauncey	29	Do.
No. 4	Dale	28	Wm. R. Trigg Co.
No. 5	Decatur	28	Do.
No. 6	Hopkins	29	Harlan & Hollingsworth.
No. 7	Hull	29	Do.
No. 8	Lawrence	30	Fore River Engine Co.
No. 9	Macdonough	30	Do.
No. 10	Paul Jones	29	Union Iron Works.
No. 11	Perry	29	Do.
No. 12	Preble	29	Do.
No. 13	Stewart	29	Gas Engine and Power Co.
No. 14	Truxtun	30	Maryland Steel Co.
No. 15	Whipple	30	Do.
No. 16	Worden	30	Do.
	Torpedo boats (17).		
No. 9	Dahlgren	30	Bath Iron Works.
No. 10	T. A. M. Craven	30	Do.
No. 19	Stringham	30	Harlan & Hollingsworth.
No. 20	Goldsborough	30	Wolff & Zwicker.
No. 21	Bailey	30	Gas Engine and Power Co.
No. 24	Bagley	28	Bath Iron Works.
No. 25	Barney	28	Do.
No. 26	Biddle	28	Do.
No. 27	Blakely	26	Geo. Lawley & Sons.
No. 28	De Long	26	Do.
No. 29	Nicholson	26	Lewis Nixon.
No. 30	O'Brien	26	Do.
No. 31	Shubrick	26	Wm. R. Trigg Co.
No. 32	Stockton	26	Do.
No. 33	Thornton	26	Do.
No. 34	Tingey	26	Columbian Iron Works.
No. 35	Wilkes	26.5	Gas Engine and Power Co.
	Submarine torpedo boat.		
No. 1	Plunger	8	Columbian Iron Works.

*Sailing vessel.

The above accounts for the large increase in the appropriation of $6,748,297 over that of the last appropriation act under the head of "Construction and machinery," which is used toward the completion of vessels now in process of construction. This work must go on year by year until the vessels are in commission. Since that time the *Kearsarge* has been put in commission. She is regarded as having the most powerful ordnance of any battle ship in the Navy at the present time. The distinctive feature of her armament is that of four 13-inch guns, with four 8-inch guns in superposed turrets. She is probably the most powerful fighting ship afloat, and is the acme of modern naval architecture and mechanism.

ARMOR AND ARMAMENT.

Under the act of May 4, 1898, the battle ships *Maine*, *Ohio*, and *Missouri* were authorized, and the provision was inserted in that act providing that $400 per ton should be the maximum price to be paid for armor. Harveyized armor could have been purchased for the battle ships at that price, but it was the opinion of the Department that the best armor was none too good. The act of March 3, 1899, provided that no armor for the ships above mentioned, as well as for those authorized by that act, should be purchased unless at a price not exceeding $300 per ton. This is the situation to-day. As regards these ships, it is important that the Secretary of the Navy should have authority to contract for their armor at once, otherwise their construction will be delayed at a great loss to the Government.

The battle ships above mentioned—the *Maine*, *Ohio*, and *Missouri*, now in process of construction—require 7,359.42 tons of armor, or 2,453.14 for each vessel. It is believed by the committee that these battle ships of nearly 13,000 tons displacement, the largest in design which have ever been planned by the Navy Department, should have the best obtainable armor, and accordingly your committee recommend that the Secretary of the Navy be authorized to contract for such armor at a cost not to exceed $545 per ton. The best obtainable armor at the present time is, according to all naval authorities, the so-called Krupp armor, which is, at least, and has been so proven by ballistic tests, of 25 per cent greater efficiency than that of the harveyized armor. Every nation in the world is using the Krupp armor to-day. Your committee believe that it is little short of disloyalty to recommend any other than the best protection and the best armor for these battle ships to be placed between the bodies of our officers and men and the bullets of the enemy.

Under the last naval appropriation act Congress authorized the construction of the three battle ships *Georgia*, *Pennsylvania*, and *New Jersey*, and three armed cruisers, *West Virginia*, *Nebraska*, and *California*, but inserted a provision therein as follows:

"That no contracts for the armor for any vessels authorized by this act shall be made at an average rate exceeding $300 per ton of 2,240 pounds, including royalties, and in no case shall a contract be made for the construction of the hull of any vessel authorized by this act until a contract has been made for the armor of such vessel."

Your committee recommend that this restriction be removed and that contracts be authorized so that the construction of the hulls of these vessels may go on without further delay.

NAVAL PROGRAMME.

For the purpose of increasing the naval establishment of the United States the committee recommend that the President be authorized to have built by contract two seagoing coast-line battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of about 13,500 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $3,600,000 each; three armored cruisers of about 13,000 tons trial displacement, carrying the heaviest armor and most powerful ordnance for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,250,000 each, and three protected cruisers of about 8,000 tons trial displacement, carrying the most powerful ordnance for vessels of their class, and to have the highest speed compatible with good cruising qualities and great radius of action, and to cost, exclusive of armament, not exceeding $2,800,000 each.

The maximum cost of the ships herein authorized, exclusive of armor and armament, will be $28,350,000. This is the largest naval programme ever submitted by the Committee on Naval Affairs of the House and is in accord with the wishes and recommendations of the Secretary of the Navy and Admiral Dewey and will, we believe, meet the just demands of public sentiment. The past year in naval construction has been marked by the most liberal naval programmes on the part of all foreign nations. At the present time there is pending in the Reichstag of Germany a naval bill which, if passed, will increase the tonnage of the present German navy 422,000 tons, a larger tonnage than that of her present navy.

In the apt words of our able Secretary of the Navy—

"Not only is the importance of sea power recognized in our own country, but it is recognized abroad. If you are simply going to keep pace with other nations you will recognize the importance of an immense naval increase. * * * The public mind expects that you will do something toward giving us a navy commensurate with the present and increasing needs of the country."

OUR PRESENT NAVY.

Our Navy at the present time, including all ships authorized as well as those under construction, will be seen by the following table:

Summary showing the number of vessels in the United States Navy.

REGULAR NAVY.

First-class battle ships	15
Second-class battle ship	1
Armored cruisers	5
Armored ram	1
Steel single-turret monitors	4
Double-turreted monitors	6
Iron single-turret monitors	9
Protected cruisers	21
Unprotected cruisers	4
Gunboats	12
Light-draft gunboats	3
Composite gunboats	6
Training ship (Naval Academy)	1
Special class	2
Gunboats under 500 tons	19
Torpedo-boat destroyers	16
Steel torpedo boats	36
Submarine torpedo boat	1
Wooden torpedo boat	1
Iron cruising vessels	5
Wooden cruising vessels	7
Sailing vessels, wooden	6
Tugs	17
Wooden steam vessels unfit for sea service	11
Wooden sailing vessels unfit for sea service	6
Total number of vessels in Regular Navy	215

Of these we have recovered and added to the Navy the following vessels, which were sunk during the war with Spain:

Name.	Type.	Name.	Type.
Reina Mercedes	Cruiser.	Isla de Cuba	Gunboat.
Don Juan de Austria	Gunboat.	Isla de Luzon	Do.

AUXILIARY NAVY.

Merchant vessels converted into auxiliary cruisers	7
Converted yachts	25
Converted tugs	27
Steamers converted into colliers	17
Special class	12
Total number of vessels in Auxiliary Navy	88
Grand total	303

The names, types, size, speed, batteries, and armor of the vessels will be more clearly understood by an examination of the table hereinafter annexed:

Our Navy to-day ranks fourth among the navies of the world—England first, France second, Russia third, United States fourth, and Germany fifth. We are ahead of Germany to-day only by 2,720 tons—a cruiser about the size of the *Atlanta*.

In view of the fact that seventeen years ago, when we started in to build up a new navy, our rank was that of twentieth, and that to-day we stand fourth, no one will dispute but that in the intervening years we have made magnificent progress.

THE COST OF OUR NEW NAVY.

The cost of our Navy, as shown by table hereinafter annexed, from the time we authorized its first vessels—the *Atlanta*, *Boston*, *Chicago*, and *Dolphin*—on March 3, 1883, including vessels authorized and under construction, is as follows:

Actual cost of finished vessels	$98,529,511.85
Estimated final cost of vessels now in course of construction	62,570,610.23
Total	161,100,122.08

And the Secretary of the Navy in his report says:

"The total for finished vessels of $98,529,511.85 and the estimated total for unfinished vessels of $62,570,610.23 make not a large amount comparatively in view of the result, which is a new navy of efficient and powerful vessels prepared for the emergencies of national defense. It is hardly more than the sum paid in a single year for pensions to the soldiers and sailors who served a generation ago in the late civil war."

OUR NAVAL POLICY.

It will be seen from an investigation of the following table, showing the amounts carried by the annual naval appropriation acts from 1883 down to the present time, that our policy has been to gradually build up the Navy year by year. Each naval appropriation act has usually been marked by a considerable increase in the amount of appropriations over that of the preceding year, and also in the number of new ships. During the last few years the increased number of ships has been larger, owing to the recognized growing importance of sea power the world over.

Amounts carried by the naval appropriation bills since 1883.

	Appropriation.
1883	$14,819,976.80
1884	15,894,434.23
1885	14,980,472.59
1886	15,070,897.95
1887	16,489,907.20
1888	25,767,348.19
1889	19,942,835.35
1890	21,692,510.27
1891	24,136,035.53
1892	32,541,654.78
1893	23,543,385.00
1894	22,104,061.38
1895	25,327,126.72
1896	29,416,245.31
1897	30,562,660.95
1898	33,003,234.19
1899	56,098,783.68
1900	48,099,969.58

It may be said that the country has been fortunate in having men at the head of the naval administration who have given direction and made wise recommendations in building up the new navy. The first authorization for new ships was during the administration of Secretary Chandler. Under Whitney the first battle ships, the *Maine* and *Texas*, called second-class battle ships, also some of the large cruisers and monitors, were authorized. Under Tracy we commenced to build first-class battle ships, the *Indiana*, *Massachusetts*, *Iowa*, and *Oregon*, as well as cruisers.

Under Herbert there was authorized a number of torpedo boats and gunboats, as well as the construction of more battle ships. Under Long we have authorized and are building battle ships, cruisers, monitors, gunboats, torpedo boats, and torpedo-boat destroyers, as well as building dry docks and making improvements in the navy-yards necessary to the proper maintenance of our naval establishment. We have a navy to-day which includes a considerable number of vessels of every class, and ship for ship it will equal that of any navy in the world.

Seventeen years ago we had practically no facilities for building ships, and what we had were discredited. We were obliged to buy our armament and armor, and even in one case our plans, from foreign countries. To day we are not only building ships in American shipyards, of American material, by American labor, on American plans for ourselves, but also for some of the leading nations of the world. Such has been the advance which has been made in naval progress in our own country.

The question may be asked, What shall be our future naval policy?

Let us build as we have been building—gradually, on broad lines and upon the most advanced ideas of naval construction; not so fast that we will be ahead of the advance of naval progress, but slow enough to secure all the benefits of new improvements and new inventions; or, better still, to do as the American Navy has always done, when given an opportunity, to lead the march of the best naval construction, which it demonstrated its ability to do on at least one memorable occasion in American history—when the little "cheese box of Ericsson" in that great contest with the *Merrimac* blazed the pathway for the mighty battle ship of to-day.

THE PRINCIPAL NAVIES.

The following data are taken from a British parliamentary paper entitled "Return, showing the fleets of Great Britain, France, Russia, Germany, Italy, United States of America, and Japan, distinguishing: Battle ships, built and building: cruisers, built and building; coast-defense vessels, built and building; torpedo vessels, torpedo-boat destroyers, and torpedo boats, built and building," which, as therein stated, is compiled from the "official list of each navy," and has been supplemented by some fuller and later data on hand in the Office of Naval Intelligence (United States). It is therefore correct.

It must be clearly borne in mind that there are in every navy certain classes of vessels which appear in the official navy list, but which can not be considered as forming part of that navy's fighting force.

These are:

(*a*) Obsolete ships;
(*b*) Receiving ships;
(*c*) Sailing and training ships, brigs, etc.;
(*d*) Tugs and miscellaneous.

All these classes are omitted from the tonnage given below.

Neither are there included in these data any auxiliary vessels, such as yachts or merchant vessels, for it would mean practically the addition of the merchant marine of the several countries, all of which is available.

The table and diagram give tonnage, then, only of vessels actually constructed for war purposes.

Fig. I. Table I.

This second table (construction since 1890) was felt necessary for two reasons:

(1) It eliminates all obsolete vessels and makes a comparison of modern construction possible;

(2) It also gives the construction of the several countries from a date which marks the intense revival of naval construction everywhere.

From these tables the position occupied by the United States is fourth, with Germany a very close fifth. But this close relative position is not likely to be long occupied by these two countries, because there is included in the tonnage of the United States 23,000 tons of old monitors, which should be removed as useless.

Also, Germany has incalculable advantage of a definite building programme, which is given on page 26. From this it is seen that Germany will certainly construct as new tonnage the following:

	Tons.
13 battle ships of 11,000 tons	143,000
9 battle ships of 11,000 tons to replace old	99,000
8 battle ships of 11,000 tons to replace old	88,000
9 large cruisers of 5,500 tons, new tonnage	49,500
16 small cruisers of 2,000 tons, new tonnage	32,000
30 torpedo-boat destroyers of 350 tons, new tonnage	10,500
Total	422,000

This construction is only such as is to be provided for by the naval programme of this year. Should any excitement or threat of war arise, the additions to this programme can not be estimated. And the advantage in time and efficiency of ship construction that will result from such a programme must always be kept in mind. Every ship built improves the facilities for the construction of the next one.

The average tonnage is obtained by dividing the total tonnage by the number of vessels. In the case of England and the United States the large average is due to the relatively small number of torpedo vessels.

The position of Italy is sixth, with Japan a pressing rival; for, on carefully examining the table of construction since 1890, we find that Japan is much ahead of Italy, and the construction in the last ten years is practically the available force in case of emergency. This is a good illustration of the fact that "tonnage" is by no means a definite measure of strength, as out of 148,588 tons of Italian B. S., 108,189 tons were constructed between 1863 and 1888, the older vessels are obsolete, and the later so nearly so that they are being tinkered with and remodeled, at enormous expense and with entirely unsatisfactory results. The compact, homogeneous Japanese fleet of battle ships would doubtless be superior.

Fig. II

This figure gives the construction for each year from 1890 to 1900, inclusive. It is almost impossible to obtain the data for ships "laid down" each year, for in so many cases, especially France and Italy, the delay in actually laying the keel after the order has been given frequently amounts to several years. The data concerning "vessels launched" are more definite, and Table II has been constructed accordingly from the data on vessels launched.

In the case of the year 1900 the data mean vessels building and not yet launched, a portion of which will be launched in 1900 and others laid down. For purposes of comparison the plan adopted is believed to be the better.

Table I gives in tabular form the tonnage of vessels of each class: (*a*) built, (*b*) building, and (*c*) built since 1890. This table is but Fig. II amplified.

The Germany navy in 1916 will be about as given on page 27. All these vessels are to be vessels available for "active service." Now, rule 2 of the German shipbuilding law of 1898 provides for substitute vessels as follows:

Battle ships and armored coast-defense vessels must be replaced after twenty-five years.

Large cruisers after twenty years.

Small cruisers after fifteen years.

These periods run from the year in which the first installment of the displaced vessel is paid to the time of the first payment of the substitute vessel.

Germany has four vessels of the *Sachsen* class, built in 1877 and 1878 and remodeled in 1894-95; the *Oldenburg*, a very old vessel; six of the *Siegfried* class, 1889-1892; two of the *Odin* class; the *Kaiser* and *Deutschland* of 1875; all of which are to be replaced by first-class battle ships, and the four vessels of the *Wörth* class of 1891-92, which also will have to be replaced. In the cruiser class there are a number of vessels built between 1889 and 1897 which will similarly be replaced. Hence, to complete the programme of 1916 more vessels will be constructed than appears by a mere examination of the table.

	England.	France.	Russia.	United States.	Germany.	Italy.	Japan.
Built:							
B. S	584,855	295,834	117,240	48,519	112,230	148,588	31,970
Ar. Cr	131,660	44,080	68,216	17,415	24,713	17,263	21,950
Pr. Cr	484,165	125,898	11,977	61,659	53,389	42,112	51,602
Unpr. Cr	38,510	44,063	8,400	11,397	43,560	2,279	23,776
C. D	50,080	43,328	44,200	51,884	12,001	None.	10,280
Spec	15,000	5,994	5,160	929	4,025	11,542	4,120
Torp. Ves	27,790	8,808	14,391	None.	1,862	11,672	850
T. B. D	23,375	500	240	273	300	None.	2,300
T. B	7,650	15,222	11,456	1,891	12,993	8,218	2,109
Subs	None.	436	None.	None.	None.	None.	None.
Total	1,393,745	584,333	281,280	193,967	265,113	241,614	148,957
Building:							
B. S	238,750	43,765	145,672	135,625	102,620	44,516	60,450
Ar. Cr	167,600	111,207	19,964	36,000	19,342	21,882	38,534
Pr. Cr	44,005	18,311	44,516	25,200	19,180	5,082	5,500
Unpr. Cr	None.	None.	None.	None.	None.	None.	None.
C. D	None.	None.	4,126	12,940	None.	None.	None.
Spec	None.	None.	5,000	None.	None.	None.	6,740
Torp. Ves	None.	None.	None.	None.	None.	None.	None.
T. B. D	10,820	3,022	6,970	7,607	4,550	3,673	1,200
T B	None.	3,945	1,000	2,186	None.	1,360	3,054
Subs	None.	993	None.	None.	None.	None.	None.
Total	461,175	181,186	227,248	219,558	145,692	76,513	115,478
Grand total	1,824,920	765,519	508,528	413,525	410,805	318,127	264,435
Built since 1890:							
B. S	532,350	173,083	205,822	184,144	177,169	71,223	85,200
Ar. Cr	167,600	136,814	43,197	53,415	19,342	39,085	60,484
Pr. Cr	429,750	97,196	48,344	59,794	61,449	19,285	40,408
Unpr. Cr	None.	None.	None.	9,687	9,549	None.	1,800
C. D	None.	3,534	18,346	19,179	None.	None.	None.
Spec	None.	5,994	8,605	None.	2,322	None.	None.
Torp. Ves. of all classes	62,425	21,319	15,070	11,926	10,882	15,739	8,504
Total	1,182,125	437,940	339,384	338,145	280,713	145,332	196,396

B. S.—Battle ships, i. e., vessels usually of large tonnage (the present practice giving between 10,500 and 15,000 tons), with maximum offense and defense; protection to hull by vertical side armor; protective deck; coal bunkers

and cellulose; guns protected by barbettes, turrets, casemates, and shields.

Ar. Cr. = Armored cruisers, i. e., vessels of moderate to large tonnage, with protection to hull and battery similar to that of battle ships, except that the thickness of metal in all cases is much less, which with the weight saved by carrying lighter guns gives opportunity to make the speed and steaming radius of the armored cruiser much greater than the battle ship.

Pr. Cr. = Protected cruisers, i. e., vessels usually of small to moderate tonnage, with protection to hull by protective deck, coal bunkers, and cellulose. No side armor. No turrets or barbettes or casemates; guns protected by gun shields.

Unpr. Cr. = Unprotected cruisers, i. e., vessels without any of the protection of the above classes. It will be noticed that no country has constructed a vessel of this class for many years.

C. D. = Coast defense, i. e., vessels with many of the characteristics of B. S. in having thick armor for hull and battery protection; large guns; small speed; limited coal supply, which means small steaming radius. Usually these vessels have low free-board and are not good seagoing vessels.

Especial attention is invited to the fact that no country, except the United States and Russia, has constructed such a vessel for many years. This point is regarded as very important in estimating the naval strength of the several powers.

The expression "coast defense" as applied to ships is almost unknown abroad. It appears in the United States in the construction of the monitor class and in France in the furor with which the construction of submarine boats is undertaken.

A study of the policy of *the* real maritime nations—England and Germany—shows that the defense is always to be offense. Both these countries are building only *seagoing battle ships, large cruisers*, and all torpedo *boat* construction has been abandoned for the construction of *torpedo boat destroyers*.

Torp. Vss. = Torpedo vessels, a class, 700 to 1,000 tons, which experience has shown to have neither the merits of gunboats nor of sufficient speed to catch torpedo boats; and therefore construction of this class has ceased.

T. B. D. = Torpedo-boat destroyers, vessels of 300 to 400 tons, strong construction good seagoing qualities, very high speed, and large steaming radius.

T. B. = Torpedo boats, vessels from 30 to 200 tons, no longer being built in England or Germany, which, as above stated, are building only the destroyer.

The above explanation is considered necessary to an understanding of naval strength.

MEMORANDUM OF INFORMATION FOR HON. GEORGE EDMUND FOSS, ACTING CHAIRMAN OF NAVAL COMMITTEE, HOUSE OF REPRESENTATIVES.

The accompanying memorandum, prepared for transmittal to Hon. GEORGE EDMUND FOSS, acting chairman of the Naval Committee, House of Representatives, is in response to a request addressed by him to the Chief Intelligence Officer on February 23, 1900.

The present statement of the comparative strength of the principal navies supplements one of February 17, 1900 (O. N. L., 1172). The earlier statement was based upon tonnage; the present one is based upon the number of ships of the various types in the principal navies.

C. D. SIGSBEE,
Captain, U. S. Navy, Chief Intelligence Officer.

FEBRUARY 27, 1900.

Comparative strength of the principal navies.

[Statement based on the numerical strength in ships.]

Nation.	Battle ships.		Armored cruisers.		Protected cruisers.		Unprotected cruisers.		Coast defense and special service.	
	No.	Total displacement.	No.	Total displacement.	No.	Total displacement.	No.	Total displacement.	No.	Total displacement.
		Tons.		*Tons.*		*Tons.*		*Tons.*		*Tons.*
England	70	823,605	31	200,380	116	538,170	15	38,510	16	65,740
France	35	339,590	20	155,267	40	144,199	14	44,067	15	51,316
Russia	24	262,912	12	88,180	11	55,493	3	8,400	23	58,486
United States	16	184,149	5	53,145	21	86,859	6	11,307	24	65,753
Germany	27	214,559	5	44,055	23	53,389	21	43,590	14	16,029
Italy	19	193,104	7	39,085	18	47,194	1	2,279	2	11,542
Japan	7	92,430	7	60,484	17	57,102	24	23,776	6	21,180

Nation.	Torpedo vessels.		Torpedo-boat destroyers.		Torpedo boats.		Sub marines.		Grand total.	
	No.	Total displacement.	No.	Total displacement.	No.	Total displacement.	No.	Total displacement.	No.	Total displacement.
		Tons.		*Tons.*		*Tons.*		*Tons.*		*Tons.*
England	25	27,790	108	34,195	93	7,650	0	0	488	1,824,920
France	15	8,898	12	3,612	267	19,167	12	1,372	429	765,519
Russia	17	14,391	36	7,210	180	12,436	0	0	306	508,528
United States	0	0	20	7,880	30	3,977	0	0	122	413,525
Germany	2	1,862	15	4,850	112	12,993	0	0	220	410,805
Italy	15	15,345	11	3,673	154	9,578	0	0	227	318,127
Japan	1	850	12	3,500	58	5,163	0	0	132	264,435

The diagram which follows shows graphically the number of vessels of the several classes for seven countries; the armored cruisers, protected cruisers, unprotected cruisers, and torpedo vessels are grouped into two general classes, called cruisers and gunboats, all above 2,000 tons being cruisers, and from 2,000 to 400 tons gunboats.

The tabular statement gives vessels built and actually under construction; the diagram presents the same information graphically.

FOREIGN NAVAL PROGRAMMES.

ENGLAND.

A yearly programme in accordance with a carefully devised plan for the construction of a homogeneous fleet. Parliament and the nation have long accepted the principle that her naval strength must be equal in numbers and superior in power to that of the two strongest navies in the world, and the British estimates, which include the naval programme, are framed on this principle.

During the present fiscal year it was proposed to lay down—
Two battle ships (design not decided).
Two armored cruisers, 9,800 tons each.
Three small cruisers (design not decided).
Two gunboats.
Two first class torpedo boats.

FRANCE.

A shipbuilding programme drawn up in 1891, modified in 1896, covering a period extending to 1907, provided for the construction of 204 ships. Owing to recent events and the disorganized state of French finances, this programme has been practically abandoned after being about half carried out.

France is at present without a definite policy beyond finishing the ships already in hand. The minister of marine proposes a building programme which will supply the number of vessels necessary to make the French navy a homogeneous force. This programme comprises the laying down, beginning this year, of the following vessels:
Six battle ships of 14,865 tons each.
Five armored cruisers of 12,600 tons each.
Twenty-eight torpedo destroyers.
One hundred and twelve torpedo boats.
Twenty-six submarine boats.

These 177 units will cost 476,000,000 francs, and are to be completed by 1907. A further sum of 235,000,000 francs is to be added to complete the ships now building, which will be finished by 1903, so that, up to 1907, France proposes to spend 711,000,000 francs in the construction of her fleet.

GERMANY.

In 1898 a shipbuilding programme, known as the "Sexennate law," provided for a definite yearly increase of the German navy up to 1904. The Emperor, is actively agitating the subject of a further increase, and a new programme, which practically doubles the fleet, is now before the Reichstag, which will probably be adopted.

According to this programme the following table shows the present strength and as projected in 1916:

	1900.	1916.
Battle ships	17	40
Armored ships	8	8
Large cruisers	11	20
Small cruisers	27	48
Gunboats	5	
Torpedo boats	84	114
Total	152	230

ITALY.

Programme of 1899-1904. The purpose of the Government is to expedite the ships in hand in such a way that they may be completed within four years, together with two new battle ships to be laid down. Under existing conditions a period of six years will be required to complete the seven ships now building, and to augment the credits in the present financial state of the country is declared to be impossible. In order that the work may go on it is proposed that the treasury shall advance money to the navy, to be repaid in installments out of the money voted for naval purposes up to the year 1905. In this way the Italian fleet would possess in July, 1904, 21 battle ships fully completed.

JAPAN.

The naval programme of 1895 of new construction is to be completed by April 1, 1903. By 1901 there are to be 54 ships in readiness; by 1903, 69 more; or a total of 117 war ships. These are divided as follows:
Four battle ships.
Four first-class armored cruisers.
Three second-class armored cruisers.
Two third-class armored cruisers.
Fifteen torpedo cruisers.
Eighty-nine torpedo boats.
All these vessels are at present either completed or in process of construction.

RUSSIA.

According to the Russian programme the expenditure for new construction for the seven years 1898-1904 is placed at 157,000,000 roubles (about $81,000,000).

UNITED STATES.

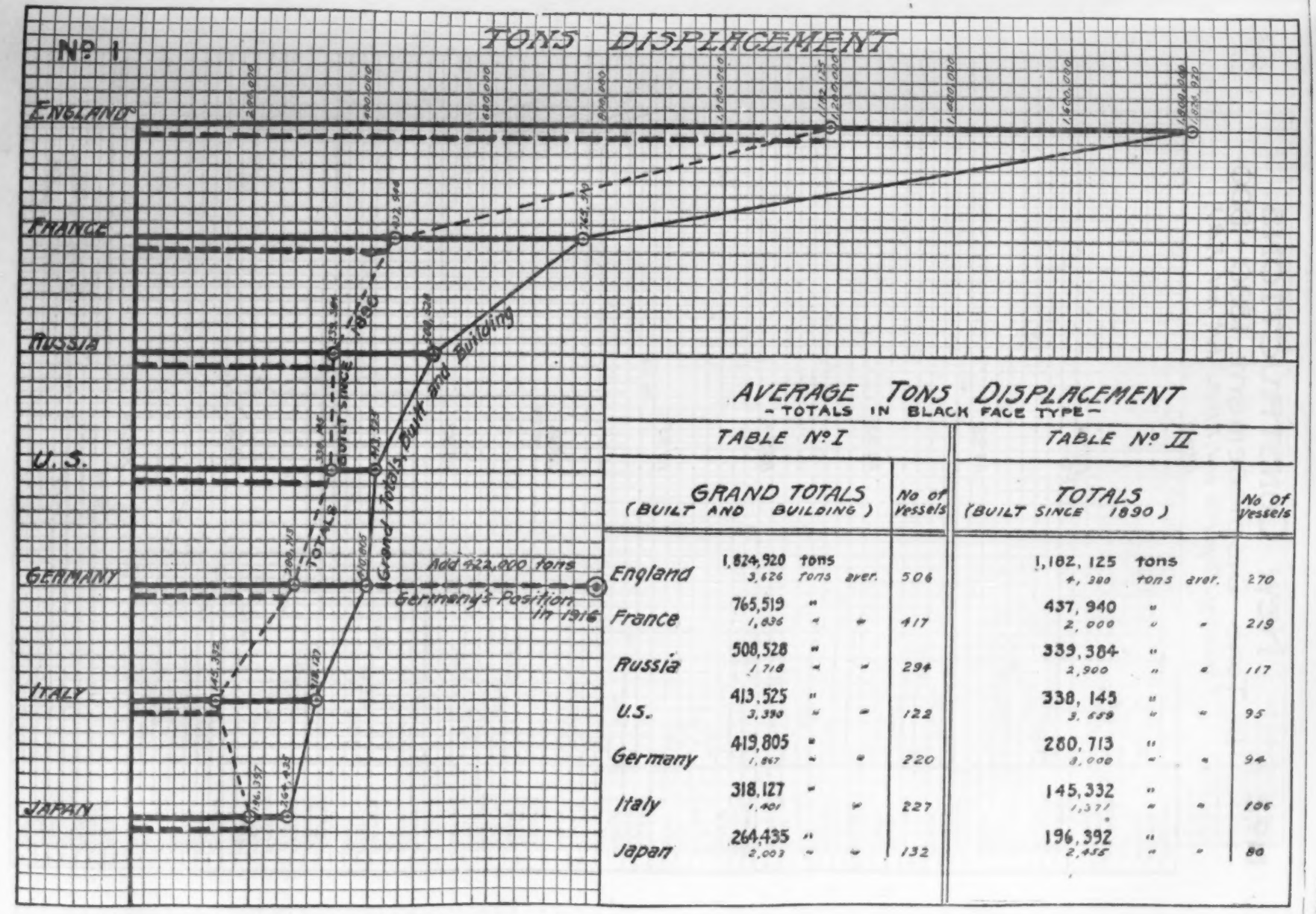
The act of Congress making appropriation for increase of the Navy for the fiscal year ending June 30, 1901, provided for the construction of three seagoing coast-line battle ships, sheathed and coppered; three armored cruisers, sheathed and coppered, and six protected cruisers, sheathed and coppered.

Expenditure on new construction for five years.

[In million dollars.]

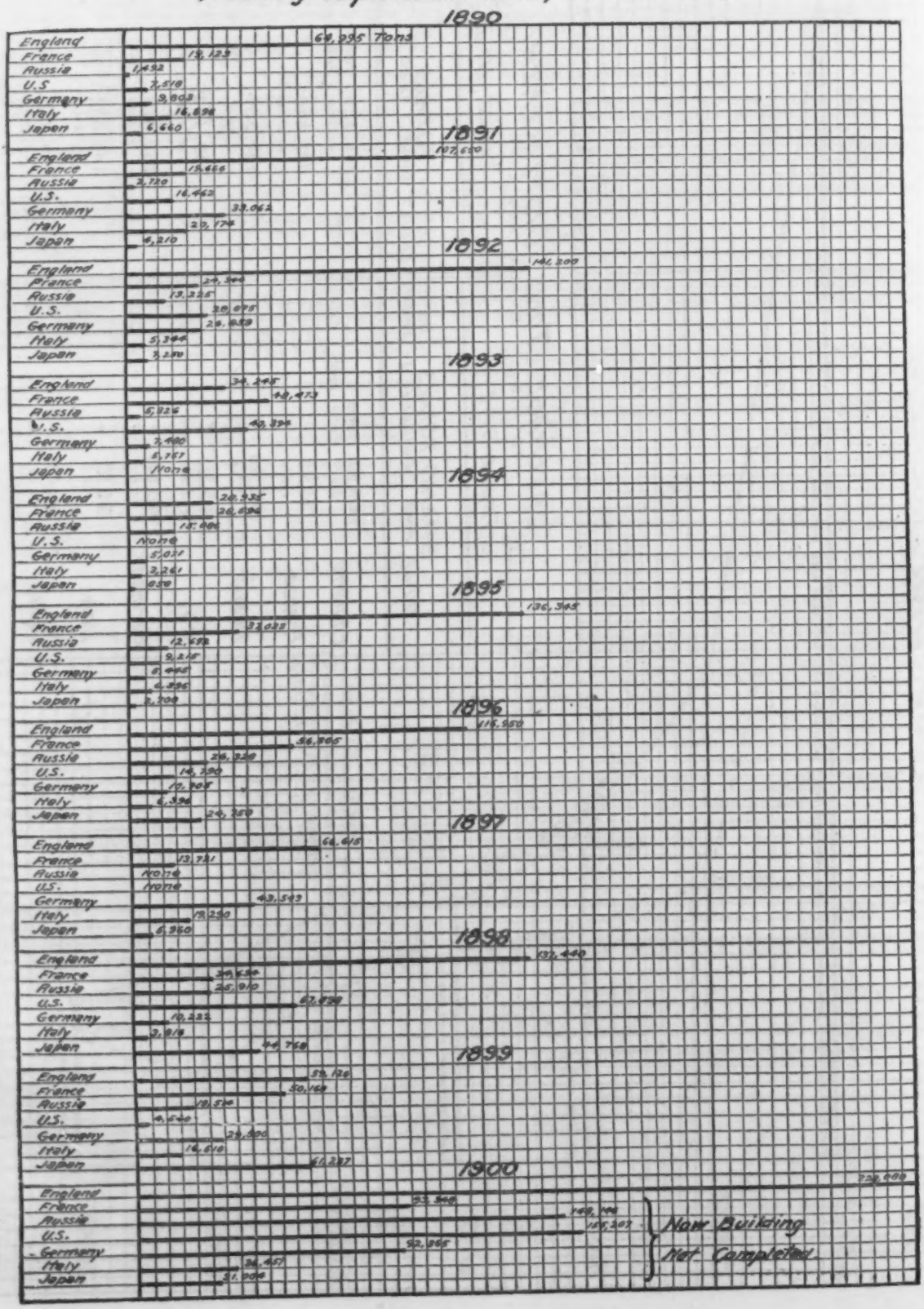
Nation.	1895-96.	1896-97.	1897-98.	1898-99.	1900.	Total.	Remarks.
England	27.9	37.8	36.8	39.2	45.0	186.7	Includes repairs.
France	16.9	17.4	20.2	19.8	21.0	95.3	
Russia	10.3	9.3	7.7	9.8	17.3	54.4	
United States	8.1	11.2	6.4	13.6	6.0	45.3	
Germany	3.9	4.7	9.0	9.7	10.6	37.9	
Italy	4.4	4.9	3.5	4.2	4.1	20.5	
Total	71.5	84.7	83.6	96.3	104.0	.....	

FEBRUARY 17, 1900.



AVERAGE TONS DISPLACEMENT
– TOTALS IN BLACK FACE TYPE –

TABLE No I — GRAND TOTALS (BUILT AND BUILDING)				No of Vessels	TABLE No II — TOTALS (BUILT SINCE 1890)				No of Vessels
England	1,824,920	tons		506	1,182,125	tons			270
	3,626	tons	aver.		4,380	tons	aver.		
France	765,519	"		417	437,940	"			219
	1,836	"	"		2,000	"	"		
Russia	508,528	"		294	339,384	"			117
	1,718	"	"		2,900	"	"		
U.S.	413,525	"		122	338,145	"			95
	3,390	"	"		3,559	"	"		
Germany	419,805	"		220	280,713	"			94
	1,867	"	"		3,000	"	"		
Italy	318,127	"		227	145,332	"			106
	1,401	"	"		1,371	"	"		
Japan	264,435	"		132	196,392	"			80
	2,003	"	"		2,455	"	"		


No 2
NEW CONSTRUCTIONS
In Tons Displacement, 1890-1900
(Including Torp. Ves. and T.B.D., but not T.B.)
1890
England 64,995 Tons
France 19,123
Russia 1,492
U.S. 7,510
Germany 9,663
Italy 16,896
Japan 6,660
1891
England 107,650
France 15,666
Russia 3,720
U.S. 16,462
Germany 33,062
Italy 20,174
Japan 4,210
1892
England 141,200
France 24,304
Russia 19,326
U.S. 30,675
Germany 29,859
Italy 5,344
Japan 7,230
1893
England 34,245
France 48,473
Russia 5,326
U.S. 40,394
Germany 7,490
Italy 5,727
Japan None
1894
England 20,935
France 26,694
Russia 13,604
U.S. None
Germany 5,031
Italy 3,261
Japan 858
1895
England 136,345
France 33,033
Russia 12,592
U.S. 9,215
Germany 8,490
Italy 6,896
Japan 2,709
1896
England 116,950
France 56,765
Russia 26,250
U.S. 14,390
Germany 12,708
Italy 6,396
Japan 24,750
1897
England 64,615
France 13,781
Russia None
U.S. None
Germany 43,543
Italy 13,250
Japan 6,960
1898
England 137,440
France 39,650
Russia 25,910
U.S. 67,839
Germany 10,222
Italy 3,914
Japan 44,760
1899
England 53,126
France 50,169
Russia 19,514
U.S. 9,560
Germany 29,500
Italy 14,610
Japan 61,237
1900
England 739,000
France 33,346
Russia 149,196
U.S. 137,203
Germany 92,965
Italy 36,457
Japan 31,906
Now Building
Not Completed

COMPARATIVE STRENGTH
NUMBER of VESSELS
Solid Lines = Built
Broken " = Building
NATIONS
Battle Ships
Cruisers
Gun Boats
Coast Defence & Special
Torpedo Boat Destroyers
Torpedo Boats
England
France
Russia
Italy
Germany
U.S.
Japan

FIRST-CLASS BATTLE SHIPS.

Name.	Type.	Ship fully equipped ready for sea, all stores on board. Normal coal supply.				Speed per hour on trial.	Batteries.			Armor.		
		Length on load water line.	Extreme breadth.	Mean draft.	Displacement.		Main.	Secondary.	Torpedo tubes.	Sides.	Turrets.	Barbettes.
		Ft. in.	Ft. in.	Ft. in.	Tons.	Knots.				Inches.	Inches	Inches
Alabama	Seagoing coast-line battle ship. 2 13" barbette turrets	368 0	72 2½	23 6	*11,565	†16	4 13" B. L. R. 14 6" R. F. guns	16 6-pdr. R. F. 6 1-pdr. R. F. 4 Colts 2 3" R. F. field	4 long Whitehead.	Top 16½ Bottom 9½ Water line 13½	14	15 10
Illinois	Seagoing coast-line battle ship. 2 13" barbette turrets	368 0	72 2½	23 6	*11,565	†16	4 13" B. L. R. 14 6" R. F. guns	16 6-pdr. R. F. 6 1-pdr. R. F. 4 Colts 2 3" R. F. field	4 long Whitehead.	Top 16½ Bottom 9½ Water line 13½	14	15 10
Indiana	Seagoing coast-line battle ship. 2 13" barbette turrets 4 8" barbette turrets	348 0	69 3	25 1½	10,810	15.547	4 13" B. L. R. 8 8" B. L. R. 4 6" R. F. guns	20 6-pdr. R. F. 7 1-pdr. R. F. 2 3" R. F. field	2 Whitehead.	18	15 6	17 8 6
Iowa	Seagoing coast-line battle ship. 2 12" barbette turrets 4 8" barbette turrets	360 0	72 2½	24 0	11,340	17.087	4 12" B. L. R. 8 8" B. L. R. 6 4" R. F. guns	20 6-pdr. R. F. 4 1-pdr. R. F. 4 Colts 2 3" R. F. field	4 Howell	14	15 8 7	15 8 6
Kearsarge	Seagoing coast-line battle ship. 2 12" barbette turrets 2 8" turrets superposed.	308 0	72 2½	23 6	11,525	16.816	4 12" B. L. R. 4 8" B. L. R. 14 5" R. F. guns	20 6-pdr. R. F. 6 1-pdr. R. F. 4 Colts 2 3" R. F. field	4 long Whitehead.	Top 16½ Bottom 9½ Water line 13½	17 15 11 9	15 12½
Kentucky	Seagoing coast-line battle ship. 2 13" barbette turrets 2 8" turrets superposed	368 0	72 2½	23 6	11,525	†16	4 13" B. L. R. 4 8" B. L. R. 14 5" R. F. guns	20 6-pdr. R. F. 6 1-pdr. R. F. 4 Colts 2 3" R. F. field	4 long Whitehead.	Top 16½ Bottom 9½ Water line 13½	17 15 11 9	15 12½
Maine	Seagoing coast-line battle ship. 2 12" barbette turrets	388 0	73 2½	23 6	12,300	†18	4 12" B. L. R. 16 6" R. F. guns	16 6-pdr. Maxim-Nordenfelt. 4 1-pdr. automatic 2 1-pdr. R. F. guns 2 3" R. F. field 2 Colt automatic.	2 submerged.	Top 11 Bottom 7½ §	12 11	12 8
Massachusetts	Seagoing coast-line battle ship. 2 13" barbette turrets 4 8" barbette turrets	348 0	69 3	25 1½	10,810	16.21	4 13" B. L. R. 8 8" B. L. R. 4 6" R. F. guns	20 6 pdr. R. F. 8 1-pdr. R. F. 2 Colts 2 3" R. F. field	2 Whitehead.	18	15 6	17 8 6
Missouri	Seagoing coast-line battle ship. 2 12" barbette turrets	308 0	72 2½	23 6	12,230	†18	4 12" B. L. R. 16 6" R. F. guns	16 6-pdr. Maxim-Nordenfelt. 4 1-pdr. automatic 2 1-pdr. R. F. guns 2 3" R. F. field 2 Colt automatic.	2 submerged.	Top 11 Bottom 7½ §	12 11	12 8
Ohio	Seagoing coast-line battle ship. 2 12" barbette turrets.	388 0	72 2½	23 6	12,440	†18	4 12" B. L. R. 16 6" R. F. guns	16 6 pdr. Maxim-Nordenfelt. 4 1-pdr. automatic 2 1-pdr. R. F. guns. 2 3" R. F. field 2 Colt automatic.	2 submerged.	Top 11 Bottom 7½§	12 11	12 8
Oregon	Seagoing coast-line battle ship. 2 13" barbette turrets 4 8" barbette turrets	348 0	69 3	25 4½	11,000	16.79	4 13" B. L. R. 8 8" B. L. R. 4 6" R. F. guns	20 6-pdr. R. F. 2 1-pdr. R. F. 2 Colts 1 3" R. F. field	2 Whitehead.	18	15 6	17 8 6
Wisconsin	Seagoing coast-line battle ship. 2 13" barbette turrets	368 0	72 2½	23 6	*11,565	†16	4 13" B. L. R. 14 6" R. F. guns	16 6-pdr. R. F. 6 1-pdr. R. F. 4 Colts 2 3" R. F. field	4 long Whitehead.	Top 16½ Bottom 9½ Water line 13½	14	15 10
Georgia	Authorized, but not contracted for.	.....	.....	.....	13,500	.....	.....	.....	.....	.....	.....	.....
New Jersey	do	.....	.....	.....	13,500	.....	.....	.....	.....	.....	.....	.....
Pennsylvania	do	.....	.....	.....	13,500	.....	.....	.....	.....	.....	.....	.....

SECOND-CLASS BATTLE SHIPS.

Texas	Armored battle ship. 2 12" turrets.	301 4	64 1	23 6	6,315	17.8	9 12" B. L. R. 2 6" B. L. R.	12 6-pdr. R. F. 6 1-pdr. R. F. 4 37-mm H. R. C. 2 Colts 1 field gun	2 Whitehead.	12	12	.....

ARMORED CRUISERS.

Brooklyn	Armored cruiser. 4 8" barbette turrets.	400 6	64 8½	24 0	9,215	21.91	8 8" B. L. R. 12 5" R. F. guns	12 6-pdr. R. F. 4 1-pdr. R. F. 4 Colts 2 3" R. F. field	4 Whitehead.	3	5½	8 and 4
New York	Armored cruiser. 2 8" barbette turrets	380 6½	64 10	23 8½	8,200	21	6 8" B. L. R. 12 4" R. F. guns	8 6-pdr. R. F. 2 1-pdr. R. F. 2 Colts 2 3" R. F. field	2 Whitehead.	4	5½	10
California	Authorized but not contracted for.	.....	.....	.....	12,000	.....	.....	.....	.....	.....	.....	.....
Nebraska		.....	.....	.....	12,000	.....	.....	.....	.....	.....	.....	.....
West Virginia		.....	.....	.....	12,000	.....	.....	.....	.....	.....	.....	.....

*With two-thirds of ammunition and two-thirds of stores. †Estimated. §Above main belt.

ARMORED STEEL VESSELS—SINGLE-TURRET HARBOR-DEFENSE MONITORS.

Name.	Ship fully equipped, ready for sea, all stores on board. Normal coal supply.				Speed per hour on trial.	Batteries.			Armor.			Protective deck.	
	Length on load water line.	Extreme breadth.	Mean draft.	Displacement.		Main.	Secondary.	Torpedo tubes.	Sides.	Turrets.	Barbettes.	Slopes.	Flat.
	Ft. in.	*Ft. in.*	*Ft. in.*	*Tons.*	*Knots.*				*Inches.*	*Inches.*	*Inches.*	*Inches.*	*Inches.*
Arkansas	252 0	50 0	12 6	3,235	*11½	2 12" B. L. R 4 4" R. F	3 6-pdr. R. F 5 1-pdr. R. F 2 Colts	None	11	10	11	.....	1½
Connecticut	252 0	50 0	12 6	3,235	*11½	2 12" B. L. R 4 4" R. F	3 6-pdr. R. F 5 1-pdr. R. F 2 Colts	None	11	10	11	.....	1½
Florida	252 0	50 0	12 6	3,235	*11½	2 12" B. L. R 4 4" R. F	3 6-pdr. R. F 5 1-pdr. R. F 2 Colts	None	11	10	11	.....	1½
Wyoming	252 0	50 0	12 6	3,235	*11½	2 12" B. L. R 4 4" R. F	3 6-pdr. R. F 5 1-pdr. R. F 2 Colts	None	11	10	11	.....	1½

*Estimated.

ARMORED VESSELS—DOUBLE-TURRETED MONITORS.

Name.	Type.	Ship fully equipped ready for sea, all stores on board. Normal coal supply.				Speed per hour on trial.	Batteries.			Armor.		
		Length on load water line.	Extreme breadth.	Mean draft.	Displacement.		Main.	Secondary.	Torpedo tubes.	Sides.	Turrets.	Barbettes.
		Ft. in.	*Ft. in.*	*Ft. in.*	*Tons.*	*Knots.*				*Inches.*	*Inches.*	*Inches.*
Amphitrite	Iron low-freeboard coast-defense monitor. 2 steel barbette turrets	259 6	55 6	14 6	3,990	10.5	4 10" B. L. R 2 4" R. F. guns	2 6-pdr. R. F 2 3-pdr. R. F 2 37mm H. R. C 5 1-pdr. R. F. G. 1 3" R. F. Field. 1 Colt	.....	9 5	7½	11½
Miantonomoh	Iron low-freeboard coast-defense monitor. 2 compound armor turrets.	259 6	55 6	14 6	3,990	10.5	4 10" B. L. R	2 6-pdr. R. F. G. 2 3-pdr. R. F. G. 6 1-pdr. R. F. G. 1 Gatling	.....	7	11½	.....
Monadnock	Iron low-freeboard coast-defense monitor. 2 steel barbette turrets.	259 6	55 6	14 7	4,005	12	4 10" B. L. R 2 4" R. F. guns	2 6-pdr. R. F 2 3-pdr. R. F 2 37mm H. R. C 2 1-pdr. R. F. G.	.....	9 5	7½	11½
Monterey	Steel low-freeboard monitor. 2 steel barbette turrets	256 0	59 0	14 10	4,084	13.6	2 12" B. L. R 2 10" B. L. R	6 6-pdr. R. F 4 1-pdr. R. F 2 Gatlings 1 field gun	.....	13 8 6	Forward 8 Aft 7½	Forward 13 Aft 11½.
Puritan	Iron low-free board coast-defense monitor. 2 steel barbette turrets.	290 3	60 1½	18 0	6,060	12.4	4 12" B. L. R 6 4" R. F. guns	6 6-pdr. R. F 2 37mm H. R. C 2 1 pdr. R. F	.....	14 10 6	8	14
Terror	Iron low-freeboard coast-defense monitor. 2 steel turrets	259 6	55 6	14 6	3,990	10.5	4 10" B. L. R	2 6-pdr. R. F 2 3-pdr. R. F 2 37mm H. R. C 2 1-pdr. R. F	.....	7 4	11½	.....

UNARMORED PROTECTED CRUISERS.

Name.	Ship fully equipped ready for sea, all stores on board. Normal coal supply.				Speed per hour on trial.	Batteries.			Protective deck.	
	Length on load water line.	Extreme breadth.	Mean draft.	Displacement.		Main.	Secondary.	Torpedo tubes.	Slopes.	Flat.
	Ft. in.	*Ft. in.*	*Ft. in.*	*Tons.*	*Knots.*				*Inches.*	*Inches.*
Atlanta	271 3	42 1½	16 10	3,000	15.60	6 6" R. F. guns 1 8" B. L. R	6 6-pdr. R. F 4 1-pdr. R. F 2 Colts 1 5" R. F. field	.....	1½	1½
Baltimore	327 6	48 7½	20 0	4,870	20.006	4 8" B. L. R 6 6" B. L. R	4 6-pdr. R. F 2 3-pdr. R. F 2 1-pdr. R. F 4 37mm H. R. C 2 Colts 1 3" R. F. field	.....	4	2½
Boston	271 3	42 1½	17 0	3,035	15.60	6 6" B. L. R 2 8" B. L. R	2 6-pdr. R. F 2 3-pdr. R. F 2 1-pdr. R. F 2 47mm H. R. C 2 37mm H. R. C 1 Gatling	.....	1½	1½
Charleston	312 7	46 2	18 7	3,730	18.20	2 8" B. L. R 6 6" B. L. R	4 6-pdr. R. F 2 3-pdr. R. F 2 1-pdr. R. F 2 Colts 4 37mm R. C 1 3" R. F. field	.....	3	2
Chicago	325 0	48 2	20 4½	5,000	*18	4 8" B. L. R 14 5" R. F. guns	7 6-pdr. R. F 2 1-pdr. R. F 2 Colts 1 3" R. F. field	.....	1½	1½

UNARMORED PROTECTED CRUISERS—continued.

Name.	Ship fully equipped ready for sea, all stores on board. Normal coal supply.				Speed per hour on trial.	Batteries.			Protective deck.	
	Length on load water line.	Extreme breadth.	Mean draft.	Displacement.		Main.	Secondary.	Torpedo tubes.	Slopes.	Flat.
	Ft. in.	*Ft. in.*	*Ft. in.*	*Tons.*	*Knots.*				*Inches.*	*Inches.*
Cincinnati	300 0	42 0	18 0	3,213	*19	11 5″ R. F. guns	8 6-pdr. R. F 2 1-pdr. R. F 2 Colts 1 3″ R. F. field		2½	1
Columbia	412 0	58 2½	22 6	7,375	22.8	1 8″ B. L. R. 2 6″ B. L. R. 8 4″ R. F. guns	12 6-pdr. R. F 2 1-pdr. R. F 2 Colts 1 3″ R. F. field	4 Whitehead	4	2½
Minneapolis	412 0	58 2½	22 6	7,375	23.073	1 8″ B. L. R. 2 6″ B. L. R. 8 4″ R. F. guns	12 6-pdr. R. F 2 1-pdr. R. F 2 Colts 1 3″ R. F. field	4 Whitehead	4	2½
Newark	311 7	49 2	18 9	4,098	19	12 6″ R. F. guns	8 6-pdr. R. F 2 Colts 2 37mm R. C		3	2
Olympia	340 0	53 0½	21 6	5,870	21.686	10 5″ R. F. guns 4 8″ B. L. R. mounted in barbette turrets, armor 3½ and 4½ inches.	14 6-pdr. R. F 7 1-pdr. R. F 1 Gatling	6 Whitehead	4½	2
Philadelphia	327 6	48 7½	19 6	4,410	19.678	12 6″ R. F. guns	4 6-pdr. R. F 4 3-pdr. R. F 2 1-pdr. R. F 2 Colts 2 37mm R. C 1 3″ R. F. field		4	2½
Raleigh	300 0	42 0	18 0	3,213	†19	10 5″ R. F. guns 1 6″ B. L. R.	8 6-pdr. R. F 4 1-pdr. R. F 1 Colt 1 3″ R. F. field		2½	1
San Francisco	310 0	49 2	18 9	4,098	19.525	12 6″ B. L. R.	12 6-pdr. R. F 2 1-pdr. R. F 2 Colts	4 Whitehead	3	2
Albany	346 0	43 9	18 0	3,769	†20	6 6″ R. F 4 4.7″ R. F	10 6-pdr. R. F 8 1-pdr. R. F 2 Colt's	3	3	1½
New Orleans	346 0	43 9	18 0	3,769	†20	6 6″ R. F 4 4.7″ R. F	10 6 pdr. R. F 8 1-pdr. R. F 2 Colt's	3	3	1½
Chattanooga	292 0	44 0	*†15 9	*†3,200	†16.5	10 5″ R. F	8 6 pdr. R. F 2 1-pdr. R. F 2 Colt aut		2 and 1	½
Cleveland	292 0	44 0	*†15 9	*†3,200	†16.5	10 5″ R. F	8 6-pdr. R. F 2 1-pdr. R. F 2 Colt aut		2 and 1	½
Denver	292 0	44 0	*†15 9	*†3,200	†16.5	10 5″ R. F	8 6-pdr. R. F 2 1-pdr. R. F 2 Colt aut		2 and 1	½
Des Moines	292 0	44 0	*†15 9	*†3,200	†16.5	10 5″ R. F	8 6-pdr. R. F 2 1-pdr. R. F 2 Colt aut		2 and 1	½
Galveston	292 0	44 0	*†15 9	*†3,200	†16.5	10 5″ R. F	8 6-pdr. R. F 2 1-pdr. R. F 2 Colt aut		2 and 1	½
Tacoma	292 0	44 0	*†15 9	*†3,200	†16.5	10 5″ R. F	8 6-pdr. R. F 2 1-pdr. R. F 2 Colt aut		2 and 1	½

*With two-third stores. †Estimated.

UNARMORED UNPROTECTED CRUISERS.

Name.	Ship fully equipped ready for sea, all stores on board. Normal coal supply.				Speed per hour on trial.	Batteries.			Water-tight deck.	
	Length on load water line.	Extreme breadth.	Mean draft.	Displacement.		Main.	Secondary.	Torpedo tubes.	Slopes.	Flat.
	Ft. in.	*Ft. in.*	*Ft. in.*	*Tons.*	*Knots.*				*Inch.*	*Inch.*
Detroit	257 0	37 0	14 7	2,080	18.71	10 5″ R. F. guns	6 6-pdr. R. F 2 1-pdr. R. F 2 Colts 1 3″ R. F. field	2 Whitehead	7/16	1/8
Marblehead	257 0	37 0	14 7	2,089	18.44	10 5″ R. F. guns	6 6-pdr. R. F 2 1-pdr. R. F 2 Colts	2 Whitehead	7/16	1/8
Montgomery	257 0	37 0	14 7	2,089	19.05	10 5″ R. F. guns	6 6-pdr. R. F 2 1-pdr. R. F 2 Colts	2 Whitehead	7/16	1/8
Reina Mercedes*	279 9½	43 3	19 1½	3,090	†17.05					

*Captured during war with Spain. †Estimated.

UNARMORED GUNBOATS.

Name.	Ship fully equipped ready for sea, all stores on board. Normal coal supply.				Speed per hour on trial.	Batteries.		
	Length on load water line.	Extreme breadth.	Mean draft.	Displacement.		Main.	Secondary.	Torpedo tubes.
	Ft. in.	*Ft. in.*	*Ft. in.*	*Tons.*	*Knots.*			
Bancroft	187 6	32 0	12 2	859	14.37	4 4″ R. F. guns	3 3-pdr. R. F 1 1-pdr. R. F 1 Colt	1 Whitehead
Bennington	230 0	36 0	14 0	1,710	17.5	6 6″ B. L. R	2 6-pdr. R. F 2 3-pdr. R. F 2 37mm H. R. C 2 Gatlings	

UNARMORED GUNBOATS—continued.

Name.	Ship fully equipped ready for sea, all stores on board. Normal coal supply.				Speed per hour on trial.	Batteries.		
	Length on load water line.	Extreme breadth.	Mean draft.	Displacement.		Main.	Secondary.	Torpedo tubes.
	Ft. in.	*Ft. in.*	*Ft. in.*	*Tons.*	*Knots.*			
Castine	204 0	32 1½	12 0	1,177	16.632	8 4″ R. F. guns	4 6-pdr. R. F. 2 1-pdr. R. F. 1 Colt	
Concord	230 0	36 0	14 0	1,710	16.8	6 6″ B. L. R	2 6-pdr. R. F. 2 3-pdr. R. F. 2 37mm H. R. C 2 Gatlings	
Don Juan de Austria *†	210 0	32 0	12 6	1,130	‡14			
Isla de Cuba*	192 0	30 1½	11 6	1,000	‡14	6 4.7″ R. F. guns	4 6-pdr. R. F 4 Nordenfelts	
Isla de Luzon*	192 0	30 1½	11 6	1,000	‡14	6 4.7″ R. F. guns	4 6-pdr. Q. F 4 Nordenfelts	
Machias	204 0	32 1½	12 0	1,177	15.46	8 4″ R. F. guns	4 6-pdr. R. F 2 1-pdr. R. F 1 Colt	
Petrel	176 3	31 0	11 7	892	11.79	4 6″ B. L. R	2 3-pdr. R. F 1 1-pdr. R. F 2 37mm H. R. C 2 Gatlings	
Topeka §	250 0	35 0	15 5	1,814	‡16	6 4″ R. F. guns	6 3-pdr. R. F 2 1-pdr. R. F 1 Colt	
Yorktown	230 0	36 0	14 0	1,710	16.14	6 6″ R. F. guns	2 6 pdr. R. F 2 3-pdr. R. F 4 1-pdr. R. F 2 Colts	
Gunboat No. 16								

UNARMORED COMPOSITE VESSELS—GUNBOATS.

Annapolis	168 0	36 0	12 5	1,000	13.17	6 4″ R. F. guns	4 6-pdr. R. F. G. 2 1 pdr. R. F. G. 1 Colt	
Marietta	174 0	34 0	12 0	1,000	13.03	6 4″ R. F. guns	4 6 pdr. R. F. G. 2 1-pdr. R. F. G. 1 Colt	
Newport	168 0	36 0	12 0	1,000	12.29	6 4″ R. F. guns	1 3″ R. F. field 4 6-pdr. R. F. G. 2 1-pdr. R. F. G. 1 Colt	
Princeton	168 0	36 0	12 9½	1,100	‡12	6 4″ R. F. guns	4 6-pdr. R. F. G. 2 1-pdr. R. F. G. 1 Colt	
Vicksburg	168 0	36 0	12 0	1,000	12.71	6 4″ R. F. guns	4 6-pdr. R. F. G. 2 1-pdr. R. F. G. 1 Colt	
Wheeling	174 0	34 0	12 0	1,000	12.88	6 4″ R. F. guns	4 6-pdr. R. F. G. 2 1-pdr. R. F. G. 1 Colt	

TRAINING SHIP—NAVAL ACADEMY.

Chesapeake	175 0	37 0	16 6	1,175	10.86	6 4″ R. F. guns	4 6-pdr. R. F. G. 2 1-pdr. R. F. G.	

*Captured during war with Spain. †Iron gunboat. ‡Estimated. §Sailing ship.

UNARMORED STEEL VESSELS—SPECIAL CLASS.

Name.	Ship fully equipped ready for sea, all stores on board. Normal coal supply.				Speed per hour on trial.	Batteries.	
	Length on load water line.	Extreme breadth.	Mean draft.	Displacement.		Main.	Secondary.
	Ft. in.	*Ft. in.*	*Ft. in.*	*Tons.*	*Knots.*		
Dolphin	240 0	32 0	14 3	1,486	15.50	3 4″ R. F. guns	2 14-pdr. R. F. G. 2 6 pdr. R. F. G. 2 3-pdr. R. F. G. 2 Gatlings.
Vesuvius	252 4	26 6½	10 7½	929	21.42	3 15″ dynamite guns	5 3-pdr. R. F. G. 1 Colt.

UNARMORED VESSELS—GUNBOATS UNDER 500 TONS.

Name.	Material.	Ship fully equipped ready for sea, all stores on board. Normal coal supply.				Speed per hour.
		Length on load water line.	Extreme breadth.	Mean draft.	Displacement.	
		Ft. in.	*Ft. in.*	*Ft. in.*	*Tons.*	*Knots.*
Albay*						
Alvarado†	Steel	110 0	15 6½	5 6	106	‡19
Belusan*						
Calamianes*						
Calinao†	Steel	119 1	17 7	6 8	208	‡9.7
El Cano†						
Guardoqui*						
Leyte†	Iron	98 5	16 6	7 3	151	‡8
Manileño*						
Mariveles*						
Mindanao†	Wood	92 2	17 10	5 6	83	‡8

*Purchased by War Department. †Captured from Spain. ‡Estimated.

UNARMORED VESSELS—GUNBOATS UNDER 500 TONS—continued.

Name.	Material.	Ship fully equipped ready for sea, all stores on board. Normal coal supply.				Speed per hour.
		Length on load water line.	Extreme breadth.	Mean draft.	Displacement.	
		Ft. in.	Ft. in.	Ft. in.	Tons.	Knots.
Mindoro*						
Pampango*						
Panay*						
Paragua*						
Samar*						
Sandoval†	Steel	110 0	15 6½	5 6	106	‡19
Urdaneta*						
Vasco*						

*Purchased by War Department. †Captured from Spain. ‡Estimated.

UNARMORED STEEL VESSELS—TORPEDO-BOAT DESTROYERS.

Name.	Ship fully equipped ready for sea, all stores on board. Normal coal supply.				Speed per hour on trial.	Batteries.	
	Length on load water line.	Extreme breadth.	Mean draft.	Displacement.		Torpedo tubes.	Guns.
	Ft. in.	Ft. in.	Ft. in.	Tons.	Knots.		
Bainbridge	245 0	23 7½	6 6	420	*29	2 long 18″ Whitehead	2 14-pdr. R. F. and 5 6-pdr. R. F.
Barry	245 0	23 7½	6 6	420	*29	2 long 18″ Whitehead	2 14-pdr. R. F. and 5 6-pdr. R. F.
Chauncey	245 0	23 7½	6 6	420	*29	2 long 18″ Whitehead	2 14-pdr. R. F. and 5 6-pdr. R. F.
Dale	245 0	23 7½	6 6	420	*28	2 long 18″ Whitehead	2 14-pdr. R. F. and 5 6-pdr. R. F.
Decatur	245 0	23 7½	6 6	420	*28	2 long 18″ Whitehead	2 14-pdr. R. F. and 5 6-pdr. R. F.
Hopkins	244 6	24 6	6 0	408	*29	2 long 18″ Whitehead	2 14-pdr. R. F. and 5 6-pdr. R. F.
Hull	244 0	24 6	6 0	408	*29	2 long 18″ Whitehead	2 14-pdr. R. F. and 5 6-pdr. R. F.
Lawrence	242 3	23 3	6 2½	400	*30	2 long 18″ Whitehead	2 14-pdr. R. F. and 5 6-pdr. R. F.
Macdonough	242 3	23 3	6 2½	400	*30	2 long 18″ Whitehead	2 14-pdr. R. F. and 5 6-pdr. R. F.
Paul Jones	245 0	23 7½	6 6	420	*29	2 long 18″ Whitehead	2 14-pdr. R. F. and 5 6-pdr. R. F.
Perry	245 0	23 7½	6 6	420	*29	2 long 18″ Whitehead	2 14-pdr. R. F. and 5 6-pdr. R. F.
Preble	245 0	23 7½	6 6	420	*29	2 long 18″ Whitehead	2 14-pdr. R. F. and 5 6-pdr. R. F.
Stewart	245 0	23 7½	6 6	420	*29	2 long 18″ Whitehead	2 14-pdr. R. F. and 5 6-pdr. R. F.
Truxtun	248 0	23 3	6 0	433	*30	2 long 18″ Whitehead	2 14-pdr. R. F. and 5 6-pdr. R. F.
Whipple	248 0	23 3	6 0	433	*30	2 long 18″ Whitehead	2 14-pdr. R. F. and 5 6-pdr. R. F.
Worden	248 0	23 3	6 0	433	*30	2 long 18″ Whitehead	2 14-pdr. R. F. and 5 6-pdr. R. F.

*Estimated.

UNARMORED STEEL VESSELS—TORPEDO BOATS.

	Ft. in.	Ft. in.	Ft. in.	Tons.	Knots.		
Bagley	137 0	17 0	4 7½	167	*28	3 18″ Whitehead	3 3-pdr. R. F.
Bailey	205 0	19 2½	6 0	235	*30	3 18″ Whitehead	4 6-pdr. R. F.
Barcelo a	124 7	11 0	6 11		*17		
Barney	137 0	17 0	4 7½	167	*28	3 18″ Whitehead	3 3-pdr. R. F.
Biddle	137 0	17 0	4 7½	167	*28	3 18″ Whitehead	3 3-pdr. R. F.
Blakely	175 0	17 6	4 8	165	*26	3 18″ Whitehead	3 3-pdr. R. F.
Cushing	138 9	14 3	4 10½	105	22.5	3 18″ Whitehead	3 1-pdr. R. F.
Davis	146 0	15 4	5 10	154	23.41	3 18″ Whitehead. Long	3 1-pdr. R. F.
Dahlgren	147 0	16 4½	4 7½	140.4	*30.5	2 18″ Whitehead. Long	4 1-pdr. R. F.
De Long	175 0	17 6	4 8	165	26	3 18″ Whitehead	3 3-pdr. R. F.
Du Pont	175 0	17 8½	4 8	165	28.58	3 18″ Whitehead	4 1-pdr. R. F.
Ericsson	149 7	15 6	4 9	120	24	3 18″ Whitehead	4 1-pdr. R. F.
Farragut	213 6	20 7½	6 0	279	30.13	2 18″ Whitehead	4 6-pdr. R. F.
Fox	146 0	15 4	5 10	154	23.13	3 18″ Whitehead. Long	3 1-pdr. R. F.
Foote	160 0	16 0½	5 0	142	24.534	3 18″ Whitehead	3 1-pdr. R. F.
Goldsborough	194 8	20 5	5 0	247.5	30	2 18″ Whitehead. Long	4 6-pdr. R. F.
Gwin	99 6	12 6	3 3	45.78	20.88	2 18″ Whitehead	1 1-pdr. R. F.
Mackenzie	99 3	12 9½	4 3	65	20.11	2 18″ Whitehead	1 1-pdr. R. F.
Manly†	99 8	9 5	2 10½				
McKee	99 3	12 9½	4 3	65	19.82	2 18″ Whitehead	2 1-pdr. R. F.
Morris	138 3	15 6	4 0½	104.75	24	3 18″ Whitehead. Long	3 1-pdr. R. F.
Nicholson	174 6	17 0	4 6	174	*30	3 18″ Whitehead	3 3-pdr. R. F.
O'Brien	174 6	17 0	4 0	174	*26	3 18″ Whitehead	3 3-pdr. R. F.
Porter	175 0	17 8½	4 8	165	28.630	3 18″ Whitehead	4 1-pdr. R. F.
Rodgers	160 0	16 0½	5 0	142	*24.5	3 18″ Whitehead	3 1-pdr. R. F.
Rowan	170 0	17 0	5 11½	182	27.074	3 18″ Whitehead	4 1-pdr. R. F.
Shubrick	175 0	17 6	4 8	165	*26	3 18″ Whitehead	3 3-pdr. R. F.
Somers†	149 3½	17 4½		145	*23		
Stockton	175 0	17 6	4 8	165	*26	3 18″ Whitehead	3 3-pdr. R. F.
Stringham	225 0	22 0	6 6	340	*30	2 18″ Whitehead. Long	7 6-pdr. R. F.
T. A. M. Craven	147 0	16 4½	4 7½	140.4	*30.5	2 18″ Whitehead. Long	4 1-pdr. R. F.
Talbot	99 6	12 6	3 3½	46.5	21.15	2 18″ Whitehead	1 1-pdr. R. F.
Thornton	175 0	17 6	4 8	165	*26	3 18″ Whitehead	3 3-pdr. R. F.
Tingey	175 0	17 6	4 8	165	*26	3 18″ Whitehead	3 3-pdr. R. F.
Wilkes	175 0	17 6	4 8	165	*26½	3 18″ Whitehead	3 3-pdr. R. F.
Winslow	160 0	16 0½	5 0	142	24.88	3 18″ Whitehead	3 1-pdr. R. F.

a Captured during war with Spain. *Estimated. †Purchased during war with Spain.

UNARMORED STEEL VESSEL—SUBMARINE TORPEDO BOAT.

Name.	Ship fully equipped ready for sea, all stores on board. Normal coal supply.				Speed per hour on trial.
	Length on load water line.	Extreme breadth.	Mean draft from line tangent to bottom of screw and forefoot.	Displacement.	
	Ft. In.	Ft. In.	Ft. In.	Tons.	Knots.
Plunger	85 3	11 6		168	8

WOOD TORPEDO BOAT.

Stiletto	88 6	11 0	3 0	31	18.22

SUBMARINE TORPEDO BOAT.

Name.	Water-tight deck.		Batteries.	
	Slopes.	Flat.	Torpedo tubes.	Guns.
Plunger			2 Whitehead	

WOOD TORPEDO BOAT.

Stiletto			2 Howell	

For summary of all vessels in Navy see table on page 19, under "Our present Navy."

Statement showing the amounts authorized for new vessels under "Increase of the Navy," in each act of Congress since and including the act of March 3, 1883 the vessels authorized, the amounts appropriated, the amount expended upon each vessel authorized, the total actual cost of finished vessels, including armament and equipment, to June 30, 1899, and the estimated amount to be expended upon unfinished vessels from that date.

FINISHED VESSELS.

Vessels authorized and dates of acts of Congress.	Amounts authorized for hull and machinery, including hull armor.	Amounts appropriated—		Amounts expended—					Total cost of finished vessels.
		For hull and machinery.	For armor, armament, and equipment.	For hull and machinery, including hull armor.	For armor for gun protection.	For speed premiums, trial-trip expenses, etc.	For armament.	For equipment, Bureau of Equipment, Construction and Repair, and Steam Engineering.	
March 3, 1883.									
Chicago, Atlanta, Boston, Dolphin	$4,268,801.80			$4,268,801.80		Included in total cost.			$4,268,801.80
For above vessels		$1,300,000.00							
For above vessels, including their armament and equipment, by acts of July 7, 1884, Mar. 3, 1885, July 26, 1886, and Mar. 30, 1888		2,968,801.80							
March 3, 1885.									
Newark	1,300,000.00			1,386,196.86		$53,185.34	$265,256.19	$125,478.81	1,830,117.20
Charleston	1,100,000.00			1,164,504.10		21,462.84	290,907.51	122,883.75	1,599,858.20
Yorktown	520,000.00			595,880.45		43,026.16	156,722.64	62,401.34	768,030.59
Petrel	275,000.00			307,996.55		1,985.10	81,736.08	72,317.79	464,035.52
For above-named vessels		1,895,000.00							
August 5, 1886.									
Baltimore	1,500,000.00			1,434,129.93		120,354.01	301,194.72	121,050.69	1,976,729.35
Vesuvius	350,000.00			357,255.33		2,669.89	11,805.29	8,500.25	380,230.76
Cushing	100,000.00			98,666.29			16,641.56	2,798.46	118,106.31
Maine	2,500,000.00			3,685,797.27	$358,389.45		517,397.85	116,224.18	4,677,788.75
Texas	2,500,000.00			3,227,085.12	411,199.87		477,429.94	86,406.56	4,202,121.49
Puritan				1,800,094.24	274,421.63		251,977.87	76,990.00	2,403,483.74
Monadnock	3,178,046.00			1,752,418.76	174,046.07		139,907.21	67,682.44	2,134,054.48
Amphitrite				1,213,891.10	160,745.40		143,133.19	57,735.28	1,575,504.97
Terror				1,274,244.08	144,664.64		133,853.68	64,489.17	1,617,251.57
For all above-named vessels		2,275,000.00							
March 3, 1887.									
Miantonomoh	758,517.85			758,517.85			259,211.08	39,506.53	1,057,236.06
For all above-named vessels		2,420,000.00							
Philadelphia	1,500,000.00			1,443,964.85		117,427.62	295,406.69	101,861.22	1,958,660.38
San Francisco	1,500,000.00	1,500,000.00		1,612,811.50		125,446.32	272,876.54	124,168.95	2,135,303.31
Concord	550,000.00			557,607.83		8,748.38	126,736.75	72,190.76	765,283.72
Bennington	550,000.00			568,455.30		10,351.07	125,998.09	64,513.25	769,317.71
Monterey	2,000,000.00	1,000,000.00		2,066,199.95	190,534.38	11,547.42	344,795.13	115,471.18	2,728,548.06
Armament of all vessels authorized			$2,128,362.00						
Armor and gun steel of all vessels authorized			4,000,000.00						
September 7, 1888.									
New York	3,500,000.00			3,486,118.36	170,299.03	241,422.93	341,626.43	107,175.64	4,346,642.39
Olympia	1,860,000.00			1,970,709.97	141,522.62	371,794.95	343,343.84	151,912.00	2,979,283.38
Cincinnati	1,100,000.00			1,995,773.30	27,563.61		232,116.93	116,460.68	2,371,904.52
Raleigh	1,100,000.00			1,839,965.23	27,969.09		232,465.97	99,329.51	2,199,729.80
Montgomery	700,000.00			810,681.65	13,010.67	227,241.22	162,257.26	53,918.91	1,267,109.71
Detroit	700,000.00			808,782.04	13,154.14	182,775.47	176,150.44	52,177.81	1,233,039.90
Marblehead	700,000.00			900,391.85	11,918.56	149,115.89	172,458.20	57,278.43	1,291,102.93
For all above-named vessels		3,500,000.00							
Bancroft	260,000.00	260,000.00		308,318.07		54,196.98	47,559.50	21,217.08	431,281.63
Armament of all vessels authorized			2,000,000.00						
March 2, 1889.									
Machias	350,000.00			438,702.62		53,799.70	102,278.81	62,879.94	657,661.07
Castine	350,000.00			452,763.78		58,114.35	104,975.13	55,610.94	671,464.20
Katahdin	1,513,691.31			1,504,404.17		9,287.14	12,061.20	3,474.84	1,529,827.35
For all above named vessels		4,055,000.00	2,500,000.00						
June 30, 1890.									
Armor and armament of all above-named vessels			2,500,000.00						
Indiana	4,000,000.00			4,300,149.62	977,134.02	56,424.41	553,972.48	95,691.45	5,983,371.98

Statement showing the amounts authorized for new vessels under "Increase of the Navy," etc.—Continued.

FINISHED VESSELS—continued.

Vessels authorized and dates of acts of Congress.	Amounts authorized for hull and machinery, including hull armor.	Amounts appropriated— For hull and machinery.	Amounts appropriated— For armor, armament, and equipment.	Amounts expended— For hull and machinery, including hull armor.	For armor for gun protection.	For speed premiums, trial-trip expenses, etc.	For armament.	For equipment, Bureaus of Equipment, Construction and Repair, and Steam Engineering.	Total cost of finished vessels.
Massachusetts	$4,000,000.00			$4,254,910.66	$1,030,051.58	$116,882.73	$764,572.92	$80,700.06	$6,047,117.95
Oregon	4,000,000.00			4,617,345.01	1,029,591.42	267,085.47	585,598.77	75,412.09	6,575,032.76
Columbia	2,750,000.00			3,045,164.47	31,795.79	385,000.00	288,500.77	158,544.23	3,909,011.26
Ericsson	125,000.00			123,484.75			14,423.25	6,234.08	144,142.08
For all above-named vessels		$5,475,000.00							
September 29, 1890.									
Nickel matte for armor of all ships			$800,000.00						
March 2, 1891.									
Minneapolis	2,750,000.00			2,927,030.82	31,205.27	445,470.98	275,847.35	170,442.02	3,849,996.44
For all above-named vessels		12,107,000.00	4,000,000.00						
For equipment of new vessels (Bureau of Equipment)			400,000.00						
March 3, 1891.									
For all above-named vessels		1,000,000.00							
July 19, 1892.									
Brooklyn	3,500,000.00			3,254,019.37	323,552.21	367,249.15	341,639.32	137,330.04	4,423,790.09
Iowa	4,000,000.00			3,971,502.44	956,460.65	234,624.03	583,859.48	124,759.72	5,871,206.32
For all above-named vessels		7,000,000.00	2,000,000.00						
For equipment of above-named vessels			400,000.00						
March 3, 1893.									
Nashville	400,000.00			419,700.50	11,041.56	45,980.00	58,320.61	51,319.48	586,368.15
Wilmington	400,000.00			374,435.83	8,930.82	41,512.00	58,978.12	53,328.10	537,174.87
Helena	400,000.00			371,892.21	8,834.44	49,942.40	57,707.92	52,689.36	541,066.33
Plunger (see unfinished vessels)	200,000.00								
For all above-named vessels		6,875,000.00							
For equipment of above-named vessels			250,000.00						
July 26, 1894.									
For all above-named vessels		5,955,025.00	4,000,000.00						
Foote	150,000.00			118,710.38		506.36	14,742.30	3,314.24	137,273.28
Rodgers	150,000.00			110,214.26		506.37	15,289.47	2,505.23	128,515.33
Winslow	150,000.00			103,288.39		506.37	15,027.63	2,783.32	121,605.71
Remission of time penalties, Vesuvius		39,700.00							
March 2, 1895.									
Annapolis	230,000.00			277,659.80		471.72	40,837.15	56,448.54	375,417.21
Vicksburg	230,000.00			285,579.20		471.72	46,772.18	55,927.51	388,750.61
Newport	230,000.00			298,143.42		471.72	44,217.10	61,124.09	404,956.33
Princeton	230,000.00			312,704.95		471.73	45,548.07	35,891.63	394,616.38
Wheeling	230,000.00			255,597.46		471.73	47,720.46	44,726.31	348,515.96
Marietta	230,000.00			260,100.29		471.73	46,914.25	43,938.35	351,424.62
Porter	175,000.00			199,636.69		285.04	15,425.98	2,154.67	216,902.38
Du Pont	175,000.00			165,204.39		285.04	13,535.30	2,043.02	181,067.75
Rowan	175,000.00			180,531.36		285.04	13,895.70	1,802.93	196,515.03
Kearsarge (see unfinished vessels)	4,000,000.00								
Kentucky (see unfinished vessels)	4,000,000.00								
For all above-named vessels		8,364,851.30	4,837,670.00						
For equipment of above-named vessels			125,000.00						
Remission of time penalties		40,350.00							
February 26, 1896.									
For equipment of above-named vessels			50,000.00						
June 10, 1896.									
For equipment of above-named vessels			237,000.00						
Illinois (see unfinished vessels)	3,750,000.00								
Alabama (see unfinished vessels)	3,750,000.00								
Wisconsin (see unfinished vessels)	3,750,000.00								
Dahlgren (see unfinished vessels)	800,000.00								
Craven (see unfinished vessels)									
Farragut (see unfinished vessels)									
Mackenzie (see unfinished vessels)									
Fox (see unfinished vessels)									
Morris				94,575.23		348.64	17,069.44	2,717.77	114,711.08
Talbot	500,000.00			41,394.36		348.64	10,392.51	1,950.14	54,025.65
Gwin				41,319.60		348.64	10,263.25	2,068.98	54,000.47
Davis				93,892.30		348.63	17,320.05	2,403.19	113,964.17
McKee				68,139.95		348.69	9,982.73	1,889.44	70,340.81
For all above-named vessels		6,670,600.00	4,371,454.00						
Total	85,954,056.96	74,901,328.10	34,599,486.00	74,556,797.91	6,527,906.92	3,881,061.76	9,949,398.88	3,614,256.38	96,529,511.85

Statement showing the amounts authorized for new vessels under "Increase of the Navy," etc.—Continued.

UNFINISHED VESSELS.

Vessels authorized and dates of acts of Congress.	Amounts authorized for hulls and machinery, including hull armor.	Amounts appropriated— For hull and machinery.	Amounts appropriated— For armor, armament, and equipment.	Expended for hull and machinery to June 30, 1899.	Estimated amounts to be expended for completion in addition to expenditures to June 30, 1899. Bureau of Equipment.	Bureau of Ordnance.	Bureau of Construction and Repair.	Bureau of Steam Engineering.	Estimated total cost.
Plunger				$99,288.74	$1,500.00		$32,142.00	$26,100.00	$159,030.74
Kearsarge				3,709,322.77	35,000.00	$1,230,270.00	237,988.00	310,827.00	5,574,417.77
Kentucky				3,591,275.43	35,000.00	1,308,959.00	283,566.00	337,579.00	5,531,379.43
Illinois				1,947,306.42	34,000.00	2,701,063.00	820,538.00	396,361.00	5,899,268.42
Alabama				2,579,815.90	34,000.00	2,668,343.00	370,213.00	341,950.00	5,994,321.90
Wisconsin				2,272,706.68	34,000.00	2,576,652.00	872,024.00	285,344.00	6,040,726.68
Dahlgren				167,046.28	5,000.00	14,890.00	14,223.00	31,145.00	232,304.28
Craven				166,884.11	5,000.00	14,890.00	14,661.00	30,900.00	232,335.11
Farragut				229,074.24	5,000.00	16,412.00	17,350.00		267,836.24
Mackenzie				42,017.09	3,000.00	19,345.00	8,285.00		72,647.09
Fox				88,055.67	5,000.00	12,983.00	11,415.00		115,453.67
March 3, 1897.									
For equipment of above-named vessels			$162,628.00						
Stringham	$300,000.00			133,046.55	3,000.00	25,320.00	24,232.00	46,985.00	282,583.55
Goldsborough				140,130.69	3,000.00	23,630.00	29,244.00	45,581.00	241,585.69
Bailey				139,993.45	3,000.00	25,350.00	31,658.00	53,080.00	252,481.45
For above-named vessels		$6,425,359.00	7,220,796.00						
Chesapeake	250,000.00	250,000.00		108,235.55	56,144.48	50,000.00	193,620.00		408,000.30
May 4, 1898.									
Maine	3,000,000.00			186,232.81	50,000.00	2,553,000.00	2,056,700.00	830,500.00	5,676,432.81
Missouri	3,000,000.00			9,536.34	50,000.00	2,553,000.00	2,184,467.00	877,000.00	5,673,903.34
Ohio	3,000,000.00			184,291.12	50,000.00	2,553,000.00	2,202,920.00	816,130.00	5,806,350.12
Arkansas	1,250,000.00			3,784.00	30,000.00	584,739.00	759,742.00	285,500.00	1,663,705.00
Connecticut	1,250,000.00			90,062.68	30,000.00	584,739.00	680,890.00	274,580.00	1,660,271.68
Florida	1,250,000.00			45,756.42	30,000.00	584,739.00	659,744.00	279,650.00	1,629,889.42
Wyoming	1,250,000.00			135,269.17	30,000.00	584,739.00	670,436.00	261,425.00	1,681,869.17
Bainbridge				1,561.36	3,500.00	30,000.00	151,890.00	143,500.00	330,451.36
Barry				1,546.36	3,500.00	30,000.00	151,904.00	143,500.00	330,450.36
Chauncey				1,456.71	3,500.00	30,000.00	151,957.00	143,500.00	330,413.71
Dale				24,765.82	3,500.00	30,000.00	119,692.00	130,000.00	307,957.82
Decatur				24,653.48	3,500.00	30,000.00	119,770.00	130,000.00	307,963.48
Hopkins				28,000.51	3,500.00	30,000.00	144,726.00	132,700.00	338,926.51
Hull				27,970.19	3,500.00	30,000.00	144,678.00	132,700.00	338,848.19
Lawrence				27,115.49	3,500.00	30,000.00	114,279.00	127,946.00	302,840.49
McDonough				27,346.01	3,500.00	30,000.00	114,278.00	127,940.00	303,064.01
Paul Jones				52,358.43	3,500.00	30,000.00	135,846.00	111,910.00	333,614.43
Perry				52,301.92	3,500.00	30,000.00	134,118.00	113,710.00	333,629.92
Preble				52,295.67	3,500.00	30,000.00	134,118.00	113,710.00	333,623.67
Stewart				367.30	3,500.00	30,000.00	151,669.00	143,500.00	329,036.30
Truxtun	6,000,000.00			1,466.49	3,500.00	30,000.00	154,692.00	143,500.00	333,158.49
Whipple				1,408.61	3,500.00	30,000.00	154,736.00	143,500.00	333,144.01
Worden				1,366.02	3,500.00	30,000.00	154,772.00	143,500.00	333,138.02
Bagley				574.65	2,500.00	25,350.00	88,589.00	83,000.00	200,013.65
Barney				494.66	2,500.00	25,350.00	88,820.00	83,000.00	200,164.66
Biddle				478.43	2,500.00	25,350.00	88,838.00	83,000.00	200,166.43
Blakeley				30,247.37	2,500.00	25,350.00	72,804.00	68,685.00	199,586.37
De Long				30,199.81	2,500.00	25,350.00	72,200.00	69,095.00	199,344.81
Nicholson				32,067.31	2,500.00	25,350.00	64,681.00	65,450.00	190,068.31
O'Brien				32,171.19	2,500.00	25,350.00	64,592.00	65,450.00	190,063.19
Shubrick				48,842.54	2,500.00	25,350.00	48,271.00	44,525.00	169,488.54
Stockton				48,723.81	2,500.00	25,350.00	48,375.00	44,525.00	169,473.81
Thornton				48,598.29	2,500.00	25,350.00	48,475.00	44,525.00	169,448.29
Tingey				31,933.32	4,000.00	25,350.00	76,918.00	70,904.00	209,105.32
Wilkes				1,511.49	4,000.00	25,350.00	72,681.00	83,000.00	186,542.49
Gunboat No. 16*a*	260,000.00								
For above-named vessels		13,648,473.00							
For vessels authorized since, and including, the act of July 26, 1894			7,162,800.00						
For equipment of above-named vessels			415,000.00						
March 3, 1899.									
Georgia	3,600,000.00								
New Jersey	3,600,000.00								
Pennsylvania	3,600,000.00								
California	4,000,000.00								
Nebraska	4,000,000.00								
West Virginia	4,000,000.00	Contracts not yet awarded.							
Chattanooga	1,141,800.00								
Cleveland	1,141,800.00								
Denver	1,141,800.00								
Des Moines	1,141,800.00								
Galveston	1,141,800.00								
Tacoma	1,141,800.00								
For above-named vessels		5,992,402.00							
For vessels authorized since, and including, the act of July 26, 1894			4,000,000.00						
For equipment of above-named vessels			400,000.00						
Total	51,860,800.00	26,316,234.00	19,361,224.00	16,801,944.75	618,644.48	21,465,263.00	15,253,846.00	8,430,912.00	62,570,610.23

a Contract not yet awarded.

Mr. CUMMINGS. Mr. Chairman, I would be untrue to myself if I did not congratulate the gentleman from Illinois [Mr. Foss] who has just taken his seat upon the masterful showing which he has made in his report, and upon the conclusion of the arduous labors in committee that have accompanied the birth of this bill. That the committee itself did not come to a unanimous agreement is to me a matter of regret. I myself agree in some things with the minority and agree in others with the majority. But I believed it to be my duty, if I had any fight to make, to make it upon the floor of this House, as I have heretofore done, and I declined to sign the minority report.

Mr. Chairman, the past shows that a powerful navy for the

American nation is a vital necessity. Without it we may become the prey of the robber nations of the earth; without a great navy, I will undertake to say, we to-day might be at war with Great Britain over the Alaska boundary. Her rapacity toward the Boers is due to her greed for gold; and there is as much gold in Alaska as in the Transvaal. It is the fact that we are prepared for war that saves us from trouble with the powers of Europe. From the days of the battle of Salamis down to the present a strong navy has been the safety of a maritime nation. It was the battle of Salamis that drove Xerxes from Greece, not the fight at the pass of Thermopylæ. It was the battle in the bay that sent him whirling back across the Hellespont into Asia, where he belonged.

When Hannibal invaded Italy and maintained himself there for seventeen years without reenforcement, it was not the Roman legions that drove him to Africa; it was the Roman ships which conveyed Scipio's army there and forced Hannibal to follow it in a vain effort to defend Carthage. It was the navy that made Venice the supreme mistress of the commerce of the world for centuries. The Mediterranean Sea was practically a Venetian lake, because of the Venetian navy. It was her navy that afterwards made Holland the mistress of the sea. And it was not until the English navy had been built to proper proportions that Von Tromp was compelled to pull down his broom and acknowledge its supremacy. It was our Navy that won the most brilliant victory in the Revolution. Admiral Paul Jones in his fight with the *Serapis* and the *Countess of Scarborough* gave the Revolution an impetus that put behind our forefathers not only the sympathy of Europe, but substantial aid in the way of dollars and of French battle ships.

Paul Jones, an American admiral, was the only man in either Army or Navy who had invaded England since the days of the battle of Hastings. The whole British coast was in alarm. He landed at different places, and drew in plunder the same as the English themselves drew it in when they sacked the city of Pekin.

It was by the aid of the French navy that we achieved the final triumph of the American Revolution—the surrender of Cornwallis at Yorktown. Without the activity of the French fleet under the Count de Grasse, Cornwallis would have escaped. A British fleet was hastening to his succor; but when its commander learned that a French fleet of superior force was already in the Chesapeake, it turned back to New York.

It was Nelson, and not Wellington, who was the leading factor in the downfall of Napoleon. The victories of the British navy at Aboukir, Copenhagen, Cape St. Vincent, and Trafalgar destroyed all his hopes. France was practically cut off from the rest of the world. Her commerce was utterly ruined, and she was compelled to feed upon herself until her resources were exhausted.

It was the American Navy that gave us peace in the treaty of Ghent in the war of 1812. Hull had surrendered an American army at Detroit. Commodore Perry, within 100 miles of that city, demolished a British fleet—the first time that American vessels had met an English fleet—and sent to Washington the immortal dispatch, "We have met the enemy, and they are ours." [Applause.]

Scott had been driven back at Niagara and Lundy's Lane; Wilkinson had made a fiasco on the northern border; but the guns of the American Navy were heard on Lake Champlain, where Commodore McDonough sent the English fleet to the bottom. [Applause.]

Washington, your own proud capital, had been captured by the British, and this building burned, our monuments defaced, the White House destroyed, your President became a fugitive in the forests of Virginia: but the victories of Decatur, of Commodore Stewart, of Bainbridge, and of old Isaac Hull in the *Constitution* were a sufficient recompense for the destruction of the city of Washington. [Applause.] In only one instance in that war did the army achieve a victory, and that was at the Saranac, for the battle of New Orleans, it will be remembered, was fought long after the treaty of peace was signed.

The total destruction of the Turkish navy by the allied fleets at Navarino rescued Greece from the clutches of the followers of the Prophet and restored to her her freedom.

It was the American Navy that gave us the victory in the war with Mexico. Taylor had marched across the Nueces, across the Colorado, across the Rio Grande; he had taken Monterey; he had reached the plains of Buena Vista and wiped out Santa Anna's army; but it was Scott who went to the city of Mexico through the aid of the American Navy, which bombarded the castle of San Juan de Ulloa and gave him a landing place at Vera Cruz. [Applause.]

It was the American Navy that sounded the knell of doom for the Confederacy when gallant old Farragut broke the iron barrier, passed the forts of Jackson and St. Philip, and captured the city of New Orleans. And it was all done before McClellan left the Peninsula. The Confederacy was split in twain when the Mississippi was opened. The fate of the Confederacy was sealed the instant the ports of the South were declared under blockade by President Lincoln. If the Confederacy had had a navy, and if things had been more equal both on sea and on land, we would have had two nations in existence to-day where there is only one.

It was the Navy, I may add, that won the Spanish war. I believe that if Schley and Sampson had been left to their own inspiration, or had received the orders that Dewey received, they would have gone into Santiago Harbor without sending an army down there to storm San Juan and El Caney.

It was the Navy, under Dewey, that destroyed the Spanish fleet and won the empire in the East; and it was the Navy that finally brought proud Spain to her knees with her hands held upward, acknowledging her subjugation. [Applause.]

So, Mr. Chairman, I say that the Navy is a vital necessity to the United States as well as to all other maritime nations. This vital necessity is recognized by the people of the country—North and South, East and West. The people to-day are clamoring for an increase of the Navy because they know its usefulness, because they know it is a never-failing defender, because they know it is a never-failing aggressor, when war breaks out. In a multiplicity of ships there is safety.

Now, what have we done, and what are we doing, to carry out the wishes of the people? We have three battle ships on the stocks, and no method of procuring armor for them. We have three more battle ships and three armored cruisers authorized, and a string attached to each in the shape of a provision that they shall not be even contracted for unless the best armor manufactured can be obtained at $300 a ton. We propose to authorize in this bill the building of two more battle ships, three more armored cruisers, and three protected cruisers. Shall there be a string attached to them also? Can men face their constituents after authorizing the construction of these battle ships and cruisers, and then refusing to provide the money for furnishing the armor for them? Why, sir, it seems to me like voting for a declaration of war and refusing the funds necessary to carry on the war. I believe that the people demand to-day not only the prompt construction of the ships already authorized but also the construction of as many more vessels.

For nearly five years have some of these ships remained without armor. I well remember speeches on this floor in which we were told that we could get armor for $200 a ton. Very well; we tried it. No ships were built. The man wanted a twenty-year contract, with a pledge that a fleet of ships should be built each year, and went back on his promise; he could not furnish armor at $200 a ton. Then we reached a point where, after authorizing the construction of ships, we attached a string to the authorization in another manner—this was June 10, 1896:

Provided, That the Secretary of the Navy is hereby directed to examine into the actual cost of armor plate and the price for the same which should be equitably paid, and shall report the result of his investigation to Congress at its next session, at a date not later than January 1, 1897; and no contract for armor plate for the vessels authorized by this act shall be made until such report is made to Congress.

That was the condition then, and a similar condition exists to-day. The ships are authorized by you, and then you attach a string and by pulling it get no ships at all. The ships are still unbuilt. We have gone through a war since then, and not one of these ships was built before war was declared, and not one was available during the war. [Applause.]

Mr. RIDGELY. Will the gentleman allow me to ask him a question?

Mr. CUMMINGS. Oh, yes, with pleasure.

Mr. RIDGELY. Did we not at a later date legislate on this matter of the price of the armor plate for our naval increase?

Mr. CUMMINGS. Mr. Chairman, at the next session of Congress you provided that the price should not exceed $400 per ton for armor inferior to the Krupp armor, but at the last session of Congress you provided that superior armor should not be obtained unless it could be had at $300 a ton—an impossible price. If you pay $400 a ton for the old harveyized armor, certainly the new Krupp armor is worth at least as much, and yet you limited the price to $300 a ton. In other words, you provide that the best armor shall be furnished at $100 per ton less than the sum you have expressed yourselves willing to pay for inferior armor. You practically determined, as I said before, that you would authorize the ships, but you took special care to prevent the building of them. [Applause.]

Mr. RIDGELY. In view of the statement of the gentleman as to the armor heretofore provided, which has been termed "rotten," is it not about time that the Government should undertake to make its own armor and prevent that abuse to which the gentleman has referred?

Mr. CUMMINGS. Why did you vote to put the price of this "rotten armor" at $400 a ton——

Mr. RIDGELY (interrupting). It was not done by my vote. The question I have asked the gentleman is, if he does not think it about time that we make our own armor?

Mr. CUMMINGS. I think that it is time, Mr. Chairman, that

this country understood that the lives of its sailors, its marines, and others connected with the naval service have been endangered and menaced when this Government found itself involved in war by the action of Congress in regard to this question of armor plate. [Applause.] I say that the men who fought with Dewey at Manila and with Schley at Santiago are entitled to the best protection the Government can give, by placing the best armor on its battle ships that can be made, by metallic furniture, and by all other life-saving devices.

Mr. RIDGELY. And is not the best protection possible guaranteed by making our own armor at home, by our own Government, and under our own supervision, to the end that no contractor be allowed to impose on us?

Mr. CUMMINGS (continuing). We authorize two battle ships here to-day, and six cruisers, and here is the same old story and the same old string over and over again. We will not contract for them, gentlemen say, until we build an armor-plate factory and can manufacture the armor for them ourselves. We will delay the construction three years more, taking in the three battle ships and three cruisers authorized in the last session, and the three battle ships under contract, authorized in the first session of the Fifty-fifth Congress, thus making a total delay of eight years in the construction of some of these ships. On the score of alleged economy you are opposing expenditure that the world recognizes as an absolute necessity. [Applause.]

Mr. RIDGELY. Does not the gentleman think it will be better to have even some little delay than to authorize the continuous purchase of the rotten armor which endangers the lives of our seamen and officers and adds no credit to our Navy, but squanders the people's money?

Mr. CUMMINGS. Ah, Mr. Chairman, this is not the rotten armor. The gentleman is mistaken in that. It is the Krupp armor to which I have referred. It has been approved by the Navy Department after the most careful tests. It is an armor that is subjected to seven different treatments before its completion, and not heated once or twice, as was the case with the old harveyized armor. It is one-third lighter than the harveyized armor, with an equal power of resistance. The world has moved. There has been some progress in armor-plate making, as the gentleman will learn if he examines the subject carefully. The hardening process in the harveyized plate did not—could not—extend more than an inch below the surface, no matter how thick the plate. In this Krupp armor the hardening process penetrates the plate one-third of its thickness. It is of a fibrous nature where it is not hardened, while the other is granulated. There is as much difference between them as there is between paper and sheet iron.

Mr. RIDGELY. Have we ever had any evidence of fraud demonstrated by turning in armor for our battle ships that was not up to the standard?

Mr. CUMMINGS. Now, Mr. Chairman, it seems to me that the gentleman is circling around in the same groove. [Laughter.] He comes back to the point he started from. I have stated that the armor provided here is not the old harveyized armor which was at one time found to be defective, but an armor of entirely different material.

Mr. RIDGELY. I have been suggesting my inquiries to the gentleman in all courtesy to him. My point is that we are liable to have frauds committed upon us as long as we are willing to accept the armor plate manufactured by outsiders. Their object is simply to swell their profits; my plan is to make the armor ourselves and save this exorbitant cost and enjoy the knowledge that we are doing the very best we can for the Government and for the people.

Mr. CUMMINGS. And I have answered the gentleman in the same spirit. I have answered the point he is making. His suggestion for a Government plant, if carried out, would involve a long delay and the presence of a score of naval inspectors in each factory to watch the progress of this work, after it is constructed.

Mr. RIDGELY. Is that not true now, as far as the inspection is concerned?

Mr. CUMMINGS. Ah, there is an inspection, of course. But there are only one or two inspectors in each factory. It would require a dozen or twenty in a Government manufactory. Now, Mr. Chairman——

Mr. GAINES and Mr. GRIFFITH rose.

Mr. CUMMINGS. Now, Mr. Chairman, I am perfectly willing to stand here by the hour answering questions if they are pat. I will yield to my distinguished friend from Nashville.

Mr. GAINES. The same men who made the rotten armor plate, which you reported should be condemned, are to make the Krupp armor plate, are they not?

Mr. CUMMINGS. I know nothing whatever concerning that; but if it is made, and made cheaper than any nation in Europe pays for it, and the Government inspectors do their duty, we shall have done our duty to the men behind the guns when our battle ships and armored cruisers are engaged with the enemy.

Mr. GAINES. The fact is that the same company that owns the Krupp process and is to make this armor plate is composed of the same men who made the rotten armor plate which you condemned in a report to the Fifty-third Congress.

Mr. CUMMINGS. Oh, no; the Bethlehem Company own the Krupp process as well as the Carnegie Company.

Mr. WM. ALDEN SMITH. And that process has been tested again and again.

Mr. CUMMINGS. Yes. And Congress has been paying willingly $400 a ton for the inferior armor, and now it is proposed to limit the Krupp armor to $300 per ton.

Now, Mr. Chairman, I disagreed with the policy of the Naval Committee in some respects, but I propose to stand by it as far as my conscience will allow.

I disagreed with the committee when they refused to provide for the building of gunboats. The Secretary of the Navy had asked for the construction of 13 gunboats. When Admiral Dewey came before the committee he testified that he thought he would rather have battle ships than gunboats. We had captured four Spanish gunboats when Manila was taken—that is, Dewey had raised the wrecks. Since then we have bought a lot of little gunboats—some not as large as canal boats—from the Spanish Government. Admiral Dewey, while before the committee, said he thought we did not want any more gunboats, and he would take two or three battle ships in the place of them. Well, the committee gave him two battle ships, although the Secretary had not asked for them; but while Secretary Long was before the committee he said he would have asked for them if he had thought he could get them.

Now, I believe in gunboats. I think that boats the size of the *Helena* and vessels of that class are the very thing that the nation needs. We must continue a protectorate over Cuba at least until they form a government, and it looks to me now as though they would not be able to form one for the next five years, and we must have ships for service on the coast of Porto Rico and among the islands of Hawaii. There is nothing so useful in such waters as gunboats. We certainly need them for the Philippines. Those bought and captured from the Spaniards may suffice for the present, as Admiral Dewey suggests. I am in favor of keeping these gunboats in the Philippines just as long as there is a rebel in arms in those islands. [Applause.] When the islands are conquered, I am in favor of treating them exactly as we treat Cuba. They were both in rebellion against Spain, and of the two possibly the Filipinos were a little more gallant in fighting the Spaniards—at least fully as gallant as were the Cubans—and they are entitled to the same treatment. Sure it is that Aguinaldo and his Tagals supported Dewey's attack on Manila as heartily as did Garcia the assault of Shafter and Wheeler on Santiago. Gunboats are needed there and are certainly needed elsewhere. I think it unwise to lop them off entirely in view of the recommendation of Secretary Long. We ought at least to split the difference with him, and give him half of what he asked for.

I differed with the committee on the question of sheathed ships. While they took Dewey's word with regard to the battle ships and gunboats, they refused to take his word as to sheathed ships. He said that a sheathed ship would run two years and maintain her speed without docking, whereas an unsheathed ship had to be docked at least once in every nine months. He acknowledged that the *Charleston* was lost on a sunken reef in the Philippine Islands because she was not sheathed. When asked whether, in his opinion, she could have been saved if she had been sheathed, he replied that at that same time a British war vessel ran upon an unknown reef and was pulled off in safety because she was sheathed. That seemed to me conclusive evidence that the battle ships which we were authorizing in this bill should be sheathed.

But I compromised. We agreed to leave the matter to the Secretary of the Navy, and if the Secretary thinks it best to have them in the docks once in nine months instead of once every two years he may sit down upon the project. I am willing to trust John D. Long, and I believe the people are willing to do so.

Mr. CLARK of Missouri. If it was demonstrated to the satisfaction of the committee that the sheathed ships were the best, why did not the committee report that way?

Mr. CUMMINGS. Well, they did not. It was demonstrated to my satisfaction.

Mr. CLARK of Missouri. Why did they not?

Mr. CUMMINGS. Because we did not have the votes to carry it, and some of the gentlemen who signed the minority report did not vote for it.

Mr. CLARK of Missouri. Have you got a proposition in here to have sheathed ships?

Mr. CUMMINGS. No, sir; I have not. I agreed to compromise, and I am man enough to stand by it. It may become an expensive compromise for the nation; but if so, the committee and John D. Long must bear the responsibility. My skirts are clear.

Mr. CLARK of Missouri. It seems to me that while we are spending the money to build ships it is good sense to build the

very best ships that it is possible to build with the light that you have before you now.

Mr. WHEELER of Kentucky. Will my colleague permit me to make a statement?

Mr. CUMMINGS. Certainly.

Mr. WHEELER of Kentucky. The gentleman from New York, inadvertently, no doubt, has failed to state the exact position of the committee on this question. There is a controversy in the Navy Department. The gentleman omitted to state that. There is a difference of opinion in the Department as to whether it is best to sheathe our ships or not.

Mr. CUMMINGS. I will state it now. The Navy Department is peculiarly constructed. One year its board decides it best to have sheathed ships. That was done a year or two ago. Afterwards England built some unsheathed battle ships; ships intended for use on her own coast, and not to be sent to foreign harbors. Of course, our Navy was compelled to follow the example set by England. [Laughter.] Whether the Secretary of State was consulted or not I can not say. [Laughter and applause.]

Mr. HOPKINS. Does the gentleman mean to say that this new board simply followed the example of England?

Mr. CUMMINGS. The new board decided that sheathed ships were not needed. Boards are at times necessary contrivances, but not necessarily useful. Take the case of the *Holland*. Here was a board that were to make a report on the submarine boat *Holland*. Under a bill, passed by Congress two or three years ago, it was provided that so much money should be paid for a submarine boat if she fulfilled specified requirements. Well, the board tested her to see whether she did fulfill the requirements. They came back and reported that she did, but at the same time expressed the opinion that submarine boats were useless—England was not building any of them. [Laughter.] The Navy Department, however, has bought the boat, and I have had the honor of introducing a bill providing for the purchase of 20 more of them. I am strongly of the opinion that the provision ought to have been inserted in this appropriation bill, and I think those who have seen the Holland's surprising performances will agree with me. I will answer for Admiral Dewey.

Mr. CLARK of Missouri. Does the evidence before your committee show that sheathed ships are better than unsheathed ships?

Mr. CUMMINGS. In my opinion it does.

Mr. CLARK of Missouri. Then there ought not be any attention paid to the board.

Mr. DAYTON. I know my friend from New York is frank enough to say that there is a vast deal of testimony in regard to that, and there is a difference of opinion on it—some just as sincere in saying that the unsheathed ship is better and a saving of expenditure, and therefore a compromise was reached, leaving it to the Navy Department to decide upon all the evidence as to what should be done.

Mr. HOPKINS and others rose.

Mr. CUMMINGS. Let me reply to my friend from West Virginia. The evidence in my opinion shows that the sheathed ship is far better, but that it does cost much more to build it.

Mr. DAYTON. My friend will allow me. All the evidence, in my judgment, leaves it exceedingly doubtful whether the sheathed ship is not better, but it is clear that it costs hundreds and hundreds of thousands of dollars more to sheath it.

Mr. HOPKINS. Now, if the gentleman from New York will allow me.

Mr. CUMMINGS. Mr. Chairman, how much time have I?

Mr. HOPKINS. We will give you all the time you want.

Mr. CUMMINGS. But I agreed to give some of my time to other gentlemen.

Mr. DAYTON. I want to say, Mr. Chairman, at present, in the absence of the acting chairman, that the gentleman shall be yielded from our side any additional time he needs.

Mr. HOPKINS. Now will the gentleman yield to me for a question?

Mr. CUMMINGS. Yes, sir.

Mr. HOPKINS. As I understand the statement, it is, with this conflict of evidence as to the proper construction of the vessels, the matter is left to the Navy Department?

Mr. CUMMINGS. To the Secretary of the Navy, not the Navy Department.

Mr. HOPKINS. That is what I wanted to get at, because under the statement of the gentleman from New York we would have one class of vessels sheathed, as I understand, one year, and then the other board would decide differently on another class.

Mr. CUMMINGS. That is the difference. It all rests, however, with the Secretary. He may, and probably will, refer it to the board, but is not forced to abide by its decision.

Mr. DAYTON. Permit me to say to the gentleman that it might be a very desirable thing to have some vessels sheathed. For certain purposes, at different parts of the earth, they may be very desirable, and at others unsheathed might be desired.

Mr. CUMMINGS. That is a fact. A sheathed vessel would undoubtedly be far more useful a thousand miles from a dock than one unsheathed.

Mr. THROPP. Can you give us a statement of the cost of a sheathed vessel as against an unsheathed—that is, the increase in percentage?

Mr. WHEELER of Kentucky. A quarter of a million of dollars to sheathe a battle ship.

Mr. CUMMINGS. A quarter of a million of dollars to sheathe a battle ship.

Mr. THROPP. About 5 per cent.

Mr. CUMMINGS. Yes. Now, Mr. Chairman, the committee was unable to agree as to the question of building ships at the navy-yards. Well, there is a great deal to be said on both sides of this question. I thought that with three battle ships and three armored cruisers not contracted for, and with two more battle ships and six more cruisers, armored and protected, but not contracted for, we could afford at least to again try the experiment of building them in the navy-yards. It is a favorable time for doing so. The Secretary of the Navy, however, is opposed to it. He says they will cost twice as much as vessels built elsewhere and take twice the time for construction. He also thought the yards would be more or less susceptible to political influences. Possibly he is right. He undoubtedly knows far more about that than I do. I have no doubt that it will cost more to build these ships in the navy-yards than it would to build them under contract, and for this reason: The work of the Government is done under the eight-hour system; the contractors work their men from nine to ten, eleven to twelve hours. So that of necessity it must cost more to build the ships in the navy-yards than it would under contract. But I took occasion to get a statement from Captain Sigsbee concerning the construction of vessels in the English, the French, and the German navy-yards. The period covered is approximately five years for France and Germany, and a little less for England, but in all cases the period for dockyard and private construction is the same. The rate of wages was comparatively the same in both the Government and private yards. It took much longer to construct the vessels in the Government than in the private yards. I will not read the figures but will insert Captain Sigsbee's statement and figures at the close of my remarks as an appendix.

Mr. BELL. Will the gentleman yield to me for a question?

Mr. CUMMINGS. Yes.

Mr. BELL. I want to suggest that all the officers in the Navy Department say that they can build guns much cheaper in the navy-yards than by contract. And they have tested that. Why can not they build ships cheaper?

Mr. CUMMINGS. That does not affect my statement; I am talking about ships, and not guns. I doubt the veracity of my friend's informant, all the same. Of course every constructor in the Navy wants a job, and would be glad to see all the ships built in the navy-yards; and so would I if they could be built as cheaply. But I think some of these vessels ought to be constructed in the navy-yards, as a matter of justice to the men who work eight hours a day in those yards. Why the Government should give these men eight hours for a day's work and then take the work away from them is something I can not understand.

Mr. WM. ALDEN SMITH. Does twelve hours constitute a day's work in the contract yards?

Mr. CUMMINGS. It has been so, and it may be so in some yards to-day. None of these contracting yards work eight hours a day. We passed a bill long ago making eight hours' work imperative on all contract work done for the Government——

Mr. WM. ALDEN SMITH. I am in favor of that now.

Mr. CUMMINGS (continuing). But on a ruling of the Attorney-General, or in some other way, the men failed to obtain the benefit of it. For instance, a stonecutter would hire a lot next to the Government plat, and work his men ten or twelve hours, and then take the stone over to the Government building and put it in place on the eight-hour schedule.

Mr. SIMS. Did we not pass a bill at the last Congress, which failed to go through the Senate, to correct that very evil which you refer to?

Mr. CUMMINGS. I am speaking of the one that passed both Houses long before that. I am sorry that the other did not pass the Senate. And right here I may say, Mr. Chairman, that there is an eight-hour bill now pending in the Committee on Labor, intended to correct the defects of the present law. Those opposing it have declared, if it is passed by Congress, that they will not make any bids for Government work. They declare that it would be ruinous for them to accept Government work under its provisions. If this is so, it may be necessary for the Government to have all its ships built in the Government yards.

Now, Mr. Chairman, no man can find any fault with the contract work done for the Government in the way of building ships. The contractors have been amply paid for the work, in the way of

speed premiums, in addition to the contract price. But they have given us the finest ships in the world. No vessel has ever sailed the seas that could surpass the *Oregon*, or the *Indiana*, the *Massachusetts*, and the *Iowa*. If the Government can produce ships equal to them in the navy-yards, under an eight-hour schedule, and complete them as promptly, I am in favor of its doing so, if it does cost from two hundred thousand to five hundred thousand dollars more for each vessel.

Mr. PEARCE of Missouri. Right on that point. Is it not true that the Government has already constructed equally good ships in the navy-yard?

Mr. CUMMINGS. The Government never constructed a battle ship.

Mr. WHEELER of Kentucky. The *Texas*.

Mr. CUMMINGS. She is not a first-class battle ship, but is known as a second-class ship. Her plans were brought from England by Secretary Whitney, and they were altered in every way before she was completed.

Mr. PEARCE of Missouri. She is a battle ship according to the testimony of the officers.

Mr. CUMMINGS. She is not a battle ship in the class with the *Indiana*, *Massachusetts*, and *Oregon*.

Mr. PEARCE of Missouri. She has the best gun platform in the Navy to-day.

Mr. CUMMINGS. She ought to have something good about her, as either she or the *Raleigh* sank before she left her dock. Various other disasters happened to her before she became the serviceable vessel she is to-day. She did good work at Santiago.

Mr. RIDGELY. Does the gentleman from New York believe it is best for Congress to legislate so as to provide Government plants for the construction and equipment and finishing of these vessels, and also for the protection of labor?

Mr. CUMMINGS. The Government has plants already. The old *Maine*, the one that was blown up, and the *Cincinnati* were built in Brooklyn; the *Texas* and the *Raleigh* were built in Norfolk.

Mr. RIDGELY. I understood the gentleman to be arguing against the building of battle ships by the Government——

Mr. CUMMINGS. No, sir; you did not understand me correctly.

Mr. RIDGELY (continuing). Because we have to take labor at eight hours a day.

Mr. CUMMINGS. No, sir; I adduced that as an argument why we ought to build some of them in the yards. We have no right to concede our employees eight hours a day and then take the work away from them because firms who exact ten hours a day from their workmen can build them cheaper.

Mr. RIDGELY. That is what I say.

Mr. CUMMINGS. That is what I say. [Laughter.]

Mr. RIDGELY. I am in favor of that and of making armor plate too; that is my position.

Mr. CUMMINGS. Well, when you come to armor plate, we have the *Indiana*, the *Massachusetts*, the *Oregon*, the *Iowa*, the *Kearsarge*, and the *Kentucky* finished. We have the *Illinois*, the *Alabama*, and the *Wisconsin* nearly finished. We have the *Maine*, the *Missouri*, the *Ohio*, the *Pennsylvania*, the *New Jersey*, the *Georgia*, the *West Virginia*, the *Nebraska*, and the *California* unfinished. Why? Because you have refused to pass any law in this House or in the other by which armor plate can be provided for them. Six battle ships and three armored cruisers held up for want of armor, and you propose to throw eight more ships into the same category until an armor-plate factory is established. Seventeen great men-of-war authorized to be built by the vote of the very House that refuses to provide armor for them unless it can get it at half the price paid by England, France, Germany, Russia, and Japan.

Mr. RIDGELY. And because the influence of contractors has been sufficient to defeat the provisions under which we could have done this work ourselves.

Mr. CUMMINGS. And you want to delay the construction of these ships five years more until we can have an armor-plate factory built by the Government. Why, it will take you full two years to select the site alone.

Mr. RIDGELY. No, sir. I want, simultaneously with the provisions for the completion of these vessels, a provision for the construction of a Government armor-plate factory. Let us do both at once.

Mr. CUMMINGS. Why do you not have a Government tin factory, a Government nail factory, a Government ham factory? We get all these things under contract.

Mr. RIDGELY. That is the point I have been trying to get the gentleman to confess—that he is absolutely opposed to the Government building its own armor factory.

Mr. CUMMINGS. Nonsense! I confess nothing. I want these ships completed, and am not in favor of holding them up for the establishment of a Government factory as long as we can get the armor at a less price than European and Asiatic nations pay. Nine ships are already held up, some of them authorized four years ago, and it is proposed to make the number 17, all because this House will not vote money to get armor for them.

Mr. RIDGELY. And because Congress will not vote to establish a Government armor-plate factory.

Mr. CUMMINGS. I compliment the gentleman from Kentucky [Mr. WHEELER]. He very sensibly agreed to provide armor for three of these ships at any price that the Secretary of the Navy might see fit to pay. But after that he wanted the others reserved for the building of an armor plant. While I sympathize with him in some respects, I believe that we can not construct these ships too soon.

I know—it has been demonstrated before the committee by the naval authorities in a way that cannot be revealed to the House—that if we pay $545 per ton for this Krupp armor, we are getting it lower than any nation in Europe pays to-day for the same armor. England has on the stocks under contract a vessel for the armor of which she pays $587 per ton. The Cramps are building a Russian war vessel to-day for which Russia pays $565 per ton for Krupp armor. They have built a vessel for Japan, the armor of which cost $575 per ton. The French are building a vessel for which $605 a ton is being paid. And I have the assurance of one of the officers of the Navy Department, who has had the figures before him, that Japan has paid in one instance $700 a ton for the same armor. The Krupps take out of the German Government nearly $600 per ton for their armor. Now, Mr. Chairman, as long as the United States can obtain this Krupp armor cheaper than it can be obtained in Europe, I am in favor of buying it until we even up on the Navy. Then I will talk to you about an armor-plate factory, if desirable.

Mr. WM. ALDEN SMITH. The price has been going up ever since the first discussion of this question.

Mr. CUMMINGS. Yes; it has. And I think it very likely it may reach $645 a ton if we delay these ships longer.

A MEMBER. And we are getting better armor.

Mr. CUMMINGS. Yes; armor that has no blowholes in it; no harveyized stuff, but the genuine article; something you would not be ashamed to wear yourself if you could. [Laughter.]

Mr. RIDGELY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York [Mr. CUMMINGS] yield?

Mr. CUMMINGS. Oh, yes.

Mr. RIDGELY. I understand the gentleman's position to be that after we are fully supplied with battle ships, after we are virtually through with this great stress of construction, he will then take up and consider whether we had not better prepare ourselves for the making of this armor by the Government.

Mr. CUMMINGS. I would either build the ships we have authorized or I would stop authorizing them; one or the other.

Mr. RIDGELY. And I would authorize the building of a plant in connection with the building of the ships.

Mr. CUMMINGS. The market is being bulled all the time by the course we are pursuing.

Now, Mr. Chairman, my friend from West Virginia [Mr. DAYTON] said that the total cost of the entire Navy of the United States as it stands to-day is not more than we pay in one year for pensions. I do not know how that remark struck my friend from South Carolina [Mr. TALBERT], whom I do not see in his seat, but it struck me as a surprising statement. I do not know whether he counted in the vessels authorized or not.

Mr. DAYTON. My friend will pardon me a moment. I did not make my statement quite so broadly as the gentleman puts it. I said, "little more than." The ships authorized would be about $40,000,000 more than the annual pension bill. I hope he will permit me to say that I meant no disparagement of the pension bill, because I believe that measure to be just and right. I simply referred to it by way of illustration.

Mr. CUMMINGS. Well, if the Navy should cost double that amount and should reach a maximum where it insured the safety of the country, I would say we were getting it pretty cheap.

My friend from Illinois referred to the German navy. That navy is to-day within 2,700 tons of the strength of the American Navy, and that is what made Admiral Diedrich so cockey in the Bay of Manila. [Applause.]

The Emperor of Germany is "some pumpkins;" he "feels his oats." [Laughter.] For two years he has been struggling to surpass this country in the size of its Navy, and to-day in the German Riechstag a bill is pending, which will undoubtedly pass, doubling the size of the German navy—increasing her tonnage over 400,000 tons. I think that is a strong argument in favor of our building the ships we have already authorized as soon as possible, and of authorizing the building of as many others as we can afford to pay for.

I was not unsusceptible to the inquiry made by the chairman of the great Committee on Appropriations [Mr. CANNON] while my friend from Illinois [Mr. FOSS] was occupying the floor. He is

one of the men who hold the purse strings of the nation. He takes account of stock in every session of Congress, and in view of the great volume of appropriations made at each session he wants to cut his cloth according to its length. He wants to know where "he is at," and he received the desired information, and in the same breath told you he was not opposed to your bill. [Applause.]

Nor are the people opposed to it. They will tolerate no more delay in this armor-plate matter. You can not take up a newspaper from the St. Croix to the Rio Grande or from Puget Sound to Key Biscayne Bay without finding paragraphs advocating the prompt increase of the Navy. They recognize the fact that the bombardment of New York by an enemy would entail thribble the cost of our entire Navy.

I have always advocated its increase. No man in this House rejoiced more than I rejoiced when men from the South dominated the committee, and Mr. Herbert, of Alabama, was made its chairman. Talk about politics! You should have been here in the Fifty-third Congress, when the leader of the minority, the gentleman from Maine [Mr. BOUTELLE], used two hours of the time of the committee in general debate, taking in forty minutes of my time, using it in denunciation of the South, charging you with being inimical to the Navy. In the twenty minutes left I demonstrated the secret of your former enmity, and prophesied a great change.

The Robeson frauds were enough to sicken every honest man of the Navy, and it was not until the advent of Secretaries Chandler and Whitney that full confidence was restored. Under Secretary Herbert's administration the prophecy was fulfilled.

Mr. GAINES. Did not Secretary Herbert recommend a Government armor-plate factory and did he not state the reason why, saying that the manufacture of armor was in the hands of a monopoly that was holding up the Government?

Mr. CUMMINGS. I do not know that he did.

Mr. GAINES. He did.

Mr. CUMMINGS. But he put in figures showing what it would cost to establish an armor-plate factory. He made no recommendation whatever in his report.

Mr. SNODGRASS. What were those figures?

Mr. GAINES. They are in his report. He said it would cost about $1,700,000.

Mr. CUMMINGS. The figures were from an English firm, and I think he said $1,700,000 or less than $2,000,000, and he also said that they could establish it in nine months, but it has since been demonstrated that no man can build an armor-plate factory under two or three years.

Mr. GAINES. But that armor-plate board had Mr. Frick before them as a witness to prove that. Mr. Frick was then a member of the Carnegie firm.

Mr. CUMMINGS. Well, when it comes to the question of proving things, Secretary Herbert proved by the Rohrer board that it cost $425 a ton, I think, to manufacture the plate of which my friend from Kansas [Mr. RIDGELY] complained so bitterly a while ago.

Mr. WATSON. If my friend will pardon me, I will say that after all his investigation and research along that line he made no recommendation whatever as to the establishment of an armor-plate factory by the Government.

Mr. CUMMINGS. That is my understanding.

Mr. GAINES. He certainly did, and told me so a few days ago personally. He makes the recommendation in his report.

Mr. DAYTON. I beg the gentleman's pardon. He will find that statement is not verified by the facts.

Mr. GAINES. It is verified by the record, and he said it was on account of being in the hands of a monopoly.

Mr. WATSON. I do not know what Mr. Herbert stated to the gentleman personally, but the record shows that no such recommendation was made, and the gentleman can not show any record that discloses any such statement on the part of Secretary Herbert.

Mr. CUMMINGS. I think the gentleman from Indiana is correct.

Mr. GAINES. It is in his report, and if you will get it you will see it.

Mr. WATSON. The gentleman from Tennessee had better get the report. I am familiar with it, and the recommendation which the gentleman speaks of is not there.

Mr. CUMMINGS. As I said before, I do not care what it costs, as long as it does not cost more than $545 per ton to supply armor for our vessels to-day. We want the vessels completed. We do not want them hung up here where nobody can reach them—hung up over the table like a mackerel in Ireland, where you can point at it, but not eat it.

If we are to have an increased navy, it is time to stop talking and begin work. Authorizing it will not build it; you must provide armor and do it promptly. Either do this or stop the authorization of vessels. Do one thing or the other. I believe that the people of the country, ten to one, demand a decrease in the Army and an increase in the Navy; and as long as I remain in this House I intend to voice that demand.

Mr. WM. ALDEN SMITH. Foreign powers are doing that, are they not?

Mr. CUMMINGS. Yes: that is what foreign nations are doing. Germany is doing it, England just now is increasing her army, and at the same time utilizing her navy on land; for without the guns that were dragged toward Ladysmith and across the Modder River by English sailors, the Boers probably would have been to-day holding the Britons at bay at both Kimberley and Colenso. So that you see the navy in some cases is equally as efficient on land as on sea. And American sailors are not behind the English in this respect. Such men when on the sea are entitled to the protection of the best armor that the world can produce. To haggle about the price when it is imperatively needed is unmanly; to haggle about the price when it can be procured at a lower rate than that paid by any other nation is more than unmanly; it is little short of treason.

Mr. Chairman, I thank the committee for its kind attention and also the gentlemen of the Committee on Naval Affairs for yielding the increased time. [Applause.]

APPENDIX.

STATEMENT OF CAPTAIN SIGSBEE REGARDING THE CONSTRUCTION OF SHIPS IN FOREIGN NAVY-YARDS.

The following tables give the list and tonnage of Government ships building at Government dockyards and at private shipyards in the three principal shipbuilding countries of Europe.

The total cost is in every case taken from the official reports, and is probably correct so far as it goes. In the case of England and Germany, a ship is laid down, few modifications are made, and the construction is pushed through to completion. In the case of France, the time occupied in completion after the ship leaves the launching ways is often several years, and many changes are made, involving considerable expense; therefore it is probable that French construction costs even more than here represented.

The table of Italian construction shows that in a given time Government shipping to the amount of 353,000,000 lire was built in Government dockyards, and only 41,000,000 lire in private shipyards. It is of importance, however, in this connection to mention the fact that a period of six to ten years has elapsed between the beginning and completion of large vessels in Italian dockyards, and in striking contrast is the work done by the two private firms of Ansaldo & Co. and Orlando Bros.

In 1895 the Italian Government placed an order with the firm of Ansaldo & Co. for an armored cruiser named *Garibaldi*, and before she was launched the Argentine Government wished to purchase her. The Italian Government agreed to the sale on the condition that a second ship be built on the same lines and within the period fixed for the delivery of the first. The new vessel was fitted with water-tube boilers, whereby certain advantages were gained; but when this second vessel was completed the Spanish Government was allowed to purchase, and she became the *Cristobal Colon*. A third was laid down, rapidly completed, and again the Argentine Republic coveted her and got her, the ship being named the *Pueyrredon*. And now Messrs. Ansaldo have launched their fourth vessel of the same type. She continues, so far, an Italian ship, and is named the *Garibaldi*.

All these four vessels, it will be seen, have been floated within about four years from the beginning of the first, which is a splendid performance. In the case of the last—the fourth vessel—the keel was laid on September 21, 1898, while the launch took place on June 29 last, about nine months from the laying of the keel. The vessel was not a mere shell, either, for all the shafting was in place and finished up to the engine room. All the auxiliary engines in the engine and boiler rooms were fitted, and where possible their pipes were coupled up to them. All double-bottom pipes and valves and bilge pipes and valves were fitted in place and finished. Thus, instead of building only one ship leisurely, Messrs. Ansaldo, by arrangement with the Government, have been able to build four in about four years, representing a gross turnover of some 2,680,000 lire instead of 680,000 lire.

The Italian papers mention with considerable interest and pride that there are now five firms in Italy competing for the construction of a class of battleships of 8,000 tons displacement, now offered for bids by the Italian Government.

In the same connection, the German papers mention the fact that now there are in Germany five (formerly four) private yards prepared to build first-class battle ships, and nine (formerly six) firms prepared to build cruisers. It will be noticed that the latest battle ships are principally assigned to private yards.

In the tables the money values are given in the coin of the several countries, except in the last two tables in which, for purposes of comparison, all are reduced to United States gold.

Comparative cost of ships abroad built in government and in private dockyards.

SHIPS BUILT IN GOVERNMENT DOCKYARDS.

Name.	Class.	Displacement.	Name of yard or builders.	Cost.	Cost per ton of displacement.
ENGLAND.		*Tons.*			
Canopus	B. S	12,950	Portsmouth	£924,398	£71.50
Ocean	B. S	12,950	Devonport	936,048	
Goliath	B. S	12,950	Chatham	915,588	
Formidable	B. S	15,000	Portsmouth	1,087,701	72.51
Implacable	B. S	15,000	Devonport	1,077,797	
Irresistible	B. S	15,000	Chatham	1,067,735	
London	B. S	15,000	Portsmouth	1,091,641	
Venerable	B. S	15,000	Chatham	1,078,833	
Bulwark	B. S	15,000	Devonport	1,080,919	
Albemarle	B. S	14,000	Chatham		
Montagu	B. S	14,000	Devonport		
Drake	Cr	14,100	Pembroke		
Kent	Cr	9,800	Portsmouth		
Essex	Cr	9,800	Pembroke		
Andromeda	Cr	11,000	do	601,356	54.67
Spartiate	Cr	11,000	do	596,341	
Gladiator	Cr	5,750	Portsmouth	300,612	52.17
Pomone	Cr	2,135	Sheerness	154,968	72.58
Pandora	Cr	2,200	Portsmouth	170,446	77.47
Pioneer	Cr	2,200	Chatham	154,480	70.02
4 sloops	Unpr. Cr.	3,920	Sheerness	297,688	75.94

BUILT IN PRIVATE SHIPYARDS.

Name.	Class.	Displacement.	Name of yard or builders.	Cost.	Cost per ton of displacement.
ENGLAND.		*Tons.*			
Albion	B. S	12,950	Thames Iron Works.	£854,283	
Glory	B. S	12,950	Laird Bros.	894,115	
Vengeance	B. S	12,950	Vickers	869,704	£67.16
Duncan	B. S	14,000	Thames Iron Works.	1,050,317	75.02
Cornwallis	B S	14,000	do	1,050,378	
Exmouth	B. S	14,000	Laird Bros.	1,073,469	
Russell	B. S	14,000	Palmer's Co	1,074,748	
Leviathan	Cr	14,100	Brown & Co	1,023,577	
Good Hope	Cr	14,100	Fairfield Co	1,000,841	70.98
King Alfred	Cr	14,100	Vickers	999,432	
Aboukir	Cr	12,000	Fairfield Co	771,174	
Cressy	Cr	12,000	do	771,516	
Hogue	Cr	12,000	Vickers	770,585	
Sutlej	Cr	12,000	Brown & Co	779,881	64.99
Euryalus	Cr	12,000	Vickers	798,580	
Bacchante	Cr	12,000	Brown & Co	769,294	
Monmouth	Cr	9,800	London and Glasgow Co.		
Bedford	Cr	9,800	Fairfield Co		
Ariadne	Pr. Cr	11,000	Brown & Co	564,441	51.31
Amphitrite	Pr. Cr	11,000	Vickers	575,962	
Hyacinth	Pr. Cr	5,600	L. & G. Co	304,139	
Highflyer	Pr. Cr	5,600	Fairfield Co	298,863	
Hermes	Pr. Cr	5,600	do	300,593	53.67
Perseus	Pr. Cr	2,135	Earle's Co	138,264	64.23
Prometheus	Pr. Cr	2,135	do	135,916	
Pyramus	Pr. Cr	2,135	Palmer's Co	141,008	
2 sloops	Unpr. Cr.	1,960	Laird Bros.	137,824	70.31
Bramble	G. B	700	Potter & Co	53,652	76.64
Britomart	G. B	700	do	53,634	
Dwarf	G. B	700	L. & G. Co	54,369	
Thistle	G. B	700	do	54,133	
42 boats	T. B. D	14,280	Various		167.09
2 boats	T. B	350	Thornycroft		

SHIPS BUILT IN GOVERNMENT DOCKYARDS.

Name.	Class.	Displacement.	Name of yard or builders.	Cost.	Cost per ton of displacement.
FRANCE.		*Tons.*		*Francs.*	*Francs.*
Charlemagne	B. S	11,275	Brest	26,405,592	2,341.9
Saint-Louis	B. S	11,275	Lorient	27,583,857	
Gaulois	B. S	11,275	Brest	26,234,867	
Henri IV	B. S	8,948	Cherbourg	20,031,177	2,238.6
Jéna	B. S	12,052	Brest	27,856,496	2,311.3
Suffren	B. S	12,728	do	29,889,080	2,348.3
(A 8)	B. S	14,865	do	35,542,704	2,391.0
(A 10)	B. S	14,865	Toulon	35,542,704	2,391.0
Jeanne d'Arc	Ar. Cr	11,270	do	21,415,928	1,900.2
Dupetit-Thouars	Ar. Cr	9,517	do	20,484,177	2,152.3
Gueydon	Ar. Cr	9,517	Lorient	20,807,193	
Condé	Ar. Cr	10,014	do	22,561,519	2,252.9
Gloire	Ar. Cr	10,014	do	22,561,519	
La Marseillaise	Ar. Cr	10,014	Brest	22,561,519	
(C 11)	Ar. Cr	12,416	Cherbourg	28,982,540	2,334.3
Dupleix	Ar. Cr	7,700	Rochefort	16,308,847	2,118.0
Jurien de la Gravière	Cr	5,685	Lorient	11,337,439	1,994.3
D'Estrées	Cr	2,452	Rochefort	5,139,223	2,095.9
Dunois	T. B. D	896	Cherbourg	3,053,113	3,407.5
La Hire	T. B. D	896	do	3,038,492	
6 others	T. B. D	1,819	Rochefort	10,336,050	5,682.2
Décidée	G. B	645	Lorient	1,443,357	2,237.7
Zélée	G. B	647	Rochefort	1,579,556	
Vaucluse	Des. B	1,613	do	2,031,414	
6 boats of Narval Cl.	Sub	1,350	5 at Cherbourg		
			4 at Rochefort	5,840,800	
6 boats	T. B	508	2 at Cherbourg	903,058	
			2 at Toulon	889,844	
			2 at Saigon	1,051,246	

Comparative cost of ships abroad built in government and in private dockyards—Continued.

BUILT IN PRIVATE SHIPYARDS.

Name.	Class.	Displacement.	Name of yard or builders.	Cost.	Cost per ton of displacement.
FRANCE.		*Tons.*		*Francs.*	*Francs.*
Montcalm	B. S	9,517	La Seyne	22,284,000	2,341.5
Sully	B. S	10,014	do	24,733,394	2,370.0
Amiral-Aube	AB. Cr	10,014	Saint-Nazaire	24,217,550	
Desaix	Ar. Cr	7,700	do	17,782,047	2,309.2
Kléber	Ar. Cr	7,700	Bordeaux	17,776,047	
Guichen	Cr	8,277	Saint-Nazaire	15,506,301	1,873.4
Chateaurenault	Cr	8,017	La Seyne	15,467,287	1,929.3
Infernet	Cr	2,452	Bordeaux	4,816,222	1,976.4
5 boats	T. B. D	1,520	Le Havre	8,412,281	5,501.8
2 boats	T. B. D	926	Nantes	3,329,150	
8 boats	T. B. D	2,420	Normand	13,492,600	
2 river	G. B	606	Thornycroft	1,121,108	
10 boats	T. B	1,086	Various	10,297,300	
31 boats	T. B	1,746	do	13,523,205	
G. H. I	T. B	44	Le Creusot	369,300	
Libellule	T. B	40	Le Havre	343,850	

SHIPS BUILT IN GOVERNMENT DOCKYARDS.

Name.	Class.	Displacement.	Name of yard or builders.	Cost.	Cost per ton of displacement.
GERMANY.		*Tons.*		*Marks.*	*Marks.*
Kaiser Friederich III	B. S	11,081	Wilhelmshaven	19,830,000	1,789.55
Kaiser Wilhelm II	B. S	11,081	Wilhelmshaven	19,830,000	1,789.55
"G"	B. S	11,081	do		
Fürst Bismarck	L. Cr	10,650	Kiel	17,210,000	1,615.96
"A"	L. Cr	8,880	do	15,000,000	1,700.43
Freya	L. Cr	5,628	Danzig	*9,110,000	*1,618.69
Vineta	L. Cr	5,900	do	*9,250,000	*1,567.79
Ersatz Wolf	G. B	895	do	1,570,000	1,754.19
Ersatz Habicht	G. B	895	do	1,570,000	1,754.19

BUILT IN PRIVATE DOCKYARDS.

Name.	Class.	Displacement.	Name of yard or builders.	Cost.	Cost per ton of displacement.
GERMANY.		*Tons.*		*Marks.*	*Marks.*
Ersatz König Wilhelm.	B. S	11,081	Germania Works	19,830,000	1,789.55
"A"	B. S	11,081	Schichau Works	19,960,000	1,801.28
"B"	B. S	11,081	Blohm & Voss	19,960,000	1,801.28
"D"	B. S	11,081	Schichau Works	19,960,000	1,801.28
"E"	B. S	11,081	Germania Works	19,960,000	1,801.28
"F"	B. S	11,081	Schichau Works		
"H"	B. S	11,081	Vulcan Works		
"I"	B. S	11,081	Germania Works		
Hertha	L. Cr	5,628	Vulcan Works	*9,110,000	*1,618.69
Victoria Louise	L. Cr	5,628	Weser Works	*9,110,000	*1,618.69
Hansa	L. Cr	5,900	Vulcan Works	*9,250,000	*1,567.79
Gazelle	S. Cr	2,645	Germania Works	4,620,000	1,746.69
"A"	S. Cr	2,645	do	4,620,000	1,746.69
"B"	S. Cr	2,645	Weser Works	4,620,000	1,746.69
Iltis	G. B	895	Schichau Works	1,570,000	1,754.19
Jaguar	G. B	895	do	1,570,000	1,754.19

* These figures are inclusive of the costs of hull and machinery and gun armament; the costs of torpedo armament are not included, as the figures are not available.

Comparative cost per ton of displacement of dockyard-built and contract-built ships; items stated in United States dollars.

Name of ship.	Displacement.	Date of laying keel.	Cost per ton of displacement in United States dollars of ships built in—	
			Government dockyards.	Private Shipyards.
ENGLAND.				
Battle ships, first class:	*Tons.*			
Canopus	12,950	Jan., 1897	$347.30	
Vengeance	12,950	Aug., 1897		$326.80
Cruisers, first class:				
Andromeda	11,000	Dec., 1895	266.10	
Ariadne	11,000	Oct., 1896		249.70
Cruisers, second class:				
Gladiator	5,750	Jan., 1896	253.90	
Hermes	5,600	Apr., 1897		261.20
Cruisers, third class:				
Pomone	2,135	Dec., 1896	353.20	
Perseus	2,135	May, 1896		312.80
Sloops:				
Condor class	980	Jan., 1898	352.90	
Mutine class	980	Nov., 1898		342.20
Some other classes:				
Bramble	700	Dec., 1897		373.00
Torpedo-boat destroyers:				
Fawn, as type	324	Dec., 1898		813.10

Comparative cost per ton of displacement of dockyard-built and contract-built ships; items stated in United States dollars—Continued.

Name of ship.	Displacement.	Date of laying keel.	Cost per ton of displacement in United States dollars of ships built in—	
			Government dockyards.	Private Shipyards.
FRANCE.				
Battle ships:	*Tons.*			
Charlemagne	11,275	July, 1894	$452.00	
Suffren	12,728		453.20	
Henri IV	8,948	July, 1897	432.05	
Armored cruisers:				
Jeanne d'Arc	11,270	Oct., 1896	366.75	
Condé	10,014		434.80	
Sully	10,014			$457.40
Dupetit-Thouars	9,517		417.30	
Montcalm	9,517			451.90
Cruiser, first class:				
Guichen	8,277			361.00
Cruisers, second class:				
Chateaurenault	8,017			372.35
Jurien de la Gravière	5,635	Nov., 1897	384.90	
Cruisers, third class:				
D'Estrées	2,452	Mar., 1897	404.50	
Infernet	2,452			381.45
Armored cruisers:				
Dupleix	7,700		408.80	
Desaix	7,700			445.70
Some other classes:				
La Hire (torpedo vessel)	886	Dec., 1896	657.60	
Torpedo-boat destroyers	303		1,096.60	
Do	306			1,061.85
GERMANY.				
Battle ships:	*Tons.*			
Kaiser Friedrich III	11,081	1894	$425.90	
Battle ship "A"	11,081	1898		$438.70
Armored cruisers:				
Fürst Bismarck	10,650	1895	384.60	
Cruiser "A"	8,880	1898	404.70	
Protected cruisers:				
Freya	5,628	1895	385.25	
Gazelle	2,645	1896		415.70
Gunboat:				
Ersatz Wolf	895	1898		417.50
Torpedo-boat destroyers	350			668.65

COMPARISON.

Cost of ships of various classes per ton of displacement.

Nation.	B. S., over 10,000 tons.	Ar. Cr., about 11,000 tons.	Cr., about 5,700 tons.	Cr., about 2,400 tons.	G. B., about 1,000 tons.	G. B., about 700 tons.	T. vessel, about 900 tons.	T. B. D., about 300 tons.
England	$347.30	$366.10	$353.90	$355.00	$342.30	$373.00	.....	$813.00
France *	452.00	366.75	384.90	404.30	.....	451.87	$657.60	1,096.60
		457.40		381.40				1,061.80
		451.90						
		361.00		†392.90				†1,079.20
		372.30						
		†401.98						
Germany	425.90	384.60	385.10	415.70	417.50	.....	.....	668.60
		404.70						
		†394.65						

*It is necessary to give so much data concerning France, because there seems to be so much variation in the cost of vessels of the same class.

†Average cost for the class.

C. D. SIGSBEE,
Captain, U. S. Navy, Chief Intelligence Officer.

APRIL 14, 1900.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. LOUDENSLAGER having taken the chair as Speaker pro tempore, a message in writing from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On April 7, 1900:

H. R. 153. An act granting a pension to Elizabeth Johns.

On April 9, 1900:

H. R. 7649. An act authorizing the Secretary of the Interior to issue patent to the city of Elreno, Okla., for cemetery purposes;

H. R. 5049. An act to settle the title to real estate in the city of Santa Fe, N. Mex.;

H. R. 8463. An act ratifying an appropriation by the legislature of Oklahoma, out of the Morrill fund, for the use of the university at Langston for colored students; and

H. J. Res. 216. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

On April 12, 1900:

H. R. 60. An act to create the northwestern division of the Northern district of Georgia for judicial purposes, and to fix the time and place for holding court therein;

H. R. 9284. An act to attach the county of Foard, in the State of Texas, to the Fort Worth division of the northern district of Texas, and providing that all process issued against defendants residing in said county shall be returned to Fort Worth;

H. R. 7939. An act to amend an act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;

H. R. 10311. An act to authorize the Shreveport and Red River Valley Railway Company to build and maintain a railway bridge across Red River, at or near the town of Alexandria, in the Parish of Rapides, State of Louisiana;

H. R. 9713. An act permitting the building of a dam between Coon Rapids and the north limits of the city of Minneapolis, Minn., across the Mississippi River; and

H. R. 8245. An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. DAYTON. Mr. Chairman, in the absence of the acting chairman [Mr. FOSS] momentarily, I want to call the attention of gentlemen who represent the minority report to the fact that substantially the arguments made by the chairman of the committee and by the ranking member on the other side have been on one side of the disputed questions here, and I submit that it is but fair and right that some one who favors the minority report should express the views of that minority following the gentleman from New York [Mr. CUMMINGS]. I see the gentleman from North Carolina [Mr. KITCHIN] here.

Mr. KITCHIN. Mr. Chairman, though I did not intend to speak to-day, I will proceed on this bill, and if the gentleman from Kentucky [Mr. WHEELER] comes in I shall desire to yield to him.

Mr. Chairman, advocating the views of the minority, I wish to state that if nothing but ordinary matters of appropriation were involved in this bill there would have been no views of the minority presented, but we would have contented ourselves with trying to amend the bill upon the floor. But in it are several features which we think involve matters of important public policy. One is the absence of any requirement that part of the cruisers be built in the navy-yards, and especially that the three 8,000-ton cruisers authorized by this bill be built, one at the navy-yard at Brooklyn, one at the Mare Island Yard, and one at the Norfolk Navy-Yard. We think this largely involves the question whether this Government shall ever build another ship in its own yards. The fight is on. If ever in the history of this country in the building up of its great Navy, that nearly every gentleman seems to want, any ships are to be built in Government yards, now is the time to begin their construction.

Another point of difference between the majority and the minority is on the armor-plate question. I shall discuss this at some length presently. If we are ever to escape the exorbitant prices of what we conceive to be a monopoly in the armor-plate business; if we are ever to be free from charges that vessels are being delayed on account of the lack of armor; if we are ever to allay the suspicion that the country is being grossly overcharged upon armor plate, we ought now to undertake to settle these questions. Year after year we make the fight in this House, and so far, year after year the armor-plate manufacturers have succeeded, and we who believe that the Government should begin an armor-plate factory in order to reduce the price of armor plate have been defeated.

Mr. HAWLEY. Will my colleague permit a question just there?

Mr. KITCHIN. Certainly.

Mr. HAWLEY. You desire to build a plant in order that you may reduce the cost. Suppose you had the experience in the construction of armor plate that the Government has had in so many other lines of construction; that you found it cost you more than it costs to-day to buy it. Would that affect your opinion on the question?

Mr. KITCHIN. In the first place, I do not believe that what the gentleman thinks is true is true.

Mr. HAWLEY. I have not said it is true, but I am asking you whether that would have a relation to the question.

Mr. KITCHIN. I do not feel called upon to debate every hypothetical question that may be submitted. If the gentleman has any reason to think it would cost the Government more than the Government is now paying and can state that as a fact, then I will have no hesitation in expressing my views upon it. I will even now say that if I thought we could buy plate as cheaply as we can make it after an honest and fair trial, I would favor buying it; but this I do not believe, as I shall try to show in a few

moments. I favor cheaper prices for it or building a factory, because I despise extortion. Mr. Chairman, one other difference is based upon items which we consider extravagant and unwise. There are several of these items, and especially one to which I will presently call the attention of the House, and to which I hope the House will give its attention. It is the "emergency fund." For what purpose is it? No one knows; but it is to be at the disposal of the President, giving him $500,000 to expend as he may see fit in time of peace.

I will take these matters up, not as I have stated them, but in the order, as I believe, of their importance at this time.

I will first consider the armor-plate business. I am sorry I do not see my distinguished friend from New York [Mr. CUMMINGS], the first Democrat on this committee, who has just advocated in an earnestly delivered argument that the Government shall not go into the armor-plate business. This eminent gentleman, however, agrees with the views of the minority as to building some of our ships in our navy-yards.

Mr. Chairman, there have been page upon page of testimony in regard to armor plate. I take it that no man can find from Secretary Herbert's report, the most complete report on the subject ever submitted to the House, or from Admiral O'Neil's testimony before our committee, that armor plate will cost this Government anything like $545 per ton, the price the manufacturers demand for it. I have not my papers before me, as I did not expect to speak to-day, and would not have undertaken to speak except for the absence of the gentleman from Kentucky, who is rarely out of his seat. But my recollection is that the price of labor in a ton of armor plate in Secretary Herbert's report is placed at $165 per ton.

Mr. BARBER. Will the gentleman allow me a question there?

Mr. KITCHIN. I will.

Mr. BARBER. On the question of labor, was that for the labor and material only, or is that the total cost?

Mr. KITCHIN. That is not the total cost, according to my recollection.

Mr. BARBER. That is for what kind of armor?

Mr. KITCHIN. He was discussing the harveyized armor, as I understand.

Mr. BARBER. Was that single or double forging? This is important.

Mr. KITCHIN. I do not know, but suppose he was discussing the best armor known at that time.

I am giving the facts as I understand them. Admiral O'Neil puts the present price of labor and material at $250 per ton in some of his various illustrations.

The raw material in it rarely exceeds $20 per ton. I believe it is more than $20 per ton at the present time, but the average cost of material in a ton of armor plate is, I think, about $20 a ton for a number of years.

Mr. BARBER. Will the gentleman allow me a question right there?

Mr. KITCHIN. Yes, sir.

Mr. BARBER. What do you mean by material?

Mr. KITCHIN. I mean the steel.

Mr. BARBER. Is it not a fact that the Rohrer board, in making the estimate which Secretary Herbert made, said the basis of material was $90 in 1896, at a time when pig iron was worth about one-half of what it is to-day?

Mr. UNDERWOOD. I will state to the gentleman that the Rohrer board placed the price of pig iron at $20 a ton. I have that fact here.

Mr. BARBER. What page is that?

Mr. KITCHIN. Now, Mr. Chairman, I read from page 10 of Admiral O'Neil's testimony.

If we discard, therefore, the consideration of interest charges on plant, which ex-Secretary Herbert claimed should not be considered, and on working capital, the charges against the appropriation for making armor, in the first case of 3,000 tons (the cost being on the same basis as in the preceding cases), would become—

10 per cent for deterioration of plant and its maintenance	$500,000
Cost of 3,000 tons of armor, at $273 per ton	819,000
Total	1,319,000

So Admiral O'Neil has placed it in this calculation at $273 a ton, and in that he includes labor and all material.

Now, he says this divided by 3,000 gives $439.66 per ton. Then if you make 5,000 tons instead of 3,000 tons, he says you would get it at $374 a ton instead of the $545 that the other side think a fair price. Then he says:

A more accurate estimate, in my opinion, would perhaps be—

6 per cent on plant valued at $4,000,000	$240,000
6 per cent interest on working capital of $600,000	36,000
8 per cent for deterioration and for maintenance of plant	320,000
Cost of making 3,000 tons of armor, at $250 per ton	750,000
Total	1,360,000

One million three hundred and forty-six thousand dollars divided by 3,000 equals $448.66 per ton, which does not make any allowance for royalty or for profit unless interest charges be so considered.

If 5,000 tons were manufactured, the figures on the same basis would be—

6 per cent interest on plant valued at $4,000,000	$240,000
6 per cent interest on working capital of $1,000,000	60,000
8 per cent for deterioration and for maintenance of plant	320,000
Cost of making 5,000 tons of armor, at $250 per ton	1,250,000
Total	1,870,000

One million eight hundred and seventy thousand dollars divided by 5,000 equals $374 per ton exclusive of royalty or profit as above.

If we discard interest charges on plant and on working capital, the charges for making armor on the above basis would be—

8 per cent on $4,000,000 for deterioration and maintenance of plant	$320,000
Cost of making 3,000 tons of armor, at $250 per ton	750,000
Total	1,070,000

One million and seventy thousand dollars divided by 3,000 equals $356.66 per ton.

And for 5,000 tons—

8 per cent on $4,000,000 for deterioration and maintenance of plant	$320,000
Cost of making 5,000 tons of armor, at $250	1,250,000
Total	1,570,000

One million five hundred and seventy thousand dollars divided by 5,000 equals $314 per ton.

You will notice, Mr. Chairman, that in all these interest charges for this great plant he has placed the rate at 6 per cent, while we know that the Government can get its interest charges for half that.

Mr. BARBER. Were not these estimates made on the basis of 3,000 and 5,000 tons?

Mr. KITCHIN. They are made on estimates of 3,000 and 5,000 tons.

Mr. BARBER. Is it not a fact that up to this time these armor-plate factories never received orders for more than 2,000 tons in any one year, and that they have never manufactured more than 2,000 tons in a year? That is the average up to this time. All the tonnage has been about 35,000 tons, and less than 2,000 tons have been manufactured in one year.

Mr. KITCHIN. I think the gentleman is in error. I think that each of these American factories has made more than 2,000 tons in a year, and that their capacity is much more than that. I admit that it is probably true that in some years they have made less than 2,000 tons.

Now, Mr. Chairman, I say this is the latest testimony that has been before the committee; and if we make 5,000 tons a year, we can make it for $314 a ton. Of course that would be an immense saving to the Government. That that is a reasonable proposition, I will state that we have in sight to-day, if we pass this bill as is now reported, besides that armor plate for which there is a present necessity for the three battle ships, the *Maine*, the *Ohio*, and the *Missouri*, an additional amount of 31,000 tons, enough to give a factory 5,000 tons a year for the next six years. And in the next six years, if gentlemen determine to increase the Navy at the rate indicated in this bill, we would have not only 5,000 tons for a long time to come, but I make the statement, which I think is true, that we will require ten or twelve thousand tons annually for the next forty years, if we try to keep up with Germany, England and all those countries who stand over the sea, side by side, with daggers drawn upon each other. If the American factories together can not supply annually more than 6,000 tons, then at last will you be driven to a Government factory.

Mr. BARBER. Will the gentleman yield for a question?

Mr. KITCHIN. I will.

Mr. BARBER. As to the basis of 5,000 tons of Krupp iron in Admiral O'Neil's testimony, does not the gentleman know, assuming the capacity of the plants to be as they are, and the cost upon which he has made the estimate, that they can manufacture, as matter of fact, from their present experience, only 2,000 tons of Krupp armor a year?

Mr. KITCHIN. You mean the Carnegie Works and the Bethlehem Works? My information is that it is 3,000 tons of Krupp armor each.

Mr. BARBER. Two thousand tons from present experience; they are only manufacturing Krupp armor.

Mr. KITCHIN. I remember asking some gentleman when the committee was down at the Bethlehem Works, and he told me that their capacity was 3,000 tons, as I recall it.

Mr. BARBER. Of harveyized iron.

Mr. KITCHIN. I understood it was the best iron. The armor involved in the report of Admiral O'Neil is the Krupp iron. Why, gentlemen, if you would go down and see one of the little armor plates—I will admit that they are both powerful and expensive—you will find here and there a piece of iron plate that will astonish you by its cost and size. It is perhaps 8 or 10 feet wide and 14 or 16 feet long and 9 or 10 or 12 inches thick, and what do you reckon it costs the Government? Twelve or fifteen thousand dollars—enough to buy a good plantation in any State in the Union.

Whenever you look at it the first thing that strikes you will be "What? Does that cost $12,000?" You can not conceive it; you can not understand it until you go down into the figures of these men who have been selling armor plate to us and other nations of the world. I believe there is a general feeling throughout the country from one end to the other that the Government is being, as it were, held up by the armor-plate factories. A piece about 20 inches each way is sold for $545.

Mr. LANDIS. May I suggest to the gentleman that diamonds not so large as that would cost more money?

Mr. KITCHIN. Yes; and if the gentleman is as hard put to sustain his side of this matter as to ask that question, I do not think I am called upon to answer him.

Mr. LANDIS. You are judging of value by the size; and I say that you will find diamonds not so large as that more valuable.

Mr. KITCHIN. But we will not find diamonds which men have made from rough material quite so expensive as those you wear, and but little more expensive than Krupp armor plate at present prices. Now, this is what Admiral O'Neil says, and I commend it to the gentleman from Indiana. He says:

> In my opinion, the price asked for armor plate has no very direct bearing on the cost of production. It is practically in the hands of a monopoly, which naturally desires to get as high a price for it as it can.

That is in Admiral O'Neil's testimony, showing that it is practically a monopoly. Of course they will hold us up as high as they can. Have you not heard the advocates of buying the plate from private corporations say that these factories will sell to one nation at $700 a ton, to another at $600 a ton, to another at $545 a ton? This shows to common-sense men that there is no way of estimating the true cost of the armor by any prices which they demand. That is my opinion of it.

Mr. WATSON. Will my colleague permit a question?

Mr. KITCHIN. Yes.

Mr. WATSON. How long, in your opinion, would it be, if we should authorize a Government armor-plate factory, before we could manufacture armor plate?

Mr. KITCHIN. I think if the Secretary of the Navy is in thorough accord with the Government armor-plate factory, we could begin work in two years to make armor plate, perhaps earlier; but I am not an engineer of sufficient skill to state exactly. Much will depend upon the spirit of those charged by law with its construction.

Mr. WATSON. Would the gentleman suspend the completion of the three battle ships now ready for armor until that time?

Mr. KITCHIN. No, sir. My friend knows that in the committee (perhaps he was not present at the time) every member of the minority said that we were in favor of the Government going ahead, notwithstanding it was held up, and buying armor plate enough to complete these three ships—the *Maine*, *Ohio*, and *Missouri*—let the cost be whatever it might. But what I would do is to look out for the future, so that we should not be held up again.

Mr. WILLIAMS of Mississippi. The gentleman from Indiana [Mr. WATSON] has an opportunity to provide for the future, and he declines to do it.

Mr WATSON. No.

Mr. KITCHIN. The same condition will confront you next year that confronts you this.

Mr. WHEELER of Kentucky. The gentleman from North Carolina will understand that the bill originally provided that all the armor plate should be paid for at this price; that the Secretary of the Navy should be authorized to purchase all the armor plate—31,000 tons—at these prices.

Mr. KITCHIN. The gentleman from Kentucky is correct; but this is the point I wish to impress on the gentleman from Indiana: Unless you take steps now to provide for the reduction in the general price of armor plate, year after year you will be put in the same position in which we now find ourselves in regard to these three battle ships—on the dock ready for armor plate. Then the cry will come that we must have the armor plate at once, and all will be compelled to yield to exorbitant prices for armor plate as a specific pressing necessity. That is what we want to provide against. We want to stop the conditions which will annually hold us upon this matter. Congress should act now, so that hereafter no monopoly can dictate extravagant prices upon the taxpayers of our country.

If you are determined that nothing shall ever be done to reduce the high prices of armor plate, that we shall never have a Government armor-plate factory to compete with other factories, then I ask you in the name of common candor to bring the matter to a test here, to raise no technical objections to this amendment when it shall be presented, but to settle this question fairly and squarely, so that the American people may know upon whom rests the responsibility of armor at $545 per ton.

I will read from the views of the minority, prepared with great care by the distinguished gentleman from Kentucky, to whom I have referred and who I say deserves large credit for the fight we intend to make in behalf of the people on this important question:

> Now, since this statement was made the gentleman's company has furnished the Government armor for $400 per ton.

This referred to the statement of Mr. Schwab, who was then as now with the Carnegie factory.

Mr. Schwab's testimony was:

> I have no hesitancy in saying that if you will give us 3,000 tons a year we will give you a very nice rebate in price for every ton over 3,000.

If the Government undertakes this business, it will make five or six thousand tons a year and perhaps ten or twelve thousand tons annually.

Mr. Schwab continues:

> If you will give us 3,500 tons a year we will give you a rebate of $100 a ton on every ton over 3,500, so important is this item of keeping our works occupied. We could well afford to make that reduction if we had the same quantity of armor to make that other people do.

We understand further that since this statement was made they have taken contracts at $400 a ton.

Mr. BARBER. For what kind of armor?

Mr. KITCHIN. Probably harveyized.

Mr. BARBER. But not the Krupp.

Mr. KITCHIN. I will come to your distinction presently. I think I will show that there is not all this difference between the cost of making Krupp armor and harveyized armor that the gentleman from Pennsylvania seems to think there is. But however that may be, we have here the statement that if we will give these people a contract for 3,500 tons a year, they will give us a rebate of $100 a ton on every ton over 3,500; and since that statement was made they have made this harveyized armor for us at $400 a ton. If we had given them a contract for 3,000 tons over 3,500 tons a year, they would have made it for $300 a ton, according to that statement, would they not?

Mr. BARBER. Does the gentleman want an answer?

Mr. KITCHIN. No, sir; it carries its answer on its face.

Now, as to the Krupp armor, every gentleman knows that within the last three or four years all the great armor-plate factories have improved their plants by providing labor-saving machinery, etc., and in my opinion they can to-day make Krupp armor as cheaply as they could harveyized armor five years ago.

Mr. WHEELER of Kentucky. The gentleman will allow me to say that I am in possession of information which I am not at liberty to disclose, because the person imparting it declined to give me that privilege, showing that Krupp armor can be made for $100 a ton cheaper than harveyized.

Mr. BARBER. Let me reply to that statement.

Mr. KITCHIN. I am afraid my time will not allow me.

Mr. BARBER. The Secretary of the Navy does not admit that statement to be correct.

Mr. WHEELER of Kentucky. He does not know anything more about this than the man in the moon.

Mr. BARBER. But he has his experts to give him information.

Mr. GAINES. May I interrupt the gentleman?

Mr. KITCHIN. Yes; for a moment.

Mr. GAINES. As has been stated here, Secretary Herbert recommended the building of an armor-plate factory. I read from page 86 of his report:

> I therefore recommend that if Congress shall determine by law upon any limit of price to be paid, it shall also authorize the Department to erect or buy an armor plant and a gun plant, and, if need be, to lease such plant until it can construct its own.

Mr. WATSON. I do not know that I ought to inject this controversy here; but I call attention to the use of the word "until" in the paragraph just read.

Mr. KITCHIN. I can not yield for a controversy between other gentlemen. I call attention to the fact that although gentlemen connected with the armor-plate factories were formally or informally invited to come before our committee and give us further information on these subjects—the information with which the gentleman from Pennsylvania seems to be filled—yet they did not come. They responded that they stood by their former statements, one of which I have read you from Mr. Schwab. They did not come to us and give us openly and fully the information which we desired.

Secretary Herbert believed, like thousands of other good people in this land, some of whom, I suppose, have taken as much pains in this matter as the gentleman from Pennsylvania (with all due respect to him), and the great country believes, that we are being "gouged" in this armor-plate business; and we believe that in the light of past events—events of the recent past—there is no escape from the position in which the Government is placed except by meeting these makers of armor plate boldly like men and telling them that we will no longer submit to the prices demanded by their monopoly (which Admiral O'Neil calls it), but that we will make our own plate.

Mr. WILLIAMS of Mississippi. May I ask the gentleman a question?

Mr. KITCHIN. Certainly.

Mr. WILLIAMS of Mississippi. Taking advantage of your information and committee service, is it not your belief that if this Congress were to pass an amendment to this bill to the effect that the Government should establish an armor-plate factory and appropriate the money for it, unless on or before the last day of the present fiscal year the Secretary of the Navy should have received bids at a rate that we consider reasonable—is it not your opinion that we never would have to erect an armor-plate factory at all?

Mr. KITCHIN. That is my opinion, and I will state that in the views of the minority we say that we believe in buying our armor plate wherever we think we can get it at reasonable prices. We do not believe in the Government creating more offices; we do not believe in giving the Government more business to attend to; but we say that rather than to have extortion practiced upon us, we believe that, in defense of the great masses of the people who are back of us, we should resort to the building of an armor-plate factory, considering it a necessity for fair treatment.

Mr. GAINES. Will my friend yield right on that point?

Mr. KITCHIN. My time is very limited, but I will yield.

Mr. GAINES. On the question of monopoly and combination between the two companies, the Carnegie and the Bethlehem companies, Mr. Herbert says:

Here, then, we have the pregnant facts that the two companies in the United States have had a perfect understanding with each other as to what they should charge their own Government; that the five companies in France seem to have had a like understanding with each other as to what they should charge their Government; that the price of armor in France rose gradually from 1891 to 1894, as improvements were adopted, to about the same price as that which was charged by the Bethlehem and Carnegie companies to Russia in 1895, after the former company had forced its way into the European market. I am informed, upon authority which I believe to be good that about, or perhaps before, the time of the last contract of the Bethlehem Company with Russia there was a meeting in Paris of the representatives of the principal, if not all, of the armor manufacturers of Europe and America.

Mr. KITCHIN. We have in the views of the minority testimony of that character, to which I may refer later. Mr. Chairman, the minority in our views say:

We have been unable to find, after much investigation, where anyone places the labor cost in a ton of armor plate above $185.50; the decided weight of evidence puts it at $165, and much evidence entitled to weight as low as $156; the cost of the steel ingot will seldom exceed $20, which, together with the royalty (and there is grave doubt in our minds if any royalty whatever is paid; see Admiral O'Neil's testimony), make up the total cost of producing a ton of armor plate. This is, of course, from the standpoint of the purchaser, and does not take into consideration the profit of the company nor interest on the plant or wear and tear of same.

And we came to the conclusion from all we could learn that the armor plate would not cost the Government, after we get our plant in full operation and after a fair trial, more than $230 a ton. This is exclusive of interest charges and royalties.

Now, it is natural that the gentleman from Pennsylvania [Mr. BARBER], the home of both these American armor-plate factories, should represent his own constituency and do all that he can fairly and squarely, as he is doing, to prevent the Government from coming in competition with his constituents. So I will state candidly that when we appeal to the House of Representatives to authorize the erection of an armor-plate factory, in case we can get no material reduction in prices, we have no good grounds to hope for the support of the gentleman from Pennsylvania or of his colleagues, although we would be glad to have it.

Mr. BARBER. You say that the estimate of the labor cost ranges from $185 down to $156 a ton?

Mr. KITCHIN. Yes.

Mr. BARBER. Where do you get that $156 estimate?

Mr. KITCHIN. As I have stated, my distinguished colleague on this committee [Mr. WHEELER of Kentucky] carefully prepared this report; and no doubt when he comes to address you, if you will listen to him, he will give you all the information you desire.

Now, let us see about the building of ships. The question of building ships, the naval constructors seem to think, is of great importance.

Constructor Bowles, as I understand one of the best naval constructors on the pay list of the Government, is at the New York Yard, Constructor Stahl is another eminent naval constructor, now at the Norfolk Navy-Yard, Constructor Baxter is also in the front list of naval constructors——

Mr. DRIGGS. And Admiral Hichborn, Chief of the Bureau.

Mr. KITCHIN. These eminent naval constructors all say, without hesitation, that in their opinion the Government ought to have under construction at least one ship in each of the largest and best equipped navy-yards all the time. These navy-yards are designated to be the Mare Island Navy-Yard, on the Pacific coast, and the Brooklyn Navy-Yard, in New York, and the Norfolk Navy-Yard, in Virginia. One of these gentlemen said if they would today give the order for one of the 8,000-ton cruisers included in this bill to be built in the navy-yards, that he could begin the construction of it to-morrow in either the Brooklyn or Norfolk Navy-Yard. The New York or Brooklyn Navy-Yard has cost the Government and the Government now has invested in that yard more than $19,000,000. It has invested in the Norfolk Navy-Yard more than $5,000,000, and it has invested in the Mare Island Navy-Yard over $1,000,000. This very bill increases the amount for construction and repair of vessels in the navy-yards $3,000,000 over last year's bill, and yet fails to recommend the construction of a single vessel in those yards. The appropriation for this purpose was last year $3,000,000. In this bill it is $6,000,000.

Mr. DENNY. May I ask the gentleman a question?

Mr. KITCHIN. Certainly.

Mr. DENNY. I desire to ask the gentleman whether he proposes any amendment to conform with the recommendations of the constructors?

Mr. KITCHIN. I will state in reply to the gentleman that we shall make the attempt, and we hope no points of order will be made against it, to amend this bill so as to build at least three ships—that is, to authorize the building of three ships, one each in these navy-yards which I have just named—and we shall also offer an amendment providing that if the Government can not get the armor plate that is now required at a certain price—I think, $400 per ton—in that event the Secretary of the Navy shall proceed to buy at any price the armor plate that is now needed; but if he has to buy it at a higher price than the figure which I have mentioned, or than we think is reasonable, then he shall at once proceed to construct an armor-plate factory.

Now, I have stated the amount invested in these navy-yards, and of course we have our naval officers there; but I believe I can give the House more information by reading some extracts from the testimony taken before the committee, and I take it that no man here can contradict this testimony in any case.

First, Mr. Constructor Bowles, of New York, makes this statement:

Mr. LOUDENSLAGER. I would like to ask a question. In your judgment—you speak of it being wise for the Government to construct ships in some yards for the advantages that will accrue—do you have any hesitancy in stating what you deem those advantages to be?

Mr. BOWLES. I endeavored to go over those advantages in the beginning, and, generally, they are these:

That it provides a means of maintaining the efficiency of the mechanical force and the machinery and plant; it renders repair work economical and rapid; it removes the tendency to increase alterations and repairs to existing vessels; it maintains a standard of workmanship with which we can require the contractors to comply, and it provides training for those who must inspect the contract work. Those are the material things for which you will pay. * * *

I will say a few words now about the general subject of building ships in the navy-yards. I recommend the building of some vessels in the important navy-yards of the United States, because I believe it to be good business; and if I owned those yards and kept them for the purposes they are now kept for, I should say that it would be a sensible thing to do to build one ship in each of the important yards all the time, simply to keep them in order and maintain a sufficient force ready for all emergencies.

Mr. METCALF. I want to ask Mr. Bowles, if he has no objection, to state what navy-yards are now ready to build ships.

Mr. BOWLES. I am familiar with the New York yard and the Norfolk yard, and I believe on this coast those two yards are ready to take up any work you see fit to give them. I do not know about the Mare Island yard of my own knowledge, but Mr. Baxter was the constructor there for a number of years, and he is fully qualified to express an opinion about it. I believe it is capable of taking up the work.

The CHAIRMAN. We are very much obliged to you, gentlemen, for your instructive statements.

I also want to quote from the statement of Constructor Stahl, now of the Norfolk Navy-Yard, and I wish gentlemen would pay attention to this for this reason——

Mr. LOUDENSLAGER. Will it disturb my colleague if I ask him a question?

Mr. KITCHIN. Not a bit.

Mr. LOUDENSLAGER. Did Mr. Bowles also state in that hearing that that same degree of efficiency could be obtained if sufficient repair work was given to the navy-yard?

Mr. KITCHIN. I do not recall it, but I presume he did say that if they had sufficient repair work to occupy them all the time it could be done; and I should think myself that that would be true if you could occupy your navy-yards fully with repair work of all kinds.

Mr. DAYTON. Will the gentleman permit a question?

Mr. KITCHIN. Certainly.

Mr. DAYTON. You will be frank enough to state that Constructor Bowles gave nine reasons for and nine reasons against, and it is a question to be determined by a man's judgment whether the nine reasons for or the nine reasons against are the stronger.

Mr. KITCHIN. The gentleman from West Virginia can bring out the differences and develop those facts when he comes to speak; but whatever he may develop, he can not escape the conclusion that the gentleman, Constructor Bowles, who gave those pros and cons and who weighed those things before coming before our committee was strongly in favor of building some ships in the navy-yards, showing that certainly, to his mind, the reasons for building some ships in our navy-yards were entitled to far more consideration than those against the proposition.

Here is what Constructor Stahl, of the Norfolk Navy-Yard, says.

I hope every gentleman will give this matter attention. When a question is asked what the cost of a ship built by private shipbuilders is, they give you the amount authorized by the bill, say $3,000,000, and it is rare that they will include in the statement of cost armor and armament, furniture, and other kindred things. None of his evidence has been denied, and I take it none of it can be denied.

Constructor Stahl, of the Norfolk yard, says:

Mr. WHEELER of Kentucky. I would like to ask you a question, going back to the matter that we have had under discussion. You have Mr. Bowles's statement. Summarizing his statement, or answering, what in your judgment would be the wisest thing for the Government to do—construct or not to construct vessels in the navy-yards?

Mr. STAHL. I think there is no doubt whatever about the advisability of constructing a certain proportion of our ships in the principal navy-yards. To me this seems so self-evident a proposition that it hardly needs argument.

Mr. WHEELER of Kentucky. Is that answer predicated upon the same reasons assigned by Mr. Bowles?

Mr. STAHL. Substantially the same. There is one thing I might add. Briefly, I think we can build at some of our principal yards, equipped with modern tools as they are, even more cheaply than Mr. Bowles thinks, and I see no reason why we should not build as cheaply there as can be built at any private yard.

Right here I will say that when we built ships ten or twelve years ago in our navy-yards we were not prepared to build them as we are now. We did not then have the immense strong machinery for lifting and moving large parts of the vessels. We have improvements in the navy-yards now that they have in the private shipyards.

Mr. METCALF. In your judgment would it lessen the cost of repairs if they had one or two vessels on the stocks?

Mr. STAHL. There is no question whatever; it is as certain as anything can be.

Let us assume, for the sake of argument, that the navy-yard and the private yard can build a certain ship at exactly the same cost. Let us further assume that the cost of hull and machinery, say for a ship like the *Indiana*, is $3,000,000, and that the contractor or the Norfolk yard can either of them build it for this sum. With the contractor you make a contract for $3,000,000. With the navy-yard you simply give the order to build the ship. The navy-yard spends $3,000,000 for hull and machinery. The contractor also builds the hull and machinery, for which the Government pays him $3,000,000. Now, then, in the navy-yard we go on; we make necessary changes the same as in a private yard. We provide armor, we run her speed trial, and do all other necessary work not covered by the contract or original order.

In all these ways we spend, say, another $3,000,000 before the ship is finally completed in the yard. That work has to be done in the case of the contract-built ship just the same, and the Government has to pay for it just the same. In the case of the *Indiana* the Government paid out for this extra work—I did not just now mean to say $3,000,000; in the *Oregon* it was nearly $3,000,000—but in the *Indiana* the Government paid out for this identical work $2,300,000. In the one case the navy-yard spends $3,000,000, and then $2,300,000 more. Then we say, and say truthfully, that the navy-yard ship has cost $5,300,000 altogether. But you go and ask the price of the corresponding ship that was built at the private yard, and, unless the man you ask is well informed, he will say the contract price was $3,000,000, leaving you to infer, if you choose, that that was the total cost.

Mr. MUDD. That is what I want to get at.

Mr. STAHL. That is the erroneous comparison. The contract price is not the total cost. It is only a portion of the total cost; and in some cases it has been barely half the price.

Mr. MUDD. From the result of your observations, I would judge that in past times building in navy-yards did not cost any more.

Mr. STAHL. No; I am of the opinion that many of the comparisons made in the newspapers have been very misleading.

One word more about this inspection. You paid $60,000, plus a good deal more, to inspect the work on the *Kentucky*. If you built that ship at a Government yard, you would have to inspect the work also, but the same men who do the designing and superintending would do the inspecting, and it would not begin to cost you anything like that sum. Furthermore, consider the contract price of the *Kentucky*, $2,250,000. I tried to get the cost of the changes on her, which I know to be large, though doubtless entirely proper, but I could not get them in time. When you contracted for that ship, you did not include the furniture, or the blocks, or boats, or cooperage, and lots of other things in the contract. I built those articles at the Norfolk Navy-Yard. They cost $50,000. What did the *Kentucky* really cost? That $50,000 must be added to her contract price. So must also the cost of inspection, cost of authorized changes, and many other items. That sort of thing goes right straight through. There lies the danger of making a wrong comparison. A comparison of the contract price in the one case and the actual cost in the other is utterly misleading.

Now, Constructor Baxter says:

Mr. WHEELER of Kentucky. Do you think it would be wise or unwise for the Government to construct one or more ships at this yard?

Mr. BAXTER. I do consider it would be very wise for the Government to construct a certain number of ships at its yards.

Mr. WHEELER of Kentucky. Do you indorse the view taken by Mr. Bowles and Mr. Stahl in regard to keeping a ship constantly under construction in a yard?

Mr. BAXTER. I think that is a great advantage.

Mr. DAYTON. What is your opinion under present conditions, if we should undertake to do any work in navy-yards; what character of vessels do you recommend should be given to the yards and what given to contract?

Mr. BAXTER. I should give armored cruisers to the navy-yards.

Mr. DAYTON. The great big ones?

Mr. BAXTER. Yes, sir.

Mr. DAYTON. The largest vessels ever undertaken—the new types?

Mr. BAXTER. Yes, sir.

Mr. DAYTON. Will you give your reasons for that?

Mr. BAXTER. Because in doing that the yards are able to do anything else they will ever be called upon to do; that is the reason.

Mr. LOUDENSLAGER. Would that be in any sense an experimental construction on the part of the yards?

Mr. BAXTER. No, sir; not at all; no more than any other work that is undertaken here. There are certain set plans and certain set specifications, and the people in charge use skill, and knowledge, and judgment in directing and carrying on the work.

Mr. HAWLEY. Could you give the construction of an armored cruiser as large as 12,000 tons to a navy-yard?

Mr. BAXTER. Yes, sir.

These extracts are not exceptional, but are fair samples of the testimony. [Applause.]

Now, Mr. Chairman, the other point which I said I would charge on this bill was the extravagance. I ask the Chairman how much time have I remaining?

The CHAIRMAN. The gentleman has twelve minutes remaining.

Mr. KITCHIN. Well, I have not time to yield to anyone; and I want to run over some of the items of extravagance, as I see it. As I understand it, Mr. Chairman, this bill carries an appropriation of $13,000,000 in excess of any bill heretofore reported, and an excess of $26,000,000, or nearly double, of any naval bill heretofore reported in time of peace. This enormous excess shows a strong tendency of the American Congress to extravagance.

Gentlemen have spoken here, the gentleman that preceded me, our able and distinguished acting chairman, who has the highest respect of every member of the minority, and, I take it, certainly of the majority, and the distinguished gentleman from New York [Mr. CUMMINGS], and both have shaken in our faces here what Germany is going to do, what Italy is going to do, and what England is going to do. The very paper that the acting chairman read showed you that in sixteen years from now, according to the German programme, that the German navy would double itself in tonnage.

But, gentlemen, if we were only asked to double ourselves in tonnage in sixteen years, there would certainly be no necessity for the two battle ships. I do not think they are necessary, and to them I object as one of the minority, though there are some who do not object to them. If we should proceed for the next sixteen years increasing our Navy as is done in this bill, then, instead of doubling our Navy in tonnage in the next sixteen years, we would quadruple it. [Some gentlemen shook their heads.] Yes, sir; this bill makes a provision for about 90,000 tons of war ships, according to my estimate, and a like tonnage for sixteen years, added to our present Navy, would equal the navy that England has to-day. But if the German programme is carried out, which I understand would add 422,000 tons to the German navy—am I correct? I will ask the gentleman from Illinois if his statement was not to the effect that the German navy would be increased by 422,000 tons in the next sixteen years?

Mr. FOSS. That is true.

Mr. KITCHIN. Then, if that is true, my statement is true, because in this bill the two battle ships are of 12,500 tons each. That is 25,000 tons, and three armored cruisers, each of 13,000, is 39,000, which make 64,000 tons; and then the three smaller cruisers, of 8,000 tons each, making 24,000 tons, run it up to 88,000 tons this year, while the German navy in all that time would increase a little over 26,000 tons a year, and we will be more than trebling the increase of the German navy annually. While she may double her navy in sixteen years, we will, at the rate of this bill, quadruple our present navy and have a navy more than twice as large as the German navy then, according to the figures on which the gentleman from Illinois and the gentleman from New York based their calculation.

Therefore I shall follow the recommendations of the Secretary of the Navy. When he sent his report to Congress he did not recommend the building of these two battle ships, but did recommend the building of cruisers, both large cruisers and small cruisers.

Mr. FOSS. Will the gentleman allow me to ask him a question right there?

Mr. KITCHIN. Yes, sir.

Mr. FOSS. If you are against the building of the battle ships, why are you in favor of the armor-plate factory plant? Battle ships use armor plates, but armored cruisers use not more than 10 or 12 per cent of the amount of their displacement.

Mr. KITCHIN. That is a fair question. I do not hesitate to answer the gentleman. I state that in this conflict we expect to be run over on this battle-ship question, and I want to meet the doubt by settling the armor-plant question in favor of the people. And of course, whether we strike out the battle ships in this bill or not, we will have to provide over 25,000 tons of armor besides that now needed, and we will probably continue for some time to come to build a battle ship or two now and then. I do not believe that we need the two extra battle ships. The Secretary of the Navy did not recommend them.

Mr. DAYTON. Will the gentleman yield to me?

Mr. KITCHIN. Certainly.

Mr. DAYTON. Do I understand the gentleman to mean that his advocacy of the armor-plate factory is in order to avoid the construction of battle ships?

Mr. KITCHIN. No; the gentleman from West Virginia does not so understand me, nor does anybody else. I gave what I considered a proper reply to the question propounded by the gentleman from

Illinois. If we never authorize another battle ship, we already have in sight the necessity for more than 20,000 tons of armor, and the armored cruisers will require armor. It is probable that we will continue to need armor for a long time. But that question will come up under the five-minute debate, and perhaps some of us will have something more to say at that time about it.

Now, another increase. Let me read from the minority views just this:

But to this particular bill: It seems to us that some appropriations are practically duplicated in the bill by stating a sum total in one part of it for some purpose and then also stating in other parts of the bill specific amounts for the same purposes in each navy-yard. As for example, "For repair and preservation" of navy-yards and stations in one item is given $500,000. Also, for the maintenance of yards and docks is given $475,000. Then under each navy-yard is given a specific sum for repairs and improvements, in the aggregate amounting to $210,000. If the committee were to put these items together, it would tend to attract the attention of the public more closely, for they amount to $1,185,000.

In addition to this, Mr. Chairman, every single item of new repairs and improvements that have occurred to the Secretary of the Navy were, as I understand it, recommended in his report or in his letter to the committee.

Another thing for the civil establishment. Mr. Chairman, I suppose it is not known to all that our different civil establishments in the different navy-yards cost this Government $255,000 for civil-clerk hire. It is a result of our bureau system. There are nine different bureaus, if I make no mistake, and each bureau at every navy-yard has to have its own department and its own quarters, its own clerical force, and everything else pertaining to it; and if one department gets a little ahead of the other in dignity or expense, they all try to even it up. I think it encourages a spirit of emulation in extravagance, and I believe the bureaus ought to be consolidated in some way, and diminish their number. I believe it is a cumbersome system and occasions a great deal of unnecessary expense to the Government.

Mr. FOSS. Will the gentleman yield to me for a question?

Mr. KITCHIN. Certainly.

Mr. FOSS. Does the gentleman think $255,000 for clerk hire is extravagant, in consideration of the fact that we are spending millions of dollars at the navy-yards and have invested there in property to the value of probably $50,000,000?

Mr. KITCHIN. I do think it is an extravagant appropriation on account of your bureau system. I understand this is an appropriation for nine different bureaus; that means for the civil establishment about $30,000 for each bureau, when if we only had two or three bureaus, the same clerical force which now acts for one bureau could act for three or four, and instead of its requiring $30,000 for clerk hire, I believe it could be done for less than $10,000. I am not as old in naval affairs as the gentleman from Illinois, but I am giving the House the honest conclusions I have arrived at in my service upon that committee and trying to do it plainly.

Mr. DAYTON. If my friend will pardon me, do you think one head is capable of performing the duties and managing the Bureau of Steam Engineering, of Navigation, of Medicine and Surgery, and Equipment and Supplies, and the many other branches that require experts in the Navy Department?

Mr. KITCHIN. In response to that I will say that I understood the theory of the majority is that it is now under one head, the Secretary of the Navy; and whenever we attack it, they say it is practically under one head. I do say, however, that one man who is master of his business would have intelligence enough to surround himself, not with independent heads of independent bureaus, but with competent men to advise him. He would have such help as he could depend upon. I imagine he would have the finest engineer he could get; he would have the best other officers under him; he would have the best men obtainable, and take their advice, and then he would not require so much clerical force in these different situations.

Mr. DAYTON. Would it make any difference whether he was called a head of a bureau or a surgeon-general?

Mr. KITCHIN. I claim nothing on account of their titles. Under the present conditions we know there are independent bureaus with independent heads, making independent reports, and all trying to take care of themselves, and, incidentally, of each other. If they were all under one head, one controlling mind, one brain to guide and direct this entire naval business of the United States; if the man at the head had sufficient wisdom to gather about him the experts of these different divisions, it would not be the same as it is now. It would be a superior system, a more economical system, and not be liable to the charges that can be made against the independent-bureau system.

Mr. DAYTON. One other question. Is not that substantially the fact now?

Mr. KITCHIN. I think not.

Mr. DAYTON. The Secretary of the Navy, the head, had these bureau chiefs and other men gathered around him because they are experts in these matters.

Mr. KITCHIN. The gentleman's statement is doubtless true, but these bureau chiefs, as I understand, are independent of each other, have their own establishments, etc., which makes the system extravagant, expensive, and cumbersome. The gentleman might go on and say that the President is at the head of everything.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. KITCHIN] has expired.

Mr. KITCHIN. Mr. Chairman, I dislike very much to ask for an extension of time; but I would like to have about ten minutes more; I have been interrupted very much.

The CHAIRMAN. Is there objection to extending the gentleman's time for ten minutes? The Chair hears none.

Mr. KITCHIN. Now, Mr. Chairman, only one other item, and I will be through the discussion of this bill. There is in the aggregate for contingent expenses of the Bureau of Yards and Docks, the Bureau of Medicine and Surgery, the Bureau of Equipment, the Bureau of Construction and Repair, the Ordnance Bureau, the Bureau of Steam Engineering, Bureau of Supplies and Accounts, Marine Corps, etc., the sum of $467,300. Now, gentlemen, in all candor, would it not seem that $467,000 would be sufficient for all contingent expenses—for anything that may be contingent or unexpected? But in addition to this appropriation for contingent expenses there is inserted in this bill a new item, in which there is given as an "emergency fund" the sum of $500,000, to be used at the discretion of the President.

Now, Mr. Chairman, in my opinion it would be unwise at any time or on any occasion to give this vast sum of $500,000, to be disposed of as an emergency fund by the President. It is true that we unanimously voted in the last Congress to give the President $50,000,000, because we knew what he wanted to do with it. He wanted to prepare our Navy at once to meet the Spanish enemy. But here is an emergency fund in time of profound peace—an emergency fund of half a million dollars to be placed at the disposal of the Executive. I believe that under the Constitution it is the duty of Congress to appropriate money; and I believe we ought never to exercise that duty unless we know for what specific purpose, as nearly as may be, the money is to be used. I believe that on a question of this kind it is the judgment of Congress that ought to be taken, not the judgment of the Executive.

One other thing, and I say it in all kindness to the other side of the House and to the Executive. We have to-day an Executive who has not been stable in his convictions on great questions affecting this Government. We certainly do not know what position he may occupy six months from now. We know not whether he may, in order to maintain the Navy, decide under his expansion theories to buy some little island out in the South Seas and there entangle us. We know not what he may do. We have heard him declaring at one time the good American doctrine that "forcible annexation is criminal aggression"—a doctrine which we, at least, on this side of the House believe—and then a few months later we have seen him reject that doctrine and advocate oppressive principles under the name of "benevolent assimilation."

We have seen him in December send to this House a well-considered message telling us that free trade was our "plain duty" with the Porto Ricans, and then before the flowers had bloomed change his mind upon the subject. He can not well say, and no other man can well say that he changed in hostility to the trusts; because if his motive was hostility to the trusts, why did he make any reduction at all? If 15 per cent was to be maintained, because he wished to defeat the trusts, why did you not maintain the whole 100 per cent? That cry of being against the trusts will deceive no American citizen.

When we see the President, when dealing with the very basic principles of American government and American liberty, change his mind so quickly, I hesitate to put into his hands an emergency fund of $500,000 to be expended wherever upon the earth or the sea he may see fit.

If the gentleman from Illinois will pursue the argument that he made when he said we could build better ships than any other nation on the face of the earth; that our nation would be the great shipbuilding nation of the world; that we had the steel and the coal and the labor and the intellect to build a great American navy and a great merchant marine—if we can do that; and if foreign nations are to-day, as he told us, having their ships built here, I want the gentleman to consider whether that argument will not lead him to antagonize the Hanna-Payne ship-subsidy bill when it reaches this House. [Laughter and applause.]

I do not share the general opinion that our Navy should be constantly increased to the size of England's. We do not need one so large. We need a strong, well-equipped, well-built, well-armored with the best armor, and well-manned navy. I favor a larger navy, but I do not favor the rate of increase embodied in this bill. Great navies are of great cost, which must be borne by the people. It is proper for the Government officials to submit to Congress their estimates, but it is the duty of the representatives of the people to carefully scrutinize those estimates, and to do so

fearlessly. It is easy for high-salaried officials to forget how and from whom the United States gets its revenues. This bill carries more than $61,000,000 cash appropriations, and authorizes contracts for millions more. The ships alone authorized by this bill will probably cost complete $50,000,000, none of which is appropriated by this bill. Internal taxation is bearing heavily upon the people. The question of how to raise our money will be with us always. When the country learns fully of this enormous bill the people will exclaim, "Is it imperialism? Is it colonialism? Is it to keep the Constitution from following the flag?" When they think of the burdens being placed upon them unnecessarily it will be a sad day for the Republicans.

I believe, Mr. Chairman, that I have covered the main points upon which I differ with the majority of the committee with regard to this bill. I know that we all have the same patriotic love for America; that we all desire that when we put battle ships on the seas they shall be the best battle ships, the best armored, the best manned of any in the world. No one wants us to face an enemy with inferior machines. And however much gentlemen on the other side may think we on this side are in error, no man can say that any expression or intimation, either by countenance or by word of mouth, has ever escaped the members of the minority contrary to the principles I have just announced, and no man ever will, because we on this side have as much at heart the glory and the honor and the preservation of the American Union as any Republican ever dared to have. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

S. R. 114. Joint resolution for the relief of Garfield Hospital;

S. 2762. An act to authorize the Secretary of War to correct the military record of Wynn W. Pefley;

S. 2259. An act for the relief of Jeronemus S. Underhill;

S. 943. An act to provide for the erection of a public building in the city of Great Falls;

S. 3286. An act to diminish the number of appraisers at the ports of Philadelphia and Boston;

S. 879. An act for the relief of Levi Stoltz;

S. 558. An act to make increment and accretions upon the sums reserved by the Department of State from the fund received by the United States upon the account of the payment of the awards of the late Spanish and American Claims Commission, and to pay and distribute the same;

S. 3465. An act to provide an American register for the steamship *Garonne;*

S. 3679. An act granting a deed quitclaim and release to Lorillard Spencer, his heirs and assigns, of all the right, title, and interest in and to certain land in the city of Newport, R. I.;

S. 78. An act granting a pension to Samuel W. Childs;

S. 314. An act granting a pension to Rosa L. Couch;

S. 825. An act granting an increase of pension to Joseph B. Coons;

S. 1031. An act granting an increase of pension to Thomas H. Kearney;

S. 1126. An act for the relief of Mrs. Narcissa G. Short;

S. 1274. An act granting an increase of pension to Augustus C. Pyle;

S. 1347. An act granting an increase of pension to Marie Sharpe;

S. 1569. An act granting a pension to Phebe E. C. Priestly;

S. 1776. An act granting a pension to John Carr;

S. 1901. An act granting a pension to Elvira Hunter;

S. 1975. An act granting an increase of pension to Annie D. M. Wood;

S. 2101. An act granting an increase of pension to George E. Scott;

S. 2142. An act for the relief of Anna Whitney Tarbell;

S. 2400. An act granting an increase of pension to Edith Lockwood Sturdy;

S. 2570. An act granting an increase of pension to John M. Swift;

S. 2729. An act granting a pension to Eliza L. Reese;

S. 2795. An act granting an increase of pension to Christina Noll;

S. 3058. An act granting an increase of pension to Hariet E. Meylert;

S. 3082. An act granting a pension to Elizabeth F. Wolfley;

S. 3099. An act granting an increase of pension to Melancthon McCoy;

S. 3119. An act granting an increase of pension to Lewis Terry;

S. 3137. An act granting an increase of pension to Lunsford Ellis;

S. 3139. An act granting a pension to John B. Wetherbee;

S. 3268. An act granting an increase of pension to Elisha F. Barton;

S. 3314. An act granting a pension to Mary I. Bradbury;

S. 3337. An act granting an increase of pension to Buren R. Sherman;

S. 3436. An act granting a pension to Catherine Weinheimer;

S. 3467. An act granting a pension to Hellen Lang;

S. 3470. An act granting a pension to Rosalia Tejidor Brinckerhoff;

S. 3480. An act granting a pension to John Holland;

S. 3534. An act granting an increase of pension to Helen G. Heiner;

S. 3549. An act granting an increase of pension to William A. Keyes;

S. 3708. An act granting a pension to John H. Harrison;

S. 3790. An act granting an increase of pension to Anna M. Collins;

S. 3899. An act granting a pension to James Cook;

S. 3900. An act granting a pension to Sarah Clark;

S. 3922. An act granting an increase of pension to Mary Corinne Blandin;

S. 4007. An act granting an increase of pension to Bernard Dunn;

S. 4030. An act granting a pension to Helen M. Glenny; and

S. 3670. An act authorizing and directing the Secretary of the Interior to issue a patent to the heir or heirs of one Tawamnoha, or Martha Crayon, conveying to them certain lands in the State of North Dakota, confirming certain conveyance thereof, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 625. An act granting an increase of pension to Wesley Reed;

H. R. 963. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Greenbay, Wis.;

H. R. 1147. An act granting an increase of pension to Luke H. Cooper;

H. R. 3654. An act granting a pension to Calvin E. Myers;

H. R. 1681. An act granting an increase of pension to Isaac M. Locke;

H. R. 1677. An act granting an increase of pension to Missouri B. Ross;

H. R. 8599. An act granting a pension to Ellen J. Williams;

H. R. 3821. An act granting an increase of pension to Frances D. Best;

H. R. 3758. An act granting an increase of pension to Joshua Ricketts;

H. R. 8397. An act granting an increase of pension to John White;

H. R. 4795. An act granting an increase of pension to John O'Connor;

H. R. 6486. An act granting an increase of pension to Orange F. Berdan;

H. R. 6731. An act granting an increase of pension to William F. Tait;

H. R. 6900. An act granting an increase of pension to Benjamin F. Kurtz;

H. R. 1946. An act granting a pension to Jane F. Chalmers;

H. R. 8339. An act granting an increase of pension to Charles H. Gates;

H. R. 4562. An act granting a pension to Lois A. Fields;

H. R. 3312. An act granting an increase of pension to Ellen V. Myer;

H. R. 4836. An act granting an increase of pension to Wilbur F. Loveland;

H. R. 6089. An act granting a pension to Alfred T. Moreland;

H. R. 1768. An act granting an increase of pension to George J. Stealy;

H. R. 4657. An act granting a pension to Laura S. Pontious;

H. R. 8045. An act granting an increase of pension to Wilford Cooper;

H. R. 7323. An act granting an increase of pension to Harrison Canfield;

H. R. 6019. An act granting a pension to Mrs. Therese W. Hard;

H. R. 5170. An act granting a pension to Cyrus Johnson;

H. R. 5171. An act granting an increase of pension to William R. Wallace;

H. R. 3962. An act granting an increase of pension to Alanson C. Eberhart;

H. R. 8605. An act granting a pension to Joseph Champlin;

H. R. 6356. An act granting an increase of pension to Lewis R. Armstrong;

H. R. 7799. An act granting an increase of pension to Franklin M. Burdoin;

H. R. 5961. An act granting an increase of pension to Charles A. Hausman;

H. R. 4654. An act granting an increase of pension to Simon Van Der Vaart;

H. R. 5134. An act granting an increase of pension to Joseph F. Allison;
H. R. 3214. An act granting a pension to John S. Dukate;
H. R. 4089. An act granting a pension to Emily Burke;
H. R. 1172. An act granting a pension to Rebecca J. Jones;
H. R. 2303. An act granting an increase of pension to Levina M. Payne;
H. R. 3454. An act granting a pension to Joseph E. Baldwin;
H. R. 3941. An act granting a pension to Samuel B. Weeks; and
H. R. 8390. An act granting an increase of pension to Joshua Mitchell.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 10449. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes;
H. R. 856. An act granting a pension to Mary McGrath;
H. R. 4267. An act granting an increase of pension to Ezra A. Bennett;
H. R. 4335. An act granting a pension to William H. Edmunds;
H. R. 4606. An act to amend the charter of the East Washington Heights Traction Railroad Company; and
H. R. 5970. An act granting a pension to Phebe S. Riley.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. FOSS. Mr. Chairman, inasmuch as the majority—and I mean by that those who are in favor of the report of the committee—have consumed two hours, and we have had only one speech from the minority, I suggest that it is proper that we should at least have another speech from that side before we proceed further upon this side.

Mr. WHEELER of Kentucky. That is not right, Mr. Chairman. I do not think it would be fair to say that the gentleman from New York [Mr. CUMMINGS] represents the majority, because he very specifically stated that while he did not sign the minority report he differed very radically with the majority on many of their propositions.

Mr. CUMMINGS. What is the proposition?

Mr. WHEELER of Kentucky. The proposition is that he is charging you to his side as having occupied a part of the two hours which he says have been occupied on that side, and he desires us to occupy still more of the time. I will state, Mr. Chairman, that it is customary in debates of this sort to alternate.

Mr. CUMMINGS. I think you ought to alternate.

Mr. WHEELER of Kentucky. I think you ought to alternate. I think it would be hardly fair to require some gentleman of the minority to proceed now without giving us any opportunity to hear from any member of the majority who proposes to go into details in defense of this bill. The chairman generalized and summarized the bill in its presentation to the House. We have had absolutely no opportunity to judge of the position the majority propose to take upon the questions at issue. I do not think it is right to require us to proceed on this side, although we want to be entirely fair about it.

Mr. DAYTON. The report shows the position that we take. We stand in defense of the bill.

The CHAIRMAN. The Chair will recognize any gentleman on the committee who desires to take the floor. If no gentleman desires to take the floor, the bill will be read by paragraphs.

Mr. CUMMINGS. Mr. Chairman, I was interrupted during my speech, so that I failed to continue a line of argument on which I had started, and that was with regard to the building of ships in the navy-yards of Europe.

The CHAIRMAN. The Chair understands that the gentleman from New York [Mr. CUMMINGS] consumed all of his time.

Mr. CUMMINGS. The Chair said he would recognize anybody on the committee who wished to take the floor.

The CHAIRMAN. The Chair, of course, intended that the gentleman should understand that he would do so under the rules of the committee. He meant any gentleman who had not spoken.

Mr. CUMMINGS. I think if the gentleman from New York [Mr. DRIGGS] wants to take any time he had better go ahead now.

Mr. WHEELER of Kentucky. Mr. Chairman——

The CHAIRMAN. The gentleman from Kentucky.

Mr. CUMMINGS. If the gentleman from Kentucky [Mr. WHEELER] is to be recognized, I ask the privilege of extending my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FOSS. I ask unanimous consent that I may extend my remarks in the RECORD, and also that I may make a part of my speech the report which I prepared as a part of the bill, including the illustrations.

The CHAIRMAN. The Chair hardly thinks that latter request is within the province of the committee. That will have to be done in the House. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Does that include the illustrations?

The CHAIRMAN. As far as printing illustrations is concerned, that is a matter in the control of the House and not of the committee.

Mr. WILLIAMS of Mississippi. That is what I thought.

Mr. KITCHIN. I should like to ask permission to extend my remarks also in the RECORD.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GAINES. I should like to ask consent——

The CHAIRMAN. The Chair recognized the gentleman from Kentucky [Mr. WHEELER].

Mr. KITCHIN. Before that, if the gentleman from Kentucky will yield.

The CHAIRMAN. Does the gentleman from Kentucky yield?

Mr. WHEELER of Kentucky. I will yield; yes.

Mr. KITCHIN. I should like to state that I think some one on the other side ought to speak now, because, as I recollect just now, after the gentleman from New York [Mr. CUMMINGS] has spoken——

The CHAIRMAN. The Chair will suggest that that is a matter for private arrangement.

Mr. KITCHIN. I am going to ask the gentleman to see if that was not the understanding at that time——

The CHAIRMAN. Of course, if no gentleman desires to take the floor, there is but one thing to do and that is to read the bill.

Mr. WILLIAMS of Mississippi. The gentleman from Kentucky [Mr. WHEELER] has yielded to the gentleman from North Carolina, and he has the right to say what he chooses during the time yielded to him.

Mr. KITCHIN. I just want to state again, to see if I have the correct recollection of the matter——

The CHAIRMAN. Of course this comes out of the time of the gentleman from Kentucky [Mr. WHEELER].

Mr. WHEELER of Kentucky. That is all right. Let it come out of my time.

Mr. KITCHIN. There is a gentleman here who I think ought to speak on the other side, and I will state why. A short time ago, after the gentleman from Illinois [Mr. FOSS] had spoken, and after the gentleman from New York [Mr. CUMMINGS] had spoken, then I did not want to speak this evening, as the Chair well remembers, but the gentleman from Kentucky [Mr. WHEELER] was momentarily absent from the Hall, having been here all day, and when the question came up, as I understood it, the gentleman over here said that both the speeches which had been made had been on the same side, that is, the speeches of the gentleman from New York [Mr. CUMMINGS] and the gentleman from Illinois [Mr. FOSS], and that therefore one of us ought to proceed on the minority side. Now, if that is true, then certainly one of the gentlemen on the other side, it seems, ought to follow me.

Mr. WHEELER of Kentucky. I understand that is a matter which is entirely under the control——

Mr. WILLIAMS of Mississippi. The gentleman from North Carolina is just making the point, though.

Mr. KITCHIN. I was just making the point that was made just now.

Mr. DAYTON. I will say in response to my friend that I do not care to speak unless something else is said against this report.

Mr. WHEELER of Kentucky. I will yield my hour of time to the gentleman from New York [Mr. DRIGGS], and if the gentleman from West Virginia has anything to say, then I will have something to say.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHEELER] yields one hour to the gentleman from New York [Mr. DRIGGS]. The gentleman from New York is recognized.

Mr. DRIGGS. Mr. Chairman, it is a source of the deepest gratification to me, not only as a Representative upon the floor of this House, but also as a citizen of the Republic, that the Committee on Naval Affairs has deemed it wise to recommend so liberal and important an increase of the Navy. It is also a source of satisfaction to me to realize that upon the question of the increase of the Navy the members of this House stand united, Democrats, Populists, and Republicans alike, all being in favor of the construction of more ships. This policy, if adhered to during the next few years, will demonstrate to the world that we propose at all times to be ready to defend the rights of American citizens, protect American ships, and uphold the honor of the nation wherever it may be necessary.

There are, however, several features of the bill to which the

minority members of the committee filed an adverse report, and while I know nothing about an armor-plate plant, I desire to express my concurrence in their views in relation to the policy of constructing some one of the proposed ships in the navy-yards. I will also endeavor to demonstrate that it would be advisable for the Government to inaugurate the policy of constructing a certain proportion of its ships in its own navy-yards.

I propose to commence my remarks by going back to the time when Great Britain first authorized the construction of war ships in her own yards; then coming to a later period, to treat of her method of comparing the relative cost of vessels constructed in her dockyards with those built by contract in private yards, and then to the time showing what we, the United States, did, and why, if we adopted the same system, the same fair plan of action that Great Britian had adopted, there would be no question whatever as to whether we could construct our own ships to-day in our own yards as cheaply as they are to-day constructed in the contract yards.

An account was presented to the British Parliament in 1896 by the admiralty showing the comparative cost of war vessels built under the provisions of the national defense acts of 1889 to 1893, by contract and in the government dock, or, as we say, navy-yard. The report concludes by stating that—

> For the first time a standard, imperfect though it may be, appears to be available by which to test the result of work in Her Majesty's dockyards.

The comptroller and auditor-general, Sir Charles L. Ryan, appended to this report the following statement:

> The comparative results show that dockyard shipbuilding is more favorable in the case of first-class battle ships, but not so economical, so far as can be judged by aggregate cost under the other types; while it is noticeable that dockyard results under the same types vary considerably inter se.

Note carefully that notwithstanding the extra cost of all classes of war ships, excepting battle ships, built in the English dockyards as compared with private or contract dockyards, the English Government, alike famous for its navy and the most economical administration thereof of all its various departments, adheres rigidly to this day to its policy of constructing a certain number of war vessels in its own dockyard.

Now, then, Mr. Chairman, you will notice it was in 1889 that the English national-defense act was passed. Four years transpired, to 1893, and still no comparisons were allowed by the English Parliament between the Government-built ship and the contract-built ship. Three years longer went by, to 1896, before these comparisons were allowed or were made, and why? These statements that I am now giving in relation to the English-built ships are from a paper written by Mr. Francis Elgar, delivered before the Institute of Naval Architects in 1896 in Great Britain.

Mr. Elgar is considered by all naval authorities the world over to be the most expert in this line of evidence now living. I believe that is conceded by most naval architects and most naval theorists, at least so far as the construction of ships is concerned.

When they first commenced building war vessels in the Government dockyards what did they find? They found in the contract yards, or private yards, as I shall call them, different systems in every single solitary particular. They had different methods of bookkeeping, different methods of acquiring material, and different labor-saving devices unknown to the dockyards. They found the private machine shops better equipped, better located, and more convenient to the work to be performed than those in the dockyards.

When the Government started in to compare, it did the only just and fair thing. It reformed and revised its entire system of constructing ships and account keeping in the English dockyards. It appointed a commission, which went all over Great Britain to the great private yards. The owners of the private yards allowed comparisons to be made between their systems of bookkeeping and the Government system of bookkeeping; I mean account keeping in every single particular; and after the Government had made a most careful study of the subject, it adopted the best system that could be conceived, namely, the best of the various systems of all other yards.

It then found, in addition to that, that the machine shops and other buildings, to which I alluded a while ago, were not as conveniently located in Government dockyards as in the private yards. They made an allowance for each and every one of these things, and then came the question of labor. In the Government yards it was ascertained, and beyond any question of doubt whatever, that the laborers first employed in the Government dockyards were not equal in productive ability to the laborers employed and engaged in the private yards. And why? Because the private yards had for a great many years—some of them established in 1853 and one of them established in 1849—been making merchant ships, been building the merchant marine, and therefore their laborers better understood the art of shipbuilding. The men employed by the Government in the Government dockyards when the Government commenced building warships therein, in 1883, understood practically nothing about their construction and therefore were at a great disadvantage.

There are many little details in relation to these yards that I do not care to allude to just now; but I will say that from the time the national-defense act was passed until 1893 70 ships were built. There were 8 first-class battle ships, 2 second-class battle ships, 9 first-class cruisers, 29 second-class cruisers, 4 third-class cruisers, 18 torpedo boats, and nearly all these ships were building or built at the time of the comparison made by Elgar. The construction of the ships were carried out as follows:

Vessels.	Private yards.	Government dockyards.
Battle ships	2	3
Second-class battle ships	Not completed.	Not completed.
First-class cruisers	3	4
Second-class cruisers	17	4
Third-class cruisers	None.	All built in.
Torpedo boats	6	5

The remainder of ships were not in an adequate state of completion for comparison.

Now, I desire to give the figures as to the cost of these ships in relation to their construction in comparison with all these English ships. I regret exceedingly that neither the gentleman from New Jersey [Mr. LOUDENSLAGER] nor the gentleman from Pennsylvania [Mr. BUTLER] is present, because I would like them to hear this, as it relates to one of the questions asked in the Committee on Naval Affairs:

Average costs of the dockyard and contract vessels of various classes built under the naval defense acts of 1889 and 1893.

[Direct charges, exclusive of reserve gun mountings.]

	Hull, fittings, and equipment.				Gun mountings, torpedo tubes, etc.	Steamboats.	Admiralty inspection.	Total of direct charges, as per naval defense act.	Dockyard incidental charges.	Total cost, including incidental charges.
	Hull, etc., exclusive of vertical armor.	Vertical armor.	Total.	Propelling and other machinery.						
First class battle ships:										
Dockyard	£331,454	£261,250	£592,704	£102,316	£80,281	£7,430	.....	£782,731	£60,859	£843,590
Contract	423,429	200,000	682,978	97,645	77,908	6,663	£28,068	872,962	9,830	882,792
First-class cruisers:										
Sheathed—										
Dockyard	210,805	21,000	231,805	96,606	28,406	6,022	.....	363,016	34,010	397,026
Contract	.....	.....	234,256	97,238	29,943	3,505	4,246	369,188	4,993	374,181
Unsheathed—										
Dockyard	203,398	21,000	224,398	102,914	32,947	4,181	.....	364,440	37,791	402,231
Contract	.....	.....	229,521	95,340	29,233	8,850	3,633	355,577	4,988	360,565
Second-class cruisers:										
Sheathed—										
Dockyard	112,226	6,000	118,226	60,466	11,022	660	.....	190,374	24,096	214,470
Contract	.....	.....	106,947	66,088	9,153	644	1,202	184,034	2,597	186,631
Unsheathed—										
Dockyard	92,197	6,000	98,197	67,090	9,080	689	.....	175,038	14,734	189,772
Contract	.....	.....	97,130	64,804	9,184	633	1,034	172,785	2,151	174,936
Third-class cruisers:										
Dockyard	.....	.....	77,280	51,898	7,618	667	.....	144,063	16,759	157,822
Contract	.....	.....	64,234	46,421	10,642	.....	1,753	123,050	.....	123,050
Torpedo gunboats:										
Dockyard	.....	.....	28,257	23,984	5,625	494	.....	58,300	8,015	66,315
Contract	.....	.....	25,663	20,077	4,660	430	846	51,676	742	52,418

The above table is from page 87 of the Transactions of the Institution of Naval Architects of Great Britain for 1896, and while it might be profitable for me to make comment thereon in my own language, I deem it advisable to use the comments of the great naval authority, Francis Elgar, esq., who is the compiler of the same. On page 88 Mr. Elgar uses the following language:

The average amounts shown in Table B show the average cost to the admiralty of the dockyard-built and the contract-built ship, respectively. * * * The expenditure upon the hulls, fittings, and equipment is the actual cost of the work in the case of the dockyard ships, but in the case of contract ships the expenditure shown in the tables includes the unknown but important item of profit or loss to the contractor. This requires to be remembered in judging of the figures.

He also states in other parts of his argument that there was practically no difference in the cost of the principal materials, such as steel, timber, and other large items between the admiralty and the contract built ships. He states, further, that there were differences of rates of wages, and especially in the individual earnings of certain classes of piece workers, and then in detail we are told the various classes of labor in the private yard, which received higher wages than those in the Government yards. I might mention, taken at random from that list, riveters, drillers, wood workers, and ordinary mechanics.

But their output of work was greater than the work of the same class of men in the Government yards. It is also demonstrated beyond question that another reason for the additional labor cost on the Government-built ships in these English dockyards, as compared with the contract ships, was the fact that the various machine shops, hoisting cranes, and other large pieces of machinery absolutely essential in the construction of a ship were not as centrally located as the machine shops, hoisting cranes, etc., in the private yards. This point is so very important that I would respectfully ask every member of this House to take it into careful consideration when finally voting upon the proposition submitted in the report of the minority.

Mr. Chairman, I respectfully apologize to the House for quoting so liberally from the article written by Mr. Elgar, but I can not make too emphatic the fact that he is considered by naval architects the world over as the most eminent specialist on the subject here under consideration. He states in relation to the labor that—

The differences of cost of work, whatever these may be, apart from the profits or losses upon contracts, appear to be due not very much to difference in prices of material or rates of wages, but chiefly to the extent to which the various yards are laid out and are equipped with machines and appliances for performing this class of work with facility and economy and at a minimum of expenditure for the transport and handling of materials and the employment of labor upon them; and also to the good organization of the labor with reference to the special requirements of the work, * * * and at such rates as contribute most effectively to the general progress and economy of the whole.

You will probably notice in the table above given that some of the English dockyard-built ships are cheaper than the contract ships, while others are more expensive, the greater expense of the Government-built ships being particularly noticed in the case of first-class cruisers. This, however, was easily explained away by Sir Nathaniel Barnaby, K. C. B., one of the Admiralty, who stated that the additional cost was brought about entirely through the changing of the gun mounts on the dockyard ships and not changing the gun mounts on the contract ships; that is to say, that the first-class cruisers built in the dockyards were arranged with heavy muzzle-loading rifles. But as these rifles became obsolete prior to their completion, the Admiralty was forced to have the gun mounts sufficiently heavy for the satisfactory support of the guns of heavier tonnage.

The total cost, including the incidental charges, of the first-class battle ships built in the Government dockyards, was £843,000 (see table), while in the contract yards it was £882,000; or, in other words, a difference of about £39,000 in favor of the Government-built ships. That is as to the battle ships.

The next item is that of the first-class cruisers. There are two classes given, and in all these classes in mentioning cruisers two classes are referred to—the sheathed and the unsheathed. The first-class sheathed cruisers built at the Government dockyards cost £397,000, while the cost of the contract-built first-class sheathed cruiser was £374,000. The cost of the unsheathed first-class cruiser in the Government dockyards was £402,000, and the contract-built cost £360,000.

In the second-class cruisers you will find that the difference is so small that it is hardly worth mentioning. In the sheathed class the difference in favor of the contract ship was about £14,000, and in the case of the unsheathed ship it was about £15,000.

In the third-class cruisers it amounted to some £24,000. In the case of torpedo boats and torpedo gunboats it amounts to about £14,000 difference. Great Britain and France through their reports have conceded that torpedo boats can not be built as cheaply in the Government yards as they can in private yards. They also concede that torpedo gunboats can not be built as cheaply in Government yards as they can in private yards and that third-class cruisers can not be built as cheaply; but battle ships and first and second class cruisers, sheathed and unsheathed, can be built more cheaply to-day in these Government yards than they can be built in private yards.

The expense given in these items which I read a moment ago upon the hulls, fittings, and equipments is the actual cost of the work in the case of the dockyard ships, but in the case of contract ships the figures contained in the tables include the unknown but important item of profit or loss to the contractor, and to that I will allude later.

In the case of English ships built in the Government yards note carefully that everything conceivable except the armament, stores, and ammunition was included, and by everything I mean hull, machinery, masts, spars, dynamos, derricks, cables, anchors, lifeboats, rafts, gun mounts, and so on.

I mention these different things because when I arrive at one stage of my argument I propose to compare this system with the system in vogue in the United States when our comparisons were made. Under the head "Dock-yard expenditure" you will notice a vast difference in favor of the contract ships, that demonstrates more than any other feature the absolute fairness of the English comparison, inasmuch as these charges were largely made up of surveys of ships on receipts from contractors, steam launches, carrying out the steam, gunnery, electric and torpedo trial trips, and making alterations and repairs.

In our yards at the time ships were constructed, according to an article by Mr. Baxter, a naval constructor of this country, in a paper read by him on navy-yard expenses, he most emphatically states that in many cases the masts, rigging, electrical plants, and miscellaneous articles were not included in the specifications given out to the contractors for the contract-built ships in our country, and when provided by the shipyard additional compensation was paid.

He says, further, with every war ship numerous small but expensive fittings and many minor changes and additions are necessary after some experience with the crew on board. This work has usually been done by the navy-yards, but when done by the shipyards they have received additional compensation. During the greater portion of the decade premiums were offered for trial results which exceeded the contract requirement; the amounts thus earned varied with different ships, but their totals caused increased expenditure on the part of the Government amounting to no small proportion of the total contract price. The contractors were also reimbursed for the cost of these trial trips.

I do not wish at present to go extensively into the subject of cost of labor in our yards, but will prepare for the treatment of this subject by submitting the following statement of cost per ton of the labor employed in the construction of certain ships in Her Majesty's dockyards:

Statement of cost per ton, weight of hull, fittings, and equipments, exclusive of armor and protective-deck plating, of the labor employed in the construction of the undermentioned ships in Her Majesty's dockyards.

Name of ship.	Period of construction.	Cost per ton.
		£ s.
BATTLE SHIPS.		
Colossus	1879–1886	57 8
Conqueror	1879–1886	48 14
Rodney	1882–1888	50 14
Camperdown	1882–1889	45 16
Trafalgar	1886–1890	36 6
Royal Sovereign	1889–1892	32 0
CRUISERS.		
Mercury	1876–1883	50 0
Mersey	1883–1887	41 18
The Fourth	1884–1891	39 12
The Barham	1888–1891	34 18
The Crescent	1890–1893	33 4

This table is in many ways fully as instructive and important as the table first given, for you will note in the construction of the *Colossus* seven years were necessary for its full completion from the date of first laying the keel, and the cost was about $285 a ton for wages; while in the case of the *Royal Sovereign*, the last-mentioned battle ship, you will observe that the time required for her complete construction was only about three years, and that the cost for wages was only $160 a ton.

Without going into a full argument on the subject of the cruisers, comparing the length of time and the amount of wage saved from the construction of the *Mercury* to the building of the *Crescent*, it is sufficient to say that it is a remarkable fact, demonstrated by the above tables, that as the shipbuilding mechanics became more proficient in their work the length of time necessary for the complete construction of the ships was greatly reduced, and the reduction of wage per ton was also cut down in proportion.

To-day it is a well-known fact to every foreign naval architect that first-class battle ships can be constructed in government dockyards where the equipment is as thorough as in contract yards, at a cost varying from 5 to 10 per cent less, exclusive of incidental charges, than in contract yards. First and second class protected and unprotected cruisers are also being constructed in foreign

governmental dockyards from 2 to 3 per cent cheaper than contract charges; while it is freely admitted, on the other hand, that gunboats, torpedo-boat destroyers, and torpedo boats can not be built as cheaply in the government yards as in the contract establishments.

Shipbuilding work in the foreign dockyards has progressed with rapid strides in a straightforward manner, and the friendly rivalry between the mechanics employed by the government and those employed by contract yards has become so great that the work done for the government itself, whether in government or private yards, has been considered infinitely superior to the work prior to 1876, when almost all the work was performed by private contractors. The construction of ships in foreign dockyards is now considered as essential an arm to the national defense as the proper maintenance of a navy or the thorough equipment and training of an army.

Now, Mr. Chairman, why, in all fairness, should we not, in view of the grave responsibilities which have been thrust upon us on account of the war with Spain, take an interest equally as great in our national defense and providing for the common welfare as do those in authority in the nations and countries of the Old World? Some one, however, may say that the figures given by me above, and the authority so liberally quoted, simply deal with the proposition of English dockyards, and before giving in detail the work being done in the various dockyards of the different countries of the Old World allow me to quote the exact language of Bienayme, inspector-general of naval construction of France, in re France:

> In France the cost of war ships, whether constructed in public or private dockyards, is very much the same. In no one case does one see in France the wide differences which have been brought to notice by Mr. Elgar.

Now, you can see from the comparisons made in the English yards they were eminently fair to the Government; and I contend that at the time the comparisons were made in this country we were eminently unfair to the Government. All through England, prior to the date of the comparisons as to the cost of their ships, there was a great hue and cry among the people as to the vast amount of money expended for Government-built ships, and in the House of Commons a member of the House of Commons, whose name I have forgotten, rose in his place on the floor and said it was not right that Great Britain should construct ships in her own yards when they could be constructed so much more cheaply in private yards. The reply then was that the time had not arrived for comparisons to be made between contract ships and Government dockyard-built ships.

From 1883 down to 1896, after thirteen years of continuous construction had passed, the English Admiralty said, "We are ready to compare the cost of ships built in the Government yards and the cost of ships built in the contract yards." I might say, too, that in Great Britain the cost of material to the Government and contractor is practically the same. There large contracts are made, and naval constructors are able to call for any kind of material they may require in the construction of a ship. Suppose, if you please, there has been a thousand tons of steel contracted for; or, if you like, four or five hundred tons of beams, nuts, and bolts that are necessary for the construction of a ship; the naval constructor has the right to telephone or order just such material as he needs on that contract.

Now, I believe our naval constructors in this country are just as honest, and just as capable, and just as fair as any naval constructors on the face of the earth; and if they had that system in this country, they would be able to go into the markets and purchase, as they do in Great Britain, in the cheapest places. [Applause.] The system in this country is all wrong. Mr. Bowles, in his statement before the Committee on Naval Affairs, said that under the system in vogue in this country we are compelled to buy everything of the very best quality; and he also states in another place that in many parts of the ship it is not always absolutely essential to place material of the very best quality.

I mean around the small work—brass and so on used in railings; but under our law everything has to be of the very best. I contend now, on the floor of this House, that in the contract-built ship of the United States built at the private yards contractors do not put in first-class material in all parts of the vessel, such as is called for by the plans and specifications, because it is not necessary for the strength or safety of the ship. I make no invidious comparison or any unjust charges.

Mr. CANNON. Will the gentleman yield to me?

Mr. DRIGGS. Certainly.

Mr. CANNON. The gentleman, I perceive, is in favor of constructing ships in the navy-yard?

Mr. DRIGGS. Yes; some of them.

Mr. CANNON. He speaks of buying material out of which to construct ships. Why not go to the end logically and mine the coal, quarry the limestone, erect the furnace and make the steel, cut down the trees and build the sawmills, saw and plane the lumber? Why stop with the construction in the navy-yard; why not make it dead sure and give labor proper employment and prepare all the material? Why not prepare the material that is to enter into the construction of the ship at the Government expense?

Mr. DRIGGS. I will answer with pleasure, because the gentleman from Illinois has been exceedingly courteous to me since I have been a member of the House.

I will say that later in my argument—for I have been granted an hour—I propose to take up the subject of the national defense in connection with Government war-ship building. I believe it should be the policy of this Government, following the policy of England, France, Russia, Germany, Denmark, Sweden, and Austria, to construct some of our ships in our own yards, simply as an auxiliary branch of the national defense. If we deem it necessary to have a standing army, if we deem it necessary to arm our militia, if we deem it necessary to man our ships and our guns, I contend it is just as necessary to have shipbuilding mechanics in our yards as it is to have an efficient small standing army, an efficient militia, and a competent navy. [Applause.]

Mr. CANNON. That does not answer my question.

Mr. DRIGGS. I believe that if the Government is authorized to buy its own material at the cheapest rates obtainable there will be no room for dispute when the comparison comes to be made between the cost of the Government constructing ships in its own yards and the construction of them by contract.

Mr. CANNON. But, if the gentleman's argument is good, why should not the Government manufacture its own steel, mine its own coal, cut down its own lumber, erect its own sawmills, etc.?

Mr. DRIGGS. I can understand exactly the point of the gentleman's question, which is, Why should not the Government go into all sorts of business enterprises so far as it needs any kind of material for Government work? On that subject I fully agree with the gentleman. I do not believe it would be advisable for us to erect sawmills, to mine coal, and everything of that kind. But when a question of national policy comes up, then I believe that we as legislators should use our best judgment as to what it is best for the nation to do in that particular case, looking at the business of the nation as a practical question. I do not know that I have answered the gentleman's question, but I have tried to do so.

Mr. CANNON. I do not see that the gentleman has met my question satisfactorily. He, coming from Brooklyn, represents a navy-yard district. In the navy-yard of his district ships may be constructed. I represent a district where we have furnaces, where we mine coal, where we have steel mills (and you can not build ships without steel), where we have lumber also. Now, why should not the Government found a plant in my district where it can manufacture steel, where it can mine coal, where it can cut lumber, etc.? Why should it not make dead sure that the raw material, so to speak, entering into our ships is provided? We have competent mechanics and other workmen there. I desire the gentleman to tell me why this proposition would not be on all fours with the proposition to establish an armor plant?

Mr. DRIGGS. I understand what the gentleman from Illinois wants me to say. I have tried to answer his question. I am not in favor of the Government going into all sorts of business enterprises. But where a question of national policy and national defense is involved I would have the Government take up the question exactly as I believe it should take up a question of financial policy, such as has recently been settled in this House.

Where the honor of the nation may be involved, where it is proper that we should have at all times an able and efficient corps of men to do the work of the Government, where important work is to be done for the defense of the Government, I would have the Government establishments work side by side with those engaged in private business, because in that way they can be a check one upon another, and would do far better work than under a different system. We will procure far better results where private and Government workmen are placed in competition with each other than we could if certain men were allowed to have a monopoly of a certain line of industry. In view of these considerations I believe it can be demonstrated that it is advisable for us to build some of our own ships in our own navy-yards. [Applause.]

Mr. GAINES. Can the gentleman tell us what governments of Europe have their own armor factories?

Mr. DRIGGS. I do not know anything in regard to the armor-plate question. I am not talking about that.

Mr. GAINES. I know that Russia, Italy, and France have their own armor factories.

Mr. DRIGGS. I know nothing about that. I am simply talking of the proposition in regard to Government ships.

To continue, Mr. Bowles explained in his statement before the Committee on Naval Affairs that under our system of yard management requisition upon requisition is frequently needed for the procurement of the simplest necessities. Why this is I know not. It may be the result of a system which is intended as a protection for the Government against extravagance. I simply repeat what I said a few moments ago, that I do not believe our constructors in this country are more extravagant or wasteful of the public money than those of foreign countries.

The labor in foreign yards, taking it as a whole, is of equal productive ability. I gave the reason for that a few moments ago. The mechanics, the foremen, the boys, and the laborers of every description in English dockyards are on a par with those in the English private yards. It is true that in all English ship or dock yards the hours of labor are the same, but the rates of pay are not the same. The rates of pay in private yards are higher than in Government yards, so that the Government has had considerable difficulty in obtaining the best laborers for work in its own dockyards. But at the same time it is said by Professor Elgar that in all probability the average wages, with several exceptions, earned by each of the two classes of men—the one in Government yards and the other in private yards—are about equal, and their productive ability is also equal.

Mr. GAINES. Can the gentleman give us the modus operandi of manufacturing guns at the Government armories at Springfield, Mass., and other places? The gentleman from Iowa [Mr. HULL] stated some time ago that the best guns in the world were made at those Government gun factories.

Mr. DRIGGS. I know nothing about the manufacture of guns.

Proceeding with my argument, the following table will show the status of the different navies according to a report issued by the British Parliament in July, 1898:

	Completed.							Under construction.						
	England.	France.	Russia.	Germany.	Italy.	United States.	Japan.	England.	France.	Russia.	Germany.	Italy.	United States.	Japan.
Battle ships	52	27	12	9	15	5	3	12	8	6	5	2	3	3
Armored cruisers	18	9	10	3	3	2	1	8	10	1	2			6
Protected cruisers	95	30	3	7	15	14	10	24	10	3	3	3	1	6
Unprotected cruisers	16	16	3	21	1	10	8							1
Coast-defense ships	15	14	15	19		*20	3			1				
Torpedo vessels	35	13	17	2	15		1		2					
Ships for special purposes	3	1	5	1	2	1								
Torpedo-boat destroyers	50		1					46	8	28	1	1	20	6
Torpedo boats	98	211	114	113	142	18	44		36		9	2	32	12

*Including 6 double-turret monitors, 13 old single-turret monitors, and the ram *Katahdin*. The 13 old monitors would hardly be included in computing the strength of the Navy on the usual basis of age, speed, etc. (O. N. I.)

†Torpedo boats completed, 13; under construction, 13. (O. N. I.)

Vessels launched in 1899.

ENGLAND.

Name.	Class.	Tonnage.	Built at—
Bulwark	Battle ship, first class	15,000	Devonport.
Glory	do	12,950	Birkenhead.
Implacable	do	15,000	Devonport.
London	do	15,000	Portsmouth.
Venerable	do	14,700	Chatham.
Vengeance	do	12,950	Barrow.
Victoria and Albert.	Royal yacht	4,700	Pembroke.
Britomart	Gunboat	700	Liverpool.
Pioneer	Cruiser, third class	2,200	Chatham.
Sandpiper	Gunboat	85	
Thistle	do	700	Glasgow.
Woodlark	do	150	Shanghai.
Woodcock	do	150	Do.
Lee	Torpedo-boat destroyer	283	Poplar.
Spiteful	do	322	Newcastle.
Viper	do	210	Hebburn on Tyne.

FRANCE.

Jeanne d'Arc	Cruiser	11,270	Toulon.
Suffren	Battle ship, first class	12,278	Brest.
Henri IV	Battle ship, second class	8,948	Cherbourg.
Jurien de la Gravière.	Cruiser	5,685	L'Orient.
Infernet	Cruiser, third class	2,452	Bordeaux.
Admiral de Gueydon.	Armored cruiser	9,517	L'Orient.
Zélée	Gunboat	646	Rochefort.
Décidée	do	645	L'Orient.
Hallebarde	Torpedo-boat destroyer	308	Havre.
Durandel	do	308	Do.
230	Torpedo boat	86	Bordeaux.
Morse	Torpedo boat (submarine)	141	Cherbourg.
Narval	do	106	Do.

RUSSIA.

Gromboi	Armored cruiser	12,336	St. Petersburg.
Diana	Cruiser	6,630	Do.
Warysg	do	6,630	Philadelphia.
Pallada	do	6,630	St. Petersburg.
Yenesei	Transport	2,500	Do.
Delphin	Torpedo-boat destroyer	350	Elbing.
Som	do	350	Birkenhead.

Vessels launched in 1899—Continued.

GERMANY.

Name.	Class.	Tonnage.	Built at—
Kaiser Wilhelm der Grosse.	Battle ship	11,180	Kiel.*
Niobe	Cruiser	2,645	Bremen.
Tiger	Gunboat	896	Danzig.*
S-91	Torpedo-boat destroyer	350	Elbing.

ITALY.

Garibaldi	Battle ship	7,398	Sestri-Ponente.
Varese	do	7,400	Leghorn.
Agordt	Gunboat	1,339	Castellamare di Stabia.*
Coatit	do	1,339	Do.*
Lampo	Torpedo-boat destroyer	320	Schichau.
Pellicano	Torpedo boat	147	Sestri-Ponente.

JAPAN.

Hatsuse	Battle ship, first class	15,000	Newcastle.
Asahi	do	15,200	Glasgow.
Yakumo	First-class cruiser	9,800	Stettin.
Idzumo	Armored cruiser	9,800	Elswick.
Miyako	Torpedo-boat destroyer	1,800	Kure.
Kagerou	do	279	Thornycroft.
Sazanama	do	300	Yarrow.
Inadzumi	do	311	Do.
Yuguri	do	279	Thornycroft.
Oboro	do	311	Yarrow.

AUSTRIA.

Kigyo	Torpedo boat	133	Poplar.*
Aspern	Torpedo cruiser	2,437	Pola.*
Python	Torpedo boat	133	Poplar.*

CHINA.

Kiam Wei	Torpedo-boat destroyer	850	Fu Chau.

DENMARK.

Herluf Trolle	Armored cruiser	3,470	Copenhagen.*

BRAZIL.

Marechal Floriana	Cruiser	3,162	

HOLLAND.

Utrecht	Armored cruiser	4,033	Amsterdam.*

PORTUGAL.

Donna Amelia	Cruiser	1,660	Tagus.

*Government yard.

ENGLAND.

The following, from Sell's Commercial Intelligence, London, April 8, 1899, shows the tonnage of war ships built by the Government for nine years, the total cost, and the cost per ton:

"It is generally known that the rise in the prices of materials and the increased complexity of ships of war have caused the cost of naval shipbuilding to rise greatly during late years. The following figures show the course of this movement:

Output of Government dockyards.

Year.	Vessels.	Displacement.	Total cost.		Cost per ton.	
		Tons.			£ s.	
1890	8	22,520	£1,230,910	$5,990,224	49 0	$238.46
1891	8	68,100	3,847,590	18,724,236	56 10	274.95
1892	9	50,450	2,920,430	14,212,273	58 0	282.26
1893	9	32,400	1,729,450	8,416,368	53 0	257.92
1894	8	23,700	1,803,510	8,776,782	67 10	328.49
1895	8	70,350	4,309,690	21,411,091	60 10	294.42
1896	9	73,970	4,287,000	20,863,685	59 12	290.04
1897	4	31,885	1,752,700	8,529,545	55 0	267.66
1898	9	73,090	4,575,120	22,264,821	67 14	329.46

"These figures show that between the years 1890 and 1898 there was an increased cost of nearly £19 per ton for the completed ship of war, which is, of course, a serious factor in the annual naval expenditure." This includes everything, hull, machinery, armor, and armament.

GERMANY.

The German Government owns three shipbuilding yards—one at Kiel, one at Wilhelmshaven, and one at Danzig—which are exclusively used for the building of vessels for naval purposes. Since 1873 the following war ships have been built for the German navy: Five armored frigates, 8 armored corvettes, 13 gunboats, 2 artillery ships, and 10 torpedo boats. Besides the imperial shipbuilding yards, private yards are to a great extent employed in building vessels for naval purposes, as the three imperial yards do not have sufficient capacity to supply the demand. However, the building of ships in private yards does not affect the cost. * * *

Germany was handicapped in the start by want of resources and experience in iron working, and still more by a general lack of confidence—even on part of German shipowners—that the shipyards of this country could turn out iron vessels comparable in quality and price with those produced by

British constructors. The managers of the Lloyd and Hamburg companies shared this distrust, and down to as late a date as 1880 their steamers were practically all built on the Clyde and the Mersey.

Meanwhile, ten years earlier, and just before the memorable epoch of 1870, the Prussian Government had established at Kiel and Wilhelmshaven yards for the construction and repair of war vessels, which work had been hitherto done almost exclusively in this country at Danzig. The events of 1870 made it imperative for the newly consolidated German Empire to build and equip a navy in its own shipyards and at the earliest possible moment.

The Government yards were inadequate to the task, so a contract was given to the private Vulcan shipyard at Stettin for the construction of the armored frigate *Preussen*, which was so quickly and satisfactorily executed that a second vessel, the armored corvette *Hansa*, was ordered. The building of the *Preussen* marks the date of the revival. The confidence of the admiralty was secured: it was shown that armored war vessels could be designed and constructed in Germany. * * *

ITALY.

In the last thirty years the building of war ships has become one of the great industries of the country. Italy has four national and three private important shipyards.

The war ships are built in the Government navy-yards at Castellamare di Stabia, both by the Government and under private contract. The Government has approved the recommendation of the Italian minister of marine for building four new first-class battle ships. These will be given out to private contractors.

There are now in the course of construction at the navy-yard in Venice the *Ferruccio;* at Spezia, the battle ship *Regina Margherita;* at Castellamare di Stabia, the *Benedetto Brin*, the *Agordat*, and the *Coatit*—the last one being about ready to launch and the *Agordat* now receiving her armament.

At the Naples yard they are finishing the war ship *Emmanuele Filiberto*, and in the private shipyard Orlando, at Leghorn, they are building the *Varese*, and at the private arsenal at Sampierdarena the *Garibaldi*. The Government is also reported to have concluded a contract with the steel works at Terni for furnishing 5,000 tons of armor plates for the ships now building, and a further contract for 35,000 tons to complete said ships will be given out in the immediate future. At Naples no ships are built, but only finished as to machinery and equipments.

JAPAN.

Aside from the construction of small cruisers, gunboats, torpedo boats, and launches, but little has been attempted in the more difficult work of building men-of-war. After the establishment of the large government iron and steel foundry efforts in this direction may be expected. At present nearly all material for steamship building is imported. Steel plates are now laid down here at from £8 5s. to £9 15s. ($40.15 to $47.44) per ton.

AUSTRIA-HUNGARY.

Nearly all the war ships of Austria-Hungary have been built at home, the majority in the imperial navy-yard at Pola, and five or six cruisers and a dozen torpedo boats by the Stabilimento Tecnico, of Trieste. The last-mentioned company has also built a number of war ships for the Argentine Republic, Uruguay, and Roumania. The building of war ships at Trieste is said to have no noticeable effect upon the cost of constructing merchant ships.

NETHERLANDS.

The following list of war ships built since the year 1894 was sent by this official:

"LIST OF WAR SHIPS BUILT IN THE NETHERLANDS SINCE 1894.

"*Government dockyard, Amsterdam* (*Rijkswerf te Amsterdam*).—An armored vessel of 3,500 tons displacement, 4,700 horsepower, and 16 knots speed was launched in 1894 and completed in 1896. A protected cruiser of 3,900 tons displacement, 10,000 horsepower, and 20 knots speed was launched in 1896 and completed in 1898. Another protected cruiser of the same type was launched in 1898 and completed in 1899. An armored vessel of 4,950 tons displacement, 6,000 horsepower, and 16 knots speed has been laid down in 1898.

"*Private dockyard, Flushing* (*firm Koninklijke Maatschappij de Schelde te Vlissingen*).—An armored vessel of 3,500 tons displacement, 4,700 horsepower, and 16 knots speed was launched in 1894 and completed in 1896. A protected cruiser of 3,900 tons displacement, 10,000 horsepower, and 20 knots speed was launched in 1897 and completed in 1898. Another protected cruiser of the same type was launched in 1897 and completed in 1899. Two unprotected cruisers of 820 tons displacement, 1,250 horsepower, and 13 knots speed were launched in 1896 and completed in 1897.

"*Private dockyard, Rotterdam* (*firm Nederlandsche Stoomboot Maatschappij te Tijenoord*).—An armored vessel of 3,500 tons displacement, 4,700 horsepower, and 16 knots speed was launched in 1894 and completed in 1896. A protected cruiser of 3,900 tons displacement, 10,000 horsepower, and 20 knots speed was launched in 1896 and completed in 1898. Another protected cruiser of the same type was launched in 1897 and completed in 1899. An armored vessel of 4,950 tons displacement, 6,000 horsepower, and 16 knots speed has been laid down in 1899.

"*Private dockyard, Amsterdam* (*firm Thijgens en van Gelder, Amsterdam*).—One unprotected cruiser of 820 tons displacement, 1,300 horsepower, and 13 knots speed was launched in 1894 and completed in 1895. Another unprotected cruiser of the same type was launched in 1895 and completed in 1896.

"*Private dockyard, Amsterdam* (*firm Nederlandsche Stoomboot Maatschappij te Amsterdam*).—Two unprotected cruisers of 790 tons displacement, 1,400 horsepower, and 13.5 knots speed were launched in 1897 and completed in 1898."

DENMARK.

The royal Danish war ships are built exclusively by the Government itself, at the royal navy-yards, and their building has no effect whatever upon the cost of constructing merchant ships.

Relative to the cost of American battle ships in different countries, the chief constructor of the English navy publishes some figures, according to which the English battle ships *Nile* and *Trafalgar*, 1885, cost 17,000,000 marks each, while those of the *Royal Sovereign* class cost something less, and those of the *Majestic* type something more. The cost of the *Powerful* was 13,000,000 marks.

These figures indicate the cost of construction exclusive of armament and ammunition. The new French battle ships cost 20,000,000 marks each, the United States *Indiana* 18,000,000, and the latest German battle ships 14,000,000 marks. By figuring the price per ton for the purpose of comparison, using that of the *Majestic* as a base, and calling it 1, the *Nile* costs 1.28 per ton, the French battle ships 1.39, the *Indiana* 1.42, and the *Kaiser Friedrich Wilhelm* only 1.06 per ton.

If we take into consideration that the last-named ship has been equipped with the new Krupp armor, which costs about one-fifth more than the armor employed on the *Majestic*, it will be seen that Germany is able to build her warships as cheaply, or even more cheaply, than England, which, in view of the very recent beginnings of German naval construction, must be considered an excellent result. In France the high cost of ships for war and commercial purposes appears to be due to the sluggish working of the administration. As to Russia, Sir William White was unable to give figures, but it is his opinion that they will be very high as regards the new Russian cruisers.

The above information is compiled from Notes on Naval Progress, issued by the Office of Naval Intelligence in November, 1899, and special Consular Reports, volume 18, issued by the Bureau of Foreign Commerce in February, 1900.

Russia has its own shipyard, but lets some of its ships out to contract, and no authoritative statement can be found as to what ships are being built at the Government yard. It will be noted that the governments which build their own ships do so more cheaply than do those who let the ships out to contract.

The gentleman from North Carolina alluded to what some of the foreign countries were doing in relation to the construction of their own ships in their own yards. I have given above statements of that in detail, and I would say that Germany, when it started on its naval programme a few years ago, found it was a very good plan to construct some of its war ships in its own yards for national reasons.

The idea of it is they say that the Government adopted the policy of France and Great Britain because they recognized the fact that they were the two greatest naval powers; and each of them had contended that it was an arm of the national defense to have ready a skilled corps of mechanics to work in government shipyards, for no one knew at what time their services might be necessary to the welfare of the country. Germany therefore decided to do exactly the same as these other countries were doing; and we find that the German Government itself now has three yards, one at Kiel, one at Wilhelms Haven, and the other at Danzig, and we find that the *Kaiser Wilhelm der Grosse* is now being constructed at the Government yard at Kiel. That is an 11,000-ton battle ship.

I heard the chairman of the Committee on Naval Affairs allude to the wonderful progress that Germany was making in her navy, and I also heard the gentleman from New York say that the German Emperor was a believer in a great navy. Now, Mr. Chairman, I say the very nation, the very man, they were praising believe in constructing, irrespective of the cost, some of their war ships at the Government yards; and one of their very finest ships now under construction is being built, as shown, at one of the Government yards. The *Tiger*, a small gunboat, is also being built in the Government yard at Danzig. Germany does not say for one moment that it is necessary to construct all the ships in the Government yards. It simply says, "We will construct a portion of the ships in the Government yards;" and there is not one advocate on the floor of this House in favor of the policy of constructing Government ships at the Government yards that will get up here and advocate the policy of constructing every one of the Government ships in the Government yards.

The Government would then be in exactly the same position that it was. There would not then be two different branches, one acting as a check against the other, each one full of the spirit of rivalry with the other, one set of mechanics and artisans striving to do better work than the other. Therefore I say that those who advocate building ships in the navy-yards only want to build a fair and square proportion.

I find that Italy also constructs some ships in her own yards, and in the last twenty years the building of war ships has become one of the great industries of the country. Italy has four national and three private important shipbuilding yards. I find that there were building in the Government yards two gunboats—the *Agordt* and the *Coatit*—each with 1,320 tons displacement.

In Japan they have not started the construction of war ships in their own yards.

I find that Holland constructs all the ships that she now has in her own yards, and has constructed them, and has one, the *Utrecht*, now on the stocks.

Russia and France I will not go into extensively. The tables are self-explanatory.

Mr. GAINES. Mr. Chairman, the gentleman yields to me to read a short letter, addressed to me in reply to one I wrote to M. Jules Bœufve, chancellor of the French embassy here, dated January 24, 1898:

EMBASSADE DE FRANCE, AUX ETATS UNIS,
Washington, D. C., January 25, 1898.

DEAR SIR: My inability to confer before this with the military attaché of this embassy prevented me, to my regret, from replying any sooner to your favor of the 13th instant. France builds a part of her men-of-war, armor plate, and artillery in government establishments. The rest is constructed by private industries. This mode is followed so as to allow the Government to be independent of private industries in time of peace. On the other hand, in case of war, the Government needs the assistance of private industries, and it would be too late to improvise them in cases of emergencies. For these reasons recourse is had to both sources of production.

Very truly, yours,

JULES BŒUFVE, *Chancellor.*

Hon. JOHN W. GAINES, M. C.,
Washington, D. C.

I also received a letter at the same time from Count Vinci, of the Italian embassy, stating the same fact and about the same

reasons; while the gentleman from Pennsylvania [Mr. DALZELL] admitted in debate with me last session that Russia had one.

Mr. DRIGGS. I am very much obliged to my friend from Tennessee, because his remarks are in the nature of corroborative evidence.

Mr. GAINES. It corroborates what you say.

Mr. DRIGGS. Mr. Chairman, coming away from all these foreign yards—and I know this discussion is rather lengthy and technical—but coming away from these foreign yards to construction in our own yards; and so far as the comparing of the policy of the two is concerned, everything was done by Great Britain and other foreign nations to aid the Government in its comparison and everything the reverse was done in this country.

Every member of the Committee on Naval Affairs knows the navy-yards were not able or capable of building a Government ship at the time the comparisons were made in this country, not to mention war ships, as economically as those on the outside, for the very reason that the plants were not equipped as well as they should have been, and they had no machinery or anything to facilitate construction.

I desire to allude, Mr. Chairman, to the report of the then Chief of Bureau of Construction and Repair to the Secretary of the Navy for the fiscal year ending June 30, 1897, and would have every member understand, in reading these comparisons of the completeness of the navy-yards in 1897, that they did not begin to be in the condition that they were in 1888, when we first started to build our own ships in our own yards. I find in 1888 in the Norfolk Navy-Yard and in the Brooklyn Navy-Yard they had practically no machinery whatever.

Constructor Stahl, in a statement before the Naval Committee, practically said that at the time the *Texas*, *Maine*, *Raleigh*, and *Cincinnati* were built the Norfolk Navy-Yard and the Brooklyn Navy-Yard were equipped for the construction of wooden ships and had no modern machinery, nothing for the amalgamation of steel or for the placing of plates in position, etc., and the Government, through absolute necessity, authorized Constructor Bowles at Norfolk to put up a shed in order that he might have some place to make tools and other essentials for shipbuilding.

We find in 1897 a long list of things necessary in the Brooklyn and Norfolk navy-yards. I notice that the constructors in their recommendations as late as 1897 say they needed a new construction foundry, pattern shops, machine shops, equipment shop, joiners' shop, new machinery in the block shop, and so on. To-day—1900—it is entirely different.

The gentleman from North Carolina [Mr. KITCHIN] stated how many million dollars had been appropriated by the Government for the thorough equipment of the navy-yards at Norfolk and at Brooklyn. I say now, taking into consideration the fact that Great Britain was able to construct ships as cheaply in the Government yards as in private yards, that to-day in this country, with this thorough equipment of our own Government yards, we are able to construct ships as cheaply there as in the private contract yards. [Applause.]

Mr. GAINES. And that is true in the face of the fact that we work on the Government plant only eight hours a day, while the private concerns work ten hours.

Mr. DRIGGS. Yes; that is right. Secretary Long has told us that the length of time that was required for the construction of a ship in the Government yard was very much longer than it was in a private yard. I did not know until to-day why it was that there had been such great delay in the construction of some of our ships. I thought it advisable to look into the statement of the Secretary, and I went up to the Department and procured from them tables stating the state of completion of each and every one of our ships, which is as follows:

Vessels under construction, United States Navy.

BATTLE SHIPS.

No.	Name.	Speed.	Where building.	Degree of completion.
		Knots.		*Per cent.*
5	Kearsarge	16	Newport News	99
6	Kentucky	16	do	98
7	Illinois	16	do	75
8	Alabama	16	Cramp & Sons	93
9	Wisconsin	16	Union Iron Works	88
10	Maine	18	Cramp & Sons	22
11	Missouri	18	Newport News	1
12	Ohio	18	Union Iron Works	15

SHEATHED PROTECTED CRUISERS.

	Albany	20	Armstrong's, England	99
14	Denver	17	Neafie & Levy	0
15	Des Moines	17	Fore River Engine Co	0
16	Chattanooga	17	Lewis Nixon	0
17	Galveston	17	William R. Trigg Co	0
18	Tacoma	17	Union Iron Works	0
19	Cleveland	17	Bath Iron Works	0

Vessels under construction, United States Navy—Continued.

MONITORS.

No.	Name.	Speed.	Where building.	Degree of completion.
		Knots.		*Per cent.*
7	Arkansas	12	Newport News	19
8	Connecticut	12	Bath Iron Works	41
9	Florida	12	Lewis Nixon	25
10	Wyoming	12	Union Iron Works	43

TORPEDO-BOAT DESTROYERS.

1	Bainbridge	29	Neafie & Levy	45
2	Barry	29	do	45
3	Chauncey	29	do	45
4	Dale	28	Wm. R. Trigg Co	64
5	Decatur	28	do	63
6	Hopkins	29	Harlan & Hollingsworth	37
7	Hull	29	do	36
8	Lawrence	30	Fore River Engine Co	85
9	Macdonough	30	do	83
10	Paul Jones	29	Union Iron Works	70
11	Perry	29	do	70
12	Preble	29	do	70
13	Stewart	29	Gas Engine and Power Co	15
14	Truxtun	30	Maryland Steel Co	9
15	Whipple	30	do	9
16	Worden	30	do	9

TORPEDO BOATS.

19	Stringham	30	Harlan & Hollingsworth	96
20	Goldsborough	30	Wolff & Zwicker	98
21	Bailey	30	Gas Engine and Power Co	80
24	Bagley	28	Bath Iron Works	15
25	Barney	28	do	15
26	Biddle	28	do	5
27	Blakely	26	Geo. Lawley & Son	77
28	DeLong	26	do	77
29	Nicholson	26	Lewis Nixon	46
30	O'Brien	26	do	46
31	Shubrick	26	Wm. R. Trigg Co	76
32	Stockton	26	do	84
33	Thornton	26	do	76
34	Tingey	26	Columbian Iron Works	43
35	Wilkes	26.5	Gas Engine and Power Co	35

SUBMARINE TORPEDO BOAT.

1	Plunger	8	Columbian Iron Works	85

I would like to ask the chairman of the Committee on Naval Affairs the reason for the fact that while there has been no armor for the *Missouri*, she is only 1 per cent completed to-day? I notice that she was authorized, that the contract was signed, on the 11th of October, 1898. I am merely asking this for information.

I also notice that the battle ship *Maine* is only 22 per cent toward completion, and she was authorized, or the contract signed, on the 21st of October, 1898. I notice that the *Ohio*, another battle ship, authorized on the 5th of October, 1898, is only 15 per cent toward completion. Coming down to the sheathed protected cruisers, where comparatively little armor is necessary, I find there, with the exception of the *Albany*, which we purchased from Armstrong, that upon the cruisers *Denver*, *Galveston*, *Tacoma*, and *Cleveland* there has not been the first iota of work performed. This list was corrected up to March 1, 1900.

I also find under the class of monitors that the *Arkansas*, to be built by the Newport News Shipbuilding Company, is 19 per cent toward completion. The *Florida*, built by the Nixon's, is only 25 per cent, and we find the Maryland Steel Company has the *Truxton*, the *Whipple*, and the *Worden* only 9 per cent toward completion. The Bath Iron Works has the *Biddle* only 5 per cent completed. And so it goes. I contend on the floor of this House that every single one of these private contractors has been using for the last ten years, and up to the present time, the Government work as a nucleus for private work.

It is well known to every man engaged in shipbuilding in this country that it is absolutely impossible to get an agreement out of the Newport News Company, the Cramps, the Bath Iron Works, or the Nixons to build a first-class ship for ocean or sea purposes in less than two years, and I claim now that we are giving them so much Government work to-day that instead of aiding private industry and private enterprise we are injuring the development of our industries to which the gentleman from Illinois [Mr. CANNON] alluded.

In these private shipyards to-day the Government is taking up the time needed by private individuals who are engaged in developing our commerce. I read an article in one of the newspapers a few days ago, whether true or not I can not say, that one great transportation company, the Pacific Mail Steamship Company, was unable to have one steamer finished on contract time. The article did not say why, but I say why; because the Government itself is taking up the time of the Cramps, and these other yards,

with work that is the nucleus for the other work. I say the time has come when the Government should construct some ships in its own yards. The time is to-day, when our navy-yards are in magnificent condition.

Now, Mr. Chairman, I have explained about the cost of the system of buying material and the hours of labor; now let me allude to the length of hours of labor in this country in the Government yards as compared with the private yards. I find that eight hours constitute a days' work in the Government yards and ten hours in the contract yards.

Notwithstanding the fact that the hours of labor are so radically different—two hours longer in the private yards than in the Government yards—I contend that, allowing for the fact that the Government does not have to pay interest, does not have to pay dividends, does not have to pay taxes, does not have to pay insurance, does not have to allow for plant depreciation, the cost of labor in a Government yard will be more than offset by the expenses which the Government does not have to pay, but which the private contractor does have to pay. While this statement may not be easily proved, I make it because I believe with the perfect machinery now installed in the various great navy-yards of this country the experiment would demonstrate its accuracy.

Each and every one of our naval constructors has said time and again that he desired these ships of ours—some of them, at least—to be built in the Government yards. Mr. Chairman, I contend that the advice and suggestions of the naval constructors should be heeded, for they are the trained experts of the Government and the experts upon whom the Government relies in all questions appertaining to shipbuilding. I can truly say that what the lawyer is to his client, the physician to his patient, the insurance surveyor to the insurance company, the newspaper reporter to the newspaper, the bank president to the director, the naval constructors are to the Government and the people.

I can not make this point too emphatic, because the constructors have been educated at public expense and their lives devoted to study of these very questions. When they recommend the construction of some of our war ships in the navy-yards, there is no higher or better authority that can be appealed to as to the wisdom of such a policy. We rely upon them for the inspection of the ships building in contract yards, and I contend that, expense or no expense, their recommendations should be heeded and given far more consideration than the recommendations of any member of the Naval Affairs Committee or of the Secretary of the Navy himself.

To show how absolutely unbiased our naval constructors are in making these recommendations and their desire to be thoroughly frank and just, permit me to submit the statement of Naval Constructor Bowles on page 1 of the hearing on shipbuilding in Government yards before the Committee on Naval Affairs March 13, 1900. He gives nine advantages of building ships at Government navy-yards and nine disadvantages. Had Constructor Bowles been anything but an absolutely fair man, he would have said nothing about the disadvantages of building vessels at the navy-yards. I now desire to submit in detail the advantages and disadvantages of Constructor Bowles:

BUILDING SHIPS IN NAVY-YARDS.

Advantages.	*Disadvantages.*
1. Maintains efficiency of force and plant.	1. Cumbersome system of design and management by independent bureaus.
2. Renders repair work economical and rapid.	2. Wages 30 per cent to 40 per cent higher.
3. Will reduce the amount of repair work by removing the necessity for maintenance of force.	3. Boy and unskilled labor is not used to advantage on account of artificial restrictions of labor board.
4. Maintains a standard of workmanship and design on basis of practical experience.	4. Eight hours' work against ten.
5. Provides training for those who must inspect contractors' work.	5. Seven holidays full paid.
6. No profit to be made.	6. Purchase of material by the navy system involves delay and extra cost.
7. The indirect charges in commercial practice which make a large percentage of cost are not included, because they are already provided and are maintained for other purposes, viz: Interest on plant, taxes, insurance, depreciation and care of property, large proportion of office and organization expense.	7. Outside plants are better arranged and no restrictions are placed on utilization of space to the best advantage.
8. Cost of inspection is saved.	8. Per diem compensation is used where piecework is economical.
9. Cost of trial trip is saved.	9. No guaranty of performance under contract conditions.

It hardly seems possible that since we started in to build our new Navy we have constructed 61 new vessels as part thereof. Out of that number there have been only 4 built in Government yards—the *Texas*, *Maine*, *Raleigh*, and the *Cincinnati*. Now, a word as to the comparative cost of these ships. It has gone all through the country that the contract price of a ship is given as the total cost of the ship. Note carefully here that I say contract price of the ship. Now, in the following table, presented to the Committee on Naval Affairs by Constructor Bowles at the hearing above mentioned, you will find the real facts of the case:

Name.	Date of laying keel.	Date of first commission.	Hull and machinery.			Ship without stores, ammunition, or water in boilers.		
			Cost of hull and machinery.	Weight of hull and machinery.	Cost per ton of hull and machinery.	Final cost of finished vessel.	Weight without stores, ammunition, or water in boilers.	Cost per ton of finished vessel.
				Tons.			Tons.	
Maine	Oct. 17, 1888	Sept. 17, 1895	* $3,305,409.57	3,836,020	$861.47	$4,677,788.75	5,436.35	$860.46
Texas	June 1, 1892	Aug. 15, 1895	* 2,949,549.12	3,595,690	820.30	4,262,121.49	5,124.69	819.91
Cincinnati	Jan. —, 1890	June 16, 1894	* 1,905,773.90	2,258,183	846.31	2,371,904.52	2,675.93	886.38
Raleigh	Dec. —, 1889	Apr. 17, 1894	* 1,839,965.23	2,358,183	780.24	2,199,729.80	2,691.00	817.43
Minneapolis	Dec. 16, 1891	Dec. 13, 1894	† 2,690,000.00	5,816,780	462.45	3,849,996.44	6,161.20	624.87
Indiana	May 7, 1891	Nov. 20, 1895	† 3,063,000.00	5,691,100	538.20	5,983,371.98	8,943.30	669.03
Detroit	Feb. —, 1890	July 20, 1893	† 612,500.00	1,449,650	412.53	1,238,000.90	1,660.00	740.11

* Amount expended in navy-yards. † Contract price.

Referring to the table, we find that the total cost of these ships varied only slightly from the total cost of ships built in private yards. The total cost of the *Maine* was $4,677,788, or $860 a ton. The cost of the *Indiana* was $5,983,000, or a cost of $669 a ton. But when we compare the contract price of hull and machinery of these vessels we find that the cost of hull and machinery of the *Indiana* was only about $3,000,000, and that the cost of the hull and machinery of the *Maine* was $3,300,000.

It is a most marvelous fact to me that these relative costs were not much larger, because I have shown in a former part of my argument the absolute lack of preparation in the Government yards at that time for the construction of war ships. It has been sent throughout the country that $3,000,000 was the total cost of the *Indiana*, when in truth and in absolute reality her total cost was $5,783,000, everything being included. This point and others on this subject are most carefully and conclusively brought out and demonstrated by the report of Naval Constructor Stahl in the hearing above alluded to, on page 27 of the said report, which is as follows:

Comparison of contract price with total cost of certain ships.

	Monterey.	Olympia.	San Francisco.	Oregon.	Massachusetts.	Indiana.
Payments on account of contract	$1,647,728.64	$1,796,000.00	$1,423,231.50	$3,272,403.99	$3,045,576.48	$3,055,272.59
Extra to contractors for authorized changes	107,093.02	103,831.30	47,739.94	265,862.69	171,111.12	149,960.42
Work done by Government, plans, inspection, etc	73,588.03	70,878.67	141,840.06	248,165.75	209,293.32	257,032.19
Hull armor	237,790.20	----------	----------	828,468.34	828,929.74	837,884.62
Armor for gun protection	190,534.38	141,522.62	----------	1,029,591.42	1,030,051.58	977,134.02
Speed premiums	----------	300,000.00	100,000.00	175,000.00	100,000.00	38,500.00
Trial-trip expenses	11,647.42	39,269.09	25,446.32	22,913.99	16,882.73	17,924.41
Care and preservation, insurance, etc	----------	32,525.86	----------	71,615.72	----------	----------
Total cost	2,268,281.75	2,484,027.54	1,738,257.82	5,914,021.90	5,401,844.97	5,333,708.05
Contract price	1,674,839.60	1,796,000.00	1,428,000.00	3,301,540.00	3,000,000.00	3,000,000.00
Excess of total cost over contract price	593,442.15	688,027.54	310,257.82	2,612,511.90	2,311,844.97	2,243,708.05

Taking the *Monterey*, we find, according to the statement of Mr. Stahl in his evidence before the Naval Committee, that the payment on account of contract was $1,647,000. The excess of contractors' charges for authorized changes was $1,071,000; work done by the Government, $73,000; hull, armor, etc., $237,000; armor for guns' protection, $190,000; total cost, $2,268,000, while the contract price was $1,674,000, the total cost being $593,000 in excess of the contract price.

I would simply say in this connection that the Government yards to-day, according to the very best and most expert evidence, are as thoroughly equipped and ships could be almost as cheaply built there as under contract in private yards. I will, however, qualify that statement. I do not believe that Great Britain has been able to construct a smaller class of war vessels as cheaply in Government yards as in private yards. But I do believe that neither Mr. Bowles, Mr. Baxter, Mr. Stahl, or Admiral Hichborn would recommend the construction of ships in navy-yards unless they deemed it wise, practical, and necessary. I do believe, from the records of other countries, that if they have been able to construct battle ships more cheaply in government yards than in private yards, we in this country will be able to do the same.

Mr. FOSS. Does not the gentleman know that the conditions in England are different from those in this country?

Mr. DRIGGS. Certainly.

Mr. FOSS. Are not the hours of labor in Government yards there the same as in private yards?

Mr. DRIGGS. A few moments ago, while the gentleman was not in the Hall, I referred to this question. I said that the difference in interest charges, insurance, taxes, dividends, etc., would more than offset the difference in other respects between Government yards and private yards, and I am somewhat borne out in this statement by Mr. Baxter, in the statement to which I have alluded. Mr. Baxter figured very extensively on this proposition, and I propose to place his paper in the RECORD.

In consequence of the length of this speech and the vast amount of detail necessary for a fair, careful, and honest demonstration of the advisability of building some of our warships in our navy-yards, I find that I only have a few minutes left for the consideration of two very important items. First, the care and protection of the expensive machinery, tools, and general plant of the navy-yards. I know from my experience as an insurance inspector that plants decrease more rapidly in productive ability when left unused and uncared for than when in full running operation.

Now, why spend millions upon millions of dollars for the equipment of our navy-yards with the finest tools and machinery if we do not intend to keep the tools and machinery in constant use? Constructor Bowles told us that many of the machines in the Government navy-yards had become absolutely ruined through lack of work. It should be the policy of the Government for its own protection and for the economical use of the people's money to keep the Government yards in a state of constant industry.

The other point of which I wish to speak is that of the morale of navy-yard workmen. Every employer of men in every branch of industry knows that there is nothing more demoralizing than periods of intense activity and then periods of great depression. This last expression is that of Constructor Baxter. In no business or manufacturing industry is this truer than in that of shipbuilding. I personally have conversed with many shipbuilding mechanics, and they have universally said that they would prefer to work in shipyards where they could receive constant work and steady weekly compensation than in yards where they receive more than double the pay in other yards, and only work from half to three-quarters of the time.

The reason for this is very plain. Every man engaged in the rearing of a family and of educating his children knows full well that the necessaries of life of all kinds are more readily procured when a weekly compensation is being received. By adopting a policy of having some Government work in addition to the usual and ordinary repair work always in progress at the navy-yards, we are aiding not only the Government itself, but also the shipbuilding mechanics, who are as important a coordinate part of the Republic as are we, their Representatives in Congress.

I have endeavored, Mr. Chairman, in this long argument to show the systems of war-ship construction in all the great foreign nations of the Old World, and have endeavored to prove by the arguments of great naval constructors the world over that it is the height of national wisdom to construct a certain proportion of war ships in a nation's navy-yard. I have compared wages in the dockyards and in the contract yards of the Old World, and I have compared them similarly in this country.

The results of the years of experiment and experience of Great Britain and other foreign powers have most emphatically demonstrated to my mind that the construction of war ships in navy-yards places the Government in an independent position for national defense and relieves it from the danger of any adverse shipbuilding trust or combination; it enables the Government to do its repair work in the most rapid and economical manner; it prevents the depreciation of valuable navy-yard plants; it increases the effectiveness of the productive ability of the wage-earner employed in the navy-yards, and, above all else, as the policy progresses the expense of such construction will be very materially reduced in the Government as well as the private yard.

In the foregoing argument I have endeavored to restrain myself absolutely from the introduction of any partisan or political feature, believing that the proposition is nonpolitical in character and one to be considered in a businesslike manner by this House acting as a business bureau.

Now, in conclusion, Mr. Chairman, I do not believe in or advocate a penny-wise, pound-foolish policy. I do not believe that economy is always the most important item to be considered in governmental affairs.

Imagine, if you will, in time of war—and God forbid that we ever are forced to war—disaster to an American fleet—which also God forbid—with the resultant repairs and new construction absolutely necessary. The question will be raised at once, Where can we repair? Where can we build? If the answer is in private establishments and navy-yards equally as well; a national prayer of relief will be raised by every citizen of the Republic at the wisdom of equipping all Government navy-yards for this character of work, and the money expended will be considered well spent, and the question of the increased expenditure will be forgotten by a grateful people.

APPENDIX A.

REPORT OF MINORITY ON NAVAL APPROPRIATION BILL.

Again, we feel compelled to differ with our colleagues on the subject of constructing ships in the Government yards. We reach this conclusion from the evidence before the committee on the subject. Four of the most distinguished and competent constructors of the Navy were heard by us, as well as the Chief of the Bureau of Construction. They all unqualifiedly recommend the construction of ships in the Government yards. The opinions and wishes of bureau chiefs seem to have been followed by the committee in many instances, and in our opinion it is unfortunate that the opinion of the Chief of the Bureau of Construction was not persuasive in this instance also. Nothing that we could say would throw as much light on this question as the testimony of the expert constructors, and we submit a few extracts from the evidence of three of them. No quotation is made from the others because their evidence has not yet been printed. Constructor Bowles, of the New York yards, says:

"Mr. LOUDENSLAGER. I would like to ask a question. In your judgment—you speak of it being wise for the Government to construct ships in some yards for the advantages that will accrue—do you have any hesitancy in stating what you deem those advantages to be?

"Mr. BOWLES. I endeavored to go over those advantages in the beginning, and, generally, they are these:

"That it provides a means of maintaining the efficiency of the mechanical force and the machinery and plant; it renders repair work economical and rapid; it removes the tendency to increase alterations and repairs to existing vessels; it maintains a standard of workmanship with which we can require the contractors to comply, and it provides training for those who must inspect the contract work. Those are the material things for which you will pay. * * *

"I will say a few words now about the general subject of building ships in the navy-yards. I recommend the building of some vessels in the important navy-yards of the United States, because I believe it to be good business; and if I owned those yards and kept them for the purposes they are now kept for, I should say that it would be a sensible thing to do to build one ship in each of the important yards all the time, simply to keep them in order and maintain a sufficient force ready for all emergencies.

"Mr. METCALF. I want to ask Mr. Bowles, if he has no objection, to state what navy-yards are now ready to build ships.

"Mr. BOWLES. I am familiar with the New York yard and the Norfolk yard, and I believe on this coast those two yards are ready to take up any work you see fit to give them. I do not know about the Mare Island yard of my own knowledge, but Mr. Baxter was the constructor there for a number of years, and he is fully qualified to express an opinion about it. I believe it is capable of taking up the work.

"The CHAIRMAN. We are very much obliged to you, gentlemen, for your instructive statements, and if there are no further questions we will adjourn."

Constructor Stahl, of the Norfolk yard, says:

"Mr. WHEELER of Kentucky. I would like to ask you a question, going back to the matter that we have had under discussion. You have Mr. Bowles's statement. Summarizing his statement, or answering, what in your judgment would be the wisest thing for the Government to do—construct or not to construct vessels in the navy-yards?

"Mr. STAHL. I think there is no doubt whatever about the advisability of constructing a certain proportion of our ships in the principal navy-yards. To me this seems so self-evident a proposition that it hardly needs argument.

"Mr. WHEELER of Kentucky. Is that answer predicated upon the same reasons assigned by Mr. Bowles?

"Mr. STAHL. Substantially the same. There is one thing I might add. Briefly, I think we can build at some of our principal yards, equipped with modern tools as they are, even more cheaply than Mr. Bowles thinks, and I see no reason why we should not build as cheaply there as can be built at any private yard.

"Mr. METCALF. In your judgment would it lessen the cost of repairs if they had one or two vessels on the stocks?

"Mr. STAHL. There is no question whatever; it is as certain as anything can be.

* * * * * * *

"In the case of the *Indiana* the Government paid out for extra work—I did not just now mean to say $3,000,000; in the *Oregon* it was nearly $3,000,000—but in the *Indiana* the Government paid out for this identical work $2,300,000. In the one case the navy-yard spends $3,000,000, and then $2,300,000 more. Then we say, and say truthfully, that the navy-yard ship has cost $5,300,000 altogether. But you go and ask the price of the corresponding ship that was built at the private yard, and, unless the man you ask is well informed, he will say the contract price was $3,000,000, leaving you to infer, if you choose, that that was the total cost.

"Mr. MUDD. That is what I want to get at.

"Mr. STAHL. That is the erroneous comparison. The contract price is not

the total cost. It is only a portion of the total cost; and in some cases it has been barely half the price.

"Mr. MUDD. From the result of your observations I would judge that in past times building in navy-yards did not cost any more.

"Mr. STAHL. No; I am of the opinion that many of the comparisons made in the newspapers have been very misleading.

"One word more about this inspection. You paid $80,000, plus a good deal more, to inspect the work on the *Kentucky*. If you built that ship at a Government yard, you would have to inspect the work also, but the same men who do the designing and superintending would do the inspecting, and it would not begin to cost you anything like that sum. Furthermore, consider the contract price of the *Kentucky*, $2,250,000. I tried to get the cost of the changes on her, which I know to be large, though doubtless entirely proper, but I could not get them in time. When you contracted for that ship, you did not include the furniture, or the blocks, or boats, or cooperage, and lots of other things in the contract. I built those articles at the Norfolk Navy-Yard. They cost $50,000. What did the *Kentucky* really cost? That $50,000 must be added to her contract price. So must also the cost of inspection, cost of authorized changes, and many other items. That sort of thing goes right straight through. There lies the danger of making a wrong comparison. A comparison of the contract price in the one case and the actual cost in the other is utterly misleading."

Says also Constructor Baxter:

"Mr. WHEELER. Do you think it would be wise or unwise for the Government to construct one or more ships at this yard?

"Mr. BAXTER. I do consider it would be very wise for the Government to construct a certain number of ships at its yards.

"Mr. WHEELER. Do you indorse the view taken by Mr. Bowles and Mr. Stahl in regard to keeping a ship constantly under construction in a yard?

"Mr. BAXTER. I think that is a great advantage.

"Mr. DAYTON. What is your opinion, under present conditions, if we should undertake to do any work in navy-yards; what character of vessels do you recommend should be given to the yards and what given to contract?

"Mr. BAXTER. I should give armored cruisers to the navy-yards.

"Mr. DAYTON. The great big ones?

"Mr. BAXTER. Yes, sir.

"Mr. DAYTON. The largest vessels ever undertaken—the new types?

"Mr. BAXTER. Yes, sir.

"Mr. DAYTON. Will you give your reasons for that?

"Mr. BAXTER. Because in doing that the yards are able to do anything else they will ever be called upon to do; that is the reason.

"Mr. LOUDENSLAGER. Would that be in any sense an experimental construction on the part of the yards?

"Mr. BAXTER. No, sir; not at all; no more than any other work that is undertaken here. There are certain set plans and certain set specifications, and the people in charge use skill and knowledge and judgment in directing and carrying on the work.

"Mr. HAWLEY. Could you give the construction of an armored cruiser as large as 12,000 tons to a navy-yard?

"Mr. BAXTER. Yes, sir."

APPENDIX B.

Table of vessels of the United States Navy.

ARMORED STEEL VESSELS—FIRST-CLASS BATTLE SHIPS.

Name.	Protective deck. Slopes.	Protective deck. Flat.	Water-line protection, obturating material. Cocoa, capacity in cubic feet.	Water-line protection, obturating material. Corn pith, capacity in cubic feet.	Extent of fireproofed wood.	Complement. Officers.	Complement. Men.	Contract price of hull and machinery.	Date of act authorizing the building.	Contract signed.	Keel laid.	Launched.	Contract date of completion.	Date of first commission.
	Inches.	*In.*												
Alabama	Forward 3 / Aft 4	2½	.....	*12,464	All joiner work	40	453	$2,650,000	June 10, 1896	Sept. 24, 1896	Dec. 2, 1896	May 18, 1898	Sept. 24, 1899	
Illinois	Forward 3 / Aft 4	2½	.....	*12,464	All joiner work	40	453	2,595,000	June 10, 1896	Sept. 26, 1896	Feb. 10, 1897	Oct. 4, 1898	Sept. 26, 1899	
Indiana	.....	2½	15,814.40	.....	.....	32	465	3,063,000	June 30, 1890	Nov. 19, 1890	May 7, 1891	Feb. 28, 1893	Nov. 19, 1893	Nov. 20, 1895
Iowa	.....	2½	*19,395.41	.....	All joiner work above protective deck.	36	474	3,010,000	July 19, 1892	Feb. 11, 1893	Aug. 5, 1893	Mar. 28, 1896	Feb. 11, 1896	June 16, 1897
Kearsarge	Forward 3 / Aft 5	2½	.....	*10,806.74	All joiner work	40	513	2,250,000	Mar. 2, 1895	Jan. 2, 1896	June 30, 1896	Mar. 24, 1898	Jan. 2, 1899	
Kentucky	Forward 3 / Aft 5	2½	.....	*10,806.74	All joiner work	40	514	2,250,000	Mar. 2, 1895	Jan. 2, 1896	June 30, 1896	Mar. 24, 1898	Jan. 2, 1899	
Maine	Forward 3 / Aft 4	2½	.....	*13,627.00	.....	40	478	2,885,000	May 4, 1898	Oct. 1, 1898	Feb. 15, 1899	.....	June 1, 1901	
Massachusetts	.....	2½	15,814.40	.....	.....	32	463	3,063,000	June 30, 1890	Nov. 18, 1890	June 25, 1891	June 10, 1893	Nov. 18, 1893	June 10, 1896
Missouri	Forward 3 / Aft 4	2½	.....	*13,627	All joiner work	40	478	2,885,000	May 4, 1898	Oct. 11, 1898	.....	.....	Aug. 30, 1901	
Ohio	Forward 3 / Aft 4	2½	.....	*13,627	All joiner work	35	478	2,899,000	May 4, 1898	Oct. 5, 1898	Apr. 22, 1899	.....	June 5, 1901	
Oregon	.....	2½	15,814.40	.....	.....	32	462	3,222,810	June 30, 1890	Nov. 19, 1890	Nov. 19, 1891	Oct. 26, 1893	Nov. 19, 1893	July 15, 1896
Wisconsin	Forward 3 / Aft 4	2½	.....	11,968	All joiner work	35	453	2,674,950	June 10, 1896	Sept. 19, 1896	Feb. 9, 1897	Nov. 26, 1898	Sept. 19, 1899	

* Estimated.

[Mr. BARBER addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARBER. I hope, Mr. Chairman, that I may have leave to extend my remarks, or have additional time in the morning.

The CHAIRMAN. The gentleman from Pennsylvania asks that he may have leave to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. DRIGGS. I would like to ask the same permission.

The CHAIRMAN. The gentleman from New York asks permission to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes, and had come to no resolution thereon.

INTERNATIONAL UNION OF AMERICAN REPUBLICS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, ordered to be printed, and referred to the Committee on Appropriations:

To the Senate and House of Representatives:

In my message to Congress of December 5, 1899, referring to the insured maintenance for another period of ten years of the International Union of American Republics, I stated that "in view of this fact and of the numerous questions of general interest and common benefit to all of the Republics of America, some of which were considered by the First International American Conference, but not finally settled, and others which have since then grown to importance, it would seem expedient that the various Republics constituting the Union should be invited to hold, at an early date, another conference in the capital of one of the countries other than the United States, which has already enjoyed this honor."

Since then the Secretary of State has informed the governments of the various republics of this continent of our wish to see another conference convened and has received formal favorable replies from some of them in response to my suggestion, and an expression of their willingness to send delegates to a second conference. From a majority of the other republics this Government has received oral assurances of a similar tenor, so that at the present time the recommendation made in my message is assured of the approval of the American republics.

In view of these facts and of the desirability that should the conference be called at an early date, the expenses of the delegation to be sent by the United States may be provided for, I recommend to the urgent consideration of the Congress that it appropriate from any funds in the public Treasury not otherwise appropriated, to be made immediately available, the sum of $25,000, or so much thereof as may be necessary, to meet the actual and necessary expenses of the delegates to the conference and of their salaried clerical assistants, said fund to be at the discretion of the Secretary of State.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *April 16, 1900.*

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8347. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes; and

H. R. 4696. An act granting an increase of pension to Ruthven W. Houton.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WRIGHT, indefinitely, on account of sickness.

To Mr. BENTON, for one week, on account of important business.

To Mr. ROBERTSON of Louisiana, indefinitely, on account of serious illness.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for rent of quarters for public officers at Indianapolis, Ind.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Public Printer submitting an estimate of appropriation for engines, boilers, etc., at the Government Printing Office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for repairs of United States jails—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Light-House Board submitting an estimate of appropriation for an auxiliary steam steel light-vessel at Martins Reef, Lake Huron, Michigan—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for establishing quarantine stations at Fleming and Mullet keys, and certain legislation relating thereto—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Light-House Board submitting an estimate of appropriation for a light-ship at Grossepointe, Mich.—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the vessel snow *Isabella*, James Helm, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War, submitting an estimate of appropriation for payment to William S. Yeatman for services rendered the Gettysburg National Park Association—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MUDD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8067) to incorporate the National Society United States Daughters Eighteen Hundred and Twelve, reported the same with amendment, accompanied by a report (No. 1019); which said bill and report were referred to the House Calendar.

Mr. JONES of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 10656) to provide American register for the steamship *Garonne*, reported the same without amendment, accompanied by a report (No. 1020); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 726) for the relief of Alice Walsh, reported the same without amendment, accompanied by a report (No. 1018); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9410) granting an increase of pension to John G. Tate, of Frogtown, Pa.—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3277) for the relief of the Cape Fear and People's Steamboat Company—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 3278) for the relief of Thomas S. Lutterloh—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7810) granting a pension to Robert P. Currin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10618) granting an increase of pension to Martin O'Connor—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McRAE: A bill (H. R. 10752) to organize a corporation for the purpose of constructing an electric railroad in the Indian Territory, and granting the right of way therefor, and for other purposes—to the Committee on Indian Affairs.

By Mr. GRIFFITH: A bill (H. R. 10753) repealing certain parts of an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898—to the Committee on Ways and Means.

By Mr. MOODY of Massachusetts: A bill (H. R. 10754) authorizing the Secretary of War to survey the habor of Beverly, Essex County, Mass.—to the Committee on Rivers and Harbors.

By Mr. STEWART of Wisconsin: A bill (H. R. 10755) relating to the holding of courts of the United States in the western district of Wisconsin—to the Committee on the Judiciary.

By Mr. LACEY: A bill (H. R. 10756) to authorize the Secretary of the Interior to make a charge for grazing within forest reserves—to the Committee on the Public Lands.

By Mr. BROMWELL: A bill (H. R. 10757) to authorize the attaching of union labels to articles subject to internal-revenue taxation—to the Committee on Ways and Means.

By Mr. YOUNG: A bill (H. R. 10777) in reference to the civil service and appointments thereunder—to the Committee on Reform in the Civil Service.

By Mr. FOWLER: A joint resolution (H. J. Res. 238) authorizing the printing of additional copies of the annual report upon the improvement and care of public buildings and grounds—to the Committee on Printing.

By Mr. WATERS: A concurrent resolution (H. C. Res. 39) authorizing the printing of 17,500 copies of Bulletin No. 20 of the Division of Vegetable Physiology and Pathology, United States Department of Agriculture—to the Committee on Printing.

By Mr. GROUT: A resolution (H. Res. 226) authorizing the Secretary of the Treasury to furnish the House certain records of the Internal Revenue Department—to the Committee on Ways and Means.

By Mr. TAWNEY: A resolution (H. Res. 227) authorizing the Clerk of the House of Representatives to pay Minnie C. Haukness a sum equal to six months' salary and expenses of the last illness and funeral of her late husband, not to exceed the sum of $250—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 10758) granting a pension to Sallie B. Wilson, of Macon, Ga.—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 10759) granting a pension to Margaret M. Walker—to the Committee on Invalid Pensions.

By Mr. GASTON: A bill (H. R. 10760) granting an increase of pension to George Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10761) granting an increase of pension to Oliver H. Cram—to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 10762) granting an honorable discharge to Frank Chronabery—to the Committee on Military Affairs.

By Mr. HITT: A bill (H. R. 10763) authorizing the reference to the Court of Claims of the claim of Capt. Andrew H. Russell and Lieut. Col. William R. Livermore against the Government of the United States—to the Committee on Claims.

By Mr. JOHNSTON: A bill (H. R. 10764) for the relief of Joseph Loudermilk, of Monroe County, W. Va.—to the Committee on War Claims.

By Mr. NORTON of Ohio: A bill (H. R. 10765) granting an increase of pension to Frederick Spier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10766) granting a pension to Jennie H. Cramer—to the Committee on Invalid Pensions.

By Mr. OTEY (by request): A bill (H. R. 10767) for the relief of John B. Ege, of Petersburg, Va.—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 10768) for the relief of Franklin P. Mauck, late of United States receiving ship *Franklin*—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 10769) for the relief of Martin Daughenbaugh—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: A bill (H. R. 10770) to grant a pension to Elias C. Wheeler, late a private in Company G, Fifty-sixth

Regiment Pennsylvania Militia—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 10771) granting a pension to Sarah F. Armstrong, widow of George Armstrong, late of Company C, One hundred and thirty-third West Virginia Infantry Militia—to the Committee on Pensions.

Also, a bill (H. R. 10772) to pension Eliza Peel, late widow of John B. Elliott, of Wellsburg, W. Va.—to the Committee on Pensions.

Also, a bill (H. R. 10773) for the relief of Richard Crutcher, late private of Company I, Fourth Kentucky Volunteer Infantry, Mexican war—to the Committee on Military Affairs.

Also, a bill (H. R. 10774) for the relief of Franklin Woodford, Gilmer County, W. Va.—to the Committee on War Claims.

Also, a bill (H. R. 10775) to pension Robert L. Giffin, of Washington, D. C.—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 10776) granting an increase of pension to Mary Weideman, widow of Albert Weideman, late second lieutenant of Company B, Fourteenth United States Colored Artillery—to the Committee on Pensions.

By Mr. RIDGELY: A bill (H. R. 10778) granting an increase of pension to Martin V. B. Winkler—to the Committee on Invalid Pensions.

By Mr. CORLISS: A bill (H. R. 10779) to increase the pension of William N. Carlisle—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of James Cameron and 18 other citizens of Blackhawk County, Iowa, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. ADAMS: Petition of the Central Labor Council of Cincinnati, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

Also, resolution of the Civil War Veterans' Association, Customs Service, Port of New York, favoring Senate bill No. 283, in reference to the civil service and appointments, as reported with an amendment—to the Committee on Reform in the Civil Service.

By Mr. BABCOCK: Petition of farmers of Ithaca, Wis., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. BARTLETT: Paper to accompany House bill granting a pension to Sallie B. Wilson—to the Committee on Invalid Pensions.

By Mr. BROMWELL: Petition of the Central Labor Council of Cincinnati, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. BROWNLOW: Petitions of Grand Army of the Republic posts of Mexico, N. Y.; Tropers, Cal.; Copenhagen, N. Y.; Colorado Springs, Colo.; Toronto, Kans.; Omega, La., and Alexandria, Va., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BURTON: Petition of Memorial Post, No. 141, of Cleveland, Ohio, Grand Army of the Republic, in favor of the bill providing for service pensions—to the Committee on Invalid Pensions.

By Mr. BUTLER: Petition of the Guernsey Breeders' Association, of West Grove, Pa., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, petition of the Loyal Temperance League of Lenni, Pa., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. DALZELL: Papers to accompany House bill No. 10010, granting a pension to Capt. Edward H. Brady—to the Committee on Invalid Pensions.

Also, petition of Thomas Grant, of New Galilee, Pa., for amendment to pension laws—to the Committee on Invalid Pensions.

By Mr. STANLEY W. DAVENPORT: Petition of substitute letter carriers of Wilkesbarre, Pa., in favor of House bill No. 1051, relating to grading of substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Men's Alliance and resident voters of Wilkesbarre, Pa., favoring a bill to prohibit the sale of liquor in canteens and in all Government buildings and premises—to the Committee on Alcoholic Liquor Traffic.

By Mr. DAVIS: Petition of 63 citizens of the District of Columbia, protesting against the chapter in the proposed District code reducing the number of justices of the peace—to the Committee on the District of Columbia.

By Mr. DOVENER: Papers to accompany House bill to correct the military record of Richard Crother—to the Committee on Military Affairs.

Also, papers to accompany House bill for the relief of Franklin Woodford—to the Committee on War Claims.

Also, paper to accompany House bill No. 3706, for the relief of Jerry S. Fish—to the Committee on Pensions.

Also, papers to accompany House bill for the relief of Eliza Peel—to the Committee on Pensions.

By Mr. GASTON: Petitions of Woman's Christian Temperance unions of Union City and Mill Creek Township Baptist Church, of Union City, and Presbyterian Church and citizens of Corry, Pa., to prevent the dealing in intoxicating drinks upon premises used for military purposes—to the Committee on Military Affairs.

Also, petitions of citizens of Albion, North Springfield, and Woodcock Township, Crawford County, Pa., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, protest of the Crawford County Medical Society, of Pennsylvania, against the passage of Senate bill No. 34, prohibiting vivisection—to the Committee on the District of Columbia.

Also, petition of druggists of Corry, Pa., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the Central Labor Council of Cincinnati, Ohio, against the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

By Mr. GREEN of Pennsylvania: Petition of the Woman's Christian Temperance unions of Reading and Allentown, Pa., against the sale of intoxicants in the Army, etc.—to the Committee on Military Affairs.

Also, petition of citizens of Lehigh, Pa., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

By Mr. GROUT: Petitions of Peter Houston and 6 other citizens of Hamden; E. C. Graves and 8 others, of Lyndonville; Henry C. Culver and 9 others, of Morris; O. Cass and 77 others, William Case and 40 others, of Sherburne; O. A. Wheeler and 24 others, of West Burke; A. J. Ayer and 29 others, of Putney; J. E. Cowan and 16 others, of Groton, State of New York, in favor of the passage of the Grout bill relating to oleomargarine—to the Committee on Agriculture.

Also, petition of Harry A. Slade and 54 other druggists of Vermont, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, protest of Essex Publishing Company, Essex Junction, Vt., and 26 other citizens of the Second Congressional district of Vermont, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of R. L. Laughlin and the Young People's Society of Christian Endeavor, of Barnet, Vt., favoring a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on Military Affairs.

Also, resolution of the Mesa County Vermont Society, A. C. Grout, president, urging the passage of Senate bill No. 2868, authorizing the establishment of a public building at Grand Junction, Colo.—to the Committee on Public Buildings and Grounds.

By Mr. HILL: Petition of the Woman's Christian Temperance Union, Young People's Society of Christian Endeavor, and citizens of Plymouth, Conn., urging the passage of House bill prohibiting the sale of liquor in Army canteens and in Government buildings and premises used by the United States—to the Committee on Public Buildings and Grounds.

By Mr. HOFFECKER: Three petitions of citizens of Newcastle County, Del., in favor of the passage of House bill No. 3717—to the Committee on Ways and Means.

Also (by request), petition of the Woman's Christian Temperance Union of Delaware City, Del., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. JONES of Washington: Petition of Post No. 191, of Colfax, Wash., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. KETCHAM: Petitions of Rev. O. P. Dales and 16 others; Althea A. Babcock and 53 others, all citizens of Glasco, Ulster County, N. Y., urging the passage of House bill No. 5457, abolishing the Army canteen—to the Committee on Military Affairs.

Also, petition of Pratt Post, No. 127, of Kingston, N. Y., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LITTAUER: Petitions of Ellsworth Post, of Mechanicsville; Dalzell Post, of Waddington; Hooker Post, of Morristown; Sheridan Post, of Waterford, Grand Army of the Republic, Department of New York, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. McDOWELL: Petition of Frank F. Robinson, of Hanover, Ohio, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. MANN: Petition of General W. B. Hazen Post, No. 7, of Chicago, Ill., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. NAPHEN: Resolutions of the Civil War Veterans' Association, Custom Service, Port of New York, in favor of giving preference in appointments to soldiers of civil and Spanish-American wars—to the Committee on Reform in the Civil Service.

Also, petition of Frank Tucker and 5 others, of Boston, Mass., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, memorial of the United States Brewers' Association, of New York, asking for the repeal of the war tax on malt liquors—to the Committee on Ways and Means.

Also, resolutions of the Building Trades Council of Cincinnati, Ohio, and vicinity, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. NORTON of Ohio: Paper to accompany House bill granting a pension to Jennie H. Cramer—to the Committee on Invalid Pensions.

Also, petition of Charles A. Gribble and other employees of the Fostoria (Ohio) post-office, for the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. RIXEY: Papers to accompany House bill for the relief of Franklin P. Mauck—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Petition of Woodstock (Conn.) Grange, No. 150, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. SCUDDER: Paper to accompany House bill No. 9907, to refer the claim of Joseph Robinson, owner of the brig *Robert and Mary*, to the Court of Claims—to the Committee on Claims.

By Mr. SHOWALTER: Petition of Fredonia Post, No. 341, Department of Pennsylvania, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SMALL: Petition of M. K. King, Brauning Manufacturing Company, John L. Roper Lumber Company, James A. Miller, and others, praying for the improvement of the channel at the mouth of Scuppernong River, in the State of North Carolina—to the Committee on Rivers and Harbors.

By Mr. SULZER: Petition of the Civil War Veterans' Association, Customs Service, Port of New York, asking favorable action on Senate bill No. 283 as amended, giving preference in appointments to honorably discharged soldiers, sailors, and marines who served in the civil war and in the Spanish and Philippine wars—to the Committee on Reform in the Civil Service.

By Mr. WEEKS: Resolutions of the Central Labor Council and the Building Trades Council, of Cincinnati, Ohio, opposing the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of Civil War Veterans' Association of New York, favoring the passage of Senate bill No. 283, in regard to preference of honorably discharged soldiers and sailors in Government employ—to the Committee on Reform in the Civil Service.

Also, petition of the Mercantile Association of Michigan, favoring House bill No. 6246, known as the Brosius pure-food bill—to the Committee on Agriculture.

By Mr. YOUNG: Petition of Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen, Columbus, Ohio, opposing the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petitions of United States Brewers' Association and 29 associations of brewers in all parts of the United States, in favor of a reduction of the internal-revenue tax on beer—to the Committee on Ways and Means.

SENATE.

TUESDAY, *April 17, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 625) granting an increase of pension to Wesley Reed;

A bill (H. R. 963) to extend the privileges of the seventh section of the act of Congress approved June 10, 1880, to the port of Greenbay, Wis.;

A bill (H. R. 1147) granting an increase of pension to Luke H. Cooper;

A bill (H. R. 1172) granting a pension to Rebecca J. Jones;

A bill (H. R. 1201) granting a pension to James McNutt;

A bill (H. R. 1677) granting an increase of pension to Missouri B. Ross;

A bill (H. R. 1681) granting an increase of pension to Isaac M. Locke;

A bill (H. R. 1768) granting an increase of pension to George J. Stealy;

A bill (H. R. 1946) granting a pension to Jane F. Chalmers;

A bill (H. R. 2170) granting a pension to Angeline Eyestone;

A bill (H. R. 2303) granting an increase of pension to Lavinia M. Payne;

A bill (H. R. 3214) granting a pension to John S. Dukate;

A bill (H. R. 3312) granting an increase of pension to Ellen V. Myer;

A bill (H. R. 3454) granting a pension to Joseph E. Baldwin;

A bill (H. R. 3654) granting a pension to Calvin E. Myers;

A bill (H. R. 3758) granting an increase of pension of Joshua Ricketts;

A bill (H. R. 3821) granting an increase of pension to Frances D. Best;

A bill (H. R. 3941) granting a pension to Samuel B. Weeks;

A bill (H. R. 3962) granting an increase of pension to Alanson C. Eberhart;

A bill (H. R. 4089) granting a pension to Emily Burke;

A bill (H. R. 4562) granting a pension to Lois A. Fields;

A bill (H. R. 4654) granting an increase of pension to Simon Van Der Vaart;

A bill (H. R. 4657) granting a pension to Laura S. Pontious;

A bill (H. R. 4795) granting an increase of pension to John O'Conor;

A bill (H. R. 4836) granting an increase of pension to Wilbur F. Loveland;

A bill (H. R. 5134) granting an increase of pension to Joseph F. Allison;

A bill (H. R. 5170) granting a pension to Cyrus Johnson;

A bill (H. R. 5174) granting a pension to William R. Wallace;

A bill (H. R. 5966) granting an increase of pension to Charles A. Hausmann;

A bill (H. R. 6019) granting a pension to Mrs. Therese W. Hand;

A bill (H. R. 6089) granting a pension to Alfred T. Moreland;

A bill (H. R. 6356) granting an increase of pension to Lewis R. Armstrong;

A bill (H. R. 6486) granting an increase of pension to Orange F. Berden;

A bill (H. R. 6527) granting an increase of pension to George Myers;

A bill (H. R. 6731) granting an increase of pension to William F. Tait;

A bill (H. R. 6900) granting an increase of pension to Benjamin F. Kurtz;

A bill (H. R. 7264) granting a pension to Hannah C. Smith;

A bill (H. R. 7323) granting an increase of pension to Harrison Canfield;

A bill (H. R. 7799) granting an increase of pension to Franklin M. Burdoin;

A bill (H. R. 8045) granting an increase of pension to Wilford Cooper;

A bill (H. R. 8339) granting an increase of pension to Charles H. Taber;

A bill (H. R. 8390) granting an increase of pension to Joshua Mitchell;

A bill (H. R. 8397) granting an increase of pension to John White;

A bill (H. R. 8599) granting a pension to Ellen J. Williams; and

A bill (H. R. 8605) granting a pension to Joseph Champlin Stone.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented petitions of Reeves & Co., of Columbus; the Perry Manufacturing Company, of Indianapolis; the Hoosier Drill Company, of Richmond, and the South Bend Chilled Plow Company, of South Bend, all in the State of Indiana, praying for the enactment of legislation providing for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

Mr. McMILLAN presented a petition of the Conference of the Evangelical Association of Sebewaing, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to members of the Army and Navy; which was referred to the Committee on Military Affairs.

He also presented a memorial of Coopers' Union, No. 54, of Detroit, Mich., remonstrating against the enactment of legislation

to abolish the use of internal-revenue stamps on sixths and eighths beer kegs; which was referred to the Committee on Finance.

Mr. FORAKER presented a petition of the Trade and Labor Council of East Palestine, Ohio, praying that all the remaining public lands be held for the benefit of the whole people, and that no grants of the title to these lands be made to any but actual settlers and home builders thereon; which was referred to the Committee on Public Lands.

He also presented a petition of the Trade and Labor Council of East Palestine, Ohio, praying for the enactment of legislation to limit the hours of daily service of laborers and mechanics employed upon the public works of the United States; which was referred to the Committee on Education and Labor.

Mr. NELSON presented a petition of the Grand Army of the Republic, Department of Minnesota, praying for the establishment of a park and military cemetery at Fort Ridgely, in that State; which was referred to the Committee on Public Lands.

Mr. BURROWS presented a petition of the Mercantile Association of Detroit, Mich., praying for the enactment of legislation to secure protection in the use of adulterated food products; which was referred to the Committee on Manufactures.

He also presented a petition of the Northern Engineering Works, of Detroit, Mich., praying for the enactment of legislation to regulate the hours of daily service of laborers and mechanics employed upon the public works of the United States; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Central Labor Union of Cincinnati, Ohio, remonstrating against the enactment of legislation to place a tax upon butterine, oleomargarine, and all kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. JONES of Arkansas presented a petition of the Choctaw and Chickasaw nations, praying for the enactment of such legislation as will secure them protection in their lawful rights, etc.; which was referred to the Committee on Indian Affairs.

Mr. FRYE presented a petition of the State Board of Trade of Maine, praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 163) for the relief of Henry O. Morse, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4054) granting an increase of pension to Elizabeth W. Eldridge, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3880) granting an increase of pension to Clara E. Colbath;

A bill (S. 3134) granting a pension to Martha Agnew; and

A bill (S. 3047) to increase the pension of William Mullevy.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 857) granting an increase of pension to James Chapman;

A bill (H. R. 4247) granting an increase of pension to Francis S. Wolfe; and

A bill (H. R. 3563) granting an increase of pension to Julia A. Floyd.

Mr. GALLINGER (for Mr. KYLE), from the Committee on Pensions, to whom was referred the bill (S. 218) granting a pension to Florence Tate, reported it with amendments, and submitted a report thereon.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4040) granting an increase of pension to Mary C. Gage; and

A bill (H. R. 6375) granting an increase of pension to Chester Willis.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (H. R. 4276) granting an increase of pension to John R. Eggeman, reported it with an amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1349) for the erection of a public building at Meriden, Conn., reported it with amendments, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 262) granting an increase of pension to Charles H. Irvin, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 3466) granting a pension to John F. Hutchinson, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2333) granting an increase of pension to James Osborn, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 2540) granting an increase of pension to Byron Kurtz, reported it with an amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1280) granting an increase of pension to Alfred Hering, of Leavenworth, Kans.;

A bill (S. 823) granting a pension to Brice Davis, of Howard, Kans.; and

A bill (H. R. 4030) granting an increase of pension to Margarett L. Coleman.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 476) granting a pension to Dr. Franklin Cooley; and

A bill (S. 1924) for the relief of Emma R. Rusling.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 4180) granting an increase of pension to Austin J. Pickett, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 3597) to incorporate the Frederick Douglass Memorial and Historical Association, reported it with an amendment, and submitted a report thereon.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 2462) granting an increase of pension to Emma L. Du Bois, reported it with an amendment, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4791) granting a pension to Catharine A. Schwunger;

A bill (H. R. 4832) granting an increase of pension to Martha E. Graves; and

A bill (H. R. 5435) granting an increase of pension to Alexander P. Baugher.

PENSIONS TO SOLDIERS OF THE MEXICAN WAR.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 6959) to extend the provisions of an act entitled "An act granting an increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893, to report it favorably without amendment. I desire to ask the immediate consideration of this bill, and I will make a very brief statement.

The original Mexican pension act granted a service pension of $8 per month to all soldiers who served in that war. January 5, 1893, it was amended, granting an increase to $12 per month to all the soldiers of that war who were in extreme physical suffering or destitution, provided their names were on the rolls at that time. Since that time a few of those soldiers have been added to the rolls, and this bill simply provides that the provisions of the act of January 5, 1893, granting the right of an increase to $12 per month shall be extended to them. It is a very simple measure, and it ought to be passed.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to extend the benefits of the act entitled "An act granting increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893, to all survivors of the Mexican war who are pensionable under existing Mexican war service pension laws, and who have become or may hereafter become wholly disabled for manual labor and in such destitute circumstances that $8 per month are insufficient to provide them the necessaries of life, irrespective of the date of the granting of the service pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENSIGN GEORGE IZARD MIDDLETON.

Mr. MARTIN. I am directed by the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 31) to authorize the appointment of George Izard Middleton an ensign in the Navy, to report it favorably without amendment.

Mr. TILLMAN. It will take but a moment to pass the joint resolution, and I ask unanimous consent that it be taken up and passed.

The Secretary read the joint resolution; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PROCTOR introduced a bill (S. 4237) granting a pension to Frances Helen Lewis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4238) granting a pension to John Crosby; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. RAWLINS introduced a bill (S. 4239) removing the charge of desertion against George A. McKenzie; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULBERSON introduced a bill (S. 4240) to fix the compensation of United States commissioners in Chinese deportation cases; which was read twice by its title.

Mr. CULBERSON. I ask that the bill be referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary, in the absence of objection.

Mr. HOAR. Should it not go to the Committee on Finance rather than to the Committee on the Judiciary?

The PRESIDENT pro tempore. The Senator from Texas asks that it shall go to the Committee on the Judiciary.

Mr. HOAR. It will be out of the ordinary line of the duties of the Committee on the Judiciary. On the other hand, it would seem natural to have it go to the Committee on Finance.

Mr. CULBERSON. I have no objection to the bill being referred to the Committee on Finance.

The PRESIDENT pro tempore. The Chair is of the opinion that that is the proper committee.

Mr. CULBERSON. Very well; let it go to that committee.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Finance.

Mr. FAIRBANKS introduced a bill (S. 4241) granting an increase of pension to William T. Gratton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4242) granting an increase of pension to James F. Nosler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURLEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4243) for the relief of Patrick Twohig;

A bill (S. 4244) for the relief of Jane T. Williams;

A bill (S. 4245) for the relief of the Columbia Athenæum, Columbia, Tenn.;

A bill (S. 4246) for the relief of Simon Witkowski; and

A bill (S. 4247) for the relief of the estate of John Kerr, deceased.

Mr. CHANDLER introduced a bill (S. 4248) for the relief of Andrew H. Russell and William R. Livermore; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 4249) for the relief of John Ranald; which was read twice by its title, and referred to the Committee on Patents.

Mr. JONES of Arkansas (by request) introduced a bill (S. 4250) authorizing Albert H. Howe, James J. McAlester, William G. Weimer, Eugene E. White, and their associates to organize a corporation in the Indian Territory to construct an electric railroad, and granting them right of way for an electric railroad in said Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GALLINGER introduced a bill (S. 4251) providing for the adjudication by the Court of Claims and Supreme Court of pension claims involving difficult or important questions of law as a means of establishing judicial precedents for the guidance of the Secretary of the Interior and the Commissioner of Pensions; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CLAY submitted an amendment proposing to appropriate $10,000 to complete the work of improving the Lafayette State road in Georgia, from Lee and Gordon's Mills in that State to the town of Lafayette, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $5,000 for the construction of a chapel at the navy-yard, Mare Island, Cal., intended to be proposed by him to the naval appropriation bill; which was referred to the Committtee on Naval Affairs, and ordered to be printed.

Mr. DANIEL submitted an amendment proposing to resettle, readjust, and pay, out of any money in the Treasury not otherwise appropriated, all claims of the States of New York, Pennsylvania, Delaware, Virginia, South Carolina, and the city of Baltimore for and on account of advances and expenditures made by them in the war of 1812 to 1815 with Great Britain, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

SOUTH CAROLINA STATE CLAIMS.

Mr. TILLMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to adjust the accounts between the United States and the State of South Carolina, on the following basis, and report what amount will be due said State June 30, 1900:

First. Take the amount due the State of South Carolina on July 19, 1832, for moneys expended in the war of 1812, as shown in a letter from the Secretary of the Treasury of January 9, 1900, calculate the interest on same to date of the maturity of the bonds of South Carolina held by him as custodian of the Indian trust fund, to wit, January 1, 1881; deduct the amount due by the State, principal and interest, on bonds, from the amount due the State by the United States, and calculate interest on balance to June 30, 1900, thus showing the amount, principal and interest, due the State at that date.

Second. Add to this amount the sum due the State of South Carolina for moneys expended in the war of 1836-37, as shown by the letter of the Secretary of the Treasury, February 20, 1900, calculating the interest on said amount up to June 30, 1900.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate the following resolution.

Mr. MASON. When in order, I desire to ask unanimous consent to take up a bill.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution reported by Mr. TURLEY from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

The PRESIDENT pro tempore. The Senator from Illinois is recognized.

ABANDONED PROPERTY IN INSURRECTIONARY DISTRICTS.

Mr. MASON. I desire to ask unanimous consent that Senate bill 602 and pending amendments be voted on one week from to-day at the hour of 1 o'clock.

Mr. PLATT of Connecticut. What bill is that?

Mr. MASON. It is the same one the Senator objected to the other day.

Mr. PLATT of Connecticut. The bill is not under consideration.

Mr. MASON. If the Senator will allow me to explain, I will state that the bill was introduced by the senior Senator from Minnesota [Mr. DAVIS].

Mr. HAWLEY. We are unable to hear in this part of the Chamber. I should like to know what bill it is.

Mr. MASON. I am trying to state. The bill was introduced by the senior Senator from Minnesota. It was called up by him and read. A similar bill has been reported several times. It is the bill mentioned the other day to which the senior Senator from Connecticut objected.

Mr. HAWLEY. My inquiry is what the bill is. What is the name of it?

Mr. MASON. It is a bill to——

Mr. PLATT of Connecticut. To pay the amount due for captured and abandoned property, and cotton, in the Treasury Department.

Mr. President, a single word, if I may be permitted, in entering an objection. These unanimous-consent agreements very often work harshly when made, and I am unwilling to consent to fixing a time for a vote upon a measure which is not before the Senate and which has had no discussion. I do not know whether such a request is in order, for certainly the bill is not before the Senate; it is not under consideration; it has had no discussion. I do not think that unanimous consent for a vote ought to be asked under such circumstances.

The PRESIDENT pro tempore. Objection is made.

Mr. MASON. I wished to say before the Senator sat down that the bill has been before the Senate, that it has been called up by unanimous consent, and that it would have been voted upon by unanimous consent after the senior Senator from Minnesota [Mr. DAVIS] explained the matter fully, but it went over upon the understanding that it might be called up again. It is now, as I understand it, first or second on the Calendar, and I simply desire to give notice that I shall hope to go to the Calendar and dispose of this business.

TAX SALES IN THE DISTRICT OF COLUMBIA.

Mr. PROCTOR. I ask unanimous consent to call up the bill (H. R. 8406) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia."

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4 of the act of February 28, 1898, entitled "An act in relation to taxes and tax sales in the District of Columbia," by striking out all after the word "sale," in line 8 of that section.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE PHILIPPINE ISLANDS.

Mr. HOAR. I ask that the unfinished business be laid aside informally.

Mr. CHANDLER. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. HOAR. I will state my request. It is that Senate joint resolution No. 53, introduced by the Senator from Indiana [Mr. BEVERIDGE], be laid before the Senate.

Mr. CHANDLER. The Senator will allow me to have the privileged resolution laid aside?

Mr. HOAR. Informally.

Mr. CHANDLER. Yes; I think that ought to be the order of business, and I presumed the Senator from Massachusetts would ask that the resolution in reference to a seat in the Senate from the State of Pennsylvania may go over until after the routine morning business to-morrow.

Mr. HOAR. The request I made was that it be laid aside informally; but, if you prefer, let it go over until to-morrow.

Mr. CHANDLER. I understood the Senator to speak of the unfinished business.

Mr. HOAR. That had just been laid before the Senate.

Mr. CHANDLER. The unfinished business I supposed was the Philippine measure.

Mr. HOAR. The Chair laid the Quay resolution before the Senate and that is now before the Senate, and I asked that it be laid aside informally.

Mr. CHANDLER. I understand that to be the Senator's request, and that is entirely proper.

Mr. CLARK of Wyoming. I ask consent to call up the bill (H. R. 5485) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof.

Mr. HOAR. Will it be likely to take any debate?

Mr. CLARK of Wyoming. I hope not. It simply provides for the relinquishment of certain lands in the State of Wyoming now held by the General Government. I will say, however, to the Senator that the bill is somewhat lengthy, and it may take some time to read it.

Mr. HOAR. Perhaps the Senator will allow it to come up at a later hour to-day?

Mr. CLARK of Wyoming. Possibly I may have an opportunity to call it up at a later hour. It is a bill of very great importance to the settlers in my part of the country.

Mr. CHANDLER. I object under the circumstances. We have laid aside the resolution in reference to a seat from Pennsylvania in order that the Senator from Massachusetts may not be interrupted, and I think therefore I will object to all other business.

The PRESIDENT pro tempore. The Senator from New Hampshire objects.

Mr. CLARK of Wyoming. That settles it.

Mr. HOAR. Mr. President, I propose, in the remarks I have to make this morning, to cite a good many documents from the reports of our commanders and consuls in the East. I desire leave to have those documents printed as a part of my remarks in full, although I do not desire to have them read in full, and shall state in a sentence or two the substance of them. I wish to have them printed in full so that nobody may suggest that there was any suppression or perversion of their contents. I ask leave that that may be done.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

Mr. HOAR. Mr. President, I am in rather an uncomfortable condition as to health, and I desire to ask that I may say what I have to say without interruption unless I shall misstate any Senator. If I should do so, I would expect, of course, to yield to him for any correction he might wish to make. I ask the Secretary to read Senate joint resolution No. 53.

The PRESIDENT pro tempore. The Secretary will read the joint resolution.

The Secretary read the joint resolution (S. R. 53) defining the policy of the United States relative to the Philippine Islands, introduced by Mr. BEVERIDGE January 4, 1900, as follows:

Resolved, etc., That the Philippine Islands are territory belonging to the United States; that it is the intention of the United States to retain them as such and to establish and maintain such governmental control throughout the archipelago as the situation may demand.

Mr. HOAR. Mr. President, when, on the 8th of July, 1898, less than two years ago, the lamented Vice-President declared the session of the Senate at an end, the people of the United States were at the high-water mark of prosperity and glory. No other country on earth, in all history, ever saw the like. It was an American prosperity and an American glory.

We were approaching the end of a great century. From thirteen States we had become forty-five States. From 3,000,000 people we had become near 80,000,000. An enormous foreign commerce, promising to grow to still vaster proportions in the near future, was thrown into insignificance by an internal commerce almost passing the capacity of numbers to calculate. Our manufactures, making their way past hostile tariffs and fiscal regulations, were displacing the products of the greatest manufacturing nations in their own markets. South of us, from the Rio Grande to Cape Horn, our Monroe doctrine had banished from the American continent the powers of Europe; Spain and France had retired; monarchy had taken its leave; and the whole territory was occupied by republics owing their freedom to us, forming their institutions on our example. Our flag, known and honored throughout the earth, was welcomed everywhere in friendly ports, and floated everywhere on friendly seas. We were the freest, richest, strongest nation on the face of the earth—strong in all the elements of material strength, stronger still in the justice and liberty on which the foundations of our empire were laid. We had abolished slavery within our own borders by our constitutional mandate, and had abolished slavery throughout the world by the influence of our example.

Our national debt had been reduced with unexampled rapidity. We had increased it somewhat for the necessary expenses of the war. But if it had all been due, we could have paid it all in a single year by a tax solely upon the luxuries of the rich, which the rich would scarcely have felt, and which would have vexed no manufacture and no branch of commerce. Rich in all material wealth, we were richer still in a noble history and in those priceless ideals by which a Republic must live or bear no life.

From all over the country came the voice of well-paid labor, dwelling in happy homes, full of contentment with the present and of hope for the future. Capital was seeking new investments on all sides. Our domestic market, rescued from foreign invasion, was our own. Foreign markets were opening. The balance of trade was on our side. The product of American industry was carried abroad on an overwhelming and increasing tide.

We had won the glory of a great liberator in both hemispheres. The flag of Spain—emblem of tyranny and cruelty—had been driven from the Western Hemisphere, and was soon to go down from her eastern possessions. The war had been conducted without the loss of a gun or the capture of an American soldier in battle. The glory of this great achievement was unlike any other which history has recorded. It was not that we had beaten Spain. It was not that 75,000,000 people had conquered 15,000,000. Not that the spirit of the nineteenth century had been too much for the spirit of the fifteenth century. Not that the young athlete had felled to the ground a decrepit old man of ninety. It was not that the American mechanic and engineer in the machine shop could make better ships or better guns; or that the American soldier or sailor had displayed the same quality in battle that he had shown on every field—at Bunker Hill, at Yorktown, at Lundys Lane, at New Orleans, at Buena Vista, at Gettysburg; in every sea fight on Lake Erie or on the Atlantic. Nobody doubted the skill of the American general, the gallantry of the American admiral, or the courage of the American soldier or sailor. The glory of the war and of the victory was that it was a war and a victory in the interest of liberty. The American flag had appeared as a liberator in both hemispheres; when it floated over Havana or Santiago or Manila, there was written on its folds, where all nations could read it, the pledge of the resolution of Congress and the declaration of the President.

Every true American thanked God that he had lived to behold that day. The rarest good fortune of all was the good fortune of President McKinley. He was, in my judgment, the best beloved President who ever sat in the chair of Washington. His name was inseparably connected with two periods of unexampled prosperity, made more impressive by the period of calamity which came between them. The people believed that to the great measure called by his name was due a time of happiness and comfort never equaled in this country, and never approached by any other. It was the high-water mark on this planet of everything that could bring happiness to a people. But high as the

tide reached then, it went still higher under the operation of the policies which came in with his Administration.

He had won golden honors by his patriotic hesitation in bringing on the war, and by his interpretation of the purpose with which the people at last entered upon it.

When I say that President McKinley was the best beloved President that ever sat in the chair of Washington, I do not mean, of course, to compare the reverence in which any living man is held with that which attends the memory of Washington or Lincoln. But Washington and Lincoln encountered while they were alive a storm of political hostility, which President McKinley has fortunately been spared. I repeat, that it seems to me that President McKinley holds a place in the affection of the people at large which no one of his predecessors ever attained in his lifetime.

The promise which the President and the Senate made as to Cuba we have, so far, done our best to redeem. When the Spanish fleet was sunk and the Spanish flag went down from over Havana, peace and order and contentment and reviving industry and liberty followed the American flag. Some of us had hoped for the same thing in the East. We had hoped that a like policy would have brought a like result in the Philippine Islands. No man contemplated for a moment the return of those islands to Spain. One of the apostles would as soon have thought of giving back a redeemed soul to the dominion of Satan.

The American people, so far as I know, were all agreed that their victory brought with it the responsibility of protecting the liberated peoples from the cupidity of any other power until they could establish their own independence in freedom and in honor.

I stand here to-day to plead with you not to abandon the principles that have brought these things to pass. I implore you to keep to the policy that has made the country great, that has made the Republican party great, that has made the President great. I have nothing new to say. But I ask you to keep in the old channels, and to keep off the old rocks laid down in the old charts, and to follow the old sailing orders that all the old captains of other days have obeyed, to take your bearings, as of old, from the north star,

> Of whose true fixed and resting quality
> There is no fellow in the firmament,

and not from this meteoric light of empire.

Especially, if I could, would I persuade the great Republican party to come back again to its old faith, to its old religion, before it is too late. There is yet time. The President has said again and again that his is only an ad interim policy until Congress shall act. It is not yet too late. Congress has rejected, unwisely, as I think, some declarations for freedom. But the two Houses have not as yet committed themselves to despotism. The old, safe path, the path alike of justice and of freedom, is still easy. It is a path familiar, of old, to the Republican party. If we have diverged from it for the first time, everything in our history, everything in our own nature calls us back. The great preacher of the English church tells you how easy is the return of a great and noble nature from the first departure from rectitude:

"For so a taper, when its crown of flame is newly blown off, retains a nature so symbolical to light, that it will with greediness reenkindle and snatch a ray from the neighbor fire."

I for one believed, and still believe that the pathway to prosperity and glory for the country was also the pathway to success and glory for the Republican party. I thought the two things inseparable. If, when we made the treaty of peace, we had adhered to the purpose we declared when we declared war; if we had dealt with the Philippine Islands as we promised to deal, have dealt, and expect to deal with Cuba, the country would have escaped the loss of 6,000 brave soldiers, other thousands of wrecked and shattered lives, the sickness of many more, the expenditure of hundreds of millions, and, what is far worse than all, the trampling under foot of its cherished ideals. There would have been to-day a noble republic in the East, sitting docile at our feet, receiving from us civilization, laws, manners, and giving in turn everything the gratitude of a free people could give—love, obedience, trade. The Philippine youth would throng our universities; our Constitution, our Declaration, the lives of Washington and Lincoln, the sayings of Jefferson and Franklin would have been the text-books of their schools. How our orators and poets would have delighted to contrast America liberating and raising up the republic of Asia, with England subduing and trampling under foot the republic of Africa. Nothing at home could have withstood the great party and the great President who had done these things. We should have come from the next election with a solid North and have carried half the South. You would at least have been spared the spectacle of great Republican States rising in revolt against Republican policies.

I do not expect to accomplish anything for liberty in the Philippine Islands but through the Republican party. Upon it the fate of these islands for years to come is to depend. If that party can not be persuaded, the case is in my judgment for the present hopeless. That party will be in power for the next twelve months. It will be continued in power for at least four years thereafter. If it were otherwise, what we do within the next twelve months could not be undone without the consent of a Republican Senate. Our majority in the Senate for at least four years is assured; and if that were doubtful there are Democrats enough committed to this expansion policy to make it sure if the bulk of the Republican party determine to continue it.

I can not look with any favor upon Mr. Bryan as an alternative. I can not believe that there is anything to hope for from his election. Upon all other questions than imperialism he announces no single doctrine, principle, or purpose which has in it anything either of prosperity or safety to the Republic. And I can not forget that when it was attempted to defeat the Paris treaty, or at least to compel an amendment which, if it had been done, would have put the Philippine Islands upon the same footing with Cuba, would have prevented the war, and would have preserved our national doctrines of liberty and our ancient policy, it was due to Mr. Bryan, more than to any other man after the treaty left the hands of the President, that that attempt was frustrated. Unless he is much misrepresented he used all his power and influence with those of his friends who were ready to listen to his counsel to secure the ratification of the treaty. That ratification involved the continuance of the war, which had then proceeded no further than an unauthorized outbreak of hostilities and an assumption of sovereignty over an unwilling people—to be purchased by the United States—the cause of a year's war and all the disasters and melancholy history of the last twelve months.

I do not underrate the importance of this issue. It is greater than parties, greater than administrations, greater than the happiness or prosperity of a single generation. But in pleading for justice to these dusky millions of distant Asiatics, I can not forget 10,000,000 American citizens here at home, to whom neither citizenship nor manhood is hereafter to be worth having unless the Republican party stand by them. Who can fail to read the signs of the times? The Senator from Alabama, finding himself hard beset, made his bid for the favor of the Democrats of Alabama by proclaiming in his speech made in his place here, but meant for his campaign at home, the unfitness of the negro for self-government, and demanding the repeal of the constitutional amendments. And Alabama, even if she dislike his imperialism, will take him on those terms. Three States have adopted constitutions contrived with masterly ingenuity to exclude negroes from the right to vote. Others are getting ready to follow in their footsteps. The Senator from South Carolina, in an utterance whose terrible meaning is almost forgotten in our admiration for the manly frankness of the avowal, said, the other day, in the Senate:

> We took the government away. We stuffed ballot boxes. We shot them. We are not ashamed of it. The Senator from Wisconsin would have done the same thing. I see it in his eye right now. He would have done it. With that system—force, tissue ballots, etc.—we got tired ourselves. So we called a constitutional convention, and we eliminated, as I said, all of the colored people whom we could under the fourteenth and fifteenth amendments.
>
> I want to call your attention to the remarkable change that has come over the spirit of the dream of the Republicans; to remind you gentlemen from the North that your slogans of the past—brotherhood of man and the fatherhood of God—have gone glimmering down the ages. The brotherhood of man exists no longer, because you shoot negroes in Illinois, when they come in competition with your labor, as we shoot them in South Carolina when they come in competition with us in the matter of elections. You do not love them any better than we do. You used to pretend that you did, but you no longer pretend it except to get their votes.
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> You deal with the Filipinos just as we deal with the negroes, only you treat them a heap worse.—*Congressional Record*, Fifty-sixth Congress, first session, pages 2244, 2245.

In England an issue can be made up on one question. Men go from party to party in Parliament; if the Government be defeated, the ministry resign, the question is settled, and the new ministry is displaced again when it is beaten on some other important issue.

With us, we have a system of periodicity. The President is put in power for four years, the majority in the House for two years, and the majority in the Senate can never be changed in less than two years, and ordinarily the process takes at least six. So you have to determine not whether the President, or the Senators, or the Representatives be right on a single question; you must choose between the forces arrayed on one side or the other, and determine which you will trust with government on all questions for an indefinite or at least a long future.

Now, I do not wish to speak unkindly of our Democratic antagonists. Toleration comes with age and experience. I am glad to recognize cheerfully the patriotic purpose and the manly qualities of so many of the leaders the Democratic States of the South have contributed of late to the public service.

But I can not forget that the main power in the Democratic

party still abides with the combinations of men who govern the cities of New York and of Chicago; with the men who are believers in what seems to me a dishonest currency, and in a policy that would bring distress and poverty into the homes of millions of American workmen; the men who would undermine the Supreme Court, and the men who would destroy the safeguards of property.

I can not see, in Mr. Bryan in the Presidential chair and the Senate and Congress so controlled, either hope that this policy of imperialism will be abandoned or that any good can come which will compensate us for the great evil such a rule will bring with it. I am not ready to take the administration of this country from the party which for fifty years has been wrong but once, and commit it to the party which for fifty years has never once been right.

Mr. TILLMAN. Not even on the Philippines?

Mr. HOAR. So far.

I believe that, if not to-day or to-morrow, yet at an early day, better knowledge of the facts, the light of experience, the love of liberty and justice which still burns in the hearts of the Republican masses in this country, will bring that party back to the principles and policy upon which it planted itself in the beginning.

No, Mr. President. If we subjugate the Filipinos we are, if you have your way, to govern 10,000,000 people in the East and nearly another million in the West Indies without any constitutional restraint. There will be under the flag 20,000,000 of other races, black men at home and brown men abroad, for whom it bears no star of hope. I do not see my way clear to hand them over to Mr. Bryan, in the Executive chair, and the Senators from Alabama and South Carolina, in the Senate, or to the party of which, beyond all question, they are to be most powerful and conspicuous leaders.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. TILLMAN. I am informed that the Senator requested in the opening of his speech that he be not interrupted. If he does not wish to be interrupted now, I shall not intrude upon him.

Mr. HOAR. No. I am suffering with the disorder that is now so prevalent, and I very much doubt whether I shall be able to conclude my speech. If I have misrepresented the Senator in any way, I will yield for an interruption, otherwise I shall proceed.

Mr. TILLMAN. Under the circumstances, Mr. President, I shall not interrupt the Senator.

Mr. HOAR. I believe I have said nothing of the Senator except to read his language.

Mr. TILLMAN. The Senator, however, continued to allude to the Senator from South Carolina in a manner that would warrant interruption and controversy, but I will not interrupt the Senator further.

Mr. HOAR. Mr. President, I have alluded to the Senator from South Carolina only to say, in addition to quoting his language, that he was beyond all question hereafter to be one of the most powerful and conspicuous leaders of the Democratic party. I take it the Senator does not deem that an aspersion.

I believe, Mr. President, not only that perseverance in this policy will be the abandonment of the principles upon which our Government is founded, that it will change our Republic into an empire, that our methods of legislation, of diplomacy, of administration must hereafter be those which belong to empires, and not those which belong to republics; but I believe persistence in this attempt will result in the defeat and overthrow of the Republican party. That defeat may not come this year, or next year. I pray God it may never come. I well remember when the old Whig party, in the flush of delirium and anticipated triumph, gave up the great doctrines which it had so often avowed, and undertook to abandon the great territory between the Mississippi and the Pacific to its fate. It held its convention at Philadelphia. It selected as its candidate a great military chieftain. Amid the tempest and delirium a quiet delegate from my own State arose and declared to the convention that the Whig party was dead. It seemed that a more audacious, a more foolish, a more astounding utterance never fell upon human ears. And what was the result? The party carried the country and elected its President. But within less than four years thereafter Daniel Webster, as he lay dying at Marshfield, said, "The Whig party as a political organization is gone; and it is well." Let no such fate attend the Republican party. In my judgment, if not now, it will retrace its steps in time.

The practical question which divided the American people last year, and which divides them to-day, is this: Whether in protecting the people of the Philippine Islands from the ambition and cupidity of other nations we are bound to protect them from our own.

Edward Everett concludes that masterpiece of consummate oratory, his address on the character of Washington:

> Let us make a national festival and holiday of his birthday; and ever as the 22d of February returns let us remember that while with these solemn and joyous rites of observance we celebrate the great anniversary, our fellow-citizens on the Hudson, on the Potomac, from the Southern plains to the Western lakes, are engaged in the same offices of gratitude and love. Nor we, nor they alone. Beyond the Ohio, beyond the Mississippi, along that stupendous trail of immigration from the East to the West, which, bursting into States as it moves westward, is already threading the Western prairies, swarming through the portals of the Rocky Mountains and winding down their slopes, the name and the memory of Washington on that gracious night will travel with the silver queen of heaven through sixty degrees of longitude, nor part company with her till she walks in her brightness through the Golden Gate of California and passes serenely on to hold midnight court with her Australian stars. There and there only, in barbarous archipelagos, as yet untrodden by civilized man, the name of Washington is unknown; and there, too, when they swarm with enlightened millions, new honors shall be paid with ours to his memory.

The time which the orator predicted came. In that Eastern archipelago, no longer the home of barbarism, a people had achieved their independence and thrown off the yoke of centuries. They were longing for civilization, education, and liberty. To the millions, with which that land is swarming, in the dawning of a new light the name of Washington has become familiar. But, alas, the people are citing his example to protect their own liberties against his countrymen. They are nearly threefold in number the people to whom his Farewell Address was delivered. Pray to God that that revered and beautiful character, our shield so often against distempered folly and unhallowed ambition, may be theirs also.

In dealing with this question, Mr. President, I do not mean to enter upon any doubtful ground. I shall advance no proposition ever seriously disputed in this country till within twelve months. I shall cite no authority that is not by the common consent of all parties and all men of all shades of opinion recognized as among the very weightiest in jurisprudence and in the conduct of the State. I shall claim nothing as fact which is not abundantly proven by the evidence of the great commanders who conducted this war; by evidence coming from the President and the heads of department, or persons for whose absolute trustworthiness these authorities vouch.

If to think as I do in regard to the interpretation of the Constitution; in regard to the mandates of the moral law or the law of nations, to which all men and all nations must render obedience; in regard to the policies which are wisest for the conduct of the State, or in regard to those facts of recent history in the light of which we have acted or are to act hereafter, be treason, then Washington was a traitor; then Jefferson was a traitor; then Jackson was a traitor; then Franklin was a traitor; then Sumner was a traitor; then Lincoln was a traitor; then Webster was a traitor; then Clay was a traitor; then Corwin was a traitor; then Kent was a traitor; then Seward was a traitor; then McKinley, within two years, was a traitor; then the Supreme Court of the United States has been in the past a nest and hotbed of treason; then the people of the United States, for more than a century, have been traitors to their own flag and their own Constitution.

We are presented with an issue that can be clearly and sharply stated as a question of constitutional power, a question of international law, a question of justice and righteousness, or a question of public expediency. This can be stated clearly and sharply in the abstract, and it can be put clearly and sharply by an illustration growing out of existing facts.

The constitutional question is: Has Congress the power, under our Constitution, to hold in subjection unwilling vassal States?

The question of international law is: Can any nation rightfully convey to another sovereignty over an unwilling people who have thrown off its dominion, asserted their independence, established a government of their own, over whom it has at the time no practical control, from whose territory it has been disseized, and which it is beyond its power to deliver?

The question of justice and righteousness is: Have we the right to crush and hold under our feet an unwilling and subject people whom we had treated as allies, whose independence we are bound in good faith to respect, who had established their own free government, and who had trusted us?

The question of public expediency is: Is it for our advantage to promote our trade at the cannon's mouth and at the point of the bayonet?

All these questions can be put in a way of practical illustration by inquiring whether we ought to do what we have done, are doing, and mean to do in the case of Cuba; or what we have done, are doing, and some of you mean to do in the case of the Philippine Islands.

It does not seem to me to be worth while to state again at length the constitutional argument which I have addressed to the Senate heretofore. It has been encountered with eloquence, with clearness and beauty of statement, and, I have no doubt, with absolute sincerity by Senators who have spoken upon the

other side. But the issue between them and me can be summed up in a sentence or two, and if, so stated, it can not be made clear to any man's apprehension, I despair of making it clear by any elaboration or amplification.

I admit that the United States may acquire and hold property, and may make rules and regulations for its disposition.

I admit that, like other property, the United States may acquire and hold land. It may acquire it by purchase. It may acquire it by treaty. It may acquire it by conquest. And it may make rules and regulations for its disposition and government, however it be acquired.

When there are inhabitants upon the land so acquired it may make laws for their government. But the question between me and the gentlemen on the other side is this: Is this acquisition of territory, of land or other property, whether gained by purchase, conquest, or treaty, a constitutional end or only a means to a constitutional end? May you acquire, hold, and govern territory or other property as an end for which our Constitution was framed, or is it only a means toward some other and further end? May you acquire, hold, and govern property by conquest, treaty, or purchase for the sole object of so holding and governing it, without the consideration of any further constitutional purpose? Or must you hold it for a constitutional purpose only, such as the making of new States, the national defense and security, the establishment of a seat of government, or the construction of forts, harbors, and like works, which, of course, are themselves for the national defense and security?

I hold that this acqusition, holding, and governing can be only a means for a constitutional end—the creation of new States or some other of the constitutional purposes to which I have adverted. And I maintain that you can no more hold and govern territory than you can hold and manage cannon or fleets for any other than a constitutional end; and I maintain that the holding in subjection an alien people, governing them against their will for any fancied advantage to them, is not only not an end provided for by the Constitution, but is an end prohibited therein.

Now, with due respect to the gentlemen who have discussed this matter, I do not find that they have answered this propostion or undertaken to answer it. I do not find that they have understood it. You have, in my judgment, under your admitted power to acquire, own, and govern territory, which is just like your admitted power to govern, own, and control ships or guns, no more right under the Constitution to hold that territory for the sake of keeping in subjection an alien people than you have a right to acquire, hold, and manage cannon or fleets or to raise armies for the sake of keeping in subjection and under your control an alien people. All these things are means; and means to constitutional and not to unconstitutional ends.

The Constitution of the United States sets forth certain specific objects and confers certain specific powers upon the Government it creates. All powers necessary or reasonably convenient to accomplishing these specific objects and exercising these specific powers are granted by implication. In my judgment the Constitution should be liberally construed in determining the extent of such powers. In that I agree with Webster and Hamilton and Lincoln and Washington and Marshall, and not with Calhoun or the Democrats of the time of the war of the rebellion and since. But the most liberal statesman or jurist never went further than the rule I have stated in claiming constitutional powers for our Government. The Constitution says that Congress may make rules and regulations for the government of the territory and other property of the United States. That implies that we may acquire and regulate territory as we may acquire and use other property, such as our ships of war, our cannon or forts or arsenals. But territory, like other property, can only be acquired for constitutional purposes, and can not be acquired and governed for unconstitutional purposes. Now, one constitutional purpose is to admit new States to the Union. That is one of the objects for which the Constitution was framed. So we may acquire and hold and govern territory with that object in view. But governing subject peoples, and holding them for that purpose, is not a constitutional end. On the contrary, it is an end which the generation which framed the Constitution and the Declaration of Independence declared was unrighteous and abhorrent. So, in my opinion, we have no constitutional power to acquire territory for the purpose of holding it in subjugation, in a state of vassalage or serfdom, against the will of its people.

It is to be noted just here that we have acquired no territory or other property in the Philippine Islands, save a few public buildings. By every other acquisition of territory the United States became a great land owner. She owned the public lands as she had owned the public lands in the Northwest ceded to her by the old States. But you own nothing in the Philippines. The people own their farms and dwellings and cities. The religious orders own the rest. The Filipinos desire to do what our English ancestors did in the old days when England was Catholic. The laity feared that the Church would engross all the land. So they passed their statute of mortmain. You have either got to let the people of the Philippine Islands settle this matter for themselves, or you must take upon you the delicate duty of settling it for them. Your purchase or conquest is a purchase or conquest of nothing but sovereignty. It is a sovereignty over a people who are never to be admitted to exercise it or to share it.

In the present case we have not, I repeat, bought any property. We have undertaken to buy mere sovereignty. There were no public lands in the Philippine Islands, the property of Spain, which we have bought and paid for. The mountains of iron and the nuggets of gold and the hemp-bearing fields—do you purpose to strip the owners of their rightful title? We have undertaken to buy allegiance, pure and simple. And allegiance is just what the law of nations declares you can not buy. The power of Congress to dispose of the territory or other property of the United States, invoked in this debate, as the foundation of your constitutional right, may carry with it in a proper case a right to the allegiance of the occupant of the soil we own. But we have not bought any property there. The mountains of iron, the nuggets of gold, the hemp-bearing fields, the tobacco and sugar and coffee are not ours, unless holding first that we can buy of Spain an allegiance which this people have shaken off, which Spain could not deliver, which does not exist in justice or in right, we can then go on and say that the Constitution of the United States does not apply to territory, and that we will proceed to take the private property of this people for public use, without their consent.

It is understood that the Filipino people purpose to dispossess the religious orders of their vast real estate possessions. They are Catholics. But they desire to do what Catholic England did long before the Reformation—preventing the engrossment by the church of vast and valuable lands needed by the people. As I understand it, our treaty binds us to confirm those titles, and that is one of the things which has provoked this people to their desperate resistance. Upon the question of the justice of their demand I do not purpose now to enter.

Whether the inestimable and imperishable principles of human liberty are to be trampled down by the American Republic, and whether its great bulwark and fortress, the American Constitution, impregnable from without, is to be betrayed from within, is our question now.

Will any gentleman affirm that the framers of the Constitution, or the people who adopted it, considered as an object and end of their government of limited powers which the Declaration of Independence had declared beyond the just powers of any government and contrary to natural right? Alexander Hamilton says the Declaration of Independence is the fundamental constitution of every State.

I have been unable to find a single reputable authority more than twelve months old for the power now claimed for Congress to govern dependent nations or territories not expected to become States. The contrary, until this war broke out, has been taken as too clear for reasonable question. I content myself with a few authorities. Among them are Daniel Webster, William H. Seward, the Supreme Court of the United States, James Madison.

Daniel Webster said in the Senate March 23, 1848:

> Arbitrary governments may have territories and distant possessions, because arbitrary governments may rule them by different laws and different systems. We can do no such thing. They must be of us, part of us, or else strangers. I think I see a course adopted which is likely to turn the Constitution of the land into a deformed monster, into a curse rather than a blessing; in fact, a frame of an unequal government, not founded on popular representation, not founded on equality, but on the grossest inequality; and I think that this process will go on, or that there is danger that it will go on, until this Union shall fall to pieces. I resist it, to-day and always! Whoever falters or whoever flies, I continue the contest!

James Madison said in the Federalist:

> The object of the Federal Constitution is to secure the union of the thirteen primitive States, which we know to be practicable; and to add to them such other States as may arise in their own bosoms, or in their neighborhood, which we can not doubt will be practicable.—*James Madison, Federalist, No. 14.*

William H. Seward said:

> It is a remarkable feature of the Constitution of the United States that its framers never contemplated colonies, or provinces, or territories at all. On the other hand, they contemplated States only, nothing less than States, perfect States, equal States, as they are called here, sovereign States. * * * There is reason—there is sound political wisdom in this provision of the Constitution excluding colonies, which are always subject to oppression, and excluding provinces, which always tend to corrupt and ultimately to break down the parent State.—*Seward's Works*, Volume 1, page 122.
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> By the Constitution of the United States, there are no subjects. Every citizen of any one State is a free and equal citizen of the United States. Again, by the Constitution of the United States there are no permanent provinces or dependencies.—*Seward's Works*, Volume 4, page 167.

The Supreme Court of the United States, in the case of Fleming *vs.* Page, said:

> The genius and character of our institutions are peaceful; and the power to declare war was not conferred upon Congress for the purposes of aggression or

aggrandizement, but to enable the Government to vindicate by arms, if it should become necessary, its own rights and the rights of its citizens. A war, therefore, declared by Congress, can never be presumed to be waged for the purpose of conquest or the acquisition of territory; nor does the law declaring the war imply an authority to the President to enlarge the limits of the United States by subjugating the enemy's country.

Our Territories, so far, have all been places where Americans would go to dwell as citizens, to establish American homes, to obtain honorable employment, and to build a State. Will any man go to the Philippine Islands to dwell, except to help govern the people, or to make money by a temporary residence? The men of the Philippines, under the Constitution and the existing laws, may become your fellow-citizens. You will never consent, in the sense of a true citizenship, to become theirs.

Mr. President, our friends who take another view of this question like to tell us of the mistakes of great men of other days, who have vainly protested against acquisition of territory. One worthy and most exuberant gentleman in another place points out to his hearers the folly of Webster and Clay, the delusions of Charles Sumner, and contrasts them with the wisdom of Jefferson and Tyler and Polk. Mr. Jefferson declared that the acquisition of Louisiana was unconstitutional, and wanted a constitutional amendment to justify it. I think the general sense of the American people is that in that particular Mr. Jefferson was in error, and that our power to admit new States clearly involves the power to acquire territory from which new States are to be made. I wonder, however, if there be any man now alive, who now holds or who ever did or ever will hold a seat in either House of Congress, willing to say that, having taken an oath to support the Constitution, he would, for any purpose of public advantage, forswear himself for the sake of a real or fancied good to his country. I hope and believe that the spirit of Fletcher of Saltoun, who said he would die to serve Scotland, but he would not do a base thing to save her, is still the spirit of American statesmanship. That exuberant gentleman contrasts the statesmanship of Polk and Tyler with that of Daniel Webster and Henry Clay and Charles Sumner. Somehow or other, the names of Webster and Clay and Sumner live in the hearts and on the lips of their countrymen, while the men who brought on the Mexican War in the interest of slavery are forgotten. I do not think we hear of men building statues to those counselors, or celebrating their birthdays, or writing their lives. In all generations, the statesmen who have appealed to righteousness and justice and freedom have left an enduring place in the loving memory of their countrymen, while the men who have counseled them to walk in the path of injustice and wrong, even if it led to empire and even if they were in the majority in their own day, are forgotten and despised. Ah, Mr. President, that gentleman says we are the anointed of the Lord, as the Jews were the anointed of the Lord. But the Jewish empire is forgotten. The sands of the desert cover the foundations of her cities. The spider spins its thread, the owl makes its midnight perch in their palaces. But still those little words, "Thou shalt not steal; thou shalt not covet that that is thy neighbor's; whatever ye would that men shall do to you, do ye even so again unto them," shine through the ages, blazing and undimmed. Mr. President, you may speculate; you may refine; you may doubt; you may deny. But the one foremost action in our history, the foremost action in all history, is the writing upon its pages those simple and sublime opening sentences of the Declaration of Independence. And the men who stand by it shall live in the eternal memory of mankind; and the men who depart from it, however triumphant and successful in their little policies, shall perish and be forgotten, or shall be remembered only to be despised.

When hostilities broke out, February 5, 1899, we had no occupancy of and no title of any kind to any portion of the Philippine territory, except the town and bay of Manila. Everything else was in the peaceful possession of the inhabitants. In such a condition of things, Mr. President, international law speaks to us with its awful mandate. It pronounces your proposed action sheer usurpation and robbery. You have no better title, according to the law of nations, to reduce this people to subjection than you have to subjugate Mexico or Haiti or Belgium or Switzerland.

FORBIDDEN BY INTERNATIONAL LAW.

This is the settled doctrine, as declared by our own great masters of jurisprudence.

You have no right, according to the law of nations, to obtain by purchase or acquisition sovereignty over a people which is not actually exercised by the country which undertakes to convey it or yield it.

It is a familiar principle of the common law that you can not make a lawful purchase of land, of which the seller is disseized, or of a chattel of which he is dispossessed. The reason of this doctrine is to prevent the purchase of lawsuits. This rule applies with tenfold force to undertaking to purchase human beings when their country and the selling power is dispossessed at the time of the sale, and where the title can only be enforced by war.

We have not yet completed the acquisition. But at the time we entered upon it, and at the time of this alleged purchase, the people of the Philippine Islands, as appears by General Otis's report, by Admiral Dewey's report, and the reports of officers for whom they vouched, held their entire territory, with the exception of the single town of Manila. They had, as appears from these reports, a full organized government. They had an army fighting for independence, admirably disciplined, according to the statement of zealous advocates of expansion.

Why, Mr. President, is it credible that any American statesman, that any American Senator, that any intelligent American citizen anywhere, two years ago could have been found to affirm that a proceeding like that of the Paris treaty could give a just and valid title to sovereignty over a people situated as were the people of those islands? A title of Spain, originally by conquest, never submitted to nor admitted by the people of the islands, with frequent insurrections at different times for centuries, and then the yoke all thrown off, a constitutional government, schools, colleges, churches, universities, hospitals, town governments, a legislature, a cabinet, courts, a code of laws, and the whole island occupied and controlled by its people, with the single exception of one city; with taxes lawfully levied and collected, with an army and the beginning of a navy.

And yet the Senate, the Congress enacted less than two years ago that the people of Cuba—controlling peaceably no part of their island, levying no taxes in any orderly or peaceable way, with no administration of justice, no cabinet—not only of right ought to be, but were, in fact, a free and independent State. I did not give my assent to that declaration of fact. I assented to the doctrine that they of right ought to be. But I thought the statement of fact much calculated to embarrass the Government of the United States, if it were bound by that declaration; and it has been practically disregarded by the Administration ever since. But the question now is a very different one. You not only deny that the Filipinos are, but you deny that they of right ought to be free and independent; and you recognize Spain as entitled to sell to you the sovereignty of an island where she was not at the time occupying a foot of territory, where her soldiers were held captives by the government of the island, a government to which you had delivered over a large number of Spanish prisoners to be held as captives. And yet you come here to-day and say that they not only are not, but they of right ought not to be free and independent; and when you are pressed you answer us by talking about mountains of iron and nuggets of gold, and trade with China.

I affirm that you can not get by conquest, and you can not get by purchase, according to the modern law of nations, according to the law of nations as accepted and expounded by the United States, sovereignty over a people, or title to a territory, of which the power that undertakes to sell it or the power from whom you undertake to wrest it has not the actual possession and dominion. Under municipal law you can not buy a horse of which the seller is dispossessed; you can not buy a foot of land of which he is disseized. You can not purchase a lawsuit. Under international law you can not buy a people from a power that has no actual dominion over them. You can not buy a war. More than this, you can not buy a tyrant's claim to subject again an oppressed people who have achieved their freedom.

You can not buy the liberties of a people from a dispossessed tyrant, liberties they have bravely won for themselves in arms. You can not buy sovereignty like merchandise and men like sheep. The King of England kept, down to 1800, the title of Duke of Normandy and King of France. Could any other country or all Europe together have bought France of King George? I wonder what would have happened if, instead of acknowledging our independence, any time before the French treaty France had bought England out and undertaken to assert her title to the United States. These questions have to be answered, not amid the shouting and applause of a political campaign, not in party platforms, not alone in a single campaign or a single generation. They have got to be answered to history, to the instructed conscience of the civilized world, when the passions and the greed and the ambitions of a single generation have gone by and are cold. And there will be to them but one answer.

I shall show beyond all question or cavil, from the evidence of our own commanders, that this was a people. They were a people who had taken arms for liberty. They had achieved liberty. They had taken arms to establish a republic. They had established a republic—the first republic of the Orient.

Now, international law has something to say about this matter. Will the American people, for the first time in their history, disregard its august mandates?

You gentlemen who desire to hold on to the Philippine Islands are trying to plant the United States squarely upon this doctrine. You must affirm that a people rising for their own liberties

against a tyrant, and having got actual possession of their own territory, and having dispossessed the oppressor, have no rightful title thereto.

Not only are we violating our own Constitution, and the great precepts of the Declaration of Independence which, as the Supreme Court of the United States have declared, is to control and interpret, being, as the Court say, but the letter of which the Declaration of Independence is the spirit, but we are equally violating the accepted precepts of the law of nations as expounded by our own great authorities.

If there be one thing above others which is the glory of the American Republic it is the respect and obedience it has ever paid to international law. It is that law, the product of Christianity which prevents every weak nation on the earth from becoming the prey of the stronger ones. It is to nations what the conscience is to the individual soul. It finds its enforcement and sanction in the public opinion of the civilized world, a power, according to Mr. Webster, stronger than armies or navies. No nation escapes the penalty of its infraction. As Mr. Webster says, it pursues the conqueror to the very scene of his ovation and wounds him with the sting that belongs to the consciousness of having outraged the opinion of mankind.

The late Secretary of State, Mr. Day, the head of the commission that negotiated the treaty at Paris, has quite lately publicly disclaimed any title to the Philippine Archipelago by conquest. I think, although there have been some hasty statements to that effect, the theory of title by conquest will find few advocates in this chamber. It is a theory opposed alike to all the traditions of the Republic and to all the mandates of morality.

Mr. Justice Gray says, in his opinion in the case of The Paquete Habana and The Lola (U. S. Rep., vol. 175):

> International law is part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction, as often as questions of right depending upon it are duly presented for their determination.
>
> Such works are resorted to by judicial tribunals, not for the speculations of their authors concerning what the law ought to be, but for trustworthy evidence of what the law really is.—*Hilton v. Guyot*, 159 U. S., 113, 163, 164, 214, 215.
>
> They are witnesses of the sentiments and usages of civilized nations, and the weight of their testimony increases every time that their authority is invoked by statesmen, and every year that passes without the rules laid down in their works being impugned by the avowal of contrary principles.—*Wheaton's International Law* (8th edition), section 15.
>
> In cases where the principal jurists agree, the presumption will be very great in favor of the solidity of their maxims; and no civilized nation that does not arrogantly set all ordinary law and justice at defiance will venture to disregard the uniform sense of the established writers on international law.—1 *Kent Com.*, 18.

Our fathers used to think John Locke pretty good authority in the ethics of freedom. Bacon, and Newton, and Locke still hold their place as the greatest of English philosophers. You will find him cited pretty often in the great debates that preceded the Revolution and the discussions when our national and State constitutions were set up. This is what he says:

> Over those, then, that joined with him in the war, and over those of the subdued country that opposed him not, and the posterity even of those that did, the conqueror, even in a just war, hath, by his conquest, no right of dominion; they are free from any subjection to him, and if their former government be dissolved, they are at liberty to begin and erect another to themselves.
>
> The conqueror, it is true, usually by the force he has over them, compels them, with the sword at their breast, to stoop to his conditions, and submit to such a government as he pleased to afford them; but the inquiry is, what right has he to do so? If it be said they submit by their own consent, then this allows their own consent to be necessary to give the conqueror a title to rule over them. It remains only to be considered whether promises extorted by force without right can be thought consent, and how far they bind. To which I shall say, they bind not at all; because whatsoever another gets from me by force, I still retain the right of, and he is obliged presently to restore.—*Locke on Civil Government*, part 2, sections 185, 196.

Now, Mr. President, is there any truth in this? Is this a revolutionary pronunciamento or is it doctrine to which—whatever monarchial governments may have to say—the American people are committed by all their traditions and by all their history?

From many authorities I will cite a few.

First. President McKinley, in the language so often quoted. When the President said that—

> Forcible annexation, according to our American code of morals, would be criminal aggression—

was he a copperhead? Was he disloyal to the flag? Was not he Republican? Was there ever an utterance so calculated to give courage to Aguinaldo and his people as that?

When he said—

> Human rights and constitutional privileges must not be forgotten in the race for wealth and commercial supremacy. The government of the people must be by the people and not by a few of the people. It must rest upon the free consent of the governed and all of the governed. Power, it must be remembered, which is secured by oppression or usurpation or by any form of injustice is soon dethroned. We have no right in law or morals to usurp that which belongs to another, whether it is property or power—

was he a traitor?

I suppose Chancellor Kent is recognized everywhere as the ablest American writer of jurisprudence, unless some of us were to agree with Kent himself, in assigning the superiority to Story. Judge Kent's language, which I myself have quoted elsewhere, has been quoted already more than once in this debate. He says:

> Full sovereignty can not be held to have passed by the mere words of the treaty without actual delivery. To complete the right of property, the right to the thing and the possession of the thing must be united. This is a necessary principle in the law of property in all systems of jurisprudence. * * *
>
> This general law of property applies to the right of territory no less than to other rights. The practice of nations has been conformable to this principle, and the conventional law of nations is full of instances of this kind. (Page 178.)

The same doctrine is stated by Halleck, International Law, vol. 2, p. 472, and by Phillimore Commentaries upon International Law, vol. 3, p. 871.

Halleck says:

> The rule of public law, with respect to the allegiance of the inhabitants of a conquered territory, is no longer to be interpreted as meaning that it is absolutely and unconditionally acquired by conquest, or transferred and handed over by treaty, as a thing assignable by contract, and without the assent of the subject. On the contrary, the express or implied consent of the subject is now regarded as essential to a complete new allegiance."

Sumner said in his speech before the Republican State convention of Massachusetts in 1869:

> And he knows our country little, and little also of that great liberty of ours, who supposes that we could receive such a transfer. On each side there is impossibility. Territory may be conveyed, but not a people.

Next. Shurston Baker, whose admirable treatise on international law has just been published in Boston. He says:

> In modern times sales and transfers of national territory to another power can only be made by treaty or some solemn act of the sovereign authority of the state. And such transfers of territory do not include the allegiance of its inhabitants without their consent, express or implied.

At page 355 the same author says:

> The rule of public law with respect to the allegiance of the inhabitants of a conquered territory is therefore no longer to be interpreted as meaning that it is absolutely and unconditionally acquired by conquest, or transferred and handed over by a treaty as a thing assignable by contract and without the assent of the subject. On the contrary, the express or implied assent of the subject is now regarded as essential to a complete new allegiance.
>
> If the inhabitants of the ceded conquered territory choose to leave it on its transfer and to adhere to their former sovereign, they have, in general, a right to do so.
>
> The *status* of the inhabitants of the conquered and transferred territory is thus determined by their own choice.
>
> In the cases arising out of the Revolution by which the North American colonies of Great Britain became an independent state it was considered to be an established maxim of public and international law that there was vested in an individual a *right of electing* to remain under the old or of contracting a new allegiance. The choice must be made within a reasonable period of time.
>
> In order to make a transfer of property valid, the authority, whether *de facto* or *de jure*, must be competent to bind the state. Hence the necessity of examining into and ascertaining the powers of the rulers, as the municipal constitutions of different states throw many difficulties in the way of alienations of their public property, and particularly of their territory. Especially, in modern times, the consent of the governed, express or implied, is necessary before the transfer of their allegiance can regularly take place.

But why multiply citations to a Senate who, within two years, affirmed that Cuba of right ought to be free and independent, and to a Congress and a President that declared war to make that declaration good? You were stating a doctrine of public law, were you not? You were not uttering a lying revolutionary pronunciamento. You were speaking for a great nation, on a solemn occasion. You were speaking words of truth and soberness, words you meant to make good with the lives of your sons. The first and the last declaration of public law ever made by the American people, the declaration of 1776 and the declaration of 1898, are in full accord and harmony. They both justify the Philippine people and condemn us.

I know that in that archipelago of 1,200 islands there are many tribes and races. There are wild men, pagans, who probably never heard of Spain. There are islands over which Spain never exercised power. There are Mahometans, polygamists ruled by a sultan, whose polygamous despotism we are now supporting. We can buy our peace with him, although we can not even treat for peace with the men whom our military commanders promised independence. But I am pleading for that Christian people who won their freedom from Spain and established free government over Luzon and the Visayas, a goverment as stable and unquestioned as that of any American State during our Revolution.

THE DECLARATION OF INDEPENDENCE.

The Declaration of Independence is not so much a declaration of rights as a declaration of duties. It prescribes a rule of conduct for men in the same state to one another and for the nations of the earth to one another. Like the golden rule, it makes the law of individual right the law also of individual duty. Do Senators reflect how this "imperialism," as they call it, is inaugurating a revolution not only in the law of nations, not only in the fundamental law by which the people of the United States have governed themselves until now, not only in the interpretation of the Constitution, but in the moral law itself? As I hear the utterances of some worthy gentlemen taking the name of God upon their lips, it seems to me as if they thought the balance of the universe itself had changed within this year, and that God had gone over to the side of Satan.

There is one question I should like to put to the Republican

majority in the Senate and to the Republican party in the country: Is this doctrine true or is it false? Are you to stand on it any longer or are you going to whistle it down the wind?

Thomas Jefferson declared it, this precise doctrine now at stake here. John Quincy Adams reaffirmed it again and again. Abraham Lincoln said he was willing to be assassinated for it. Charles Sumner was almost assassinated for it in his place in the Senate Chamber. Republican national conventions in 1856 and in 1860 and in later years have reaffirmed it again and again. President McKinley, two years ago, made the most extreme statement of it to be found in literature.

Now, either this thing is true or it is a lying pretense. If it be a lying pretense, the country has stood on a lie during its whole history. If it be true, the country is dishonored when we depart from it. For myself, I believe it is true; I have tried to live by it; I am contented to die by it; my love of country rests on it; my pride of ancestry rests on it. To me that is what the flag symbolizes and stands for.

I believe that utterance made at Philadelphia in 1776 to have been the greatest evangel that ever came to mankind since the story of Bethlehem. Like the shot fired at Concord, it was heard round the world. It was heard with fear in the palace of the tyrant; it was heard with joy in the huts where poor men dwelt. I reverently believe it was heard with joy in heaven itself.

I believe, also, that if the gloss put upon that great declaration by the Senator from Connecticut had been uttered then it would have been received with a burst of derisive laughter in hell, and Satan himself would have led the chorus.

We have had so far some fundamental doctrine, some ideals to to which this people has been devoted. Have you anything to give us in their place? You are trying to knock out the corner stones. Is there any material from your swamp and mud and morass from which you can make a new foundation for our temple?

Gentlemen tell us that the bill of the Senator from Wisconsin is copied from that introduced in Jefferson's time for the purchase of Louisiana. Do you claim that you propose to deal with these people as Jefferson meant to deal with Louisiana? You talk of Alaska, of Florida, of California; do you mean to deal with the Philippines as we mean to deal with Alaska and dealt with Florida or California?

It was safe to give Jefferson—who thought it wicked to govern a people against its will—a power with which gentlemen who think it is right ought never to be trusted.

I have spoken of the Declaration of Independence as a solemn affirmation of public law, but it is far more than that. It is a solemn pledge of national faith and honor. It is a baptismal vow. It is the bedrock of our republican institutions. It is, as the Supreme Court declared, the soul and spirit of which the Constitution is but the body and letter. It is the light by which the Constitution must be read. The statesman or the party who will not stand by the Declaration and obey it is never to be trusted anywhere to keep an oath to support the Constitution. To such a statesman, whenever his ambition or his passion shall incline him, to such a party, whenever its fancied advantage shall tempt it, there will be no constitutional restraint. It will bend the Constitution to its desire, never its desire to the Constitution. Constitutio ad causam accommodatur, non causa ad constitutionem.

There is expansion enough in it, but it is the expansion of freedom and not of depotism; of life, not of death. Never was such growth in all human history as that from the seed Thomas Jefferson planted. The parable of the mustard seed, than which, as Edward Everett said, "the burning pen of inspiration, ranging heaven and earth for a similitude, can find nothing more appropriate or expressive to which to liken the Kingdom of God," is repeated again. "Whereunto shall we liken it, or with what comparison shall we compare it? It is like a grain of mustard seed, which, when it is sown in the earth, is less than all the seeds that be in the earth.

"But when it is sown, it groweth up, and becometh greater than all herbs, and shooteth out great branches, so that the fowls of the air may lodge under the shadow of it." This is the expansion of Thomas Jefferson. It has covered the continent. It is on both the seas. It has saved South America. It is revolutionizing Europe. It is the expansion of freedom. It differs from your tinsel, pinchbeck, pewter expansion as the growth of a healthy youth into a strong man differs from the expansion of an anaconda when he swallows his victim. Ours is the expansion of Thomas Jefferson. Yours is the expansion of Aaron Burr. It is destined to as short a life and to a like fate.

Until within two years the American people have been wont to appeal to the Declaration of Independence as the foremost State paper in history. As the years go round the Fourth of July has been celebrated wherever Americans could gather together, at home or abroad. To have signed it, to an American, was better than a title of nobility. It was no passionate utterance of a hasty enthusiasm. There was nothing of the radical in it; nothing of Rousseau; nothing of the French Revolution. It was the sober utterance of the soberest men of the soberest generation that ever lived. It was the declaration of a religious people at the most religious period of their history. It was a declaration not merely of rights but of duties. It was an act not of revolution but of construction. It was the corner stone, the foundation stone of a great national edifice wherein the American people were to dwell forevermore. The language was the language of Thomas Jefferson. But the thought was the thought of every one of his associates. The men of the Continental Congress meant to plant their new nation on eternal verities which no man possessed by the spirit of liberty could ever thereafter undertake to challenge. As the Christian religion was rested by its author on two sublime commandments on which hang all the laws and the prophets, so these men rested republican liberty on two sublime verities on which it must stand, if it can stand at all; in which it must live or bear no life. One was the equality of the individual man with every other in political right. The other is that you are now seeking to overthrow—the right of every people to institute their own government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness, and so to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them. Equality of individual manhood and equality of individual states. This is the doctrine which the Republican party is now urged to deny.

To justify that denial the advocates of the policy of imperialism are driven to the strange affirmation that Thomas Jefferson did not believe it and contradicted it when he purchased Louisiana; that John Quincy Adams did not believe it and contradicted it when he bought Florida; that Abraham Lincoln did not believe it and contradicted it when he put down the rebellion; that Charles Sumner did not believe it and contradicted it when he bought Alaska. They say that because, with the full and practical consent of the men who occupied them, these men bought great spaces of territory occupied by sparse and scattered populations, neither owning it nor pretending to own it, not capable of occupying it or governing it, destitute of every single attribute which makes or can make a nation or a people, those statesmen of ours, designing to make the territory acquired into equal States, to be dwelt in and governed under our Constitution by men with rights equal to our own—that therefore you may get by purchase or by conquest an unwilling people, occupying and governing a thickly settled territory, possessing every attribute of a national life, enjoying a freedom they have themselves achieved; that you may crush out their national life; that you may overthrow their institutions; that you may strangle their freedom; that you may put over them governors whom you appoint and in whose appointment they have no voice; that you may make laws for them in your interest and not in theirs; that you may overthrow their republican liberty, and in doing this you appeal to the example of Thomas Jefferson and John Quincy Adams and Abraham Lincoln and Charles Sumner.

Thomas Jefferson comes down in history with the Declaration of Independence in one hand and the title deed of Louisiana in the other. Do you think his left hand knew not what his right hand did? Do you think these two immortal transactions contradicted each other? Do you think he bought men like sheep and paid for them in gold? It is true the men of the Declaration held slaves. Jefferson felt the inconsistency, and declared that he trembled for his country when he felt that God was just. But he lived and died in the expectation that the Declaration would abolish slavery, *as it did*.

In every accession of territory to this country ever made we recognized fully the doctrine of the consent of the governed and the doctrine that territory so acquired must be held to be made into States. The men who say that Jefferson violated the doctrine of the Declaration when he bought Louisiana, and John Quincy Adams when he acquired Florida, and Sumner when he made his great speech for Alaska, might, with as much reason, justify a rape by citing the precedent of every lawful marriage that has taken place since the beginning of time.

The confusion of the argument of our friends on the other side comes from confounding the statement in the Declaration of the rights of individuals with the statement of the rights of nations, or peoples, in dealing with one another.

The whole Declaration is a statement of political rights and political relations and political duties.

First. Every man is equal in political rights, including the right to life, liberty, and the pursuit of happiness, to every other.

Second. No people can come under the government of any other people, or of any ruler, without its consent. The law of nature and of nature's God entitle every people to its separate and equal station among the powers of the earth. Our fathers were not dealing in this clause with the doctrine of the social compact; they were not considering the rights of minorities; they used the word "people" as equivalent to "nation," or

"state," as an organized political being, and not as a mere aggregate of persons not collected or associated. They were not thinking of Robinson Crusoe in his desolate island, or of scattered settlers, still less of predatory bands roaming over vast regions they could neither own nor occupy. They were affirming the right of each of the thirteen colonies separately or of all together to throw off the yoke of George III and to separate itself or themselves from Great Britain. Now, you must either admit that what they said was true, or you must affirm the contrary.

The question is put, with an air of triumph, as if it were somehow hard to answer, If this doctrine of yours apply to a million men why does it not apply to a hundred men? At what point in the census do men get these God-given rights of yours? Well, the answer is easy enough. Our fathers, in the affirmation of the Declaration of Independence you are now denying, were speaking of the equal rights of nations, of their duties to each other. The exact point where a few scattered settlements become a people, or a few nomadic tribes a nation, may not admit of precise mathematical definition. At what point does a brook become a river? When does a pond become a lake, or a lake a sea, or a breeze a hurricane? You can not tell me. But surely there are nations and peoples, there is organized national life; and there are scattered habitations and wandering tribes to whom these titles are never applied. Louisiana, Florida, Alaska, New Mexico, California, neither had, nor did their inhabitants claim to have, such a national vitality when we acquired them. And if there were anything of that sort when we annexed them, it desired to come to us. And it came to us to become part of us—bone of our bone, flesh of our flesh, life of our life, soul of our soul.

But I can give you two pretty safe practical rules, quite enough for this day's purpose. Each of them will solve your difficulty, if you have a difficulty, and want to solve it. That is a people, that is a power of the earth, that is a nation entitled as such to its separate and equal station among the powers of the earth by the laws of nature and of nature's God, that has a written constitution, a settled territory, an independence it has achieved, an organized army, a congress, courts, schools, universities, churches, the Christian religion, a village life in orderly, civilized, self-governed municipalities; a pure family life, newspapers, books, statesmen who can debate questions of international law, like Mabini, and organize governments, like Aguinaldo; poets like José Rizal; aye, and patriots who can die for liberty, like José Rizal. The Boer republic is a nation, and it is a crime to crush out its life, though its population be less than that of Providence, R. I. Each one of our old thirteen States would have been a nation, even if it had stood alone. And the Philippine republic, with twenty times the number of the Boers, a people more than the whole thirteen States who joined in the Declaration put together, is a nation, and it is a greater crime still to crush out its life.

There is another rule that will help any Senator out of his difficulty. It must be a comfort to every one of you in his perplexity. Every people is of right entitled to its independence that has got as far as Cuba had in the spring of 1898. You all admit that. Admit! You all avow, affirm, strenuously insist on that. You will all pledge your lives and fortunes and sacred honor for that. You will go to war and send your sons to war to maintain that. If Spain shall deny it, or any other country but Great Britain, woe be to her. It isn't necessary, according to you, to have a constitution; it isn't necessary to have courts; it isn't necessary to have a capital; it isn't necessary to have a school. The seat of government may be in the saddle. It isn't necessary to occupy a city, or to have a seaport; it isn't necessary to hold permanently an acre of land; it isn't necessary to have got the invader out of the country; it isn't necessary to have a tenth part of the claim the Filipinos have, or to have done a tenth part of the things the Filipinos have done. You settled all this for yourselves and for the country long ago—March 10, 1898. So I assume you have only put this conundrum for the pleasure of answering it yourselves.

Mr. Jefferson estimates the population of Louisiana at the time of the purchase at 42,375, in his communication to Congress. Its area in square miles was 1,182,752, one person to 27 square miles. But Gayarre, the best recent authority, estimates the population at about 20,000, or less than one person to 50 square miles.

The population of Florida at the time of the annexation was about 30,000. At the first census thereafter, it was 34,725, making a little more than one inhabitant to 2 square miles.

A convention of the people of Florida petitioned for the protection of the United States as an integral part of the United States; and it is notorious that the inhabitants were eager for annexation.

In the case of Louisiana, the settlers at New Orleans objected. Those at St. Louis and the other ports were willing. But the settlers at New Orleans were, many of them, sojourners only, designing to return to France. And France, as Napoleon well knew, was totally unable to hold them against England.

The PRESIDENT pro tempore. The Senator from Massachusetts will suspend a moment while the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. HOAR. I have the authority of my colleague, who is in charge of the bill, to ask that the unfinished business be informally laid aside.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the unfinished business be temporarily laid aside. Without objection it will be so ordered.

Mr. HOAR. Mr. President, no man can read for a moment Mr. Sumner's great speech in executive session and claim that it is in the least a departure from the doctrines of the Declaration of Independence, or a precedent for the conquest or purchase of the Philippine Islands. Mr. Sumner declares that upon this region of more than 570,000 square miles, with 4,000 statute miles of coast, innumerable islands, and a coast line, including bays and islands, not less than 11,270 miles in length, there are but 54,000 inhabitants according to the most accurate estimate. He declares there is no government there; that Russia's control is but nominal; that in many maps of the Russian Empire the territory is not contained. Her government, he says, is little more than a name or a shadow. It is not even a skeleton. It is hardly visible. Its only representative is a fur company, to which has been added latterly an ice company. The immense country is without form and without light; without activity and without progress. Distant from the imperial capital and separated from the huge bulk of the Russian Empire, it does not share the vitality of a common country. Its life is solitary and feeble. Its settlements are only encampments or lodges. Its fisheries are only a petty perquisite belonging to local or personal adventurers rather than to the commerce of nations. He quotes Alexander Humboldt, who says: "The Russian factories on the American continent are, for the most part, mere collections of sheds and cabins, but serving as storehouses for the fur trade." Humboldt adds that we must not think that these places are Russian provinces in the sense given to the word in speaking of Spanish provinces.

The price, $7,500,000, paid for 570,000 square miles of territory shows that it was but a waste and desolate place, without national life; without a people in any true sense of the word; without any inhabitants possessing or claiming a title beyond their petty huts or temporary dwelling places. And, Mr. President, Mr. Sumner puts forward as the chief motive for acquiring Alaska the expansion of republican institutions, which, he says, is our traditional aspiration. It was in this spirit that independence was achieved, and that it is in the name of human rights, the same in which our fathers overthrew the kingly power, that this acquisition is to be made. He quotes John Adams, saying that our State governments are destined to spread over the northern part of this whole quarter of the globe. He adds that we are to guarantee a republican form of government to them, and that Russia is now, with France and Spain, giving way to the absorbing unity declared in the national motto, "E Pluribus Unum."

Mr. Sumner enters in his speech what he styles a "caveat." This treaty must not be a precedent for a system of indiscriminate and costly annexion. He says that every stage in our predestined future must be by natural processes, without war, and, he would add, even without purchase. Our triumph must be by growth and organic expansion, recognizing always the will of those who become our fellow-citizens. Our acquisitions, he says, will be under the sanction of wedlock to the Republic.

Mr. Sumner, as I said just now, estimated the population at 54,000, or one inhabitant to about 11 square miles, divided into four groups—Eskimo, Aleutians, who are of Mongolian origin; Kenaians and Koloschians, who are American Indians. Some of them are warlike; some gentle and pacific; all slaveholders; some cannibals. Mr. Sumner ends his speech with affirming "that we are to give to this territory republican government, which, looking to a long future, we shall organize with free schools and equal laws, before which every citizen will stand erect in the consciousness of manhood. Bestow such a government, and you will give what is better than all you can receive, whether quintals of fish, sands of gold, choicest fur, or most beautiful ivory."

In the case of Hawaii a constitution had been maintained in peace for five years, in spite of Mr. Cleveland's known inclination to interfere for its overthrow. There was an express provision authorizing the Government to make a treaty of annexation with us.

In the case of the provinces acquired from Mexico, there was no population capable of a separate national life, and there was at least no reason to believe that the people dissented.

But in the present case you have a clear, sharp question put to the conscience of the people: Will you by force of arms or by purchase get territory belonging to an unwilling people, numbering millions, for the purpose of holding them in subjugation forever—a people who had achieved their own independence, had

a government established in order and in peace, who are so opposed to your rule that they are willing to die in an almost hopeless resistance to it?

I repeat. In every acquisition of territory we ever made we meant to make States of it. Jefferson expressly says so in his Louisiana message. There was no nation owning and dwelling on the territory; no people in the sense of the Declaration; no organized national life; and certainly, in every case but Louisiana, we had reason to believe that the few scattered dwellers in the territory approved the transaction.

Mr. Seward said of California:

California yielded to persuasion rather than to conquest. She renounced her lineage, language, and ancient loyalty.—*Seward's Works*, volume 1, page 9.

There are other arguments, if they are to be called arguments, which would hardly be deemed worthy of consideration were it not that they have been given a wide circulation by the imperialistic press.

One says, You imprison criminals, and therefore your Government does not rest upon the consent of the governed. Another says, You subdued the Southern rebellion, and therefore you govern people without their consent. In the case of the Southern rebellion, if all the people of any State, without distinction of color or race, had been counted, there was not one where the majority was not in favor of the Union. In the case of the Southern rebellion, the rebellion was by States against a Government which the insurgents had aided in establishing, and against the Constitution which they had declared should be the supreme law of the land, anything in the constitution or laws of any particular State to the contrary notwithstanding.

But it is hardly worth while to undertake to notice arguments which are not themselves addressed to the reason, and which I do not believe ever convince those who utter them, although sometimes in the excitement of crowded audiences they pass current with those who hear them.

You have tried governing men of other races than your own at home for a hundred years. You have dealt with the Indian, you have dealt with the negro, close at hand, knowing all about them. I suppose you feel encouraged by your success. There are 10,000,000 of them. And now you go forth to lay your yoke on 10,000,000 more, 7,000 miles away, of whom you know nothing. You go forth jauntily and boastingly, as Louis Napoleon went to meet his doom at Sedan.

AGUINALDO, BRAVE, HONEST, AND PATRIOTIC.

Senators, if there were no Constitution, if there were no Declaration, if there were no international law, if there were nothing but the history of the past two years, the American people would be bound in honor, if there be honor, bound in common honesty, if there be honesty, not to crush out this Philippine republic, and not to wrest from this people its independence. The history of our dealing with the Philippine people is found in the reports of our commanders. It is all contained in our official documents, and in published statements of General Anderson and in the speeches of the President. It is little known to the country to-day. When it shall be known, I believe it will cause a revolution in public sentiment.

There are 1,200 islands in the Philippine group. They extend as far as from Maine to Florida. They have a population variously estimated at from 8,000,000 to 12,000,000. There are wild tribes who never heard of Christ, and islands that never heard of Spain. But among them are the people of the island of Luzon, numbering 3,500,000, and the people of the Visayan Islands, numbering 2,500,000 more. They are a Christian and civilized people. They wrested their independence from Spain and established a republic. Their rights are no more to be affected by the few wild tribes in their own mountains or by the dwellers in the other islands than the rights of our old thirteen States were affected by the French in Canada, or the Six Nations of New York, or the Cherokees of Georgia, or the Indians west of the Mississippi. Twice our commanding generals, by their own confession, assured these people of their independence. Clearly and beyond all cavil we formed an alliance with them. We expressly asked them to cooperate with us. We handed over our prisoners to their keeping; we sought their help in caring for our sick and wounded. We were told by them again and again and again that they were fighting for independence. Their purpose was as well known to our generals, to the War Department, and to the President, as the fact that they were in arms. We never undeceived them until the time when hostilities were declared in 1899. The President declared again and again that we had no title and claimed no right to anything beyond the town of Manila. Hostilities were begun by us at a place where we had no right to be, and were continued by us in spite of Aguinaldo's disavowal and regret and offer to withdraw to a line we should prescribe. If we crush that republic, despoil that people of their freedom and independence, and subject them to our rule, it will be a story of shame and dishonor.

Is it right, is it just, to subjugate this people? To substitute our Government for their self-government, for the constitution they have proclaimed and established, a scheme of government such as we could devise 10,000 miles away?

Is it right to put over them officers whom we are to select and they are to obey and pay?

Is it right to make tariffs for our interests and not theirs?

Are the interests of the Manila tobacco grower to be decided upon hearings given to the tobacco raisers of the Connecticut River valley?

Are these mountains of iron, and nuggets of gold, and stores of coal, and hemp-bearing fields, and fruit-bearing gardens to be looked upon by our legislators with covetous eyes?

Is it our wealth or their wealth these things are to increase?

There are other pregnant questions, some of which perhaps require a little examination and a little study of the reports of our commanders.

Had they rightfully achieved their independence when hostilities began between us and them?

Did they forfeit their independence by the circumstances of the war?

On the whole, have they not shown that they are fit for self-government, fit as Cuba, fit as Greece, fit as Spain, fit as Japan, fit as Haiti or San Domingo, fit as any country to the south of us, from the Rio Grande to Cape Horn, was when, with our approval, those countries won their liberties from Spain?

Can we rightfully subjugate a people because we think them unfit for self-government?

Said Sir James Mackintosh when the partition of Poland was going on:

There is no political doctrine more false or pernicious than that which represents vice in its internal government as an extenuation of unjust aggression against a country and a consolation to mankind for the destruction of its independence. As no government is without great faults, such a doctrine multiplies the grounds of war, gives an unbounded scope to ambition, and furnishes benevolent pretexts for every sort of rapine.

The people of the Philippine Islands have never submitted themselves willingly to Spain. There has been no time for two centuries when they would not have been free from the yoke if they could. Their history has been a history of cruelty and oppression on one side, of resistance and the aspiration for freedom on the other.

In 1896 a rebellion broke out, headed by Aguinaldo. His people were unarmed and poor. The difficulty of communication in a country without roads made combination impossible against a power that commanded the sea and the seaports. Still, the revolt was formidable enough to compel Spain to make promises of reform and redress of grievances. Aguinaldo, seeing that a continued strife would cost much suffering, many lives, and in all likelihood defeat in the end, accepted Spain's promise of amendment and agreed that the principal leaders of the rebellion, their wives, widows, and children, should go into exile and that Spain should make some provision for their support.

Spain was faithless to her promise of reform and paid over only part of the money. This transaction has been much criticised here, but, in my judgment, it leaves no stain on the honesty or patriotism of the insurgent chief. There is no evidence that he profited himself by the transaction or expended a penny of the money for his own use. The transaction was, as circumstances then were, for the interest of his people.

Many advocates of imperialism who have investigated the matter have declared their confidence in Aguinaldo's integrity. Mr. Schurman, president of the commission, told his students at Cornell when he got home that Aguinaldo was an honest and a patriotic man. Our consuls bear this same testimony.

Mr. Williams, United States consul-general at Manila, under date of March 28, 1898, says:

Rebellion never more threatening to Spain. Rebels getting money, arms, and friends, and they outnumber the Spaniards a hundred to one.

March 21, 1898, he writes of the desertion of an entire regiment of the Spanish forces to the insurgents, and adds:

Now five thousand armed rebels, who for days have been in camp near Manila and have been reenforced from the mountains, plan to attack the city to-night.

On April 28, 1898, Mr. Pratt wrote a letter to Mr. Day, in which he speaks of "learning from General Aguinaldo the state and object sought to be obtained, which, though absent from the Philippines, he was directing."

Mr. Pratt further says in a letter to Secretary Day:

General Aguinaldo impressed me as a man of intellectual ability, courage, and worthy of the confidence that had been placed in him.

He says further:

No close observer of what has transpired in the Philippines during the past four years could have failed to recognize that General Aguinaldo enjoyed, above all others, the confidence of the Philippine insurgents and the respect alike of the Spanish and foreigners in the islands, all of whom vouched for his justice and high sense of honor.

Mr. Williams wrote Mr. Moore on July 18, 1898:

General Aguinaldo, Agoncillo, and Sandico are all men who would be leaders in their separate departments in any country.

I have studied as well as I could the character and career of Aguinaldo. I do not compare him with Washington. To Americans there is one character too lofty, one name too sacred, for parallel or comparison. But I believe he is to take a high rank hereafter among the men who have lived and died for liberty. He deserves to be remembered with that small band who have given life, and everything dearer than life, to their country in a losing cause.

To his loved land he gave, without a stain,
Courage and faith, vain faith, and courage vain.

He shall live with Kossuth, with Oom Paul, with Joubert, with Emmet, with Egmont and Horn, with Nathan Hale, with Warren, with all the great martyrs of history whose blood hath been the seed of the church of liberty.

He, subtle, strong, and stubborn, gave his life
To a lost cause, and knew the gift was vain.
Later shall rise a people sane and great,
Forged in strong fires, by equal war made one,
Telling old battles over without hate,
Noble, his name shall pass from sire to son.

On June 11, 1898, Consul Pratt writes to Aguinaldo from Singapore:

I wrote fully to Admiral Dewey concerning you, and to the American Government have pointed out that you and you alone were equal to the occasion.

Consul-General Wildman writes to Aguinaldo from Hongkong June 25, 1898, calling upon him to stand shoulder to shoulder with the American forces, saying:

I have vouched for your honesty and earnestness of purpose to the President of the United States and to our people, and they are ready to extend their hand to you as a brother and aid you in every laudable ambition. I give you my assurance that you can always call upon me to act as your champion should any try to slander your name.

Do not forget that the United States undertook this war for the sole purpose of relieving the Cubans from the cruelties under which they were suffering, and not for the love of conquest or the hope of gain. They are actuated by precisely the same feelings toward the Filipinos. Whatever the final disposition of the conquered territory may be, you can trust the United States that justice and honor will control all their dealings with you.

On the 14th of July, 1898, he writes to Aguinaldo:

You have certainly fulfilled nobly all the promises I made on your behalf to Admiral Dewey.

I am glad to see that our commissioners, in their report, do not indorse the thoroughly refuted slander that Aguinaldo accepted any money from the Spaniards for his own purposes. But the revolution was compromised by an agreement with the leaders of the insurrection to withdraw from the island, and the promise from the Spaniards that the people should have representation in the Cortes of Spain; that the friars should be sent away; that the right of association and a free press should be enjoyed.

These promises were all broken. "The civil guard began to whip and to shoot and abuse the people as before; and it is stated that in the province of Manila more than 200 were executed. The money that had been paid to the rebel leaders was at once converted into a fund for a new revolution." The transaction, on the whole, seems not to have been disadvantageous to the Filipinos, who, our commissioners say, had a great many soldiers, but had only about 800 small arms, consisting of rifles, shotguns, and a few cannon of antiquated models. The fund that had been obtained from the Spaniards was invested in modern arms of approved pattern. On the 1st of May, 1898, Admiral Dewey destroyed the Spanish fleet, and on the 19th of the same month Aguinaldo came, and brought thirteen of his staff with him, and was allowed to land at Cavite and organize an army.

The junior Senator from Colorado, in a manly speech with much of which I find myself in hearty accord, says that Aguinaldo is brave, honest, and patriotic. I am glad to congratulate the Senate that at least one voice has been found among the supporters of the policy of imperialism to do justice to a gallant enemy. President Schurman has borne to him a like tribute. These gentlemen, at least, have had clearness of sight enough to see that the men who try to disgrace the name of Aguinaldo are disgracing Admiral Dewey and President McKinley. Either Aguinaldo is brave, honest, and patriotic, or the great Admiral, with the approval of the great President, brought over and armed a traitor and a hireling and put him at the head of the men who were then our allies in arms.

Why, Mr. President, the men who chatter so glibly in newspapers, and, I am sorry to say, sometimes in the Senate, do not seem to reflect that they are contradicted by the conduct of the people of the Philippine Islands, by the conduct of Admiral Dewey himself.

The Philippine masses, from the beginning until this hour, have been most loyal to this chieftain.

* * * General MacArthur, one of the bravest American commanders in the Philippines, declared a few months ago: "When I first started in against these rebels I believed that Aguinaldo's troops represented only a faction. I did not like to believe that the whole population of Luzon—the native population—was opposed to us. But having come thus far, after having occupied several towns and cities in succession, and having been brought into contact with both 'insurrectos' and 'amigos,' I have been reluctantly compelled to believe that the Filipino masses are loyal to Aguinaldo and the government which he heads."

I give an extract from an address by the Filipino leaders just after Aguinaldo landed, published by Murat Halstead in his "Story of the Filippines":

In exchange for the loftiness of mind with which Señor Aguinaldo has rigidly carried out the terms of the peace agreement, General Primo de Rivera had the cynicism to state in the congress of his nation that he had promised no reform to Señor Aguinaldo and his army, but that he had only given them a piece of bread in order that they might be able to maintain themselves abroad. This was reechoed in the foreign press, and Señor Aguinaldo was accused in the Spanish press of having allowed himself to be bought with a handful of gold, selling out his country at the same time. There were published, moreover, in those Spanish periodicals, caricatures of Señor Aguinaldo which profoundly wounded his honor and his patriotism.

Señor Aguinaldo and the other revolutionists who reside in Hongkong agreed not to take out one cent of the $400,000 deposited in the chartered banks and the Hongkong and Shanghai Bank, the only amount which Señor Aguinaldo received from the Spanish Government on account of the stipulated indemnity, but to use it for arms in order to carry on another revolution in the Philippines in case the Spanish Government should fail to carry out the peace agreement, at least in so far as it refers to general amnesty and reforms. All the above-named revolutionists, Señor Aguinaldo setting the example, resolved to deny themselves every kind of comfort during their stay in Hongkong, living in the most modest style, for the purpose of preventing a reduction by one single cent of the above-named sum of $400,000, which they set aside exclusively for the benefit of their country.

LAWSUIT BETWEEN DON J. ARTACHO AND DON E. AGUINALDO.

Señor Artacho, induced by the father solicitor of the Dominicans and the consul-general of Spain, filed in the courts of that colony a summons against Don E. Aguinaldo, asking for a division of the above-mentioned $400,000 between those revolutionary chiefs who resided in Hongkong. Artacho and three others, who joined the revolution in its last days and rendered little service to it, were the only ones who desired a division of this money; whereas forty-seven revolutionaries, many of whom were most distinguished chiefs, were opposed to it, supporting the resolution which Señor Aguinaldo had previously taken in regard to it. Señor Aguinaldo, in order to avoid all scandal, did everything possible to avoid appearing in court, answering the summons of Artacho, who, realizing that his conduct had made himself hated by all Filipinos, agreed in a friendly arrangement to withdraw his suit, receiving in exchange $5,000; in this way were frustrated the intrigues of the solicitor of the Dominican order and of the Spanish consul, who endeavored at any cost to destroy the $400,000 by dividing it up.

Artacho is now on trial before a judicial court on charges preferred by various revolutionists for offenses which can be proved; he has no influence in the revolutionary party. (Extract from "The Story of the Philippines," by Murat Halstead, pages 66–67.)

But what do you think of Admiral Dewey, and General Anderson, and General MacArthur? Did Dewey bring over to his aid a perjured scoundrel, who had sold his soul like Judas and his country like Arnold, form an alliance with him, ask his cooperation and advice, deliver over Spanish preservers to him, and commit our sick to his tender mercy?

The United States of America does not use traitors and scoundrels for its tools in the great transactions of its history.

The English General Buller repelled indignantly some attacks in the British press upon the character of the Boers, and said indignantly that it became a brave people to honor a brave enemy. I think the American people can do that. They will yet do justice to the martyrs of liberty in this oriental isle. What generous American, what youth who has been stirred by the story of Thermopylæ and Marathon, what patriot who remembers Warren, what man with English blood who remembers Hampden, or Sydney, or Russell, what Dutchman who remembers Egmont and Horn, what Irishman who remembers Emmet, what Hungarian who remembers Kossuth will not feel his heart throb and his eyes moisten as he thinks of the lofty heroism and the awful tragedy of José Rizal, or as he reads the death chant which he wrote in his last hours, just before he was shot by the Spanish tyrants on the 30th of December, 1896. Our English translation gives only imperfectly the effect of the noble Spanish, the tongue in which the great scholar said he should choose to speak to his God.

Farewell, adored Fatherland; our Eden lost, farewell;
Farewell, O sun's loved region, pearl of the eastern sea;
Gladly I die for thy dear sake; yea, thou knowest well
Were my sad life more radiant far than mortal tongue could tell,
Yet would I give it gladly, joyously for thee.

Pray for those who died alone, betrayed in wretchedness;
For those who suffered for thy sake torments and misery;
For broken hearts of mothers, who weep in bitterness;
For widows, tortured captives, orphans in deep distress;
And pray for thy dear self, that thou may'st finally be free.

Farewell, adored country; I leave my all with thee,
Beloved Philippines, whose soil my feet have trod,
I leave with thee my life's love deep; I go where all are free;
I go where are no tortures, where the oppressor's power shall be
Destroyed, where faith kills not, where he who reigns is God.

AGUINALDO REPRESENTED WHOLE PEOPLE.

One of the great mistakes of many honest people is the belief that Aguinaldo has in some way imposed himself upon the people of Luzon and the neighboring islands against their will; that he is an unscrupulous usurper, who forced his authority on an unwilling people. This notion is corrected a hundred times by the testimony of our officials. Aguinaldo was as much the recognized leader of his people as Kossuth was the recognized leader of the Hungarians. Admiral Dewey brought him back from exile because he

was the accepted choice of his people. There were 30,000 men in arms who hailed him on his arrival as their chosen leader. The constitution he promulgated was accepted by the people who were then, throughout Luzon and the Visayas, in the enjoyment of a quiet and orderly government, republican in form, save the brief and temporary dictatorship exercised only for military purposes—a dictatorship not half as absolute in theory as the dictatorship of our President over those islands has been in theory during the last twelve months. Of course, the authority of the government of Luzon and the adjacent islands did not extend over the savage tribes in the southern islands, or over the Sultan of Sulu. But at least it paid no tribute to that sultan.

General MacArthur, talking to H. Irving Hancock, Manila correspondent of the Criterion, said, what I have once quoted:

When I first started in against these rebels, I believed that Aguinaldo's troops represented only a faction. I did not like to believe that the whole population on Luzon—the native population, that is—was opposed to us and our offers of aid and good government. But after having come this far, after having occupied several towns and cities in succession, and having been brought much into contact with both insurrectos and amigos, I have been reluctantly compelled to believe that the Filipino masses are loyal and devoted to Aguinaldo and the government which he heads.

General Otis's proclamation of January 4, 1899, recognizes that the insurgents under Aguinaldo fairly represent the people. I will not recite it at length. But there is one very significant paragraph therein. It is this:

From the tenure and substance of the proclamation of the President, I am fully of the opinion that it is the intention of the United States Government, while directing the forces generally, to appoint the representative men now forming the controlling element of the Filipinos to civil positions of trust and responsibility.

Is that not a full acknowledgment, as of January 4, 1899, in the first place, that Aguinaldo and those associated with him were the controlling element of the Philippine Islands; and next, that they were fit for civil positions of trust and responsibility?

There is another admission in that proclamation, filtered and emasculated as it was. It is a part of the President's own language. "It should be the earnest and paramount aim of the Administration to win the confidence and respect and affection of the inhabitants of the Philippine Islands by insuring to them in every possible way the full measure of individual rights and liberty, which is the heritage of a free people."

It is true, is it not then, that the inhabitants of the Philippine Islands are entitled to that liberty which is the heritage of a free people? If it be true, then our imperialistic friends must answer another question—whether that liberty, which is the heritage of a free people, is consistent with the domination of any other people determining for them what shall be their institutions, laws, form of government, and policies, foreign and domestic.

Mr. President, there is one mode by which the people of the Philippine Islands could establish the truth of the charges as to their degradation and incapacity for self-government which have been made by the advocates of imperialism in this debate; and that mode was by submitting tamely and without resistance to the dominion of the United States.

WE ASKED COOPERATION, TREATED THEM AS ALLIES, AND ASSURED THEM OF INDEPENDENCE.

Aguinaldo came back to Luzon. He found 30,000 men in arms for liberty waiting to receive him. He conquered. They were poorly armed at first, but they got arms from us and they purchased arms abroad. They banished Spain from the whole of Luzon and the Visayas; they captured thousands upon thousands of Spanish prisoners; other thousands were committed to them by us, until they had the whole of the civilized portion of those islands under their command, and hemmed Spain into the city of Manila by a line of intrenchments extending from water to water. But for what they did the army of Spain could have withdrawn itself from the neighborhood of our fleet, and could have held its own against our military forces very likely to this moment.

Now, Mr. President, during all this time, down to the breaking out of hostilities on the 5th of February, 1899, the forces of the people of whom Aguinaldo was the head held that entire territory as securely, as exclusively, as the American people held Massachusetts throughout the Revolutionary war after the evacuation of Boston on the 5th day of March, 1776.

They organized a civil government. It is true Aguinaldo was declared in the beginning dictator chief, as in three instances in South America Bolivar was declared dictator. That happens in all revolutions. While the conflict of arms is going on, but simultaneously with the dictatorship, Aguinaldo declared his purpose to surrender it as soon as peace and order could be restored and liberty achieved, and as fast as that happened, peaceful and orderly local government took the place of military power.

Now, Mr. President, there is no historic fact more clearly established by historic testimony than the facts—

First, That these people were aiming at independence from the beginning.

Second, That they achieved independence.

Third, That our commanders, naval and military, our Secretary of War, our Administration at home, knew all the time that they were aiming, striving, at independence.

Fourth, That we encouraged them by every form of practical assurance.

I am not speaking now of the assurance they derived from our Constitution, our Declaration of Independence, our known principles, our past history—I am speaking of what they had the right to take and understand as assurances that their independence was to be respected. Why, Aguinaldo proclaimed it a dozen times. He announced a free constitution, an independent constitution, and established it all over the islands of Luzon and the Visayas, and these documents were immediately communicated to our commanders, and were by our commanders at once reported to Washington.

During that whole time, down to the end of December, 1898, when General Miller unwittingly, contrary to General Otis's desire, made public the order of the President, not a word of opposition or of contradiction came from American lips to them. If ever silence gave consent, if ever actions spoke louder than words, if ever conduct bound a nation, aye, if ever conduct bound a man of honor, the people of the United States are bound to respect the independence these people had achieved.

But silence and knowledge of the fact on our part were not all. We formed an alliance with Aguinaldo; our General wrote to him official letters asking his cooperation. Admiral Dewey denies, with some indignation, that he said the things which Aguinaldo relies on as forming an alliance, but the military commanders do not deny it; they confess it; they reported it to the Department of War and to the President. Twice did the commanding generals representing the United States give express assurance to that effect by their own confession.

General Anderson, who commanded in the Philippines before Merritt and Otis, says in his article in the North American Review for February, 1900:

Whether Admiral Dewey, Consuls Pratt, Wildman, and Williams did or did not give Aguinaldo assurances that the Philippine government would be recognized, the Filipinos certainly thought so, probably inferring this from their acts rather than their statements.

Every American citizen who came in contact with Filipinos at the inception of the Spanish war, or at any time within a few months after hostilities began, probably told those he may have talked with on the subject that we intended to free them from Spanish oppression. And here came in a natural misconception and misunderstanding. The general expression was, "We intend to whip the Spaniards and set you free." But this to Aguinaldo and his immediate followers had a very different meaning. To them it meant that the United States would recognize any government he and his followers might set up. It must be remembered that two years before Aguinaldo had been the leader in a rebellion the object of which was to set up an independent government. The Filipino people, in a vague way, had the same anticipation, for it must be understood that Aguinaldo is to his countrymen an ideal—an Oriental Washington—destined to be free from Spanish rule. Even if Dewey and the consuls had no right to pledge the Government, if they did so even without authority, it gives the insurgent leaders a certain equitable claim to consideration.

Now, what does the commander of the American forces tell you? He tells you that Aguinaldo inquired of Admiral Dewey if he authorized the promise made in his name by the captain of the *Petrel* and the two consuls, and that he received satisfactory assurances. He then goes on to say:

Receiving satisfactory assurances, he proceeded naively to say that the junta in Hongkong even then suspected that after whipping the Spaniards we would refuse them independence. The Admiral replied, assuring him that we were honorable and, having plenty of land, desired no colonies.

General Anderson adds:

Aguinaldo is mistaken in attributing this remark to the Admiral. I must plead guilty to this Delphic utterance at a subsequent interview.

General Anderson adds (North American Review, page 277):

"A few days thereafter he made an official call on me and * * * asked if we, the North Americans, as he called us, intended to hold the Philippines as dependencies. I said I could not answer that, but that in one hundred years we had established no colonies. He then made this remarkable statement: 'I have studied attentively the Constitution of the United States and I find in it no authority for colonies, and I have no fear.'

"It may seem that my answer was somewhat evasive, but I was at the time trying to contract with the Filipinos for horses, carts, fuel, and forage."

General Anderson says that when he was commander in chief of our land forces Admiral Dewey thought he could not prudently fight such vessels as the *Pelayo*, and other formidable ships, which were then expected through the Suez Canal, in the close waters of the bay, where they would have the support of the heavy Krupp guns on land, and proposed that General Anderson should reembark the soldiers we had landed at Cavite and take them to Subig Bay. He adds:

"At that time the insurgent Filipinos had driven the Spanish soldiers within the defenses of Manila, and had them completely invested on the land side by light field works, which they held with about 14,000 men. They were poorly armed and equipped, yet, as they had defeated the Spaniards in a number of fights in the field and had taken 4,000 prisoners, it may be asserted in the vernacular of the camp that 'they had the morale on them.'"

The Manila garrison was so demoralized at that time, and so incomplete was their line of defense, that I believe it would have been possible, by coming to an understanding with Aguinaldo, to have carried their advance works by storm and to have captured all of the city, except the walled city or the old Spanish town. Under existing orders, we could not have struck a bargain with the Filipinos, as our Government did not recognize the authority of Aguinaldo as constituting a de facto government; and if Manila had been taken with his cooperation, it would have been his capture as much as ours. We could not have held so large a city with so small a force, and it would therefore have been practically under Filipino control.

On the 1st of July, 1898, I called on Aguinaldo with Admiral Dewey. He asked me at once whether "the United States of the North" either had recognized or

would recognize his government. I am not quite sure as to the form of the question, whether it was "had" or "would." In either form it was embarrassing. My orders were, in substance, to effect a landing, establish a base, not to go beyond the zone of naval cooperation, to consult Admiral Dewey, and to wait for Merritt. Aguinaldo had proclaimed his government only a few days before (June 28), and Admiral Dewey had no instructions as to that assumption. The facts as to the situation at that time I believe to be these: Consul Williams states in one of his letters to the State Department that several thousand Tagals were in open insurrection before our declaration of war with Spain. I do no know as to the number, yet I believe the statement has foundation in fact. Whether Admiral Dewey and Consuls Pratt, Wildman, and Williams did or did not give Aguinaldo assurances that a Filipino government would be recognized, the Filipinos certainly thought so, probably inferring this from their acts rather than from their statements. If an incipient rebellion was already in progress, what could be inferred from the fact that Aguinaldo and thirteen other banished Tagals were brought down on a naval vessel and landed in Cavite? Admiral Dewey gave them arms and ammunition, as I did subsequently at his request. They were permitted to gather up a lot of arms which the Spaniards had thrown into the bay, and, with the 4,000 rifles taken from the Spanish prisoners, and 2,000 purchased in Hongkong, they proceeded to organize three brigades and also to arm a small steamer they had captured. I was the first to tell Admiral Dewey that there was any disposition on the part of the American people to hold the Philippines, if they were captured. The current of opinion was setting that way when the first expeditionary force left San Francisco, but this the Admiral had no reason to surmise. But to return to our interview with Aguinaldo.

I told him I was acting only in a military capacity; that I had no authority to recognize his government; that we had came to whip the Spaniards, and that if we were successful, the indirect effect would be to free them from Spanish tyranny. I added that, as we were fighting a common enemy, I hoped we could get along amicably together. He did not seem pleased with this answer. The fact is, he hoped and expected to take Manila with Admiral Dewey's assistance, and he was bitterly disappointed when our soldiers landed at Cavite. In a few hours after our interview, two of my staff officers, Major Cloman and Lieutenant Clark, who were walking through the streets of the town, were arrested and taken before Aguinaldo. They were told by him that strangers could only visit the town by his permission, but that in their case he was pleased to give them permission to proceed.

We at once landed our forces, and on the 4th of July Aguinaldo was invited to witness a parade and review in honor of our national holiday. He did not come, because he was invited not as President but as General Aguinaldo. This led me to write him a letter, stating that, while we hoped to have amicable relations with him, I would have to take Cavite as a base of operations, and closing with this sentence:

"I have, therefore, the honor to ask your excellency to instruct your officials not to interfere with my officers in the performance of their duties, and not to assume that officers or men can not visit Cavite without your permission."

A few days thereafter he made an official call, coming with cabinet and staff and a band of music. On that occasion he handed me an elaborate schedule for an autonomous government which he had received from some Filipinos in Manila, with a statement that they had reason to believe that Spain would grant them such a form of government. With this was an open letter addressed to the Filipino people from Pedro Alexandre Peterno, advising them to put their trust in Spain rather than America.

The day before two German officers had called on Aguinaldo, and I believe they had brought him these papers. I asked him if the scheme was agreeable to him. He did not answer, but ask if we, the North Americans, as he called us, intended to hold the Philippines as dependencies. I said I could not answer that, but that he could trust the honor of the United States; in one hundred and twenty years we had established no colonies. He then made this remarkable statement:

"I have studied attentively the Constitution of the United States, and I find in it no authority for colonies, and I have no fear."

It may seem strange that my answer was somewhat evasive, but I was at the time trying to contract with the Filipinos for horses, carts, fuel, and forage. * * *

About the middle of July the insurgent leaders in Cavite invited a number of our army and navy officers to a banquet. There was some postprandial speechmaking, the substance of the Filipino talk being that they wished to be annexed, but not conquered. One of our officers, in reply, assured them that we had come not to make them slaves, but to make them freemen. A singular scene followed. All the Filipinos rose to their feet, and Buencamino, taking his wineglass in his hand, said: "We wish to be baptized in that sentiment." Then he and the rest poured the wine from their glasses over their heads.

The origin of our controversies and conflicts with the Filipinos can, as already explained, be traced back to our refusal to recognize the political authority of Aguinaldo. Our first serious break with them arose from our refusal to let them cooperate with us. * * *

The Filipinos had made every preparation to assail the Spanish lines in their front. Certainly they would not have given up part of their line to us unless they thought they were to fight with us. They therefore received General Merritt's interdict with anger and indignation. They considered the war as their war, and Manila as their capital, and Luzon as their country. * * *

The situation was exceedingly critical. Our soldiers believed that the Filipinos were almost beside themselves with rage and disappointment. The friendly relations we had with Generals Recati and Morial alone prevented a conflict then and there. * * *

I received an order from General Merritt to remove the Filipinos from the city. Had we attempted to use force, we would have had to fight to carry out our orders. In that event we would certainly have had a serious complication. With 10,000 men we would have had to guard 13,300 Spanish prisoners and fight 14,000 Filipinos. I therefore took the responsibility of telegraphing Aguinaldo requesting him to withdraw his troops, and intimating that serious consequences would follow if he did not do so. I received his answer saying that a commission would come to me the next morning with full powers. Accordingly the next day Señores Buencamino, Lagarde, Araneto, and Sandeco came to division headquarters in Manila and stated that they were authorized to order the withdrawal of their troops if we would promise to reinstate them in their present positions on our making peace with Spain. Thereupon I took them over to General Merritt.

Upon their repeating their demands, he told them he could not give such a pledge, but that they could rely on the honor of the American people. The General then read to them the proclamation he intended to issue to the Filipino people. The commission then went back to Aguinaldo for further instructions. A member of the commission brought me a letter from Aguinaldo complaining that he had been harshly treated, and that his army had given up a part of their lines to us on the understanding that there was to be a cooperation between us in the future in military movements. General Merritt directed me to reply that if Aguinaldo had been apparently harshly treated it was from a military necessity, and that, while we might recognize the justice of their insurrection, it was thought judicious to have only one army in Manila at one time.

WAS LUZON A CONQUERED COUNTRY?

We held Manila and Cavite. The rest of the island was held not by the Spaniards, but by the Filipinos. On the other islands the Spaniards were confined to two or three fortified towns. At the time referred to we could not claim to hold by purchase, for we had not then received Spain's quitclaim deed to the archipelago.

Now, mark, this is the commander in chief of the American forces, and he tells you that although Dewey did not make that promise, he did. Here were these people in arms. They were in arms for independence. They had established government all over Luzon and the Visayas; all over the civilized and Christian portions of the Philippine Islands; their army was 30,000 strong, and constantly increasing. They were a people of two or three millions, at least. They were hemming in Spain into a single city; they had a constitution, a civil constitution, a republic, and we knew it; and then Aguinaldo says to the American commander, "Our friends in Hongkong are getting uneasy lest you intend not to leave us independent." And the reply is, "You can trust the honor of the United States; we have had no colonies for a hundred and twenty years." And the leader of that free people answers, "I have no fear; I have read your Constitution, and there is no provision for holding colonies in it."

Why, Mr. President, the Republican party in great States of this Union have been excited to indignation within a few weeks because General Miles had told the people of Porto Rico they should have the immunities of American citizens. "Immunities" is rather a vague and uncertain word, but if the assurance of General Miles given to a people who had done nothing for themselves, of immunities, sets the constituents of my friends from Vermont, and my friends from Indiana, my friends from Iowa, into a fever of alarm lest the faith of the United States be broken, what are we to say to a statement, when we were asked if we intended to interfere with their independence, "You can trust the honor of the United States; we have had no colonies for a hundred and twenty years?"

Now, we must of course accept Admiral Dewey's disclaimer. But Dewey and Anderson called on Aguinaldo together, and Aguinaldo afterwards called on Anderson by himself. It is of little consequence which said it, or if it be of any consequence which said it, the assurance of the commander of our troops on land was more important under the circumstances than the same thing would have been coming from the Admiral. "Admiral Dewey did not say it, but I did," says the General. "I wanted to buy articles of the Filipinos." Yes, and he wanted a good deal more than that.

The Spaniards were hemmed in and kept in by the Filipinos. If Aguinaldo had withdrawn his forces, or if he had made terms with Spain, a very different and a very difficult task would have been that of the commandant of the American forces.

If there ever were a pledge of honor accepted and acted upon, and a consideration given, binding a great and noble people by the strongest tie that can bind a great and noble people—its national honor—that pledge was given that day.

But this is not all. I shall allude in a moment to the conduct of our commanders, establishing an alliance with the forces of the Philippine republic, commanded by Aguinaldo all through that year. Our attitude was maintained down to the end of December, 1898, when General Otis made this statement in a proclamation addressed to the people of the Philippine Islands, suppressing President McKinley's proclamation:

General Otis says:

It is also my belief that it is the intention of the United States Government to draw from the Filipino people so much of the military force of the islands as is possible and consistent with a free and well-constituted government of the country. * * * I am also convinced that it is the intention of the United States Government to seek the establishment of a most liberal government for the islands, in which the people themselves shall have as full representation as the maintenance of law and order will permit, and which shall be susceptible of development, on lines of increased representation and the bestowal of increased powers, into a government as free and independent as is enjoyed by the most favored provinces in the world.

That is what you told those men through your military commander six weeks before the hostilities broke out.

There is the promise. In another statement he says:

I will assure the people of the Philippine Islands the full measure of individual rights and liberties, which is the heritage of a free people.

Now, what does that mean? What does that mean, Mr. President? My honorable friend says we must hold on to those islands forever; that he is a dastard who does not think so. And yet General Otis, whom the honorable Senator as I have no doubt justly eulogized, as the representative of the honor and the justice of the people of the United States, uttered that promise. Did he utter that promise to a people of slaves, half Spaniards and half savages in character? Did he utter that promise to a people incapable of self-government? He sent home his dispatch, and he has been in command there ever since till just now.

The President says he did not authorize that proclamation but he approved it.

Here, then, Mr. President, is the constant proclamation from the beginning that independence is the object of the Philippine people, known all along to the commanders and the Government of the United States.

Here is an independence actually achieved.

Here is a free, orderly, constitutional government, under which two or three million people are living, with schools, churches, universities, a congress, an administration, and an army.

Here is the oppressor driven out of every foot of his own land except one city, and penned up in that.

Here are two distinct, separate assurances from our military commanders that it is not the purpose of the United States to meddle or interfere with that people.

Here is the accepting and acting upon that assurance in one instance, the first time it was given, early in July, 1898.

Here is the benefit obtained by the United States:

The Spanish army kept within our grasp and within the fire of our guns, instead of escaping to the interior.

But that is not all. We recognized that independence in many ways. We made an alliance with Aguinaldo and his people; the facts were reported to our Administration at home, and the alliance never disclaimed.

Now, be it remembered that during all this time President McKinley disclaimed any title to any part of the Philippine Islands except Manila. He declared more than once, in language which is familiar, that we, the United States, have claimed no title to any part of the islands except the town.

We got no title, pretense of title, or claim of title to an inch of the territory beyond the city of Manila and its defenses, until the ratification of the treaty on the 10th day of May, 1899.

Now, if we had no title, who had? Will any man stand up in this Senate, in the American Senate, in the closing year of the nineteenth century, and declare that a rightful title to that territory was still in Spain? The man who would declare that, had better go to Spain to live. He has drawn in no Americanism with his mother's milk.

The whole correspondence in that period is a correspondence between allies. It discloses that they are fighting for independence on their side and we disclose no purpose to interfere with it on ours. On the 4th of July, 1898, General Anderson writes to Aguinaldo:

I have the honor to inform you that the United States of America, whose land forces I have the honor to command in this vicinity, being at war with the Kingdom of Spain have entire sympathy and most friendly sentiments for the native people of the Philippine Islands.

For these reason I desire to have the most amicable relations with you and to have you and your people *cooperate* with us in military operations against the Spanish forces.

In doing this I do not wish to interfere with your residence here and the exercise by yourself and other native citizens of all functions and privileges not inconsistent with military rule.

That was, it seems to me, a communication by the commanding general of the purpose of the United States not to interfere with the civil functions of the Philippine government, except so far as was necessary for the conduct of military operations at Cavite.

On the 6th of July, 1898, General Anderson addresses Aguinaldo by his title of commanding general, and says:

I should like to have your excellency's advice and cooperation, as you are best acquainted with the resources of this country. It must be apparent to you that we do not intend to remain here inactive but to move promptly against our common enemy. I am solicitous to avoid any conflict of authority which might result from having two sets of military officers exercising command at the same place. I am also anxious to avoid sickness, by taking sanitary precautions. Your sanitary medical officers have been making voluntary inspections with mine, and fear epidemic disease if the vicinity is not made clean. Would it not be well to have prisoners work to this end under the advice of the surgeon?

I again renew my assurance of distinguished consideration.

July 6, 1898 (page 5), General Anderson replies to Aguinaldo (again addressing him "Señor Don Emilio Aguinaldo, Commanding Philippine Forces"), and says:

I am encouraged by the friendly sentiments expressed by your excellency * * * to endeavor to come to a definite understanding, which I hope will be advantageous to both.

Very soon we expect a very large addition to our forces, and it must be apparent to you as a military officer that we will require much more room to camp our soldiers, and also storeroom for our supplies. For this I would like to have your excellency's advice and cooperation, as you are best acquainted with the resources of the country.

He also says that the medical officers of the two commands have been making voluntary inspections together, and asks whether it would not be well to have the prisoners work to make the vicinity clean, under the advice of the surgeons.

July 9, 1898, General Anderson reports (page 6) to the Adjutant-General of the United States Army, Washington, D. C.:

General Aguinaldo tells me he has about 15,000 fighting men, but only 11,000 armed with guns, which mostly were taken from the Spaniards. He claims to have in all 4,000 prisoners. When we first landed he seemed very suspicious and not at all friendly, but I have now come to a better understanding with him, and he is much more friendly and seems willing to cooperate. But he has declared himself dictator and president and is trying to take Manila without our assistance. This is not probable, but if he can effect his purpose he will, I apprehend, antagonize any attempt on our part to establish a provisional government.

July 14, 1898, General Anderson requests Aguinaldo that he give his (Anderson's) officers all possible assistance in making reconnoissance to the lines and approaches, and that Aguinaldo favor them with his advice (page 6). He adds: "Officers coming from me will have a note to that effect."

July 18, 1898 (page 8), General Anderson reports to the Adjutant-General, U. S. Army:

Since reading the President's instructions to General Merritt, I think I should state to you that the establishment of a provisional government on our part will probably bring us in conflict with the insurgents, now in active hostility to Spain.

July 19, 1898 (page 8), General Anderson writes to Aguinaldo, saying that Maj. J. F. Bell, U. S. A., has been sent by Gen. Wesley Merritt, U. S. A., to collect for him by the time of his personal arrival certain information concerning the strength and positions of the enemy and concerning the topography of the country surrounding Manila. He adds:

I would be obliged if you would permit him to see your maps and place at his disposal any information you have upon the above subjects, and also give him a letter or pass addressed to your subordinates which will authorize them to furnish him any information they can on these subjects and to facilitate his passage along the lines upon a reconnoissance around Manila.

July 19, 1898 (page 9), General Anderson writes to Aguinaldo:

Your offer of assistance is appreciated and your assurances of good will are most gratifying.

July 22, 1898 (page 9), General Anderson writes to Aguinaldo:

I observe that your excellency has announced yourself as a dictater and proclaimed martial law. As I am here simply in a military capacity I have no authority to recognize this assumption. I have no orders from my Government on the subject; and, so far as I can ascertain, your independent status has not been recognized by any foreign power. Happy as I am to see you fighting so bravely and successfully against a common enemy, I can not, without orders, recognize your civil authority.

General Anderson writes to Aguinaldo on the 23d of July, 1898:

Señor Don EMILIO AGUINALDO,
Commanding Phillippine Forces.

GENERAL: When I came here three weeks ago, I requested your excellency to give what assistance you could to procure means of transportation for the American Army, as it was to fight in the cause of your people. So far I have received no response. As you represent your people, I now have the honor to make requisition on you for 500 horses, 50 oxen and ox carts. If you can not secure these, I will have to pass you and make requisition directly on the people.

Now put that letter, dated the 23d of July, 1898, addressed to Señor Don Emilio Aguinaldo, commanding Philippine forces (and there are plenty similar communications), with Admiral Dewey's own to our Government that the people want independence. Who would doubt that a people unskilled in diplomatic forms, or would doubt that a people most skilled in diplomatic forms, would rightfully understand that the United States knew that Aguinaldo was the representative of his people, and, second, that they were then fighting for their independence?

July 24, 1898 (page 10), Aguinaldo replies to General Anderson:

I came from Hongkong to prevent my countrymen from making common cause with the Spanish against the North Americans, pledging before my word to Admiral Dewey to not give place (to allow) to any internal discord, because (being) a judge of their desires, I had the strong convictions that I would succeed in both objects, establishing a government according to their desires.

Thus it is that in the beginning I proclaimed the dictatorship, and afterwards, when some of the provinces had been liberated themselves from Spanish domination, I established a revolutionary government that to-day exists, giving it a democratic and popular character as far as the abnormal circumstances of war permitted. * * *

It is true that my government has not been acknowledged by any of the foreign powers, but we expected that the great North American nation, which struggled first for its independence, and afterwards for the abolition of slavery, and is now actually struggling for the independence of Cuba, would look upon it with greater benevolence than any other nation.

He then expresses his indebtedness for our generosity and cautions General Anderson against disembarking our troops in places conquered by the Filipinos from the Spanish, without previous notice to his government, because as yet no formal agreement exists between the two nations, and the Philippine people might consider the occupation of its territories by North American troops as a violation of its rights.

On October 27, 1898, General Otis writes to Aguinaldo in regard to the establishment of a convalescent camp. He says:

General EMILIO AGUINALDO,
Commanding Revolutionary Forces, Malolos, Philippine Islands.

GENERAL: * * * I know that you would not offer objections if it could be so placed as not to give your people annoyance, since it could not be in any wise a menace, but, on the contrary, would place our sick within your power and to a certain extent under your protection. * * * I am fully convinced of your wish to maintain harmonious relations with the United States forces and government of Manila.

Aguinaldo writes a little later:

I can answer for my people, because they have given me evident proofs of their absolute confidence in my government, but I can not answer for that which another nation whose friendship is not well guaranteed might inspire in it [the people]; and it is certain that I do this not as a menace, but as a further proof of the true and sincere friendship which I have always professed for the North American people, in the complete security that it will find itself completely identified with our cause of liberty.

July 21, 1898 (page 12), General Anderson reports to the Adjutant-General of the United States Army:

Since I wrote last Aguinaldo has put in operation an elaborate system of military government, under his assumed authority as dictator, and has prohibited any supplies being given us except by his order. As to this last, I have written to him that our requisitions on the country for horses, ox carts, fuel, and bamboo (to make scaling ladders) must be filled, and that he must aid in having them filled. His assumption of civil authority I have ignored, and let him know verbally that

I could and would not recognize it, while I did *not* recognize him as a military leader.

I suppose the word "not" is a misprint.

He adds:

It may seem strange that I have made no formal protest against his proclamation as dictator, his declaration of martial law, and publication and execution of a despotic form of government. I wrote such a protest, but did not publish it, at Admiral Dewey's request, and also for fear of wounding the susceptibilities of Major-General Merritt, but I have let it be known in every other way that we do not recognize the dictatorship.

These people only respect force and firmness. I submit, with all deference, that we have heretofore underrated the natives. They are not ignorant, savage tribes, but have a civilization of their own; and, although insignificant in appearance, are fierce fighters, and for a tropical people they are industrious.

August 5, 1898, General Anderson reports to the adjutant-general, Department of the Pacific, etc.:

I have the honor to inform you that General Aguinaldo, through a staff officer, complains that the Signal Corps, United States Army, in putting up wires has interrupted his communications; that he was promised that this interruption would not last more than one day, but that it has now been out of working order for three days; that he is very glad to have the army use his telegraph poles, but it is so important to keep his communication that he earnestly requests prompt action in the matter.

August 10, 1898 (page 14), General Merritt issues instructions to General Babcock to ask insurgent generals or Aguinaldo for permission to occupy their trenches, but if refused not to use force.

July 30, 1898 (page 15), General Anderson reports to the adjutant-general, Department of the Pacific, etc., referring to instructions in relation to an issue of rations to Spanish prisoners:

I made verbal answer that if their prisoners were kept here they would have to be well fed, but that he could, of course, remove them if he saw fit to do so.

August 1, 1898 (page 15), Aguinaldo writes to Consul Williams:

I am fully persuaded that the Filipinos will arrive at the height of happiness and glory if in future they can show with raised heads the rights which to-day are shown by the free citizens of North America. These islands will be in effect one of the richest and pleasantest countries of the globe if the capital and industry of North Americans come to develop the soil.

Answering Consul Williams's suggestion that this might be accomplished without annexation to the United States, he says (pages 16, 17):

But I do not believe these unworthy suspicions. I have full confidence in the generosity and philanthropy which shine in characters of gold in the history of the privileged people of the United States, and for that reason, invoking the friendship which you profess for me and the love which you have for my people, I pray you earnestly, as also the distinguished generals who represent your country in these islands, that you entreat the Government at Washington to recognize the revolutionary government of the Filipinos, and I, for my part, will labor with all my power with my people that the United States shall not repent their sentiments of humanity in coming to the aid of an oppressed people.

Say to the Government at Washington that the Filipino people abominate savagery; that in the midst of their past misfortunes they have learned to love liberty, order, justice, and civil life, and that they are not able to lay aside their own wishes when their future lot and history are under discussion. Say also that I and my leaders know what we owe to our unfortunate country; that we know how to admire and are ready to imitate the disinterestedness, the abnegation, and the patriotism of the grand men of America, among whom stands pre-eminent the immortal General Washington.

You and I both love the Filipinos; both see their progress, their prosperity, and their greatness. For this we should avoid any conflict which would be fatal to the interests of both people, who should always be brothers. In this you will acquire a name in the history of humanity and an ineradicable affection in the hearts of the Filipino people. (From General Aguinaldo to Mr. Williams, United States consul.)

On pages 19 and 20 are memoranda of notes to General Anderson, which it is said were drawn up and submitted to General Anderson by the commissioners of Aguinaldo. It contains this article:

10. We are pleased, lastly, to be certain (affirm) that our own commissions and petitions do not signify acknowledgment on our part of North American sovereignty in these islands any more (or longer) than the necessity of actual war (demands).

General Merritt replies, August 20, 1898 (page 20):

As most of them (memoranda) seem to be reasonable, it gives him much pleasure to say that he agrees to the following.

And then he assents to several of them in terms. He does not express any objection to the others.

In reply to a further communication of Aguinaldo, dated August 21 (page 21, etc.), General Merritt directs Major Bell to make certain communications, the third of which is as follows (page 22):

(3) That I have every disposition to represent liberally the Government at Washington, which I know is inclined to deal fairly with him and his people; but not knowing what the policy of that Government will be, I am not prepared to make any promises, except that in the event of the United States withdrawing from these islands care will be taken to leave him *in as good condition as he was found by the forces of the Government.*

Major Bell, in a note of explanation (page 23), says:

Their lack of definiteness and my unwillingness to comment upon the language seemed to arouse their suspicions and apprehensions.

August 27, 1898 (page 25), Aguinaldo addresses General Merritt and reminds him:—

* * That without the long siege sustained by my force you might have obtained possession of the ruins of the city, but never the rendition of the Spanish forces, who could have retired to the interior towns.

September 8, 1898 (page 28), General Otis, in command and the military governor in the Philippines, addresses Aguinaldo a letter in which he claims no authority except over Manila. Then urging him to a certain course of conduct, says (page 29):

By the able representatives who have charge of the interests of the Philippine revolutionary forces this conclusion will be admitted to be incontrovertible, and argument on the point is unnecessary. Can they who seek civil and religious liberty, and invite the approval and assistance of the civilized world, afford to enter upon a course of action which the law of nations must condemn?

Also:

It is well known that they have made personal sacrifices, endured great hardships, and have rendered aid. But is it forgotten that my Government has swept the Spanish navy from the seas of both hemispheres, sent back to Spain the Spanish army and navy forces recently embarked for your destruction and for the secure holding of its Philippine possessions; that since May 1 last its Navy has held the city of Manila at its mercy, but out of considerations of humanity refused to bombard it, preferring to send troops to demand surrender and thereby preserve the lives and property of its inhabitants? Is it forgotten that the destruction of the Spanish navy and the retention of Spanish armed men in its European possessions has opened up to you the ports of the island of Luzon and held Spain helpless to meet its refractory subjects?

It was undertaken by the United States for humanity's sake, and not for their aggrandizement or for any national profit they expected to receive, and they have expended millions of treasure and hundreds of the lives of their citizens in the interest of Spanish suffering colonists.

In a communication October 14, 1898 (page 36), General Otis writes to Aguinaldo, speaks of the necessity of establishing a convalescent camp, and says:

Should the emergency become imminent, the dictates of humanity and the overwhelming demands of my Government would oblige me to establish a convalescent camp in this locality, to which troops could be sent for recuperation, and to relieve the congested situation which must attend the presence of so large a body of armed men within a thickly populated city. I have in mind for this possible camp the grounds on the shore of the bay formerly occupied by United States troops and designated Camp Dewey, or the high ground to the east of the city. It is my desire to place it at a locality which would not inconvenience any organizations connected with your forces or the surrounding inhabitants, and to the emergency of this anticipated proceeding I respectfully invite your consideration and ask your assistance should execution become necessary. Should action of this character be decided upon, I beg of you to rest firmly in my unqualified assurances that it will be undertaken in a spirit of the greatest friendliness and with the sincere desire to neither compromise nor affect in the slightest degree your interests and those of the people whom you represent, but, on the contrary, to enhance them.

Permit me to subscribe myself, General, with the highest respect,

Your most obedient servant,

E. S. OTIS,
Major-General, U. S. V.,
United States Military Governor in the Philippines.

October 27, 1898 (page 39), General Otis writes to Aguinaldo conceding that he is right in his interpretation of General Merritt's requirements fixing the lines for the occupation of the two forces. This is exceedingly important as showing that the place where the hostilities broke out was within the Filipino territory and not in ours. He further expresses the opinion that all difficulties have arisen from a misunderstanding, and assures Aguinaldo of his confidence in the sincerity of his desire to maintain harmonious relations.

November 2, 1898 (page 41), General Otis, addressing Aguinaldo by his title of Gen. Emilio Aguinaldo, commanding Philippine revolutionary forces, calls attention to—

the erroneous impressions which publicly prevail regarding the humane sentiments and good intentions cherished by the Filipinos, and which are so damaging to them in securing a position as a people which they seek to invoke. You will please pardon me for this allusion, but the matter is so important to the best interests of the Filipinos, that I have taken the liberty, uninvited, to present it.

Confident that you seek the welfare of your people, may I in that confidence ask you to use your conceded influence to correct this condition of affairs and to act with me in efforts to place these prisoners in a position which will put an end to the acrimonious criticisms which now so widely prevail?

This means—if it mean anything—the advice of our commanding general to the commander of the Philippine forces so to act as to promote the desire of his people for independence.

November 3, 1898 (page 42), Aguinaldo replies, stating the reasons for treating the Spanish priests as prisoners, being for special reasons applicable to them alone, and claiming also that ordinary international law will have to give way before the just cause of a country of millions of souls, because this cause is one of humanity.

To this General Otis replies, November 10, 1898 (page 44):

I am unable to comprehend the force of your remark to the effect that international law must give way before the just cause of a country of millions of souls because it is one of humanity. I fail to understand how the principles of that law can be antagonistic in any particular to the welfare of a people, founded, as they are, on the best interpretation of the law of nature which the acknowledged wisdom of ages of human progress has been able to bestow. Every independent nation claiming advanced enlightenment professes to be bound by these obligations of that law and certainly would be held responsible by the civilized world should it openly violate them.

I do not think that the views you advance would receive favorable general acceptance, and believe therefore, in all sincerity, that the good name, reputation, and welfare of that people would be greatly enhanced by relieving those men from the captivity which they have so long endured.

I can only ask in conclusion that the wishes of my Government may receive more favorable consideration than your most friendly letter indicates.

Aguinaldo replies November 18, 1898 (pages 46 et seq.), discussing the question of international law with General Otis, and says:

The principles of international law sustained by the most noted authors were taken into account by me when I treated as prisoners of war civil employees and

the priests. Jiore, Martens, Bluntschli, and others hold that all persons, though not forming a part of the army, but who follow it to perform their pacific functions, can be held as prisoners of war. I only exempt the hospital personnel, according to the Geneva convention, provided that they take no active part in the war.

In virtue of the right of retort, during the war of North American independence, the great Washington, to avenge the shooting of an American colonel, a prisoner in the hands of the English, deemed beyond the rules of war the English Colonel Argyll, a prisoner held by the Americans. Thanks to the intervention of the Queen of France, the order was not executed. In virtue of the same right, the German generals in the war of 1870 ordered the houses in which their soldiers had been treacherously attacked to be fired and destroyed.

He adds a statement of the aspiration of the Filipino people who aspire to a life of liberty and independence. To say the least, this most able argument, said to have been prepared by Aguinaldo's attorney-general, is worthy of any jurist anywhere, and at least compares well in ability with those of any commander who has taken our side in the discussion.

The Senator from Maine [Mr. FRYE] puts this question to Commander Bradford:

I would like to ask just one question in that line. Suppose the United States, in the progress of that war, found the leader of the present Philippine rebellion an exile from his country in Hongkong, and sent for him and brought him to the islands in an American ship, and then furnished him 4,000 or 5,000 stands of arms, and allowed him to purchase as many more stands of arms in Hongkong, and accepted his aid in conquering Luzon, what kind of a nation, in the eyes of the world, we would appear to be to surrender Aguinaldo and his insurgents to Spain?

Commander Bradford answers:

We become responsible for everything he has done. He is our ally and we are bound to protect him.

The question was worthy of a manly heart, and no manly heart, as it seems to me, could answer it but one way: "We would as soon think of restoring a redeemed soul to Satan as to think of restoring the Filipinos to Spain." Then I should have expected from what I knew of that honorable Senator, another question, which perhaps may before these proceedings are over be put to him:

Suppose the United States in the progress of that war found the leader and president of the Filipino rebellion an exile from his country in Hongkong, and sent for him and brought him to the islands in an American ship, and then furnished him with 4,000 or 5,000 stands of arms, and allowed him to purchase as many more, and accepted his aid in conquering Manila, what kind of a nation, in the eyes of the world, should we appear to be to turn upon him and plunder him of the independence we had helped him to gain? What sort of a nation would we appear, in the eyes of the world to be, when we had accepted that aid, and he had conquered the entire country but one city, we knowing at the time that he and his people were striving for independence; what kind of a country should we appear to be to wrest from him that independence, to put his people under our feet, to declare that we never would let them go, whether they were fit for self-government or not, that we were there to get all we could, and to hold all we could get, and that if we had our way they should never have independence to the end of time? I wish my honorable friend from Maine had put that question also. For myself I make to it the same answer: I would as soon restore a redeemed soul to Satan as to plunder that people of the liberty for which they have fought.

Now, Mr. President, if instead of a great international transaction, this had been a case of a contract between two citizens, to be enforced in any court; if one had rendered valuable aid, or delivered valuable property, which had been accepted by the other with the declaration that a certain compensation was expected; if Aguinaldo had worked on a farm, or had helped draw a load, under such circumstances, is there a court in the civilized world—on the face of the earth—that would not have declared that silence and the failure clearly and distinctly to reject the condition, and to reject assistance, was of itself equal to an affirmative acceptance? Does not the silence of a great nation give consent as well as the silence of common men? "The people expect independence," said Admiral Dewey to the Secretary of the Navy and to the President, and no instruction was given to undeceive them.

THEY DESIRED INDEPENDENCE AND A REPUBLIC.

We knew they were fighting for independence.

June 12, 1898, Dewey sends three proclamations issued by General Aguinaldo, dated May 24, to the Secretary of the Navy.

These documents disclosed to our commanders in the East and to our Administration at home that the Philippine people were in arms for independence, and their confidence that the American people desired to aid them in the accomplishment of that holy aspiration. The receipt of such a communication was an assent, and can not be interpreted otherwise by honorable men or honorable nations.

My Beloved Fellow-Countrymen:

I accepted the treaty proposed by Don Pedro H. Paterno, agreeing with the captain-general of these islands under certain conditions, and laying down arms and dismissing the forces under my immediate control, because I believed it better for the country than to carry on the insurrection, for which resources were lacking; but since the failure to fulfill any of the said conditions certain bands were dissatisfied and remained under arms, and since a period of five months has elapsed without any step toward the reforms which we demand to advance our country to the rank of a civilized nation, like our neighbor Japan, which in a little more than twenty years has advanced to a satisfactory position, and demonstrated her power and vigor in the late war with China, while the Spanish Government remains powerless to contend with certain obstacles which constantly arrest the progress of our country with a deadly influence, which has been a principal factor in causing the uprising of the people, now that the great and powerful North American nation has come to offer disinterested protection for the effort to secure the liberation of this country, I return to assume command of all the forces for the attainment of our lofty aspirations, establishing a dictatorial government, which will set forth decrees under my sole responsibility, assisted by the advice of eminent persons, until these islands are completely conquered and able to form a constitutional convention and to elect a president and a cabinet, in whose favor I will duly resign the authority.

Given at Cavite the 24th of May, 1898.

Filipinos:

This dictatorial government proposes to begin within a few days our military operations, and being informed that the Spaniard intends to send us a parliamentary commission in order to open negotiations for restoring Spanish authority, and being resolved to admit no negotiations of that sort in view of the collapse of a former treaty by default of the same Spanish Government, and noting, moreover, the presence in this place of certain persons coming in the capacity of spies for the said Spanish Government, as general-in-chief of this region I decree as follows:

ARTICLE I. Civilians or soldiers who enter this territory with authority to negotiate, but without presenting themselves under a flag of truce as provided for such cases by international law, and also those lacking credentials and documents for their due recognition of character and personality, shall be considered guilty of serving as spies and put to death.

ARTICLE II. Any Filipino who undertakes the aforesaid service shall be considered as a traitor to his country, and there shall be imposed upon him the penalty of hanging by the neck in a public place for the period of two hours, with a label attached bearing the statement that he is a traitor to his country.

ARTICLE III. Any soldier or civilian found within our territories seeking to pass over to the enemy bearing secrets of war or plans of fortifications shall also be reckoned as a traitor and put to death.

Given in Cavite the 24th of May, 1898.

On the 10th of June, 1898, Aguinaldo addressed from Cavite to the "President of the Republic of the Great North American Nation" an eloquent but impassioned appeal. It was called out by a story in the London Times that it was the purpose of the United States to sell the Philippine Islands to Great Britain, or some other European power. Aguinaldo declares his belief that the story is a vile slander. He is then at Cavite, from which he dates his letter. He informs the President that he has organized a government there "by the consent of the Admiral of your triumphant fleet," and says his forces are then besieging Manila on the south and east, and have already captured the whole garrison of the province of Cavite, as well as that of the adjoining province of Bataan, together with the governors and officials of both provinces. He protests against the statement of the London Times, "in the name of this people, which trusts blindly in you not to abandon it to the tyranny of Spain, but to leave it free and independent, even if you make peace with Spain." He concludes thus: "I offer fervent prayers for the ever-increasing prosperity of your powerful nation, to which and to you I shall show unbounded gratitude, and shall repay you with interest that great obligation."

Now, here is an official declaration. Mark the date. It is June 10, 1898; when the insurgents had conquered the adjoining islands, with the governors and officials, and were holding Manila on the land side while the American forces alone held it by sea. Aguinaldo declares his profound affection, and that of his people, for the United States, and tells President McKinley that they are trusting him to leave them free and independent, even if we make peace with Spain. This is no question of a consul. It is not a question of a commanding general. It is not a question of an admiral. This leader of his people, in his own name and words, addresses the President of the United States and informs him of their faith—their blind faith—that the American nation will leave him and his people free and independent; will leave them exactly what the American people had declared of the Cubans when they had much less control of their own territory than the Filipinos had of theirs—that they are and of right ought to be. Our fathers of the Declaration of Independence spoke for three million; Aguinaldo spoke for eight. We declared they were what the Senate declared Cuba of right ought to be. Then the Cuban army was almost under the feet of Spain. Then every one of her capital towns, and every one of her ports, and every one of her strongholds was in Spanish hands.

Mr. E. Spencer Pratt, consul-general at Singapore, telegraphs the Department May 5, 1898, inclosing the Singapore Free Press of the day before, containing a report of the departure of Aguinaldo to join Commodore Dewey, and says that the facts are, *in the main*, correctly given. In that statement is the following sentence:

General Aguinaldo's policy embraces the independence of the Philippines, whose internal affairs would be controlled under European and American advisers. American protection would be desirable temporarily, on the same lines as that which might be instituted hereafter in Cuba.

Now, Mr. President, this is a pretty significant fact, fortified as it is with so many like statements coving the entire period before Aguinaldo reached Manila, perhaps before he reached Hongkong. The Government at Washington knew that he went there to put himself at the head of the Philippine forces for the purpose of achieving their independence. They knew it from an official communication, which declares that the main facts of that article are

correct. And knowing it, they accepted his aid; they furnished him with arms; they dealt with him as a general; they asked for his cooperation; they permitted him to wrest from the Spaniards every spot of that territory but the city of Manila, and they never undeceived him.

What court, what public opinion, what honest man, what man of honor, what gentleman would fail to keep, letter and spirit, the promise implied by such a transaction in any circumstances in life? One of our commissioners at Paris asked Mr. Foreman, when he was testifying, if it were not true if the Spaniards failed to act up to the lofty spirit of the Psalmist—of promising to their own hurt, and changing not.

I should have liked to ask that honorable commissioner what he thought they would say of us if we accepted the assistance of these Filipinos, with the full knowledge that they were asking for their independence, and then coolly appropriated the proceeds of their devotion and valor to our own advantage.

Gen. Charles A. Whittier said before the commission, "All the success was on the native side, and yet the Spaniards surrendered between 7,000 and 8,000 men, well armed, plenty of ammunition, and in good physical condition." (Page 499, Document 62.)

General Whittier adds, "Aguinaldo's troops control all the settled part of the island (except Manila), as well as much of the southern country." * * * "Their conduct to their Spanish prisoners has been deserving of the praise of all the world. I have heard of no instance of torture, murder, or brutality since we have been in the country." (Page 500.)

"Every place had been taken from them by the Filipinos, who managed their advances and occupation of the country in an able manner." (Page 501.)

THEY HAD ACHIEVED INDEPENDENCE.

Now, there is nothing more clearly proved in the whole history of these transactions than that the desire of the Filipinos for independence, both soldiers and people, was fully known during the whole of the year 1898 and down to the time of the breaking out of hostilities—to the President, to the Secretary of State, to our consuls, to Admiral Dewey, to General Otis, and down to a time long after the capture of Manila they knew that there was an unsuspecting confidence on the part of that people that the United States had no desire to interfere with their liberty or their independence. They accepted their aid. They cooperated with them in military movements. They asked favors of them. They requested them to change their military positions for the convenience of our forces. They handed over to them prisoners of war by the thousands. They asked their advice. They gave our sick in hospitals over to their care. They made requests on them for military supplies. And not a word or a thought conveyed to them that they had any expectation but to cooperate with them against a common enemy, as an independent and as an equal ally. Whether the word ally was used—and of course no man questions the denial of Admiral Dewey—the substance of an alliance existed, and the substance of the thing was conveyed by the United States to the Philippine nation in a hundred ways.

General Otis says, speaking of the early part of August, 1898:

Outwardly peace reigned, but the insurgents, disappointed because not permitted to enjoy the spoils of war in accordance with mediæval customs, and to exercise with the United States authorities joint control of municipal affairs, were not friendly disposed, and endeavored to obtain their asserted rights and privileges through controversies and negotiations and a stubborn holding of the positions taken by their troops.—*Otis Report*, page 4.

A communication took place between Aguinaldo and General Merritt. A letter was addressed to Merritt, August 27, 1898, describing the line to which he would retire, and stating some conditions which he said he was compelled to insist upon. (Otis Report, page 5.)

Otis answers, August 31, that General Merritt has been unexpectedly ordered away, and that he must have a little time to acquaint himself with the conditions. (Otis Report, page 6.)

September 8, 1898, General Otis addressed Aguinaldo by the title "The Commanding General of the Philippine Forces."

He says:

I note with pleasure your allusion to your very friendly disposition toward my Government, as manifested by your prompt attendance to our request for a supply of water. * * * I do not forget that the revolutionary forces under your command have made many sacrifices in the interests of civil liberty and for the welfare of your people.

And adds that as Manila had been surrendered to the United States by Spain—

by all the laws of war and of all international precedents, United States authority over Manila and its defenses is full and supreme.—*Otis Report*, page 7.

He goes on:

But conceding * * * that they [the forces under General Aguinaldo's command] have made great personal sacrifices, endured great hardships, and have rendered aid, my Government has swept the Spanish navy from the seas of both hemispheres, * * * and that since May 1 last its Navy has held the city of Manila at its mercy, but out of consideration of humanity refused to bombard it, * * * Is it forgotten that the destruction of the Spanish navy and the retention of Spanish armed men in its European possession has opened up to you the ports of the island of Luzon and held Spain helpless to meet its refractory subjects.—*Otis Report*, page 7.

He adds that the war—

was undertaken by the United States for humanity's sake, and not for any aggrandizement or for any national profit it expected to receive.—*Otis Report*, page 7.

Otis then demands that Aguinaldo withdraw his troops beyond the line of the city's defenses before Thursday, the 15th instant, and says that if he shall decline he shall be obliged to resort to forcible action. (Otis Report, page 9.)

Aguinaldo asked him to withdraw his threat to use force, as he was fearful that he would be unable to remove his troops upon a demand. (Otis Report, page 9.)

Otis then, at Aguinaldo's request, furnishes him with a simple request to withdraw, which he might show his troops in order that they might not infer that they were withdrawing under a threat; and adds an expression of his confidence in the ability and patriotism of Aguinaldo. "The withdrawal was effected adroitly, as the insurgents marched out in excellent spirits, cheering the American troops." (Otis Report, page 10.)

Speaking of the same period, General Otis says:

The insurrection had spread to and was active in all the islands with the exception of the Zulu Archipelago. * * * Vessels flying the Spanish flag could not safely enter any ports which had been seized by the insurgents.—*Otis Report*, page 14.

The insurgents, whose government had taken firm root at Malolos, were, through the medium of president, cabinet, and congress, reeling off decrees and constitutional provisions at a rapid rate. Their army was continually successful against the small Spanish garrisons scattered throughout the islands, and they were beginning to acquire the belief that they were invincible. Revenue was their need and desire, and this they began to derive quite largely from imposing export duties on all products shipped to Manila.—*Otis Report*, page 15.

Aguinaldo's army of observation, on the outskirts of the city, contained many natives or residents of Manila.—*Otis Report*, page 15.

"The assertion was made and became current that certain suburbs were not within the jurisdiction of Manila." He adds: "The best opinion did not consider the suburbs, still occupied by the insurgent troops, beyond the city limits." But he afterward admits that he was mistaken and that the Filipinos were right in their claim. (Otis Report, page 15.)

October 14, 1898, General Otis addresses a long communication to "Gen. Emilio Aguinaldo, commanding Philippine revolutionary forces, Malolos, P. I."

He says:

It was found impossible to determine definitely, on any existing map, either the limits of the city or the lines of its defenses.—*Otis Report*, pages 16–17.

He then asks Aguinaldo's assistance, if it shall become necessary, to establish a temporary convalescent camp on high ground to the east of the city, and adds:

Should action of this character become necessary, I beg of you to rest firmly in my unqualified assurances that it will be undertaken in a spirit of the greatest friendliness, and with the sincere desire to neither compromise nor affect in the slightest degree your interests and those of the people whom you represent, but, on the contrary, to enhance them.—*Otis Report*, page 18.

On October 20 it was reported that "insurgent troops were moving southward by railway from Malolos and other points and were being concentrated near the north line of the city," and speaks of it as a threatening demonstration. (Otis Report, page 19.)

October 22 Aguinaldo writes to General Otis, calling his attention to the fact that "the town of Pandacan has always been considered outside of the old municipal limits of Manila." (Otis Report, page 19.)

Afterwards, on October 27, Otis writes to Aguinaldo: "I have referred to General Merritt's letter of August 20, which you mention, and find that it is as you state." * * * "Pandacan is certainly far within the line of defense, and * * * have been led to believe that it has of late been considered one of the city's suburbs." (Otis Report, page 21.)

Otis then asks Aguinaldo's consent to the establishment of a convalescent camp for the American soldiers. (Otis Report, page 21.)

Aguinaldo replies, November 4, that such a camp must have American troops there to protect it, "unless it depends for security solely and exclusively upon the guaranty offered by the laws dictated by our government," and adds: "It is my duty to submit these conditions to the representatives of the people." (Otis Report, page 21.)

This was followed by dispatches from Dewey from July 17, forwarding a proclamation and decree addressed to the people and providing for the election by the people of public officers, the organization of courts, the taking of a census, a tribunal of justice and civil records, and one of revenues and property. The decree begins by this declaration:

To the People of the Philippines:

Acts of Providence have placed me in a position for which I can not but recognize my natural inefficiency, but as I have no right to violate the laws of Providence, nor to decline the duties which honor and patriotism impose upon me, I greet you, my beloved people, from that position.

In the face of the whole world I have proclaimed that the aspiration of my whole life, the final object of all my wishes and efforts, is your independence, because I have the inner conviction that it is also your constant longing, since

independence for us means the redemption from slavery and tyranny, the recovery of lost liberty, and the admission to the concert of civilized nations.

I understand, moreover, that the first duty of any government is to interpret faithfully the aspirations of the people. With this in view, although the abnormal circumstances of the war have compelled me to constitute this dictatorial government which assumes full civil and military power, my constant desire is to surround myself with the most prominent people from each province, who by their conduct deserve its confidence, so that, learning from them the true needs of each, I may be enabled to adopt the most efficacious means for filling such needs and curing deficiencies in accordance with the wishes of all.

The proclamation of June 23 recites the history of the connection with Spain, and of the conflict which has resulted in a separation. He says:

And now they no longer limit their claims to the assimilation with the political constitution of Spain, but ask for definite separation from her; they are fighting for their independence, firmly convinced that the time has come when they can and must govern themselves.

So they have constituted a revolutionary government, based upon wise and just laws, adapted to the abnormal conditions through which they are passing, and at the same time preparing them to become a republic. Taking reason as the only guide for their actions, justice as the only end, and honorable work as the only means, they call upon their Philippine sons, without distinction of class, to unite firmly together for the purpose of forming a society of nobility, not nobility of birth or pompous titles, but of work and personal merit of each one—a free society where there shall be no egotism and personal politics that crush and annihilate, no envy and favoritism that debase, no bragging and charlatanry that make ridiculous.

And it could not be otherwise; a people which has given proofs of valor and long suffering in time of trouble and danger, and of industry and diligence in time of peace, is not intended for slavery; such a people is called to be great, to be one of the strongest arms of Providence to direct the destinies of humanity; such a people has sufficient resources and energy to free itself from the ruin and annihilation into which the Spanish Government has plunged it, and to claim a modest, but humble seat in the concert of free nations.

Given at Cavite, June 23, 1898.

The third proclamation (also of June 23, 1898) contains careful and wise provisions for a provisional government.

Mr. President, these are three of the greatest state papers in all history. If they were found in our own history of our own Revolutionary time, we should be proud to have them stand by the side of those great state papers which Chatham declared were equal to the masterpieces of antiquity. Admiral Dewey was well justified in saying that these people were far superior in their intelligence and more capable of self-government than the natives of Cuba, and that he was familiar with both races.

On July 22 Dewey telegraphs to the Secretary of the Navy: "The people expect independence."

On the 7th of August General Merritt and Admiral Dewey sent a joint notice to the Spanish general in chief that hostile operations would begin in forty-eight hours from the receipt of the notice, to which the governor-general replies:

Finding myself constantly surrounded by insurrectionary forces, I am without places of refuge for the increased numbers of wounded, sick, women and children who are now lodged within the walls.

General Merritt and Admiral Dewey replied:

We submit, without prejudice to the high sentiments of honor and duty which your excellency entertains, that surrounded on every side as you are by a constantly increasing force, with a powerful fleet in your front, and deprived of all prospect of reenforcement and assistance, a most useless sacrifice of life would result in the event of an attack.

Now, Mr. President, look for a moment at that correspondence. They held up to the Spanish commander as the compelling reason on which he must surrender that he is surrounded by the constantly increasing forces of Aguinaldo. They speak separately in another sentence of the powerful fleet in his front. But the letter of General Merritt and Admiral Dewey puts the necessity for surrender distinctly on the ground that the Spaniards are surrounded by the powerful and increasing forces of Aguinaldo.

Mr. President, that was in July. The American forces held Manila and Iloilo Bay only in the group. Two positions only in that group of twelve hundred islands, and the rest was held peaceably, quietly, and without dispute by the people thereof. The forces of Aguinaldo had complete authority and control of Luzon. They had established a constitution, a representative government; courts, schools, and public worship had resumed their ordinary course. They had fought for independence, which they had won. No act like those acts which unhappily accompany great wars, even among civilized people, has been laid to their charge; not even acts like those which were charged upon the contending parties during our own civil war. There is an occasional statement that Aguinaldo, or his comrades, desired to loot or to plunder the city of Manila; that they desired to inflict cruel vengeance upon the Spanish, and that they desired to perform this or that act of cruelty. As to the acts of Aguinaldo, all his declarations to his people contradict these charges.

On August 1 the Secretary of the Navy cables to Admiral Dewey: "Reported here that monks and other prisoners in the hands of the insurgents at Cavite are in danger of being unjustly put to death." But no confirmation of that report comes from Dewey.

On the 9th of August the Assistant Secretary of the Navy cables to Admiral Dewey:

At the instance of the French ambassador, information concerning treatment of Spanish prisoners by insurgents is requested.

To which Admiral Dewey replies:

Referring to your telegram of August 29, from my observation and that of my officers, the Spanish prisoners are not treated cruelly by the insurgents, but they are neglected, not from design, but owing to want of proper food supply, medical outfit, and attendance.

At this time Admiral Dewey thought a force of 5,000 men all that was necessary to reduce the islands to our complete control. At present 36 war vessels, 2,051 officers, and 63,483 men are found necessary.

I shall not speak just now of the President's proclamation, suppressed by General Otis because he feared that it would bring on instant hostilities, and the unexpected publication of that proclamation by General Miller, with its effect. But I wish to allude here to the President's instructions to General Merritt of May 28, 1898, as showing the absolute folly of the claim of those persons who speak of the Filipinos as savages, as niggers, as barbarians.

The President says (page 86, Doc. No. 208):

All churches and buildings devoted to religious worship and to the arts and sciences, all schoolhouses, arc, so far as possible, to be protected, and all destruction or intentional defacement of such places, of historical monuments or archives, or of works of science or art, is prohibited.

That instruction was made to the Filipinos by General Merritt and proclaimed August 14, 1898 (page 87):

VI. All churches and places devoted to religious worship and to the arts and sciences, all educational institutions, libraries, scientific collections, museums, arc, so far as possible, to be protected; and all destruction or intentional defacement of such places or property, of historical monuments, archives, or works of science and art, is prohibited, save when required by urgent military necessity. Severe punishment will be meted out for all violations of this regulation.

The custodian of all property of the character mentioned in this section will make prompt returns thereof to these headquarters, stating character and location, and embodying such recommendations as they may think proper for the full protection of the properties under their care and custody, that proper orders may issue enjoining the cooperation of both military and civil authorities in securing such protection.

On July 15, 1898 (page 90), Aguinaldo addressed Admiral Dewey as follows:

SIR: The revolution having taken possession of the various provinces of the archipelago, this government has found it necessary to adopt the form and organization best suited to the popular will. I have therefore the pleasure and honor of placing in your hand the inclosed decrees, which contain the organization referred to, begging that you will communicate to your Government that the desires of this government are to remain always in friendship with the great North American nation, to which we are under many obligations.

A decree announced to Admiral Dewey and doubtless at once communicated by him to the President contained the following (page 90):

To the People of the Philippines:

Acts of Providence have placed me in a position for which I can not but recognize my natural inefficiency, but as I have no right to violate the laws of Providence, nor to decline the duties which honor and patriotism impose upon me, I greet you, my beloved people, from that position.

In the face of the whole world I have proclaimed that the aspiration of my whole life, the final object of all my wishes and efforts, is your independence, because I have the inner conviction that it is also your constant longing, since independence for us means the redemption from slavery and tyranny, the recovery of lost liberty, and the admission to the concert of civilized nations.

This decree goes on to say (page 91), June 18, 1898:

I understand, moreover, the urgent necessity of establishing in each town a solid and substantial organization, a stronger bulwark of public security, and the only means for insuring the union and discipline which are indispensable for the establishment of a republic—that is, the government of the people by the people—and for settling international conflicts which may arise.

He then goes on to make a decree to establish a local self-government, prescribing as a condition that any inhabitant qualified shall be entitled to be elected, provided always that he is a friend of the Philippine independence.

In Aguinaldo's proclamation of June 23, 1898, establishing the revolutionary government, he says (page 95):

ARTICLE I. The dictatorial government will be entitled hereafter the revolutionary government, whose object is to struggle for the independence of the Philippines until all nations, including the Spanish, shall expressly recognize it, and to prepare the country so that a true republic may be established.

On the 6th of August, 1898 (page 99), Aguinaldo issued a proclamation to foreign governments, in which he says:

To Foreign Governments:

The revolutionary government of the Philippines on its establishment explained through the message dated the 23d of June last the true causes of the Philippine revolution, showing according to the evidence that this popular movement is the result of the laws which regulate the life of a people which aspire to progress and to perfection by the sole road of liberty.

The said revolution now rules in the provinces of Cavite, Batangas, Mindoro, Tayabas, Laguna, Morong, Bulacan, Bataan, Pampanga, Nueva Ecija, Tarlac, Pangasinan, Union, Infanta, and Zambales, and it holds besieged the capital of Manila.

In these provinces complete order and perfect tranquillity reign, administered by the authorities elected by the provinces in accordance with the organic decrees dated 18th and 23d of June last.

The revolution holds moreover about 9,000 prisoners of war, who are treated in accordance with the customs of war between civilized nations and humane sentiments, and at the end of the war it has more than 30,000 combatants organized in the form of a regular army.

In this situation the chiefs of the towns comprised in the above-mentioned provinces, interpreting the sentiments which animate those who have elected them, have proclaimed the independence of the Philippines, petitioning the revolutionary government that it will entreat and obtain from foreign governments recognition of its belligerency and its independence in the firm belief that the

Philippine people have already arrived at that state in which they can and ought to govern themselves.

Accompanying this is an account of a meeting of representatives of the various towns, setting forth in an admirable manner the evidences of civilization and aspiration for freedom and their fitness for self-government:

The discussion took place with the prudence and at the length which so important a question demands, and after suitable deliberation the following declarations were unanimously adopted:

The Philippine revolution records, on the one hand, brilliant feats of arms, realized with singular courage by an improvised army almost without arms, and, on the other, the no less notable fact that the people after the combat have not entered upon great excesses nor pursued the enemy further, but have treated him, on the contrary, with generosity and humanity, returning at once to their ordinary and tranquil life.

Such deeds demonstrate in an undisputable manner that the Philippine people was not created, as all believed, for the sole purpose of dragging the chains of servitude, but that it has a perfect idea of order and justice, shuns a savage life, and loves a civilized life.

But what is most surprising in this people is that it goes on giving proofs that it knows how to frame laws commensurate with the progress of the age, to respect them and obey them, demonstrating that its national customs are not repugnant to this progress; that it is not ambitious for power, nor honors, nor riches, aside from the rational and just aspirations for a free and independent life and inspired by the most lofty idea of patriotism and national honor; and that in the service of this idea and for the realization of that aspiration it has not hesitated in the sacrifice of life and fortune.

Filipinos are fully convinced that if individuals have need of material, moral, and intellectual perfection in order to contribute to the welfare of their fellows, peoples require to have fullness of life; they need liberty and independence in order to contribute to the indefinite progress of mankind. It has struggled and will struggle with decision and constancy, without ever turning back or retrograding before the obstacles which may arise in its path, and with unshakable faith that it will obtain justice and fulfill the laws of Providence.

In virtue of the foregoing considerations the undersigned, giving voice to the unanimous aspirations of the people whom they represent and performing the offices received from them and the duties pertaining to the powers with which they are invested—

Proclaim solemnly, in the face of the whole world, the independence of the Philippines;

This document also contains the Philippine constitution (page 107), beginning—

We, the representatives of the Philippine people, lawfully invoked, in order to establish justice, provide for common defense, promote general welfare, and insure the benefits of freedom, inploring the aid of the Sovereign Legislator of the Universe in order to attain these purposes, have voted, decreed, and sanctioned the following—

POLITICAL CONSTITUTION.

FIRST TITLE.

THE REPUBLIC.

ARTICLE 1. The political association of all the Filipinos constitutes a nation, the estate of which is denominated Philippine Republic.

ART. 2. The Philippine Republic is free and independent.

ART. 3. Sovereignty resides exclusively in the people.

ART. 4. The government of the republic is popular, representative, alternative, and responsible, and is exercised by three distinct powers, which are denominated legislative, executive, and judicial. Two or more of these powers shall never be vested in one person or corporation; neither shall the legislature be vested in one individual alone.

THIRD TITLE.

RELIGION.

ART. 5. The state recognizes the equality of all religious worships and the separation of the church and the state.

The constitution contains the usual safeguards for freedom found in the constitutions of our American States.

The reports of Admiral Dewey and of General Otis and the officers under his command are ample to show that the people of the Philippine Islands were a brave and intelligent people, struggling for independence, for which they were fit, under competent and able leadership, actuated by a like spirit. They were striving for an independent republic—bravely, intelligently, and, but for us, successfully.

May 15, 1898, this appears clearly enough from the dispatches of Dewey, although in the beginning he undervalued the strength of the people of the Philippine Islands.

May 13, 1898, he telegraphs:

I can take Manila at any moment. To retain possession and thus control the Philippine Islands would require, in my best judgment, a well-equipped force of 5,000 men. Spanish force is estimated at 10,000 men. The rebels are reported 30,000 men.

May 24, he telegraphs:

Aguinaldo, the rebel commander in chief, was brought down by the *McCulloch*. Organizing forces near Cavite and may render assistance that will be valuable.

It will be seen that the rebels who accepted Aguinaldo as their leader were 30,000 strong before he came to them. How idle, then, in the face of that single fact, to suggest that he was imposing an unwilling domination upon that people.

May 27 Dewey telegraphs:

It is impossible for the people of Manila to buy provisions except rice.

Of course, this was due to the investment by the rebel forces. And he adds:

Steamer has just arrived from Amoy with 3,000 Mauser rifles and a great amount of ammunition for Aguinaldo, whose force is increasing constantly.

May 30 Dewey telegraphs:

Aguinaldo, revolutionary leader, visited the *Olympia* yesterday. He expects to make a general attack on May 31. Doubt ability to succeed.

June 6 Dewey telegraphs:

Insurgents have been engaged actively within the province of Cavite during the last week. They have won several small victories, taking prisoners about 1,800 men, 50 officers; Spanish troops, not native.

June 27 Dewey telegraphs:

Aguinaldo, insurgent leader, with 13 of his staff, arrived May 19, by permission, on *Nanshan*. Established self Cavite, outside arsenal, under the protection of our guns, and organized his army. I have had several conversations with him, generally of a personal nature. Consistently I have refrained from assisting him in any way with the force under my command, and on several occasions I have declined requests that I should do so, telling him the squadron could not act until the arrival of the United States troops. At the same time I have given him to understand that I consider insurgents as friends, being opposed to a common enemy. He has gone to attend a meeting of insurgent leaders for the purpose of forming a civil government. Aguinaldo has acted independently of the squadron, but has kept me advised of his progress, which has been wonderful. I have allowed to pass by water recruits, arms, and ammunition, and to take such Spanish arms and ammunition from the arsenal as he needed. Have advised frequently to conduct the war humanely, which he has done invariably. My relations with him are cordial, but I am not in his confidence. The United States has not been bound in any way to assist insurgents by any act or promises, and he is not, to my knowledge, committed to assist us. I believe he expects to capture Manila without my assistance, but doubt ability, they not yet having many guns. In my opinion these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races.

Leonard R. Sargent, with the permission of Admiral Dewey, spent the greater part of the months of October and November, 1898, in company with Paymaster Wilcox, in the interior and northern part of the island of Luzon. They traveled more than six hundred miles. Their report is highly commended by Admiral Dewey, who speaks of "the success of their undertaking, their thoroughness of observation, and the ability shown in their report." The gentleman's observations appear in two articles published in the Outlook, September 1st and 21st, respectively, 1899.

The original report is now before me, and bears this indorsement signed by Admiral Dewey:

Approved and respectfully forwarded for the information of the Navy Department.

Especial attention is invited to this interesting and carefully prepared report, which, in my opinion, contains the most complete and reliable information obtainable in regard to the present state of the northern part of Luzon Island.

GEORGE DEWEY,
Rear-Admiral, U. S. Navy, Commanding Asiatic Station.

The report furnished evidence of the quiet and order maintained all over the island by the Filipino authorities. There was some little hesitation at permitting the gentlemen to travel without a pass from Aguinaldo, who in his turn expected an application from the American commanders. But a personal letter was obtained from Consul-General Williams to Aguinaldo requesting that passports be provided. Aguinaldo put his refusal on the ground that there was an attempt to stir up an insurrection in the northern provinces, and that should that happen he might not be able to provide for their safety. But he assured them they were free to prosecute their journey, and that they would encounter no opposition from his forces.

Mr. Sargent says:

At that time the military forces of the United States held control only in Manila, with its environs, and in Cavite, and had no authority to proceed farther. In the meantime the native population, taking matters into their own hands, had declared their independence from all foreign jurisdiction and had set up a provisional government with Aguinaldo at its head. Although this government has never been recognized, * * * it can not be denied that, in a region occupied by many millions of inhabitants, for nearly six months it stood alone between anarchy and order. It was the opinion at Manila during this period, and possibly in the United States, that their condition was something akin to anarchy.

But he adds:

We found the conditions to be much at variance with this opinion.

They visited seven provinces, of which some were under the immediate control of the central government at Malolos, while others were remotely situated and accessible only by lengthy and arduous travel. He says:

As a tribute to the efficiency of Aguinaldo's government and to the law-abiding character of his subjects, I offer the fact that Mr. Wilcox and I pursued our journey throughout in perfect security and returned to Manila with only the most pleasing recollections of the quiet and orderly life which we found the natives to be leading under their new régime. * * * We traveled first across the province of Nueva Ecija, by far the poorest and least interesting of all the provinces we visited. And yet even here we were greatly surprised by the intelligence and refinement of the inhabitants. * * * We were particularly struck by the dignified demeanor of our hosts and by the graceful manner in which they extended to us their welcome. We had unlimited opportunities for conversation with the citizens of the towns, and we found everywhere a class that gave evidence of considerable culture and a certain amount of education. * * * The Spanish language, Spanish history, church history, and the dead languages evidently formed its leading features. The natives of this class seemed to have made use of the opportunities offered them, and they had the subjects above mentioned completely at command. * * *

Our route carried us through the valley of the Rio Grande Cagayan—probably the largest area of level country in Luzon Island. Its towns throughout give evidence of the labor that has been expended on them. Each town has an elaborate church and convent, usually built of brick. Our entertainment in the different towns varied according to the facilities at hand, but in all cases music was the leading feature. The towns of Ilagan and Aparri, with their wealthy and pleasure-loving population, provided a most elaborate entertainment. These towns are laid out in regular streets, and have many squares of substantial frame buildings. They have each a population of between ten and fifteen thousand. We spent three days at Ilagan, and I think it was here that we were brought into closest touch

with the Filipino character. The cultured class which I have spoken of before was strongly in evidence, and I think before leaving we had discussed views with nearly every member of it. They all realized that they were passing through a crucial period in the history of their people, and were eager to acquire all possible knowledge that might assist them to think clearly in this crisis. On the evening following our arrival a ball was given in our honor, which was attended by all the élite of the town. There were present about fifty young women and twice that number of men. All were dressed in European fashion. The girls were pleasant, and the men comported themselves in all respects like gentlemen. It was hard to realize that we were in the very heart of a country generally supposed to be given up to semi-savages.

During our stay at Ilagan we lived at the house of the mayor. This building was of great size, and was built of magnificent hard wood from the neighboring forest. The reception room was very large, with a finely polished floor. It contained a piano and set of excellent bamboo furniture, including the most comfortable chairs and divans imaginable. The Filipinos pride themselves on their cookery, and it is indeed excellent. There is no suspicion of the greasy and garlicky flavor that characterizes a Spanish meal. The shortest of three dinners given in our honor numbered fifteen courses, and seemed interminable. In addition to fish, rice, chickens, and other domestic products of the country, there was served game of many sorts, including doves, snipes, deer, mountain buffalo, and boar. It was astonishing how many of the dishes were "comida del pais" and must be sampled by the visitor to secure a just conception of the Filipino talent in matters of the palate. The Filipino's table is always set, at least when guests are present. He is very temperate in his use of liquor. I have never seen an intoxicated Filipino.

Why, Mr. President, they seem to get along without the Maine law as well as the people of Maine get along with it.

Vigan, the capital of South Ilocos, has a population of about 28,000, and Candon, farther to the southward, is not far behind this figure. The mayor of Candon was of the hustler type, and was evidently on the outlook for an opportunity to "boom" his town. On our departure he presented us with a written description of its exceptionally desirable location from a business standpoint. Every town gave evidence of the bitter fighting that had taken place between the natives and the Spaniards. The men whom we met in the western provinces possessed in general the same characteristics that we had observed in the countrymen farther to the eastward. * * * Freedom of thought marked the views of every Filipino that I have heard express himself on the subject of religion. * * * Throughout the island a thirst for knowledge is manifested, and an extravagant respect for those who possess it. I have seen a private native citizen in a town in the interior exercise a more powerful influence than all the native officials over the minds of the inhabitants, simply because he was known to have been educated in the best schools at Manila, and was regarded for that reason as a superior man. The heroes of these people are not heroes of war, but of science and invention. Without rival, the American who is best known by reputation in Luzon is Mr. Edison, and any native with the slightest pretension to education whom you may question on the subject will take delight in reciting a list of his achievements. The ruling Filipinos, during the existence of their provisional government, appreciated the necessity of providing public schools to be accessible to the poorest inhabitants.

And then he adds:

I have found the native of the interior of Luzon an astonishingly different character from the one ordinarily met in Manila.

In the second of these articles Mr. Sargent gives an astonishing account of the awakening of the faculties of these people. He says:

We heard many tales, and were in a position to authenticate them to a great extent, of deeds that told in glowing terms of the endurance and courage the Filipinos could display when impelled by a sufficient motive. The revolution in Luzon Island was by no means a simultaneous uprising of the population, and in its early stages the force that opposed the Spanish power was not overwhelming in its numbers. In the provinces far in the interior particularly the earlier encounters found the advantage in the hands of the Spaniards, whose opponents were but small bands of the most daring and desperate natives of the vicinity, poorly armed, and entirely without organization or discipline.

Remember all along that this is indorsed by Admiral Dewey. He says:

Yet these pioneers of rebellion did win brilliant and surprising victories, and by their success encouraged their more timid neighbors to join their fortunes to the cause. * * *

At the time of our journey the patriotic enthusiasm of the population was everywhere at its height. The boast of ever inhabitant was the national army, whose organization was then being rapidly perfected. Commissions were eagerly sought by the young men of the higher class, and there were more volunteers for service in the ranks than could be armed or uniformed. It is universally asserted that every preparation should be made to defend the newly won independence of the island against all foreign aggression. The older Filipinos, especially those of wealth and influence, declared their desire to give every support in their power to the cause, and were as much a part of the warlike movement as those who actually took up arms.

This was before the negotiation of the treaty of peace, before the debate in the Senate, and before the date of the anti-imperialist leagues or political movements here.

That the civil power should be placed in the same hands was a dangerous experiment, but at the same time a necessary one. The first object of the Filipinos had been to win their independence; the next was to defend it. For both these purposes they had need of their best fighting material, and the selection was made accordingly. The result proved more fortunate than there had been reason to hope. While exercising absolute authority throughout the island and governing entirely by military law, the leaders of the army appeared, nevertheless, to endeavor to mete out justice to all classes alike.

They continued, moreover, to assert their intention to relinquish their temporary power when the establishment of a perfect peace should make such a step possible, and gave most encouraging proofs of the good faith with which they spoke.

On the whole, as far as I could judge, the tendency was upward. The young officers displayed an earnest desire to improve their minds for the benefit of the state, and seemed to be impelled by the ambition to prove themselves worthy of the trust that had been confided in them.

The report finds on several occasions Spanish prisoners—priests, soldiers, and civil officials. It says:

We have seen representatives of each of these three classes in these towns. We could detect no signs of previous ill treatment, nor of undue restriction. On the contrary, they appeared to possess the freedom of the town in which they lived.

Speaking of the smaller towns, they say:

They were well grounded on only three points—the destruction of the Spanish squadron in Manila harbor, the surrender of Manila, and the declaration of the Philippine government at Malolos of the independence of the islands, and the establishment of a republican form of government with Aguinaldo as president.

Balls were given in their honor. They were welcomed to the houses of the principal inhabitants, where they found very much such a reception, in the way of elegant hospitality, as they would have found in traveling in this country or anywhere in Europe.

Speaking of the provinces of Cagayan and Isabella, they say:

An idea of their wealth can be obtained from the fact that before the Philippine insurrection $3,000,000 in tobacco alone came yearly from the one province of Isabella. Both provinces raise also sugar, rice, cocoa, and coffee. Cattle also are shipped. * * *

At Aparri we went alongside the *Philippina*, and reached the wharf by crossing this vessel. We were met on board by Commandante Leyba, military commander of the province of Cagayan. We were taken to a private house where we were quartered during our stay at Aparri. Here we met Colonel Tirona, commander of the military district including the provinces of Nueva Vizcaya, Isabella, and Cagayan. He welcomed us cordially, and continued from that time to treat us in a very friendly manner. We remained at Aparri three days, until the departure of the steamer *Oslo*, November 9. (Par. 41.)

The steamer *Saturnas*, which had left the harbor the day before our arrival, brought news from Hongkong papers that the Senators from the United States at the congress of Paris favored the independence of the islands, with an American protectorate. Colonel Tirona considered the information of sufficient reliability to justify him in regarding the Philippine independence as assured and warfare in the island at an end. For this reason he proceeded to relinquish the military command he held over the provinces, and to place this power in the hands of a civil officer elected by the people. On the day following our arrival in Aparri, the ceremony occurred which solemnized this transfer of authority in the province of Cagayan. The presidentes locales of all the towns in the province were present at the ceremony, conducted by a native priest. After the priest had retired, Colonel Tirona made a short speech, stating that, since in all probability permanent peace was at hand, it became his duty to relinquish the authority he had previously held over the province, and to place it in the hands of a civil officer elected by the people. He then handed the staff of office to the man who had been elected "jefe provincial." This officer also made a speech, in which he thanked the disciplined military forces and their colonel for the service they had rendered the province, and assured them that the work they had begun would be perpetuated by the people of the province, where every man, woman, and child stood ready to take up arms to defend their newly won liberty, and to resist with the last drop of their blood the attempt of any nation whatever to bring them back to their former state of dependence. His speech was very impassioned. He then knelt, placed his hand on an open Bible, and took the oath of office. He was followed by the three other officers who constitute the provincial government, the heads of the three departments—justice, police, and infernal revenue. Every town in this province has this same organization. At the time of our departure, Colonel Tirona planned to go within a few days to Iligan, and from there to Bayombong, repeating this ceremony in the capital city of each province. (Par. 42.)

The report goes on to say:

There are no Spaniards here, with the exception of two or three merchants. One of these we have met. He is pursuing his business entirely unmolested. (Par. 43.)

The above statement about Spanish provinces is repeated in regard to some other provinces, and there is no exception to this condition of things throughout the entire island. They sum up their conclusions as follows:

53. INTELLIGENCE AND EDUCATION OF THE NATIVES.

The Philippine officers, both military and civil, that we have met in all the provinces that we have visited have, with very few exceptions, been men of intelligent appearance and conversation. The same is true of all those men who form the upper class in each town. The education of most of them is limited, but they appear to seize every opportunity to improve it. They have great respect and admiration for learning. Very many of them desire to send their children to schools in the United States or Europe. Many men of importance in different towns have told us that the first use to be made of the revenue of their government, after there is no more danger of war, will be to start good schools in every village. The poorer classes are extremely ignorant on most subjects, but a large percentage of them can read and write.

54. RELATION BETWEEN RICH AND POOR.

There is a very marked line between these two classes, and this has been broadened by the insurrection, for the reason that military officers must equip themselves without pay, and that civil officers have numerous expenses for which they receive no return. All officers, civil and military, have therefore been chosen from the richer class, and the political and military power of the provinces is in the hands of that class. The private soldiers are fed and clothed by the government and allowed a very small amount of spending money—in the western provinces 30 cents in silver per week.

55. ATTITUDE OF THE MILITARY TOWARD THE CIVIL CLASS.

In the provinces of the east that we have visited there appears to be little or no friction between the civil and military classes. Officers and privates, as far as we could observe, treat civilians with consideration. In the provinces of Ilocos Sur and Union there is a marked difference. The officers are more domineering. In traveling in these provinces we had many opportunities to observe this attitude. When accidents happened to our carriage, the officer commanding our escort called to our assistance every native within sight. When they did not answer his call promptly, we have seen him strike them with his riding whip. One man had a serious wound on his face, where an officer had struck him with his pistol butt. He came to us for redress, after having appealed in vain to the military officer in command of the town. An order from Don Emilio Aguinaldo, dated October 18, 1898, calls the attention of his officers to the evils of this practice, and orders them to correct it in themselves and to instruct all sergeants, corporals, and privates on the attitude they should maintain toward civilians.

56. DOMINION OF THE CHURCH.

In the provinces of Nueva Ecija, Nueva Vizcaya, Isabella, and Cagayan the native priests have no voice whatever in civil matters. The Catholic church itself seems to have very little hold on the people of these provinces. Many men have expressed to us their preference for the Protestant church. In Ilocos Sur and Union there are many more priests than in the other provinces mentioned. Every pueblo and barrio has its cura, and there are higher officers of the church in the larger towns. They appear to have an important influence in all civil matters.

57. POPULAR SENTIMENT REGARDING INDEPENDENCE.

Of the large number of officers, civil and military, and of leading townspeople we have met, nearly every man has expressed in our presence his sentiment on this question. It is universally the same. They all declare they will accept nothing short of independence. They desire the protection of the United States at sea, but fear any interference on land. The question of the remuneration of our Government for the expense of establishing a protectorate is never touched upon. On the subject of independence there is again a marked difference between the four provinces first visited and those of Ilocos Sur and Union. In the former there is more enthusiasm, the sentiment is more of the people; in the latter it is more of the higher class and of the army. In these provinces we have seen signs of actual discontent with the existing state of things.

58. ATTITUDE TOWARD THE UNITED STATES.

There is much variety of feeling among the Philippines with regard to the debt of gratitude they owe to the United States. In every town we found men that said that our nation had saved them from slavery, and others who claimed that without interference their independence would have been recognized before this time. On one point they are united, however, viz: That whatever our Government may have done for them, it has not gained the right to annex them. They have been prejudiced against us by the Spaniards. The charges made have been so numerous and so severe that what the natives have since learned has not sufficed to disillusion them. With regard to the record of our policy toward a subject people, they have received remarkable information on two points—that we have mercilessly slain and finally exterminated the race of Indians that were native to our soil, and that we went to war in 1861 to suppress an insurrection of negro slaves, whom we also ended by exterminating. Intelligent and well-informed men have believed these charges. They were rehearsed to us in many towns in different provinces, beginning at Malolos. The Spanish version of our Indian problem is particularly well known.

59. PREPAREDNESS FOR WAR.

The Philippine government has an organized military force in every province we have visited. They claim it extends also into Ilocos, Norte, Abra, Lepanto, Bontoc, and Benguet. With regard to its existence in Ilocos and Benguet we can speak with assurance.

It is said that 200,000 men, from all the islands, could be put into the field well armed. They were then distributing 40,000 rifles, and ammunition was plentiful. The rifles were principally Remingtons, but many were Mausers.

THEY WERE FIT FOR INDEPENDENCE.

They say Aguinaldo in the beginning established a dictatorship. So did we. The difference is he promised to abandon it when independence was achieved, accompanied it with a form of government, and the soldiers under his command were eager to give way to the civil power, even when there came what turned out to be a false rumor that independence was not to be interfered with by us.

We, on the other hand, steadfastly refused to promise anything for the future, and we refuse it now. The dictatorship for a short time of the trusted and beloved leader of a nation fighting for freedom and the dictatorship forever of a foreign country talking about Chinese trade and mountains of coal and nuggets of gold are very different things.

It seems to me that the Filipino leaders and the Filipino people have shown themselves, under difficult and trying conditions, as fit for freedom and self-government as any people south of us on the American continent from the Rio Grande to Cape Horn. I believe if we had dealt with them as it seems to me we ought to have dealt with them, they would have established their nation in constitutional liberty much more rapidly than has been done by any Spanish-speaking people. Certainly they would have compared favorably with Haiti, with San Domingo, or even with Mexico in her early days. They devised an excellent constitution. They had a congress, they had courts, they had a president, they had a cabinet. Much less than this was declared by our imperialist friends sufficient to make Cuba a nation entitled to recognition. It is true they declared a dictatorship for their transition period, just as Bolivar did in the South American countries; just as Massachusetts did with her committee of safety during the first few years of the Revolutionary war. They had newspapers, schools, literature, statesmen. They have exhibited remarkable fighting qualities, considering the enormous superiority of the mighty antagonist with whom they had to deal. Major Younghusband, an English writer of great intelligence, sympathizing himself with the British view of human rights and the relations of powerful countries to weak ones, which our friends have imbibed of late days, says that their people were stirred to their last outbreak against Spain by the effect of a powerful novel, just as our people in the old anti-slavery days were moved by Uncle Tom's Cabin. They are Christians. In their houses and churches are found books, paintings, and other works of art. One pretty high authority—I do not think that is at all true, however—says that there was less illiteracy there than in the United States. But I have no doubt that there was less illiteracy there than in many parts of the United States, and in all parts of the continent south of the United States at a very recent period. The state papers which these people have issued show a high degree of intelligence. Their communications to our generals, whether oral or written, while they show something undoubtedly of the attitude of weakness dealing with strength, are, on the whole, highly creditable to their sagacity.

We have been furnished with the reports of the commissioners appointed by the President of the United States to investigate affairs in the Philippine Islands. They made a preliminary statement which came out by accident, not by design, just on the eve of last fall's election.

These preliminary statements fail to give us any facts as to the constitution framed by Aguinaldo and his companions; as to their own declarations of purpose in their proclamation; as to whether their authority was paramount and undisputed; whether they established good government and good order; whether they had courts or legislative assemblies, or schools, or churches. It is as if somebody should write the history of the American Revolution and the establishment of our Government without a word enabling you to ascertain whether the Americans were fit for self-government or independence; or whether France, our ally, had a duty to subjugate us, as she tried afterwards to subjugate Mexico, on the ground that other nations would if she did not; or had left out altogether any statement of our national and State constitutions, and the history of government in provinces like Massachusetts and New Hampshire, where the foot of the invader never touched the soil after they were driven out, in the early part of '76.

So whenever the character of persons are spoken of they are invariably styled the best men. I suppose that is the natural fashion of speech; that any Senator in speaking of the people of any town, or State, or neighborhood, would speak of the Republicans, or Democrats, or Populists, as the best people, according as he happened to belong to the one or the other political party.

There are many points of resemblance between Americans struggling for independence and the Filipinos. The commissioners say:

This movement was in no sense an attempt to win independence, but was merely an effort to obtain relief from abuses which were rapidly growing intolerable. The reforms demanded are set forth in a proclamation by one of the insurgent leaders.

The reforms demanded, and for which they were struggling, are not unlike those set forth in our address to the King, and our address to the people of England in 1774–75. They demanded that the lands held in mortmain by the church should be returned to the townships, or to the people, just as in the early history of England, when she was Catholic, the people passed the statutes against mortmain and limited the holding of lands by ecclesiastic authority.

Second, They demanded that "Spain should concede to the Filipinos parliamentary representation, freedom of the press, toleration of all religious sects, laws common with hers, and administrative and economic autonomy, trials in the neighborhood, equality before the law."

Why, that sounds like a passage from Bancroft's History.

"He has transported men beyond the seas," says the Declaration of Independence.

"Legal equality for all persons," "All men are created free and equal," says the Declaration of Independence. And even my friend from Connecticut thinks this is true of some of them.

The commissioners go on to say:

A powerful adjunct to the revolutionary movements was the Katipunan Society. This order was patterned on the Masonic order. It was a secret society and had about 400,000 members, who were in the main residents of the Tagalog provinces and of the valley of the Pasig River. In Manila and this valley there were 80,000 members.

I have heard somewhere that there was a similar prosperous organization in the United States in the early days, and that a commander in chief named George Washington clothed himself with its insignia and, I believe, laid the corner stone of a capitol somewhere.

I do not profess to know very much about that mighty order to which so many of the greatest men in America and throughout the world have been members, in high authority and in fullest communion, including some Presidents of the United States, but it strikes me that if in the city of Manila itself, in the single city, the only spot where these hostilities begun, with one or two trifling exceptions, held by the power of the United States, there was an order of this character, with 80,000 members, devoted to independence, it is pretty good evidence that the best citizenship, after all, is on the side of the people. Do you not think it likely that the love of liberty and the love of independence burns brighter in the human soul in proportion as the man is better? That it does not blaze quite as clearly, quite as intensely, in the bosom of the ignorant and degraded savage as in the bosom where education, and religion, and honor, and refinement have their home? I suppose that every British gentleman, and every British commissioner would have gone back to England at any time during the war of our Revolution and reported that the best men were on the side of Great Britain and that Washington was a scheming adventurer, having only the rabble for his associates.

General Gage wrote to Lord Dartmouth a week after Bunker Hill:

The rebels do not see that they have exchanged liberty for tyranny. No people were ever governed more absolutely than the American provinces now are; and no reason can be given for their submission but that it is tyranny which they have erected themselves.

According to the London Times, telegraphing under date of September 16, 1898, a private interview with Aguinaldo, it says:

The majority of the Filipinos have been struggling for freedom for years, indeed, for centuries, and now I believe they have obtained it. The only form of government he could understand was absolute independence. He had not studied political economy, and knew nothing about the various forms of government. He said: "We have no need of protection, because the Filipinos are able to cope with any army." He protested his undying gratitude to the Americans. "They came," he said, "only to fight the Spaniards, and now, having finished their task, they will return to America." He was unwilling to believe that the Americans would demand a reward for their humanity, and he declined to admit any necessity for a *quid pro quo*. He was confident that the Philippine republic would eventually build a navy, and that in the meantime the great nations would protect and aid a young nation, instead of grabbing its territories.

The Times, for September 20, says in a dispatch from Manila:

The insurgents, urged by constant rumors of the intention of America to reestablish Spanish rule in the archipelago, continue actively recruiting their army. Hundreds from Manila are enlisting daily, and troops are drilling everywhere. Great diligence is exhibited in imitating the American formation and manual, particularly in volley firing. The intrenchments in certain positions are being strengthened and a vigilant line of pickets is kept outside the suburbs. At the same time their attitude is much more friendly than before the evacuation. Several thousand rifles have recently been landed, and four new Maxims. Nothing important is reported from the insurgent congress, which holds sessions daily at Malos."

September 24 the Times says:

The national assembly has decided to request the Americans (1) to recognize the independence of the Philippines; (2) to establish a protectorate relating only to external affairs, and to induce the powers to recognize the independence of the islands, and (3) to appoint a joint commission of Americans and Filipinos to arrange details as to how the Philippines shall reciprocate America's services

On September 26, the London Times prints the following from its special correspondent, dated at Camp Dewey, near Manila, July 31, 1898.

The occupation of a portion of the insurgent lines, which was successfully accomplished on Friday morning, July 29, without irritation to the natives, was the first real move toward assuming the military responsibility of investing the town of Manila. This occupation was so diplomatically effected that the insurgents withdrew the small force which was in position near the seashore without protest and without delay, the only point insisted upon being the demand for a written receipt for the trenches. This point was covered by a concise letter from General Greene, announcing to Aguinaldo that the United States troops had taken possession of the works. The situation had become impossible. General Greene had established a picket line from the seashore extending along the cross roads about a mile inshore north of his camp and five or six hundred yards in the rear of the insurgent rifle pits, and another between the camp and the back country. Whenever the insurgents made what they call an attack, the American pickets found themselves in a zone of very lively fire, because the Spanish Mauser bullets found lodgment exactly along that line, and most of the shells and shrapnel burst in the immediate vicinity of the pickets or the supports. It was very irritating to the men to endure the frequent fire without being able to return a shot.

During the entire time between the surrender of Manila to the outbreak of hostilities, February 1, 1899, not only did the Filipino government extend over the whole island, except the city of Manila, but the people of that city and the full strength of that city, as shown by the reports of our military and naval commanders, were on their side. But it was continually reenforcing and strengthening its armies in the field and procuring arms and military supplies. They were also doing their best to get a fleet, and they had in fact quite a number of ships, rudely enough armed, I suppose, but constituting a naval service.

They charge Aguinaldo with a desire to loot Manila. Where is the evidence of that desire? Manila was full of his adherents, as our generals declared; there was a Masonic order there of 80,000 members, devoted, almost, to independence. It must have contained substantially every grown man in the city not a Spaniard or a foreigner.

Our generals all testify, and C. S. Wilcox testified, to the humane treatment of prisoners by the Filipinos. That treatment will compare favorably with the treatment of prisoners on either side in our own civil war; it will compare favorably with the treatment of prisoners by England in the Revolutionary war or the war of 1812.

Did he loot Iloilo? Did he loot a village or a single farmhouse throughout the length and breadth of the islands?

You can find, Mr. President, in the report of the Philippine Commission no facts that are not highly creditable to this people; the conjecture what they would do, the imputation of a purpose to plunder or loot, the imputation that Aguinaldo desired to establish a despotism, comes from a hostile fancy, and has no foundation whatever in fact.

I suppose no advocate of the policy of seizing the Philippine Islands by force, of compelling them to accept such government as we choose to impose upon them, will be likely to question the trustworthiness of the evidence of Major-General Otis. Nobody questions his zeal in that cause. Nobody questions his opportunity to know the facts. Indeed, the evidence furnished by him in his report of August 31, 1899, is made up largely of official documents. When he undertakes to penetrate the motives of the men with whom he is waging war, or engaged in diplomatic controversies or discussions, he is stating not facts, but judgment, and his judgment is likely to be affected by the same influences that affect other good and able men in like circumstances, especially the judgment of good and able and patriotic men, that the authorities of their own country are engaged in discussions with the authorities of other countries, friendly or hostile.

Now, it seems to me that it is impossible for any candid man to read carefully the report of General Otis without seeing that it absolutely overthrows, first, the claim that the people of the Philippine Islands are savages; second, that Aguinaldo and those associated with him are not actuated by an honest desire for independence and liberty; do not act and think exactly as Americans would act and think under the same circumstances, and exactly as Americans have always acted and would always act and think under like circumstances; third, that they are incapable of self-government, or of establishing institutions based on justice and constitutional liberty; fourth, that they were in the least guilty of the outbreak of hostilities; and, fifth, that their action was in the least provoked, instigated, or affected by the expressions uttered on this side, of an opposition to the policy of conquest and imperialism, except so far as those expressions are found in the prior history of this country and in the declarations of its revered fathers and patriots, from George Washington and Sam Adams and Thomas Jefferson down to Abraham Lincoln and Charles Sumner to William McKinley, and down to the Senate of the United States when it passed the resolutions declaring our policy as to Cuba.

This is confirmed by General Otis's letter to Aguinaldo, dated November 2, 1898, speaking of the treatment of the Filipino people toward the Spanish Catholic clergy and nuns, he says:

I believe that a vast majority of the reports of great cruelty and barbarous treatment practiced by the Filipinos toward these individuals, which have been put in general circulation, are untrue. Indeed I have forbidden cablegrams prepared on this subject, which I had good reason to suppose could not be substantiated.

It would require more time than I have a right to take to-day to examine the evidence, and to cite the noble state papers which demonstrate the fitness of these people for independence. Admiral Dewey's estimate, never retracted, can never be conclusively shaken. General Wheeler, on his return, declared these people fit for self-government, as he expresses it, "of a certain sort." He explains that he means local and village self-government.

Mr. President, capacity for local and village self-government is capacity for the highest self-government, as the history of New England witnesses. But there is no greater and more pestilent delusion than the notion that a strong people may take away the liberty of a weak one, if we happen to think the weak one not fit for liberty.

But I will refer to a few of the many admirable state papers. Their written constitution is a masterpiece of statesmanship. They discuss questions of international law with our representatives, and show themselves fully a match for them in debate. I especially refer to the final appeal of Mabini to our commissioners, so noble and so mournful, and the poem composed by José Rizal, in his dungeon, the night before he met his death for his country.

SAN ISIDRO, *April 29, 1899.*

HONORABLE GENTLEMEN: The Philippine people, through its government, makes known to the commission that it has not yet lost its confidence in the friendship, justice, and magnanimity of the North American nation.

It feels itself weak before the advance of the American troops, whose valor it admires, and in view of the superiority of their organization, discipline, fighting material, and other resources, does not feel humiliated in soliciting peace, invoking the generous sentiments of the Government of the North American people, worthily represented by the commission, and the sacred interests of humanity.

But the Philippine government, fully convinced that it has not provoked war, and that it has only employed its arms in defense of the integrity of its native land, asks for a suspension of hostilities and a general armistice in all the archipelago for the short time of three months, in order to enable it to consult the opinions of the people concerning the government which would be most advantageous, and the intervention in it which should be given to the North American Government, and to appoint an extraordinary commission with full powers to act in the name of the Philippine people.

The welfare of this unfortunate country and the triumph of the governing party in the United States of America depend upon the prompt establishment of peace. We confess ourselves weak, but we still possess resources—above all the unfaltering resolution to prolong the war for an indefinite space of time if the undertaking to dominate us by force is persisted in.

In laying before the commission the preceding statements I believe that I interpret the sentiments of my president and his government and those of the Philippine people.

I salute the commission with the greatest respect.

Your most obedient servant,

[SEAL.] AP. MABINI.

Manifesto published by Ap. Mabini, on behalf of the Philippine government, at San Isidro, April 15, 1899.

(The manifesto begins by summarizing the terms of the proclamation recently issued by the American commission, and published in the Oceania of April 5, 1899. The benevolent intentions of the American Government, its proposal to establish "an enlightened system of government under which the Philippine people may enjoy the fullest autonomy and the most complete liberty consistent with the obligations and purposes" that Government has in view, its conclusion that American sovereignty is not incompatible with the rights and liberties of the Philippine people, and its threat to overwhelm by force those

who do not recognize that sovereignty are recited in some detail. The fact that the commission proposes to introduce certain improvements and reforms in the political, judicial, and economic administration of the country is mentioned, and the manifesto continues as follows:)

Such is in abstract the address to the Philippine people of the American commissioners who, to inspire greater confidence, have not hesitated to have recourse to falsehood, shamelessly asserting that my government, by not having understood the good will and fraternal sentiments of their ambitious President, has provoked war, when everybody is aware that President McKinley had to decree war in order to force the American Senators of the opposition to ratify the cession of the Philippines stipulated in the treaty of Paris, thus sacrificing to his ambition the welfare of two peoples, who ought to be united by an eternal friendship.

You clearly see that the North American Government undertakes to extend its sovereignty over the Philippine Islands, basing its claim upon a title null and void. This title is the treaty of Paris, agreed to by the Spanish-American Commission the 10th of last December, and ratified, according to the commission that signs this address, by the American Government some weeks ago, and by that of Spain on the 20th of last March. This contract to cede the islands was concerted and concluded when the Spanish domination had already ceased in the Philippines, thanks to the triumph of our arms. Moreover, in this act of cession no voice whatever was allowed the representatives of the Philippine people to which belongs the sovereignty of the islands by natural right and international laws. What a spectacle it is to see at the end of the century, called the century of enlightenment and of civilization, a people jealous and proud of its own sovereignty employing all its great powers, the result of its own continued free existence, to wrest from another people, weak but worthy of a better fate, the very rights which in its own case it believes to be inherent by law natural and divine! And how discouraging the cold and indifferent attitude, in the face of such a scandalous usurpation, taken by the great powers to whom Providence confides the high mission and the great means of guarding universal peace and justice. But no matter! We shall fight till the last breath to revindicate our own sovereignty, our independence. If the North American people is great and powerful, far greater and more powerful is Providence which watches over the unfortunate and chastises and humbles the proud. We have suffered so much in our own interests that perhaps we are quick to recognize misery. Thus, if we should lay down our arms, we should leave our sons without liberty and without the means of retrieving our fortune, and moreover we should bequeath to them all the penalties and sufferings of a conflict which of necessity they would have to face if to-day we do not release them from this task. If overwhelmed by misery and weighed down by the chains of servitude, you should picture to yourselves the sad future of your posterity, will you not a thousand times prefer death? To this lamentable state of despair would all those be reduced who without reflection allow themselves to be deceived by the specious promises of the American commission.

On the other hand, these promises, when examined, amount to nothing in practice. They are such as political parties ordinarily use to secure power, and wholly disregard once their object is attained. For it is very easy to promise when no obligation or legal responsibility to perform the promise is incurred. And moreover—be assured of this—the North American Government has not wanted and does not want to recognize our independence, because this recognition will bind it to make formal agreement with us and not to fail or depart from the terms of this agreement. For this reason I have sought it from the beginning, but the representatives of the North American Government have always refused to accord to my government an official character, having recourse first to coercion and finally to instigating war. They promised to aid us in the attainment of our liberty, and you have seen how they have just provoked us to war for being unwilling to lose our liberty by recognizing their sovereignty.

Apparently it pleases them better to have no sort of agreement with us, in order that they may make of us what best suits them, as soon as they have subjected us to their rule. It would be more to their advantage to promise us the greatest improvements in all kinds of industries and means of communication in order afterwards to possess themselves of our properties and control of all industries with the help of their great capital, reducing us to the condition of partners, or porters and workmen, if not mere domestics and servants. It is a clever and ingenious scheme, to promise us the amplest autonomy and the fullest political liberty, that afterwards they may oppress us at will, under the pretext that the concessions of liberty are prejudicial to their rights of sovereignty and international obligations. We were the equals of the Spaniards before the laws of Spain, but we in no case obtained justice without recourse to vile and underhand means and without incurring an interminable series of humiliations, for wherever we betook ourselves race-hatred pursued us, and that hatred is much more violent, cruel, and pitiless among the Anglo-Saxons.

Open your eyes, my dear countrymen, while there is yet time. Fight without truce or respite, without faltering or desponding, without measuring the duration of the conflict, the forces of the enemy, or the greatness of the sacrifices. Build not on others your happiness and welfare, for selfishness and interest prevail in the relations of individuals, of cities, and of nations, above all when they are separated by the impassable chasm opened by race hatred. Even when the Constitution of the United States is declared law in the Philippine Islands and the North American Congress accords us all, absolutely all, the rights and liberties of American citizens, and a state government, recognized by the Constitution—which is the greatest good annexation can bring us—race hatred will curtail these prerogatives, especially since section 10 of article 1 of the Constitution prohibits each State from imposing taxes on imports and exports (the products of such taxes belonging to the Treasury of the United States), and from passing laws on this point without the approval of Congress. Under this section we should not be able, without the approval of the same Congress, to lay any taxes on tonnage, nor maintain in time of peace troops and war ships to command respect for the liberties and rights we had acquired. Annexation, in whatever form it may be adopted, will unite us forever to a nation whose manners and customs are different from our own, a nation which hates the colored race with a mortal hatred, and from which we could never separate ourselves except by war.

And since war is the last resource that is left to us for the salvation of our country and our own national honor, let us fight while a grain of strength is left us; let us acquit ourselves like men, even though the lot of the present generation is conflict and sacrifice. It matters not whether we die in the midst or at the end of our most painful day's work; the generations to come, praying over our tombs, will shed for us tears of love and gratitude, and not of bitter reproach.

By authority of the president of the republic and its government.

AP. MABINI.

SAN ISIDRO, *April 15, 1899.*

NOTES ON THE MESSAGE OF GENERAL MILLER.

Firstly. The succession of the sovereignty of the United States to that of Spain is based on three facts, viz:

The destruction of the Spanish squadron, on the surrendering at Manila of the Spanish army, and on the treaty of Paris.

Let us examine the validity of the reasons alleged.

After the destruction of the Spanish squadron in the bay of Manila the American squadron remained there as master of the sea in those parts. This fact being based on undeniable facts, the destruction of the Spanish and the victory of the North American squadron, we admit the same without any reserve whatever.

The surrendering of the Spanish army at Manila caused the Americans to establish there a government of military occupation. If this essentially military fact furnished the only and sufficient cause for the establishment of the government of occupation, then the sovereignty of the United States must needs remain restricted to the city of Manila, for the same principle must then be applied to the townships which were conquered by the army of deliverance of the Philippines; and over and above that the sovereignty thus acquired by our Army must needs be considered as being much better justified, as the Philippine army achieved what it did without any foreign help and assistance, while on the other hand the Army of the United States would never have succeeding in taking Manila without the narrow and strong girdle of iron that our armies had laid around it.

Assuming the above premises to be correct, and applying the same to the territory of Bisayas, we can not see how here the sovereignty of the United States is to be established, for here, to be sure, we have neither a sea nor a land battle where the Americans have in any way participated.

To take the matter up from that point of view betrays but a puerile conception, and we ourselves merely drew the consequences to show how easily the argument brought forth by the American Government can be refuted.

The fact however is, that the cession of the Philippine Islands by the Spanish in favor of the Americans, and accepted by the latter nation, constitutes a violation of the sacred interest of the Philippine nation and an act of bad faith on the side of the United States. For, to be sure, a long time before the breaking out of the Spanish-American difficulties the Philippines were fighting, as they are fighting now and will always fight, for their liberty and independence; and the American nation in allying itself with our army for the destruction of the Spanish dominion has contracted a moral and political responsibility of the first order; it has, indeed, contracted the plainest obligation to aid and abet the realization of the just aspirations of the Philippines. The simplest conclusion from what we have said would be to assume that, on the Spanish suggesting the cession of the Philippine Islands (for surely we must not assume that the cession has to be traced back to the initiative of the United States), the United States would at once have considered it an act of pure justice to ascertain with regard to this matter the wishes of the Philippine nation, its ally. For, having lent to the latter to a certain extent its help in the battle for liberty and independence, it could easily be conceived that the Philippines would not suffer a new reign, least of all of a nation on whose conscience the curse of the Redskins rests as a heavy load.

Secondly. The military government which is proposed for the islands is supposed to "establish security for persons and private property on the islands," etc., etc., but, to be sure, also from this point of view we could easily dispense with said government, for both natives and foreigners, if at all sincere, can not but acknowledge that here as well as everywhere where the Philippine government has been established the public order has been fully and thoroughly established.

Thirdly. As regards the fact that General Miller is in a position, as he says, to occupy at any time and any moment with his forces the fortress and city of Iloilo, we do not doubt that the intention is entertained all right; but we can not help wondering considerably that so far he has not carried out such an intention.

Headquarters at Jaro, January 3, 1899.

MACARIO ADRIATICO.

Issue of the 8th of January, 1900.

Once in a while we read or hear in the course of this discussion some counsel as to our dealing with this people, based on the character of what is called the "Asiatic mind." I suppose that notion comes directly or indirectly from Englishmen. In the beginning the rule of England in Asia was a rule of pure force. The highest type of civilization, and, as we like to think, of human intellect, met a lower type. It had the superiority in every element of strength, except justice. The weaker races met the stronger race as weakness always meets strength—with dissimulation and deceit. England, of late, has tried a better method, and is meeting with better success.

But do you not think, Mr. President, that this talk about the Asiatic mind involves some audacity of generalization? Why, there are in Asia, I suppose, nearly or quite 800,000,000 people—more than half the population of the globe. You might as well talk about the human mind, drawing your conclusions alone from the Fiji Islanders, or about the American mind, drawing your conclusions from the Patagonians. There is as much difference between the fatalists who submit to the rule of the Sultan in Turkey and the gentle and philosophic Buddhist, and the busy, ambitious, enterprising Japanese, who have taken their place among the foremost of civilized nations in half a century, or these Filipinos with whom we are dealing, their hearts full of the passion for republican liberty, as between the haughty and effeminate Spaniard and the brave, sturdy, constant, and wise Swede or Norwegian. You might as well invite us to subdue Denmark and draw an inference of her unfitness for self-government from the Spaniards as to impute to this race, whose liberty you ask us to crush out, what you call the "Asiatic mind."

The state papers of Aguinaldo, the discussion of the law of nations by his attorney-general, the masterly appeal of Mabini, are products of the Asiatic mind. They are not unworthy of the Asiatic mind, the vehicle through which came to us the Scriptures of the Old and New Testament, the poetry of David, the eloquence of Isaiah, the wisdom of Solomon, the profound philosophy of Paul. A pure and unmixed Asiatic race, during the century just closing, has given to Europe its masters in finance, in art, in the drama, in music, and to England a statesman who by the force of his own unaided genius brought a proud aristocracy to his feet. It is not quite time to dismiss contemptuously eight hundred million of the human race to the class of inferior races, and almost to the class of inferior animals.

HOW HOSTILITIES CAME TO PASS.

An attempt has been made to shift the responsibility for this war to the men who resisted it. It has not been very successful.

No man whose intellectual ears are not long enough to reach from here to the Philippine Islands is likely to believe that these men were instigated to fight—not by the men who undertook to buy them like sheep and pay for them in gold; who were looking with greedy eyes on their lands, and their coal, and their mines of precious metals, and their hemp-bearing fields; who were hurrying soldiers and men-of-war to their islands after they had made peace with their old tyrant, but by the men who resisted all these things, who counseled peace, who desired that we should let them alone, unless they asked our help.

When I spoke in the Senate on the 9th of January, 1899, which was the beginning of the public debate, except a constitutional argument made by the Senator from Connecticut [Mr. PLATT], there had been a declaration of war on both sides. General Miller lay with his soldiers in the bay of Iloilo. He had been for weeks urging General Otis to give him the order to attack, pleading that the insurgents were strengthening their forces in the city and increasing his difficulty every day. The President's proclamation claiming sovereignty and ordering Otis to enforce it had been made public. Aguinaldo had met it by a counter proclamation declaring that if there were any attack made on the Visayas, he and his people would fight. That proclamation of Aguinaldo's had been pasted over all the walls of Manila, a city full of his adherents. Allowing for the difference of time, that was more than twenty-four hours before I spoke and nearly forty-eight hours before my speech was made public.

Now, what was it that brought this thing to pass? What was it that substituted for the gratitude of that people when they pressed about our consuls and our soldiers early in the year 1898, welcoming them as deliverers, welcoming them almost as angels from heaven—a feeling first of doubt, then of suspicion, then of sullen dislike, then of fierce hatred, and finally culminating in war to the death? If you would answer this question, ask yourself what the American people would have done in a like case. Ask yourself what you would have done in a like case. Think of the lessons you have received from your fathers, and the lessons I doubt not you have handed down to your sons. This people had gone joyously about the work of building up their republic. They had established local governments all over the islands. They were eager to learn the English language—the native language of freedom. They were studying the lives of our own great patriots and liberators. They had driven the Spaniards from their soil, save for a single city, and, whether right or wrong, they were confident of their capacity to capture that. They had been furnished with arms. Aguinaldo and his companions had been brought over, and the work for which they had been brought over and armed had been done. Now they find, first, a constant and contemptuous treatment in private of their soldiers by ours, which the American, I am sorry to say, almost alone among civilized nations, extends to the people of other races. But they found also that the promises we were making them were vague and ambiguous. The old frank talk of the consuls, though never disavowed by our Administration, was never repeated except in three or four special cases where we were trying to get some advantage from them. We had used them. We had profited by them. We had squeezed the orange, and it now seemed we were not unlikely to be ready to throw away the peel. They found that the American press and American public speakers were beginning to talk less and less of liberty and more and more of trade. The words justice, freedom, righteousness seemed to be disappearing from our vocabulary. Then after the capture of Manila, when General Otis had declared that not more than 5,000 soldiers would be necessary to keep the peace in that entire archipelago of 1,200 islands, they saw we were hurrying over reenforcements and increasing our naval and military strength. Then came the tone of demand and of authority. President McKinley had said again and again and again in public speech that we had no rightful title to a foot of the territory in those islands outside of the limits of Manila. And yet our generals were demanding with unconcealed threats the contraction of their lines and the expansion of ours. Then came the President's proclamation; the substitution for it by General Otis of one reaffirming the promises of independence, and the unfortunate accident by which both these proclamations came out together.

Now, I should think that might look to the Asiatic mind as disingenuous and portraying a purpose to deception. Of course we know it was pure accident. We know the honorable character of the President and the honorable character of General Otis. But suppose there had come out after Yorktown a proclamation by the King of France claiming that he had bought sovereignty over the whole of our thirteen colonies, and directing his generals to enforce it, and then on the same day a proclamation from the French commander assuring us that we were to be free and independent as the most-favored province on earth. Would not there have been indignation? Would not there have been, even in the staid Puritan mind, a flame of fire? Would not there have been war? The only difference between that case and this is that I do not think there would have been a Frenchman found reckless enough to have attributed the event to a speech in the French Assembly counseling peace and protesting against that dishonor.

How idle to attribute this condition of things, going on for seven months, to the effect of pamphlets and speeches made 10,000 miles away, most of them made long after this condition of things became established! There is one simple key to the history of those seven months. Apply that solution and everything is accounted for; everything falls into its natural order. Suppose the Filipinos to be governed by the same motives which would have governed you or any liberty-loving American in their condition. Suppose a people thirsting for liberty, desiring self-government and independence, menaced by a superior power, ready to defend their principles to the death if need be, and yet in the light of the history of their mighty antagonists, incredulous that such a thing can be possible. Every fact that reaches us from any trustworthy source is in this way explained, and can be explained in no other way. It was the spirit of liberty stirring the people of the Philippine Islands as of old it stirred the Englishman; as of old it stirred the Swiss; as of old it stirred the Swede; as of old it stirred the Greek; and as in the earlier and better days of Spain it stirred the Spaniards themselves. And when word came to the Filipino from our country, dedicated to and founded upon liberty, of a treaty to destroy his independence, and with an offer, most insulting to all manly hearts, to give him good government from without, this Asiatic vindicated his right to stand by the side of liberty-loving nations of all mankind. If he could not be there, at least he could die.

Now, there is a marvelous resemblance between the condition of the people of the Philippine Islands during the last year and that of Spain when she was overrun by Napoleon. The Filipinos who side with Aguinaldo, are thoroughly as fit for self-government as were the people of Spain. If Admiral Dewey be right in comparing them with the people of Cuba, they were far fitter. Napoleon undertook to give them what he called a good government. The story of the Spaniards' brave resistance has been told better than any living lips can tell it by the greatest of English poets since Milton, William Wordsworth. This is his description of the feeling of the Spaniards, and this is his description of the resistance of the Spaniards:

THE FRENCH AND THE SPANISH GUERRILLAS.

Hunger, and sultry heat, and nipping blast
From bleak hilltop, and length of march by night
Through heavy swamp, or over snow-clad height—
These hardships ill-sustained, these dangers past,
The roving Spanish bands are reached at last,
Charged, and dispersed like foam; but as a flight
Of scattered quails by signs do reunite,
So these—and, heard of once again, are chased
With combination of long-practiced art
And newly kindled hope; but they are fled,
Gone are they, viewless as the buried dead:
Where now? Their sword is at the foeman's heart!
And thus from year to year his walk they thwart,
And hang like dreams around his guilty bed.

Aguinaldo, as I have said, met our proclamation of December 24 with his proclamation affirming his purpose to resist. He also reissued the decree of June 18, 1898, which I will print with my remarks:

DECREE OF THE CENTRAL GOVERNMENT OF LUZON REGARDING THE ORGANIZATION OF LOCAL BOARDS, TO BE PUT IN FORCE THROUGHOUT THE PHILIPPINE ISLANDS.

To the Philippine Nation:

Providence has placed me in a position for the sustaining of which I can not but feel my natural deficiency, but since I can not oppose myself to the commands of Providence nor shirk the duties imposed upon me by honor and patriotism, it is from this position that I salute thee, O my beloved country.

I have proclaimed to the whole world that the aspiration of my whole life, the final object of all my strength and efforts, is none other than thy independence, for I have the firm conviction that this represents thy constant desire, as independence signifies for us the redemption from slavery and tyranny, the recovery of our lost liberty, and the entering into the ranks of the civilized nations.

I understand, also, full well that the first duty of every government is the faithful interpretation of the wishes of the people. Therefore, although the abnormal conditions produced by the war have forced me to institute this dictatorial government, which comprises the full civil and military power, my constant wish has been to surround myself with the most prominent persons from each province, who by their bearing have gained the confidence of the same, in order that, learning from them the real needs of each province, I may adopt the most efficacious means for remedying and supplying them to the extent desired by all.

I appreciate, besides that, the pressing necessity of establishing in each town a solid and lasting organization as a stronghold for public security and as the only means for insuring the union and discipline indispensable for establishing the republic; that is, the government of the people by the people, and to avoid international conflicts that might occur.

In virtue of the considerations expounded, I decree the following:

ARTICLE 1. The inhabitants of each township still held by the Spanish will agree as to the best means to combat and annihilate the same according to the resources at their disposal, giving to the prisoners of war the treatment most conformable to the sentiments of humanity and the customs observed by cultured nations.

ARTICLE 2. As soon as a township is liberated from Spanish dominion, the inhabitants prominent by their education, social standing, and honorable character, both in the township itself and the district, will convene in a general assembly, which will proceed to elect by a majority of votes the mayor of the town and a head of each district, the center of the city proper also to be considered as a district.

All inhabitants complying with the conditions mentioned above, and provided

they are friends of the Philippine independence and have attained their twenty-first year, can take part in this assembly and can be elected.

ARTICLE 3. In the same assembly also three delegates will be elected by a majority of votes, one for the police, the other as justice and civil registrar, the third as tax collector and assessor.

The chief of police will assist the mayor in the organization of the armed force which each township is to maintain to the extent of its resources, and for the preservation of order, good morals, and the hygiene of the place.

The justice and civil registrar will assist the mayor in the administration of justice, and by keeping the registers of births, deaths, marriage contracts, and the census.

The tax collector and assessor will assist the mayor in the collection of the taxes, administration of the public funds, the cattle and cadastral registers, and in every other branch of administration.

ARTICLE 4. The mayor, as chairman, with the heads of the districts and with the delegates referred to, are to form the "boards" who are to enforce the fulfillment of the laws and ordinances, and who are to look out for the special interests of each township.

The head of the center districts will act as vice-chairman of the board and the justice as secretary.

The heads of the districts will act as representatives of the mayor in their respective districts.

ARTICLE 5. The mayors of every township, after having obtained the advice of their respective boards, are to assemble and elect by a majority of votes the chief of the province and three councilors for the three branches referred to above.

The chief of the province as president, the mayor of the principal town of the province as secretary, and the three councilors constitute the provincial council, which will see that the dispositions of this government are carried out in their province, and which will take charge of the general interest of the province, and propose to this Government such measures as may be conducive to the welfare of all.

ARTICLE 6. Said chiefs of the provinces will elect also by a majority of votes three representatives for each of the provinces of Manila and Cavite, two for each of the provinces classified as such in the Spanish legislation, and one each for all the other provinces and political and military commanderies in the Philippine Archipelago.

Said representatives will take charge of the general interests of the archipelago, as well as of the special interest of their respective provinces, and will constitute the revolutionary congress, which will propose to the present government all measures regarding the order in the interior and the exterior safety of the islands, and will be consulted by the government in all important questions which admit of delay or waiting.

ARTICLE 7. The persons elected for any of the offices referred to can not enter upon them unless properly confirmed by this government, which will issue the confirmation upon presentation of the documents of election.

The documents of election will serve as credentials for the respective persons.

ARTICLE 8. The military chiefs nominated by this government in each province are not to interfere with the management and administration of the same, confining themselves to ask for such assistance in troops or material as they may need from the chiefs of the provinces and the mayors of the towns, who, in case of actual necessity, are not to refuse such assistance.

If, however, a province is in part or as a whole threatened or occupied by the enemy, the military chief highest in rank is entitled to assume all the functions of a chief of the province until the danger has disappeared.

ARTICLE 9. The government will name for every province a commissioner for the special purpose of carrying out the provisions of this decree referring to the organization, and that in compliance with the instructions which the government will communicate to him. The military chiefs who liberate a township from Spanish rule are commissioners ex officio.

Said commissioners will preside over the first assembly in each town in the respective provinces.

ARTICLE 10. As soon as the organization which forms the object of the present decree is effected, all nominations for civil offices previously made are canceled, whatever may be their origin, and all dispositions which are in opposition to the present decree are abolished.

Issued at Cavite the 18th of June, 1898.

EMILIO AGUINALDO.

Another charge has been made. It would not be entitled to serious consideration but for the fact that it has been widely circulated. It is that by the delay in the Senate in ratifying the treaty of peace the rebellion in the Philippine Islands found some comfort and support. I have seen it stated a hundred times that if the Senate had promptly ratified the treaty there would have been no war. The Senate had ratified the treaty when Aguinaldo informed our generals in command that he regretted the outbreak of the 5th of February, and proposed to withdraw his troops to a greater distance; that he wanted no hostilities, and trusted there would be no more of them, and was met with the reply that as the fight had begun it must go on.

But this treaty, considering its importance, was before the Senate for a marvelously short time. It was before the Senate for a shorter time than a large majority of all the treaties in our history, important or unimportant. It was signed at Paris on the 10th of December, 1898. It was sent to the Senate and referred to the Committee on Foreign Relations on the 4th of January, 1899. On the 11th of January, seven days afterwards, it was reported back from the Committee on Foreign Relations without amendment. On the 25th of January there was a unanimous agreement for a vote on the 6th of February, and on that day the treaty was ratified—with a single vote to spare. From all these proceedings the injunction of secrecy was removed.

Now, Mr. President, the Committee on Foreign Relations had 11 members, 3 of whom were on the commission that made the treaty; and it took that committee seven days to make its report, with 3 of its members thoroughly familiar with the whole subject, on which I presume it does not require much boldness to say nearly every other member had made up his mind. It was before the Senate but twenty-six days—before a Senate crowded with all the other business of a short session. If a body of 11 men specially learned and familiar with that subject required seven days for sufficient discussion and debate, was twenty-six days an unreasonable time for a body of 90 Senators without special familiarity with the great subject?

I think I know something of the state of mind of Senators on both sides of that question; certainly I know the state of mind of many Senators among those who were opposed to the treaty; and I affirm that if there were any delay, any desire or purpose of delay anywhere, which added one hour to the interval between the report of the treaty and the final vote, that purpose or desire was not in the minds of the opposition. No, Mr. President, it is as certain as anything can be certain that if there had been a single assurance on the part of our Executive of a purpose to recognize the Filipinos in the independence they had won, or, at any rate, had largely helped to win (while we captured 10,000 prisoners, they captured 9,000; while we captured a single city, they captured the rest of the territory); if, I say, there had been a single assurance that we intended to respect the independence to which they aspired, there would have been no war.

If we had dealt with them in the treaty of peace as we dealt with Cuba there would have been no war.

If we had not hurried reenforcements to Manila, both of ships and of men, strengthening the forces of our army and navy there, after Spain had yielded, there would have been no war.

If the urgent request of Aguinaldo, after the outbreak of the 5th of February, that hostilities might cease, had not been met by the declaration of Otis that "fighting must go on," there would have been no war.

If Aguinaldo's offer to withdraw his troops and make a wider belt between the two armies had been met in a like spirit, there would have been no war.

If Senators had not been talking about holding on to all they could get, about making money out of their great act of liberation, about keeping from the people of these islands their liberty and their independence, for purposes of gain and trade, there would have been no war.

And now the attempt to charge this thing upon those of us who have but proclaimed the doctrine of the Declaration of Independence, and have but repeated again the Cuban resolutions; who have but quoted the language of the President of the United States—the responsibility for these hostilities is a proceeding not matched in impudence since the day of the upstream wolf and the downstream lamb.

The trouble with our imperialistic friends is that they can not understand that conscience, patriotism, or love of liberty can exist in other men. If they would but put themselves in the place of the Filipinos; if they would but apply the golden rule to the relations between this country and this people—this people of the Eastern Hemisphere, from which the golden rule came in the beginning. If the Filipinos knew enough of what was going on in the United States to be moved, to risk life and everything that makes life dear in the hope that their liberty might be granted, from reading the speeches of political leaders, articles in the newspapers, or debates in the Senate, is it not quite likely that they may have heard also of the Declaration of Independence, of our Constitution, of the writings of Jefferson, of the speeches of Lincoln, and of recent Presidential utterances? Is it not likely that they would attribute as much weight to them as to the speeches of Mr. Schurz, the letters of Mr. Edmunds, or the pamphlets of Mr. Atkinson? Had they not a right to believe them? Had they not a right to think that the people of the United States thought that there should be no government imposed upon them but with their consent? That the people of the United States thought that annexing them by force would be criminal aggression; that the doctrine that government rested upon the consent of the governed is a universal obligation; that it is applicable to every people the round world over; that it applies not only to some men, but to all men?

They tell us this question is settled. Is it settled? If it be settled, who settled it? Not the American people. The American people have never voted to change their government from a republic, by which every man has his equal share, into an empire governing ten or twelve million people, benevolently it may be, but in an absolutely unchecked despotism, without a single constitutional restraint. The American people have never voted that the Declaration of Independence is only a revolutionary pronunciamento which the men who made it have been constantly violating. They have never admitted yet that the Supreme Court of the United States was all wrong when, within ten years, they said that the Declaration of Independence was the spirit of our Government, of which the Constitution was only the form and letter. They have never declared as yet that George Washington and Thomas Jefferson and John Quincy Adams and Daniel Webster and Abraham Lincoln and Charles Sumner and John Marshall were false prophets. Congress has not settled it. You have not, so far, had a vote that we would undertake to rule unwilling and vassal States. We were expressly told when the treaty was up—the Senator from Georgia [Mr. CLAY] has shown that seven of the nine men who spoke for the treaty expressly

admitted it—that it was to settle nothing, but only to put an end to the war with Spain, and that afterwards we would determine whether we would keep in subjection the people of the Philippine Islands. Why, our excellent and honored President himself declared again and again and again, all over the country, that the question was for Congress and not for him, and that it was his duty only to restore order and to keep order until Congress should act. When we asked you last year to give the same assurances in the matter of the Philippine Islands that you had given already in the matter of Cuba, and said that if Cuba was of right and ought to be free and independent, certainly this people, with their constitution, their achieved independence, their public order, their schools, their universities, their village governments, were and of right ought to be free and independent, we were answered: "We won't give assurances to men with arms in their hands." I did not think the answer a good one then. I thought some assurance needed to be given to the American people as well as to the Filipinos and that, hard as was the lot of that struggling people, the injury of which the American people was in danger was worse than any meditated to them. Meantime we hurried over our reenforcements and fought our battles and conquered our enemy; and now you turn upon us and say that you did not mean what you said then and that the whole thing was settled a year ago.

A little more than fourteen months ago there were presented to the Senate two propositions in sharp contrast with each other. One was a proposition to deal with the Philippine Islands as we dealt with Cuba; to assure them of their liberty; to protect them against foreign ambition and to lend our aid in restoring order; to speed them with our blessing on the pathway of freedom and independence, equal among independent nations, making such treaties with them for future commerce and intercourse as our advantage and theirs would require and as their good will and gratitude might be willing to grant.

The other was to buy them like slaves; to pay for them in gold; to set up against them the dishonored and discredited title of Spain, and to conquer them to a sullen submission and to a future of perpetual hatred and fear.

The Senate took its choice. We have had twelve months' experience. We can tell already something of the cost of this thing. It has cost us more than one hundred and fifty millions in money. An increase over 1898 of the cost of Army of more than one hundred and twenty-two millions; of the Navy, of six millions; of the pension list, four millions.

But all this is the merest trifle. It has cost us the lives of 6,000 men who are dead. It has wrecked the lives of other thousands, victims of disease and of wounds. It compels us to maintain in the future a large and costly military and naval force.

You are to keep certainly, hereafter, 50,000 private soldiers, in the flower of their youth, in that tropical clime. What is to be their fate?

Mr. President, worse than the most lavish expenditure, worse than the heaviest burden of national debt, worse than the loss of precious lives, worse than the reduction of wages, worse than the overthrow of our settled fiscal policies, is the price, the terrible price, we are to pay, if there be any lesson to be learned from human experience, in the souls of the young men we are to send as soldiers to the Tropics. Have you read the horrible, the unquotable story which comes from the English official reports of the life of the common soldiers of the English army in India? I wonder if our enthusiastic gentlemen, who prate so glibly of dominion and empire—I wonder if our well-meaning clergymen, who fancy themselves preaching the gospel of Christ to these yellow congregations, have read anything or care anything for the lessons of experience?

Hardly a deparment of the Government does not add some items of cost incident to a control or a knowledge of the late Spanish possessions.

The government of these islands will be a military government, to be assisted and gradually superseded by civil officers. No sums adequate to the purpose have been asked for, nor has any money been asked to construct and equip coast and harbor defenses necessary to military occupation or for the improvement of harbors and waterways, cleansing cities and towns, construction and maintenance of military and other railroads, relief of the needy, and the many items of expense incident to the occupation of distant and unprotected possessions, peopled by poor and untaught natives, oppressed into insurrection, and at present undisciplined to control of any kind. To keep the army of occupation of sufficient strength will involve a fearful drain upon the population of the United States, equal to more than double the loss of an army in a great battle. The cost of administering justice will not be small; the actual and constant rebellion of the natives against our rule is a strong probability, and the sullen opposition of a home-rule element must be faced and met. The islands do not promise to be self-supporting to the extent of providing for such contingencies as rebellion, and so the annual cost to the people of the United States must be increased, even as an insurance against an uprising.

Assuming that the War Department has asked for a sum sufficient to assure the occupation of the islands and a proper establishment for police purposes, it will be seen there are other large and uncertain items of cost unprovided for, and the annual appropriations will in future be nearer $200,000,000 in excess of those of 1898 than $155,712,751.

An annual increased expenditure of $200,000,000 means a continuance of existing "war taxes" and the imposition of new taxes, or borrowing by the Government to meet current expenses.

The total revenue from the great and regular sources of income for the fiscal year 1898 was—

From internal revenue	$170,900,641
From customs	149,575,062
From miscellaneous sources	20,000,000
Total	340,475,703

The amounts derived from the sales of the Pacific roads, a windfall not to be repeated, brought the total income to $405,321,335. Compared with the appropriations for 1898, there would have been a deficit of $27,748,405, or, excluding the sums received from the Pacific roads, one of $92,499,629. This on a peace basis.

An average deficit of $100,000,000 will be below rather than above the actual to be expected. This means the taking each year from productive industry of a sum representing the interest (at 3 per cent) on a capital of $3,333,000,000, and, as a standing charge, is equivalent to adding that sum to the capital of the national debt, with this difference—the bonds of the national debt are redeemable after a certain number of years, but this new charge represents a perpetual debt.

The capital of the debt of the United States at the end of 1898 was $1,047,320,000. The new expenditure will be equivalent to increasing it to $4,380,000,000. The debt of France is $6,218,871,341; Great Britain, $3,203,868,395. This gives us the second largest public debt in the world. In 1898 the per capita rate of taxation for national purposes was $4.34 a year.

But let us look at the cost other than in money. We are to give up many of the ideals (I had almost said every ideal) of the Republic. We must give up our great, priceless possessions; more precious than jewels or gold, more precious than land or power. The counsels of Washington are for us no longer; the truths of the Declaration of Independence are no longer our maxims of government; the Monroe doctrine, to which one hemisphere owes its freedom, is gone. The counsels of Lincoln, to give effect to which he repeatedly declared he would welcome assassination itself, are not to be listened to hereafter, or, if listened to, it will be by other ears than ours.

Another thing we have lost by last winter's terrible blunder. We lost the right to speak with authority in favor of peace at The Hague. The world took, I hope and believe, a forward step in that great conference. But think what might have been! We have lost the right to offer our sympathy to the Boer in his wonderful and gallant struggle against terrible odds for the republic in Africa.

> "O Freedom dear, if ever man was free,
> In all the ages, earned thy favoring smile,
> This patient man has earned it. In his cause
> Pleads all the world to-day"—

all the world, except the nation that is engaged in crushing out a republic in the Philippines.

We have lost our power to speak with authority in behalf of the disarmament of nations. We must prepare ourselves for a great standing army. We already hear the demand for a large standing army, and a navy equal to that of England. The American child hereafter must be born with a mortgage round his neck. The American laborer hereafter must stagger through life with a soldier on his back.

Already we hear the doctrine preached in high places that the Constitution was intended for a small people and not for a large one.

Mr. President, a republic without a constitution is like a man without a conscience. In it is the great principle of the equality of men and manhood; from it, citizenship gets its value and labor its dignity. You have lost now the character of the great liberator, and are to take for the future the character of the great enslaver. Now, what have you to show for all this? You have imported two or three cargoes of hemp from Manila and you have benevolently assimilated the Sultan of Sulu. If you refuse to admit their products as from a part of the United States, you have got hereafter to govern them not for their interest, but for your own. Where you used to talk of liberty you are henceforth to talk only of tobacco. Your diplomacy with other nations must be not for their interest, but for yours. Will you let them make their own trade arrangements with England or with China?

Your currency laws must be made hereafter, not for their interest, but for yours, as England regulates the currency of India.

Mr. President, I can not conceal my sense of the ridiculousness, the pettiness, the vulgarity, of talking about trade and money getting, and exports and imports, and what we are to gain, in what should be the sublime hour of a people's liberation. Think of the conqueror, the liberator, the hero, saying to the world, "I shall sutler be unto the camp, and profits will ensue."

It is said that it is not a sordid argument, or a sordid nation, that considers the advantage of trade and commercial intercourse, and that is true if the argument be used in its proper place. The consideration becomes a sordid, a base, and ignoble argument when we use it to determine the question whether we shall do justice.

When you are tempted to take what belongs to another, to crush out the liberties of a people, then the suggestion that you are to make money by the transaction becomes as sordid and base a suggestion as ever was whispered into a covetous and greedy ear.

When you are asked to abandon your cherished principles, your lofty ideals, your benignant influence on mankind, to turn your polar star, your morning star, into a comet, the suggestion of money getting seems to me infinitely pitiful.

Mr. President, another thing you have got to think of. You have got to meet squarely, and to look squarely in the face, the great question of church and state. We must decide, and decide pretty soon, whether the larger part of the real estate in those islands is to be held by the religious orders, or whether we must follow the example of our English ancestors, with statutes of mortmain and trust, or whether we shall exert a power not given to Congress by the Constitution, of confiscation and despoliation.

I have been somewhat impressed by the desire of some of our imperialistic friends to avoid any responsibility for themselves in this matter and to place it all on God. I suppose these gentlemen think that every successful act of tyranny is to be charged to the Deity; certainly it is a very convenient method of getting rid of resposibility.

Is God guilty, in the opinion of these gentlemen, of the partition of Poland? Did God keep the fair isles of Greece under the feet of Turkey? Did God plunder our missionaries and torture Christians in Armenia? Did God enact the fugitive slave law? It must needs be that offenses come, but woe unto that man and woe unto that nation from whom the offense cometh.

"An impious, evil man," said the Greek orator Isocrates, "might get off if he chanced to die before he paid the penalty for his crimes; but the immortality of a State leaves it no escape from the vengeance of men or of the gods."

The President says: "I will bear your banner to a triumphant peace?" What a triumphant peace would have been ours if we had dealt with the Philippines as we dealt with Cuba.

I said last year that our commissioners came back from Paris bringing with them the cast-off clothing of the pinchbeck Napoleon, and asked us, who have seen his fate, to discard for it the spotless robes in which our fathers arrayed the beautiful genius of America.

Mr. President, it is worse than that. If we take these islands to govern as despots govern their subjects, Spain will have revenged herself upon us. Spain will be the victor, and we the vanquished. She will have revenged herself upon us as the dying monster Nessus revenged himself upon Hercules when he persuaded the beautiful Dejanira to give to the conqueror the garment steeped in his own poisoned blood. The garment stuck to his flesh, the poison entered his pores, and the hero, who had borne the world on his shoulders, and to whom nothing was impossible, cried for death in his agony—

"ego sum indefessus agendo,
Sed nova pestis adest, cui nec virtute resisti
Nec telis, armisve potest."

Wherever the Republic has gone thus far, wherever her name is known, it is an example of the equality of manhood and the freedom of man. This has made her the great benefactor in the Western Hemisphere. But if you have your way, she is to appear in the East to set an example of caste. Do you think with her great problem unsolved, with ten millions of her own people, now thirty-six years after the emancipation proclamation, still waiting for the promise of their perfect freedom to be fulfilled, you are asked to subject ten millions more, of an alien race, to a government in which they have no share, and an authority in which they have no voice. The people which were seventy millions are to be eighty millions—eighty millions, and every fourth man a serf—eighty millions, every fourth man practically an inferior—at the end of the nineteenth century, twenty millions (near seven times the number with which the nation began) practically without the rights of citizenship.

I think the American people will conclude in the end that we shall get no trade advantage either in the Philippine Islands or in China by the forcible subjugation of this people. On the contrary, we injure our trade prospects when we alienate the affection of those people by an unjust attack upon their independence. But there is no space to argue this point now.

Dr. Franklin said:

To me it seems that neither the obtaining or retaining any trade, how valuable soever, is an object for which men may justly spill each other's blood. That the true and sure means of extending and securing commerce are the goodness and cheapness of commodities, and that the profits of no trade can ever be equal to the expense of compelling it and holding it by fleets and armies.

The Doctor, I suppose, was a traitor and a little American.

But we are told if we oppose the policy of our imperialistic and expanding friends we are bound to suggest some policy of our own as a substitute for theirs. We are asked what we would do in this difficult emergency. It is a question not difficult to answer. I for one am ready to answer it.

1. I would declare now that we will not take these islands to govern them against their will.

2. I would reject a cession of sovereignty which implies that sovereignty may be bought and sold and delivered without the consent of the people. Spain had no rightful sovereignty over the Philippine Islands She could not rightfully sell it to us. We could not rightfully buy it from her.

3. I would require all foreign governments to keep out of these islands.

4. I would offer to the people of the Philippines our help in maintaining order until they have a reasonable opportunity to establish a government of their own.

5. I would aid them by advice, if they desire it, to set up a free and independent government.

6. I would invite all the great powers of Europe to unite in an agreement that that independence shall not be interfered with by us, by themselves, or by any one of them with the consent of the others. As to this I am not so sure. I should like quite as well to tell them it is not to be done whether they consent or not.

7. I would declare that the United States will enforce the same doctrine as applicable to the Philippines that we declared as to Mexico and Haiti and the South American Republics. It is true that the Monroe Doctrine, a doctrine based largely on our regard for our own interests, is not applicable either in terms or in principle to a distant Asiatic territory. But undoubtedly, having driven out Spain, we are bound, and have the right, to secure to the people we have liberated an opportunity, undisturbed and in peace, to establish a new government for themselves.

8. I would then, in a not distant future, leave them to work out their own salvation, as every nation on earth, from the beginning of time, has wrought out its own salvation. Let them work out their own salvation, as our own ancestors slowly and in long centuries wrought out theirs; as Germany, as Switzerland, as France, in briefer periods, wrought out theirs; as Mexico and the South American Republics have accomplished theirs, all of them within a century, some of them within the life of a generation. To attempt to confer the gift of freedom from without, or to impose freedom from without on any people, is to disregard all the lessons of history. It is to attempt

"A gift of that which is not to be given
By all the blended powers of earth and heaven."

9. I would strike out of your legislation the oath of allegiance to us and substitute an oath of allegiance to their own country.

Mr. President, if you once get involved and entangled in this policy of dominion and empire, you have not only to get the assent of three powers—House, Senate, and President—to escape from it, but to the particular plan and scheme and method of such escape.

My friends say they are willing to trust the people and the future. And so am I. I am willing to trust the people as our fathers trusted them. I am willing to trust the people as they have, so far, trusted themselves; a people regulated, governed, constrained by the moral law, by the Constitution and by the Declaration. It is the constitutional, not the unconstitutional, will of the American people in which I trust. It is Philip sober and not Philip drunk to whom I am willing to commit the destiny of myself and my children. A people without a constitution is, as I just said, like a man without a conscience. It is the least trustworthy and the most dangerous force on the face of the earth. The utterances of these gentlemen, who, when they are reminded of moral and constitutional restraints, answer us that we are timid, and that they trust the people, are talking in the spirit of the French, not of the American revolution; they are talking in the spirit which destroys republics, and not in the spirit that builds them; they are talking in the spirit of the later days of Rome, of the later days of Athens, and not in the spirit of the early days of any republic that ever existed on this side of the ocean or on the other.

I love and trust the American people. I yield to no man in my confidence in the future of the Republic. To me the dearest blessings of life, dearer than property, dearer than home, dearer than kindred, are my pride in my country and my hope for the

future of America. But the people that I trust is the people that established the Constitution and which abides by its restraints. The people that I trust is the people that made the great Declaration, and their children, who mean forever to abide by its principles. The country in whose future I have supreme and unbounded confidence is the Republic, not a despotism on the one hand, or an unchecked and unlicensed democracy on the other. It is no mere democracy. It is the indissoluble union of indestructible States. I disavow and spurn the doctrine that has been more than once uttered by the advocates of this policy of imperialism on the floor of the Senate, that the sovereignty of the American people is inferior to any other because it is restrained and confined within constitutional boundaries. If that be true, the limited monarchy of England is inferior to the despotism of Russia; if that be true, a constitutional republic is inferior to an unconstitutional usurpation; if that be true, a man restrained by the moral law, and obeying the dictates of a conscience, is inferior to the reckless, hardened, unrestrained criminal.

Two years ago we would have been big enough, and strong enough, and brave enough to utter our opinion about the Boer war. Are we enough of a world power to dare to do it to-day? This Philippine Island possession of ours is nothing but a strait-jacket.

When President Cleveland sent in his message about Venezuela, where England made a claim which has been almost wholly supported after arbitration, our friends of the Committee on Foreign Relations almost tumbled over one another in their zeal to get into the Senate Chamber to express their sympathy for Venezuela. They couldn't let a resolution go over from one morning hour to another. Where are they now? They are bound over to keep the peace; and they are bound over to hold their peace—the open door and the shut mouth.

> The watchman's clarion voice is still;
> The warder silent on the hill.

Ah, Mr. President, if this is being a world power, for my part I would rather be a world weakness. It is asked what other nations will think of us if we withdraw from a place where we have no right to be. Does not that question savor somewhat of little Americanism? I never have observed that the great nations of the world were much in the habit of putting that question. Does England ever stop to think or to ask what other nations think of her? Did Rome ever do it? Did Greece ever do it? Great nations do not brag; they are not vain; they are not thinking of the impression they make on the small ones. When we get to be the greatest nation on earth we shall stop talking about it and bragging about it.

We hear a great deal nowadays of "Little America," of "Little Americans." Little America! Why, Mr. President, as my late colleague said, if we can not say of the United States, as Webster or his predecessor said of England, that her "morning drumbeat following the sun, keeping company with the hours, circles the earth in an unbroken strain of the martial airs of England," we can at least say that before the sun sets upon Alaska he has risen upon Maine.

"Little Americans!" Little George Washington! Little Thomas Jefferson! Little Benjamin Franklin! Little Abraham Lincoln! Little Daniel Webster!

Well, I know our friends have the names of great Americans they are willing to contrast with these. I will not presume to enter into particulars. They are all around us. The bushes are full of them.

I do not think we are much of a world power when a brave and manly Senator can say, as one said in my hearing not long ago, that he sympathized with the Boers, but would not say so publicly because of our obligation to Great Britain, who had kept the Continent from meddling with us in the late war. If two years ago such a motive for silence had been imputed to that Senator, how the indignant answer would have flashed out, "Is thy servant a dog?"

Mr. President, there lies at the bottom of what is called imperialism a doctrine which, if adopted, is to revolutionize the world in favor of despotism. It directly conflicts with and contradicts the doctrine on which our own revolution was founded, and with which, so far, our example has revolutionized the world. It is the doctrine that when, in the judgment of any one nation or any combination of nations, the institutions which a people set up and maintain for themselves are disapproved they have a right to overthrow that government and to enter upon and possess it themselves. That is the doctrine upon which intelligent Englishmen put the right of England to make war upon the Boers. They say:

> You tax, you impose unreasonable restrictions upon citizenship and upon naturalization. You tax a certain class unjustly, and therefore England purposes to interfere. You do not let Englishmen partake of your franchises on fair and reasonable terms.

Why, Mr. President, when an Englishman offers himself for naturalization elsewhere he renounces his allegiance to the Queen, and if he be an honest man he is to use any newly acquired franchises in the interest of his adopted country and without a thought of the interest of Great Britain. It becomes, therefore, none of England's business on what terms other countries choose to admit him. If she have any interest in the matter it is to prevent his being naturalized at all and to keep him from throwing off his old allegiance. The doctrine so founded is, in substance, the doctrine of the Holy Alliance—a doctrine in which England herself, under the lead of Canning, repudiated after the overthrow of Napoleon.

Now, Mr. President, somebody must be the judge whether a people make a proper use of their own territory or their own property or no, and from the necessity of the case, under the rule of this moralist, the strong nation that desires the territory and property of the weak nation must of course judge of its own rights and duties in the premises. I think that when England and Russia and Germany and the United States get fairly embarked in the crusade for the application of that principle you will find it complicated by another one, which I have heard of already in relation to the Philippine Islands. If we do not take possession some other strong power will think they are not making good use of their own territory and property, and they will take possession. You will, I think, always find that David will conclude that Naboth is not cultivating his vineyard to the best advantage. You will always find that anybody who wants the widow's ewe lamb will conclude that the widow's notions of raising it or of cooking it are not the best.

Our imperialistic friends seem to have forgotten the use of the vocabulary of liberty. They talk about giving good government. "We shall give them such a government as we think they are fitted for." "We shall give them a better government than they had before." Why, Mr. President, that one phrase conveys to a free man and a free people the most stinging of insults. In that little phrase, as in a seed, is contained the germ of all despotism and of all tyranny. Government is not a gift. Free government is not to be given by all the blended powers of earth and heaven. It is a birthright. It belongs, as our fathers said and as their children said, as Jefferson said and as President McKinley said, to human nature itself. There can be no good government but self-government.

Spain, when she was overrun by Napoleon, was at a far lower point than the people of the Philippine Islands have ever reached. They are much more fit for self-government to-day than she ever was. And yet the great English poet—greatest since Milton—speaks of the offer of Napoleon to give them good government as the last affront, more stinging and insulting than any blow ever struck by his armies, intolerable beyond devastation or death.

> We can endure that he should waste our lands,
> Despoil our temples, and by sword and flame
> Return us to the dust from which we came,
> Such food a tyrant's appetite demands;
> And we can brook the thought that by his hands
> Spain may be overpowered, and he possess,
> For his delight, a solemn wilderness
> Where all the brave lie dead. But when of bands
> Which he will break for us he dares to speak,
> Of benefits, and of a future day,
> When our enlightened minds shall bless his sway,
> Then the strained heart of fortitude proves weak,
> Our groans, our blushes, our pale cheeks declare
> That he has power to inflict what we lack strength to bear.

Already the old language of freedom, independence, self-control, self-government is passing away. You hear in many high quarters expressions of gratitude to England; that it is by her favor that we have been able to accomplish our policies without interference from foreign powers. I have the most friendly and kindly feelings for the people of Great Britian. It is a noble stock. It is made up of noble strands. The sturdy Saxon, the hardy, adventurous Scotsman, the brave and generous Irishman make up a people never surpassed in the quality that makes true greatness by any nation in the Eastern Hemisphere. I shall be glad in every proper way to help to draw the bonds of friendship and of kinship which happily now exist in such strength. But I confess I am humiliated when an American talks of gratitude to any other country for affording the United States its countenance or protection in the pursuit of any course this country may deem it her duty pursue. I am not willing to be dependent on the power of England, either for defense or for protection. Certainly I desire no entangling alliances with her. Still less am I willing to have my countrymen accept the Chinese estimate—"American No. 3 Englishman."

I have failed to discover in the speech, public or private, of the advocates of this war, or in the press which supports it and them, a single expression anywhere of a desire to do justice to the people of the Philippine Islands, or of a desire to make known to the people of the United States the truth of the case. Some of them, like the Senator from Indiana and the President of the Senate, are outspoken in their purpose to retain the Philippine Islands forever, to govern them ourselves, or to do what they call giving them such share in government as we hereafter may see fit,

having regard to our own interest, and, as they sometimes add, to theirs. The others say, "Hush! We will not disclose our purpose just now. Perhaps we may," as they phrase it, "give them liberty some time. But it is to be a long time first."

The catchwords, the cries, the pithy and pregnant phrases of which all their speech is full, all mean dominion. They mean perpetual dominion. When a man tells you that the American flag must not be hauled down where it has once floated, or demands of a shouting audience, "Who will haul it down?" if he mean anything, he means that that people shall be under our dominion forever. The man who says, "We will not treat with them till they submit; we will not deal with men in arms against the flag," says, in substance, the same thing. One thing there has been, at least, given to them as Americans not to say. There is not one of these gentlemen who will rise in his place and affirm that if he were a Filipino he would not do exactly as the Filipinos are doing; that he would not despise them if they were to do otherwise. So much, at least, they owe of respect to the dead and buried history—the dead and buried history, so far as they can slay and bury it—of their country.

Why, the tariff schemes which are proposed are schemes in our interest and not in theirs. If you propose to bring tobacco from Porto Rico or from the Philippine Islands on the ground that it is for the interest of the people whom you are undertaking to govern, for their best interests to raise it and sell it to you, every imperialist in Connecticut will be up in arms. The nerve in the pocket is still sensitive, though the nerve in the heart may be numb. You will not let their sugar come here to compete with the cane sugar of Louisiana or the beet sugar of California or the Northwest, and in determining that question you mean to think not of their interest but of yours. The good government you are to give them is a government under which their great productive and industrial interests, when peace comes, are to be totally and absolutely disregarded by their government. You are not only proposing to do that, but you expect to put another strain on the Constitution to accomplish it.

Why, Mr. President, the atmosphere of both legislative chambers, even now, is filled with measures proposing to govern and tax these people for our interest, and not for theirs. Your men who are not alarmed at the danger to constitutional liberty are up in arms when there is danger to tobacco. As an eloquent Republican colleague said elsewhere, "Beware that you do not create another Ireland under the American flag." Beware that you do not create many other Irelands—another Ireland in Porto Rico; another Ireland in Cuba; many other Irelands in the Philippines! The great complaint of Ireland for eight centuries was that England framed her taxation and regulated her tariff, not for Ireland's interest, but for her own. That when she dealt with the great industries of that beautiful isle she was thinking of the English exchequer and of the English manufacturer and of the English land-owner; and she reduced Ireland to beggary. Let us not repeat that process.

Is there any man so bold as to utter in seriousness the assertion that where the American flag has once been raised it shall never be hauled down? I have heard it said that to haul down or to propose to haul down this national emblem where it has once floated is poltroonery. Will any man say it was poltroonery when Paul Jones landed on the northeast coast of England that he took his flag away with him when he departed? Was Scott a poltroon, or was Polk a poltroon? Was Taylor a poltroon? Was the United States a nation of poltroons when they retired from the City of Mexico or from Vera Cruz without leaving the flag behind them? Were we poltroons when we receded from Canada? If we had made the attack on the coast of Spain, at one time contemplated during this very war, were we pledged to hold and govern Spain forever or disgraced in the eyes of mankind if we failed to do it? Has England been engaged in the course of poltroonery all these years when she has retired from many a field of victory? According to this doctrine, she was bound to have held Belgium forever after the battle of Waterloo and Spain forever after Corunna and Talavera. She could not, of course, have retired with honor from Venezuela if the arbitration had not ended in her favor.

Mr. President, this talk that the American flag is never to be removed where it has once floated is the silliest and wildest rhetorical flourish ever uttered in the ears of an excited populace. No baby ever said anything to another baby more foolish.

Now, what are the facts as to the Philippine Islands and the American flag? We have occupied a single city, part of one of four hundred islands, and with a population of 120,000 or thereabouts out of 10,000,000. The Spanish forces were invested and hemmed in by the people of those islands, who had risen to assert their own freedom when we got there. Now, what kind of Americanism, what kind of patriotism, what kind of love of liberty is it to say that we are to turn our guns on that patriot people and wrest from them the freedom that was almost within their grasp and hold these islands for our own purposes in subjection and by right of conquest because the American flag ought not to be hauled down where it has once floated, or, for the baser and viler motive still, that we can make a few dollars a year out of their trade?

Mr. President, this is the doctrine of purest ruffianism and tyranny. There is nothing of the Declaration of Independence in it. There is nothing of the Constitution of the United States in it. There is nothing of the fathers in it. There is nothing of George Washington in it, or of Thomas Jefferson. There is nothing in it of the old Virginia or of the old South Carolina or of the old Massachusetts. If every territory over which the flag of a country has once floated must be held and never shall be yielded again to the nation to which it belonged, every war between great and powerful nations must be a war of extermination or a war of dishonor alike to the victor and to the vanquished.

We expected, did we not, at the time of our declaration of war that we would not wrest Cuba from Spain for any purpose of our own aggrandizement, but only that there might be established there a free government for the people thereof, and that the people of Cuba were, and of right ought to be, a free, independent state; that our flag would float in Cuba while the operation of the war was going on as it has floated in glory and in honor. Was that a pledge to a course which should dishonor and degrade the flag of our country in the face of mankind? Who shall haul it down when the time comes? The man who signed his name to that promise, a man with whose name no thought of dishonor or degradation to his country's flag was ever associated, will keep his own honor and that of the country and that of the flag unstained by hauling it down himself.

I tell my friends who appeal to the flag of the country, and who say that no matter what question of righteousness, or justice, or constitutional power may be up, they stand with the flag, and follow the drum, and listen to nothing but the sound of the trumpet, and care only for the men in uniform, and postpone all questions of liberty or of humanity till the martial music is silent and the clash of arms is over and the flag is furled. I tell these friends of mine that the American flag is a higher and a more sacred thing to me than it is to them. I love the flag, not as a bit of colored bunting, not for its bright colors or its floating folds, but as a holy and as a sacred symbol. The American flag is dear to my heart because it seems something more, and something loftier, and something nobler than is represented by the flag of any other country. I mean, if I can, to keep its pure folds free from stain. In the old days of slavery the great English poet Campbell excited the anger of the American people by a stinging satire:

"United States, your banner wears
Two emblems—one of fame;
Alas, the other that it bears
Reminds us of your shame."

"Your standard's constellation types
White freedom by its stars;
But what's the meaning of the stripes?
They mean your negroes' scars."

What said the liberty-loving leaders of those great generations? Did they say: "If the flag typify slavery, we are for slavery; if the flag stand for oppression, we are oppressors forever more." No. They said: "If the flag shall wave over the great territory between the Mississippi and the Pacific, it shall wave over a free territory."

When the authority of the United States, in the days of Franklin Pierce and James Buchanan, undertook to subjugate the free men of Kansas and Nebraska, they stood for their freedom. They denied the right of James Buchanan or of Franklin Pierce to make this holy symbol the emblem of the government of man, or any race of men, against its will.

Now, Mr. President, it seems to me that these are grave questions. They are things worth thinking of by American Senators and American statesmen. They go down to the roots of our national life. They are not of yesterday, of to-day, or to-morrow alone. They were thought of when our country was settled. They were debated during the century's long strife that preceded the Revolution. The minds of the Fathers were full of them. Their answer to them was written in the imperisable lines of the Declaration of Independence, and in the constitutions of the States and of the nation. We have been brought up to think of them through the whole of our first century of greatness and of glory. We reaffirmed our doctrine about them again when we celebrated our centennial in 1876. They were daily and nightly on the thoughts of Abraham Lincoln and Charles Sumner. If Lincoln and Sumner should repeat what they thought of them now, they would be denounced as "little Americans," as "squaw men," and blacklisted as traitors.

Now, what is the answer we get when we repeat the old doctrine, not in our own language, but in the language of the Fathers, and of Lincoln, and of Sumner? Why, the answer—there are some creditable exceptions—but in general the answer we get is that there is a soldier in uniform somewhere shooting somebody; that

the American flag is flying, and some poor devils, who run when they come in sight of it, half armed, half disciplined, half clad, half fed, have got these ideas into their heads also, and are fighting for them and dying for them, and thinking we are invading them and are firing at our flag. Are you afraid of them? No. Are they formidable? No. Does the condition, according to your theory, of foreign war exist? No. But so long as the flag of of the United States, standing for seventy million people—the richest, strongest, brightest, as we claim, on the face of the earth, anywhere the wide world over, is resisted there can be no question of liberty, honor, constitutional liberty, or national obligation considered throughout this broad continent. Why, Mr. President, if this be true, and there is nothing to be talked about but uniforms and flags and drums and trumpets till the last Filipino is dead in the last ditch, Aguinaldo has beaten you already. He has driven you to eat the bravest word you ever spoke. He has driven you to spit on the memory of your Fathers; to trample on your oaths to support the Constitution; to substitute an empty drum for your brains, and a fife for your conscience; and to do your thinking from this time forward, not with your head, but with your heels.

Certainly the flag should never be lowered from any moral field over which it has once waved. To follow the flag is to follow the principles of freedom and humanity for which it stands. To claim that we must follow it when it stands for injustice or oppression is like claiming that we must take the nostrums of the quack doctor who stamps it on his wares, or follow every scheme of wickedness or fraud, if only the flag be put at the head of the prospectus. The American flag is in more danger from the imperialists than there would be if the whole of Christendom were to combine its power against it. Foreign violence at worst could only rend it. But these men are trying to stain it.

It is claimed—what I do not believe—that these appeals have the sympathy of the American people. It is said that the statesman who will lay his ear to the ground will hear their voice. I do not believe it. The voice of the American people does not come from the ground. It comes from the sky. It comes from the free air. It comes from the mountains, where liberty dwells. Let the statesman who is fit to deal with the question of liberty or to utter the voice of a free people lift his ear to the sky—not lay it to the ground.

Mr. President, it was once my good fortune to witness an impressive spectacle in this Chamber, when the Senators answered to their names in rendering solemn judgment in a great State trial. By a special provision each Senator was permitted, when he cast his vote, to state his reason in a single sentence. I have sometimes fancied that the question before us now might be decided not alone by the votes of us who sit here to-day, but of the great men who have been our predecessors in this Chamber and in the Continental Congress from the beginning of the Republic.

Would that that roll might be called. The solemn assembly sits silent while the Chair puts the question whose answer is so fraught with the hopes of liberty and the destiny of the Republic.

The roll is called. George Washington: "No. Why should we quit our own, to stand on foreign ground?"

Alexander Hamilton: "No. The Declaration of Independence is the fundamental constitution of every State."

Thomas Jefferson: "No. Governments are instituted among men deriving their just powers from the consent of the governed. Every people ought to have that separate and equal station among the nations of the world to which the laws of nature and of nature's God entitle them."

John Adams: "No. I stood by the side of Jefferson when he brought in the Declaration; I was its champion on the floor of Congress. After our long estrangement, I come back to his side again."

James Madison: "No. The object of the Federal Constitution is to secure the union of the thirteen primitive States, which we know to be practicable, and to add to them such other States as may arise in their own bosoms or in their neighborhood, which we can not doubt will be practicable."

Thomas Corwin: "No. I said in the days of the Mexican war: 'If I were a Mexican, as I am an American, I would welcome you with bloody hands to hospitable graves'; and Ohio to-day honors and loves me for that utterance beyond all her other sons."

Daniel Webster: "No. Under our Constitution there can be no dependencies. Wherever there is in the Christian and civilized world a nationality of character, then a national government is the necessary and proper result. There is not a civilized and intelligent man on earth that enjoys satisfaction with his condition if he does not live under the government of his own nation, his own country. A nation can not be happy but under a government of its own choice. When I depart from these sentiments I depart from myself."

William H. Seward: "No. The framers of the Constitution never contemplated colonies or provinces at all. They contemplated States only; nothing less than States—perfect States, equal States, sovereign States. There is reason, there is sound political wisdom, in this provision of the Constitution—excluding colonies, which are always subject to oppression, and excluding provinces, which always tend to corrupt and enfeeble and ultimately to break down the parent State."

John Marshall: "No. The power to declare war was not conferred upon Congress for the purpose of aggression or aggrandizement. A war declared by Congress can never be presumed to be waged for the purpose of conquest or the acquisition of territory, nor does the law declaring the war imply an authority to the President to enlarge the limits of the United States by subjugating the enemy's country."

John Quincy Adams: "No. The territories I helped bring into the nation were to be dwelt in by free men and made into free States."

Aaron Burr: "Yes. You are repeating my buccaneering expedition down the Mississippi. I am to be vindicated at last!"

Abraham Lincoln: "No. I said in Independence Hall at Philadelphia, just before I entered upon my great office, that I rested upon the truth Thomas Jefferson has just uttered, and that I was ready to be assassinated, if need be, in order to maintain it. And I was assassinated in order to maintain it."

Charles Sumner: "No. I proclaimed it when I brought in Alaska. I sealed my devotion with my blood, also. It was my support and solace through those many long and weary hours when the red-hot iron pressed upon my spine, the very source and origin of agony, and I did not flinch. He knows our country little, little also of that great liberty of ours, who supposes that we could receive such a transfer. On each side there is impossibility. Territory may be conveyed, but not a people."

William McKinley—William McKinley: "There has been a cloud before my vision for a moment, but I see clearly now; I go back to what I said two years ago: 'Forcible annexation is criminal aggression; governments derive their just powers from the consent of the governed, not of some of them, but of all of them.' I will stand with the Fathers of the Republic. I will stand with the founders of the Republican party. No."

Mr. President, I know how imperfectly I have stated this argument. I know how feeble is a single voice amid this din and tempest, this delirium of empire. It may be that the battle for this day is lost. But I have an assured faith in the future. I have an assured faith in justice and the love of liberty of the American people. The stars in their courses fight for freedom. The Ruler of the heavens is on that side. If the battle to-day go against it, I appeal to another day, not distant and sure to come. I appeal from the clapping of hands and the stamping of feet and the brawling and the shouting to the quiet chamber where the Fathers gathered in Philadelphia. I appeal from the spirit of trade to the spirit of liberty. I appeal from the Empire to the Republic. I appeal from the millionaire, and the boss, and the wire-puller, and the manager to the statesman of the elder time, in whose eyes a guinea never glistened, who lived and died poor, and who left to his children and to his countrymen a good name far better than riches. I appeal from the Present, bloated with material prosperity, drunk with the lust of empire, to another and a better age. I appeal from the Present to the Future and to the Past. [Applause in the galleries.]

The PRESIDENT pro tempore. Visitors in the galleries will please remember that under the rules of the Senate no expressions of approval or disapproval are permitted, and if there is a repetition of the applause the Sergeant-at-Arms will be required to clear the galleries at once.

APPENDIX.

The Government of the Filipinos has considered it its duty to expound before the civilized nations the happenings which caused a rupture of its formerly friendly relations with the army of the United States in these islands in order that they should come to be convinced that on my side everything has been done to avoid said rupture, even at the cost of many rights which were thus sacrificed without use.

After the naval battle, which had taken place on the 1st of May, between the American and the Spanish squadron the commanding officer of the latter consented to my return from Hongkong to this beloved soil, and distributed even amongst the Filipinos a number of rifles found in the arsenal at Cavite, without doubt for the purpose that I should again start the revolution, which, owing to the treaty of Biak-na-Bato, had become extinct to some extent, and in order to secure thus the help of the Filipinos.

At the outbreak of the hostilities between America and Spain the inhabitants had fully comprehended that now the moment had come to take up again the arms in behalf of their struggle for liberty, they being sure that the latter nation would be vanquished and would never again be in a position to lead them on to the way of prosperity and progress; they, therefore, rejoiced at my arrival, and I had the honor to be chosen their chief, owing to the services which I had been able to render in the previous revolution. Thereupon all Filipinos, without distinction of rank and classes, took up arms, and each province hastened to drive the Spanish troops from within its boundaries. Thus it it explained how it is possible that, after so short a time, my Government dominates to-day over the whole of Luzon, in the Visayan Islands, and in a part of Mindanao.

Although the Americans have not had any share whatever in the military operations that have cost so much blood and money, my Government is ready to acknowledge that the destruction of the Spanish squadron and the turning over to us of a number of rifles from the arsenal has had a certain influence on the progress of our army. Besides that, it seemed a matter of certainty that the

American troops would needs have to sympathize with a revolution which they fomented, and which has saved them so much blood and fatigues, and, above all, I had such unbounded confidence in the history and the traditions of a nation which had fought for independence and against slavery, and which appeared as the champion of liberty of the oppressed and downtrodden nations.

Seeing the Filipinos thus friendly disposed toward them, the Americans disembarked their forces at Parañaque and took positions along the whole line occupied by my troops as far as Maytubig, taking hold by means of astuteness not free from force of a great many trenches constructed by my sappers; they caused the garrison of Manila to surrender, which, owing to its being hedged in by my forces, had to surrender after the first attack, in which I took a most active part, although I had not been notified of its date, my troops advancing as far as Malate, Ermita, Pako, Sampalok, and Tondo, all parts of Manila.

Notwithstanding these services, and although the Spaniards would surely not have surrendered had not my troops cut off all possibility of a retreat to the interior, the American generals not only did not even mention me when stipulating the details of the capitulation, but they moreover demanded the withdrawal of my troops from the port of Cavite, and from the suburbs of Manila.

I submitted to the American generals that I had not been treated justly, and I asked them in courteous terms that they should acknowledge at least to some extent my cooperation, but they were deaf to my entreaties.

Being all the same desirous of showing friendship and good feeling toward those who pronounced themselves the liberators of the Philippine nation, I withdrew my troops from the port of Cavite, and from the suburbs of Ermita, Malate, Sampalok, and Tondo, only retaining a part of the suburb of Pako.

In spite of these concessions, it lasted but a few days before Admiral Dewey, without any given motive, took away our launches, which with special consent of his had been stationed in the Bay of Manila. Almost at the same time I received a letter from General Otis, commander in chief of the American army of occupation, demanding that I should withdraw my troops from the territory which he had pointed out in a plan accompanying said letter, the territory including even the township of Pandakan and the quarter of Singalong, which had never belonged to the city limits.

In view of this unqualifiable proceeding of the two American chiefs I held a war council, and consulted also the opinion of my privy council, and in agreement with the opinion given by them I nominated commissioners, who were to come to an understanding with the above.

Although the reception accorded by Admiral Dewey to my commissioners was anything but pleasant, he not even allowing them to speak to him, I nevertheless conceded to the friendly entreaties of General Otis, withdrawing my army to the territory pointed out by him, in order to avoid all contract with his troops—a matter that had come to cause a good deal of trouble; when doing this I confidently hoped that, the conference at Paris having come to an end, my people would obtain the freedom promised to them by Mr. Pratt, the consul-general at Singapore, and that then the friendship which so often had been expressed in the manifestations and speeches of the American generals who had come to these parts would be definitely insured.

Matters, however, did not turn out that way: The generals referred to considered the delegates which I had sent to them in the behalf of peace as a proof of my weakness; and thus it happened that, their ambitious designs increasing, they sent a force to Iloilo on the 26th of December last in order to seize as conquerors that part of the Philippines which also belonged to my government.

Such a proceeding which is so far removed from the line of action followed by the civilized nations, entitles me to proceed without any further consideration. But nevertheless, in order to be correct in my actions up to the end, I sent commissioners to General Otis, asking him to desist from so temerarious an undertaking. The same were, however, not listened to.

My government can not remain indifferent in view of a violent and aggressive usurpation of a part of its territory by a nation which has styled itself the champion of the oppressed people; and it is, therefore, ready to start hostilities, should the Americans try to carry out the occupation of the Bisayan Islands.

I denounce these actions before the whole world, in order that the public conscience should, by its inflexible judgment, clearly designate those who really are the oppressors and the hangmen of humanity.

On their heads may fall all the blood which will be spilled.

EMILIO AGUINALDO.

MALOLOS, *January 5, 1899*.

"Revolucion" of the 19th of January, 1900.

BENJAMIN F. BURGESS.

Mr. CHANDLER. I ask unanimous consent for the present consideration of the bill (S. 743) to relieve Benjamin F. Burgess of the charge of desertion.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate shall presently consider a bill which will be read.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War is authorized to remove from the record of Benjamin F. Burgess, a private of Company C, First Battalion Maine Infantry Volunteers, the charge of desertion and to issue to him a discharge as of date June 17, 1865: *Provided*, That no pay, bounty, or allowance shall accrue to said Burgess by this act.

Mr. CHANDLER. I desire to state that I ask present consideration for this bill by request of the junior Senator from Maine [Mr. FRYE]. There is a report in its favor from the Military Committee, Report No. 548, of the present Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BELLE BEAN.

Mr. GALLINGER. The Senator from Montana yields, that I may present a report from the Committee on Pensions. I am directed by the Committee on Pensions, to whom was referred the bill (S. 4215) granting a pension to Belle Bean, to report it favorably without amendment, and as this is a bill granting $8 a month to a poor widow, I ask unanimous consent that it be now considered.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Belle Bean, widow of Leonard W. Bean, late of Company E, First Regiment New Hampshire Cavalry Volunteers, and to pay her a pension at the rate of $8 per month and $2 per month additional for her minor child, Amanda F. Bean, until the child reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I ask unanimous consent that the Senate now proceed to the consideration of Senate bill 3419, known as the Alaska bill.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill known as the Alaska bill. Is there objection? The Chair hears none, and it is so ordered.

CLAIMS OF CERTAIN STATES AND THE CITY OF BALTIMORE.

Mr. DANIEL. By the courtesy of the Senator from Montana, I wish to call up a bill. I ask the Senate to proceed to the consideration of the bill (S. 4024) directing the Secretary of the Treasury to reexamine and resettle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The bill will be read for the information of the Senate.

Mr. CARTER. I yielded with the understanding that the bill will be withdrawn if it leads to any protracted discussion.

Mr. DANIEL. Yes, sir; if there is any objection. The bill has passed several times, I will state, and I think it is very well understood.

The PRESIDING OFFICER. The bill has been read at length heretofore. Is there objection to its present consideration?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

Mr. CARTER. Mr. President, the pending amendment is the amendment offered by the Senator from North Dakota [Mr. HANSBROUGH].

Mr. SPOONER. I suggest that the amendment be read.

Mr. NELSON. I should like to hear the amendment read.

The PRESIDING OFFICER. The amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH] will be stated.

The SECRETARY. It is proposed to strike out section 73, on page 469, and in lieu thereof to insert:

SEC. 73. That persons who are not citizens of the United States, or who prior to making location had not legally declared their intention to become such, shall not be permitted to locate, hold, or convey mining claims in said district of Alaska, nor shall any title to a mining claim acquired by location or purchase through any such person or persons be legal. In any civil action, suit, or proceeding to recover the possession of a mining claim, or for the appointment of a receiver, or for an injunction to restrain the working and operation of a mining claim, it shall be the duty of the court to inquire into and determine the question of the citizenship of the locator: *Provided*, That no location of a mining claim shall hereafter be made in the district of Alaska by any person or persons through an agent or attorney in fact, and all locations heretofore made by any person or persons through an agent or attorney in fact upon which $100 worth of labor or improvements had not been expended or made within ninety days first succeeding the date of such location are hereby declared to be null and void.

Mr. SPOONER. Mr. President, to the latter clause of that amendment I have, so far as I now know, no objection.

Mr. STEWART. Is that to apply immediately?

Mr. SPOONER. To apply immediately. So far as the amendment is prospective in its operation I have no objection to it. The amendment, so far as it is a retrospective proposition, seems to me to be one entirely vicious. Upon what principle it is supported or upon what argument it is sustained I have not learned. When it was debated I was absent from the Chamber and from the city.

This bill is to provide a civil code for Alaska, Mr. President, in the main, I suppose—in fact, I know—carefully prepared. It seems to me that it should contain no provision which could interfere in any way with the private rights heretofore accrued in that Territory. Retrospective legislation affecting individual rights, if within the power of the legislature, is generally abhorrent.

My attention has been called to this particular amendment by constituents of mine who are interested in it. What is behind the proposition I do not know. That it is exceptional in its character—unique—I think is very clear. A wiser course for Congress to pursue, so far as questions touching the validity of existing

rights in that Territory or in any other Territory are concerned, is to leave those questions to be determined by the courts. If anyone in Alaska claims title to a mine under proceedings which are invalid, we have provided hitherto, and we provide by this bill, tribunals for the determination of the validity of such titles or claims—tribunals where every man interested can have his day in court, and where if a subordinate or inferior tribunal, in the judgment of either party, errs, an appeal can be taken. This is not a tribunal which ought by its decree either to attempt the solution in a legislative way of matters of private right or to cast clouds upon the titles or alleged titles of the men who hold them.

Mr. TELLER. Mr. President, as I said the other day, I think this is an important question, and I ask the Senator from Wisconsin to yield to me a moment.

Mr. SPOONER. Certainly.

Mr. TELLER. I think the Senate ought to be here, and I want to call the attention of the Presiding Officer to the fact that there is not a quorum present and ask to have the roll called.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Frye,	McLaurin,	Simon,
Bard,	Gallinger,	McMillan,	Spooner,
Bate,	Hanna,	Martin,	Stewart,
Berry,	Hansbrough,	Mason,	Sullivan,
Burrows,	Harris,	Money,	Teller,
Carter,	Hawley,	Nelson,	Tillman,
Chandler,	Heitfeld,	Perkins,	Turley,
Clark, Wyo.	Jones, Ark.	Pettus,	Turner,
Cockrell,	Kean,	Platt, Conn.	Vest,
Daniel,	Kenney,	Rawlins,	Warren,
Davis,	Lodge,	Ross,	Wellington.
Deboe,	McComas,	Scott,	
Foraker,	McCumber,	Sewell,	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present, and the Senator from Wisconsin [Mr. SPOONER] has the floor.

Mr. SPOONER. Mr. President, I repeat—and I think every Senator here will agree with me about it—that any question of contested private right, the validity of the assignment of mining locations or the validity of mining locations, should be left to the courts to determine, and that they should not be disposed of by legislative provision declaring them invalid, or, for that matter, in a bill like this, declaring them valid. There is a certain remedy for anyone who claims that a mining location in Alaska was illegal or that any assignment of a mining location was illegal.

If it is desired or thought wise to provide here that no one but a citizen of the United States or an alien born who has declared his intention to become a citizen of the United States shall be permitted hereafter to locate a mining claim in Alaska, this is the proper bill in which to incorporate such a provision. That would be prospective in its operation; the whole world is bound to take notice of it; and any man who proceeds in disregard of it proceeds at his peril; but a proposition, which this is, to declare invalid locations which have been made by aliens, and to declare invalid assignments which have been made by locators—assignments not to aliens, but to American citizens who have expended large amounts of money in the development of the claims and who bought in good faith—is a proposition which ought not to commend itself to any member of the Senate.

Moreover, this amendment, as I understand it, Mr. President, violates a policy which has hitherto been announced by Congress as to the location of mining claims in Alaska. It may be well to change the policy. Of that I have nothing to say, but it should be changed, if it is to be changed at all, in language which makes the change prospective and which does not couple with it a retroactive provision, attempting to invalidate what heretofore has been done under authority of Congress. If I understand it, that is precisely what this amendment does.

I admit that under the general mining laws of the United States the right to make a mining location pertains to the citizen or to one who has declared his intention to become a citizen of the United States; but Congress made provision in 1883 upon this subject in a bill providing a civil government for Alaska, which was, as the Senator from Montana [Mr. CARTER] said yesterday, somewhat indefinite in some of its provisions, but in other of its provisions it is not indefinite. That act says:

Provided, That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them, but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress: *And provided further*, That parties who have located mines—

Not citizens of the United States, but—

that parties who have located mines or mineral privileges therein under the laws of the United States applicable to the public domain, or who have occupied and improved or exercised acts of ownership over such claims, shall not be disturbed therein, but shall be allowed to perfect their title to such claims by payment as aforesaid.

It was the obvious intention of Congress there to safeguard the interests of those, regardless of citizenship, who had located claims in the district or Territory of Alaska, who had made improvements upon their claims, invested money in their claims, and to permit them to perfect their title to them. But that is not all, nor the principal statute, which, it seems to me, the Senate should keep in mind in voting upon this amendment. Chapter 363 of the laws of 1897, entitled "An act to better define and regulate the rights of aliens who hold and own real estate in the Territories," provides—

That no alien or person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States in the manner provided by law, shall acquire title to or own any land in any of the Territories of the United States except as hereinafter provided.

I ask the attention of the Senate to section 2, which provides—

That this act shall not apply to land now owned in any of the Territories of the United States by aliens which was acquired on or before March 3, 1887, so long as it is held by the then owners, their heirs or legal representatives, nor to any alien who shall become a bona fide resident of the United States—

Not a citizen of the United States, but "bona fide resident of the United States"—

and any alien who shall become a bona fide resident of the United States, or shall have declared his intention to become a citizen of the United States in the manner provided by law, shall have the right to acquire and hold lands in either of the Territories of the United States upon the same terms as citizens of the United States.

The Supreme Court, in the case of the Steamer *Coquitlam vs.* The United States, reported in 163 United States, at page 352, decided that Alaska is one of the Territories of the United States; so that this statute applies to Alaska. But that is not all, Mr. President, for the statute says:

Provided, That if any such resident alien shall cease to be a bona fide resident of the United States, then such alien shall have ten years from the time he ceases to be such bona fide resident in which to alienate such lands.

Nor is that all.

This act shall not be construed to prevent any persons not citizens of the United States—

Could anything be plainer?

This act shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim, in any of the Territories of the United States.

Congress by this act distinctly declared, while the rule should be against alien ownership of land in the Territories, that a bona fide resident alien might acquire and hold lands in the Territories, and so far as mining claims were concerned, distinctly declared:

This act shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim, in any of the Territories of the United States

Nor is that all. Section 4 of this act provides:

That any alien who shall hereafter hold lands in any of the Territories of the United States in contravention of the provisions of this act may nevertheless convey his title thereto at any time before the institution of escheat proceedings as hereinafter provided.

There is distinct authority, unequivocal authority, for an alien to acquire mining claims in the Territory of Alaska, and there is unequivocal authority for an alien to acquire land in any of the Territories of the United States, with a provision that, even if acquired in contravention of the provisions of this act, he might make a lawful conveyance of it at any time prior to the escheat proceedings provided for under this chapter, which were to be taken in the name of the United States; and yet this proposed amendment, as I understand, operating retrospectively, attempts to declare void not only all locations made in Alaska by aliens, even if they be bona fide residents of Alaska, but all assignments made by aliens and resident locators of mining claims without regard to the good faith in which they were made or the expenditure of money with which, under the assignment, mining claims have been developed and the work of development has been prosecuted.

Mr. President, I do not wish to take the time of the Senate. If they want to change the policy of the future, if it is wise to do it, I have no objection to it; if it is desired to provide that hereafter no alien shall locate a mining claim in the Territory of Alaska, I have no objection to it if it commends itself to the wisdom of the Senate; if it is desired to provide that hereafter no assignment of a mining claim by an alien locator shall be valid, I have no quarrel with that, if it is wise legislative policy to so declare; but I do protest, Mr. President, against the proposition to be incorporated in the civil code of Alaska that claims which have been heretofore located under the authority of the United States, under the authority of an act of Congress, mining claims heretofore assigned to American citizens by the locator as distinctly authorized by law, shall be declared invalid. It is retroactive; and such legislation could only be redeemed from infamy, almost, by its invalidity.

Mr. HANSBROUGH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. SPOONER. I do.

Mr. HANSBROUGH. I desire to call the attention of the Senator to section 7, of chapter 363, the same section from which he has just been reading. I will ask the Senator what construction he places upon that section?

Mr. SPOONER. Section 7 reads as follows:

That this act shall not in any manner be construed to refer to the District of Columbia, nor to authorize aliens to acquire title from the United States to any of the public lands of the United States or to in any manner affect or change the laws regulating the disposal of the public lands of the United States. And the act of which this act is an amendment shall remain in force and unchanged by this act so far as it refers to or affects real estate in the District of Columbia.

I suppose that excludes aliens from the exercise of rights under the homestead law, and also——

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. SPOONER. Yes, sir.

Mr. CARTER. I think the Senator, upon reflection, will find that another construction is applicable. There is a marked and clear distinction between the right to locate a mining claim on the public domain and the right to hold a claim after purchase subsequent to the location. I think the alien land act contemplated, in allowing mining claims to become the property of aliens, the sale with the utmost freedom of located mining claims irrespective of the nationality of the purchaser; but it never was intended by that law, nor has any court in the country ever so held, to give unto the alien primary rights to go upon the public domain and make a location of his own, and to thereafter acquire title direct from the Government.

Mr. SPOONER. Well, Mr. President, it may be that no court, until the Senator from Montana has just rendered his decision, has ever declared under this act——

Mr. CARTER. I rendered no decision. I merely announced facts.

Mr. SPOONER. That the law does not give to the alien the right to locate a mining claim and acquire it.

Mr. CARTER. Does the Senator contend that it does?

Mr. SPOONER. I do contend that it does. This act is "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories." It says:

That no alien or person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States in the manner provided by law, shall acquire title to or own any land in any of the Territories of the United States except as hereinafter provided.

It says further:

This act shall not be construed to prevent any persons not citizens of the United States "from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim, in any of the Territories of the United States."

Evidently the policy of Congress as to the acquisition and holding by aliens of mining claims was different from the policy of Congress in permitting or as to permitting aliens to acquire and hold lands under the general land laws of the United States. If anything is clear——

Mr. NELSON. Will the Senator from Wisconsin allow me to make a suggestion bearing on this question?

Mr. SPOONER. Certainly.

Mr. NELSON. I think the true answer to the statement made by the Senator from Montana is this peculiarity in the mining law. A miner can explore and locate a mining claim and hold it year after year if he makes a hundred dollars' worth of improvements, without making a final entry or procuring a patent. I think and agree with the Senator from Montana, when it comes to the final act of procuring a patent, as in the case of other land entries, then a man has to be either a citizen of the United States or have declared his intention to become such. But, as I said, mining claims are different from all other land entries in this, that a man can locate and explore a mining claim without ever getting a fee title. He can simply be an occupant, go on and do a hundred dollars' worth of work every year, and in that way keep up his title as long as he lives.

Mr. SPOONER. Certainly, Mr. President, this is clear: It was the intention of this act not to preclude an alien from acquiring mining claims in the Territories or from holding mining claims in the Territories, and in that respect the policy of Congress as to mining claims differed from the policy of Congress as to the acquisition and holding of lands generally by aliens in the Territories. But this is clear, that where one had acquired the title to a mining claim, although in contravention of the act, what does the Senator say to that?—

That any alien who shall hereafter hold lands in any of the Territories of the United States in contravention of the provisions of this act—

You may apply that to mining claims or you may extend it to an agricultural land entry if you choose—

may nevertheless convey his title thereto at any time before the institution of the escheat proceeding as hereinafterp rovided.

Nor is that all. After the escheat proceeding is begun, the original acquisition having been made by an alien, this law gives him a right to perfect his title by making declaration of citizenship.

Mr. CARTER. There is no question about that.

Mr. SPOONER. It was intended obviously by this statute, and it is industriously prepared with reference to that to safeguard certain rights and interests in the Territories of resident aliens and other aliens against confiscation.

I wish to call attention again to section 4 in connection with section 7:

That any alien who shall hereafter own lands in any of the Territories of the United States in contravention of the provisions of this act.

In violation of the provisions of this act, making a case in which the court would be obliged, if the alien did not declare his intention to become a citizen seasonably, to escheat the land, may nevertheless convey it before the escheat proceedings are begun and pass good title to it, because it will not be imputed to Congress that this right to convey by an alien who has acquired it in violation of a statute is to be an empty thing. It was to protect bona fide purchasers, because a man can not always ascertain in a remote region whether the person through whom he takes an assignment or a conveyance has declared his intention or not.

Now, why should not this be left to the courts? It was the policy of Congress here to permit the alien to hold unless his title was attacked by the United States. This was a well-considered act of Congress. It was carefully drawn to prevent injustice. It was drawn, so far as these provisions are concerned, with sole reference to that. It was not drawn in the interest of men who, on technical grounds, desired to jump the claims of others, the assignees of aliens, or aliens themselves. It was to guard against such injustice as that, I take it, that Congress gave the right to an alien whose claim was being contested to perfect his title to it by making his declaration of citizenship. Anyway, why not leave this to the courts to determine? If the United States brings suit to escheat a mine located upon ground that was located by an alien he is invited into court; he is informed of the cause of action against him; he is given his day in court, and he is given his opportunity under this law to become a citizen and perfect his title. No such thing as that is proposed by this amendment. It is proposed to cut him off. It is proposed to repeal this law as to Alaska only. Why? For whom is it proposed? What special interest is behind it?

These matters should be regulated by laws general ordinarily in their operation. There should be no special law affecting titles in this way for Alaska. If there is any reason for the proposition that Congress shall repeal this act as to Alaska, shall usurp the functions of the courts, shall declare invalid assignments and locations which under this law, I think, would be valid, and which, beyond any question, could be made valid by a declaration of the locator to become a citizen, I should like to know what the reason is. Of course I acquit Senators—I need not say that—from any possible motive, except a good one, in framing this amendment; but if there is any reason why this retroactive provision should be incorporated in a civil code for Alaska I have not heard what it is.

Mr. CARTER. Mr. President, I sincerely regret the interjection of this debated and debatable question in connection with this code. The Committee on Territories steadily resisted all efforts from all quarters looking to the incorporation in this proposed code of laws of any question liable to lead to any extended debate. The bill as prepared enacts certain general laws following in the main the laws of the State of Oregon and provides certain lines of procedure in addition to making provision for necessary officers to administer the laws.

After the bill reached this Chamber certain Senators objected to the section known as section 73, to which the Senator from North Dakota [Mr. HANSBROUGH] presented an amendment. When that section was drawn to my attention it seemed to me improper that it should be continued in the bill, and I thought it ought to have been stricken out. The Senator from North Dakota, however, felt that the situation required an affirmative statement relative to the subject-matter on which his amendment dwells. I would that this mining question had not been thrust into this bill, but unfortunately it is here and some disposition must be made of it. I know the Senate will do that which is wise and fair. I for one am unqualifiedly opposed to any species of legislation calculated to interfere with existing rights or the status of existing lawsuits. It seems to me that where parties have gone into court upon a given state of facts in the light of the law at the time it is unfortunate and frequently very unjust later to change the law as applicable to the facts.

But this debate has developed another thought which I think every Senator is concerned in meeting fairly. The suggestion has been made that any alien may proceed to the district of Alaska and locate a mining claim without any regard whatever to the place of his birth or his future intentions with reference to the Government of the United States. The Senator from Wisconsin, to whose attention I called what seemed to me a reasonable construction of

the alien land act, went beyond the question of holding and acquiring, and insisted that that implied necessarily the right to locate. I can not conceive of a condition more undesirable to be brought about at this day than would follow from notice to the world that the district of Alaska is open to the citizens of every country, inviting the Japanese and the Koreans and all the people of the Orient, the people of Russia just across Bering Sea, to come forward and locate the gold fields of Alaska and take the treasures therein found wheresoever they might please. Such notice would be in violence of the long-established policy of the Government of the United States announced in the first law ever passed by Congress for the disposition of the mineral lands and adhered to with an unbroken line of legislation from that day to this.

Mr. President, Dutch Harbor, the common inlet to Bering Sea for shipping, is only about 400 miles farther from Yokohama than from San Francisco. Suppose we give notice to the forty-three or forty-five million people of Japan that they, without disturbing their relations to the Japanese Government or changing their relations to our own Government, may proceed to Cape Nome and Cape York and on the whole of that Alaskan coast and there participate like our own citizens in the benefits which accrue to the locator of mining claims. It would be equivalent to turning Alaska over to the aliens who might desire to come there from all over the world. Now, sir, I do not think this policy ought to be embarked upon. If any existing law is susceptible of a construction that will permit it, it ought to be changed.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nevada?

Mr. CARTER. Certainly.

Mr. STEWART. Mr. Hubbard says he has brought a civil action to determine the right to certain claims located by Laplanders which Mr. Lane has bought. He is an attorney. He has filed his affidavit. He has brought civil action to determine title. This amendment provides——

Mr. CARTER. I will spare the Senator the time by stating that in so far as I am concerned I shall propose a substitute for the amendment.

Mr. STEWART. This amendment provides:

> In any civil action, suit, or proceeding to recover the possession of a mining claim, or for the appointment of a receiver, or for an injunction to restrain the working and operation of a mining claim it shall be the duty of the court to inquire into and determine the question of the citizenship of the locator.

Now, he has got his action pending, and this makes it the duty of the court to inquire into the citizenship of the locator, contrary to the decisions of the Supreme Court of the United States. If that be the law, all right. Why come here and ask for a law to change the status of the case and to inquire into the citizenship of the locator when he could not do it otherwise.

Mr. CARTER. It was the settled law of every mining State and Territory in this Union up to a recent date that the citizenship of the locator could be put in issue by any party to an action concerning title to a mining claim.

Mr. STEWART. If that be true, let me ask the Senator why pass a law to that effect after suit is brought? Are you in favor of changing the law? Are you in favor of passing a law that will affect a particular suit after the suit is brought? Here is a proposed law that we say changes the relations of the parties. I say if that be the law, if he has the law now, let him stay in the courts. They have all the courts open to them by the general mining law. But this makes it a rule of action. If it is now a rule of action, there is no use for it. If it is a new rule of action and destroys property rights, then it is taking one man's property and giving it to another.

Mr. CARTER. I understand the Senator's question. With reference to the question, if the Senator had been a little patient I think he would have been satisfied before I concluded. I have heretofore stated that I was sorry this question had been interjected here, but since——

Mr. STEWART. Are you in favor of it or not? We want to know. You are in charge of the bill.

Mr. CARTER. You will hear to your entire satisfaction if you will permit me to answer.

Mr. STEWART. I should like to have an answer to the question.

The PRESIDING OFFICER. The Senator from Montana is entitled to the floor.

Mr. CHANDLER. The Senator from Montana should address the Chair and not address the Senator from Nevada.

Mr. CARTER. I am delighted to get instructions from the Senator from New Hampshire. He is always kind and considerate and a very wise counselor.

Mr. CHANDLER. I am only afraid there will be a collision between the two Senators, and the rules of order will prevent that if they are observed in the Senate.

The PRESIDING OFFICER. Senators, the Chair is sure, will observe the rules which have been made for the government of the body.

Mr. CARTER. At the outset I took occasion to state what I reiterate now, to the end that the Senator from Nevada may understand, that I am unqualifiedly opposed to disturbing the relations of parties to existing lawsuits, to indulge here in retroactive legislation. But since the assertion has been made that aliens without restriction of any sort may locate mining claims in Alaska, acquire them under the mining laws of the United States, the very notice itself requires that we should pass some sort of an amendment which would meet that proposed situation. I intend before concluding here to offer a substitute for the amendment offered by the Senator from North Dakota, which I will ask him to accept. I will read it now for the information of Senators.

Mr. SPOONER. Will the Senator from Montana permit me for a moment?

Mr. CARTER. Certainly.

Mr. SPOONER. I hope the Senator from Montana did not understand me as antagonizing at all his suggestion that the mines there should not be left open to aliens, come from wherever they might. I made no objection to that whatever; only I stated that I wished it to be prospective.

Mr. CARTER. Certainly.

Mr. SULLIVAN. Will the Senator from Wisconsin permit a question?

Mr. SPOONER. Certainly.

Mr. SULLIVAN. Any right to a mining claim that has heretofore vested under the existing law could not by this kind of an act be divested, could it?

Mr. SPOONER. Probably not.

Mr. SULLIVAN. If by this kind of an act no right heretofore existent under the law can be divested, what is the objection to it?

Mr. SPOONER. It casts doubt upon the title. It impeaches, so far as Congress by legislation can do it, the validity of conveyances and assignments. It serves no useful purpose, for it is as easy to make the law prospective as it is to make it both prospective and retroactive. I never have heard before that it was an argument fairly to be urged in favor of a proposition that it would not be valid if enacted.

Mr. STEWART. It would be valid.

Mr. SPOONER. Or that it might not be valid if enacted.

Mr. STEWART. It would be valid.

Mr. SPOONER. I do not know whether it would be.

Mr. STEWART. It would be valid, because the Supreme Court of the United States has over and over again held that an act of Congress can deal with public lands under all the laws—the preemption law, the mining law—until the money is accepted and the transaction is concluded so far as the purchaser is concerned. Then it becomes a vested right. Otherwise it is inchoate and subject to legislation, and until the patent is issued or the proceedings have gone so far that the money is accepted and the title is completed Congress may act, and an act of Congress will take one man's property and give it to another and he will have no recourse whatever.

Mr. CARTER. That rule, however, will not hold as to a mining claim.

Mr. SPOONER. I did not suppose it applied to mining claims. I knew it did to homesteads.

Mr. SULLIVAN. As to this provision on the second page, line 1—

> And all locations heretofore made by any person or persons through an agent or attorney in fact upon which $100 worth of labor or improvements had not been expended or made within ninety days first succeeding the date of such location are hereby declared to be null and void.

That is inchoate; that is incomplete. The title has not vested there, and I do believe that the legislation would control that. I do not believe in permitting aliens to come in and take the property that belongs to the United States and for which we have paid. I do not believe in trying by law to divest a right which has been not only vested but where they have expended a reasonable amount of money. But where they have merely located, as in the case of the Laplanders, who went there for other purposes and have gone on there and made locations with no idea, to begin with, of becoming citizens, I do not believe they should be permitted to go in there and root out American citizens and take possession of that valuable region. I do not believe in that. I do think under this last clause here you could cut off rights where they have not completed them by compliance with the law. But when the Senator from Wisconsin suggested that this thing could not be done, then I asked, how does it hurt if it can not be done by this proposed legislation?

Mr. STEWART. It seems to me——

Mr. CARTER. I wish to conclude the observations I was making.

The PRESIDING OFFICER. The Senator from Montana is entitled to the floor.

Mr. CARTER. I was interrupted.

Mr. STEWART. I will take the floor when the Senator from Montana is through. I wish to make some observations which I think pertinent to this matter.

The PRESIDING OFFICER. The Senator from Montana is entitled to the floor. He yielded to the Senator from Nevada and then to the Senator from Mississippi. The Senator from Montana will proceed.

Mr. CARTER. I can not fully concur in the views of the Senator from Wisconsin, wherein he contends that under the act of 1884 any person, regardless of nationality, may hold a mining claim in Alaska, citizenship or declaration to become a citizen to the contrary notwithstanding. The act of 1884 was the act under which the mining laws were extended to the district of Alaska. Prior to that date no law applied to that district under which a mineral location could be made. Having in view, however, the fact that qualified persons, and in great numbers, too, had actually staked out, and had worked for many years, a great many mining claims in the district of Alaska, the legislation is made curative, and it provided, as suggested by the Senator from Wisconsin—

That parties who have located mines or mineral privileges therein under the laws of the United States applicable to the public domain, or who have occupied and improved or exercised acts of ownership over such claims, shall not be disturbed therein, but shall be allowed to perfect their title to such claims by payment as aforesaid.

That is, persons who, in conformity with the general principles of the laws relating to the acquisition of mining claims on the public domain——

Mr. SPOONER. Or——

Mr. CARTER. Or who happened to hold temporary possession. A unique condition existed. The treaty of cession required us as a matter of good faith and treaty stipulation with the Empire of Russia to extend certain privileges to persons who resided in the district of Alaska at the time of cession. There were certain Indians residing in the district whose relations to the law and the Government, to its citizenship, were somewhat confused. There were certain missionaries who occupied given tracts of country, and their relations to the Government of the United States were not well defined or clearly understood. For the purpose of meeting all these varied conditions, with no intention whatever that this curative legislation should be projected into the future, but to relieve persons then being in Alaska from the misfortune which might occur because of failure of title proceeding from the absence of law at the time the title was initiated by the location this curative legislation was provided.

There was no pretense that it was intended to go into the future. It was a bill of repose, if you please. It quieted title. It eliminated the prospect of litigation. It gave poor people relief, and with the relief then and there granted to the people to whom the act applied that portion of the act fulfilled its mission and has no further relation to our law.

Mr. JONES of Arkansas. The Senator from Montana stated a few moments ago that he would read an amendment which he intended to ask the Senator from North Dakota to accept as a substitute. I should be glad if he would read it.

Mr. CARTER. Will the Senator permit me for one moment before reading the amendment? The alien act of 1887, to which the Senator refers, absolutely prohibited the holding of realty within the District of Columbia and the Territories by an alien under any circumstances whatever. For many years I remember during a brief experience in the House of Representatives I contended for the repeal of that portion of the law which related to the holding of mining claims. This prohibition retarded the investment of foreign capital in the Territories. We wanted to take the mining claim out of the inhibitions of that law. We were frequently defeated in the House, but finally, however, in 1897, the present law was passed, which excepted town lots and mining claims, but provided in its last section that the general laws of the United States relating to the acquisition of title should not be disturbed.

Now, from all these laws taken together it may be possible that the Senator's conclusion is correct, that anybody can locate a mining claim in the district of Alaska. I do not think that ought to continue to be so. I believe that the man who went out and fought on our side in the Spanish-American war ought to have a little better right than the man who fought on the other side or who was over in Japan selling the necessaries of life to our troops.

I do not believe we ought to give this gold-bearing domain to persons who have not interest enough in our Government to declare their intention to become a member of the family. Yet there are some drastic features about the amendment of the Senator from North Dakota which I think might well be eliminated, and as a reasonable way out of this whole matter I suggest as a substitute to strike out sections 72 and 73——

Mr. SPOONER. There seem to be different prints. What is the page?

Mr. CARTER. It is in a different title. I assume that there are three titles in the code.

Mr. HANSBROUGH. It is on page 469.

The PRESIDING OFFICER. The Chair is informed that it is on page 469.

Mr. CARTER. I suggest that we strike out sections 72 and 73 and insert as a substitute for the amendment of the Senator from North Dakota:

Nothing in this act shall be construed to authorize aliens who have not declared their intention to become citizens of the United States to locate mining claims or to acquire title from the United States to any of the public lands of the United States in the district of Alaska, or to in any manner affect or change the laws regulating the disposal of the public lands of the United States in said district.

Mr. SPOONER. If the Senator will permit me just a moment, what will be the effect of the language "or to acquire title?"

Mr. CARTER. The purpose of the amendment is to leave the law practically as it is, I will state to the Senator, in that particular. Now, then, the amendment continues:

In any civil action, suit, or proceeding hereafter arising in the courts of said district all questions touching upon the competency of the parties to enter or locate public lands shall be considered and determined by the court.

Now, for over thirty years this was the recognized law in all the States and Territories. It is a pretty severe thing to contemplate in an ejectment suit that an alien holding his title, not having declared his intention to become a citizen of the United States, and a citizen compelled to stand mute and not put an issue to the fact that this defendant or plaintiff, as the case may be, is utterly incapable under the laws of the country of holding the property.

It has been held by the Supreme Court of the United States that the sovereignty alone, the Government, by a proceeding in the nature of office found, a proceeding to raise the question of citizenship——

Mr. TELLER. I wish to ask the Senator a question. I understood him to say that this question had been tried in the courts of the United States—that is, that the courts took jurisdiction of the question and determined whether the miner was a citizen or not. Will the Senator mention any case?

Mr. STEWART. A suit between private parties.

Mr. TELLER. A suit between private parties.

Mr. CARTER. The Senator will find that proposition, with a wilderness of authorities cited in favor of it, in the case of Tibbets et al. *vs.* Ah Tong, in 4 Montana. The supreme court of Montana held, in an opinion delivered by Wade, chief justice, that the right to possess a mining claim and the right to perfect title were a part of the same grant, and that neither can exist without the other. "If, therefore, the grant by assignment or conveyance falls upon an alien incapable of making a location, his possession is of no consequence."

Now, Mr. President——

Mr. TELLER. Will the Senator wait a moment? I want to say to the Senator that the United States district judge of the United States court in the State of Colorado held to the same doctrine at one time; but the court of appeals unanimously overruled it, and that was the only case that I ever have known in a very extended mining practice where that question was ever raised, where it was allowed to be raised.

Mr. CARTER. I think, to-day, notwithstanding the decision of the Supreme Court and all the cases that have been adjudicated, and I have carefully read each, in an ejectment suit commenced by an alien who claimed to have located a mining claim, the alien, finding a citizen in possession claiming another location, would be compelled to plead his citizenship, or having declared his intention to become such, and could not avoid that proposition.

Mr. TELLER. That is the Senator's opinion.

Mr. CARTER. That is the opinion I have formed, deducible from the authorities.

Mr. TELLER. I am pretty familiar with what has been the practice in the Colorado courts, and I assure the Senator that I know of only one case, and that the court of appeals very promptly overruled.

Mr. CARTER. Again, in 17 Pacific Reporter, the supreme court of Idaho held—

That under the act of Congress of May 10, 1872, only citizens of the United States and persons who have declared their intention to become such can acquire any right of possession by location or otherwise of mineral lands on the public domain.

The authorities upon that subject are very numerous, and I do not believe when the Senator comes to look up the authorities (I have a list of them here) he will find that prior to the recent date any court in the West, in the mining States or Territories, denied the right of a party to a suit to raise the question of citizenship.

Mr. TELLER. If the Senator will allow me to make a suggestion, if that is so, why not rest upon it? Why do you want to come here and introduce some new rule of law? If the courts are open to that question, why not settle that question in the courts and not here?

Mr. CARTER. Mr. President, I think that rule of law has been changed by the decision of the Supreme Court of the United

States except in this, that I believe in an ejectment suit an alien plaintiff could not recover on the strength of his own title.

Mr. TELLER. Then let it rest there.

Mr. CARTER. But there may be other suits than ejectment. There may be suits to quiet title. I believe that the man who claims a right under the laws of the United States, and who is notoriously known not to be qualified to exercise it, should suffer the plaintiff for defendant, or the other party to the action, to put that question in issue and have it determined. I offer this suggestion——

Mr. NELSON. Will the Senator from Montana allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Montana yield?

Mr. CARTER. It is something that I hoped might be accepted by both sides. I think no violence will be done by allowing the question to be raised in actions hereafter.

Mr. NELSON. Will the Senator allow me to ask him a question?

Mr. CARTER. Certainly.

Mr. TELLER. Let me say that the Senator's amendment goes beyond that.

Mr. NELSON. I was about to remark that the Senator's amendment is clearly retroactive. If he has only one purpose to subserve, you can put it in a few words and say that hereafter no person who is not a citizen of the United States or has declared his intention to become a citizen shall be entitled to locate and to secure a mining claim, and stop with that.

Mr. STEWART. I wish to suggest to the Senator that before the mining laws are radically changed without the consideration of a committee and in a running debate, nobody knowing what is done, I propose to be heard at length. I am the author of the mining laws now in existence, every one of them. I drew them with my own hand, after submitting them to the miners, for years. I have been chairman of the Committee on Mines and Mining for many years. If there is to be an amendment of the mining laws, it is legitimate that it shall be considered by a committee appointed for that purpose. I protest, and I want to be heard, and I shall take some time. There is not time to-day, but I want a couple of hours, it may be three hours. I do not propose to have the mining laws changed in this way.

Mr. CARTER. There is no objection to the suggestion of the Senator from Minnesota, unless the Senator from North Dakota objects.

Mr. STEWART. I have objection to tinkering with the mining laws in this irregular way. It is too important. This bill relates to a civil code, and if we are to drag into it an amendment of the mining laws it should be considered by a committee, and I would not undertake to amend the mining laws without submitting it to the miners, as was done before, sending it out and getting comments on it. It took six years to get the information on which the mining law of 1872 was formed. It was printed every year and thousands of copies sent out, and the result of what came in was reprinted and sent out again for six years. To make mining laws here when there is a misunderstanding all around, to make mining laws in a bill which is a civil code of procedure, I shall protest against, and I want to be heard thoroughly against all interference with the mining laws in this way.

It is perfectly evident that this is to fit a particular suit. Here is the affidavit of Mr. Hubbard, the attorney, offered by the Senator from North Dakota. Mr. Hubbard swears as follows:

> Oliver P. Hubbard, being duly sworn, on oath says that he is a citizen of the United States, an attorney at law, engaged in the practice of his profession at Nome City, in the Cape Nome mining district, district of Alaska, United States of America; that he first went to Alaska in the spring of 1898; that he is a member of the law firm of Hubbard, Beeman & Hume, of Nome City, Alaska; that the members of the firm are Edwin R. Beeman, formerly a practicing attorney of Minneapolis, Minn., and William I. Hume, formerly a practicing attorney at Portland, Oreg., and this affiant, formerly a practicing attorney at Chicago, Ill.
>
> Affiant says that the firm of Hubbard, Beeman & Hume are attorneys in a number of mining suits now pending in the United States district court for the district of Alaska; that among others are suits brought to recover the possession of certain mining claims alleged to have been staked by alien Laplanders; that these claims were located by American citizens in the months of November and December, 1898.

And so on. He is attorney for these claimants. He has a suit pending in the court, and here is an amendment to win that suit, to take it out of that court or make a new rule for determining it. It is manifestly unjust to make any amendment to the mining laws that has not been considered by a committee. On that I desire to be heard to-morrow. I want a couple of hours so that I can explain fully the history of the mining laws; and then you will see the impropriety of tinkering with such an important subject in this irregular way.

Mr. BATE. I suggest the propriety of having the amendment printed.

Mr. STEWART. Let the amendment be printed.

The PRESIDING OFFICER. The amendment will be ordered printed, if there be no objection. The Chair hears no objection.

Mr. BATE. It is nearly 5 o'clock, and I ask the Senator if he will give way for a motion?

Mr. STEWART. That is entirely agreeable to me. There is not a full Senate now.

Mr. BATE. I move that the Senate proceed to the consideration of executive business.

Mr. STEWART. I will retain the floor and address the Senate when the subject comes up again.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, April 18, 1900, at 12 o'clock m.

NOMINATION.

Executive nomination received by the Senate April 17, 1900.

COMMISSIONER FOR ALASKA.

Hiram H. Folsom, of Alaska, to be commissioner in and for the district of Alaska, to reside at Juneau, vice Norman E. Malcolm, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 17, 1900.

GOVERNOR OF PORTO RICO.

Charles H. Allen, of Massachusetts, to be the governor of Porto Rico.

PROMOTIONS IN THE MARINE-HOSPITAL SERVICE.

Passed Asst. Surg. Thomas B. Perry, of Georgia, to be surgeon in the Marine-Hospital Service of the United States.

Passed Asst. Surg. Rell M. Woodward, of Indiana, to be surgeon in the Marine-Hospital Service of the United States.

MARSHAL.

John B. Robinson, of Pennsylvania, to be marshal of the United States for the eastern district of Pennsylvania.

COLLECTOR OF CUSTOMS.

Isaiah J. McCottrie, of South Carolina, to be collector of customs for the district of Georgetown, in the State of South Carolina.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 17, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill; and pending that motion, I would like to ask my colleague upon the other side if we can not agree upon a time to close general debate to-day?

Mr. CUMMINGS. Mr. Speaker, those of my colleagues who have used their hour agree with those who have not used their hour that the debate should last at least seven hours on our side. Our side demand the full seven hours. If none of them are prepared to speak, I suppose it would be in order to go on to the bill.

Mr. FOSS. Would the gentleman agree to close the debate at 5 o'clock to-night, one half of the time to be controlled by the gentleman from New York [Mr. CUMMINGS] and the other half by myself?

Mr. CUMMINGS. I will agree to close the debate at 5 o'clock if none of the members of the committee on this side of the House desire to speak at that time.

The SPEAKER. There has been no request for unanimous consent.

Mr. FOSS. I would like, Mr. Speaker, some agreement, if I can get it, and I ask unanimous consent to close debate at 5 o'clock to-night.

The SPEAKER. The gentleman from Illinois asks unanimous consent that general debate upon this bill close at 5 o'clock to-night.

Mr. CUMMINGS. On behalf of my colleagues, the minority of the committee, I feel constrained to object.

The SPEAKER. Objection is made, and the question is on the motion of the gentleman from Illinois to go into Committee of

the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Mr. FOSS. Before going into Committee of the Whole, I would like to yield to the gentleman from Kentucky [Mr. BOREING].

The SPEAKER. It is too late. The House has voted to go into Committee of the Whole.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. PAYNE in the chair, for the further consideration of the naval appropriation bill.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of an appropriation bill, the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes.

Mr. DAYTON. Mr. Chairman, it seems well to me, sir, that the acting chairman of the Naval Committee has called the attention of this House and of the country to the fact that this is the largest appropriation bill on behalf of the American Navy that has ever been presented to a Congress. And it seems well to me that the statement should be followed by that other, that larger appropriations in the future will be required by the Navy than even the one presented to the House at this time. I am satisfied and convinced that the American people realize this, and realize the necessity for it, because I believe the sentiment is abroad that upon the Navy depends the defense of the American people. I believe that we are realizing the fact that that institution, with a record unparalleled in the past, is capable and competent, and will be in the future the bulwark of the American defense.

At the same time, Mr. Chairman, it is well for us to call attention to the further fact that the Committee on Naval Affairs has not outlined a policy grossly extravagant, but one that is made necessary by the conditions that confront us, and because this institution, in my judgment, has not received at the hands of the American Congress in the past that liberal treatment that it should have received. Our appropriations this year—and I can speak for every member of the committee with whom I have been associated—have been scrutinized and studied as carefully as any of the appropriation bills that have been brought into the House within the five years I have been connected with that committee. There has been but one thought, one idea, and one purpose, so far as the general policy of the committee was concerned, and that has been to carefully scrutinize every item, thoroughly understand every subject, be informed upon every project and every proposed improvement.

The American Navy, Mr. Chairman, speaks for itself to-day. It has a very proud record in the history of the world, a record that every American, be he Democrat, Republican, or Populist, will rejoice to maintain in the future. There has been, unfortunately, presented for the first time from the Naval Committee a minority report upon some of the questions involved. Earnestly seeking and desiring to obtain a solution of these questions, and recognizing that it is natural for men to disagree and hold different opinions, I desire to say, in the first place, that in my judgment these disputed questions are immaterial to the general purpose and design of the bill.

Kindly, without seeking for one moment to hurt the feelings of any, I want to call the attention of the House to the fact that this minority report is signed by earnest, patriotic members of this committee, but by those who have had the least experience of any upon it in the past. I do not do an injustice to those members when I say that these questions are new to some of them, have come to them for the first time as members of the House Committee on Naval Affairs, while, on the other hand, they have been threshed over, considered, thought upon, investigated, and discussed by the other members of the committee for years and years.

And, Mr. Chairman, I deem it proper further to say that this minority report is signed by but one member of the Committee on Naval Affairs who has heretofore for a full term of Congress been a member of the committee.

I make this remark not for the purpose of casting any reflection upon the integrity, the patriotic purpose, or motives of these gentlemen, but solely that the House may understand that the members of this committee who for years have been discussing these abstruse and difficult questions stand to-day as a unit, both on the Republican and the Democratic side, in the conclusions which have been reached by the majority of this committee.

Mr. KITCHIN. May I ask the gentleman one question?

Mr. DAYTON. Certainly.

Mr. KITCHIN. Is not the gentleman from West Virginia mistaken in that statement? Did not the gentleman from New York [Mr. CUMMINGS] expressly state that he was against the majority of the committee in this matter of building ships in the navy-yards? I so understood him.

Mr. DAYTON. It is not necessary, Mr. Chairman, for us to enter into the details of the individual opinions of members touching some questions. I say to the gentleman that the gentleman from New York [Mr. CUMMINGS], the leader on the other side, upon this question, has not signed your minority report; neither has the gentleman from Louisiana [Mr. MEYER], who for years has been one of the most faithful, attentive, and earnest members of this committee.

These gentlemen have for ten, twelve, or fifteen years been members of this committee, and these propositions have come before the committee time and time again. The gentleman from New York has held the responsible position of chairman of this committee when the present minority was in the majority here; and I do not understand that on any of these questions he goes to the extent of disagreeing with the majority of the committee.

But, Mr. Chairman, that is neither here nor there. I recognize the fact, and stand here to proclaim it, that if the minority is right, no matter how much or how little their experience may be, they and their views should be followed, and not ours. I want to say that the majority of the Naval Committee does not shrink from meeting any of these questions that are presented; and if we can have a fair and full and complete hearing by the members of this House we are prepared to stand or fall upon the merits of every proposition.

And, first, Mr. Chairman, I want to call attention to the question of building ships in the navy-yards. In reference to that I wish to say that it is just and proper and right that the members of this House should bear in mind that we stand here to legislate for the country; not for any particular individual district. We stand here to protect the United States Treasury. We stand here to protect the American people from any unjust discrimination against them; and we stand here with the patriotic purpose always in view that we are to build up a navy on sea and not a navy on land; that we are to strengthen that institution which will make us respected abroad, will sustain our dignity in the courts of the world, and carry our flag with honor to the four quarters of the earth. [Applause.] And we, as public ministers, are to see to it that this is done economically, in the interest of the country, as I stated, and not in the interest of any particular district.

This proposition, Mr. Chairman, resolves itself, then, into this simple question: Is it cheaper, is it more expedient, is it better, is it more economical for us to build our ships in the American navy-yards than to build them by contract? Upon this proposition the Naval Committee has given the fairest, the fullest hearings to the advocates of this measure that, I undertake to say, has ever been given by any committee upon any question. We have called upon the very bone and sinew of this agitation to come before us. We have listened to those whose ambition in life is to carry this proposition through.

I think I make no misstatement when I say that the naval constructor, actuated by a laudable ambition which is to his credit, has no higher hope or aspiration than that he may control the land part of the American Navy, that he may have charge of the building up of this great institution, and that all the work necessary to equip and man the ships that are to carry our sailors shall be done under his direction and control. Therefore, as was stated yesterday, we have heard from the American naval constructors, and they have made out the best case, the strongest case, that could possibly be made in behalf of this proposition. Yet I undertake to say that every thoughtful, earnest man who will consider their own statements taken in connection with the statements of the Secretary of the Navy himself, who stands at the head of the whole institution—every thoughtful man who will take these statements and consider them fairly and impartially, unbiased by any prejudice in favor of these navy-yards, must reach the conclusion that this proposition is not for the best interests of the American people.

Mr. WHEELER of Kentucky. Will the gentleman allow a question?

Mr. DAYTON. Certainly.

Mr. WHEELER of Kentucky. Will the gentleman tell this Committee of the Whole whether or not there was any outside influence brought to bear on the Naval Committee in the consideration of these questions? Does he know anything of that kind?

Mr. DAYTON. Not the slightest, that I know of. As I stated, the fairest consideration has been given to the advocates of this proposition that I have ever known to be given by any committee on any subject.

Mr. WHEELER of Kentucky. Of course I do not mean to intimate that the committee was touched by any such influence; but will the gentleman state to the House whether or not there was a lobby here to prevent the adoption of the idea advocated by the naval constructors.

Mr. DAYTON. Why, my dear sir, I never heard of such a lobby against the proposition. I might turn around and say that

the only parties heard, and the only parties who pushed this matter, were the naval constructors themselves.

Mr. WHEELER of Kentucky. Oh, yes; the members of this lobby did not appear before the committee. But does the gentleman mean to say that he was not aware that the great shipbuilding firms of the United States had their representatives here to interview members of the committee?

Mr. DAYTON. I never heard of it.

Mr. WHEELER of Kentucky. Then the gentleman is not as potential on the committee as I thought, because every other member of the committee knew the fact.

Mr. DAYTON. I presume my friend from Kentucky will appreciate as I proceed how much potentiality or how little I may be able to claim in this matter.

But, Mr. Chairman, that is not here or there. Let me say that not a single man, either shipbuilder or anybody else, ever discussed the matter, so far as I know, with sinister motives, with or before the committee; and if they discussed it with my friend from Kentucky, I undertake to say that it was by an accident.

Now, let me call your attention to this matter a little more carefully. And first, I wish to take the views of the Secretary of the Navy himself, as expressed before the committee, and I ask the House to listen to this carefully. It was brought out incidentally by the gentleman from Kentucky himself in making some inquiries of the Secretary of the Navy. I propose now to read the testimony of the Secretary upon this very question.

In the hearings upon the increase in the Navy, not upon this subject but upon an entirely different one, this colloquy occurred:

Mr. WHEELER of Kentucky. Can I ask the Secretary a question on an entirely different line? I do not know whether you care to express an opinion upon it or not, but, if you do not, that is a matter entirely with yourself. There has been a suggestion before the committee, and we are to have a hearing in a short time, as to the feasibility and desirability of constructing some of our ships in our own yards. What do you think of that suggestion?

Secretary LONG. My general impression is, it is not desirable, as it costs twice as much and takes twice as long. I think the records show that. In the next place, I think it is not desirable to introduce into our navy-yards something which is not permanent and continuous. There is a great desire among the laboring men in our navy-yards that we shall build these ships in them, but that will not increase the general employment of labor at all, because if the labor is not employed in the yards it will be employed outside, etc. I think, too, that there is more danger of a navy-yard becoming a factor in politics if the number of employees is so largely increased as it would be if shipbuilding were added to repairing.

If we build a ship at New York, we must build one at Norfolk, and there will be a pressure to build one at Boston, and one at Mare Island, and one at Philadelphia, and one at Port Royal and Key West and Portsmouth. Then will follow a demand for new buildings, machinery, plant, etc. If you start a ship at any one of these places, you must employ a great many men, and as soon as it is finished all these must be discharged, and then there is trouble, especially for you. On the other hand, in the business of repairing ships, there is regular, steady employment. I really think it is a great deal better in the interest of labor as it is.

Mr. WHEELER of Kentucky. If you will pardon me, I was directing my question to the point as to whether or not it would be for the best interests of the Government.

Secretary LONG. It is shown in the cases of the *Cincinnati* and *Raleigh* and the *Maine* that it cost twice as much per ton.

Mr. CUMMINGS. And takes twice as long to build?

Secretary LONG. Yes.

Mr. DAYTON. And do you not also from the contractors get a good class of ships?

Secretary LONG. There is no better ship than the *Olympia* or the *Oregon*.

Mr. DAYTON. Do you not think we have a better opportunity to get a better class of ships by reason of the private engineers working with the Government engineers?

Secretary LONG. We certainly get good ships.

Mr. METCALF. May I be permitted to ask a question here? Do you think it is not advisable that some of these gunboats authorized by Congress should be built at the navy-yards? As an illustration, you have discharged a number of men from the navy-yards for lack of work, and is it not desirable to always keep on hand the best skilled labor we can get in the navy-yards?

Secretary LONG. I think it is.

Mr. METCALF. It sometimes happens that there is not enough work in the repair of ships. For instance, if they had a gunboat or small cruiser—for instance, 3,000 or 4,000 tons—they could work on, you would keep these men employed all the time?

Secretary LONG. But if we have a great increase in the Navy we will have a great increase in repair, and there will be steady employment necessitated by the repair of ships.

Mr. METCALF. Would it not have a tendency, if the Government started in on that policy, to do away with any combinations on the part of large shipbuilders in the United States?

And I ask gentlemen to pay particular attention to this testimony, as I shall have occasion to refer to it again later on:

Secretary LONG. There are so many of them now—there are so many large shipbuilders that it is safe to say there hardly could be a combination.

Mr. DAYTON. You remember Admiral Hichborn said they were now two years behind in repairing?

Secretary LONG. Yes.

Mr. LOUDENSLAGER. In view of the large requests made by the different departments for increased buildings and increased machinery at different navy-yards for the purpose of carrying on the necessary repairs, do you think it would be advisable for them to have machinery there to build ships?

Secretary LONG. I think you would be called upon at once for an immense increase in your buildings and for new tools and machinery, and everything of that kind.

Mr. METCALF. Just in regard to the cost of building these vessels at navy-yards, is it not due to a very large extent to system of charging up the accounts?

Secretary LONG. That may enter into it; I can not say.

Mr. METCALF. I know this to be a fact, that in some of our yards, when they have exhausted the appropriation or something of that kind, they will charge to another account. I know in the building of one of the monitors at Mare Island that very course was adopted.

Secretary LONG. I think very likely that is true.

Mr. METCALF. But I have talked with a number of the foremen at one or two of the navy-yards, the men who have been in charge of practical work, and they very strongly recommend not the building of battle ships or cruisers, or anything of that kind, but to start in on building small vessels for the purpose of keeping up steady employment, and in that way being able to retain the skilled labor.

Secretary LONG. I think you would find it would result even then that just as soon as your work is finished you have a thousand men to be discharged.

That, Mr. Chairman, is the statement of the Secretary of the Navy himself.

Mr. WHEELER of Kentucky. Will the gentleman permit an inquiry, or rather a correction of a statement?

Mr. DAYTON. Of a statement that I have made?

Mr. WHEELER of Kentucky. Yes.

Mr. DAYTON. Certainly.

Mr. WHEELER of Kentucky. I would ask if the hearings to which my colleague refers, in the questions propounded by me to the Secretary of the Navy, they were not propounded upon the response of Admiral Hichborn that we were two years behind with our work on these vessels in repairs?

Mr. DAYTON. I was going to refer to that matter and other matters as I proceeded with the discussion.

I will refer to Admiral Hichborn's own statement in a moment.

Mr. WHEELER of Kentucky. But there is no such statement in Admiral Hichborn's testimony that we were two years behind.

Mr. DAYTON. I understand that exactly, and I propose that the House shall have the benefit of Admiral Hichborn's statement, because I propose that the House shall know the facts. It will be borne in mind by the members of the House that Admiral Hichborn stands at the head of the construction corps and is in charge of that Bureau. I read from page 7 of the hearing:

The CHAIRMAN. Navy-yard, Boston, Mass., Construction and Improvements. That is the same as last year.

Admiral HICHBORN. Yes; I thought it was better to get the same each year. I understand every one of these navy-yards has got more than they can do at the present time. We have work at the navy-yards where orders are more than a year old now.

That is the statement. I said two years. The admiral's statement was that they had orders for repairs unfulfilled more than a year old. He further says:

All of these yards are running full, and next year we want to put the ships in condition.

Mr. GAINES. Are they employed on home work or foreign work?

Mr. DAYTON. Oh, my dear sir, I supposed it was known to every child 10 years old that our Government navy-yards do not work on foreign vessels. They are running full, and we have 42 vessels to-day that are awaiting repairs.

Mr. WHEELER of Kentucky. The gentleman refers to the Government navy-yards.

Mr. FITZGERALD of Massachusetts and Mr. DRIGGS rose.

Mr. DAYTON. Mr. Chairman, I want to follow this logically, if I can; and inasmuch as there are so many gentlemen who want to be heard at once, they will pardon me until I can get through with my statement. Then I will answer their questions.

Mr. GAINES. I should like to ask a question right on that point.

Mr. HOPKINS. It looks as though they wanted to make speeches in your time.

Mr. DAYTON. This is in my time, and I want to complete this statement, because I want the House to have the facts. I never have sought any partisan discussion of these questions. I have never made a speech to this House that my purpose has not been to inform it of the facts which my position on this committee enabled me to find out.

Now, Mr. Chairman, I call attention to the fact that not only has Admiral Hichborn stated these things—and I will not quote his exact language, but state here now the general outline of his statements before us, subject to the correction of my friends in opposition. I say Admiral Hichborn, standing at the head of this constructors' corps, has admitted these pertinent facts: First, that the construction of ships in our navy-yards will cost more; second, that the difficulty of obtaining material promptly to meet the demands of this construction are almost insurmountable. Let me explain what that means. Every one of you will realize the force of it, and he himself has stated that it is almost impossible to correct it, and that the present system is the only one that can be adopted by the Government.

A member of a private shipyard firm can go, for instance, to a steel manufacturer when he wants 20 tons or a thousand tons of steel in a hurry and he can buy it in twenty-four hours. The Government can not do that. It would be a dangerous power to place in the hands of any constructor to allow him to go and buy his material without any check upon it. He must make his requisition to the Department. The delay, the time necessary to purchase that material, is, according to the statement of Admiral

Hichborn, a very great trouble and a very great objection. And yet we are bound——

Mr. FITZGERALD of Massachusetts. I just want to ask the gentleman a question.

Mr. DAYTON. My friend, I can not yield now. I am right in the middle of my explanation of this question. You can see that I mean no discourtesy to you.

Mr. FITZGERALD of Massachusetts. All right.

Mr. DAYTON. You can not buy your material, you can not take advantage of market rates, as a private firm can. Here is steel or any other material necessary to build these ships that to-day may be bought for such a price, so that you can obtain a large quantity of stores for the future. Under our Government regulations the Government can not do that.

It is the old, old difficulty that stands in the way of the Government becoming a manufacturer—of the Government embarking in something that is not a legitimate purpose and object of government. You may as well say, if you build our ships in Government shipyards, that you may go down to the State of my friend from Kentucky and buy a blue-grass farm and raise the grass necessary for the horses that shall be employed in the shipyards; that you may go to the mountains of West Virginia and purchase coal lands and mine the coal necessary to run the vessels, or go somewhere and buy land to raise the corn and wheat that shall furnish the rations of the sailors.

Constructor Hichborn has further shown in his hearing, has further admitted, first, that the cost will be greater; second, that the difficulty in procuring the material will be almost insurmountable; third, that the repairs necessary to be done upon our vessels are running our shipyards full force and that to-day they are at least a year and more behindhand.

Now, there are two or three other reasons, Mr. Chairman, why this will not do, and I want to refer to the hearing of Constructor Bowles. Constructor Bowles has given an analytical hearing upon this question, and he sets forth nine reasons for and nine reasons against building the ships in the Government yards. I want to call attention to some of those reasons for, and then I want to call attention to what Constructor Bowles himself, who is the strongest and the most earnest advocate of it, says against it. He says:

First. "Maintains efficiency of force and plant."

That is the first reason. Now, I say men have different views about that. My feeling may be a little pessimistic when I say that this Government never undertakes to build anything—a house, a navy-yard, or any branch of work—on its own account without it pays more and has more difficulties with its building than it does when it builds under contract. He says:

Second. "It renders repair work more economic and rapid."

That is entirely answered, I think, when we are behindhand in our repairs, when we have more repairs to do to-day than we can possibly perform in a year. We are building more ships, and these repairs will constantly increase and grow as the years go by. The only argument based on this second ground was that as the work under repairs gets slack the men can be put on the building of a ship; but when repairs are not slack, when every man is kept busy in repair work, then the consequence of placing of ships in our navy-yards to construct would be either one of two things. We would have to increase the capacity of the plant, and increase largely the force of men, or else these ships will remain there unbuilt for years and years, because the repair work must first be accomplished.

The third proposition "will reduce the amount of repair work by removing the necessity for maintenance of force."

I submit that no man can see the force of the reasoning in the constructor's statement on this point. It is so involved as to be groundless.

Fourth. "Maintains a standard of workmanship and design on basis of practical experience."

That is answered to-day by the fact that we have the best workmen of America in the navy-yards for the repair work.

Fifth. "It provides training for the men who must inspect the contractor's work."

I want to say in answer to that, gentlemen, this corps of constructors who are educated by this Government are constantly engaged in inspection work now, and why they should be better educated in the Government yards, where the same work would be going on, than they would be as inspectors in the private yards, where they are now located, is beyond my knowledge. So that argument, it seems to me, is utterly futile.

Sixth. "No profit to be made."

What boots it my friends whether a profit can be made in the private shipyards if they can construct these vessels and make a profit, and yet do it cheaper than he himself confesses it can be done in the navy-yards? Has it come to this, sir, that the forces of this Government are to be aligned against private enterprises of this country, and we are to pay thousands and hundreds of thousands of dollars more for the finished products of the Navy in building them ourselves, simply because if we let them to some private individual, some citizen, some American, under a God-given right to get the best he can, will make a profit by doing the work? It seems to me that an answer to that argument is not necessary to be made by anyone.

Seventh. "The indirect charges in commercial practice, which make a large percentage of cost, are not included, because they are already provided and are maintained for other purposes, viz: Interest on plant, taxes, insurance, depreciation and care of property, large proportion of office and organization expense."

I want to say to you gentlemen that that is more than met by the fact that in any calculation had we must take into consideration the fact that in order to maintain this shipbuilding in our navy-yards we are taking away from the Navy these men who are educated by this Government from boyhood up, and that for one purpose—to fight at sea, and not to build institutions on land.

The salaries of these officers are not made to enter into these items, and yet we are paying them year after year, not for the purpose of building up a land navy, but for the purpose of sending these men and officers to sea; and in that connection let me call attention to the fact that we have a scarcity of officers that is simply appalling and which must be met by wise, careful, thorough provision made by this House and by the Senate.

Mr. MOODY of Massachusetts. Will the gentleman permit a question?

Mr. DAYTON. I will.

Mr. MOODY of Massachusetts. In view of the great scarcity of officers which the gentleman alludes to, will the gentleman give the reason for the proposition to transfer the Coast and Geodetic Survey from the civilian management into the Naval Department?

Mr. DAYTON. You will hear about the Coast and Geodetic Survey in due time, and you will hear from the unanimous committee upon that, and in a way, I think, that will entirely enlighten the House; and I am sure it will enlighten the gentleman from Massachusetts, knowing his well-known reputation for fairness. The gentleman will pardon me for not taking up that branch of the question until I reach it.

Mr. MOODY of Massachusetts. Certainly.

Mr. FITZGERALD of New York. Will the gentleman allow me a question?

Mr. DAYTON. Certainly.

Mr. FITZGERALD of New York. Does the gentleman intend to intimate that the lack of officers is due to the fact that the constructors are kept from sea duty by work at the yards?

Mr. DAYTON. Not all of them. Every yard has its constructor, and the reason why they do not have more constructors is because the number is limited.

Mr. FITZGERALD of New York. Does the gentleman know that it was stated before the committee that there are more constructors inspecting work in private yards than are engaged in the Government yards?

Mr. DAYTON. I know the statement was made, but it is not borne out by the record.

Mr. FITZGERALD of Massachusetts. Will the gentleman from West Virginia yield?

Mr. DAYTON. I can not yield any further.

Mr. FITZGERALD of Massachusetts. I want to make a correction of the gentleman's statement.

Mr. DAYTON. If I have made a misstatement, the House will hear from it, because there are some very able members on the minority who will follow me. If I have made a misstatement, it has not been purposely made.

Now they say the cost of inspection is saved. Mr. Chairman, I can not understand how that argument could come from anybody but a naval officer. The cost of inspection will be saved, and yet that is one of the very strong arguments in favor of private yards. Why? I say to you and to this House, and it seems to me it will appeal to the reason and common sense, that one of the great advantages of building a ship at a private yard is the fact that the private yard has its engineer, and the Government has its engineer, or inspector, or constructor.

The two stand side by side together, they interchange ideas, they modify each other's plans, they attend to the minutest detail in the construction of the ship, and I want to say to you that some of the very best improvements that have been made upon the plans of ships that have been built have not come from those who originally worked out the plans in the Department, they have not come alone from the Government constructors, but have come from the interchange of these ideas and suggestions made necessary by these combinations of the company's private engineer and the Government's constructor. We get a better product in consequence of it.

Lastly, he says "the cost of the trial trip is saved." Well, I do not deem it necessary to refer to as trivial a reason as that. Now, let us see what the constructor himself contends, a partisan for building ships in American yards. Let us see what he admits——

Mr. WHEELER of Kentucky. Will the gentleman allow me?

Mr. DAYTON. Certainly.

Mr. WHEELER of Kentucky. I would like to have the gentleman state what authority he has to say that the constructor of the United States Navy is any more a partisan in the construction of ships, for he is a Government official and supposed to be moved by patriotic motives, than the gentleman is himself who advocates the construction of ships in private yards.

Mr. DAYTON. It comes from the advocacy of it for years. The reputation of Constructor Bowles, who stands at the height of his profession, and who has a reputation that he may well be proud of, has always been in favor of this proposition, and he has been the leading advocate of it.

Mr. WHEELER of Kentucky. But why call him a partisan?

Mr. DAYTON. I used the word not in its offensive sense, not in its political sense, but in the sense of champion, which I will substitute for it.

Mr. WHEELER of Kentucky. That is better.

Mr. DAYTON. Now, he admits the cumbersome system of design and management of independent bureaus. I do not care to enter into a discussion, but there he stands in opposition to such men as Admiral O'Neil, Admiral Melville, and Admiral Endicott, men whose judgment certainly is entitled to as much weight as his, as to the advantage of having independent bureaus, and having different men engaged in different specific work, interchanging ideas and meeting together in a board and discussing all these propositions, instead of having one man encumbered with all these scientific and abstruse matters. Then he says wages are 30 per cent and 40 per cent higher.

Third. Boy and unskilled labor is not used to advantage on account of artificial restrictions of labor board.

In setting forth this consideration he points out the fact that private shipyards are enabled to give employment, and suitable, proper employment, to a large number of boys that the Government under our system can not employ; and that shipyards, run by their own methods, are able to employ a large number of unskilled laborers that we are not permitted to employ under our law and regulations for the employment of men in the service.

Then he speaks of the eight hours' work a day in Government yards against ten in private establishments.

Fifth. Seven holidays with full pay.
Sixth. Purchase of material by the Navy system involves delay and extra cost.
Seventh. Outside plants are better arranged, and no restrictions are placed on the utilization of space to the best advantage.
Eighth. Per diem compensation is used where piecework is economical.
Ninth. No guaranty of performance under contract conditions.

Now, I want to refer to this last point—"no guaranty of performance under contract conditions." Suppose you build a battle ship in an American navy-yard—a Government yard. You may spend $6,000,000 upon it; you may armor it; you may start it out upon the sea, and it may turn over and go to the bottom, in which case every dollar of your six millions is gone.

On the other hand, when you build your ship by private contract, the Government has the bond of the contractor that the ship, in speed and material, in all that makes the finished product, shall come up to the conditions of the contract. And then it must go to sea and be put upon trial. As the poet Kipling has said, "The bolts and bars must wrench themselves together;" they must fit themselves together until they sing the sweet music of a battle ship fully equipped, entire and complete, prepared to carry the American flag to the four quarters of the world. If the ship upon its trial should turn over—if there should appear any defect or fault in the construction—the Government loses not a dollar, not a cent. The Government has its bond, its contract, and the loss is upon the contractor.

Now, Mr. Chairman, I have pointed out that the majority of this committee has been actuated in opposing this measure by the considerations—first, that it is more costly; second, that it will take a longer time to build a ship under this proposed system; third, we shall not get as good a ship, and lastly, we shall not have any guaranty against loss in case the ship should turn out to be not a perfect vessel.

It seems to me—and I say it with all deference and all kindness to gentlemen on the other side—that these reasons are very much like those of the lawyer who came into court and said that he had thirteen reasons why his client did not appear that morning to answer the charge against him. Said he, "The first is that my client is dead." At that point the court interrupted him and said, "You need not state the other twelve reasons." It seems to me that any one of the reasons I have cited is sufficient for us in deciding against this proposition upon its merits, and not actuated by any selfish motive or purpose to build up any yard in any district.

But, Mr. Chairman, I want to talk for a little while about the other proposition that has caused so much discussion and so much question upon the floor of this House—a question that has become, I fear, somewhat wearisome, because we have read and studied it so much, and had it so often before us. That is the question of what we shall pay for armor plate. In the first place, I want to call the attention of the House to what armor is—what the term means. We sometimes lose our bearings in the discussion of these questions by not comprehending the simpler propositions involved.

It is said that the diamond is the hardest substance in the world and that it consists simply of pure carbon crystallized. Armor plate is nothing in the world except an effort to diamondize or carbonize steel. Armor plate is rendered so hard that no other substance can cut it, no other substance can act upon it. In the manufacture of armor there are a vast number of matters of detail that we can hardly comprehend. You may take a watch spring—the old, familiar illustration of the watch spring—the material of the manufacture means but a trifling per cent of its value; and when we compare the price with the value of the material we wonder where the cost is.

No man can fully comprehend the armor-plate business until he goes to one of these factories and studies the process stage by stage, step by step, and sees the reason why it is so costly—sees the danger of loss in various directions and in different forms that springs up on all sides, and takes into consideration in connection with that the vast capital involved in the manufacture of the finished plate.

Now, I want to call attention to the fact that no man can tell what the exact cost of a particular armor plate may be. One may cost one sum; another may cost another sum. One may come out a finished product; the other may not—it may be defective. Hundreds of plates may be defective in a given run; one only may be perfect. All of these things are to be taken into consideration in the determination of the question of cost.

Another thing is the fact that because of the many improvements, modifications, and changes that have been made in the making up of armor plate it is impracticable to utilize the old machinery that answered the purpose two or three years ago, except to a very limited extent. These things have made changes in that machinery entirely necessary. As an illustration, I might cite that I know of one armor-plate factory in which stands a machine that cost a round million of dollars, which is absolutely worthless now except for the bare raw material contained in it.

Mr. RIDGELY. Will the gentleman allow me to interrupt him for a question?

Mr. DAYTON. I hope the gentleman will not interrupt me here. He has interrupted us all on these propositions. I think it wholly desirable that the House should have an opportunity of hearing the discussion and being informed as far as practicable upon these questions. Of course I do not mean any discourtesy in refusing, but I think the House ought to have the information which has come into the possession of the members of the committee.

Another thing, Mr. Chairman. This question is based simply upon this foundation, and can only be based upon it: First, whether this Government can manufacture its own armor plate cheaper than it can purchase it from private contractors; and the same propositions and the same elements enter into this to a certain extent that entered into the question of building ships in our own shipyards. It is not merely necessary to build the armor-plate factory for the purpose of manufacturing the armor, but there are other important elements which gentlemen seem to overlook.

The connection between the factory and the steel mills and works is just as close and just as important as anything can possibly be in any branch of manufacture. We must have, somewhere, a point where we can obtain the ore—the ingot, the raw material—in its cheaper stages. We talk of the gun factory here at Washington with so much pride. I doubt, sir, if there is a member of this House who comprehends the fact that that factory could not run a day or an hour even unless the material were prepared and furnished by one of our steel works in an unfinished condition and that the gun factory simply takes it and finishes it, rounding it out, to the completed gun ready for service.

Mr. WM. ALDEN SMITH. The preliminary work being done by private individuals.

Mr. DAYTON. Yes; by private enterprise. Private enterprise furnishes one-half, and we do only the finishing of the work.

To build an armor-plate factory, therefore, without having the necessary steel mills to supply the raw material would be to build simply the top and leave the bottom incomplete. It would be simply an establishment without the steel works or the mills to take the crude product and put it into shape for the armor-plate factory to work upon; and does any gentleman suppose, without these mills or works, that we could undertake to manufacture plates at any price at which they may be bought in the markets of the world to-day?

I take one of the great armor-plate factories: The steel mills they have in connection with the other processes which are necessary to the manufacture of the armor plate extend miles and

cover acres. I am informed that they own the ore in the mountain side, the railroad that carries the ore to the steel works; they own the blast furnaces, or smelting works, that separate the iron and the clay, and then they own the rolling mills that prepare it, the molds in which it is molded, and carry the whole process through this miles of works until it comes out the finished product of armor plate, ready for the battle ships; and yet we are told that the Government is to undertake all of this; that it should own the mills, the railroads that transport it, the steel works, the smelting works, the rolling mills, and all of that, in order to enable the Government to manufacture a few tons of armor plate.

Now, these armor-plate factories went into this business at the suggestion of the Government. Once they declined, but at the continued requests of the Government they undertook it, and yet from that day to this they have been assailed in character in every statement they have made and have been abused and vilified simply because they say they are not making unfair or undue profit on the manufacture of armor plate, but because it costs what it does, and because it costs largely in excess of what uneducated members of Congress seem to think it ought to cost—and I speak without any reflection upon the House or upon any member of the House, for we can not go into all of the questions of technical detail involving this manufacture. I say because it costs more than Congress seems to think it should cost, these people are accused of making an inordinate and unreasonable profit.

And yet, as was pointed out by the gentleman from Pennsylvania yesterday evening, they offer to sell the plate factories to this Government for the mere cost—the absolute cost. And the proposition for the sale was further coupled with an offer to place it—that is, to build the factory—at such point as the Government might determine; in other words, to set it up anywhere that the Government might desire.

I have heard this statement made over and over again, that the Government should build its own armor-plate factory, even if they do not manufacture a ton of armor, "in order to punish" these people!

Mr. WHEELER of Kentucky. May I ask the gentleman a question there?

Mr. DAYTON. Yes; if the gentleman will please not consume any more of my time than possible.

Mr. WHEELER of Kentucky. Will the gentleman from West Virginia please tell the House if either of the armor-plate factories has ever furnished to the Government any admittedly reasonable data to establish the large cost which they claim for a ton of armor plate; and if such information has been furnished, where may it be found?

Mr. DAYTON. Oh, Mr. Chairman, I never went to a tailor in my life to buy a suit of clothes but what I asked him his price. But I never undertook to call upon him to give me explicit data as to the cost of the various items entering into that suit of clothes. I did not ask him to tell me what the thread would cost, what the buttons would cost, what the coat tails would cost, what the tailoring would cost, or all of the other items entering into the make-up of the suit. [Applause and laughter.]

And I hope the time will never come when American statesmen dealing with these questions from the standpoint of honest, honorable men, and dealing with honorable men, will expect any manufacturer or any dealer in any article to get down into these little details simply to gratify what seems to me an impertinent curiosity.

Mr. WHEELER of Kentucky. May I ask my colleague one other question?

Mr. DAYTON. Yes; you may.

Mr. WHEELER of Kentucky. The gentleman seems to accentuate the fact that these men are of incorruptible integrity. Will he state to the House that they have been convicted of fraud practiced upon the Federal Government, the same men who are now expected to engage in the manufacture of this armor plate for the Government?

Mr. DAYTON. I have not time to enter into a discussion of that. It is a matter of record and has been thrashed over and over again. It is very well known, as the gentleman from New York [Mr. CUMMINGS] stated on yesterday, that there were at one time defective armor plates passed upon this Government. It is very well understood also that subsequent to that time—whether the armor manufacturers themselves knew it or not is a question, and there is a difference of opinion about that—subsequent to that time those plates were rejected. The fault of their ever being passed upon this Government was upon the Government's own inspector there, who passed them, and I say it is not necessary for me to enter into that discussion in face of the fact that the owners of the armor-plate factories disclaim any knowledge in reference to it, and supposed that these plates would pass when they did pass the Government inspector.

Mr. DALZELL. Will my friend allow me a suggestion just there?

Mr. DAYTON. Certainly I will.

Mr. DALZELL. That the fault found with the contractors was not that they furnished plates that were deficient under the lowest term of the contract, but they were fined for furnishing plates that were 5 per cent better than the minimum requirement of the contract.

Mr. WHEELER of Kentucky. But the plates were full of blowholes.

Mr. DALZELL. Oh, no; not full of blowholes——

Mr. WHEELER of Kentucky. And this man Schwab who is now president of the Carnegie Company was general manager of it at that time.

Mr. DALZELL. Later on I will show the gentleman the record on that subject.

Mr. WHEELER of Kentucky. I have the record.

Mr. DAYTON. And the Secretary of the Navy said they did not do any harm, and there was a difference of opinion whether they constituted defects or not.

Mr. WHEELER of Kentucky. He fined them $300,000 for it, all the same.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. I ask unanimous consent that the gentleman may finish his remarks.

Mr. WHEELER of Kentucky. It comes out of the time on the other side, of course. I should be glad to have the gentleman's time extended, but I suppose it will come out of the time on that side.

Mr. DAYTON. There is no fixed limit of time.

The CHAIRMAN. Is there objection to the request that the gentleman be allowed to conclude his remarks?

There was no objection.

Mr. DAYTON. Now, I want to say here that it has been ascertained since that time in the manufacture of the Krupp armor that these "blowholes" that are spoken of are no disadvantage, and I might as well state that the Krupp armor is full of them in effect.

Mr. VANDIVER. Will the gentleman allow a question?

Mr. DAYTON. Yes; certainly.

Mr. VANDIVER. In view of the statement that the gentleman has just made, I should like to have him turn to the report of the committee that investigated that matter and show this House on what ground he bases his statement that the fault lay in the Government inspector, and, secondly, the other statement that the plates were not defective, but were better than contracted for, as stated by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DAYTON. I want to say to my colleague that that would necessarily involve my stopping in my remarks here and going to look over that report. He understands that it is not indexed, but if he will read it I am sure that he will find the fact as I state. Now, Mr. Chairman, I want to go on. Here is the proposition in its bald nakedness. We stand here Congress after Congress raising this same hue and cry against the armor-plate manufacturers in the teeth of the facts, first, that they have offered to sell out to us their armor-plate factories, set them up, and furnish the men to run them for the bare cost that it has been to them; second, that we have had the expert Admiral O'Neil at the head of this Bureau for one solid year collecting information in regard to this, and he has come in with his report and stated to us substantially that we can not manufacture armor plate any cheaper than, if as cheap as, we buy it, if we take an armor-plate factory and build it. And if you will make the calculation yourselves and take all that is involved in it, the risk, the expense, the capital involved, the doubt of obtaining material, the control of the secret, and all the other elements that enter into it, I want to say to you that in my judgment, if you will fairly and dispassionately give one month's time to the study of the question, you will reach the conclusion that every ton of armor plate that this Government will manufacture will cost not less than $800 and possibly a thousand dollars. Mark you, that is my view about it, and I am honest and candid in it, although I may be mistaken.

Mr. WM. ALDEN SMITH. The price is going up all the time, is it not?

Mr. DAYTON. Prices are going up and material is going up. It requires a constant corps of skilled workmen. Prices are changing, and new machinery is required, and all those things enter into this proposition.

And, Mr. Chairman, I call your attention further to the fact that we get this armor plate offered to us to-day at a less price than that at which any other government of the world can buy it. Take my illustration of a coat. Why should I, when I go to my tailor and he shows me the material and says, "I will make you this suit of clothes for so much money," go around to every other tailor in the country and find every one of them charge more money for it, then say that, because I have that sentiment in my heart that leads me to believe nevertheless that the tailor is cheating me in my coat, I will therefore turn tailor and manufacture my own coats, go into business myself rather than pay him a price that is the cheapest price that I can obtain the same material and the same coat for in the whole community?

Mr. KITCHIN. May I ask my colleague a question?

Mr. DAYTON. Yes.

Mr. KITCHIN. The gentleman has said that in his opinion, if the Government makes the armor plate we need, which we know will be 5,000 to 6,000 tons a year for several years, that it will cost the Government $800 a ton to make it. Now, I would really like to know upon what fact the gentleman bases that opinion? Certainly not upon Secretary Herbert's report or on Admiral O'Neil's testimony. I would like to know where the gentleman gets his information?

Mr. DAYTON. I would like to enter into that, but can not now, because it would take me more time than I have at command. But if the gentleman will study this question in all of its bearings, with the experience we have of the cost of the material, the danger and difficulties that are involved in the process, remembering that this steel goes through at least fourteen different processes, and some say twenty-one, before it comes out the finished product; if he will consider all these facts, and remember the changes that are constantly coming, estimate the risk, the insurance, the working capital, and all those items, and study it out as I have studied it out, or attempted to study it out, and at the same time recognize that no figures can be depended upon, because you can not foretell the future risks in a matter of this kind, he will, I think, reach my conclusion. I made the statement in absolute sincerity, but upon my judgment simply; but it is my judgment, after five years' study of this question as earnestly and as thoroughly as I was capable of studying any question, that every ton of armor plate manufactured by this Government would cost $800 or $1,000 a ton.

Mr. SNODGRASS. Will the gentleman allow me to ask him a question?

Mr. DAYTON. I want to call attention first to one more thing.

Mr. DRIGGS. Will the gentleman allow me to ask him a question?

The CHAIRMAN. The gentleman declines to yield.

Mr. DRIGGS. The gentleman is talking by consent of the House, and he ought to yield to a question.

Mr. DAYTON. I will.

Mr. DRIGGS. I would like to ask you a question about the construction of ships by the Government in the navy-yards. I wanted to ask the gentleman a question when he was speaking in his hour, but he declined to yield, and I did not care to interrupt him then; but now he is talking with the consent of the House, and I would like to ask him a question about that.

Mr. HOPKINS. He is talking about another question, entirely foreign to your question.

Mr. DRIGGS. I would like to ask the gentleman a question on that subject.

The CHAIRMAN. Does the gentleman yield?

Mr. DAYTON. I do not want to leave this question, but when I get through I will yield to a question on that subject.

Mr. DRIGGS. I wanted to get in a question on that subject, but as the gentleman says he is unwilling to yield, I do not desire to interrupt him at this time.

Mr. DAYTON. I want to call attention to another thing relating to this matter. What use is there for the armor; how long will the demand for armor continue; how much of it may we make? Why, Mr. Chairman, the question involved is a clear-cut business proposition. How much armor are you going to require; how long are you going to require armor; how long will the machinery of your plant be capable of manufacturing the best armor? Because, I thank God, the sentiment is abroad throughout this land that the American sailor—the best man, the best seamen, best fighter in the world's history—is entitled to the best protection, and if the world goes on and improves its armor we will improve the protection of the American sailor behind the guns, or else we will not be true to Americanism. [Applause.]

Mr. SNODGRASS. Will the gentleman yield to me right on that point?

Mr. DAYTON. Yes.

Mr. SNODGRASS. You stated a while ago that there was a secret process that entered into the best armor. If that is well founded, it is an important thing for us to consider, because if we should build a factory and not be in possession of the secret process we could do nothing toward making the best armor. I would like to have the gentleman state the evidence before the committee upon that point.

Mr. DAYTON. In the first place I want to say that when the Harvey armor was discovered a few years ago one of the manufacturing firms of this country, and I am not sure but two, paid $500,000 for the process. In the last two years Mr. Krupp, of the great Krupp Works in Germany, discovered a new process, and the best we can understand about it is that it is a change from the charcoal to gas treatment. As I said, armor is simply an effort to carbonize or diamondize steel. Diamonds and charcoal stand as representatives of carbon, and the harveyized process was a charcoal process. The Krupp process, as best we can understand it, is a gaseous process. Now, we know that fact, and that is as far as the secret is known.

These people pay a royalty of $45 a ton for the purpose of using this new process, and it makes a product 25 per cent better. In other words, it takes 25 per cent less of Krupp armor than it does of the harveyized armor. The advantage of that you can see at once. We have been paying $400 a ton for the Harvey armor, and the purpose is to pay $545 for the Krupp armor. The $45 a ton is the royalty. One hundred dollars is for the better armor. It will take 25 per cent less of the Krupp armor if you cover the same surface; in other words, 25 per cent of the weight of the armor disappears and you make up in speed, you make up in better quality of the armor, the capacity to resist penetration is better, your coal bunkers can be increased, you can run your ship better, and, all told, these advantages at least make it 40 or 50 per cent better for the ship than with the harveyized armor. Now, they demand $100 for that; they say, and they have reiterated it over and over again, that they would much prefer to furnish the Harveyized armor at $400 per ton than the Krupp armor at $545 a ton.

Now, Admiral O'Neil has stated that we know substantially, but not completely, the secret of the Krupp manufacture. The private manufacturers in this country have the honor, at least, not to undertake to manufacture the Krupp armor without paying a royalty. The proposition here to build a Government plant, to manufacture the Krupp armor, involves one of two things: Whether this Government would undertake to manufacture it without paying the royalty; and, second, whether or not we really do know the secret. We know it generally, but not in its details. Then the question is coming, whether this Government, if it should refuse to pay the royalty that private firms pay without hesitation, would not find itself entering a field in that position condemned to such an extent that the steel companies and everybody else would refuse to do business with us.

Mr. TERRY. I would like to ask the gentleman a question.

Mr. DAYTON. I can not yield any further. I have been diverted from my argument, and I am taking up too much time. But, Mr. Chairman, what are the questions to be solved? Even if we could manufacture armor at the same price as the other, why should we? If we could do it at a little less, why should we? What is the demand for armor plate? We have under construction and have already constructed 16 battle ships. We could not possibly build this plant and get it in operation for these vessels that we have authorized.

I know it is said that we can get it in operation in three years; but every man who has had anything to do with the business of this country, and who knows how slow these Government works progress, will bear me out, and an examination of the record will bear me out, in saying that every Department of this Government, especially with all yards, docks, and with all ordnance, have years of work before them. This bill carries years of contracts in it. I say every one of us would realize that a safe estimate would be that the armor-plate factory would not come into actual operation, so as to turn out armor, inside of five years. It is stated that it can be done in three years, but when we remember that these contracts are always delayed, that is a safe and reasonable estimate. So that we have got to delay the building up of our American Navy for five years or else we have got to go on and contract for this armor.

Again, Mr. Chairman, the battle ships are the ones we speak of. How many battle ships will this Government build? How large a demand for the future will there be for this plant? How long will there be a demand for this product? England has her 70 battle ships. Will we need more 30?

Mr. WM. ALDEN SMITH. Will my friend from West Virginia yield to me for a question just there?

Mr. DAYTON. I will.

Mr. WM. ALDEN SMITH. The American demand for armor plate does not necessarily establish the price that is asked for it throughout the world, I believe?

Mr. DAYTON. No, sir.

Mr. WM. ALDEN SMITH. Because the foreign demand, the purchases of other countries, is an element that enters largely into the price.

Mr. DAYTON. Ah, but America is the supreme and potent influence in this matter of armor plate, as it is in most other manufactures. The American people—the American manufacturer—inspired as he is by the unlimited power of American ingenuity and American mechanical genius, is branching out in all directions, building armor plate now for most of the nations of the earth. We are building armor plate to-day for the Russian Government, a government that built a plate factory for itself recently, but finds it better and cheaper to use the plate manufactured by our private enterprise in America than to run its own factory.

Mr. WM. ALDEN SMITH. I desire to illustrate the point I wished to make in that connection. If we withheld or limited the operation of any bill authorizing the construction of any vessel, it does not necessarily follow that we get the armor plate necessary for that vessel at a cheaper rate.

Mr. DAYTON. Not at all.

Mr. WM. ALDEN SMITH. For it may appreciate in price while we are waiting.

Mr. DAYTON. That is true.

Mr. WM. ALDEN SMITH. And is it not true also that if we had let the contract long ago, when the first construction of these ships was authorized by law, we would have been able to get the armor plate at a less price than we do to-day?

Mr. DAYTON. That may be true; but there is a limit in this regard as well as an element that the gentleman should not overlook. We would have not gotten the same kind of armor plate that we get to-day. We do not want to buy or prepare for the permanent manufacture of any kind of armor plate, because the armor plate is changing and improving from year to year. We do not use the same kind now that was in use two years ago.

It has been said recently that a new process has been discovered and will soon be made known in Germany to take the place of Krupp armor; and more recently accounts have come to us of a man who proposes to dispense altogether with armor and use compressed cotton. We find, therefore, this element of uncertainty, and we do not know what to-morrow may bring forth or what the demands upon us will be. We only know, standing here, that we will have the cheapest armor which is attainable, of the best quality, and we will have the best protection for the best sailors in the world. At the outside, the demand for this plate armor will necessarily be limited.

It will impress itself upon the mind of every gentleman here to-day that our Navy before long will be rounded out; that we will have a safe number of these stronger and better ships, known as the battle ships, the fighting ships. We are not in the manufacture of ships simply for the purpose of building them. We want serviceable vessels, if we build any. America, with her free institution, does not need, surrounded by the seas on all sides and sustained and maintained by educated, patriotic people, what is required by other nations. We need a navy commensurate with our needs of defense. Now, defense is very frequently misunderstood.

I can defend myself from an attack of another by running away. I can defend myself by simply warding off his blows; or, to use an illustration of Captain Mahan's, if a snake comes into my room at night, I can defend myself by putting it out of the room or by crushing its head. But proper defense of a country like ours means that when a nation undertakes to attack us we will be ready to protect ourselves and defend our people at all points.

A man may come and strike me because he has a feeling of anger against me, but he is not so likely to come if he knows that blow will meet blow, stroke will meet stroke, and that he will have a broken nose for my black eye. That is the true meaning of defense, and that is its true purpose and object—the building up of this Navy of ours, not alone to keep from coming to our shores those who may have some enmity against us and desire to take revenge upon us and then go away unharmed and unscathed, but we want to proclaim that every bit of land over which floats the American flag is defended by a navy that will strike back blow for blow, a navy calculated to create that wholesome fear which will prevent attack.

But at the same time, Mr. Chairman, it is not necessary for us to defend ourselves as England defends herself. England is surrounded by narrow channels from other nations that may combine and confederate against her at any hour. It is not necessary for us to have such a navy as she has. If England should get into a war with America to-day, one-half of her 70 battle ships would be absolutely necessary to protect her own coasts and would not be able to cross the seas to engage any force of ours.

The same is true with regard to Germany and France. Over there on the Continent of Europe, those different countries forming a sort of checkerboard, combinations and alliances may be made to-day and broken to-morrow. We, surrounded by the Atlantic on the one side and the Pacific on the other, God's favored land, will not need such a navy as do those other nations. What we do need is a navy commensurate with our necessities—a navy sufficient, as I have said, to inspire fear, to prevent attack, and to enable us to work out the great destiny that God Almighty intended us to work out.

Therefore, Mr. Chairman, in my investigation of this matter—and I simply give these views for what they are worth, as my private opinion—the time will come and is fast coming when we shall reach the limits of the number of battle ships that we shall need. I do not believe that limit will exceed thirty or thirty-five or forty. Then what shall we do with our armor-plate factory, if we have one? You may retort by asking what the private manufacturer will do.

I say to you the private manufacturer will go out and build armor for Russia and France and Germany; for Japan, for China, and for the other nations of the world. But this Government can never go into the manufacture of armor for other nations, no matter upon what peaceful relations we may be with those nations. No nation can go to the factory of another independent government. No nation will come to our Government establishment to have armor plate manufactured for her ships that may some time meet ours in direful conflict.

This is the situation in regard to this subject; and I insist, Mr. Chairman, that it is time for us to settle this question and settle it finally. From all the investigations, covering a period of five years, I believe there can not be a worse mistake made by Congress than to embark in the manufacture of armor plate.

And now I yield, as I promised, to my friend from New York [Mr. DRIGGS].

Mr. DRIGGS. I thank the gentleman from West Virginia for his courtesy, and I apologize to him for interrupting him at the stage of his argument when he was talking on a different subject from that to which my questions apply. But I have waited an hour or an hour and a half for this opportunity to interrogate him.

The gentleman said in the commencement of his argument that Secretary Long had stated that it would cost twice as much and would take twice as long to build Government ships in our navy-yards as by private contracts. Now, is it not the fact that at the time comparisons were made on this subject it did not take twice as long to build the *Maine*, the *Texas*, the *Cincinnati*, and the *Raleigh* as it would have taken to build them in private yards, and it did not cost twice as much, according to official statements?

That is my first question. I do not desire to reflect on the Secretary of the Navy at all, because I do not think he was thoroughly posted on the question according to the evidence as given before the committee.

Mr. DAYTON. I have simply this to say: That it is very difficult to make comparisons in this matter. Ships are of different kinds, of different characters and varieties. It takes longer to build one ship than another. It is very difficult to draw a correct comparison between a ship built in a Government navy-yard and one built at a private yard.

That is one trouble about these things. You can not get any cut-and-dried rule in regard to these matters whereby you can reduce them to an actual comparison. I read the statement of the Secretary, and he is sincere in it, because, taking all things into consideration, our experience generally has been along that line.

Take, for instance, the old *Texas*, built in the Norfolk Navy-Yard. Why, if the gentleman will review the arguments and the proceedings in Congress here, he will be amused to find that the *Texas* was so long in building that actually she was almost forgotten, and they raised a point of order, I think, upon an appropriation for continuing the work.

Mr. DRIGGS. Well, we find by the record that the keel of the *Texas* was laid——

The CHAIRMAN. Does the gentleman yield?

Mr. DAYTON. I do not want to yield further than to answer the questions which were asked me.

Mr. DRIGGS. The gentleman agreed to yield for two questions, but all I desire to do is to ask the second question, and that is, Do not England, France, Russia, Germany, Italy, Norway, and Sweden build some of their own war ships in their own government dockyards?

Mr. DAYTON. That is under entirely different conditions, and the hours of labor, wages, and all those things enter into that question. It is impossible, I say, for us to enter into any comparison with those countries in regard to that. And then the consensus of opinion upon conditions existing here agrees, as I stated before, that it will cost more and take a longer time; and the danger is that we will not have as fine a finished product, and will never have any guaranty for the completion of it and of its perfectness.

Mr. GAINES. Will the gentleman permit me?

Mr. THROPP. If the gentleman will allow me, the gentleman from New York [Mr. DRIGGS] corrects your statement by saying that Secretary Long said it would take twice as long. If it is not twice as long, how much longer were they in building in a Government yard than in a private yard?

Mr. DRIGGS. I will answer that, if you want me to.

Mr. DAYTON. I will say to the gentleman, as I said before, you can not tell, because you can not compare vessels of different type.

Mr. THROPP. I wanted to know whether——

Mr. GAINES. Will my friend permit a question?

Mr. DAYTON. I want to yield the floor, if I can. I will answer just one question.

Mr. GAINES. Did not Secretary Long recommend, and did not the Congress, of which you were a member, pass an appropriation to build a smokeless-powder factory, and was not that smokeless-powder factory built, and is it not now in operation and furnishing us with smokeless powder? And if that is so, why was that done?

Mr. DAYTON. Under the exigencies of the war we undertook the building of a smokeless-powder factory.

Mr. GAINES. That was before the war.

Mr. DAYTON. I can say to the gentleman that I have always been unalterably opposed to Government manufactures, and am to-day.

Mr. GAINES. And you voted for that?

Mr. DAYTON. And because we made mistakes once is no reason why we should be continually making mistakes and be building up the Navy on shore instead of building it on sea.

Now, Mr. Chairman, one thing more, and I am done, and I shall devote but a very few moments to it. The cry has been made here that we are extravagant in this bill. With all due respect to the gentlemen who make this charge, I want to say that it is not carried out by the facts. Objection has been made to the fact that we provide for an emergency fund of $500,000 to be put at the disposition of the President, to be used by him if it becomes necessary, in the conduct of the Navy in connection with our new possessions in the Philippines and Porto Rico and in the establishment of the government that we promised to Cuba.

I have but one thing to say to this, Mr. Chairman. When it became necessary for us to embark upon that war there was no hesitation in the patriotism of this House of Representatives on either side to place at the disposal of the President of the United States $50,000,000 to carry it on. Why should there come to-day an objection to placing $500,000 at his disposal to establish peace and order in those islands after that war has passed and gone?

That is what this emergency fund is for. We do not know the conditions that may arise in those far-off seas. We do not know what may be required in order to maintain our Navy there. Knowledge has not come to us. We therefore can not appropriate any specific item for the things that will be necessary to be done there. The sum is small. Five hundred thousand dollars is asked for the purpose of establishing the American flag, American civilization, American freedom and liberty, and good form of government in those islands, so far as the Navy may be called upon to contribute to it.

It was fifty millions for war; it is $500,000 to establish peace. We voted fifty millions without a word. Why should there be objection to voting $500,000 to establish law and order? I can see no objection to it.

I certainly ask the pardon of the House for consuming so much time. [Loud applause on the Republican side.]

Mr. VANDIVER. Mr. Chairman, some years ago Victor Hugo estimated that the civilized nations of the world spent 900,000 francs every twenty-four hours, four hundred millions every year, saluting one another, saluting the rising sun and the setting sun, and interchanging international courtesies by the explosion of powder; in short, $60,000,000 every year blown up in smoke, while a million people die for lack of bread. Do not imagine by this introduction that I am intending to affront the champions of war by making an appeal for economy.

I shall not at this time undertake to make any such appeal or any such argument. I have heard the argument for economy so often made upon this floor and with so little effect that I shall not undertake to renew it now. But I am constrained to make one or two brief observations before taking up the special provisions of this bill on the expense of war. I suppose it would be a mockery at this time to refer to the fact that two years ago the world held a peace conference. The so called civilized nations of the world got together and exchanged friendly salutations, compliments to each other, and the peace conference at the Hague was given out to be the inauguration of a new programme of the world—a programme of peace and good will among men.

I say the so-called civilized nations, the nations professing to be Christian; and from that day to this, America and England, the professedly Christian people of the world, have been the only ones to violate the principle of international arbitration, and have given to the world the saddest lesson of war that has come during the last hundred years. So that I have been forced to the conclusion that what is called "Christian civilization," when put in the scale and weighed against the interest of commercialism, the interest of trade and traffic, has but little influence in controlling the affairs of this world.

I have been forced to the conclusion that "Christian civilization" is but a cloak of hypocrisy which hides the devil's own purposes; and if there is any such influence felt anywhere in the world as that which we denominate "Christian civilization" I want to know, in behalf of justice and humanity, where it finds refuge since the days of the massacre of the Armenians by the Turks, the murder of the South African patriots by the British, and the slaughter of helpless Filipinos by the Americans.

Do not imagine, sir, that I am now entering upon an argument on the question of expansion or any other question than the bill before the House. I would, if opportunity were offered, enter into that discussion; but not now. I only offer these reflections as an introduction to what I propose to say on the bill for the purpose of calling the attention of the House, and so far as possible the attention of the country, to this important question, the cost of war, the folly and the horror of war.

I have no time to enter into any details; but, in brief, let me say this: Up to the beginning of the present century such a thing as a great national debt extending from year to year, from one generation to another, was not heard of; but during all the warlike ages of the world the methods by which monarchs obtained money for carrying on war were, first, forced loans from wealthy citizens; secondly, heavy taxation; and, thirdly, voluntary loans, to be repaid in short time; but when the modern method of financiering great enterprises came into vogue and the lesson of financiering had been taught by the great corporations of the world, issuing long-time bonds, government financiers soon discovered an easy method of raising all the money necessary for waging war, and so the practical difficulties of financiering a great war were obviated.

Since that time great national debts have been piled up. At the close of the Napoleonic wars it was estimated that the government debts of the world amounted, in round numbers, to $7,750,000,000, the largest that had ever been known up to that time. But in 1848 the immense public debt of the world, growing out of war, had climbed to $8,650,000,000; in 1862 the enormous aggregate of $13,750,000,000 measured the world's war debt; in 1872 $23,025,000,000 were required to measure the burdens which war had imposed upon civilized society; and in 1882 it had risen to the stupendous aggregate of $26,970,000,000; in 1892, to $29,000,000,000, and at the present time the stupendous and appalling aggregate of $32,000,000,000 will scarcely measure the world's indebtedness to the Moloch of battles.

The first cause of all this burden is perhaps the savage spirit still potent among the most civilized people, which enables ambitious monarchs to marshal great armies for conquest. For it is a sad reflection on the history of mankind that for the greater part—in fact, almost the whole—of this immense war debt has been incurred in prosecution of wars of conquest and not in the cause of liberty. But the second cause is perhaps still more shameful to the pride of civilized man, if he has any pride. It is the cupidity of great wealth, which considers Government bonds better than private enterprise, and hence a national debt as a national blessing—that is, to the bondholder.

Thernardier on the field of Waterloo, picking silver coins and gold watches from the pockets of dead heroes, is not more ghoulish than old moneybags urging more bonds, that he may clip more coupons.

It was estimated some years ago by a distinguished gentleman—Prof. H. C. Adams, of Cornell University—that to pay the interest alone on this immense indebtedness of the world would require 3,000,000 men working constantly at $1.50 per day.

So great has become the indebtedness of the world that the continuous labor of 3,000,000 of men must be employed merely to pay the interest. But within the last half century scarcely any government on earth has maintained its interest and its running expenses, but on an average the deficit in the world's account for the last half century has annually amounted to more than $500,000,000.

The ravages of war I shall not undertake to describe. I only mention these facts to bring to the attention of this House the enormous expenditures of civilized nations for war and preparation for war. If I had the time, I should like to quote the words of the distinguished Speaker of this House, eloquently portraying the ravages of war. I shall insert them in the RECORD. I should like to quote the keen sarcasm of old Thomas Carlyle in ridiculing the causes for war. I should like to quote the eloquent words of that distinguished old Frenchman, Victor Hugo, in denouncing the horrors of war; but these, and all of these, I must pass by. I only give a sample here taken from Sartor Resartus:

> What, speaking in quite unofficial language, is the net purport and upshot of war? To my own knowledge, for example, there dwell and toil in the British village of Dumdridge usually some 500 souls. From these, by certain "natural enemies" of the French, there are successively selected, during the French war, say, 30 able-bodied men.
>
> Dumdridge, at her own expense, has suckled and nursed them: she has, not without difficulty and sorrow, fed them up to manhood, and even trained them to crafts, so that one can weave, another build, another hammer, and the weakest can stand under 30 stone avoirdupois. Nevertheless, amid much weeping and swearing, they are selected, all dressed in red, and shipped away, at the public charge, some 2,000 miles, or say only to the south of Spain, and fed there till wanted.
>
> And now to that same spot in the south of Spain are 30 similar French artisans, from a French Dumdridge, in like manner wending, till at length, after infinite effort, the two parties come into actual juxtaposition; and Thirty stands fronting Thirty, each with a gun in his hand.
>
> Straightway the word "fire" is given and blow out the souls of one another; and in place of 60 brisk, useful craftsmen the world has 60 dead carcases, which it must bury, and anon shed tears for. Had these men any quarrel? Busy as the devil is, not the smallest. They live far enough apart; were the entirest strangers; nay, in so wide a universe there was even, unconsciously, by commerce, some mutual helpfulness between them. How then? Simpleton! Their governors had fallen out; and instead of shooting one another, had cunning to make those poor blockheads shoot.

GENERAL HENDERSON ON WAR—THE NEXT SPEAKER OF THE HOUSE THAT WILL PASS ON WAR BUDGETS AND WAR POLICIES ABHORS WAR.

"Gen. D. B. HENDERSON, of Iowa, will to-morrow (Monday)," says the New York World of Sunday, "be elected Speaker of the House of Representatives."

Following is the speech made by him at a soldiers' gathering in Chicago September 12, 1893:

* * * * * * * *

"Mr. President, my theme to-day is war, and I am against it. I wish I had all the gifts to speak my abhorrence of war.

* * * * * * * *

"It takes courage, I grant, to face death. The sufferings and the trials of the soldier have not been exaggerated. But the courage needed to face danger and death ranks far below the courage that faces the superstitions, prejudices, the wealth, and the established customs of the world.

"The great man reasons; the small man fights.

"Grant's words of peace will survive his mightest war cry.

"The cost of war alone should make us stop and think.

"The public debts of the world are twenty-nine billions, and it safe to say that every dollar of this is the fruit of war. What a strain upon earth, shops, and fields!

"In one hundred years Great Britain has paid $4,702,306,010 for war.

"During these one hundred years fifty of them were devoted to human slaughter.

"The cost of our own civil war was $6,508,420,909.

* * * * * * * *

"Europe is expending on her armies $814,000,000 annually.

"No wonder the children of the Old World have been seeking a new home!

"Should humanity weep in order that tyrants may laugh?

"Should the homes of the people be loaded down with billions of debt in order that some heartless murderer may wear a diadem?

"The wretches that have wrought this desolation are the panthers, the hyenas, and the ghouls of humanity.

"I appeal to you, brave men of many battles, who have seen and felt and comprehended! I cry out to you to throw your influence into the scales and urge the world to seek some forum where the arbitrator shall not be the dripping sword.

"War is demoralizing.

"War is desolating.

"War consumes the toil and comfort of our people.

"War is the world's terrible, relentless, remorseless inquisition.

"War is the weapon of tyrants, the prop of thrones.

"War, the black pathway to hell, has been the pretended passage to heaven."

Now, Mr. Chairman, I come to the question of appropriations for the Navy of the United States; and let me say that I am proud of the American Navy. During my short service on the Naval Committee I have had some opportunity to study the history of the achievements of the American Navy, and from the beginning to the end I, with every other patriotic American, feel proud of that history and those achievements. From the days of Paul Jones on down to the days of George Dewey and Winfield Schley the achievements of the American Navy have become the heritage of the American people, and the distinguished services of these men have shed luster on the American name.

I must, therefore, not be understood in what I am about to say as offering any objection to the proper, legitimate enlargement of the American Navy. I believe some of my colleagues on the committee are in some measure unwise; that they have been swept off their feet by the great enthusiasm for war that has swept over the country during the last two years. But I shall not stop here now to discuss the question whether we should have two more battle ships built or two more armored cruisers or three more protected cruisers. I believe they are not all needed.

But I proceed now to the consideration of the provisions of the bill against which the minority of the committee have entered their protest and filed their views. The gentleman from West Virginia [Mr. DAYTON] who has just taken his seat in the beginning of his remarks referred to the fact that the minority of this committee in filing their views had violated every precedent in the history of the Naval Committee. He referred to the fact also that those of us who have dared defy the precedents of the Naval Committee were new members with but little experience.

I desire to say to the gentleman in reply that if it be the custom, as he intimates, of the Naval Committee that a minority should absolutely submit to the will of the majority, and so perfectly acquiesce in it as not to make their wishes or opinions known on this floor, then that custom is more honored in the breach than in the observance, and I am proud of having broken it.

I desire to say to him further, and I am sorry that he is not in his seat to hear what I say, that if his other suggestion that the members of the committee who have filed minority views here are the inexperienced members of the committee, I think it would be well for this House and for the country if we had a few more inexperienced members on that committee.

I want to say also that when he speaks of the new members on that committee having ventured to violate the custom of the committee by bringing in a minority report, I think they have done themselves credit and the country a service when they have presented here views which justify their position and facts which can not be controverted by the gentleman from West Virginia or the majority of the committee.

Now, Mr. Chairman, I wish to devote a few moments of time to the consideration of two propositions which the gentleman from West Virginia has brought forward. He has, in attempting to substantiate the position of the majority of the committee on the question of whether or not any of the new vessels provided in this bill should be constructed in the navy-yards of the Government, brought in as evidence or testimony for the support of his position the gentleman who presides over the great American Navy, the Hon. John D. Long, Secretary of the Navy, and one or two others of the naval officers who appeared before the committee, and who seem to be very friendly to private contractors, but he seemed to take particular pains in steering clear of the testimony of those experts whose particular business it is to know something about the construction of Government ships in the navy-yards.

I want to say to him that if he had taken the advice of the officers of the Navy who appeared before our committee, stating facts and figures rather than opinions, and having experience which would enable them to give good, solid, sensible advice, he would not have been able in good conscience to stand on this floor and say as he did—at least as I understood him to say—that the officers of the Navy Department were against building these ships in the navy-yards.

Mr. HAWLEY. The gentleman will pardon me, but I do not think he is quite correct——

Mr. VANDIVER. I would yield to the gentleman himself if he were present; and if I am mistaken, I will allow him to correct my remarks.

The gentleman from West Virginia based his argument on this point mainly upon the question of cost, saying that it had cost the Government more to build the ships that it had built in navy-yards than it would have cost to build them by private contract. He brought to bear the statement that in the navy-yards men work only eight hours a day instead of ten, as in private yards.

He brought to bear also the statement, as I remember it, that the competition of these private yards kept down the cost of these vessels to reasonable prices, while in the navy-yards our experience had proven that without any competition we were unable to build ships as cheaply.

Now, I refer to the testimony of Constructor Stahl, who appeared before our committee with real facts and figures. He presented to us a tabular comparison of the contract price with the total cost of certain ships. He showed, for instance, that the *Monterey* had cost $2,268,281, while the contract price for that vessel was only $1,647,000; that the *Olympia* had cost the Government $2,484,027, while the contract price was only $1,796,000; that the *San Francisco* had cost the Government $1,738,000, while the contract price was only $1,423,000; that the *Oregon* had cost the Government $5,914,021, while the contract price was only $3,272,000; that the *Massachusetts* had cost the Government $5,401,844, while the contract price was only $3,045,576; that the *Indiana* had cost the Government $5,333,708, while the contract price was only $3,055,272; and he explained to us very satisfactorily that the difference between the actual cost to the Government and the contract price grew out of the fact that when the Government builds its ships by contract the vessel is brought into the navy-yard in an unfinished state, utterly unequipped and incomplete, and that it costs the Government hundreds of thousands and in some of these instances millions of dollars to complete the vessel afterwards.

Mr. ROBB. I should like to ask the gentleman whether the statement he has just given includes the amount of the claim now pending in this House by the William Cramp & Sons' Ship and Engine Building Company on account of the *Massachusetts* and the *Indiana*, that claim amounting to nearly $1,000,000?

Mr. VANDIVER. If I understand the facts, it does not.

Now, Mr. Chairman, only one other remark on this part of the subject. Every naval constructor who appeared before the Naval Committee, giving testimony from his experience and his expert knowledge of the subject, recommended to the committee that at least three of these vessels should be constructed in the navy-yards.

Now, it seems to me not only unwise but a very strange and anomalous condition that this great Government, with immense navy-yards for the purpose of equipping and repairing naval vessels, should go on from year to year and never have a vessel built in one of those navy-yards. It seems to me that a navy-yard properly equipped for the repair of vessels must of necessity be also equipped for building naval vessels; and if properly equipped, then why should we not have some of our vessels built in those navy-yards?

I say, therefore, that the gentleman from West Virginia, in arguing this question and planting himself in the first part of his speech on the wisdom and intelligence of those who had had experience in this matter, failed to follow out the conclusions of his own premises. If he had been willing to accept the wisdom and the advice of those gentlemen who have had experience, he would have found himself at a different conclusion.

Now, Mr. Chairman, one other proposition is of great importance and has been much discussed; that is the question of armor plate.

The gentleman from West Virginia devoted a very large part of his speech of an hour and a half to the consideration of this question of the manufacture of armor plate, and as it seemed to me he ably championed the interest of private corporations and

manufacturers of armor plate for the Government. I propose to show that the gentleman's argument is not only fallacious, but that it is utterly false and without foundation.

Now, sir, I am in favor of the Government establishing an armor-plate factory of its own, not only because I think the cost of armor plate as charged by the private manufacturers is too large, but I think there are other reasons also to support such a proposition.

Experience has proven that it is an exceedingly difficult thing for this Government to protect itself against the greed and cupidity of the people who make armor plate and who have a financial interest in defrauding the Government as far as practicable when it comes to the character of the plate they put upon our vessels.

I have been somewhat surprised at the position assumed by gentlemen in this regard, and if my time allowed me I would quote sufficiently from the testimony here to establish the proposition, beyond the shadow of a doubt, that the Government has been defrauded in this practice to the extent of hundreds of thousands of dollars. I will take only enough time to refer briefly to what has occurred.

In 1894, under the authority of a resolution passed by Congress, the Naval Committee of this House, headed by the distinguished and able gentleman from New York [Mr. CUMMINGS], investigated this whole subject and brought their testimony and their report before the House. That report and the testimony accompanying it amply justify and fully confirm the statement which I have made, that this Government has found very great difficulty in protecting itself against the frauds of the manufacturer of armor plate; and if for no other reason than that, I should defend the building by the Government of a plate factory for the manufacture of armor plate such as it may need from time to time, because I believe it to be the only way by which we can secure armor of the best quality, uniform in all of its characteristics, armor plate that can be relied upon when it is placed between guns of the enemy and the bodies of our seamen.

That the Carnegie Company systematically defrauded the Government is not disputed.

Now, Mr. Chairman, if that be true, why should this Government from year to year depend on these parties for the armor plate that we need, and why should it pay them the arbitrary price which they demand?

I read from the report of the Committee on Naval Affairs, second session of the Fifty-third Congress, Report No. 1468, on page 4. You remember that in the making of this plate the workmen at the forge are under the supervision of officers of the company, and these workmen in charge of the duty of keeping these plates in the furnaces for a certain length of time have to report to the superintendent exactly how long each plate was so kept and that it had remained in the furnace exactly that particular time. These men made their reports and entered the figures on their books. Now, says the report of this Committee on Naval Affairs, after a full investigation:

> The figures were taken by the clerk to the superintendent, W. A. Kline, who had charge of the heating of the plates. The records show that the superintendent almost invariably changed the figures. In some cases he returned to the clerk an entirely new report in his own handwriting.

I have not time to read all of the testimony, but only a very little of it. From page 303, in the examination of Lieutenant Ackerman, I read a part of the testimony:

> The CHAIRMAN. He says:
> "And 2359-A was just given an oil bath without being heated; then put in the furnace five minutes to burn the oil off."
> What is supposed to be the object of treating the plate that way, supposing the testimony to be true?
> Lieutenant ACKERMAN. To deceive the inspector and also to say that they had treated it, or rather to be able to say that they had treated it.
> The CHAIRMAN. Well, would a test of that plate tell whether it had been treated or not? This plate, bear in mind, had not been treated at all, according to what they say, but just given an oil bath without being heated and then put into the furnace five minutes to burn the oil off.

Mr. Chairman, I read again from page 89 of the testimony of Mr. T. F. Farley. He says:

> Since I went back to work after the strike the system of concealing imperfections from the Government inspectors has been pursued. Plates have been frequently taken off the planers and placed in such position as to conceal the imperfections until they could hammer, patch, and plug the plates in the absence of the inspectors.

Now, Mr. Chairman, finally I read from page 59 of the report. The chairman says:

> Mr. Dunphy says the workmen would send in a slip or memoranda with "three hours" on it, and somebody in the office would change it to thirty hours; and, for instance, if he worked four hours at tempering, the "4" would be rubbed out in the office and "8" put on. Now, I am informed that that committee have more than a thousand of those slips, and in nearly every instance a change has been made from the original stub preserved by the workman, and the slip as presented to the Government inspector in the office of the company.

Then the chairman says:

> Do you know how much truth there is in that charge?

Captain Sampson, now Admiral Sampson, who was then a witness before the committee, replied:

> Yes, sir; it was the practice, and Mr. Sill, as I think I mentioned once before, kept a memorandum of those slips to which Mr. Dunphy refers.

Again, on the same page, Mr. MONEY, of the committee, asked:

> Who was responsible for that?

Captain Sampson answered:

> The superintendent of the shop was responsible.

Now, Mr. Chairman, I will not read further from the testimony, but I read a short paragraph from the report of the committee, and, as I understand, it was a unanimous report. It is scathing. Hear it. I read from page 16:

> If the criminality of a wrongful act is to be measured by the deliberation with which it is committed, the magnitude of the evils likely to result from its perpetration, and the want of provocation with which it is done, the frauds that your committee have found are worthy to be called crimes.
> The servants of the Carnegie Steel Company, whether with or without the knowledge of the company to increase their gains, deliberately continued for month after month to commit acts whose natural and probable consequence would be the sacrifice of the lives of our seamen in time of war, and with them, perhaps, the dearest interests of the nation.

This was against the Carnegie Company. I make no charge against the Bethlehem Company, as I know of nothing of this kind against them.

But now, Mr. Chairman, with that report of a committee of Congress before us, with that information before us, undisputed, I do not see how it is within the range of reason that the gentleman from West Virginia [Mr. DAYTON] should stand up here and argue for the great patriotism of the manufacturers of armor plate and protest against what he calls "punishing them" by building our own armor factory.

I say that if for no other reason I should prefer to have the Government manufacture its armor plate in order that it might secure the very best armor, and that every plate put on a battle ship should be of the very best possible that can be made. As long as we leave it to private manufacturers they will be constantly tempted to profit by the frauds that they can commit on the Government and to put weak, untreated armor in place of the strongest, hardest, and best.

Now, as to the other question, Mr. Chairman, the question of cost, I desire to devote a very few minutes to that. If I had the time, I think I could put before the House the evidence to show that the Government itself can make armor plate as cheaply as any private factory can make it.

And now I want to call your attention to this one fact, that the Government has, by a special committee, examined into this matter; and the Senate committee, appointed in 1897, has gone thoroughly into this subject, and the chairman of the Senate Committee on Naval Affairs, Mr. CHANDLER, of New Hampshire, an ardent friend of the Navy and ex-Secretary of the Navy, has made a full and favorable report.

At the conclusion of that report that committee informed us that a Government armor-plate factory could be established for the sum of $1,500,000, and that it is expedient to establish such a factory in case the armor manufacturers decline to accept such prices for armor as may be fixed by law.

Furthermore, I read from the same report, page 23:

> That a fair average to be paid for armor for the three new battle ships authorized by the act of June 10, 1896, will be between three hundred and four hundred dollars per ton.

I want to say that those figures were arrived at by a most liberal system of computation and that the testimony before that committee was that $250 a ton was an ample price for the actual cost of armor plate, not allowing for profit.

I will further say that the testimony was most conclusive on that point, and as the conclusion of my time draws near, I shall only read a very brief extract from the testimony. Ex-Secretary Herbert, in his report to Congress of December 31, 1896, states as follows:

> It has been determined that the cost of the labor and material in a ton of double-forged nickel steel Harvey armor, including allowance for loss in manufacture, is $197.78, which comprises every element of cost in its manufacture, save and except only the maintenance of the plant.

Now, Mr. Chairman, if that be true—and I believe that even the gentleman from West Virginia, with all of his five years' of service on the committee, will have to concede that Secretary Herbert has a little more experience and a little better opportunity for knowledge than even he—if that be true, how is it possible for the majority of this committee to justify itself in coming before this House with a proposition to pay the armor-plate manufacturers $545 per ton?

Mr. BARBER. Will the gentleman allow me to ask him a question?

Mr. VANDIVER. I certainly will.

Mr. BARBER. You state there that Secretary Herbert made the entire cost $197 per ton. Is it not a fact that the Government for that armor furnished the nickel at $20 a ton in addition to that?

Mr. VANDIVER. I have read you the exact statement, I will say.

Mr. BARBER. Is it not a fact that he stated, in another part of the report, that the Government furnished the nickel for that armor, for which it paid $20 a ton?

Mr. VANDIVER. Assuming that it did, that will bring it up to only $217.

Mr. BARBER. Yes; and then the Government paid the royalty in addition, did they not?

Mr. VANDIVER. If I had time, I would gladly enter into the question of royalty, because I will say to my friend from Pennsylvania that I do not believe from the evidence I have examined, and I have gone through a great deal of it, that there is any legitimate ground on which the company can base a claim for the payment of any royalty. That question is still before the courts.

Now, my time has about expired, and I wish to make one other remark on this subject. I call the attention of the House to the memoranda which Admiral O'Neil, in his statement before the committee submitted to us, in which he gives the amount of armor plate and the price at which it has been furnished by these companies. On page 41 of the hearings of February 16 last I find that Admiral O'Neil has given us the information that in October, 1898, the Bethlehem Steel Company made a contract with the Government for 3,965 tons of armor, and that the armor was to be furnished at $400 per ton.

I find also that at the same time a contract was made with the Carnegie Steel Company for 3,712 tons, and that was to be at $400 per ton. I find again, in the same table, that last October, as late as October, 1899, this Government made a contract with the Carnegie Company and another contract with the Bethlehem Company to furnish armor at $400 a ton. Now, why should they demand $545 per ton?

Mr. BARBER. Will the gentleman allow a question?

Mr. VANDIVER. Certainly.

Mr. BARBER. Will you kindly state what kind of armor that was for which that contract was made?

Mr. VANDIVER. Harveyized steel.

Mr. BARBER. Not the armor now asked for?

Mr. VANDIVER. Now, I want to say to my friend from Pennsylvania that that armor—harveyized steel—is the very best that has been used so far, and the testimony before the Naval Committee has never as yet shown that Krupp armor is any better—only this, that according to the testimony of Admiral O'Neil and some others before our committee it is possible by the Krupp process to make it more uniformly what is contracted for, and granting that, that makes it better, I will admit; yet I want to say that Krupp armor is not any better than harveyized armor at its best, and I think I have for that statement the authority of Admiral O'Neil himself, who says that he has no reason to believe that the Krupp process costs any more.

Mr. BARBER. Will you read what he says about it?

Mr. VANDIVER. In other words, that harveyized armor plate is sometimes made as good as a plate of the Krupp armor; and, furthermore, I want to say that we have before this committee no evidence whatever to show that Krupp armor really costs any more than harveyized armor.

Mr. GAINES. Will my friend yield to me?

Mr. BARBER. Will the gentleman allow me to ask him a question?

The CHAIRMAN. To whom does the gentleman yield?

Mr. VANDIVER. I will yield now to the gentleman from Tennessee and afterwards to the gentleman from Pennsylvania.

Mr. GAINES. It is a historical fact that the Krupp process is not a recent one; and is it not a fact that it was in use in Europe when the harveyized iron was carried over there by Carnegie and these other companies who underbid and sold it, and caused harveyized steel to be used in Europe?

Mr. VANDIVER. I think it is.

Mr. GAINES. My information is that that is the fact.

Mr. BARBER. But is that the fact? In his testimony Secretary Long and Admiral O'Neil both say that this Krupp iron did not come into existence until about two years ago, and was not manufactured until then.

Mr. GAINES. It was proved that it was an old patent last session by the gentleman from California, Mr. Hilborn.

Mr. BARBER. Read the portion of Admiral O'Neil's statement in which he says that Krupp armor only came in two years ago.

Mr. VANDIVER. The arguments will all be gone over by those who have more time than I have just now.

Now, Mr. Chairman, the gentleman from West Virginia closed his speech with the statement that the Government would not be able to manufacture armor for less than $800 or $1,000 per ton. I have heard that statement before and I have examined carefully the testimony before this committee and the testimony before other committees that have reported on this subject, and I am here to say that these figures are given by the gentleman from West Virginia, not from any facts that he had before him, but out of the pure fiction of his own imagination.

Now, Mr. Chairman, I fear that I am overrunning my time, as I have promised to yield a few moments to the gentleman from Ohio [Mr. McDOWELL]. Before yielding the floor, however, I would like to ask permission to extend my remarks in the RECORD for the purpose of inserting some facts on this subject and some branches of a cognate subject which I have not had time to present.

IMPERIALISM THE ISSUE.

Mr. Chairman, are we ready to change our form of government from a republic to an empire? This is the real question before the American people. What are the advantages to be gained and the losses to be suffered? It is not a new question, as some suppose. There have always been some people in our country who considered a constitutional monarchy the best form of government.

Alexander Hamilton believed it, and said so in the great constitutional convention of 1787. The only difference between him and the Republican statesmen of to-day is that they repudiate it in their utterances, but seek to accomplish it in their actions, while he openly avowed his preference for monarchy, and deplored the fact that the convention was obliged to frame a constitution which the people would adopt, and hence it must be a republic, although, in his judgment, no republic had ever succeeded in bestowing such blessings upon its citizens as had the English monarchy. Here are his words as reported by Madison. I read from Madison's Constitutional Debates, Volume II, speeches of Alexander Hamilton, page 885, June 18, 1787:

> This view of the subject almost led him (Hamilton) to despair that a republican government could be established over so great an extent. He was sensible, at the same time, that it would be unwise to propose one of any other form. In his private opinion, he had no scruple in declaring—supported as he was by the opinion of so many of the wise and good—that the British Government was the best in the world, and that he doubted much whether anything short of it would do in America.

Then, on page 887:

> As to the Executive—
>
> Said Colonel Hamilton—
>
> it seemed to be admitted that no good one could be established on republican principles. Was not this giving up the merits of the question, for can there be a good government without a good executive? The English model was the only good one on the subject.
>
> The hereditary interest of the King was so interwoven with that of the nation, and his personal emolument so great, that he was placed above the danger of being corrupted from abroad; and at the same time was both sufficiently independent and sufficiently controlled to answer the purpose of the institution at home. One of the weak sides of republics was their being liable to foreign influences and corruption. Men of little character, acquiring great power, become easily the tools of intermeddling neighbors.

Again, from page 886:

> What is the inference from all these observations? That we ought to go as far, in order to attain stability and permanency, as republican principles will admit. Let one branch of the legislature hold their places for life, or at least during good behavior. Let the executive also be for life.

Then, from page 892, section 10, of Hamilton's Plan of Government:

> All laws of the particular States contrary to the Constitution or laws of the United States to be utterly void; and the better to prevent such laws being passed, the governor of each State shall be appointed by the General Government, and shall have a negative upon the laws about to be passed in the State of which he is to be governor or president.

I read again from page 886:

> The progress of the public mind led him [Colonel Hamilton] to anticipate the time when others, as well as himself, would join in the praise bestowed by Mr. Neckar on the British constitution; namely, that it is the only government in the world "which unites public strength with individual security."

And added:

> Their House of Lords is a most noble institution. * * * no temporary Senate will have firmness enough to answer the purpose.

By temporary Senate he referred to the plan then under discussion, to elect Senators for the term of seven years. He wanted them, if elected at all, to be elected "for life," as remarked before.

Other great minds in that Convention seriously doubted the wisdom of trusting all the power of government in the hands of the people. While they rejoiced in having freed their country from the tyranny of kings, they were unable to free their minds from the influence of long-standing monarchical customs and theories of government inherited from the mother country. The Declaration of Independence had been proclaimed eleven years before, and the best blood of America had sealed its adoption. But its vital truths were again assailed, and this time imperiled in the very Convention which was to give them application in the organic law of the land.

But in that Convention the spirit of Jefferson and the voice of Franklin prevailed (though the former was himself serving his country in a distant land) and rebuked the distrust, restored confidence, and framed a free Constitution—the best which the wisdom of man has ever devised for the government of a great nation—a Constitution which was described by De Tocqueville as "a new discovery in modern political science," and by Lord

Brougham as "the very greatest refinement in social policy to which any state of circumstances has ever given rise or to which any age has ever given birth."

From that day to this that Constitution has been the bulwark of our freedom, the sheet anchor of our political faith, the Magna Charta of our liberties. Shall we abandon it? That is the question. Shall we ignore it for the cheap glory which flatters our vanity in waving a flag over distant islands of the sea, while we deny to their inhabitants the blessings which it guarantees to us? If so, I want to know what we are to gain by the change. What have we to gain and what to lose?

Gentlemen who uphold this imperial policy have not the courage to call it by its right name. They call it expansion, growth, development, spread of civilization, "Christian civilization;" and tell us that we are to gain great prestige among the nations of the world and great commercial advantages for our enterprising people.

Prestige and power, commerce and development, glory and destiny, these are the seductive phrases behind which imperialism seeks to conceal its hideous form. Examine them. They are the favorite expressions of the imperialist. They are not mine; they are his. Add to these the magic words "trade," "profit," "per cent," "the flag" (with "the appropriation" attached), and "the gospel," and you have exhausted the vocabulary of this new imperialism, which comes to us in the guise of "benevolent assimilation."

Opposed to these I pluck from the vocabulary of true Americanism the words "home," "country," "native land," "freedom," "truth," "duty," "justice," "honor," "integrity," "humanity," "right," "life," "liberty," and "happiness." These are the terms in which exalted patriotism lifts its voice above the clamor of the hypocritical stock gamblers and speculators. The others are the best terms which the apologists for the new doctrine of empire can employ to conceal their policy.

Now, examine these pretenses and see what they claim for us. Stripped of all their glittering verbiage, they are all resolved into three—the glory of prestige, the prospect of profit, and the sanction of Providence. These, and only these, have been in various forms put forward by the President and his champions on this floor. I invite you to analyze them, examine them in detail.

"Prestige!" Think about it, gentlemen, as an excuse for abandoning the principles of our fathers, principles which have for four generations pointed us to the paths of peace and honor. Think of it, gentlemen, as an excuse for an expensive and destructive foreign war. Aye, gentlemen, think of it as the glittering bauble with which ambitious kings are wont to amuse themselves.

We are told by a distinguished Administration Senator [Mr. BEVERIDGE] that this new prestige is to be "an instrument of statecraft, looking to our future as the dominant power of the world." Let me remind you that we have been the dominant power in the Western Hemisphere ever since James Monroe announced to the world that no European nation would be allowed to acquire territory or meddle in the affairs of this continent.

That "prestige" has been maintained as a safeguard for our own interests and a protection to the liberties of the Central and South American republics from that day to this, and even Grover Cleveland won the plaudits of America in the declining days of his career by reasserting it. But the Monroe doctrine is now to be abandoned and our power in the Western Hemisphere to be surrendered for the privilege of mixing up in the petty quarrels of Eastern despots, being eternally involved in the turmoil of European politics.

In short, we are to exchange the absolute power which the Monroe doctrine gave us over the destiny of the Western Hemisphere for the privilege of wearing a Chinese pigtail in the Orient and a British badge in the rest of the world, and call it "prestige."

Now, Mr. Chairman, as to the prospect of profit, I desire to submit only a few brief observations. First, let me say that this low plane of consideration for a great national policy, or change of policy, is exceedingly discreditable to us as a people. But it has been coldly and brutally asserted by Administration Senators and editors who support this expansion movement that the Philippine Islands are to be held and forcibly annexed to the United States because they afford a profitable opportunity for the investment of American capital and a field for the development of American industries.

It is a base and unworthy motive; but base and unworthy as it is, it must be met, because there are some people who are unable to rise to the consideration of any higher question than that of gain or loss. So, putting the question on this low plane, I want to know who it is we are legislating for? Are we to consider the interests of the whole people or only a favored few? It seems to me that this question of material gain or loss must be treated from the standpoint of three different parties.

First, will the average American citizen, without capital, find anything to induce him to form a settlement in the Philippine Islands? Will he go there to secure employment or to establish a home? Let us be practical and sensible if we are going to reason on the basis of business prudence. You know it is utter folly to expect American laborers to go there and compete with Chinese and Filipinos who work for 10 cents a day. You know, too, that the climate is such that a white man can scarcely endure it, and no American citizen is going there to build a home for himself and family. You tell us that it is to offer a field for development by our children as they grow up.

God grant that mine may never be driven out of the heaven-blessed land of their birth to hunt for a home among the sands and fever-stricken swamps of Luzon and Mindanao. I bid you remember, sir, that the population of the United States is not more than 23 persons to the square mile, and in the Philippine Islands it is 73, or more than three times as thick. Climate, distance, and population, then, will altogether exclude the probability of the average American getting anything out of this investment. Then for whom is it made?

Consider it, secondly, from the standpoint of the Government. Are we as a nation to profit by it? Remember that the total imports of the islands have never averaged more than $12,000,000 a year, and the collection of one-half that sum in taxes would be enormous, even under the most rapacious and cold-blooded system of taxation without representation, so that six millions a year would be a large sum to expect as the revenues of the province, if province you make it.

Over against that sum place the expense of an army and navy and a long list of carpetbag governors, judges, marshals, and other civil officers, with transportation from seven to ten thousand miles—for all of these things must be taken into consideration—and you will find that not six millions, nor even sixty millions, will cover the bill. During the present fiscal year three times sixty millions will scarcely more than meet the expense account of our Philippine investment. After we have subdued the natives—if anybody can tell when that is to be—perhaps the budget will not be so large.

But an army of twenty to forty thousand men will always be needed there to keep down insurrections, and a large naval force sufficient to guard our possessions against the encroachments of other powers will always be considered necessary for the maintenance of our sovereignty. I do not see how the annual appropriations from the United States Treasury for the naval, military, and civil administration of these islands can be reduced much below a hundred millions of dollars, and it is likely to be much more.

In short, then, with an income of six millions a year—which in time, possibly by enlarged importations, might be increased to ten millions—the Government expense account would have to be evened up by drawing from the Treasury of the United States about $90,000,000 of the people's money each year. This is the investment we are asked to make, and call it profitable.

But in the third place I think I can see a prospect of profit for certain people who have money to put into such enterprises as railroads, street-car lines, electric-light plants, waterworks, and other things in the nature of monopolies, which require a Government charter or franchise, provided they are in touch with the Administration which will control these franchises.

Already this is being done to some extent, and as soon as peaceable conditions prevail I apprehend there will be some rush of capital for this kind of investment. In short, sir, these islands are to be exploited by the adventurous speculators and contractors who are the friends and favored pets of the Government, and in a few years every valuable public franchise will be in the hands of this class of people.

We know how difficult it is to curb their selfishness at home, when their extortions are under our own eyes and their powerful protectors in the Government to some extent amendable to public sentiment. But when they are 10,000 miles removed from all restraint of the people that make the government, who shall set bounds to their exactions? These are the people who want the islands and will reap the profit.

But, sir, who shall hear the complaint of underpaid labor and overtaxed public? You answer, "The colonial governor." Yes; the colonial governor, the royal governor, who holds his high commission, not from the people of the country which he is to govern; no; not from the people of any country, but from the emperor at Washington, on the opposite side of the globe, the governor and the franchise grabber in partnership, the governor and taxgatherer in one.

This is the history of colonial government from the days of the Persian satrap and the Roman proconsul down to the last of the British viceroys in India and South Africa. Aye, sir, from the time of Christ, when the Roman government farmed out the taxes of Judea to be collected on the shares by a greedy governor, down to the scourge of suffering Ireland by British landlords, the "publican" has been a term of reproach and the foreign taxgatherer an object of universal hatred. Cicero denouncing the tyranny of the Roman governor over Sicily made the name of Veres the symbol of immortal infamy.

Macaulay immortalizes the victorious career of Lord Clive, the first franchise governor of India, but must apologize for his pillage. Edmund Burke, in the greatest oration ever delivered by an Englishman, forever embalmed the name of Warren Hastings in the literature of colonial misgovernment. The English landlords have for three hundred years sucked the best blood of Ireland, until famine, pestilence, and poverty have well-nigh crushed the spirit of the most heroic race whose valor ever inspired the world. And now Great Britain's most gigantic effort of the century is being made to stretch the royal scepter over the republics of South Africa, whose heroic resistance kindles the admiration of freemen in every quarter of the globe.

In fact, sir, a large part of the history of the world is taken up with this struggle for empire; and lately it seems to have broken out afresh. On both sides of the Atlantic great military and naval armaments are being fitted out for conquest in distant lands. British imperialism is crushing the spirit of liberty in South Africa, while McKinley imperialism, having repudiated the noble sentiment that "forcible annexation is criminal aggression," now hurls our brave battalions against the weak and helpless Filipinos, who refuse to submit to a foreign yoke and a colonial government, which is condemned by all experience and all wisdom.

Mr. Chairman, on this very point the greatest English historian since the death of Lord Macaulay has been often quoted, and I read here his exact words.

I read from the first chapter of James Anthony Froude's Sketch of Cæsar, one of the most thoughtful works of history which has been given to the world during the last quarter of the century:

> The early Romans possessed the faculty of self-government beyond any people of whom we have historical knowledge, with the one exception of ourselves. In virtue of their temporal freedom, they became the most powerful nation in the known world; and their liberties perished only when Rome became the mistress of conquered races to whom she was unable or unwilling to extend her privileges.
>
> If England were similarly supreme, if all rival powers were eclipsed by her or laid under her feet, the imperial tendencies, which are as strongly marked in us as our love for liberty, might lead us over the same course to the same end. If there be one lesson which history teaches, it is this: That free nations can not govern subject provinces. If they are unable or unwilling to admit their dependencies to share their own constitution, the constitution will fall in pieces from mere incompetence for its duties.

I repeat this "one lesson which history teaches." "It is this" (hear it, gentlemen; it ought to be engraven in granite): "that free nations can not govern subject provinces." I sincerely wish that it may be written in the hearts of my countrymen.

Mr. Chairman these are not the words of a politician. They are not the words of a flatterer seeking favor at the White House. They are the words of a great man, far removed from political prejudice. They are solemn words of warning from the high priest of history.

And now, sir, alongside of them I desire to place the words of another great historian, whose work will ever be cherished as one of the highest achievements of the human mind. I quote from memory, as the volume is not now at my command. But Lord Gibbon, in his great work The Decline and Fall of the Roman Empire, informs us that—

> The wisest advice which Augustus Cæsar left to his successors was that they should confine the empire to the limits which nature had prescribed for it.

The fatal results of not following that advice are fully set forth by the great historian. But the story is too well known. I need not repeat it. Ambition for empire has been the ruin of great statesmen and great soldiers, as well as great governments, monarchies, and republics, in all ages. The story is the same, whether Cambyses goes out to conquer Egypt, or Alexander to add the kingdoms of Asia to his dominion; whether Xerxes crosses the Hellespont, or Cæsar pauses on the banks of the Rubicon.

It is the same whether George the Third hurls his British regulars against American patriots, or William McKinley dispatches our fleets and armies to the conquest of the Orient. It is unbridled ambition, the ruin of men and of nations.

Mr. Chairman, heretofore the student of history and politics could only point to the general tendency of events and the fondness of the Republican party for strong centralized government, and designate their policy as one of imperialism. No thoughtful, candid man, acquainted with the history of nations, could deny that charge. But the plausible politician could evade it by fixing the attention of voters upon more concrete questions and other diseases of the body politic, because they were in their more acute stages.

But last week this question of imperialism versus democracy was lifted out of the region of historical investigation and the refinements of political philosophy into the clear sunlight of present experience. It is no longer a political or metaphysical abstraction. It is now a substantial and concrete question.

Your Porto Rican bill is the very embodiment of concrete imperialism. The issue is clearly defined: Shall the United States of America be a republic, or shall it be an empire governed by a monarch?

The very essence of imperialism is centralized power in the hands of one man, backed by an army to execute his commands. Whenever that power extends to the government of distant provinces, it becomes tyrannical and despotic. Your Porto Rican tariff bill was bad enough; so bad, indeed, that it met with a storm of abuse even from the Republican press throughout the country.

But your Porto Rican civil government bill, which you tacked on to it and rushed through this House with only three hours for its consideration, is ten times worse, and I believe will meet with the condemnation which it deserves before the ides of November come.

That bill, while pretending to be for the relief of the distressed people of that island, fastens upon them an army of Government officials, appointed by the President, with fat salaries to be drawn from the sweat and the toil of Porto Rican taxpayers, and with every opportunity for pillage and plunder—salaries 25 per cent higher, too, than the average salaries of State officers throughout the Union. Every executive officer, from the governor down to the spittoon cleaner, is to be a carpetbagger appointed from Washington—a politician repudiated and out of a job at home.

There is a part of the secret of it—a hundred or a thousand more places to be filled with hungry office-seekers, living on the proceeds of other men's labor, and fattening on the plunder of the people who came under our flag because they thought it was the symbol of freedom. They came willingly, too. They offered no resistance to the army of General Miles. They hoisted our flag, believing it stood for our Constitution and our free institutions.

And now, not content with filling their executive offices, you go further and appoint the upper house of their legislative assembly, their State senators. And to make your power more secure, you give this alien-appointed governor the veto power so framed as to make it practically absolute over all their legislation. Do you pretend to believe that these extraordinary powers of carpet-bag rule will not be abused? I tell you that the history of the world affords no example to encourage your belief.

On the contrary, I assert, and am prepared to prove, that no colonial system of government by officers appointed from a distance ever was, in any country or any age of the world, for any length of time administered for the good of the governed. The satraps of Persia ruined every province of the empire. The proconsuls of Rome demolished Carthage, and finally impoverished every province from the Euphrates to the Pillars of Hercules.

Spain crushed the life out of every colony she had. English colonial governors, though less rapacious than others, drove the American colonies to revolt. English gold-hunters and government speculators are now crushing out the republics of South Africa, and a hundred millions of people are now groaning and starving under British rule in India.

Mr. Chairman, in proof of this last statement, one has only to reflect on the history of British rule in India; how a great corporation (the East India Company) grew rich out of the robbery of the natives and then became the governing power of the country, embracing as it now does a population of 200,000,000 of people, who are kept in such abject poverty that a failure of a single crop brings a famine upon the whole land.

So great indeed has the distress become that on an average once in every three years the people of that once prosperous country must appeal to the charity of other lands for relief. To-day they are starving by the millions in a land which only a few years ago furnished breadstuffs for half the population of London. Two years ago the colony of British subjects of India then residents in London made a formal appeal, which was published in the London Times, from which I quote these words:

> That this conference of Indians resident in the United Kingdom is of opinion that all of the evils and "terrible misery" that India has been suffering for a century and a half, and of which the latest developments are the most deplorable famine and plague arising from ever-increasing poverty. That of all of these the main cause is the unrighteous and un-British system of government which produces an unceasing and ever-increasing bleeding of the country, and which is maintained by a political hypocrisy and subterfuge unworthy of British honor. * * * remembering that England drains from India some £30,000,000 ($150,000,000) per year.

After all, Mr. Chairman, I feel that this is the real cause why the "power behind the throne" here is pushing the Administration on in its mad rush for colonial empire. They expect to drain from Cuba, Porto Rico, and the Philippines as British landlords and bondholders drain from India and South Africa. In the name of humanity and justice, I ask, sir, why we are to ignore for their benefit the lessons already learned and so forcibly impressed by the history of other nations?

You tell us it is "Providence;" "it is manifest destiny;" "it is survival of the fittest." I tell you, in reply, I do not believe that

Providence ever ordained the sword and the Gatling gun as instruments for the spread of "Christian civilization"—if, indeed, there is any such thing in this selfish world as a "Christian civilization"—terms which have come to be only a cloak of hypocrisy to conceal the devil's own purposes. I do not believe that Providence licensed 300 saloons in Manila in six months after Americans took control as missionaries of Christian life and doctrine. I do not believe your "doctrine of survival of the fittest" is anything more than the survival of the strongest and robbery of the weakest.

Aye, sir, the plea of Providence and destiny is the same old pretense with which ambitious tyrants in all ages have salved their consciences when starting out to pillage and plunder their neighbors. William McKinley salves his conscience with the same unction that George III applied to his.

The CHAIRMAN (Mr. BROSIUS). The gentleman from Missouri asks permission to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES. I would like to ask the gentleman from Missouri, before he takes his seat, if it is not a fact that the Bethlehem Company sold harveyized armor plate in Europe for $249 a ton?

Mr. VANDIVER. It is a fact that the Carnegie Company sold the Russian Government armor plate at $250 a ton, and I have no evidence to show that it was any less than the cost of it.

Mr. GAINES. The company never claimed that it was less than the cost of it, and there is no record to show it.

Mr. VANDIVER. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has five minutes.

Mr. VANDIVER. I yield that time to the gentleman from Ohio. I believe my colleague on the committee, Mr. LOUDENSLAGER, wishes to address the House.

Mr. LOUDENSLAGER. Mr. Chairman, I want to ask unanimous consent of the committee, before I begin, to extend my remarks in the RECORD and to print therein some figures and data.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD and to print some figures and data. Is there objection? [After a pause.] The Chair hears none.

Mr. LOUDENSLAGER. Mr. Chairman, in supporting the efforts of my colleagues in behalf of the bill now before this body for consideration I find many sources of satisfaction. In the first place, I deem it an honor to be a member of the Committee on Naval Affairs, whose work forms so important a part of the duties of the House of Representatives and which has to do, perhaps, more than any other committee with providing means for defending the national honor and protecting the vast business interests of the United States, both at home and abroad.

I derive no little pride from the fact that since I have been associated with that committee I have stood at all times with those of my colleagues who have steadfastly pursued the policy of building up a navy for the United States that will be adequate to the needs of so great and glorious a nation; for if ever a public policy has been vindicated, if ever the foresight of man in providing for the exigencies of the future has by subsequent events been demonstrated to have been wise, the history of the year 1898 can not be truthfully written without according honor and credit to those public men who, since 1883, have planned or aided in the schemes for the construction of a navy for the United States that would be commensurate with the urgent needs of this, the most important branch of the public defense.

I am also proud, Mr. Chairman, of the record that the State of New Jersey has made in connection with the United States Navy. She has three times been represented in the Cabinet by a Secretary of the Navy in the persons of Hon. Samuel L. Southard, Hon. Mahlon Dickerson, and by a predecessor in this House from my own Congressional district, Hon. George M. Robeson, and in the hands of these gentlemen reposed the administration of the Navy Department for eighteen years.

Not only has New Jersey been thus ably represented in the highest position of command of the Navy, but she has at all times, in every exigency of war, furnished her full quota of "the men behind the guns," and to-day she is conspicuous for her activity in the maintenance of the Naval Militia, which, in any future necessity, will offer for the nation's defense the services of the same gallant fighting material that supported the commanders in the memorable battles of Manila and Santiago.

The recent marvelous achievements of our Navy are so fresh in our minds that we can still hear the echoes of the battle cry that thrilled our sailor boys and spurred them on to victory, "Remember the *Maine;*" but appropriate and effective as was that reminder of the dastardly act to be avenged, it was applicable only to the war in which it originated. But there is another, an older, battle cry, one that has been repeated for a century and which will be appropriate for all time, "Don't give up the ship," and this appeal of a wounded officer, while being carried by his comrades from the front of a naval battle, was uttered by a worthy son of the State of New Jersey, Capt. James Lawrence, of Burlington.

Coming here as a member of Congress from a State that has been so closely identified with the affairs and deeds of the Navy, it is a source of great gratification to me that as a member of the Naval Committee, which on a former occasion presented to the House a scheme for the enlargement of the Navy, we provided, among other items, for the building of one of the mightiest and most formidable fighting ships ever designed, and which will be named the *New Jersey;* and if, sailing under the American flag, she shall be called upon to go forth in defense of our national honor, she will be a fitting emblem of that patriotic support that ever has been and ever will be given to the Navy by the State whose honored name she will bear.

Therefore, Mr. Chairman, representing as I do in part so noble and patriotic a State, I am proud of the privilege of standing here to-day and placing upon the records of this House my indorsement of this bill, which contains, I believe, the proper and necessary, though not extravagant, provisions for still further advancing the efficiency of our already creditable but inadequate Navy.

In the light of recent events, it is difficult to understand how any gentleman on this floor can justify opposition to a reasonable scheme for the upbuilding of the Navy, which is recommended by our able Secretary of the Navy, indorsed by our most eminent authorities on matters pertaining to the needs of the naval service, concurred in and presented by the Committee on Naval Affairs after long and careful analysis of the various items and investigation as to the necessity for providing them.

If, in the face of the fact that the country demands effective defense of our property and commercial interests, there are members of this House who would hesitate to comply with those demands; let them invoke the spirit of our forefathers to guide their action upon this measure.

The records of the Continental Congress show that on the 13th of October, 1775, Silas Deane, John Adams, and John Langdon were appointed as a naval committee. This marked the origin of the Committee on Naval Affairs. They were authorized to provide two swift sailing vessels, one to carry 10 guns and a proportionate number of swivels and to be manned by 80 men, the other to carry 14 guns and the necessary number of men. This was the first official step toward the formation of a national American navy.

On October 30 of the same year, only seventeen days later, the Congress authorized the construction of two more ships, larger and more efficient than the others—one of 20 and the other of 36 guns—and at the same time the naval committee was enlarged by the addition of three members—Stephen Hopkins, Joseph Harris, and Richard Henry Lee.

Nine days later, on November 9, Congress authorized two battalions of marines to be raised.

On December 13, 1775, two months after it was appointed, the naval committee made its first report to Congress, recommending the construction of 13 ships—5 of 32 guns, 5 of 28 guns, and 3 of 24 guns capacity. This recommendation was approved by Congress, and the construction of the vessels was authorized. The estimated cost of these vessels was $900,000.

On December 22 of the same year the naval committee reported a list of naval officers, which included the names of Esek Hopkins as commander in chief and John Paul Jones as one of the first lieutenants.

The first naval effort or cruise of the infant navy was commanded by Esek Hopkins, and he embarked upon that mission only two and a half months after the appointment of the first naval committee.

Maclay describes Esek Hopkins as "a most experienced and venerable sea captain," and of his taking command of the first American fleet he says:

> At 9 o'clock on a clear, frosty morning early in January, 1776, he (Hopkins) slipped into his barge at the foot of Walnut street, Philadelphia, where a squadron of eight cruisers had been collected, and amidst the discharge of artillery and the cheers of the multitude he made his way through the floating ice to his flagship, the *Alfred*. When he gained the deck the signal was given, and Lieut. John Paul Jones hoisted a yellow silk flag bearing the device of a pine tree and a rattlesnake, with the motto, "Don't tread on me." This was the first flag hoisted on an American man-of-war.

Mr. Chairman, this historical event has additional interest for me, from the fact that on that occasion of the birth of the American Navy, when the plucky little squadron weighed anchor in the harbor of Philadelphia, in going forth to fight in the cause of liberty they sailed for 100 miles along the shore which forms a boundary of the district which I have the honor to represent. And it appears to be an appropriate coincidence that in the Delaware River harbor of Philadelphia, near the spot where the American Navy was born, there is located the shipyard wherein are constructed some of our powerful modern battleships, as well as some of the highest types of war vessels for foreign countries.

Mr. Chairman, the record which I have referred to as showing

what was accomplished in a little more than two months by the first naval committee of the Continental Congress very clearly exhibits the energy and ability of our forefathers in the enactment of legislation looking toward the establishment of a navy. Grasping as if by magic a knowledge of the true situation presented by the impending struggle between the American colonies and Great Britain, they comprehended the fact that, like all other wars, the result of the conflict would be mainly a question of the superiority of naval force. How well they builded is clearly shown by the history of that memorable contest.

The Navy occupies a unique position in the affections of the people. At all times and in every country possessing a navy there has always existed among all classes of people a warmth of pride for the sailor which has not been bestowed upon any other class of men. This may be due to that peculiar condition of peril that always surrounds him, not only in war, but in time of peace. But above and beyond all these considerations is the keen appreciation and deep love which our people entertain for our Navy and its heroes, whose gallant deeds in all our conflicts fill many pages of history.

The country unanimously supports the policy of strengthening this the most important means of our country's defense. The people know that parsimony along this line proves in the end to be the wildest extravagance, and that logical and reasonable liberality in providing protection to our commercial interests at home and abroad is indeed a measure of true economy. We are a peaceful nation. We never have sought and never will seek a conflict with other nations, but the surest means of maintaining peace is to at all times be prepared for war.

The degree in which a nation is respected and feared is measured by the strength of its navy, and in all the international wars in the past that nation has come off victorious which has been supported by the strongest and most efficient navy.

Never before has there been so great a competition between the leading nations of the world in the line of foreign commerce as now, but foreign commerce can not be maintained to any considerable extent by a nation which is not prepared to protect its interests against the encroachments of stronger competitors for such trade. The United States is one of the most extensive producing nations, and upon the securing and maintaining of foreign markets for the surplus products of our factories and farms depend our prosperity, and for this purpose an efficient navy is required.

The present need for an increase of our Navy may be better comprehended from a comparative statement of the navies of the principal maritime powers of the world, the amount of our vast and rapidly increasing foreign commerce as compared with that of those nations, and also the number of miles of seacoast and navigable bays and rivers as compared with the seacoast of those countries. The various tables and figures which I have in this connection I will submit with my remarks and have them printed. While some of them have already been presented in the report of the committee and elsewhere, I have never seen them presented in this manner.

These show the amount of our commerce with foreign countries, the menace to our country from an extended exposed seacoast, and the danger to the safety of our interests in time of war. There is shown the strength of our Navy, which is to afford protection to our foreign trade.

When we compare the magnitude of our great and rapidly increasing commerce with that of other nations and reflect that we are more extensively exposed to the attack of hostile navies than any other nation, and yet our Navy ranks fourth among the navies of the leading nations of the earth, we realize the importance of increasing our Navy.

In addition to the demand for the protection of our foreign commerce, the greatest need of a navy is for our home protection. Do the members of this House know or appreciate the fact that the general or the outer coast line of the United States—not including that of Alaska, the Great Lakes, or any of our island possessions—lies exposed to the attack of hostile navies for a distance of 5,558 miles, and that, including the shores of navigable bays and rivers, the line thus exposed equals 58,995 miles, making in all an aggregate of 65,453 miles of our home shore open to attack and affording opportunities of landing hostile armies, opposed only by such inadequate coast and naval defense as we now possess? Considering the outer coast line of the United States, it is greater than that of any other principal country and is nearly one-half of the general coast line of Great Britain and Ireland, France, Germany, Russia in Europe, and Italy combined.

I submit herewith a table giving the details of our coast line with that of other countries.

In this connection, and speaking locally of my own State, I may say that nearly three-fourths of the boundary of New Jersey is washed by waters navigable by naval vessels, and of the district which I have the honor to represent each one of the five counties which compose it has a frontage upon such navigable waterway. Thus the security of life and property and the protection to trade and commerce of New Jersey, whose material wealth is more than one and a half billions of dollars, or nearly one-fortieth of that of the whole nation, depends largely upon the protection of an adequate navy.

While this bill proposes the appropriation of a larger amount of money than any other previous bill, yet it represents a very large reduction in the amount estimated for by the Department as being absolutely necessary.

The general complaint that has been made in the past concerning the appropriations for this Department of our public service, which has come under my observation, has been of a lack of sufficiency than otherwise.

The committee have given the matter careful and painstaking consideration, extending over many days and including voluminous hearings toward its preparation, and it is pleasurable to state in this connection that it is not the product of any partisan consideration, but represents the judgment of those who have considered this subject from a purely American standpoint, and is submitted by the committee with the hope and belief that it would commend itself to the approval of the House and of the country.

There was not an American citizen that possessed a spark of patriotic feeling for his country when the war was declared with Spain that was not filled with regret and humiliation that our Navy was so unprepared for a conflict that a great portion of an emergency appropriation of $50,000,000 was required toward supplying its deficiency in strength and in obtaining munitions of war, and that under that emergency great sums of money were sent abroad for those things that were so urgently needed—ships and supplies— that were the product of the labor of the underpaid mechanics of foreign countries.

Because of our dire necessity and the limited stock available, we were compelled to pay to the foreign manufacturers such prices as enabled them to reap tremendous profits. Had the warnings of the more liberal and patriotic members of the Naval Committees in recent Congresses been heeded, we should have found ourselves better prepared for our national defense, and those vast sums of money would have been expended in our own country in the purchase of American materials from American producers, and the building of the needed ships would have been by American mechanics and laborers who would have reaped the benefit of that labor for themselves and their families.

But the lesson of the Spanish-American war has been a useful one. All classes of citizens desire that there shall be no recurrence of the condition in which we found ourselves at the beginning of that war, and with this knowledge, and with a knowledge of how deficient our Navy is to-day as compared with the navies of the other great nations, we have prepared and presented this measure. It is not the product of partisan thought or action, but represents the careful and considerate thought and judgment of a true American spirit. It is merely a conservative step along that line of policy for our Navy that was begun in 1883, and is in conformity with the policy pursued by the other great maritime nations, although the increase proposed is not nearly so extensive as that planned by them.

No matter what our policy may be concerning our recent acquisitions, or how much diversity of thought and feeling regarding their final disposition or control, no matter whether they shall be colonies or Territories, the fact remains that with them, as without them, our foreign commerce has steadily increased, and will continue to increase until it reaches the remotest parts of the world where trade exists or where the intelligent, energetic, and persistent efforts of our American people can establish it. For the protection of this present and future commerce an efficient navy will be required.

All over our broad land, from the Great Lakes, with their untold wealth of commerce of the North, to the Gulf of Mexico, with its vast fleet of merchant vessels of the Southern trade; from the storm-ridden coast of the Atlantic, whence go forth vast volumes of our products to Europe, to the calm and peaceful shores of the Pacific, busy with the heretofore undreamed of commerce with the Orient, our people realize the pressing need of an increased Navy; and from this same broad expanse of country there comes to us the voice of our citizens approving every effort and every action that has been taken or that is proposed toward increasing, strengthening, and maintaining the efficiency of our Navy until it shall take rank with the navies of the foremost nations of the world.

The mightiest and most formidable battle ship modern ingenuity and ability can construct should be the flagship of an American admiral. The strongest, swiftest, and most efficient cruisers that plow the seas should float the Stars and Stripes. The most destructive and deceptive types of torpedo boats and fleet destroyers should belong to our squadron, and all be manned by our gallant boys, who have demonstrated that they are the highest type of naval warriors in the world, so that our naval power shall

be recognized, not only by our people, but by all the world, as commensurate with the honor, dignity, and responsibility of this, the greatest nation under the sun.

Sufficient to peacefully guarantee on every sea, in every land and clime, full, ample, and absolute protection of the lives, liberties, and property of our humblest citizens who shall lawfully claim the protection of the American flag and all it implies, let the future American Navy stand as a synonym for peace, protection, and progressive civilization.

The reasons for this large appropriation are very clearly and tersely set forth in the report made by Chairman Foss, and are comprised in those items to be expended for the maintenance and increase of our fleet.

With regard to the present provisions for the support of the Navy, I desire to say that the amount carried in last year's bill was $48,099,969.58, and the amounts of the different deficiency bills was $5,245,000, making the total expenditure for 1900 $53,344,969.58.

The amount carried by the bill now before us is $61,209,916.67, which is $13,109,947.07 more than was carried by the naval appropriation act of last year, and but $7,864,947.09 more than the total appropriation for the last fiscal year. This difference is more than accounted for in the items of this bill which are expended or to be expended for the maintenance and increase of the Navy. The increase in the amount appropriated for the Bureau of Equipment is $698,597.42. This Bureau has charge of the equipping of our vessels, and the extra amount of last year's expenditures is but $322,597.42, and is made absolutely necessary to enable this Department to establish some new coaling stations and to provide for the increased cost of transportation of the supplies made necessary by reason of the distance between the base of supplies and so many of our vessels.

The Bureau of Yards and Docks has an increase of $154,997.60. This Bureau has charge of the maintenance of all our navy-yards and stations, and the demand for this increase comes from the improvement of the old yards and the establishment of the new ones.

The appropriation for public works is $2,332,180.82 more than last year. This is for the construction of new buildings and repairs to old ones; for the purchase of new machinery and tools; also for and on account of new dry docks at our various navy-yards. These new buildings comprise all kinds and classes of machine shops, construction building, equipment shops, and various others made necessary for the use of the different bureaus in order that the yards may be fitted in a proper degree to do the repair work necessary to be done now, and which, by the report, is far behind and awaiting an appropriation and these additions to make the yards efficient.

The increase for the Bureau of Construction and Repair is $3,000,000. The reason for this increase is made very clear in the testimony of Admiral Hichborn. He states that last year's appropriation was exhausted by February 1 and that the work has been practically suspended awaiting further appropriation; that the expenditure of the Department is at the rate of $500,000 per month; that there are now 43 vessels lying at the different yards requiring repair, and in addition to this there will be constantly added those vessels returning from the seat of war, all of which will need more or less repair work upon them.

For the Bureau of Steam Engineering the appropriation is increased $1,465,000. The reasons for this increase are practically the same as those set forth by Admiral Hichborn concerning the repairs of vessels. All of the vessels needing repair to their hull will also require new machinery or repairs on the old. Upon the proper efficiency of this branch depends very much the efficiency of our fleet. The speed and accurate working of the machinery of a vessel often determines success.

The increase in the different bureaus above set forth amounts to the sum of $7,650,775.84, or just about the difference in the amount carried in this bill and the total amount of the expenditures for the naval service during the last year.

The additional amount in this bill for the special item of increasing the Navy over the amount in last year's bill is $6,598,680.09. This increase is required in order that the Department may be able to make the payments on the new vessels under construction that become payable this year.

The total of these amounts above enumerated is $14,249,455.93, or more than $1,000,000 more than the difference between the amount carried in this bill and the amount appropriated in the naval bill of last year.

I have taken the above items of the bill in order to explain some of the reasons, and to me the most practical ones, for the increased appropriation. As this expenditure will be made in the direct line of maintaining the present efficiency of the vessels in the Navy, or of the plants required to repair them, or in the direct increase of our Navy, the need of the same is apparent and is clearly set forth in the reports of the Secretary of the Navy and the different bureau chiefs, and by their further testimony before the committee.

One of the additions to our navy-yards is new dry docks. We are now unable to dock our largest ships in any of our yards, except at New York or Puget Sound, owing to the fact that none of the yards are equipped with dry docks of sufficient size; and when we compare our facilities in this line with those of the other great powers, it clearly shows how negligent we have been in the past concerning their construction and enforces the recommendation of the Secretary of the Navy on this matter.

The following table shows the number of dry docks of some of the great maritime powers:

Memorandum showing number of government dry docks owned by principal maritime powers.

Country.	Dry docks.	Floating.	Building.
France	32	----	----
Colonies	3	----	----
Germany	8	4	----
Great Britain	40	----	----
Colonies	20	1	3
Italy	11	3	----
Japan	6	----	----
Russia	8	4	----
United States	10	2	5

And when we remember that out of that 12 accredited to us many of them were constructed years ago and are only adequate for the docking of our small vessels, and that we only have two of proper size and requirements for our large vessels, our weakness in that line is clearly shown.

APPENDIX.

Naval tonnage.

	England.	France.	Russia.	United States.	Germany.	Italy.	Japan.
Built:							
B. S	584,855	295,834	117,240	48,519	112,230	148,588	31,970
Ar. Cr	131,660	44,080	68,216	17,415	24,713	17,203	21,950
Pr. Cr	484,165	125,888	11,977	61,659	53,389	42,112	51,602
Unpr. Cr	38,510	44,063	8,400	11,397	43,590	2,279	23,776
C. D	50,080	43,328	44,200	51,884	12,001	None.	10,280
Spec	15,660	5,994	5,160	929	4,026	11,542	4,120
Torp. Ves	27,790	8,898	14,391	None.	1,862	11,672	850
T. B. D	23,375	590	240	273	300	None.	2,300
T. B	7,650	15,222	11,456	1,891	12,993	8,218	2,109
Subs	None.	436	None.	None.	None.	None.	None.
Total	1,363,745	584,333	281,280	193,967	265,113	241,614	148,957
Building:							
B. S	238,750	43,765	145,672	135,625	102,620	44,516	60,450
Ar. Cr	167,600	111,207	19,964	36,000	19,342	21,882	38,534
Pr. Cr	44,005	18,311	44,516	25,200	19,180	5,082	5,500
Unpr. Cr	None.	None.	None.	None.	None.	None.	None.
C. D	None.	None.	4,126	12,940	None.	None.	None.
Spec	None.	None.	5,000	None.	None.	None.	6,740
Torp. Ves	None.	None.	None.	None.	None.	None.	None.
T. B. D	10,820	3,022	6,970	7,607	4,550	3,673	1,200
T. B	None.	3,945	1,000	2,186	None.	1,380	3,054
Subs	None.	936	None.	None.	None.	None.	None.
Total	461,175	181,186	227,248	219,558	145,692	76,513	115,478
Grand total	1,824,920	765,519	508,528	413,525	410,805	318,127	264,435
Built since 1890:							
B. S	532,350	173,063	205,822	184,144	177,169	71,223	85,200
Ar. Cr	167,600	156,814	43,197	53,415	19,342	39,085	60,484
Pr. Cr	429,750	97,196	48,344	59,704	61,449	19,285	40,408
Unpr. Cr	None.	None.	None.	9,687	9,549	None.	1,800
C. D	None.	3,534	18,346	19,179	None.	None.	None.
Spec	None.	5,994	8,605	None.	2,322	None.	None.
Torp. Ves. of all classes	52,425	21,319	15,070	11,926	10,882	15,739	8,504
Total	1,182,125	437,940	399,384	338,145	280,713	145,332	196,396

B. S. = Battle ships, i. e., vessels usually of large tonnage (the present practice giving between 10,500 and 15,000 tons), with maximum offense and defense; protection to hull by vertical side armor; protective deck; coal bunkers and cellulose; guns protected by barbettes, turrets, casemates, and shields.

Ar. Cr. = Armored cruisers, i. e., vessels of moderate to large tonnage, with protection to hull and battery similar to that of battle ships, except that the thickness of metal in all cases is much less, which with the weight saved by carrying lighter guns gives opportunity to make the speed and steaming radius of the armored cruiser much greater than the battle ship.

Pr. Cr. = Protected cruisers, i. e., vessels usually of small to moderate tonnage, with protection to hull by protective deck, coal bunkers, and cellulose. No side armor. No turrets or barbettes or casemates; guns protected by gun shields.

Unpr. Cr. = Unprotected cruisers, i. e., vessels without any of the protection of the above classes. It will be noticed that no country has constructed a vessel of this class for many years.

C. D. = Coast defense, i. e., vessels with many of the characteristics of B. S., in having thick armor for hull and battery protection; large guns; small speed; limited coal supply, which means small steaming radius. Usually these vessels have low free-board and are not good seagoing vessels.

Especial attention is invited to the fact that no country, except the United States and Russia, has constructed such a vessel for many years. This point is regarded as very important in estimating the naval strength of the several powers.

The expression "coast defense" as applied to ships is almost unknown

abroad. It appears in the United States in the construction of the monitor class and in France in the furor with which the construction of submarine boats is undertaken.

A study of the policy of the real maritime nations—England and Germany—shows that the defense is always to be offense. Both these countries are building only *seagoing battle ships, large cruisers,* and all torpedo *boat* construction has been abandoned for the construction of *torpedo boat destroyers.*

Torp. Ves.=Torpedo vessels, a class 700 to 1,000 tons, which experience has shown to have neither the merits of gunboats nor of sufficient speed to catch torpedo boats; and therefore construction of this class has ceased.

T. B. D.=Torpedo-boat destroyers, vessels of 200 to 400 tons, strong construction, good seagoing qualities, very high speed, and large steaming radius.

T. B.=Torpedo boats, vessels from 30 to 200 tons, no longer being built in England or Germany, which, as above stated, are building only the destroyer.

The data which follow are taken from a British Parliamentary paper entitled "Return 'showing the fleets of Great Britain, France, Russia, Germany, Italy, United States of America, and Japan, distinguishing: Battle ships, built and building; cruisers, built and building; coast-defense vessels, built and building; torpedo vessels, torpedo-boat destroyers, and torpedo boats, built and building,'" which, as therein stated, is compiled from the official list of each navy, and have been supplemented by some fuller and later data on hand in the Office of Naval Intelligence (United States). It is therefore correct.

It must be clearly borne in mind that there are in every navy certain classes of vessels which appear in the official navy list, but which can not be considered as forming part of that navy's fighting force.

These are (*a*) obsolete ships; (*b*) receiving ships; (*c*) sailing and training ships, brigs, etc.; (*d*) tugs and miscellaneous.

All these classes are omitted from the tonnage given below.

Neither are there included in this data any auxiliary vessels, such as yachts or merchant vessels, for it would mean, practically, the addition of the merchant marine of the several countries, all of which is available.

Comparative strength of the principal navies.

[Statement based on the numerical strength in ships.]

Nation.	Battle ships.		Armored cruisers.		Protected cruisers.		Unprotected cruisers.		Coast defense and special service.	
	No.	Total displacement.	No.	Total displacement.	No.	Total displacement.	No.	Total displacement.	No.	Total displacement.
		Tons.		*Tons.*		*Tons.*		*Tons.*		*Tons.*
England	70	823,005	31	299,260	116	528,170	15	38,510	16	65,740
France	35	339,599	20	135,287	40	144,199	14	44,063	15	51,316
Russia	24	262,912	12	88,180	11	56,493	3	8,400	23	58,486
United States	16	184,149	5	53,145	21	86,859	6	11,397	24	65,753
Germany	27	214,859	5	44,055	23	53,389	21	43,590	14	16,626
Italy	19	193,104	7	39,085	18	47,194	1	2,279	2	11,542
Japan	7	92,429	7	60,484	17	57,102	24	23,776	6	21,180

Nation.	Torpedo vessels.		Torpedo-boat destroyers.		Torpedo boats.		Submarines.		Grand total.	
	No.	Total displacement.	No.	Total displacement.	No.	Total displacement.	No.	Total displacement.	No.	Total displacement.
		Tons.		*Tons.*		*Tons.*		*Tons.*		*Tons.*
England	35	27,790	106	34,195	95	7,650	0	0	488	1,824,920
France	15	8,898	12	3,612	267	19,167	12	1,372	429	765,519
Russia	17	14,391	36	7,210	180	12,436	0	0	306	508,528
United States	0	0	20	7,880	30	3,977	0	0	122	413,525
Germany	2	1,862	15	4,850	112	12,993	0	0	220	410,805
Italy	15	15,345	11	3,673	154	9,578	0	0	227	318,127
Japan	1	850	12	3,500	58	5,163	0	0	132	264,435

Aggregate present strength of the United States Navy.

Type.	Completed.	Authorized and under construction.	Authorized but not contracted for on account of existing law.	Total.
First-class battle ships	4	8		12
Sheathed first-class battle ships			3	3
Second-class battle ship	1			1
Armored ram	1			1
Single-turret monitors		4		4
Double-turret monitors	6			6
Armored cruisers	2			2
Sheathed armored cruisers			3	3
Protected cruisers	12			12
Sheathed protected cruisers	2	6		8
Unprotected cruisers	3			3
Steel gunboats	14		1	15
Composite gunboats	6			6
Composite training ship		1		1
Gunboats under 500 tons	22			22
Special class	2			2
Torpedo-boat destroyers		16		16
Torpedo boats	22	16		38
Iron cruisers	2			2
Wooden cruisers	7			7
Auxiliary cruisers	6			6
Yachts and pilot boats converted into gunboats	24			24
Total	136	51	7	194

Vessels which can not be used in battle against modern ships.

Type.	Number.
Iron low-freeboard monitors	9
Unarmored cruisers	1
Auxiliary cruisers	1
Iron cruisers	3
Wooden cruisers	11
Wooden sailing vessels	12
Tugs	42
Colliers	16
Miscellaneous	11
Total	106
Total number of vessels on Navy list	300

MARCH 9, 1900.

Total value of imports and exports into and from the United States from October 1, 1789, to June 30, 1898.

NOTE.—Excess of imports in italics; excess of exports in bold-face type.

Fiscal year.	Merchandise.		
	Imports.	Exports.	Excess of imports (italics) or exports (bold face).
1790	$23,000,000	$20,205,156	*$7,194,844*
1791	29,200,000	19,012,041	*10,187,959*
1792	31,500,000	20,753,098	*10,746,902*
1793	31,100,000	26,109,572	*4,990,428*
1794	34,600,000	33,043,725	*1,556,275*
1795	69,756,268	47,989,872	*21,766,396*
1796	81,436,164	58,574,025	*22,861,539*
1797	75,379,406	51,294,710	*24,084,696*
1798	68,551,700	61,727,411	*7,224,289*
1799	79,069,148	78,695,522	*503,626*
1800	91,252,768	70,571,780	*20,280,988*
1801	111,363,511	93,020,513	*18,342,998*
1802	76,333,333	71,957,144	*4,376,189*
1803	64,666,666	55,800,033	*8,866,633*
1804	85,000,000	77,093,074	*7,906,926*
1805	120,600,000	95,506,021	*25,093,979*
1806	129,410,000	101,533,963	*27,873,037*
1807	138,500,000	108,343,150	*30,156,850*
1808	56,990,000	22,430,960	*35,559,040*
1809	59,400,000	52,203,233	*7,196,767*
1810	85,400,000	66,757,970	*18,642,030*
1811	53,400,000	61,316,832	**7,916,832**
1812	77,030,000	38,527,236	*38,502,764*
1813	22,005,000	27,856,017	**5,851,017**
1814	12,965,000	6,927,441	*6,037,559*
1815	113,041,274	52,557,753	*60,483,521*
1816	147,103,000	81,920,052	*65,182,948*
1817	99,250,000	87,671,869	*11,578,131*
1818	121,750,000	93,281,133	*28,468,867*
1819	87,125,000	70,141,521	*16,982,479*
1820	74,450,000	69,691,669	*4,758,331*
1821	54,520,834	54,596,323	**75,489**
1822	79,871,695	61,350,101	*18,521,595*
1823	72,481,371	68,326,043	*4,155,328*
1824	72,169,172	69,972,105	*2,197,067*
1825	90,189,310	90,738,333	**549,023**
1826	78,093,511	72,890,789	*5,202,722*
1827	71,322,938	74,300,947	**2,977,009**
1828	81,030,683	64,021,210	*16,998,873*
1829	67,688,915	67,434,651	*345,736*
1830	62,720,956	71,670,735	**8,949,779**
1831	95,885,179	72,295,652	*23,589,527*
1832	95,121,762	81,520,003	*13,601,759*
1833	101,047,943	87,528,732	*13,519,211*
1834	108,009,700	102,260,215	*6,349,485*
1835	136,701,295	115,215,802	*21,548,493*
1836	176,579,154	124,338,704	*52,240,450*
1837	130,472,803	111,443,127	*19,029,676*
1838	95,970,288	104,978,570	**9,008,282**
1839	156,490,956	112,251,673	*44,215,283*
1840	98,258,706	123,668,932	**25,410,226**
1841	122,957,544	111,817,471	*11,140,073*
1842	96,075,071	99,877,995	**3,802,924**
1843	42,438,464	82,825,689	**40,392,225**
1844	102,604,036	105,745,832	**3,141,226**
1845	113,184,322	106,040,111	*7,144,211*
1846	117,914,065	109,583,248	*8,330,817*
1847	122,424,349	156,741,598	**34,317,249**
1848	148,638,644	138,190,515	*10,448,129*
1849	141,206,199	140,351,172	*855,027*
1850	173,509,536	144,575,726	*29,133,809*
1851	210,771,429	188,915,259	*21,856,170*
1852	207,440,398	166,984,231	*40,456,167*
1853	263,777,265	203,489,282	*60,287,983*
1854	297,803,794	237,043,764	*60,760,030*
1855	257,808,708	218,909,506	*38,899,205*
1856	310,432,310	281,219,423	*29,212,887*
1857	348,428,342	293,823,760	*54,604,582*
1858	263,338,654	272,011,274	**8,672,620**
1859	331,333,341	292,982,051	*38,351,290*
1860	353,616,119	333,576,057	*20,040,062*
1861	289,310,542	219,553,833	*69,756,709*
1862	189,356,677	190,670,501	**1,313,824**
1863	243,235,815	203,964,447	*39,271,368*
1864	316,447,283	158,837,988	*157,609,295*

Total value of imports and exports, etc.—Continued.

Fiscal year.	Merchandise. Imports.	Exports.	Excess of imports (italics) or exports (bold face).
1865	$238,745,580	$166,029,303	*$72,716,277*
1866	434,812,066	348,859,522	*85,952,544*
1867	395,761,096	294,506,141	*101,254,955*
1868	357,436,440	281,952,899	*75,483,541*
1869	417,506,379	286,117,697	*131,388,682*
1870	435,958,408	392,771,768	*43,186,640*
1871	520,223,684	442,820,178	*77,403,506*
1872	626,595,077	444,177,586	*182,417,491*
1873	642,136,210	522,479,922	*119,656,288*
1874	567,406,342	586,283,040	**18,876,698**
1875	533,005,436	513,442,711	*19,562,725*
1876	460,741,190	540,384,671	**79,643,481**
1877	451,323,126	602,475,220	**151,152,094**
1878	437,051,532	694,865,766	**257,814,234**
1879	445,777,775	710,439,441	**264,661,666**
1880	667,954,746	835,638,658	**167,683,912**
1881	642,664,628	902,377,346	**259,712,718**
1882	724,639,574	750,542,257	**25,902,683**
1883	723,180,914	823,839,402	**100,658,488**

Total value of imports and exports, etc.—Continued.

Fiscal year.	Merchandise. Imports.	Exports.	Excess of imports (italics) or exports (bold face).
1884	$667,697,693	$740,513,609	**$72,815,916**
1885	577,527,329	742,189,755	**164,662,426**
1886	635,436,136	679,524,830	**44,088,694**
1887	692,319,768	716,183,211	**23,863,443**
1888	723,957,114	695,954,507	*28,002,607*
1889	745,131,652	742,401,375	*2,730,277*
1890	789,310,409	857,828,684	**68,518,275**
1891	844,916,196	884,480,810	**39,564,614**
1892	827,402,462	1,030,278,148	**202,875,686**
1893	866,400,922	847,665,194	*18,735,728*
1894	654,994,622	892,140,572	**237,145,950**
1895	731,969,965	807,538,165	**75,568,200**
1896	779,724,674	882,606,938	**102,882,264**
1897	764,730,412	1,050,993,556	**286,263,144**
1898	616,049,654	1,231,482,330	**615,432,676**
1899	697,148,489	1,227,023,302	**529,874,813**
Total	30,677,109,976	32,179,226,287	**1,502,116,311**

Value of imports and exports of merchandise into and from the principal countries of the world, 1888 to 1898, and the percentage of increase or decrease in the period named.

IMPORTS.

Year.	United States.	United Kingdom.	Germany.	France.	Russia (including Finland). *a*	Netherlands. *a*	Belgium.	British India and Straits Settlements.	British Australasia.	China.	Japan.
1888	$723,957,114	$1,886,429,343	*b* $1,188,837,285	$1,009,740,352	$211,994,473	$511,697,875	$300,964,085	$302,465,192	$301,431,409	$144,977,901	$49,175,982
1889	745,131,652	2,081,098,356	*b*1,353,957,630	1,035,649,598	238,662,893	503,507,556	604,779,421	321,922,289	314,520,372	130,320,736	49,828,063
1890	789,310,409	2,047,297,603	*b*1,392,922,628	1,061,364,184	229,844,795	523,849,526	620,799,939	340,969,215	309,766,522	162,526,500	67,206,365
1891	844,916,196	2,119,074,911	1,112,189,910	1,155,973,310	213,123,501	541,446,700	607,266,203	358,170,574	329,701,443	162,716,294	49,974,088
1892	827,402,462	2,002,392,926	1,035,442,838	999,754,294	224,890,698	513,775,871	548,488,616	317,291,578	271,382,173	145,595,947	53,132,447
1893	866,400,922	1,969,415,018	1,048,949,743	963,858,990	250,152,700	562,898,322	547,130,862	282,229,771	218,681,015	146,900,169	55,624,095
1894	654,994,622	1,987,210,018	1,023,181,625	933,375,234	299,314,683	586,914,499	526,180,580	276,638,269	209,944,041	128,894,119	62,174,404
1895	731,969,965	2,027,820,221	1,078,650,725	957,649,336	291,323,290	583,449,551	565,477,567	248,918,777	219,580,222	143,216,228	71,143,363
1896	779,724,671	2,150,063,631	1,128,517,018	959,440,208	320,629,353	630,457,047	591,254,917	208,782,073	277,813,092	171,641,455	99,466,393
1897	764,730,412	2,194,932,524	1,231,756,802	991,537,500	(*c*)	685,870,423	596,530,155	*d*171,485,628	316,390,409	*e*158,206,328	109,139,457
1898	616,049,654	1,805,202,018	(*c*)	(*c*)	(*c*)	(*c*)	632,856,207	*d*180,691,777	(*c*)	*e*146,076,796	138,196,074
Increase or decrease, 1888 to latest date	—15.00	—4.31	*f*+10.8	—1.8	+51.2	+34.00	+5.31	—40.2	+4.96	*g*+18.4	+181.02

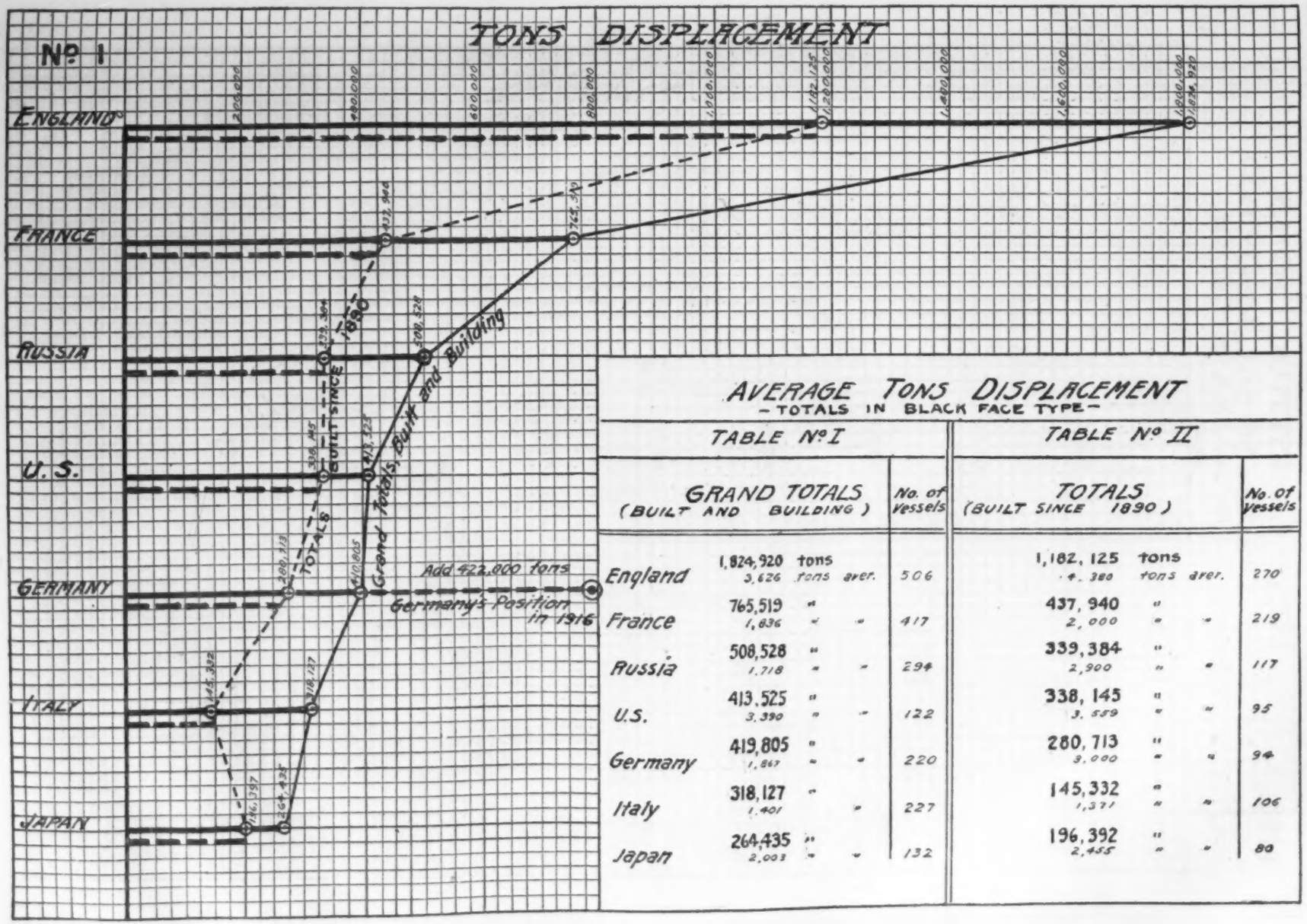
EXPORTS.

Year.	United States.	United Kingdom.	Germany.	France.	Russia (including Finland). *a*	Netherlands. *a*	Belgium.	British India and Straits Settlements.	British Australasia.	China.	Japan.
1888	$695,954,507	$1,453,027,603	*b* $1,132,215,558	$836,687,612	$399,174,663	$444,851,631	$545,052,867	$372,068,570	$236,609,489	$107,963,302	$49,297,645
1889	742,401,375	1,535,831,772	*b*1,140,342,613	935,049,310	385,402,468	393,733,915	586,515,447	393,826,833	257,496,871	114,294,619	52,796,658
1890	857,828,684	1,597,438,932	*b*1,179,639,600	942,193,332	355,420,694	438,651,710	573,886,879	430,769,057	269,522,932	112,099,827	46,552,939
1891	884,480,810	1,504,301,909	861,273,170	920,839,136	364,534,916	461,276,069	554,197,020	450,419,084	302,140,171	123,171,115	62,300,933
1892	1,030,278,148	1,419,206,868	798,349,325	885,956,058	249,080,649	458,142,043	514,744,305	434,597,212	275,962,756	111,145,993	63,785,215
1893	847,665,194	1,348,693,391	827,969,988	842,177,024	313,952,515	451,358,142	504,218,065	389,409,910	262,507,746	113,627,908	56,285,939
1894	892,140,572	1,332,378,922	793,215,108	802,894,636	351,920,948	451,168,348	471,932,903	338,985,508	249,380,240	102,430,825	57,896,750
1895	807,538,165	1,391,003,409	891,129,148	893,353,138	363,157,090	477,213,852	507,064,967	312,608,466	249,215,207	120,611,336	69,863,474
1896	882,606,938	1,442,329,445	952,179,390	894,190,176	366,705,375	542,074,568	529,533,598	352,268,612	260,136,003	113,642,508	68,247,796
1897	1,050,993,556	1,431,598,345	977,447,198	926,198,300	(*c*)	594,617,049	547,593,475	238,963,140	335,947,014	127,531,839	80,406,737
1898	1,231,482,330	992,295,176	(*c*)	(*c*)	(*c*)	(*c*)	582,837,320	210,389,598	(*c*)	110,848,893	81,072,733
Increase or decrease, 1888 to latest date	+76.94	—31.71	*b* +13.49	+10.8	—8.1	+33.6	+6.93	—43.45	+41.93	+2.67	+64.46

a Special commerce. *b* Including transit trade. *c* No data. *d* British India only. *e* Net imports. *f* 1891 and 1897. *g* 1896.

Statement showing length of coast lines of the United States and foreign countries.

Section.	Miles.
UNITED STATES.	
Length of Atlantic coast line	2,732
Length of coast line of bays, rivers, etc., to head of ship navigation	33,778
Total	36,510
Length of Gulf coast	1,163
Length of Gulf coast bays, rivers, etc	17,980
Total	19,143
Length of Pacific coast	1,663
Length of Pacific coast bays, rivers, etc	7,237
Total	8,900
Total outer coast	5,558
Total bays, rivers, etc	58,995
Making a total of	64,553
FOREIGN COUNTRIES.	
Great Britain and Ireland, general coast line, about	5,500
France, general coast line, about	1,500
Germany, general coast line, about	1,000
Russia in Europe, general coast line, about	3,400
Italy, general coast line, about	3,100
Total	14,500



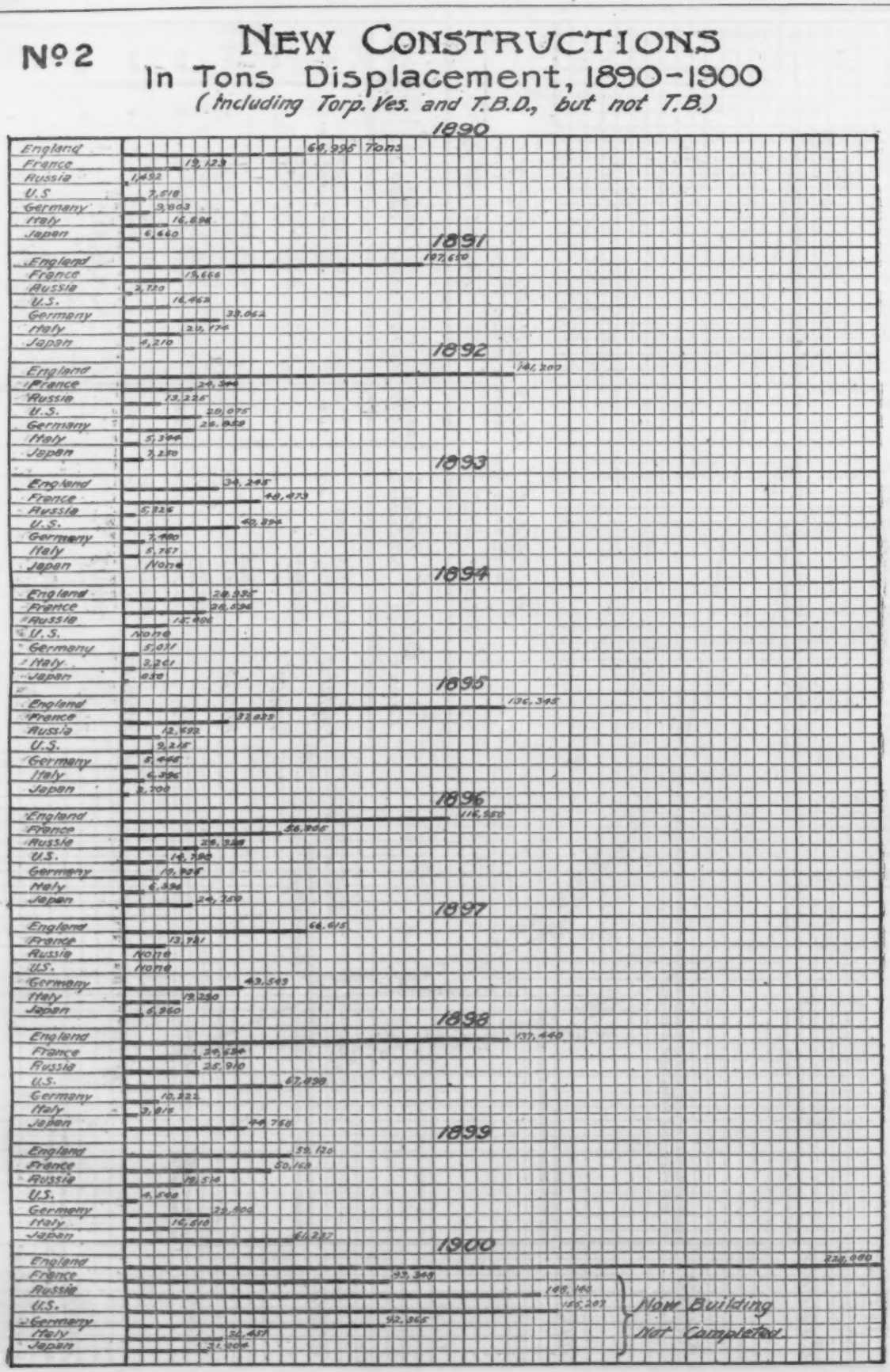
AVERAGE TONS DISPLACEMENT
— TOTALS IN BLACK FACE TYPE —

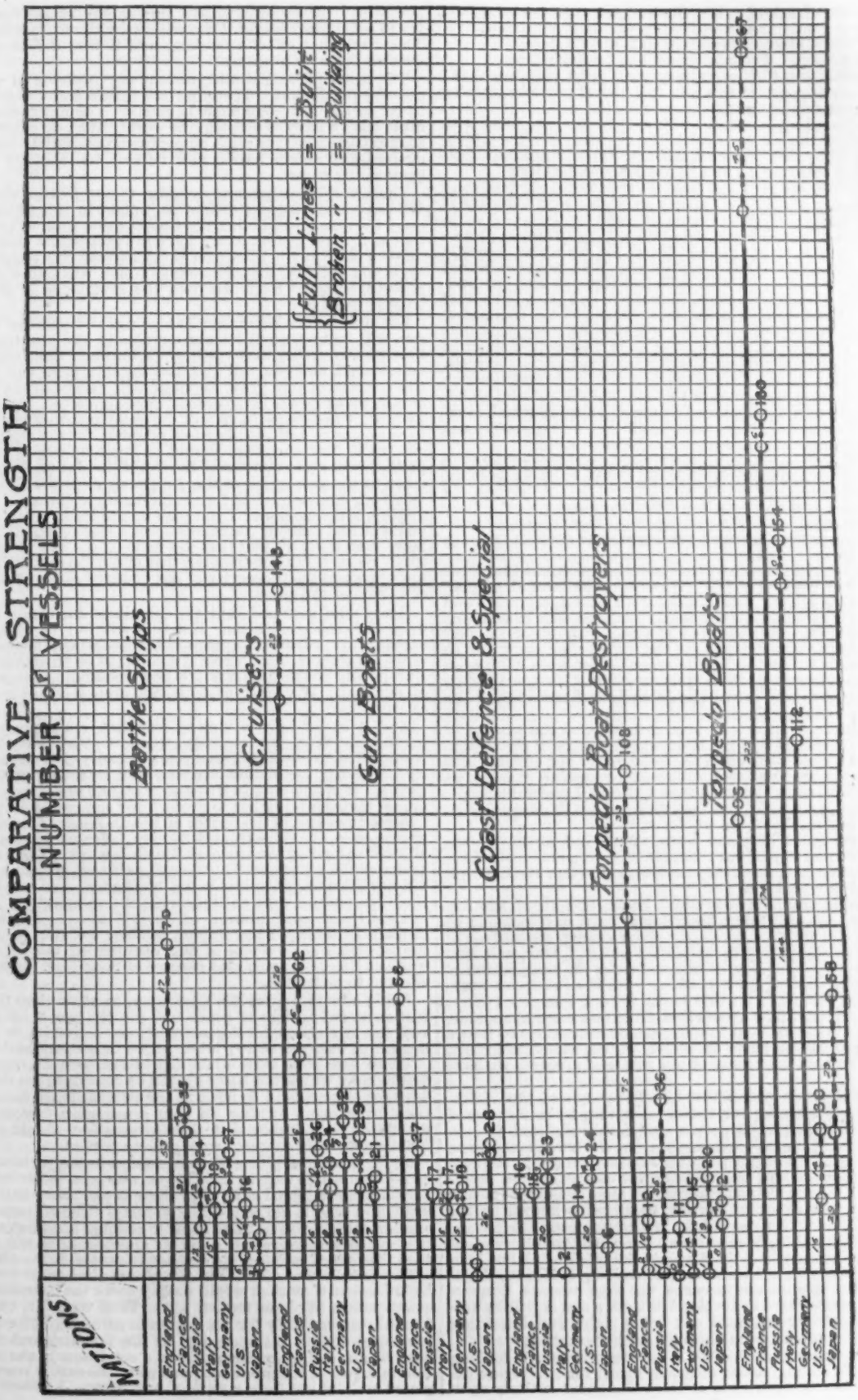
TABLE No. I

GRAND TOTALS (BUILT AND BUILDING)		No. of vessels
England	1,824,920 tons 3,626 tons aver.	506
France	765,519 " 1,836 " "	417
Russia	508,528 " 1,718 " "	294
U.S.	413,525 " 3,390 " "	122
Germany	419,805 " 1,867 " "	220
Italy	318,127 " 1,401 " "	227
Japan	264,435 " 2,003 " "	132

TABLE No. II

TOTALS (BUILT SINCE 1890)		No. of vessels
England	1,182,125 tons 4,380 tons aver.	270
France	437,940 " 2,000 " "	219
Russia	339,384 " 2,900 " "	117
U.S.	338,145 " 3,559 " "	95
Germany	280,713 " 3,000 " "	94
Italy	145,332 " 1,371 " "	106
Japan	196,392 " 2,455 " "	80


No 2
NEW CONSTRUCTIONS
In Tons Displacement, 1890-1900
(Including Torp. Ves. and T.B.D., but not T.B.)
1890
England 68,996 Tons
France 19,123
Russia 1,492
U.S. 7,518
Germany 9,803
Italy 16,896
Japan 6,660
1891
England 107,650
France 15,666
Russia 3,720
U.S. 16,452
Germany 33,062
Italy 21,174
Japan 4,210
1892
England 141,200
France 24,344
Russia 13,226
U.S. 20,075
Germany 26,959
Italy 5,394
Japan 7,230
1893
England 34,245
France 40,473
Russia 5,326
U.S. 40,394
Germany 7,400
Italy 5,767
Japan None
1894
England 24,925
France 28,696
Russia 12,000
U.S. None
Germany 5,031
Italy 3,261
Japan 930
1895
England 136,345
France 32,033
Russia 12,592
U.S. 9,215
Germany 5,445
Italy 6,396
Japan 3,200
1896
England 116,950
France 56,995
Russia 28,328
U.S. 14,798
Germany 19,995
Italy 6,336
Japan 24,260
1897
England 66,615
France 13,781
Russia None
U.S. None
Germany 43,549
Italy 18,250
Japan 6,960
1898
England 137,440
France 29,630
Russia 25,910
U.S. 67,499
Germany 10,222
Italy 3,818
Japan 44,766
1899
England 59,120
France 20,163
Russia 19,514
U.S. 4,560
Germany 29,506
Italy 16,618
Japan 61,237
1900
England 224,000
France 33,349
Russia 168,145
U.S. 156,203
Germany 92,365
Italy 24,451
Japan 31,200
Now Building
Not Completed


COMPARATIVE STRENGTH
NUMBER of VESSELS
Full Lines = Built
Broken " = Building
NATIONS
Battle Ships
Cruisers
Gun Boats
Coast Defence & Special
Torpedo Boat Destroyers
Torpedo Boats
England
France
Russia
Italy
Germany
U.S.
Japan

Mr. LOUDENSLAGER. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS. How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman has twenty minutes.

Mr. ADAMS. Mr. Chairman, it is with great pleasure that I rise to give my support to this bill, this liberal provision coming from the Naval Affairs Committee, and for the support of what is still better, the enlargement of our Navy. In my judgment, with the exception of the bill to regulate the currency of our country, recently passed by this Congress, this is the most important legislation that has come before this House for consideration.

As the currency bill provided greater facilities for our trade and business at home, and put our money on such a sound basis that we can with safety enlarge our commerce and trade abroad, so, in another sphere of government, does this bill, by affording protection, by the defense of our gallant Navy, for our entire domestic coast on the east and the west of our country, take care of us in that direction, by furnishing us with sufficient force so that our business interests, national prestige, commerce, and ships, wherever they may float and wander in the development of our commerce, will enjoy the protection which the complicated conditions that now prevail throughout this world of ours necessitates shall be furnished by every government to protect its commercial interests.

There is another phase of this branch of our Government which I wish to touch upon in support of this bill, not the political standard, but simply as a national and economic question which must come into the control of all governments if they would survive and hold their own against the competition of the world.

Who would have thought three years ago—and there is no such good teacher as experience, and nothing so well to profit by as the phases of history through which we have just passed—who would have considered, if it had been urged in this House, that the Navy should be enlarged, and of breaking away from that old, time-honored advice of the Father of our Country to avoid entangling alliances.

We then felt ourselves safe from foreign invasion and that there could not be any matters of vital importance that would necessitate our country getting into conflict with a foreign power; and yet in a few short months after that naval bill had passed this House we found ourselves engaged in a war with one of the first powers of Europe, who thought she had a first-class navy, and so great was our fear that the people on our coast were calling on the Government to protect them from invasion of the new Spanish Armada making its way across the Atlantic and threatening our ports of entry and commerce.

Yet, Mr. Chairman, in a few short months after the passage of that bill our ports were so threatened and in danger of the foreign enemy. This should be a lesson to the people of our country that in time of comparative tranquillity and peaceful outlook we should take these steps looking ahead which will make the people of our country feel secure, and that they are not in danger of invasion from any foreign force whatever.

Now that the war is over and peace, thank God, again prevails over our nation and that of our recent enemy, responsibilities have come, and, in my judgment, they have come to stay, and have got to be met and provided for.

Not only must our new possessions be protected from any foreign invasion, not only must their commercial development be provided for, but we have taken our place among the nations of the earth, have assumed responsibilities which, I fear, will lead to further complications, for we can not enter the competition of trade in the Far East without clashing with the European countries and being obliged to provide safety for our commerce there.

Nay, more, to show how events lead from one stage to another, already our State Department has concluded negotiations to insure our full entry into the trade of China, which, in my judgment, far outstrips and outvalues any of the points of progress we have made so far.

You talk of the influence of the 8,000,000 people of the Philippine Islands in developing our trade. Are they to be mentioned alongside of the 400,000,000 people sufficiently civilized to consume our products, our railroad supplies, our electrical inventions, and everything for which our people are so famous and in the supply of which they are now commanding the markets of the world?

Do not think for one instant that Europe has yielded that sphere to which she was devoting herself, technically known as the sphere of influence. Do not think, my colleagues, that Europe has granted that willingly or without some mental reservation. The European nations had their eye on the trade of China long before recent events ever opened that door, long before the Japanese war made it possible to carve up that ancient Empire. Europe seeks everywhere to develop her trade; and it will be necessary for our country to guard our treaty rights and insist that they shall be preserved and maintained in that country.

It is for this reason that this bill is so wisely drawn in looking to the future, in adding to our effective force; for the future depends, so far as our country is concerned, almost entirely upon our Navy. It would be almost impossible for any foreign country to attack us here on this continent with our 70,000,000 people. They could not effect a landing; and if they did, they would be overwhelmed by numbers.

The same reasons would prevent our invasion of any foreign country far distant. Therefore the battles and the struggles are to be on the sea. We must be ready. I do not contend that we must have a navy to outstrip the world; but I do contend that we should have a navy of such ample force that we can hold our own against any single nation and be able to maintain our rights against any comer.

There is another point in relation to our foreign development. We have heard a great deal of argument in this Chamber lately upon the question whether the Constitution follows the flag. Be that as it may, I wish to lay down the proposition that commerce follows the Navy. Wherever the American flag is carried on our ships you will find that the merchantman will follow on his more peaceful errand. Such has been the experience of all the countries of Europe.

Let our citizens know that their goings and comings on the high seas will be protected; let our merchants and our traders know that wherever they may trade or do business their rights will be maintained, and you will find that the enterprise and "push" of the citizens of our great Republic will carry out the rest of the development by the extension of our commerce. Therefore it is essentially necessary, in view of the great area that has been added to our country and the increased opening for the development of our trade, that our Navy should be large enough to cover it and protect it in every quarter of the world, so that no detriment may come to the enterprise of the American citizen who seeks to develop our commercial and manufacturing welfare.

Why, Mr. Chairman, if you pick up the trade reports of to-day, you will find that our commerce abroad amounts to $1,000,000,000. More than that, we find that the ratio of the export of manufactured goods is far outstripping that of our cereals. Up to within ten years ago the prosperity of our country rose and fell with the condition of the crops.

Every man assumed that the success of our country depended upon the crop conditions. But that will not be so to the same extent now. Should the crops fail, we shall still have our exports of manufactures. Even coal is coming to be an article of export. Europe and South America are now demanding large quantities of our coal. We must protect this branch of our trade as well as any other.

And it is not only in time of war that our commerce must be protected. Why, sir, recently, when neutral goods were being transported to South Africa, even a friendly nation, carried away by her energy to conduct her own war, interfered with our commerce. It is not only in times of war, but sometimes in times of peace, that the Navy has to protect our commerce as it goes.

Some time ago, in the harbor of Rio de Janeiro, during a time of entire peace, our ships from Baltimore, laden with wheat, were not allowed to land on the quays of Rio de Janeiro. The navies of the entire world, represented by their ships in that magnificent harbor, did not lift a finger to break the blockade. And why? Because their sympathies were entirely with the monarchy. And it was not until that good admiral of ours, Benham, gave the order to Captain Bronson, on the *Detroit*, to clear his ship for action that the agricultural products of our country led the way up to the walls of Rio de Janeiro, and cargoes of flour from Baltimore were allowed to be landed.

I only cite this case, Mr. Chairman, to show that the Navy is just as useful in time of peace and for the benefit of the farmer and for any other development of our activities or any other branch of business at any other period in our national history.

There has been very much discussion here in regard to the methods by which the Navy should be developed, on the question whether ships should be built in our own yards, on the question of the Government owning its own armor-plate factory, and also whether it is desirable that this Government should proceed to buy its armor by contract with private parties.

I will leave that phase of the question to the various members of the committee and to this House, who are better informed to decide upon it than I am. But there is one thing that I wish to urge, and that is the avoidance of delay. Three years ago, on a similar debate, you in this Chamber adopted a ridiculous proposition which was ingrafted upon an appropriation bill, providing that the cost of armor plate was not to exceed $300 a ton.

The people that did it and the House that passed it ought to have known that that would simply block the completion of the construction of these men-of-war. That was, Mr. Chairman, a fearful responsibility for gentlemen to assume and for the House to assume and to act upon, for on the breaking out of our war with Spain, owing to that ridiculous condition in the appropriation bill, two of the great battle ships of the nation were not completed and did not form a part of our Navy. I believe as firmly

as that I am standing here that if the addition of these two battle ships at that time had been made Spain might have hesitated to go to war with this country.

Even on paper, as the two navies were supposed to exist at that time, Spain thought she had a slight advantage over the Navy of the United States, and that was doubtless the reason that induced her to take up the cudgels of war. Had these two ships been finished and in actual existence at that time, I doubt very much if this war would have taken place.

Mr. GAINES. Will the gentleman yield to me for a question just at that point?

Mr. ADAMS. Yes.

Mr. GAINES. You say that the reason why we had this war was because we had not got armor put on our ships?

Mr. ADAMS. No; I did not say that.

Mr. GAINES. Then, if I understand the gentleman's argument, the war was caused by the fact that these armor-plate companies "held up" the Government and refused to supply armor plate at the price fixed by the law, so that the Government could not finish the ships, and the Government could not manufacture it itself?

Mr. ADAMS. If the gentleman from Tennessee is undertaking to quote me, he must quote me correctly. I said nothing of the kind. I never said the cause of the war was the fact that these two ships had not been completed. I only suggested that if we had had these ships in our Navy at that time Spain would probably have hesitated before going to war with us.

Mr. GAINES. Now, in order to avoid that trouble in the future we want to erect an armor-plate factory that will take us out of this monopoly.

Mr. ADAMS. Well, Mr. Chairman, I prefer to proceed in my own way; but the gentleman from Tennessee has suggested that the Government was held up. Now, who "held up" the Government in this matter?

Mr. GAINES. Carnegie and the Bethlehem Company, I will say in response to the gentleman.

Mr. ADAMS. Who held up the Government? I will answer the gentleman. The gentlemen who put that ridiculous proposition in the naval appropriation bill to which I have referred. They were the ones.

Mr. GAINES. And now the gentleman wants to pay $545 a ton for the whole thing, when the original proposition was about $400.

Mr. ADAMS. I repeat that the gentlemen who held up the Government were those who voted for the ridiculous proposition of naming the price that the Democratic Secretary of the Navy who investigated it, and a committee of experts appointed by the Navy investigated, and which was investigated by the Naval Committee itself of this House, giving their best judgment to it—the combined opinion of all three of them being that $400 a ton was a fair price.

And in spite of that, gentlemen like the gentleman from Tennessee insisted on putting in that ridiculous proposition; and I charge you now with the responsibility; and the United States Government was weakened to the extent of two battle ships for the Spanish war by this absurd action on the part of the House.

Now, Mr. Chairman, as I said, I did not mean to go into a discussion of a technical point involved here, but certain facts were so apparent and the history of the action of the House so well known that I am surprised that even so astute a gentleman as the gentleman from Tennessee would rake up such an issue that has been settled so long ago.

Mr. GAINES. Will the gentleman yield further?

Mr. ADAMS. No; I decline to yield further.

And, Mr. Chairman, look at the result of this legislation. Instead of getting the armor at $400 a ton, which we could have gotten then, the Naval Committee now adopts the price of $125 a ton higher for armor, which some gentlemen on that side contend is no better than the old harveyized armor which was in use at the time the price was fixed.

Now, in conclusion, I simply wish to say that I have the honor to represent a district in the development of this Navy, and whether it be in the navy-yards of the United States or the private shipbuilding yards on that Clyde of America, the Delaware River, we stand ready not only by our support of the Naval Committee in Congress, but by the strong arm of our mechanics and by the genius of our shipbuilders, and the loyalty of the people of that district, to help develop the American Navy, so that come what may, in glorious peace or terrible war, we will give that support to the Government which loyal Pennsylvania and loyal Philadelphia has always been ready to give, whether in the construction of ships, the manning of them by our loyal citizens, or pecuniary and patriotic support.

You will always find the district which I have the honor to represent ready to support the Government in the development of the Navy; and it stands to-day ready to be at its country's call to take its place wherever it can be of the best service to the interests of all the people.

I yield the remainder of the time allotted to me to the gentleman from South Carolina [Mr. ELLIOTT]. [Applause.]

The CHAIRMAN. The gentleman from South Carolina [Mr. ELLIOTT] is recognized.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HOPKINS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 4190. An act to provide for the removal to the proper district for trial of persons indicted for offenses against the United States.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1906) granting an increase of pension to Agnes K. Capron, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. SHOUP, and Mr. LINDSAY as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1905) granting an increase of pension to Lillian Capron, had asked a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. SHOUP, and Mr. LINDSAY as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2942) granting an increase of pension to William Padgett.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. ELLIOTT. Mr. Chairman, on the 27th of May, 1898, the Spanish Government sent Admiral Camara elaborate instructions as to the movements of his squadron, from which I quote the following:

The first division under the command of your excellency will shape its course for the Bermudas, and at a proper distance from those islands you will detach a fast vessel to acquire at Hamilton all possible information, besides such as the Government will communicate to you through our consul, José García Acuña, a resident of said port, as to the location, number, and quality of the hostile forces distributed along the Atlantic coast, it being understood that the communication with the Bermudas must be confined to the one vessel referred to and only for a length of time absolutely necessary for the purpose indicated, the rest of the division to pass out of sight of the islands, so that its presence in said waters may not become known.

Taking into account the information you may acquire, and eluding an encounter with superior forces, your excellency will choose such point on the United States coasts as you may deem best adapted—Charleston, if possible—to carry out in the direction from south to north a series of hostile acts, in the energy of which you will be guided by circumstances, against fortified positions as well as against such places as, owing to their industrial, military, or commercial importance, will justify the operation and make it worth while. I call your excellency's attention to the expediency of your course along the coast being from south to north, as indicated. Key West being the enemy's principal base of operations, the forces detached to oppose your operations will follow you instead of going to meet you, as would otherwise be the case.

Your excellency will determine to what point the hostilities should be carried, remembering that the object of these hostilities is not only to make reprisals for the enemy's unjustified acts on our own coasts, but principally to call his attention toward the north, dividing his forces and thus facilitating the movements of the third division and at the same time those of Admiral Cervera's squadron. You might find it expedient (but this is not imposed upon you as a duty) to go up north as far as to permit you to detach a cruiser to Halifax, in order that Lieut. Ramón Carranza, who is assigned to Canada, may give you such information as he may have acquired beforehand. Having accomplished on the United States coasts the object indicated, and following the route which offers the greatest security, you will try, unless reasons of greater importance should prevent, to pass north of the island of Mariguana, or Turks Island, and collect at the latter the information which the Government will take care to forward to you there.

We were only saved from this attack, it seems, by the condition of affairs in the Philippines, which made it necessary that Camara's fleet should be ordered there.

While, from the weakness of Spain and the utter unfitness of her ships to wage successful war, although, at that time, many of our important harbors were unfortified, it may be said there was no real danger to be apprehended from the attack, yet the incident should direct our attention to what would have been our situation in case we were at war with one of the great powers of the world, having a navy superior to ours. With such an enemy concentrating a superior fleet on our coast and with many of our ships compelled to assist in defending our different harbors along our Atlantic coast, how would it be possible for us to get reenforcements to the point attacked? Fortunately nature has, in great part, provided us a means for accomplishing this, so far, at least, as torpedo boats and other light craft are concerned. I refer to the wonderful system of inland waterways along our Atlantic coast.

It is now eighty-one years since Mr. Calhoun, as Secretary of War under Mr. Monroe's Administration, called attention to this most important element in our defense. In an elaborate report made

on 14th January, 1819, to the House of Representatives, in response to a resolution instructing the Secretary of War to report "a plan for the application of such means as are within the power of Congress for the purpose of opening and constructing such roads and canals as may deserve and require the aid of Government, with a view to military operation in time of war, the transportation of munitions of war," etc., referring to the Atlantic coast of about 2,100 miles in extent, Mr. Calhoun said:

Against a line so long, so weak, so exposed, and presenting such strong motives for depredations, hostilities the most harassing and exhausting may be carried on by a naval power; and should the subjugation of the country ever be attempted, it is probable that against this frontier, facing Europe—the seat of the great powers of the world—the principal efforts would be turned. Thus circumstanced, it is the duty of the Government to render it as secure as possible.

Further on Mr. Calhoun said:

No object of the kind is more important, and there is none to which State or individual capacity is more inadequate. It must be perfected by the General Government or not be perfected at all, at least for many years. No one or two States have a sufficient interest. It is immediately beneficial to more than half the States of the Union, and without the aid of the General Government would require their cooperation. It is at all times a most important object to the nation, and in a war with a naval power is almost indispensable to our military, commercial, and financial operations. It may in a single view be considered the great artery of the country, and when the coasting trade is suspended by war the vast intercourse between the North and South, which requires annually 500,000 tons of shipping, and which is necessary to the commerce, the agriculture, and manufactures of more than half of the Union, seeks this channel of communication.

After describing the wonderful resources of our country in glowing terms, a country "almost a world in itself," Mr. Calhoun said:

But, dropping this more elevated view and considering the subject only as it regards "military operations in time of war, and the transportation of the munitions of war," what could contribute so much as this communication to the effectual and cheap defense of our Atlantic frontier? Take the line of inland navigation along the coast, the whole of which, it is estimated, could be completed for sea vessels by digging 100 miles, and at the expense of $3,000,000, the advantage which an enemy with a naval force now has, by rapidly moving along the coast and harassing and exhausting the country, would be in a great measure lost to him. In fact, the capacity for rapid and prompt movements and concentration would be to the full as much in our power. We would have in most of the points of attack a shorter line to move over, in order to concentrate our means; and, aided by steamboats, would have the capacity to pass it in a shorter time and with greater certainty than an enemy, even with a naval superiority, would have to attack us.

After treating of the Canadian frontier and that of the Gulf of Mexico, Mr. Calhoun further said:

Many of the roads and canals which have been suggested are no doubt of the first importance to the commerce, the manufactures, the agriculture, and the political prosperity of the country, but are not, for that reason, less useful or necessary for military purposes. It is, in fact, one of the great advantages of our country, enjoying so many others, that whether we regard its internal improvements in relation to military, civil, or political purposes, very nearly the same system, in all its parts, is required. The road or canal can scarcely be designated, which is highly useful for military operations, that is not equally required for the industry or political prosperity of the community. If those roads or canals had been pointed out which are necessary for military purposes only, the list would have been small indeed. I have, therefore, presented all, without regard to the fact that they might be employed for other uses, which, in the event of war, would be necessary to give economy, certainty, and success to our military operations, and which, if they had been completed before the late war, would by their savings in that single contest in men, money, and reputation have more than indemnified the country for the expense of their construction.

Eighty-one years have passed and but little has ever been done by the General Government toward carrying out Mr. Calhoun's recommendations. To be sure, many of the water courses forming a part of this inland route have been improved under river and harbor work, but no concerted effort to perfect the route as a military measure has been made.

What is to-day the condition of this route?

Upon data furnished me by the Coast and Geodetic Survey I find that starting at New York and going south there is a clear passage through for about 5 feet draft to Beaufort, N. C., by the following route: Outside of Staten Island, then through the Raritan River, then by the Delaware and Raritan Canal, then down Delaware River and through Delaware and Chesapeake Canal to Chesapeake Bay, then to Hampton Roads, up Elizabeth River, through Albemarle and Chesapeake Canal, Currituck Sound, North River, Albemarle, Pamlico, and Cove sounds to Beaufort, N. C. From Beaufort, N. C., there is a waterway a foot or two deep to New River Inlet, and thence to within some 2 miles of Cape Fear River there is a "drain of water." At this point comes the first obstruction of land, there being no water connection between the tributaries of Cape Fear River and the rivers flowing into Winyah Bay, South Carolina.

From Winyah Bay to Charleston there is a waterway, but only for boats of very light draft. It is necessary, therefore, that a vessel should go outside from Beaufort, N. C., to Charleston. From Charleston to Savannah there is a route for passenger steamers running by Beaufort, S. C., and the Port Royal Naval Station. From Savannah to Fernandina there is a clear passage, though shallow in places, and from Fernandina to St. Johns River there is a passage for boats of very light draft only. There is a waterway up the St. Johns River to New Head, but the upper part is much choked by vegetation. Here is another obstruction of land of 3 miles between the St. Johns and Indian River. From Mosquito Inlet through Indian River and other waters there is a clear passage through to Key West. It thus appears that from New York to Key West there are but three gaps in the water connection (without regard to depth), the first at Cape Fear River, the second between Cape Fear River and Winyah Bay, South Carolina, and the third between the St. Johns River and Indian River.

Since Mr. Calhoun's report the following canals, now a part of the route, have been built: Delaware and Raritan Canal, built in 1833 at a cost of $3,707,916; Delaware and Chesapeake Canal, built in 1824–1829 at a cost of $2,250,000 (one-fifth of this amount was contributed by the United States, Pennsylvania contributed $100,000, Maryland $50,000, Delaware $25,000, and the remainder was contributed by citizens of the three States); Chesapeake and Albemarle Canal, built 1856–1859 by a corporation.

Mr. Chairman, under the present overwhelming importance of torpedo boats in naval warfare, especially for harbor defense, the perfection of this inland waterway has become more than ever important. The following letter from the Secretary of the Navy gives the latest information on the subject:

NAVY DEPARTMENT, *Washington, March 15, 1900.*

SIR: The Department received your letter of the 2d instant in which you state that the River and Harbor Committee will consider at this session several projects along the seacoast of South Carolina which are intended to improve the inland navigation through that State as a part of the inland navigation along the Atlantic coast, and requesting, if during the war with Spain the importance of this inland navigation was brought to the Department's attention or if any facts bearing thereon were collected by it, that you be furnished with the same for use before the committee.

The chief naval intelligence officer, Capt. C. D. Sigsbee, United States Navy, to whom your letter was also referred, reports as follows:

"The strategic importance of an interior system of waterways along the Atlantic coast line has long been recognized as very great. If perfected, this means of interior communication would permit of rapid concentration of a torpedo flotilla at strategic points, without regard to the state of weather or the possible presence of a hostile force on the coast.

"In 1895 the U. S. torpedo boat *Cushing* passed through the inland waters of South Carolina from Charleston on her way to Savannah. Lieut. Commander (then lieutenant) F. F. Fletcher, United States Navy, in command of the *Cushing*, stated as follows: 'At several points on the route between Charleston, S. C., and Jacksonville, Fla., channels have been dredged so as to maintain the route intact. Additional improvements in this direction would considerably shorten the total distance and render the route practicable for comparatively large vessels.'

"In the latter part of 1897 several United States torpedo boats investigated the interior passages of the southern Atlantic coast, demonstrating their great possibility of usefulness.

"With regard to the South Carolina coast, the claim has been made that a comparatively small amount of dredging would enable torpedo boats to utilize the inside passages and to sally forth in such a way as to make it necessary for an enemy to cover some 35 miles of coast in operating against Charleston.

"It may be noted, however, that the dredging and opening up of these inside passages for commercial purposes may not in all cases fully meet strategic needs. To find and develop the best inside route from port to port does not necessarily make available the best means of reaching a good sallying outlet."

The above information, it is thought, fully answers the inquiries contained in your letter.

Very respectfully, JNO. D. LONG, *Secretary.*

Hon. WILLIAM ELLIOTT,
House of Representatives, Washington, D. C.

Mr. Chairman, during my service in the House I have devoted myself especially to the improvement of the rivers and harbors of South Carolina, believing that more could be done by me in that way than in any other toward the upbuilding of the business interests of my people and the development of new lines of industry. In the last river and harbor act surveys and reports were ordered on several projects in my district, the adoption of which will almost wholly perfect this inland water route so far as the South Carolina coast is concerned. The report of Maj. E. H. Ruffner, United States engineer, on one of the projects is so valuable and instructive on the very line we are discussing, and displays such a deep interest in the welfare of the people whom I have the honor to represent, I feel that I can not do better than insert it in full:

UNITED STATES ENGINEER OFFICE,
Charleston, S. C., December 16, 1899.

GENERAL: I inclose herewith report of Assistant Engineer Reid Whitford of a survey of "the waterways and low-lying marsh lands or rice lands between the North and South Santee rivers, with a view to extending the Estherville-Minim Creek Canal in a southerly direction to Alligator River," to comply with the river and harbor act of March 3, 1899.

This report is clear and specific, and covers all that is necessary to know when the particular survey across the particular region alone is to be discussed. But to do justice to the subject, and to the region, to the possibilities of the future, to the ideas of the many who are annually bringing up in different river and harbor bills different items of the same general subject—water communication along the low-lying coast region of the Atlantic States—something more is needed, and I propose to explain why this item is to be considered in connection not only with four other distinct items upon which I render reports under this bill, but in connection with items for which Congress makes appropriations from time to time. Moreover the whole subject crops up from time to time in similar reports by others on different items, some of which were adopted, and on which money was appropriated formerly, but in every case Congress has preferred to consider the item separately and not as a logical whole.

I think it will be seen that all that is written here and in my other kindred reports properly form one subject.

Doubtless this thought was in the mind of more than one in the past, for when these surveys were ordered their wording shows a connection between

them and existing projects and a remembrance of past efforts to secure the adoption of a general project for the inland navigation of this region.

It is well known that the coast of the Netherlands and East Friesland, from the Western Schelde to the mouth of the Elbe, a distance of some 378 miles, finds a region similar in general conditions in our South Atlantic coast from Chesapeake Bay to Florida. The same low fringe of sandy islands front the Atlantic on the North Carolina coast as is found on the North Sea coast. The sounds may represent the Zuyder Zee in character, and not far different in size. The maze of large and small islands, with intersecting water canals in every direction, that are on the South Carolina and Georgia ocean front finds its counterpart in Holland.

Annually thousands of our countrymen, after having read the glowing pages of Motley, and steeped with the knowledge of Dutch, of Pilgrims, and of historical struggle for civil and religious freedom that those shores will renew to them, ride and sail over railroad and canal and admire the indomitable courage of its inhabitants, their patience and skill, and the wonderful results of their energy. But if a comparison be made of this bleak coast fronting the angry waves of the almost constantly boisterous North Sea with our Southern coast, only occasionally swept by the cyclone or Southern storm; of the cold winter expanse, with canal and field locked up for months, and our islands bathed in sunshine, except for a few flitting cold waves; of the ponderous, massy sand dams fronting the ever-watchful sea, and our own open islands and coasts, as yet unchanged in their natural aspects, there will be given much food for thought. We may go in spring to Holland and admire the wealth of tulips blooming in a chill soil, as the result of centuries of nursing and care, and we will probably never think of the swamps and islands of our Southern coast, riotous with vegetable life. It is a matter of pleasure to see what man has done in the tempestuous, inhospitable, and dangerous regions of the north, and it must be a matter of national pride to think there are possibilities on our Southern coast that only a small fraction of the labor given elsewhere will receive manifold rewards here.

In swamps rich with pine and cypress, juniper and oak; on islands that carry their fringe of oak to the very edge of the ocean; in marshes carpeted with sedge and reed, the home of bird and of fish alike; everywhere is a soil rich and ready to yield something of value to man. Wherever the soil is supplied with more than bare sand a growth of some kind is ever ready to spring, and even from the apparently pure sand there will start vigorous, stout binding grass ready to add its share to the coming garden spot. Along this entire belt of watered, island, marsh, swamp, lowlands the same general conditions obtain, and from Virginia to Florida lies a land with its future before it, when the central lands are crowded, and man must seek more room for the coming millions. If Holland can support 4,500,000 on 12,680 square miles, surely the "sea islands" can some day support four times that number.

And yet to-day the coast counties of South Carolina have a population not exceeding 200,000. This coast is, of course, not easily accessible to railways, and therefore the entire water front of South Carolina is touched only in three points; and no road does or could, at a profitable cost, run parallel to the coast, as does the railroad from New York to New Haven, for example.

For many years the United States has, in a desultory way, been rendering some assistance to intercommunications in this region by spending small sums on certain rivers, which would, if amply navigable, serve for all needs of commerce. But as a rule the lumber and cotton, the "truck" and oysters, the fish and rice go from farm and hamlet to market in small sailing vessels, from the size of a rowboat to that of a schooner of less than a hundred tons. Going with the tide and using the wind when fair, these craft dot the numberless waterways in every direction, and their number and what they carry are no easier to count than are the wagons that pass over the country roads of any farming region. The waterways of the coast are the roads of the interior; the boats are the wagons.

There have been given me for report five different items of surveys of different portions of this maze of waterways of the South Carolina coast, and I have selected this one link to make these remarks, since they apply to all. It is and would be difficult to consider one bit apart from all. The United States has for many years been spending millions in rebuilding and extending the system of levees on the Mississippi River. It would have been impossible to consider one bit of levee without reference to the whole, and the former patchworks system has been extended from plantation to county, to State, to the valley. So we must in time consider this South Carolina coast; first as a system of canals for the whole, and later on for agricultural purposes, when dams or levees will inclose large islands, and we shall have a large area raising every agricultural product and as accessible in every way as are the Holland villages and hamlets.

From time to time individual engineer officers have reported favorably upon different points and lines of "the inland water route," mainly for military purposes. I know of no reason why we might not as well look forward into the future of the South Carolina coast as an improved Holland as we have for many years been improving the Mississippi River bottom for the teeming millions in the womb of Time!

The improvement of the entrance to Winyah Bay is almost at hand, and the many, many miles of water courses emptying into that broad haven may use this exit as freely as the delta of the Rhine uses the Holland ports. Lynchs Creek is but a small part of all this. Why should it not be dealt with as a part of a whole? The Pedees, Waccamaw, Black River, and the Santee form a great basin all mutually contributary to the one exit; but the coast country is to be bound together in a different way. Its coast channels connect the various threads, and the links that we make all work to an end common to all and for the benefit of all.

The Estherville-Minim Creek Canal connects Santee River and Winyah Bay, and is an important element in coastwise trade. The two Santees are parallel, and the shortest line connecting them, and suitable for the same end, is that which is reported upon in this special report. Several lines have been examined and two selected. Either will do; the link is necessary and must be somewhere near where the surveys run; but if a general view is had of the whole matter a general plan will be adopted of working this interior water line or lines up with a general fund and a comprehensive plan; one that will set aside a certain sum for each year's dredging, to be used with the view of working toward the close and easy communication of all outlying districts, with adjacent ports on either hand, and the whole to be gradually improved in depth and later on in width.

The Sampit River survey belongs to the port of Georgetown; the Wee Tee Lake, Williamsburg County, is a part of Santee River district; Lynchs River is a branch of Great Pedee; across from North to South Santee is a link in the general up-and-down coast connection, and Charleston Harbor to Alligator River is the main line between Charleston and Georgetown. All of these should be reported together, and these and the whole coast line should form a part of an intelligent, comprehensive improvement of waterways and afterwards of the agricultural region itself as a whole.

Merely as an item to show that this coastwise commerce is not a fiction, I will mention that it is a matter of record that the bridge recently built across "Wappoo Cut," a part of the "inland route," near Charleston, actually held the draw open for 4,694 different craft between March 11 and November 30, 1899—two hundred and sixty-four days, or an average of about 18 per day. Of course this does not include craft that can pass the bridge without opening the draw. The routes reported upon by me this year are—

From Charleston to Alligator River, estimate	$281,000
North to South Santee	84,000
Maintenance Estherville-Minim Creek Canal, regular bill	20,000
Winyah Bay, ocean vessels, Waccamaw River, regular bill	3,000
Total	388,000

These sums would, if furnished, provide for a gradual improvement of the entire route from Charleston to North Carolina, and certainly no better use could be made of that amount of money than to provide a good line of water communication along this length of coast. To make the matter complete the idea should be extended so that from Charleston to Savannah on the south certain well-known and formerly reported upon improvements should be entered into as a part of this general whole, under a general plan and a general appropriation.

Very respectfully,

E. H. RUFFNER,
Major of Engineers.

Brig. Gen. JOHN M. WILSON,
Chief of Engineers, U. S. A.
(Through the Division Engineer.)

Mr. Chairman, when an officer of our distinguished Corps of Engineers "not to the manner born," having only a cold, official duty to perform, feels constrained to put forth such an enthusiastic and yet solid indorsement of these projects, let us hope that the River and Harbor Committee at the next session will determine to perfect, as far as possible, this inland water route, both to the advancement of commerce and agriculture and as an excellent means of defense in time of war. One other very much needed improvement is to make a cut through Fenwicks Island between Charleston and Beaufort, S. C., a project heretofore reported and now pending before the committee. The section of country specially affected by these improvements is that which produces in great abundance the finest rice in the world, sea-island cotton that to-day sells at 50 cents a pound, and is making great strides in growing early vegetables, to which last industry rapid and unobstructed transportation is so important.

Nowhere, Mr. Chairman, has river and harbor work been more successful than in South Carolina. The jetty system at Charleston has increased the depth of water on that bar from 16 to 25 feet at high water, while a new and inexpensive project, which will increase the depth to 26 feet at low water, has now been provided for. At Winyah Bay the engineers report that so successful has been the work thus far that the project, which was calculated to produce only 15 feet of water, will produce 23 feet. Already we are feeling the impulse given our trade by these improved avenues of commerce and are striving manfully to meet the new conditions that are upon us.

To leave the seacoast and go to the interior of the State for a moment, we there find a most extraordinary industrial development. Within the course of a very few years South Carolina, from being an almost purely agricultural State, has become one of the foremost in cotton manufacturing. She is now third from the front, and with the end of this year will have passed Rhode Island and be next to Massachusetts. The rivalry between Massachusetts and South Carolina has been the theme of many a discourse, but the wildest imagination never suggested that to the other elements of their striving that of industrial development would be added. Sixty days ago there were being built in South Carolina mills that will contain 450,000 spindles and costing about $6,000,000. Of 77 mills projected in the United States for the quarter ending March 31 last she leads the column with 23.

In order that the country may see what deep water, diversified agriculture, rapid transportation, and cotton mills are doing for us, Charleston, speaking for the State, will invite the splendid constituencies whom you gentlemen represent to attend the South Carolina Interstate and West Indian Exposition to be held at Charleston in the closing days of the first year of the new century. That old city, that has fought more fights and won more battles than any city in the land; that has been desolated by fire, torn by shot and shell, wracked by earthquake, and ravaged by tempest, is equipping herself for her new career, and asks all her friends to come and bid her Godspeed. [Loud applause.]

Mr. RIXEY. Mr. Chairman, it is with some regret that I have found myself unable to agree with the distinguished gentleman [Mr. FOSS] who, in the absence of the chairman of the Committee on Naval Affairs, has presided with so much patience, tact, and ability over the deliberations of that committee, and also that I differ in some matters connected with this bill with the senior member of the minority [Mr. CUMMINGS], whom we all esteem so highly and whom it is our pleasure so often to follow on naval matters.

But it remained for the gentleman from West Virginia [Mr. DAYTON] to undertake to lecture the members of the minority of that committee who thought proper to sign the minority report, and to lecture the House, telling the members that they were uneducated, that all wisdom, in effect, centered in himself, because for the past five years he had given consideration to this subject, and called upon the members of the House to listen to the words of wisdom as they fell from his lips.

When I heard the gentleman discoursing in this manner, I was reminded of what Job said to his false friends:

No doubt but ye are the people, and wisdom shall die with you.

[Applause and laughter.]

Mr. Chairman, the distinguished acting chairman of the Committee on Naval Affairs [Mr. FOSS] on yesterday referred to the fact that this bill carried over $61,000,000, and explained it in part by stating that it was a bill for peace. I take it, then, that if it carried $150,000,000 it would be a bill for more peace.

I append herewith a table, taken from the report of the majority of the committee, showing the amounts carried by the naval appropriation bills commencing with 1883, at which time our so-called policy of a new Navy commenced:

Amounts carried by the naval appropriation bills since 1883.

	Appropriation.
1883	$14,819,976.80
1884	15,804,434.23
1885	14,980,472.59
1886	15,070,837.95
1887	16,489,907.20
1888	25,767,348.19
1889	19,942,835.35
1890	21,092,510.27
1891	24,136,035.53
1892	32,541,654.78
1893	23,543,395.00
1894	22,104,061.38
1895	25,327,126.72
1896	29,416,245.31
1897	30,562,660.95
1898	33,003,234.19
1899	56,098,783.68
1900	48,099,969.58

From this table it will be seen that commencing with less than $15,000,000 in 1883 we have now come to a bill in time of peace of over $61,000,000, and the end is not yet, because, so far as I am informed, no intimation has come from the majority of the Committee on Naval Affairs that we can hope in the near future for any reduction in the amount carried in the annual appropriation bill. The Navy is not now engaged in any war. Even the soldiers which are transported to and from the Philippine Islands are carried in the transports furnished by the War Department, and the bodies of the marines who die abroad are brought home in war transports.

There is no proper justification for this immense appropriation bill, but it is a part of the general policy of expansion in expenditures for the purpose of creating fictitious prosperity.

As an example of what I regard as unwise legislation, I cite the case of the navy-yard at Portsmouth, N. H. This navy-yard is only some 50 miles from Boston, where there is a good harbor and first-class yard.

When Secretary Whitney was at the head of the Navy Department, he closed the navy-yards at both Boston and Portsmouth as unnecessary. Both these yards have not only been opened, but stone or concrete dry docks, to cost over $1,000,000 each, contracted for and the whole organization for a great navy-yard provided for each place.

I am disposed to think that a navy-yard should be maintained at Boston. But I am informed that the location at Portsmouth, N. H., is utterly unfitted for such purpose. Without it we have enough now upon the Atlantic coast. Others may be needed upon the Pacific.

In connection with this navy-yard we find in this bill—

Bureau of Ordnance, civil establishment, 1 writer	$1,000.00
Bureau of Equipment, civil establishment, 1 clerk	1,000.00
Bureau of Yards and Docks, civil establishment	5,885.00
Bureau of Yards and Docks, public works	361,000.00
Bureau of Supplies and Accounts, civil establishment	5,840.00
Bureau of Construction and Repair, construction plant	25,000.00
Bureau of Construction and Repair, civil establishment	3,434.50
Bureau of Steam Engineering, machinery, plants, and tools	25,000.00
Bureau of Steam Engineering, civil establishment	1,800.00
Total	429,959.50

Nearly all of which could be saved without detriment to the public service.

It will be seen from this statement that this system of separate bureaus exists not only at the Navy Department here, but in every navy-yard, and every bureau has its separate organization here at Washington, with an admiral at the head and a number of clerks, all jealous of the rights and prerogatives of his bureau.

A more cumbersome and expensive system of government for the Navy Department could not well be invented.

To the credit of the Secretary of the Navy be it said, he has recommended that three of these Bureaus be consolidated, viz, Construction and Repair, Steam Engineering, and Equipment. I only regret he did not recommend the consolidation of all the bureaus. It would save many hundreds of thousands of dollars annually, and I expect to offer during the consideration of this bill an amendment for the consolidation of the three Bureaus named.

On page 4 of the bill we find half a million dollars placed at the disposal of the President as an emergency fund.

We are in a period of profound peace so far as our Navy is concerned, and I can see no necessity for placing such a fund under the control of the President.

This is not legislation; it is an abdication of our legislative functions and is not necessary.

If there should be a deficiency, it should properly be met by the Committee on Appropriations in its annual deficiency bill; and I am anxious to see if the chairman of that great committee will keep silent while the prerogatives of his committee are undermined.

It is without precedent. Never before in the history of legislation has such a provision been put on a naval appropriation bill.

Mr. WHEELER of Kentucky. If the gentleman will permit me there, I call his attention to the fact that the President of the United States has at no time nor under any circumstances asked for this appropriation, and neither has the Secretary of the Navy, and therefore it is a voluntary item placed in there by the Committee on Naval Affairs.

Mr. RIXEY. I do not know how it gets into the bill, but we have had no explanation of the necessity for it.

It is wholly and manifestly unnecessary. Page 3 of bill is a contingent fund for Navy, $10,000. In addition to this it is only necessary to take as an illustration one of the seven bureaus to show not only that everything is provided for that it is possible for the mind of man to conceive, but that contingent funds are also provided for each of the several bureaus.

Page 4 of bill, under head of Bureau of Navigation, after enumerating the more important items, provides for—

Freight, telegraphing in public business, postage on letters sent abroad, stationery, maps, railway guides, city directories, and necessary books of reference, ferriage, ice, apprehension of deserters and stragglers, continuous-service certificates, discharges, good-conduct badges, and medals for boys, schoolbooks for training apprentices, packing boxes, and materials, and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen and impossible to classify, $80,000.

Is not this Bureau well provided for? Is there any need of half a million dollars for the President to help out this Bureau, in the items "Unforeseen and impossible to classify?"

But this is not all under this Bureau, for at naval training station, Yerba Buena Island, we have—

Printing outfit and material, and maintenance of same, heating, lighting, and furniture, stationery, books, and periodicals, fresh water, ice, and washing, freight and expressage, packing boxes and materials, postage and telegraphing, telephones and all other contingent expenses, $30,000.

Page 6 of bill, naval training station, Rhode Island, contingent expenses.

Page 12 of bill, contingent fund, Bureau of Ordnance.

Page 17 of bill, contingent fund, Bureau of Equipment.

Page 20 of bill, contingent fund, Bureau of Yards and Docks.

Page 36 of bill, contingent fund, Bureau of Medicine and Surgery.

Page 39 of bill, contingent fund, Bureau of Supplies and Accounts.

Page 43 of bill, Bureau of Construction and Repair, provides for incidental expenses, such as advertising, freight, foreign postage, telegrams, telephone service, photographing, books, professional magazines, plans, stationery, and insurance, for drafting room, etc.

Page 48 of bill, contingent fund, Bureau of Steam Engineering.

Page 53 of bill, contingent fund, Naval Academy.

Pages 60, 61, 62 of bill, contingent fund, Marine Corps. "and for all other emergencies and extraordinary expenses arising at home and abroad, but impossible to anticipate or classify," etc.

Twelve contingent funds besides the one of half a million dollars for the President, including, by name, everything that it is possible to conceive, from "towels, soap, combs, and brushes," to the repair of ships, and everything else, as it is expressed, "for all emergencies and extraordinary expenses arising, at home or abroad, but impossible to anticipate," a total of $467,300 for such contingent expenses.

The unusual provision, therefore, of half a million dollars in addition is unnecessary. No naval war is in progress and none expected.

Another matter in which the minority differ from the majority is whether any of the cruisers which are to be built shall be constructed at the Government navy-yards.

The Government has now a half dozen highly equipped navy-yards, maintained at an expense of hundreds of thousands of dollars annually, and fully able to build not only third-class cruisers, but battle ships. Why not make use of these plants? The capital is lying idle, or at least not turned to the most practical account.

It is not an untried venture. The *Maine*, *Texas*, *Cincinnati*, *Raleigh*, *Minneapolis*, *Indiana*, and *Detroit* were all built at the Government navy-yards, the *Maine* and *Cincinnati* at New York Navy-Yard, and the *Texas* and *Raleigh* at Norfolk.

Admiral Hichborn, Chief of Bureau of Construction and Repair, believes that the Government should build some of its ships. He says:

Mr. MEYER. Therefore, if you thought it desirable to construct vessels at the navy-yards, you would not be in position to do it?

Admiral HICHBORN. It could be done by an increase of the force. The advantage of building at the navy-yard, of which I am an advocate, is that when you have a ship to build, you have a certain number of men employed; and if a vessel comes in needing repairs, and it is in a hurry, you can take the men off the job and put them on the repair ship. In that way they are always at work. If, however, you have to go to hiring and discharging men all the time, you can not get as good class of men and you can not do it as economically. I believe in building ultimately at our own yards; but if you took all the work the shipbuilders are doing to-day, you could not do it.

Mr. DAYTON. Do you think it would be possible for the Government yards to build the larger battle ships or cruisers?

Admiral HICHBORN. They can build at New York anything that can be built anywhere in the world, with a slight addition of new tools.

Mr. DAYTON. Is that true?

Admiral HICHBORN. Certainly. All we want is an order to build any ship at New York, Norfolk, Boston, Portsmouth, and Mare Island, and we can build any ship that anybody else can build. It is only a question of a few new tools, and not many either.

Naval Constructor Bowles says, on page 2 of his hearings:

Now, if in these yards, which are essential to the object of the Navy, we should keep a vessel or two vessels building all the time, we would have a nucleus of a complete force and it would be necessary, in order to do that work with a reasonable degree of economy, that our yard should be kept in good order.

Second. The fact that a vessel is building in a navy-yard makes it possible to conduct the repair work of the fleet economically and rapidly, because if a vessel comes in for repairs, as soon as it is determined what it is necessary to do the force is available, and every shop is in working order, and the chances are that there is a stock of material on hand of every kind that would be needed in the construction of the ship, which can be drawn upon to make those repairs. This matter of having the material on hand is one of the most essential items in carrying on work rapidly.

This opinion is concurred in by Constructors Stahl and Baxter, and it is only necessary to read their testimony to be impressed by their intelligence and sound reasoning.

We all know that there are large interests opposed to the Government building its ships, but I ask, why not? We have magnificent equipments, maintained at a cost of hundreds of thousands of dollars annually.

Of course the great shipbuilding concerns do not wish the Government to build its own ships, and I begin to believe that the only way to place a limit to the building of ships is for the Government to build its own ships. As long as it puts the ships out to contract at an expense of millions of dollars each, these shipbuilding concerns are interested in manufacturing public opinion and forcing the Government to build great ships, whether it needs them or has the men and officers to man them or not.

Great Britain and France are building at least a portion of their ships in their navy-yards. Why should not we? There is no reason except the one suggested—opposition of private concerns. Let the three smaller cruisers be built in the Government yards and an account of the cost kept. We can then form some estimate of where the ships should be built in the future.

This bill provides for 2 battle ships, 3 armored cruisers, and 3 protected cruisers, the total cost of which will be $28,000,000, exclusive of the cost of armor and armament. I insist we should be able to build them in the Government navy-yards as cheaply as private concerns, and the testimony of the constructors in the Navy is overwhelming that we are prepared now to build the largest battle ships and cruisers.

Mr. GAINES. Who were they?

Mr. RIXEY. One was Constructor Bowles, who had charge of the Brooklyn Navy-Yard; another was Constructor Stahl, who has charge of the Norfolk Navy-Yard, and another was Constructor Baxter, from Boston.

Mr. GAINES. Mr. Baxter was one of the officers in charge in building the Oregon?

Mr. RIXEY. All these matters have been thoroughly elaborated, and I will not longer detain the committee on this subject.

In the consideration of this subject of armor plate two questions are to be considered: First, is the price now demanded by the armor-plate combine reasonable; and if not, second, the remedy.

We are absolutely at the mercy of the Bethlehem and Carnegie companies, which admittedly have an understanding that they will not bid against each other. It has a monopoly and is a trust. It has, therefore, the power of extortion.

The price now demanded by these companies for the Krupp armor is $545 per ton.

Is this a reasonable price?

Under date of December 31, 1896, Secretary Herbert transmitted to Congress his report as to the cost of armor plate, which is the best official information we have had upon the subject. In the report he says:

FINAL COST.

It has been determined that the cost of the labor and material in a ton of double-forged nickel-steel harveyed armor, including allowances for losses in manufacture, is $197.78. This comprises every element of cost in its manufacture save and except only the maintenance of plant. If 10 per cent be allowed for maintenance, the value of the plant must be determined upon.

COST AND PRICE OF ARMOR.

The present value of an armor plant like those of the two companies referred to—the price at which such a plant could be erected—is, according to the figures heretofore attained, $1,500,000; the allowance for maintenance, at 10 per cent, $150,000 per annum while the plant is in operation. If we suppose that 2,500 tons of armor are manufactured per annum, this will give an average per ton of $60, which, being added to the cost of labor and material, will make, in round numbers, $256. If 3,000 tons per annum are manufactured, the price of each ton would be ascertained by adding $50 to the $198, or $248, so that we may take $250, in round numbers, as the cost of a ton of armor when the companies have fair orders for work.

Continuing, he says:

It therefore seems to me that under all the circumstances, considering the uncertainty of future contracts and in view of the fact that these contractors have heretofore established plants on the faith of orders they were to receive thereafter from the Government, it would not be inequitable to allow them 50 per cent upon the future cost of manufacturing armor. Fifty per cent added to $250 would be $375; but it is to be remembered that the Government has heretofore furnished the nickel, and that the item of $197.78 for labor and material does not cover the cost of the nickel.

It is therefore suggested that in future contracts manufacturers shall be required to furnish their own nickel. Adding $20 for this item to $375, we have $395 per ton, and allowing something for keeping nickel on hand, we have in round numbers $400 per ton.

The Government is now paying for reforged nickel Harvey armor $583 per ton, with the nickel, which is furnished by the Government, added, $583. At the prices herein suggested $500,000 would be saved in the armor of each battle ship.

At the time of this report we were paying $583 per ton, a difference of $500,000 on each battle ship.

Congress limited the price to $400 per ton and thus saved this immense amount to the Government. Said Secretary Herbert:

If Congress shall decide to adopt the recommendations in this report and refuse to pay more than $400 per ton for first-class armor hereafter, it may be reasonably expected that all the power and acumen that can be brought to bear by interested parties will be exerted to show that this report is in error and to expose any inaccuracies it may contain.

No such attempt has been successful, and since 1897 we have never paid over $400 per ton.

But now come these same companies, which admittedly had been exacting $500,000 for a battle ship more than they should, and demand $545 for armor called the Krupp, the process for the manufacture of which is neither a secret nor patented.

Mr. GAINES. Will the gentleman allow me to interrupt him for a moment?

Mr. RIXEY. Certainly.

Mr. GAINES. I have here an official letter from Charles O'Neil, Chief of the Bureau of Ordnance, to the Secretary of the Navy, dated December 12, 1898, in which he says:

4. It is impossible for the Bureau to state whether the price named is excessive or not, as the process of manufacture is kept secret; but enough is known to lead the Bureau to suppose that the cost of making armor by the new process is not $100 per ton greater than by the present process, as the principal difference lies in the composition of the metal and in the process of carburization prior to tempering. The same machinery is necessary for handling, forging, bending, and machine finishing in either case, while in the new process one expensive feature is omitted, namely, reforging after carburization.

Then this new armor does not and should not cost $100 more than the harveyized plate, but they want to charge $145 more.

17. It is estimated that 2,697 tons of armor will be required for each of the three vessels of the *Maine* class, and 545 tons for each of the four harbor-defense monitors, or a total of 10,271 tons for the seven vessels. At the present price of $411.20 per ton (including royalty), 10,271 tons of armor would cost $4,223,435.20, and at $545 per ton the cost would be $5,597,695, or $1,374,259.80 more for the new process armor than for the old; but the vessels will receive 25 per cent better protection.

20. The new-process armor is referred to as the "improved Harvey," and sometimes as that made by the "Krupp process."

23. While the armor manufacturers have intimated that the cost of the new-process armor would be $545 per ton, it is by no means certain that they will specify that sum in their bids, especially if they have reason to believe that there will be any competition, or if they know that the Department can, if it chooses, establish an armor factory. The sum named by them is undoubtedly the maximum price they expect to ask. Hence it might be well to insert a proviso in the appropriation bill to the effect that if the Secretary of the Navy is unable to make satisfactory terms as to the cost of armor, he is authorized to proceed at once with the establishment of a Government armor factory, and the necessary funds are made available for this purpose.

Admiral O'Neil favors an armor factory to bring these armor makers to reasonable terms.

Mr. BARBER. Will the gentleman allow me? Is it not a fact that Mr. O'Neil appeared before the committee and testified that the material alone in the Krupp process cost about $33 more a ton, and that he allowed $22 a ton more for labor for the Krupp process?

Mr. RIXEY. I think that is true.

Mr. BARBER. So that that letter would not be the present views of Admiral O'Neil in relation to this armor.

Mr. GAINES. He knew that when he made this statement.

Mr. BARBER. But he appeared before the committee a month ago.

Mr. RIXEY. Admiral O'Neil did not give any satisfactory reason why the manufacturers should charge $545 per ton.

Mr. BARBER. Will the gentleman allow me another question?

Mr. RIXEY. Certainly.

Mr. BARBER. Did not Secretary Long figure up how the extra $33 was made up—how the extra $33 for material was made up?

Mr. RIXEY. Suppose that is true, how do you get $545?

Mr. BARBER. In this way: We start with $400 as the basis of double-forged Harvey armor plate, recommended by Secretary Herbert. We have $33 for extra material, $22 for additional labor, making $55. Now, for the same size of Krupp armor plate it is

from 30 to 33 per cent less in thickness, so for a given plate, or for a given amount of armor covering a ship of the same size and the same dimensions, they would receive, instead of armor 16¼ inches, 11½ inches under the Krupp process—one-fifth less in thickness. Or, as Secretary Long puts it, on a ship there would be for covering of the same dimensions 500 tons less of Krupp armor—that is, armor made by the Krupp process—than by the Harvey process, the Krupp process requiring more time, more labor, and the company would receive that much less.

Mr. RIXEY. Mr. Chairman, I do not care to take the time of the committee to reply to the gentleman, because I propose to take the statement of Admiral O'Neil as the basis for what I have to say in regard to the cost of armor plate. His opinion may be said to be favorable enough to the companies, as he thinks we should pay $545 per ton. On page 11 of his testimony he gives a statement which I use, except I allow 3 per cent instead of 6 per cent:

3 per cent on plant valued at $4,000,000	$120,000
3 per cent on working capital of $1,000,000	30,000
8 per cent for deterioration (Carnegie only claims 5 per cent)	320,000
Cost of making 5,000 tons at $250	1,250,000
Total	1,720,000

$1,720,000 ÷ 5,000 = $344, cost per ton.

Mr. HAWLEY. Will the gentleman allow me right there?

Mr. RIXEY. Certainly.

Mr. HAWLEY. Are you reading from the testimony of Admiral O'Neil?

Mr. RIXEY. I am reading from his testimony, with the simple change that I allow 3 per cent interest, whereas in the table I use he charges 6 per cent interest.

Mr. HAWLEY. But his testimony is the basis of your remarks?

Mr. RIXEY. It is.

Mr. HAWLEY. Would it disturb the gentleman if I asked him to read from his testimony in which he discusses the making or armor plate by the Government?

Mr. RIXEY. I will read it if the gentleman desires it.

Mr. HAWLEY. I think it would be interesting, as you are referring to him and introducing him as your witness.

Mr. RIXEY. If I do not state his testimony fairly, you will have an opportunity to correct me. I take my statement from the table which he furnished, and the only change I have made is that I allow 3 per cent interest, while he allowed 6.

Mr. Chairman, Secretary Herbert's report and the determination of Congress not to pay over $400 and, in default of getting armor at that price, to build a factory secured us the armor plate at $400 when we were paying $583 per ton, saving to the Treasury $500,000 on a battle ship.

Let us pursue the same wise policy. I think $400 enough for the Krupp armor, but I am willing to go further and make the limit $445; but if we can not get it at that price, I am for building an armor-plate factory.

Mr. Chairman, I differ with the majority in the statement of fact that the Secretary of the Navy recommended provision for two battle ships in addition to the cruisers, all of which are virtually battle ships. It is contended that while the Secretary only recommended the six cruisers in his annual report, in the "hearings" before the committee he asked for or recommended provision for two battle ships. It is only necessary to examine these hearings to see that this contention is not well founded. The committee evidently wanted him to so recommend, but he studiously failed to do so, as will be seen from the following extracts, which I take from the hearings:

On page 9 Secretary Long says:

> You gentlemen must bear in mind in making the recommendation it never occurred to me that Congress would give us three battle ships, costing $3,000,000 or $4,000,000 apiece, and also three cruisers costing a great deal of money, and three protected cruisers of 8,000 tons, also costing a great deal.
>
> Mr. DAYTON. Looking the world's naval progress and advance in the face, I want you to state whether you regard an increase of three battle ships and three cruisers as an unwarrantable one.
>
> Secretary LONG. Not at all. I think you will come to it, of course, in future years. If I were on the Naval Committee, I should be inclined to say that with three battle ships already authorized and construction not yet begun, if you will give us three big cruisers and three smaller cruisers, we will have enough large ships to go to the country with this year.

We now have in the Navy, including ships authorized as well as under construction, 15 first-class battle ships, 1 second-class battle ship, 15 armored cruisers, 21 protected cruisers, a total of 52 battle ships and cruisers, all of which are virtually battle ships, and with the addition of gunboats, torpedo boats, etc., a total of 303. As stated in the report of the majority, seventeen years ago our Navy ranked twentieth among the nations of the world; it now ranks fourth.

Mr. Chairman, we have not the officers or men for the ships already authorized. Secretary Long in his letter under date of February 12, 1900, Document No. 168, on page 8, gives 3,048 as the number of officers required for all the vessels of the Navy, whereas we only have a total of 1,601 officers now on the active list. (Page 6 of letter.) The Navy has not sufficient officers to man the vessels now ready for commission, not taking into account the vessels not yet contracted for. Why, then, the necessity for the authorization at this time of two additional battle ships to cost from six to ten million dollars? I fear the answer is, Mr. Chairman, to be found in the immense pressure which the great shipbuilding and armor-plate concerns bring to bear upon legislation favorable to their interests. [Applause.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. RIXEY. Now, Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD of New York. Mr. Chairman, the naval establishment is to be increased. It is now inadequate for the country's needs. For years to come the naval appropriation bill will provide further additions to the Navy. A sea force is the natural weapon, both offensive and defensive, for the United States. The country's extensive coast line, the vast interests of our people the world over, the slight possibility of an invasion of the States by land, the comparative ease and rapidity with which an army can be raised, and the traditional policy of this Government to minimize its permanent land force combine to necessitate a powerful and extensive Navy. It will be our chief reliance against foreign intrusion and interference; it is the most effective and persuasive argument that can be advanced by this country for the privilege of pursuing its way in peace.

With whatever else it may be charged, the recent war at least has sharply drawn attention to the naval needs of the country. Justly proud of the wondrous record of the Navy from its very inception, an enlightened and patriotic people will insist that it be maintained in sufficient power and at the highest possible efficiency.

The Committee on Naval Affairs in its report has suggested a building policy for the country:

> To build as we have been building, gradually, on broad lines and upon the most advanced ideas of naval construction; not so fast that we will be ahead of the advance of naval progress, but slow enough to secure all the benefits of new improvements and new inventions; or, better still, to do as the American Navy has always done when given an opportunity, to lead the march of the best naval construction, which it demonstrates its ability to do on at least one memorable occasion in American history, when the little "cheese box of Ericsson," in that great contest with the *Merrimac*, blazed the pathway for the mighty battle ship of to-day.

The policy suggested by the committee, it seems to me, is both conservative and wise. Assuming that it is, it becomes pertinent to inquire, How can the country continue supreme in naval construction?

The most significant feature of the majority's report is the omission of all discussion on this most important question. The committee recommends the building by contract of two battle ships, three armored cruisers, and three protected cruisers. The vessels recommended are the most powerful of their respective classes. The committee says:

> The maximum cost of the ships herein authorized, exclusive of armor and armament, will be $23,350,000. This is the largest naval programme ever submitted by the Committee on Naval Affairs of the House, and is in accord with the wishes and recommendations of the Secretary of the Navy and Admiral Dewey, and will, we believe, meet the just demands of public sentiment. The past year in naval construction has been marked by the most liberal naval programmes on the part of all foreign nations. At the present time there is pending in the Reichstag of Germany a naval bill which, if passed, will increase the tonnage of the present German navy 422,000 tons, a larger tonnage than that of her present navy.

A perusal of the views of the majority would never have even raised a suspicion that any other method of building these vessels than by contract had ever been suggested. Yet, Mr. Chairman, for several days the committee listened to four of the ablest men in the corps of naval constructors upon the advisability and advantage of building some of the vessels in the navy-yards. These men were unanimous in the opinion that it would be of immense benefit to the Government to build in the navy-yards. The only objection to the proposition was made by the Secretary of the Navy, upon grounds which I believe are without merit; yet the committee ignores completely the evidence before it and withholds from the House information of the most important character. Indeed, Mr. Chairman, silence is the only answer that can be made to the arguments advanced before the committee in favor of the proposition.

Governmental facilities should be utilized for the best interests of the people. The welfare of the many and the interests of the country should not suffer that a favored few may profit. Some of the vessels to be authorized for the Navy should be built in the

navy-yards, that the Government may reap full benefit from their existence.

Our modern Navy was commenced about the year 1883. Since that time $98,529,511.85 have been put into completed ships. The estimated cost of vessels now under construction is $62,570,610.23. Since that time about 126 vessels have been built, are in the course of construction, or have been authorized. Twelve have not yet been commenced. Four of the completed vessels were built in the navy-yards; two vessels, I believe, were rebuilt therein, and, with the exception of two or three tugs, the remaining vessels have been given to private yards. At present there are 50 vessels in private yards and 12 authorized by last year's bill waiting to be sent there. In the navy-yards there are no vessels in the course of construction.

The majority of the committee, in defense of the proposition to substitute barracks for enlisted men in the place of receiving ships at New York and Mare Island, state that—

Our Government is the last of the maritime nations to adopt the barrack system for its seamen. Every other nation has them. The British Government has already expended $7,000,000 for the purpose of properly housing its seamen. France, Germany, Italy, Russia, Austria, Japan have already constructed barracks for their seamen.

The conduct of maritime nations along certain lines is legitimately used by the committee to demonstrate the wisdom of its recommendation. Experience teaches, and it is the part of wisdom to profit by the experience of others. It is certainly remarkable, however, that the keen-eyed majority of the committee should be blind to the lessons that have been taught in the dockyards of every maritime nation of the continent.

In seventeen years, Mr. Chairman, the United States have built four vessels in navy-yards. What, in the meanwhile, have the other maritime nations of the world been doing? It is unnecessary to examine the records of the past seventeen years. I submit here tables which show the war ships building in England, France, Germany, Russia, and Italy during the year 1899:

War ships built in United States navy-yards since 1883.

Class.	Number.	Total tonnage.
Second-class battle ship Texas	1	6,315
Second-class battle ship Maine	1	6,648
Protected cruisers Raleigh and Cincinnati	2	6,426
Grand total	4	19,389

War ships building in English dockyards in 1899.

Class.	Number.	Total tonnage.	Total cost.
Battle ships	11	156,850	$55,482,514
Armored cruisers	3	33,700	11,889,464
First-class protected cruisers, sheathed with wood and copper	2	22,000	5,820,807
Second-class protected cruisers	2	11,500	2,921,948
Third-class protected cruisers	3	6,535	2,332,283
Sloops sheathed with wood and copper	6	6,060	2,246,763
Royal yacht	1	4,700	2,112,068
Grand total	28	241,345	82,805,847

War ships building in English private yards in 1899.

Class.	Number.	Total tonnage.	Total cost.
Battle ships	7	94,850	$33,273,641
Armored cruisers	5	61,900	21,610,790
Armored cruisers sheathed with wood and copper	6	72,000	22,681,767
First-class protected cruisers, sheathed with wood and copper	2	22,000	5,542,358
Second-class protected cruisers, sheathed with wood and copper	3	16,800	4,391,470
Third-class protected cruisers	3	6,405	2,017,812
Sloops sheathed with wood and copper	2	1,900	669,824
Gunboats	4	2,800	1,048,728
Torpedo-boat destroyers	40	14,000	(*)
Torpedo boats	2	350	(*)
Grand total, exclusive of cost for torpedo-boat destroyers and torpedo boats	74	293,065	91,236,390

*Cost not on record.

Recapitulation of war ships building in England in 1899.

Where building.	Number.	Total tonnage.	Total cost.
In dockyards	28	241,345	$82,805,847
In private yards	74	293,065	91,236,390
Grand total	102	534,410	174,042,237

War ships building in French dockyards in 1899.

Class.	Number.	Total tonnage.	Total cost.
Battle ships	6	67,553	$30,521,358
Battle ship	1	12,728	
Armored cruisers	8	73,518	30,172,551
Fast cruiser	1	4,000	1,704,198
Third-class protected cruiser	1	2,452	1,011,079
First-class sloop	1	1,243	580,731
Torpedo gunboats	2	1,792	1,183,818
Gunboats	2	1,291	574,461
Submarine boats	8	1,078	1,008,172
Torpedo boats	6	516	601,230
Grand total	35	166,171	67,357,598

War ships building in French private yards in 1899.

Class.	Number.	Total tonnage.	Total cost.
Armored cruisers	6	53,045	$23,705,087
Fast cruisers	3	20,295	7,714,360
Second-class protected cruiser	1	4,055	1,584,048
Third-class protected cruiser	1	2,452	942,106
Torpedo cruisers	10	2,582	3,285,758
Seagoing torpedo boats	11	1,772	2,282,964
First-class torpedo boats	22	1,344	1,836,744
Torpedo boats	11	990	965,186
Small torpedo boats	6	900	143,583
Grand total	71	87,435	42,360,836

Recapitulation of war ships building in France in 1899.

Where building.	Number.	Total tonnage.	Total cost.
In dockyards	35	166,171	$67,357,598
In private yards	71	87,435	42,360,836
Grand total	106	253,606	109,757,434

War ships building in German dockyards in 1899.
[Total cost not on record.]

Class.	Number.	Total tonnage.
Battle ships	4	43,660
Cruisers	4	8,582
Grand total	8	52,242

War ships building in German private yards in 1899.

Class.	Number.	Total tonnage.
Battle ships	2	22,360
Cruisers	6	20,495
Torpedo-boat destroyers	16	2,780
Grand total	24	45,635

Recapitulation of war ships building in Germany in 1899.

Where built.	Number.	Total tonnage.
In dockyards	8	52,242
In private yards	24	45,635
Grand total	32	97,877

War ships building in Russian dockyards in 1899.
[Total cost not on record.]

Class.	Number.	Total tonnage.
Battle ships	5	50,772
Coast defense	1	4,126
Cruisers	6	33,020
Grand total	12	87,918

War ships building in Russian private yards in 1899.

Class.	Number.	Total tonnage.
Battle ships	4	65,616
Armored cruisers	1	7,800
Cruisers	4	22,500
Grand total	9	95,916

Recapitulation of war ships building in Russia in 1899.

Where built.	Number.	Total tonnage.
In dockyards	12	87,918
In private yards	9	95,916
Torpedo-boat destroyers distributed among dockyards and private yards	42	14,066
Torpedo boats distributed among dockyards and private yards	16	2,500
Grand total	79	200,400

War ships building in Italian dockyards in 1899.

[Total cost not on record.]

Class.	Number.	Total tonnage.
Battle ships	2	26,265
Armored cruiser	1	7,398
Cruisers	2	2,700
Torpedo boats	12	1,020
Grand total	17	37,383

War ships building in Italian private yards in 1899.

Class.	Number.	Total tonnage.
Battle ship	1	12,765
Armored cruisers	3	23,196
Torpedo-boat destroyers	8	2,680
Torpedo boat	1	147
Grand total	13	38,788

Recapitulation of war ships building in Italy in 1899.

Where built.	Number.	Total tonnage.
In dockyards	17	37,383
In private yards	13	38,788
Grand total	30	76,171

These figures challenge the consideration of thoughtful men. What a spectacle is presented to our people in these closing days of the nineteenth century. Every maritime nation of note except the United States utilizing to the fullest extent the facilities of its dockyards for building purposes, while this country, that is now ranked fourth on the list, but in capacity, efficiency, and real fighting effectiveness has demonstrated, when apparently under greater disadvantage than at present, its superiority to the acknowledged sea power of the world, deliberately casts aside the advantages afforded by its own plants, and permits them in idleness to deteriorate in order to build up and enrich the business of a favored few.

The Naval Committee had before it Rear-Admiral Hichborn, Chief of the Bureau of Construction, and Constructors Bowles, Baxter, and Stahl, of the New York, Boston, and Norfolk navy-yards, respectively. All agree that three of the navy-yards are equipped and ready for building purposes. They are unanimously of the opinion that the Government, despite many disadvantages, would build almost as cheap as, if not cheaper than, private yards; and, if it did cost more to build in navy-yards, that the advantages that would result from new work being under way would more than offset any such disadvantages.

To maintain the force and plant of any yard in the most efficient manner it is necessary that new work be continually under way. Mechanics naturally seek employment wherever continuous engagements are probable. The shipbuilding plants of the country are scattered along the coast. Men can not afford frequently to shift distances of several hundred miles to take employment. Even if it be contended that the primary purpose of a navy-yard is to do repair work, which contention can find little to sustain it, the necessity for new construction is plainly apparent.

The intermittent employment that must result from repair work alone makes it most difficult to secure the most competent workmen. It nullifies all effort to organize and retain a skilled force, the efficiency of which is increased by the continuity of employment. Wages necessarily are higher for such work, and the natural inclination of human nature to retain a place as long as possible renders the labor of men temporarily employed less productive than if long terms of employment were assured.

Continuity of employment is essential to secure the best efforts and results. Only by continued construction can it be had. This is the experience of all men. In the House of Commons in 1879 Lord Brassey, the greatest civil member that ever served in the Admiralty and one of the most eminent authorities on naval affairs in England, strenuously deprecated the dismissal of good workmen from the dockyards, which the Gladstone ministry had ordered in an effort to reduce the expenditures of the Government.

The great fluctuations in the members employed—

Said Lord Brassey—

not only inflict great inconvenience on the workmen but involve expense to the country. You can not expect to obtain labor so cheaply for a temporary as for a permanent employment.

The efficiency of force and plant being promoted by the continuity of employment, which results from the construction of new vessels, it is possible to do repair work in a more economical and rapid manner. Emergencies arise in the service when repairs must be made with the utmost rapidity. With what ease a force of men, when at hand, can be diverted to such work with untold saving of time and money. Such a force would not have the temptation to drag the work out as much as possible; rather, just pride in their efficiency would urge haste in the completion of such repairs. As Naval Constructor William J. Baxter, U. S. N., said in a paper entitled "Navy-yard expenses," read at the fifth general meeting of the Society of Naval Architects and Marine Engineers, held in New York November 11 and 12, 1897:

Nothing is more destructive to the morale of navy-yard workmen than periods of intense activity, requiring a large number of men and overtime work, alternating with periods where the work is not urgent and the lack of funds necessitates large discharges. The men do not usually understand the reasons for these spurts and frequently regard them as unnecessary, consider themselves aggrieved, and do not put forth their best efforts when they feel that their discharge will follow the completion of the emergency work. Workmen employed for short periods only are also not familiar with the work to be done nor with the tools, appliances, and methods of doing it. The small number who can be retained at all times are selected with great care, and they are skilled, energetic, and reliable in every emergency, perform every duty in the best manner, and cheerfully respond whenever unusual exertions are needed, but the cost of their work is apparently great, owing to the large maintenance and other charges.

Moreover, the amount of repair work required will perceptibly decrease. Men occupying responsible positions in the service would no longer be driven to their wit's ends to devise some means of keeping a portion of their force employed so as to retain sufficient men to form the nucleus of a proper force.

It is a somewhat peculiar situation in which some of the constructors of the Navy are placed. While not permitted to build ships in navy-yards, they are charged with the duty of inspecting the work in private yards. It is claimed that both the Government and the contractors are injured by such inspection. I hazard the assertion, however, that the Government alone suffers from such inspection. It was pointed out to the Committee on Naval Affairs that, when confronted with the prospect of inspection by men who have not had sufficient opportunities to qualify themselves for such work, the contractors simply add to the amount of their bid a sum sufficient to cover the expense of what might be aptly called "too much inspection." To borrow the language of Constructor Bowles:

A man who has had no experience, and is put in charge of the inspection of an important piece of work, and in order that he may be on the safe side he will be much more particular, he will be much more insistent, and require things to be done, and much more carefully than if he had had experience and knew what was necessary to fulfill his object. It may be said that the more particular an inspector is the better man he is for the Government, and if you were only making a single contract that might be true; but, as a matter of fact, this work is continuous. After one ship is finished that same inspector goes on and inspects the next vessel which that contractor builds, and the contractor says, "If this is the sort of thing I have to put up with, I will add about 15 or 20 per cent to the next price," and that is an actual fact that that has been done; and if the people who have this work to do had the experience, and knew from their own knowledge what was actually necessary, then that would not take place, and I mean to say that a great economy would be accomplished in that way. On the other hand, a man who has had no experience in doing the work does not know what to look for, and that will enable the contractor to get around him in many ways that he will never see unless he has had it to do himself.

By constructing some vessels in the navy-yards an opportunity is given to men to learn practically many things that can not be acquired in the schools. Surely, since the several bureaus of the Department design and plan the various vessels of the Navy, with their minute and multitudinous details, the same men should be, and in fact are, able to build from these plans. The objection, therefore, does not lie that the men of the service are not competent to build.

A standard of workmanship and design will be established and maintained, dependent not upon theory but upon practical experience. The private yards, realizing that there exists a standard to which their work must conform, will give better results than can now be obtained for an equal expenditure.

In addition to these advantages, it must be remembered that in the navy-yards the question of profit is eliminated. The expense of maintaining large forces of inspectors and the costs of trial trips are saved to the Government.

If the navy-yards are utilized for this work another very important advantage will be gained. No combination of the private

yards to take advantage of the Government in the hour of necessity would then be possible. There could not be a repetition of the armor-plate extortion. The Government could always command honest treatment and fair dealing from the private establishments.

Mr. GAINES. If the work were done in our navy-yards we could modify the law so as to make malfeasance a crime, and in that way we could enforce the rights of the Government better than if the work were left to private establishments.

Mr. FITZGERALD of New York. It is not necessary for us to make any change of the law in this respect. We rely upon our officers to design these vessels——

Mr. GAINES. Those officers are under the law.

Mr. FITZGERALD of New York. And experience shows that they have designed the best vessels in the world. It is ridiculous to assert that the men who plan such vessels are not competent to supervise their construction.

Mr. GAINES. The gentleman knows how rotten plate was palmed off on the Government by Carnegie.

Mr. FITZGERALD of New York. My belief is that if these inspectors had had practical experience in making armor plate there would never have been any difficulty of that kind.

Mr. GAINES. This plate was turned in at night when the inspectors were off duty.

Mr. FITZGERALD of New York. I have heard that, but I am not discussing the armor-plate proposition at present. It is true that all the advantages are not with the Government. There are some disadvantages, which, I believe, are more than offset for the reason already given.

There are two objections urged, however, which should receive some attention. It is urged that because wages are higher and a work day shorter in the navy-yards than in the private yards that the expense of building new vessels would be so greatly in excess of the cost in private yards as to render it inexpedient to utilize the navy-yards for building purposes. Those who argued in this way call attention to the fact, too, that in England, where the dockyards build more cheaply than the private yards, the hours and wages are practically alike. They overlook, however, that in the dockyards in England about one-third of the men are called "established," and that such men are paid about 30 per cent more than the ordinary mechanic "and have a pension to look forward to when advanced in life and incapacitated." So that while here the mechanic in the navy-yard receives higher wages ordinarily than in the private yards, that is offset largely by the practice in England of pensioning the employees of the dockyards.

The chief objection to the utilization of the navy-yards for building purposes is the fact that the four vessels built by the Government therein cost more than vessels built by contract. It would be miraculous, indeed, Mr. Chairman, if that were not so. It is well known that when the first vessels were ordered built in the navy-yards, none had been built therein in twenty-five years. Steel shipbuilding was in its infancy, and a steel ship had never been built in a navy-yard in this country. The yards were absolutely barren of equipment. According to the testimony of the constructor who was in charge of the Norfolk Navy-Yard when the *Texas* and *Raleigh* were ordered to be built there, the only plant or machinery then in the yard was a sawmill. It was necessary to secure proper tools and machinery and to organize and train a force of mechanics. Some of the difficulties that confronted the constructors in charge of the building of these vessels can be inferred when it is stated that for a time the principal shipwright at one of the yards was a school-teacher. Does anyone wonder that vessels built under such circumstances cost more than those built in private yards?

The difference, however, is not so great as it is popularly supposed. Comparisons have been made that are exceedingly misleading. It has been the practice to compare the final cost of the navy-yard built ship with the contract price of the contract ship. The contract price, however, is far below the actual cost of the vessel. It does not include premiums and expense of trial trips, for which there has been paid upward of $3,881,000. Neither does it include the charges for inspection, which in the case of the battle ship *Kentucky*, not yet completed, to use the language of Constructor Stahl, "You paid $60,000 plus a good deal more;" nor, in many instances, does it include the furniture, blocks, boats, cooperage, and many other things. So that comparisons as to the cost of vessels in the navy-yards and in the private yards have often been misleading. The following tables, prepared by Constructors Bowles and Stahl, illustrate the difference between the contract price and actual cost of certain vessels built by contract, and affords an opportunity for comparison with vessels built in the navy-yards under the adverse conditions that existed at the time.

Name.	Date of laying keel.	Date of first commission.	Hull and machinery.			Ship without stores, ammunition, or water in boilers.		
			Cost of hull and machinery.	Weight of hull and machinery.	Cost per ton of hull and machinery.	Final cost of finished vessel.	Weight without stores, ammunition, or water in boilers.	Cost per ton of finished vessel.
				Tons.			*Tons.*	
Maine	Oct. 17, 1888	Sept. 17, 1895	*$3,305,409.87	3,836,920	$861.47	$4,677,788.75	5,436.35	$860.46
Texas	June 1, 1889	Aug. 15, 1895	*2,949,549.12	3,595,090	820.30	4,202,121.49	5,124.69	819.91
Cincinnati	Jan. —, 1890	June 16, 1894	*1,995,773.30	2,358,183	846.31	2,371,904.52	2,675.93	886.38
Raleigh	Dec. —, 1889	Apr. 17, 1894	*1,830,965.23	2,358,183	780.24	2,199,729.80	2,691.00	817.45
Minneapolis	Dec. 16, 1891	Dec. 13, 1894	†2,690,000.00	5,816,760	462.45	3,849,996.44	6,161.20	624.87
Indiana	May 7, 1891	Nov. 20, 1895	†3,063,000.00	5,691,100	538.20	5,983,371.98	8,943.30	669.03
Detroit	Feb. —, 1890	July 30, 1893	†612,500.00	1,449,650	412.52	1,233,039.90	1,660.00	740.11

*Amount expended in navy-yards. †Contract price.

Comparison of contract price with total cost of certain ships.

	Monterey.	Olympia.	San Francisco.	Oregon.	Massachusetts.	Indiana.
Payments on account of contract	$1,647,728.64	$1,796,000.00	$1,423,231.50	$3,272,403.99	$3,045,576.48	$3,055,272.39
Extra to contractors for authorized changes	107,093.02	103,831.30	47,739.94	265,862.69	171,111.12	149,900.42
Work done by Government, plans, inspection, etc	73,588.03	70,878.67	141,840.06	248,165.75	209,293.32	257,032.19
Hull armor	237,790.26			828,468.34	828,929.74	837,884.62
Armor for gun protection	190,534.38	141,522.62		1,029,591.42	1,030,051.58	977,134.02
Speed premiums		300,000.00	100,000.00	175,000.00	100,000.00	38,500.00
Trial-trip expenses	11,547.42	39,269.09	25,446.32	22,913.99	16,882.73	17,924.41
Care and preservation, insurance, etc		32,525.86		71,615.72		
Total cost	2,268,281.75	2,484,027.54	1,738,257.82	5,914,021.90	5,401,844.97	5,333,708.05
Contract price	1,674,839.60	1,796,000.00	1,428,000.00	3,301,519.00	3,090,000.00	3,090,000.00
Excess of total cost over contract price	593,442.15	688,027.54	310,257.82	2,612,511.90	2,311,844.97	2,243,708.05

The conditions that exist to-day in the navy-yards are vastly different from those of fourteen years ago. The yards are now properly equipped for building purposes. The regulations under which men are employed prevent the abuses that were then prevalent. The mechanics are trained and properly organized, and some improvement has been made in the methods of administration. As the committee says in its report:

Seventeen years ago we had practically no facilities for building ships, and what we had were discredited. We were obliged to buy our armament and armor, and even in one case our plans, from foreign countries. To-day we are not only building ships in American shipyards, of American material, by American labor, on American plans for ourselves, but also for some of the leading nations of the world. Such has been the advance which has been made in naval progress in our own country.

The Commissioner of Navigation, in his report for 1899, points out that—

The scale and steadiness of operations is of even more importance than either of these factors [cost of materials and the wages and efficiency of labor] and probably more than both combined. Shipbuilding materials are lower in the United States than in Great Britain, and wages of labor are lower in Germany than in Great Britain, yet Great Britain turns out steamships

more cheaply than either country. Her success is due to the magnitude of her shipbuilding operations. The average time of construction is much less there than elsewhere, involving saving of interest to the purchaser and manifest economies to the builder. British yards reproduce a number of vessels from one set of plans, thus effecting a large saving.

On the Atlantic coast of the United States occasionally "sister ships" have been built where one set of plans has served for two vessels, but except in the case of the four *Admiral* steamships, the Bureau knows of no instances where more than two steamships for the foreign trade have been built in the United States from one set of plans. The money value of experience, of doing the third, fourth, or fifth time work which has been done once successfully, is recognized in every walk of industrial life. The continuity of work enables British shipbuilding plants to assemble and keep together their technical and skilled corps in various departments. In the United States, except on the lakes, thus far our extensive naval construction alone has rendered these results practicable in some yards. In short, Great Britain's great advantage to-day over the United States and Germany lies in the fact that she conducts a wholesale instead of a retail shipbuilding business, and that, except on the Pacific, her shipowners are established in the trade.

These advantages can not be offset by short-lived efforts. Whatever system is adopted by the United States must be pursued uninterruptedly for some years.

This extract, Mr. Chairman, undoubtedly is familiar to many in this House. It is the argument of the Commissioner of Navigation in favor of the so-called Hanna-Payne ship-subsidy bill. It shows that this Government, by liberal contracts with the private yards for naval vessels, has enabled such yards to attain a standard of proficiency that qualifies them to compete for foreign construction.

Shipbuilding is no longer an "infant" industry in this country. It is time that the facilities of the Government for building purposes were given attention. Not until the navy-yards build systematically and continuously a number of vessels can a fair comparison be made between the results attained there and in private establishments.

More than $100,000,000 have been expended upon the navy-yards of this country. The value of the real estate, chattels, and machinery plants of the three yards conceded to be equipped for building purposes on June 30, 1899, as per appraisal under Department (Navy) Circular No. 94, is as follows:

Navy-yard.	Real estate and chattels.	Machinery plant.
New York, N. Y	$19,165,023.79	$543,277.68
Norfolk, Va	5,649,554.37	560,544.70
Mare Island, Cal	4,127,611.48	435,420.00
Total	28,942,189.64	1,539,242.38

Moreover, Mr. Chairman, a machine shop to cost $750,000 is in process of erection at the New York Yard, which, when completed, "will be," according to the Secretary of the Navy and the Bureau of Steam Engineering, "the most complete and efficient in the world, every advantage being taken of the latest devices of proven excellence."

Are these plants to be utilized in the most efficient and economical manner, as demonstrated by the experience of the nations of the Continent? That question, Mr. Chairman, must be answered by this House primarily. It will be easy to place the blame for the failure to reinaugurate the policy of building in the navy-yards.

This is not a novel policy. The men who plan, design, and critically watch the construction of vessels for the Government must be competent to build. No more opportune time for the inauguration of this proposition is likely to come than the present. The shipyards are crowded with work. For the year ending June 30, 1899, "our construction of steel steam vessels was greater than in 1891 or than in any year in our history." The Report of the Commissioner of Navigation for 1899 discloses that—

> Our greatest annual production (of ocean steam vessels) was during the year just closed, June 30, 1899, when it amounted to 43,871 gross tons. Seagoing steamships are all at the present time built of steel.
>
> * * * * * * *
>
> It is within bounds to assert that the construction of 100,000 tons of ocean steel steamships (including those for the coasting trade), in addition to the naval contracts and contracts in other Government vessels on which they are engaged, would overtax the present annual capacity of our shipyards.

When it is remembered that the average annual output of the yards of Great Britain is 968,000 gross tons, the following extract from an article in the Scientific American for March 17, 1900, is of special significance:

> Lastly, if the proposed measure is carried out, not merely with regard to the Brooklyn yard, but to the other mentioned, the total war-ship building capacity would be doubled at a stroke, a consideration which of itself should be sufficient to induce Congress to take favorable action on the question. The enormous increase which is being made in the navies of the continental powers, whose interests in the great commercial war of the day are bound to come into violent conflict with our own, should be a warning to us to stand ready to double, if necessary, our present rate of output of war vessels. At a comparatively slight expense it would be possible to add the navy-yards at Brooklyn, Norfolk, and Mare Island to our all too small list of available war-ship building yards.

Mr. Chairman, the gentleman from West Virginia [Mr. DAYTON] in the course of his discussion called attention to the fact that when ships are built in the navy-yards there is no guaranty for the quality of the work. A vessel, he said, may on its trial trip turn over, and various other things might happen; while, as he argued, in the case of vessels built in private yards there is a bond given by the contractor, and unsatisfactory work of any kind is not paid for. The gentleman did not go quite far enough in his statements. He should have said that the Government accepts vessels built in private yards upon the opinion and experience and knowledge of these very men to whom we would intrust in our navy-yards the construction of vessels, and that when a vessel is accepted all responsibility on the part of the contractor ends.

This, Mr. Chairman, is not a blow at private enterprise. It will injure no legitimate business. It will raise the standard of workmanship that prevails in private establishments; the navy-yards will be more efficient and be more economically maintained. The war-ship building capacity of the country will be doubled. If it be possible to make in our own establishments the finest, most effective, and at the same time the cheapest ordnance in the world, what will prevent the navy-yards, fully equipped for the work, building ships the equal of any afloat and as economically as elsewhere in the country?

It is merely a question of men, money, methods, and opportunity. The men are ready. The money is to be appropriated. Methods that increase expense can readily be changed. All that is needed is the opportunity. Give it. Let the men who plan, design, and inspect the construction of our vessels build some of them. Permit the genius and the talents of our officers, so brilliantly displayed in every other branch of naval work, a fair field here. A higher standard will speedily be set in naval construction; great economy will be effected in the naval establishment; officers and men alike will be the better equipped for their various duties; a higher efficiency will be attained, and an enormous saving will be had in the ordinary work of the yards; and all the while the interests of good—of the best—government will be subserved, by securing the largest and best results for the least expenditure of public money. [Applause.]

Mr. WHEELER of Kentucky addressed the Chair.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WHEELER of Kentucky. I rise for the purpose of making a speech.

The CHAIRMAN. The gentleman yielded his hour yesterday.

Mr. WHEELER of Kentucky. So I understand, sir; but I also understand that there is no limitation——

The CHAIRMAN. It will require unanimous consent for the gentleman to proceed.

Mr. FOSS. I ask unanimous consent.

The CHAIRMAN. The gentleman from Illinois asks that the gentleman from Kentucky may proceed—how long?

Mr. WHEELER of Kentucky. For a very few minutes.

The CHAIRMAN. The Chair will put the proposition when he understands what it is.

Mr. FOSS. I ask that the gentleman be given such time as he may wish.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Kentucky may proceed with his remarks, occupying such time as he desires. Is there objection? The Chair hears none.

Mr. WHEELER of Kentucky. Mr. Chairman, I intended to say something on this bill, but I realize the folly of undertaking to discuss measures about which we differ to empty benches. I simply rise for the purpose of saying that, so far as I am personally concerned, I have absolutely no pride of opinion in the minority report. It is a matter of no more concern to me personally than to any other citizen of the Republic. I should have said something to members of the House, if the opportunity had been given me, upon what my business judgment suggests is best for the Government.

I have no prejudice on earth either for or against any proposition that is advocated by the majority or the minority. I have experienced at the hands of the chairman of the committee and of my colleagues nothing but the greatest courtesy and kindness; and I entertain for them personally the highest regard. It was only from a sense of public duty that I was induced to join with a portion of my colleagues in presenting the minority report. I shall avail myself of the privilege given under the five-minute rule to say what I think is pertinent to the questions of difference between us.

I regret very much that the interest in this matter is not great enough to induce gentlemen to remain in their places. At the risk, however, Mr. Chairman, of being a little disagreeable, I desire to say something foreign to this bill but pertinent to the conduct of affairs in this House.

The conclusion, Mr. Chairman, that I have reached, in my limited service in this body, on matters to which I think the attention of the House and the country should be directed—matters fraught with great interest to the American people in my humble opinion, and that is the point to which I wished to ask the attention of members—is as to the right of the members of this body to speak

openly and criticise freely on the floor of the House what takes place in the committee rooms.

I shall avail myself of the first opportunity presented to offer an amendment to the rule covering that point. I shall ask the adoption of an amendment giving to each and every member of the House the right to state the position of his colleagues on committees and what they said and what they did and how they voted behind the committee doors. I am also heartily in favor, Mr. Chairman, of making it compulsory on every committee of the House to open its doors not only to the members, but to the press and the public.

With no intention, therefore, to insinuate anything even by indirection against the committee or the members of the Committee on Naval Affairs, I will state on my own responsibility that the devilment done in Congress is done largely in the committee rooms, where the people can not find out the facts. Vicious legislation is there adopted; patriotic purposes, which are intended to serve the people, are throttled and strangled to death, and every man knows——

Mr. HOPKINS (interrupting). Will the gentleman allow me a question just there?

Mr. WHEELER of Kentucky. Certainly.

Mr. HOPKINS. I would like to ask the gentleman from Kentucky what rule prohibits a member of a committee from stating what has taken place in the committee?

Mr. WHEELER of Kentucky. I can not turn to the rule now, but I will say that such a rule or practice, at least, exists. The gentleman himself must have seen it, for it is brought into effect in the proceedings of the House frequently.

Mr. HOPKINS. I doubt very much whether there is any such rule. The gentleman is mistaken.

Mr. DALZELL. There is no rule of the House. It is only the common practice of parliamentary law.

Mr. WHEELER of Kentucky. Well, it exists in practice, whether it be adopted as one of the rules of the House or whether it be, as the gentleman says, parliamentary law. It is enforced here, as we all know, for in this very session the Speaker called a gentleman to order for attempting to discuss matters which took place in the committee rooms.

But it really does not matter whether you have formally adopted it, that is the custom and the practice of the House, and it should not prevail.

Mr. LACEY. The rule is claimed to be necessary in order that the freedom of action and the interchange of views amongst the members of the committee may not be hampered, and if a change should be made in the practice of the House which will prevent members from having that entire freedom and frankness in debate which they can only have in the committee rooms—which would deprive them of that interchange of opinion which they can so freely exercise in the committee rooms—it would work a very serious detriment to legislation. I understand that that is the reason of the practice which has prevailed ever since parliamentary law was known in this country.

Mr. WHEELER of Kentucky. I understand that is the reason given for the existence of such a practice; but I am satisfied it is a vicious practice and ought not to be pursued. There is nothing good to be gained by it. Every member of the House understands that legislation is throttled in the committees, and that it is absolutely impossible to discuss the questions that are considered in the committee, or the position of gentlemen, what was said by them, and how they voted upon any question on the floor of the House; and with no desire to be offensive I state that the position of many gentlemen on questions in the House is not their position in committee, for they are conscious that their colleagues can not allude to the position or the arguments made by them in the committee.

Therefore the cause of the people is not only throttled, but some members are thwarted in the discharge of what they believe to be their duty to the American people. But if the members of the committee were at liberty in their representative capacity to discuss on the floor of the House the attitude of their colleagues on great public questions, men would then come to understand the necessity of giving more attention in the committee room to proper legislation, or would at least have the cowardice to submit to the sway of correct public opinion.

So far as I am personally concerned, and I do not say this in the spirit of a demagogue, I crave the fullest investigation of my every vote and attitude on each and every question, and I believe that the great body of the House echoes my sentiments. The practice is a bad one, and it should be remedied.

Mr. HOPKINS. Will you allow another interruption?

Mr. WHEELER of Kentucky. Certainly.

Mr. HOPKINS. Is it not a fact that a record of every member of the committee on any proposition is kept and that his position before the committee is made public?

Mr. WHEELER of Kentucky. There is a practice of course of keeping the record and of calling the roll and keeping a list of the roll call on the questions presented and considered by the committee, and this record may be accessible to the public. It is not a question arising from party spirit that I allude to. But I think that the attitude of members in the committee when great questions of public importance are considered should be as open as in the House. Their argument, their manner, and their advocacy of any question before the committee should be open to all.

If the committee doors were open to the press, the evil would in a great measure be remedied; and if the members were given the opportunity to allude to the attitude of gentlemen in the committees on this floor, it would be beneficial and all-important on matters of legislation. I, myself, would like to make some remarks at this very moment, if it were within the rule, because I think the American people are entitled to know the exact attitude of their representatives.

One other question, Mr. Chairman, not entirely pertinent to this bill; and, as I say, I hope I will not appear in the attitude of a scold, for I assure gentlemen that no man dislikes to take such a position more than myself, and what I am about to say is intended in no way to reflect upon the presiding officer of this House; but there is a practice that has grown up in Congress that ought to be remedied, and that is the practice of putting men upon committees who have special interests to serve.

I do not think, sir, that it is a reflection upon any member of Congress to say that his desire to serve his immediate constituents often overweighs his obligation to the country. I am no exception to the rule. I am claiming no particular virtue for myself. Doubtless I would be influenced as other gentlemen may be or are; but it is a bad practice to put men upon committees who have industries either in their districts or in their States that have transactions and dealings with the Federal Government.

Now, Mr. Chairman, just one word more, coming back to the bill. The remarks that I have made have been suggested to some extent by my experience and my thought along the lines of this bill, and my service on the Naval Committee. My colleague from West Virginia [Mr. DAYTON] stated this morning derisively that some gentlemen had arrived at his conclusion after three months' of service on the Naval Committee. 'I desire to say that so far as I am concerned I confess opaque ignorance upon the armor-plate question and upon the shipbuilding question, the two matters dividing this House.

I know but very little about them, and yet I think without egotism I can say I know as much about them as any man on the committee, unless it be the distinguished gentleman from New York [Mr. CUMMINGS], whose long service on the committee makes him without doubt an authority on all matters pertaining to the Navy. If any of them have arrived at conclusions different from those which I entertain their conclusions are based upon the self-same testimony that I heard, because I attended every meeting of the Committee upon Naval Affairs since I have been placed upon it.

I have no sort of desire to have the House adopt the suggestion that we have made here if you differ with us. I am quite confident that the gentlemen who differ with the minority upon the question of building ships in the navy-yards and upon the question of armor plate are just as patriotic and moved by just as high purposes as we of the minority. It is a question of business and not of politics. It is a question for the solution of the representatives of the American people, and they are to determine what is best for us all. I do not care whether you build ships in the navy-yards or not.

I know that the Bureau of Construction, from the head of it down to every man examined, say that we ought to do so, and I do know that the gentleman from West Virginia [Mr. DAYTON], and I am sorry he is not in his place, made a statement this morning that was exceedingly equivocal, and he did not deal fairly with the House in arguing the testimony of the constructors. I invite members of the House to read the printed evidence of the constructors and of Admiral Hichborn before the committee on the shipbuilding question, which I shall not attempt to discuss.

I desire to say that I regret extremely that I am not in an attitude to put in the RECORD a letter which I have received, written me by a gentleman who lives, I believe, in the district of my friend from Pennsylvania [Mr. DALZELL], and who claims to know about the manufacture of armor. That is all the testimony that I have been able to get possession of during this session, except what is contained in the records and books which are open to everybody. I have asked permission to put that letter in the RECORD, but that permission has not been granted me.

I do not know what it would cost to make a ton of armor, and I do not believe there is a man in the American Government who knows, outside of the workmen in Mr. Carnegie's works and the Bethlehem Iron Works. I do not believe there is a man in this Government who can come anywhere near stating what a ton of armor will cost. I am opposed to the construction of an armor-plate factory, and I am opposed to the construction of ships in the Government navy-yards. I do not see how I can reconcile my positions as a Democrat without straining my conscience a little

bit: but I believe when it comes to a question of highway robbery or foregoing my deep-rooted convictions as a Democrat, I would surrender a few of them, and I am driven to take the position that I do upon the armor-plate question, gentlemen, after reading the reports and the evidence at my disposal. I have come to the calm, deliberate conclusion that we were paying from 175 to 200 per cent more than it cost these men to manufacture armor plate.

Mr. SNODGRASS. Will the gentleman permit a question?

Mr. WHEELER of Kentucky. Yes.

Mr. SNODGRASS. What about the statement that has been made that there is a patented process that entered into it?

Mr. WHEELER of Kentucky. My dear sir, every man knows that there are various patents, a dozen or more of them, on the process of hardening iron.

Mr. SNODGRASS. Have the present manufacturers of armor plate the exclusive privilege of using that secret process?

Mr. WHEELER of Kentucky. If I were to undertake to go into that, it would be necessary to make a speech on the subject.

Mr. SNODGRASS. I think that is an important question, and I hope somebody will make a speech on it.

Mr. WHEELER of Kentucky. I have a very serious doubt in my mind whether or not any royalty is paid even by Mr. Carnegie or the Bethlehem Iron Works or by the Government. Some years ago the Government thought we were being gouged, and they undertook to protect the manufacturer of armor plate against a royalty of 2 cents a pound. We have never paid the royalty, but I believe there are some suits yet pending about that, to determine the question. So far we have paid no royalty, and Admiral O'Neil in his testimony said that the manufacture of Krupp plate was not a secret process. If the obligation exists at all, it is a moral and not a legal obligation upon the Government to recognize it.

And in that letter, which I will take the risk of quoting here to some extent, and yet I can not disclose the name, it is stated that the method of making Krupp plate is known; and the man professes to be one of four or five men in the United States who understand its manufacture, and he says it can be manufactured at $100 a ton less than harveyized armor.

Now, Mr. Chairman, it is useless to ask——

Mr. HOPKINS. Will the gentleman allow me just there? The gentleman has referred to a mysterious letter.

Mr. WHEELER of Kentucky. It is not mysterious at all.

Mr. HOPKINS. The point I am trying to get at is this: Unless there is something to prohibit making the letter public by the law, I do not know any authority of the committee or the House to restrain the gentleman from exercising his own judgment in giving this House any information that he has which seems to have had a marked influence on the gentleman in arriving at his conclusions.

Mr. WHEELER of Kentucky. No, Mr. Chairman, it did not have any influence upon me. My conclusions were reached before I received the letter. It is not a mysterious letter. It is simply a letter in answer to a question I asked; and yet it contained one or two sentences that were valuable, and I desired to put them in the RECORD, and wrote to the man and asked his permission to publish it, but he has not given that permission; and while I know of no restraining influence, except that of propriety, it is sufficiently potential for me not to publish it without his permission.

Mr. HOPKINS. I misunderstood the position of the gentleman. I inferred from his remarks that it was some action of the committee that was prohibiting him from giving the House certain information here relating to this subject and which had marked influence upon him. That was the reason of my inquiry.

Mr. WHEELER of Kentucky. I was, it seems, unfortunate in my statement in reference to the letter.

Mr. BARBER. Have not these armor manufacturers said to the Government, "If you think we do not pay the royalty, you pay the royalty and we will furnish the armor at $500 a ton?" Have not they said that by letter to the Secretary of the Navy?

Mr. WHEELER of Kentucky. I suppose they have; but that brings up a still further question. I have no doubt in my mind they, in making that statement, have predicated it on a number of things that we can not undertake to analyze here. I have no doubt the royalty will eventually be divided between the armor-plate factories, whether paid by the Government to Krupp, in Europe, or to one of these armor-plate factories here. There is no question in my mind that an understanding exists between the armor-plate factories not only of the United States, but of the world, and I will go further and say I suspect that a nefarious agreement was made by a man who now wears the uniform of this Government.

Mr. BARBER. Have they not said that they have a definite contract with the Krupps by which they are required to pay in pounds sterling so much per ton, and that, while the thickness of the plate governs the amount of the royalty, it will run from $45 to $50, or it is a little over $50 which they are obliged to pay under their contract?

Mr. WHEELER of Kentucky. That is entirely so; but as I said, Mr. Chairman, an understanding exists in this trust. That very trust may impose this royalty, and it may be eventually divided among the armor-plate factories. It is admitted in the testimony of the president of the Carnegie Company that a trust does exist between the Bethlehem and the Carnegie Iron Works. He testified to it not only before the Committee on Naval Affairs of this House but before the Committee on Naval Affairs of the United States Senate. And they have gone further.

I have in my pocket here a little clipping that I got out of a paper a few days ago, and whether true or not I can not say, but here is a statement taken from the New York World, which I will not take up the time of the House to read, but still perhaps I may be permitted to state its contents. It is a declaration, appearing to be authoritative, that the Cramp shipyards and the Carnegie Steel Company have combined, for what purpose will be apparent to the House. Now, not only does the Bethlehem and Carnegie Company manufacture armor plates, but they have gone further and formed a combination with the most gigantic shipbuilding concern of the United States. Why they have formed that combination will be very apparent, I think, to the members of this House.

One other word. The gentleman from West Virginia said that he did not know there was a lobby combating the suggestion of constructing ships in the Government navy-yards. The impression seems to have gotten abroad that the minority were in favor of the construction of all Government ships in the Government navy-yards. That is not the position of the minority. We simply ask that the three smaller cruisers of 8,000 tons burthen be constructed, one at the Norfolk Navy-Yard, one at the Brooklyn Navy-Yard, and one at Mare Island, and we did that because the constructors said that eventually it would be cheaper for the Government to do so than to construct them by contract. That was our idea.

I started to reply to the position of the gentleman over there. He said he did not feel a lobby on this question. I do not know whether there was a lobby here or not, but I received a copy of a letter addressed to a Republican member of the Committee on Naval Affairs, handed me by a gentleman who declared he was a representative of the Cramps, and that he was here for the purpose of trying to persuade our committee against that idea. The letter was simply an argument against building ships in the navy-yard, and I supposed each member of the committee received a copy.

Now, Mr. Chairman, I have agreed with the chairman of the committee, acting upon the suggestion of the senior Democrat on the committee, Mr. CUMMINGS, that we would close general debate to-night. I believe there is no one else that desires to say anything.

Mr. FOSS. Mr. Chairman, I move that the general debate on the bill be considered as closed.

Mr. CANNON. We can not do that in committee, can we?

The CHAIRMAN. The Clerk will read the bill.

Mr. CANNON. Before debate is closed, Mr. Chairman, I want to be recognized long enough to make a request.

Mr. WHEELER of Kentucky. Pending that motion, Mr. Chairman, I desire to ask my colleague if we can not have some understanding about the debate on the armor-plate question, the shipbuilding question, and on the Government survey that our friend from Illinois is so much interested in.

Mr. FOSS. I think when we reach those items in the bill we can make some arrangement.

Mr. WHEELER of Kentucky. Does not the gentleman think it would be a good idea to make it now?

Mr. FOSS. I shall be pleased to make any arrangement which will be satisfactory—say, to have debate for an hour or two on each one of those items which are in dispute.

Mr. CUMMINGS. Speaking for myself, Mr. Chairman, that will be entirely satisfactory, and I think to the members of the minority.

Mr. FOSS. There is no disposition, so far as I am concerned, to cut off anybody from a reasonable discussion of these matters.

Mr. UNDERWOOD. I am anxious, Mr. Chairman, to say something on the armor-plate question, and if the gentleman is not going to allow reasonable time when the question is reached I would like before general debate is closed to get recognition and say something on the bill. If he is going to allow reasonable time, I would much prefer, if I can get an opportunity, to say it then.

Mr. FOSS. I think the gentleman can have time.

Mr. CANNON. Why not have this understanding—I have frequently made it when I have had charge of appropriation bills, sundry civil and other bills—that as to the time covering the coast survey, the armor plate, and the building of ships in navy-yards, we shall not consider general debate as closed upon those three questions? Then we can agree when we reach them as to the time.

Mr. FOSS. I would much prefer to fix the time now.

Mr. CANNON. Possibly you might fix a longer time than would be wanted. I only make the suggestion. Gentlemen who have spoken to me about the coast-survey matter have said that they would like not longer than an hour and a half or shorter than an hour, as against that provision.

Mr. FOSS. As far as I am concerned, Mr. Chairman, I am willing to agree that when we reach the ocean and lake survey we have a debate for an hour and a half, one-half of the time to be controlled by——

Mr. CANNON. No, I said an hour and a half against the bill provision.

Mr. FOSS. Well, make it two hours—an hour on each side.

Mr. CANNON. That, under the five-minute rule, so far as I am concerned, would be sufficient.

Mr. CLARK of Missouri. Mr. Chairman, that is for the coast survey. I think there ought to be ample time on the armor-plate proposition. There are a good many gentlemen who want to speak on the question who are not on the committee. I regard that as one of the most important propositions that have been debated in this House at this Congress—whether or not the Government shall manufacture its own armor plate.

Mr. RIDGELY. I wish to state, Mr. Chairman, that I would like some time to speak upon the question of making armor plate.

Mr. GAINES. I should like to have some time, too.

Mr. FOSS. I will say to members that I have no doubt there will be ample time for gentlemen to make remarks upon these questions when we reach these provisions. I move that general debate be closed.

The CHAIRMAN. The Clerk will read.

Mr. CANNON. Mr. Chairman, I rise to a question of order. I do not understand that there has been any formal action closing general debate.

The CHAIRMAN. No gentleman is ready to take the floor in general debate.

Mr. UNDERWOOD. I desire to call the attention of the Chair to the fact that I asked for the floor, if I could not have assurance from the acting chairman of the committee that I should have time upon the armor-plate question.

Mr. WHEELER of Kentucky. I am satisfied, Mr. Chairman, that we can reach an agreement—that the chairman will give us all the time necessary when we reach those provisions.

Mr. CANNON. Well, I will take my friend's assurance as to the ocean and coast survey.

Mr. FOSS. I think the gentleman can take it with perfect safety.

The Clerk began the reading of the bill.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill No. 10450 and had come to no resolution thereon.

TREATMENT OF AMERICAN CITIZENS IN SOUTH AFRICA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a report from the Secretary of State in response to the resolution of the House of Representatives of March 23, 1900, calling for copies of any and all letters on file in the Department of State from citizens of the United States resident in the South African Republic from January 1, 1899, to the present time, making complaints of treatment by the South African Republic.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *April 17, 1900.*

LEAVE OF ABSENCE.

Mr. WHITE of North Carolina, by unanimous consent, obtained leave of absence for three days, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. STANLEY W. DAVENPORT, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of Timothy A. Allen, Fifty-fifth Congress, no adverse report having been made thereon.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same.

H. R. 3454. An act granting a pension to Joseph E. Baldwin;
H. R. 3654. An act granting a pension to Calvin E. Myers;
H. R. 3821. An act granting an increase of pension to Frances D. Best;
H. R. 3941. An act granting a pension to Samuel B. Weeks;
H. R. 3962. An act granting an increase of pension to Alanson C. Eberhart;
H. R. 4562. An act granting a pension to Lois A. Fields;
H. R. 4654. An act granting an increase of pension to Simon Van Der Vaart;
H. R. 4795. An act granting an increase of pension to John O'Conor;
H. R. 4836. An act granting an increase of pension to Wilbur F. Loveland;
H. R. 5170. An act granting a pension to Cyrus Johnson;
H. R. 5961. An act granting an increase of pension to Charles A. Hausman;
H. R. 6019. An act granting a pension to Mrs. Therese W. Hard;
H. R. 963. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Greenbay, Wis.;
H. R. 2170. An act granting a pension to Angeline Eyestone;
H. R. 7264. An act granting a pension to Hannah C. Smith;
H. R. 625. An act granting an increase of pension to Wesley Reed;
H. R. 1147. An act granting an increase of pension to Luke H. Cooper;
H. R. 1677. An act granting an increase of pension to Missouri B. Ross;
H. R. 1681. An act granting an increase of pension to Isaac M. Locke;
H. R. 1768. An act granting an increase of pension to George J. Stealy;
H. R. 1946. An act granting a pension to Jane F. Chalmers;
H. R. 3312. An act granting an increase of pension to Ellen V. Myer;
H. R. 6089. An act granting a pension to Alfred T. Moreland;
H. R. 6486. An act granting an increase of pension to Orange F. Berden;
H. R. 6731. An act granting an increase of pension to William F. Tait;
H. R. 7323. An act granting an increase of pension to Harrison Canfield;
H. R. 7799. An act granting an increase of pension to Franklin M. Burdoin;
H. R. 8339. An act granting an increase of pension to Charles H. Gates;
H. R. 8390. An act granting an increase of pension to Joshua Mitchell;
H. R. 8397. An act granting an increase of pension to John White;
H. R. 8599. An act granting a pension to Ellen J. Williams;
H. R. 8605. An act granting a pension to Joseph Champlin Stowe;
H. R. 1201. An act granting a pension to James McNutt;
H. R. 6527. An act granting an increase of pension to George Myers;
H. R. 8045. An act granting an increase of pension to Wilford Cooper;
H. R. 6900. An act granting an increase of pension to Benjamin F. Kurtz;
H. R. 6356. An act granting an increase of pension to Lewis R. Armstrong;
H. R. 5774. An act granting a pension to William R. Wallace;
H. R. 5134. An act granting an increase of pension to Joseph F. Allison;
H. R. 4657. An act granting a pension to Laura S. Pontius;
H. R. 4089. An act granting a pension to Emily Burke;
H. R. 3758. An act granting an increase of pension to Joshua Ricketts;
H. R. 3214. An act granting a pension to John S. Dukate;
H. R. 1172. An act granting a pension to Rebecca J. Jones; and
H. R. 2303. An act granting an increase of pension to Lavinia M. Payne.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 819. An act granting an increase of pension to Benjamin F. Bourne;
S. 833. An act granting an increase of pension to Harry Atkinson;
S. 1194. An act granting an increase of pension to John B. Ritzman;
S. 1251. An act granting an increase of pension to Celia A. Jeffers;
S. 1265. An act granting a pension to Elender Herring;
S. 1309. An act granting an increase of pension to Herman Piel;
S. 1721. An act granting an increase of pension to Amos H. Goodnow;
S. 1729. An act granting an increase of pension to Oliver J. Lyon;
S. 2375. An act granting a pension to Mary A. Russell;
S. 2636. An act granting an increase of pension to Mary E. Law;

S. 2742. An act restoring to the pension roll the name of Annie A. Gibson;
S. 2167. An act granting an increase of pension to Franklin C. Plantz;
S. 3017. An act granting an increase of pension to Julia M. Edie;
S. 2622. An act granting a pension to Maria A. Thompson;
S. R. 108. Joint resolution providing for the printing of the report of the governor of Arizona for 1899;
S. 1250. An act granting a pension to Hattie E. Redfield;
S. 1228. An act granting an increase of pension to Thomas Jordan;
S. 994. An act granting an increase of pension to Casper Miller, jr.;
S. 645. An act granting an increase of pension to David Hunter;
S. 346. An act granting an increase of pension to Mrs. Arethusa Wright;
S. 261. An act granting an increase of pension to Lizzie H. Hyndman;
S. 320. An act granting an increase of pension to Allen Buckner;
S. 531. An act granting a pension to Henrietta Cummins;
S. 241. An act granting a pension to Patrick Layhee;
S. 239. An act granting an increase of pension to Rhoda A. Foster;
S. 209. An act granting an increase of pension to Cornelia De Peyster Black;
S. 208. An act granting an increase of pension to Josephine I. Offley;
S. 62. An act granting an increase of pension to Robert Black;
S. R. 34. Joint resolution authorizing the printing of 35,000 copies of bulletin No. 24, Department of Agriculture, entitled, "A Primer of Forestry," for the use of Congress and Department of Agriculture;
S. 2336. An act repealing section 4716 of the Revised Statutes so far as the same may be applicable to the claims of dependent parents of soldiers, sailors, and marines who served in the Army or Navy of the United States during the war with Spain;
S. 1769. An act granting an increase of pension to Henry Frank;
S. 1419. An act granting an increase of pension to Annie B. Goodrich;
S. 1331. An act granting an increase of pension to Ellen C. Abbott;
S. 1298. An act granting an increase of pension to Oscar Taylor;
S. 1268. An act granting a pension to Sarah R. Burrell;
S. 1264. An act granting an increase of pension to James A. Southard;
S. 677. An act granting an increase of pension to Jerusha W. Sturgis;
S. 1960. An act granting an increase of pension to Eli J. March;
S. 2209. An act granting an increase of pension to Frederick Higgins;
S. 2220. An act granting an increase of pension to Eudora S. Kelley;
S. 2351. An act granting an increase of pension to Joseph W. Skelton; and
S. 1255. An act granting an increase of pension to James M. Simeral.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 114. Joint resolution for the relief of Garfield Hospital—to the Committee on Appropriations.
S. 2762. An act to authorize the Secretary of War to correct the military record of Wynn W. Pefley—to the Committee on Military Affairs.
S. 2259. An act for the relief of Jeronemus S. Underhill—to the Committee on War Claims.
S. 943. An act to provide for the erection of a public building in the city of Great Falls, Mont.—to the Committee on Public Buildings and Grounds.
S. 3286. An act to diminish the number of appraisers at the ports of Philadelphia and Boston—to the Committee on Ways and Means.
S. 879. An act for the relief of Levi Stoltz—to the Committee on Claims.
S. 558. An act to make disposition of the increment and accretions upon the sums reserved by the Department of State from the fund received by the United States upon the account of the payment of the awards of the late Spanish and American Claims Commission and to pay and distribute the same—to the Committee on Claims.
S. 3465. An act to provide an American register for the steamship *Garonne*—to the Committee on the Merchant Marine and Fisheries.
S. 3679. An act granting a deed of quitclaim and release to Lorillard Spencer, his heirs and assigns, of all the right, title, and interest in and to certain land in the city of Newport, R. I.—to the Committee on Public Buildings and Grounds.
S. 78. An act granting a pension to Samuel W. Childs—to the Committee on Invalid Pensions.
S. 314. An act granting a pension to Rosa L. Couch—to the Committee on Invalid Pensions.
S. 825. An act granting an increase of pension to Joseph B. Coons—to the Committee on the Invalid Pensions.
S. 1031. An act granting an increase of pension to Thomas H. Kearney—to the Committee on Invalid Pensions.
S. 1126. An act for the relief of Mrs. Narcissa G. Short—to the Committee on Pensions.
S. 1274. An act granting an increase of pension to Augustus C. Pyle—to the Committee on Invalid Pensions.
S. 1347. An act granting an increase of pension to Marie Sharpe—to the Committee on Invalid Pensions.
S. 1776. An act granting a pension to John Carr—to the Committee on Invalid Pensions.
S. 1901. An act granting a pension to Elvira Hunter—to the Committee on Invalid Pensions.
S. 2101. An act granting an increase of pension to George E. Scott—to the Committee on Invalid Pensions.
S. 2142. An act for the relief of Anna Whitney Tarbell—to the Committee on Invalid Pensions.
S. 2570. An act granting an increase of pension to John M. Swift—to the Committee on Invalid Pensions.
S. 2729. An act granting a pension to Eliza L. Reese—to the Committee on Pensions.
S. 2795. An act granting an increase of pension to Christina Noll—to the Committee on Invalid Pensions.
S. 3058. An act granting an increase of pension to Hariet E. Meylert—to the Committee on Invalid Pensions.
S. 3082. An act granting a pension to Elizabeth F. Wolfley—to the Committee on Invalid Pensions.
S. 3099. An act granting an increase of pension to Melancthon McCoy—to the Committee on Invalid Pensions.
S. 3119. An act granting an increase of pension to Lewis Terry—to the Committee on Invalid Pensions.
S. 3137. An act granting an increase of pension to Lunsford Ellis—to the Committee on Invalid Pensions.
S. 3139. An act granting a pension to John B. Wetherbee—to the Committee on Pensions.
S. 3268. An act granting an increase of pension to Elisha F. Barton—to the Committee on Invalid Pensions.
S. 3314. An act granting a pension to Mary I. Bradbury—to the Committee on Invalid Pensions.
S. 3337. An act granting an increase of pension to Buren R. Sherman—to the Committee on Invalid Pensions.
S. 3436. An act granting a pension to Catherine Weinheimer—to the Committee on Invalid Pensions.
S. 3467. An act granting a pension to Hellen Lang—to the Committee on Invalid Pensions.
S. 3470. An act granting a pension to Rosalia Tejidor Brinckerhoff—to the Committee on Invalid Pensions.
S. 3480. An act granting a pension to John Holland—to the Committee on Invalid Pensions.
S. 3534. An act granting an increase of pension to Helen G. Heiner—to the Committee on Invalid Pensions.
S. 3549. An act granting an increase of pension to William A. Keyes—to the Committee on Invalid Pensions.
S. 3708. An act granting a pension to John H. Harrison—to the Committee on Invalid Pensions.
S. 3790. An act granting an increase of pension to Anna M. Collins—to the Committee on Pensions.
S. 3899. An act granting a pension to James Cook—to the Committee on Invalid Pensions.
S. 3900. An act granting a pension to Sarah Clark—to the Committee on Invalid Pensions.
S. 4007. An act granting an increase of pension to Bernard Dunn—to the Committee on Invalid Pensions.
S. 4030. An act granting a pension to Helen M. Glenny—to the Committee on Invalid Pensions.
S. 3670. An act authorizing and directing the Secretary of the Interior to issue a patent to the heir or heirs of one Tawamnoha, or Martha Crayon, conveying to them certain lands in the State of North Dakota, confirming certain conveyance thereof, and for other purposes—to the Committee on the Public Lands.
S. 3634. An act granting a pension to Mary P. Hunter—to the Committee on Invalid Pensions.
S. 4190. An act to provide for the removal to the proper district for trial of persons indicted for offenses against the United States—to the Committee on the Judiciary.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill No. 10449, making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other

purposes, with Senate amendments, were taken from the Speaker's table and referred to the Committee on Appropriations.

GOVERNMENT EXHIBITS AT NEW YORK PRINTING EXPOSITION.

Mr. CANNON. Mr. Speaker, by direction of the Committee on Appropriations I report back the joint resolution which I send to the desk, with the recommendation that it pass with amendments. I ask unanimous consent for its immediate consideration.

The joint resolution was read, as follows:

Joint resolution (H. J. Res. 235) authorizing the exhibit of Government relics at the New York Printing Exposition from May 2 to June 2, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to exhibit at the New York Printing Exposition, from May 2 to June 2, 1900, a geometrical scroll machine, and such other articles now in the Bureau of Engraving and Printing; also, "a picture of Governor William Allen of Ohio on a saw blade," now in the possession of the Secret Service Division of the Treasury Department; also copies of charts of Hell Gate, the Battery, and other New York City points, to be printed from original copperplates now in the possession of the Coast and Geodetic Survey, and such other articles in said bureaus as may be of interest to the printing trades.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and directed to exhibit at said exposition medical catalogues, old volumes, works in Russian and other foreign tongues, now in the possession of the Surgeon-General of the Army; also samples of work and manuscripts written on stumps, and so forth, by generals in the war of the rebellion, now in the possession of the Rebellion Records Division of the War Department, and such other articles as may be of interest to the printing trades.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized and directed to exhibit at said exposition such general exhibit of patents as may be of interest to the printing trades.

SEC. 4. That the Secretary of the Smithsonian Institution be, and he is hereby, authorized and directed to exhibit at said exposition the old Ben Franklin printing press and such other articles now in the National Museum as may be of interest to the printing trades.

SEC. 5. That all expenses incurred in carrying out the provisions of this joint resolution shall be paid by the directors of the New York Printing Exposition under such regulations as shall be adopted by the Secretary of the Treasury, the Secretary of War, the Secretary of the Interior, and the Secretary of the Smithsonian Institution.

The amendments reported by the committee were read, as follows:

On page 1 strike out, in line 4, the words "and directed" and insert "in his discretion."

On page 2 strike out, in line 2, the words "and directed" and insert "in his discretion."

Page 2 strike out, in line 11, the words "and directed" and insert "in his discretion."

Page 2 strike out, in line 15, the words "and directed" and insert "in his discretion."

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. CANNON. I would like the Clerk to read the enacting clause again. There may be need of an amendment there.

The enacting clause was again read.

Mr. CANNON. That is all right.

The SPEAKER. The question is on agreeing to the amendments which have been read.

The amendments were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that all gentlemen who have taken part in the general debate on the naval appropriation bill may extend their remarks in the RECORD.

Mr. UNDERWOOD. I would ask the gentleman from Illinois if he will not extend that request so as to embrace those gentlemen who speak under the five-minute rule on the bill?

Mr. FOSS. I have no objection.

Mr. STEELE. Mr. Speaker, in view of the fact that the RECORD has been much abused recently by this privilege, I object.

The SPEAKER. Does the objection apply to both requests?

Mr. STEELE. To both requests.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for compensation of woman commissioner to unveiling of statue of Lafayette at Paris Exposition—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for salary of resident commissioner from Porto Rico to the United States—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Martha L. Hendricks against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MARSH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5789) for the improvement and care of Confederate Mound, in Oak Woods Cemetery, Chicago, Ill., and making an appropriation therefor, reported the same with amendment, accompanied by a report (No. 1077); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10803) to fix the compensation of surfmen employed in the Life-Saving Service of the United States, reported the same in lieu of H. R. 2918, 7436, and 9992, accompanied by a report (No. 1078); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CANNON, from the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 235) authorizing the exhibit of Government relics at the New York Printing Exposition from May 2 to June 2, 1900, reported the same with amendment, accompanied by a report (No. 1079); which said joint resolution and report were ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3508) granting an increase of pension to Edward F. Phelps, reported the same without amendment, accompanied by a report (No. 1021); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 757) granting increase of pension to William C. Stockton, reported the same without amendment, accompanied by a report (No. 1022); which said bill and report were referred to the Private Calendar.

Mr. BOUTELL of Illinois, from the Committee on Claims, to which was referred the bill of the House (H. R. 4412) for the relief of Augustus E. Gans, reported the same without amendment, accompanied by a report (No. 1023); which said bill and report were referred to the Private Calendar.

Mr. PEARCE of Missouri, from the Committee on Claims, to which was referred the bill of the House (H. R. 287) for the relief of William M. Bird, James Redding, Henry F. Welch, and others, reported the same with amendment, accompanied by a report (No. 1024); which said bill and report were referred to the Private Calendar.

Mr. BAILEY of Kansas, from the Committee on Claims, to which was referred the bill of the House (H. R. 1168) for the relief of the heirs of the late Charles P. Culver, reported the same with amendment, accompanied by a report (No. 1025); which said bill and report were referred to the Private Calendar.

Mr. PHILLIPS, from the Committee on Claims, to which was referred the bill of the Senate (S. 3060) for the relief of James C. Drake, reported the same without amendment, accompanied by a report (No. 1026); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5804) for the relief of Byron F. Davis, reported the same with amendment, accompanied by a report (No. 1027); which said bill and report were referred to the Private Calendar.

Mr. COCHRANE of New York, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10082) granting an increase of pension to Lewis Oliver, reported the same with amendment, accompanied by a report (No. 1028); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10443) granting a pension to Anna C. White, widow of Thornton F. White, late acting assistant surgeon, United States Army, reported the same with amendment, accompanied by a report (No. 1029); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 8536) granting an increase of pension to Robert Anderson, jr., reported the same without amendment, accompanied by a report (No. 1030); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3797) granting an increase of pension to John H. Streeter, reported the same without amendment, accompanied by a report (No. 1031); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 36) granting an increase of pension to Emma G. Sargent, reported the same without amendment, accompanied by a report (No. 1032); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2881) granting a pension to Mary A. Parker, reported the same without amendment, accompanied by a report (No. 1033); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10147) granting a pension to Delia A. Jones, reported the same with amendment, accompanied by a report (No. 1034); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2634) to increase the pension of Erasmus Darwin Steen, reported the same with amendment, accompanied by a report (No. 1035); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 852) to increase the pension of James Cooper, reported the same with amendment, accompanied by a report (No. 1036); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3200) granting a pension to John P. Hinsley, reported the same without amendment, accompanied by a report (No. 1037); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2994) granting an increase of pension to Fanny F. Robertson, reported the same without amendment, accompanied by a report (No. 1038); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7145) granting a pension to Mrs. Catharine Slayton, reported the same with amendment, accompanied by a report (No. 1039); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4241) granting a pension to Alverdie Rush, reported the same with amendment, accompanied by a report (No. 1040); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8217) granting a pension to Josephine B. Wood, reported the same with amendment, accompanied by a report (No. 1041); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1909) granting an increase of pension to Cecilia A. Price, reported the same without amendment, accompanied by a report (No. 1042); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3206) granting an increase of pension to Moses King, jr., reported the same without amendment, accompanied by a report (No. 1043); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5330) granting a pension to Uri S. Keith, reported the same with amendment, accompanied by a report (No. 1044); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6829) granting an increase of pension to John K. Crosby, reported the same with amendment, accompanied by a report (No. 1045); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5549) granting an increase of pension to David H. Ingerson, of Providence, R. I., reported the same with amendment, accompanied by a report (No. 1046); which said bill and report were referred to the Private Calendar.

Mr. COCHRANE of New York, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8044) granting an increase of pension to James M. Barrett, reported the same with amendment, accompanied by a report (No. 1047); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5964) granting an increase of pension to Buel C. Smith, reported the same with amendment, accompanied by a report (No. 1048); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5555) granting a pension to Virginia Hull, reported the same with amendment, accompanied by a report (No. 1049); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2764) granting an increase of pension to William Murphy, reported the same without amendment, accompanied by a report (No. 1050); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 135) granting an increase of pension to Frances C. De Russy, reported the same without amendment, accompanied by a report (No. 1051); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8211) granting an increase of pension to William Shulmire, reported the same with amendment, accompanied by a report (No. 1052); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4942) granting a pension to Lydia A. Stockwell, reported the same with amendment, accompanied by a report (No. 1053); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4424) for the relief of Isaac N. Jennings, reported the same with amendment, accompanied by a report (No. 1054); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6919) granting an increase of pension to John Blanchard, reported the same with amendment, accompanied by a report (No. 1055); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8829) granting an increase of pension to John P. Pepper, reported the same with amendment, accompanied by a report (No. 1056); which said bill and report were referred to the Private Calendar.

By Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4456) for the relief of Alice A. Hartz, helpless child of John Hartz, late a private in Company K, Thirty-sixth Regiment Pennsylvania Volunteers, reported the same with amendment, accompanied by a report (No. 1057); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10412) granting a pension to George B. Abbott, reported the same with amendment, accompanied by a report (No. 1058); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2154) granting an increase of pension to William A. Owens, reported the same without amendment, accompanied by a report (No. 1059); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1601) granting an increase of pension to John Thornton, reported the same without amendment, accompanied by a report (No. 1060); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1578) granting an increase of pension to George W. Campbell, alias George W. Smith, reported the same without amendment, accompanied by a report (No. 1061); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3033) granting an increase of pension to William J. Wallace, reported the same without amendment, accompanied by a report (No. 1062); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1030) granting a pension to Catharine Harris, reported the same without amendment, accompanied by a report (No. 1063); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1803) granting an increase of pension to Richard L. Titsworth, reported the same without amendment,

accompanied by a report (No. 1064); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3502) granting a pension to Elisabeth Whisler, reported the same without amendment, accompanied by a report (No. 1065); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1029) granting a pension to Henry B. Lambe, reported the same without amendment, accompanied by a report (No. 1066); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1549) granting an increase of pension to Isaiah Mitchell, reported the same without amendment, accompanied by a report (No. 1067); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 477) granting a pension to Levi C. Faught, reported the same without amendment, accompanied by a report (No. 1068); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1954) granting a pension to Edward L. Ruby, reported the same without amendment, accompanied by a report (No. 1069); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3630) granting an increase of pension to Jacob N. Smith, reported the same without amendment, accompanied by a report (No. 1070); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2290) granting a pension to James Richardson, reported the same with amendment, accompanied by a report (No. 1071); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1833) granting a pension to Mary B. Christopher, reported the same without amendment, accompanied by a report (No. 1072); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 657) granting a pension to Matthew Redmond, reported the same without amendment, accompanied by a report (No. 1073); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 649) granting an increase of pension to Martha Maddocks, reported the same without amendment, accompanied by a report (No. 1074); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1603) granting an increase of pension to John W. Kaump, reported the same without amendment, accompanied by a report (No. 1075); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2463) granting an increase of pension to Ellen Leddy, reported the same without amendment, accompanied by a report (No. 1076); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 2134) for the relief of P. R. Albert and I. Noa, of Chattanooga, Tenn., and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DAVIS: A bill (H. R. 10780) to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Ocala, in said district—to the Committee on the Judiciary.

By Mr. DE ARMOND: A bill (H. R. 10781) to provide for securing interest upon deposits of funds belonging to the United States, and to prevent favoritism in the selection of depositories, and for other purposes—to the Committee on Banking and Currency.

By Mr. SMALL: A bill (H. R. 10782) authorizing and directing the Secretary of War to make a preliminary examination and estimate of cost of improving a waterway in the State of North Carolina, with a view of obtaining a navigable depth of 10 feet at mean low water through Carrot Island Slough—to the Committee on Rivers and Harbors.

By Mr. HAWLEY: A bill (H. R. 10783) to create the southern judicial district of the State of Texas, and to fix the time and places of holding court therein—to the Committee on the Judiciary.

By Mr. DAVIDSON: A bill (H. R. 10800) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes"—to the Committee on Ways and Means.

Also, a bill (H. R. 10801) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes"—to the Committee on Ways and Means.

By Mr. WANGER, from the Committee on Interstate and Foreign Commerce: A bill (H. R. 10803) to fix the compensation of surfmen employed in the Life-Saving Service of the United States—to the Union Calendar.

By Mr. GLYNN: A resolution (H. Res. 228) relative to transports chartered by the Navy Department—to the Committee on Naval Affairs.

By Mr. TAWNEY: A resolution (H. Res. 229) relative to material used in the manufacture of oleomargarine—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BULL (by request): A bill (H. R. 10784) granting an increase of pension to Oliva J. Baker—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 10785) granting a pension to Thomas White—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 10786) for the relief of the trustees of the Regular Baptist Church, at Mexico, Mo.—to the Committee on War Claims.

By Mr. CUSHMAN: A bill (H. R. 10787) granting an increase of pension to John G. P. Eberhart—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 10788) for the relief of James M. Alden, secretary to the late Admiral of the Navy—to the Committee on Naval Affairs.

By Mr. GRAHAM: A bill (H. R. 10789) granting a pension to James A. Clifton—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 10790) for the relief of John H. Ball—to the Committee on Claims.

Also, a bill (H. R. 10791) granting an increase of pension to Enos Pearce—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 10792) to increase the pension of John T. Knox—to the Committee on Pensions.

By Mr. SNODGRASS: A bill (H. R. 10793) to grant a pension to Abner Norris, of Cumberland County, Tenn.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10794) for relief of the heirs of Robert Hallum, deceased, of Nashville, Tenn.—to the Committee on War Claims.

By Mr. SPIGHT (by request): A bill (H. R. 10795) to increase the pension of John Chestnut, late a private in Company D, Fifteenth Regiment New York Volunteer Engineers—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 10796) for the relief of the widow of Lemuel J. Draper, late assistant surgeon, United States Navy—to the Committee on Naval Affairs.

By Mr. VREELAND: A bill (H. R. 10797) granting a pension to Catharine Kelly—to the Committee on Invalid Pensions.

By Mr. WATERS: A bill (H. R. 10798) authorizing the removal of the remains of Stephen Stuart White, and for the relief of the party or parties who have paid the expenses heretofore necessarily incurred in the preparation and transportation of said remains—to the Committee on Naval Affairs.

By Mr. GROUT: A bill (H. R. 10799) granting a pension to J. O. Lambert—to the Committee on Invalid Pensions.

By Mr. WHEELER of Kentucky: A bill (H. R. 10802) for the benefit of Mrs. E. E. O'Hara—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petition of A. D. Thornburg Post, No. 174, of Limeridge, Wis., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BELL: Petitions of Grand Army of the Republic posts of Victor, Rocky Ford, and Montrose, Department of Colorado, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Burke Potter, of Peyton, Colo., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petitions of E. A. Strange, of La Veta, and Mrs. C. N. Churchill, of Delta, Colo., against the ceding and leasing of public lands—to the Committee on the Public Lands.

Also, petition of Miners' Union, No. 33, of Leadville, Colo., and Pueblo Trades and Labor Assembly, Colorado, against the annexation of the Philippines, etc.—to the Committee on Foreign Affairs.

Also, petition of Gen. Irving Hale, of Denver, Colo., favoring improvements in the medical staff of the United States Army—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance unions of Grand Junction and Boulder, Colo., and Mrs. J. J. Johnston and Woman's Club of Grand Junction, Colo., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

Also, petition of A. A. Parker, of Colorado Springs, Colo., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Carpenters' Union, No. 55, of Denver, Colo., protesting against the passage of the Mondell desert-land bill and favoring an appropriation for irrigation surveys—to the Committee on the Public Lands.

By Mr. BOUTELL of Illinois: Petitions of Lyon Post, No. 9, and U. S. Grant Post, No. 28, Department of Illinois, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BURLEIGH: Petition of D. M. Bunker and others, of Mercer, Me., in favor of the Grout bill increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. BURLESON: Petition of Company E, Fourth Regiment Texas Volunteer Guards, of Nocona, Tex., in favor of the passage of House bill No. 7936, increasing the appropriation for the State militia—to the Committee on Militia.

By Mr. BUTLER: Petition of Harvey & Kennedy and others, of Russellville, Pa.; W. W. Mast and others, of Coatesville, Pa., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. CLARK of Missouri: Petition of Fred Rother Post, No. 420, of Montgomery City, Mo., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CLARKE of New Hampshire: Petition of the Woman's Christian Temperance Union of East Rochester, N. H., for the passage of a bill giving prohibition to our new possessions, and favoring the anti-canteen law—to the Committee on the Territories.

By Mr. COOPER of Wisconsin: Petition of Ben Davis Post, No. 264, Department of Wisconsin, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Ben Davis Post, No. 264, of Oakley, Wis., favoring the passage of Senate bill No. 283, in regard to preference of honorably discharged soldiers and sailors in Government employ—to the Committee on Reform in the Civil Service.

Also, memorial of the United States Brewers' Association, of New York, asking for the repeal of the war tax on malt liquors—to the Committee on Ways and Means.

Also, petition of druggists of Lake Geneva, Wis., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petitions of citizens of Wheatland, Bloomfield, Troy, and others, of Rock County, Wis., in favor of the bill to increase the tax on oleomargarine—to the Committee on Agriculture.

By Mr. CROMER: Petition of druggists of Winchester, Ind., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. CUMMINGS: Petition of W. S. Hancock Post, No. 259, Department of New York, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DAHLE of Wisconsin: Petition of Frank Lee and 4 others, of Evansville, Wis., in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. DENNY: Petition of the Woman's Christian Temperance Union of Fords Store, Md., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. FITZGERALD of Massachusetts: Petition of the Central Labor Council of Cincinnati, Ohio, against the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

Also, resolution of the Civil War Veterans' Association, Customs Service, Port of New York, favoring Senate bill No. 283, in reference to the civil service and appointments, as reported with an amendment—to the Committee on Reform in the Civil Service.

By Mr. FLETCHER: Resolution of D. P. Chase Post, Grand Army of the Republic, of Minneapolis, Minn., urging the passage of certain bills for the erection of monuments to regular soldiers who fought at Gettysburg during the war of the rebellion—to the Committee on Military Affairs.

Also, petition of citizens of Minneapolis, Minn., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of the Pattern Makers' Association of Pittsburg and vicinity, State of Pennsylvania, for the building of one or more new war ships in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of the Civil War Veterans' Association, Customs Service, Port of New York, asking favorable action on Senate bill No. 283 as amended, giving preference in appointments to honorably discharged soldiers, sailors, and marines who served in the civil war and in the Spanish and Philippine wars—to the Committee on Reform in the Civil Service.

By Mr. HAMILTON: Petition of Harlan Briggs Post, No. 80, of Hopkins Station, and William Perrott Post, No. 22, of Buchanan, Mich., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of Marcellus, Mich., in favor of the Grout bill to increase the tax on oleomargarine—to the Committee on Agriculture.

By Mr. HENRY C. SMITH: Petitions of Grand Army of the Republic posts of Palmyra, Saline, Napoleon, Jackson, and Comstock, Department of Michigan, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of F. W. Green and others, of Ypsilanti, Mich., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. HITT: Papers to accompany House bill No. 8415, to increase the pension of Jesse F. Gates—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 10694, increasing the pension of Katherine J. Gilman—to the Committee on Pensions.

By Mr. HOFFECKER: Petition of Hockessin Grange, No. 4, Patrons of Husbandry, Newcastle County, Del., relating to an act to regulate commerce, and suggesting amendments to the same—to the Committee on Interstate and Foreign Commerce.

By Mr. HOPKINS: Petition of citizens of DeKalb, Ill., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. KAHN: Petition of confectioners of San Francisco, Cal., favoring the passage of the Brosius pure-food bill—to the Committee on Agriculture.

By Mr. MERCER: Resolutions of Omaha (Nebr.) Commercial Club, in relation to the reclamation and settlement of arid lands—to the Committee on Appropriations.

Also, resolutions of Custer Post, No. 7, Grand Army of the Republic, of Omaha, Nebr., in regard to pension legislation—to the Committee on Invalid Pensions.

Also, letter of W. C. Bonk, of Omaha, Nebr., in favor of House bill No. 1051, relating to grading of substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: Petition of Grant Post, No. 9, Department of California, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. RAY of New York: Petition of Nichols Post, of Tioga County, and Beecher Post, of Bainbridge, Grand Army of the Republic, Department of New York, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Smithville Center (N. Y.) Grange, No. 512, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Smithville Center (N. Y.) Grange and citizens of Delaware County, N. Y., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. ROBERTSON of Louisiana: Papers relating to the claim of Mary Martha Roberts—to the Committee on War Claims.

By Mr. SHAFROTH: Resolutions of Fort Collins Sheep Feeders' Association, of Fort Collins, Colo., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Guy B. Fleming and others, of Highlandlake, Colo., favoring the passage of House bill No. 5457, known as the Spalding bill—to the Committee on Military Affairs.

By Mr. TERRY: Petition of C. J. Derrick and other citizens of

Pulaski County, Ark., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petitions of Grand Army of the Republic posts of Mayville and Jamestown, N. Y., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of Stockton, N. Y., in favor of the Grout bill increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. WANGER: Petition of citizens of Bucks County, Pa., in favor of the Grout bill increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. WEEKS: Petition of citizens of Marine City, Mich., favoring the Grout bill relating to dairy products, etc.—to the Committee on Agriculture.

By Mr. WHEELER of Kentucky: Papers to accompany House bill for the relief of E. E. O'Hara—to the Committee on War Claims.

By Mr. WILSON of Arizona: Resolution of Omaha Commercial Club, urging construction of irrigation works by the Government—to the Committee on Irrigation of Arid Lands.

By Mr. WILSON of New York: Resolutions of the Civil War Veterans' Association, Custom Service, Port of New York, in favor of giving preference in appointments to soldiers of civil and Spanish-American wars—to the Committee on Reform in the Civil Service.

Also, resolutions of the Omaha (Nebr.) Commercial Club, favoring provision for irrigation, surveys, etc.—to the Committee on Irrigation of Arid Lands.

SENATE.

WEDNESDAY, *April 18, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. CHANDLER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

AGREEMENTS WITH FIVE CIVILIZED TRIBES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting an agreement negotiated between the Commission to the Five Civilized Tribes and the Muskogee or Creek tribe of Indians, dated March 8, 1900, together with a letter from the acting chairman of the Commission to the Five Civilized Tribes and a letter from the attorneys of the Missouri, Kansas and Texas Railway Company and other like companies, etc.; which, with the accompanying papers, was referred to the Select Committee on the Five Civilized Tribes, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting an agreement between the Commission for the Five Civilized Tribes and the Cherokee tribe of Indians, etc., and recommending the adoption of certain amendments to sections 10 and 11 of the agreement; which, with the accompanying papers, was referred to the Select Committee on the Five Civilized Tribes, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 235) authorizing the exhibit of Government relics at the New York Printing Exposition, from May 2 to June 2, 1900; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 62) granting an increase of pension to Robert Black;

A bill (S. 208) granting an increase of pension to Josephine I. Offley;

A bill (S. 209) granting an increase of pension to Cornelia De Peyster Black;

A bill (S. 239) granting an increase of pension to Rhoda A. Foster;

A bill (S. 241) granting a pension to Patrick Layhee;

A bill (S. 261) granting an increase of pension to Lizzie H. Hyndman;

A bill (S. 320) granting an increase of pension to Allen Buckner;

A bill (S. 346) granting an increase of pension to Mrs. Arthusea Wright;

A bill (S. 531) granting a pension to Henrietta Cummins;

A bill (S. 645) granting an increase of pension to David Hunter;

A bill (S. 677) granting an increase of pension to Jerusha W. Sturgis;

A bill (S. 819) granting an increase of pension to Benjamin F. Bourne;

A bill (S. 833) granting an increase of pension to Harry Atkinson;

A bill (S. 994) granting an increase of pension to Casper Miller, jr.;

A bill (S. 1194) granting an increase of pension to John B. Ritzman;

A bill (S. 1228) granting an increase of pension to Thomas Jordan;

A bill (S. 1250) granting a pension to Hattie E. Redfield;

A bill (S. 1251) granting an increase of pension to Celia A. Jeffers;

A bill (S. 1255) granting an increase of pension to James M. Simeral;

A bill (S. 1264) granting an increase of pension to James A. Southard;

A bill (S. 1265) granting a pension to Elender Herring;

A bill (S. 1268) granting a pension to Sarah R. Burrell;

A bill (S. 1298) granting an increase of pension to Oscar Taylor;

A bill (S. 1309) granting an increase of pension to Herman Piel;

A bill (S. 1331) granting an increase of pension to Ellen C. Abbott;

A bill (S. 1419) granting an increase of pension to Annie B. Goodrich;

A bill (S. 1721) granting an increase of pension to Amos H. Goodnow;

A bill (S. 1729) granting an increase of pension to Oliver J. Lyon;

A bill (S. 1769) granting an increase of pension to Henry Frank;

A bill (S. 1960) granting an increase of pension to Eli J. Marsh;

A bill (S. 2167) granting an increase of pension to Franklin C. Plantz;

A bill (S. 2209) granting an increase of pension to Frederick Higgins;

A bill (S. 2220) granting an increase of pension to Eudora S. Kelley;

A bill (S. 2336) repealing section 4716 of the Revised Statutes so far as the same may be applicable to the claims of dependent parents of soldiers, sailors, and marines who served in the Army and Navy of the United States during the war with Spain;

A bill (S. 2351) granting an increase of pension to Joseph W. Skelton;

A bill (S. 2375) granting a pension to Mary A. Russell;

A bill (S. 2622) granting a pension to Maria A. Thompson;

A bill (S. 2636) granting an increase of pension to Mary E. Law;

A bill (S. 2742) restoring to the pension roll the name of Annie A. Gibson;

A bill (S. 3017) granting an increase of pension to Julia M. Edie;

A joint resolution (S. R. 34) authorizing the printing of 35,000 copies of Bulletin No. 24, Department of Agriculture, entitled "A Primer of Forestry," for the use of Congress and the Department of Agriculture; and

A joint resolution (S. R. 108) providing for the printing of the report of the governor of Arizona for 1899.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a memorial of the publishers of True Light, of Holyoke, Mass., and a memorial of the publishers of Modern Art, of Boston, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Brookfield, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

He also presented a petition of the Hall & Lyon Company, of Waltham and Worcester, in the State of Massachusetts, and Providence, R. I., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Department of Massachusetts, Grand Army of the Republic, praying that the 12th day of February of each year be set apart upon which to celebrate the birth of Abraham Lincoln, and that it be made a national holiday; which was referred to the Committee on the Library.

He also presented the memorial of Rev. Edward Everett Hale and 12 other citizens of Massachusetts, remonstrating against the

extension of the time during which animals are detained in transportation from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented a petition of 41 business men and vessel owners of Fall River, Mass., praying for the removal of the sand bar in Mount Hope Bay, off Common Fence Point, near that city; which was referred to the Committee on Commerce.

Mr. GALLINGER. I present a memorial of the Woman's Christian Temperance Union of East Rochester, N. H., signed by Mrs. E. M. Bean, president, and Mrs. P. S. Fogg, corresponding secretary, remonstrating against the abandonment on the part of Congress of prohibition in Alaska and Hawaii. As the bills relating to Alaska and Hawaii have been reported, I move that the memorial lie on the table.

The motion was agreed to.

Mr. CULLOM presented petitions of the Southern Illinois Millers' Association and of Local Union No. 7557, American Federation of Labor, of Carterville, Ill.; of the Sheep Breeders' Association of Colorado; of the Wool Growers' Association of Utah, and of the Board of Trade of Philadelphia, Pa., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Union No. 7569, American Federation of Labor, of Alto Pass, Ill., remonstrating against the passage of the so-called desert-land bill; which was referred to the Committee on Public Lands.

He also presented a petition of the Civil War Veterans' Association, Customs Service, Port of New York, praying for the enactment of legislation relative to the civil service and appointments thereunder, giving preference to honorably discharged soldiers, sailors, and marines; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of Local Union No. 99, United Mine Workers, of Belleville, Ill., praying for the enactment of legislation to limit the hours of daily service of laborers and mechanics employed upon the public works of the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of the Wool Growers' Association of Utah, praying for the enactment of legislation extending the time for the transportation of live stock from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented memorials of Local Union No. 1, National Paper Hangers' Protective and Benevolent Association, of Chicago; of Local Union No. 47, Cigar Makers' International Union, of Quincy; of Bench Molders' Union No. 237, of Moline, and of Local Union No. 94, United Mine Workers, of Moweaqua, all in the State of Illinois, and of the Central Labor Council of Cincinnati, Ohio, remonstrating against the enactment of legislation to prohibit the manufacture and sale of oleomargarine and butterine; which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Colorado Humane Society, of Denver, Colo., and the memorial of Prof. William H. Brewer, of New Haven, Conn., remonstrating against the enactment of legislation to extend the time for the transportation of live stock from one State to another; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Commercial Club, of Omaha, Nebr., praying for the enactment of legislation relative to the reclamation and settlement of the arid lands of the United States; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. FAIRBANKS presented the petition of V. L. Early and 11 other citizens of Greenfield, Ind., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. BAKER presented a petition of the Woman's Christian Temperance Union of Burton, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in our new island possessions; which was referred to the Committee on Military Affairs.

Mr. WELLINGTON presented a petition of the Young Woman's Christian Temperance Union of Centreville, Md., and a petition of the Woman's Christian Temperance Union of Fords Store, Md., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were ordered to lie on the table.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that the use and control of the Lake Tahoe Forest Reserve be granted in trust to the regents of the University of California; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the St. Johns River Association, of California, praying for the enactment of legislation providing for the protection of the forest reserves; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Pomona Fruit Growers' Association, of California, and a petition of the Southern California Fruit Exchange, of Los Angeles, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to provide for the widening and deepening of the channel between the Basin and the Bay of San Francisco; which was referred to the Committee on Commerce.

He also presented a petition of Napa Grange, No. 307, Patrons of Husbandry, of Napa, Cal., praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of the Young Woman's Christian Temperance Association and of the congregation of the Baptist Church of Oakland, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

He also presented a memorial of the native born Chinese of California, remonstrating against the enactment of certain legislation to regulate the coming of Chinese persons into the United States; which was referred to the Committee on Immigration.

He also presented a petition of the Pacific Press Publishing Company, of California, praying for the enactment of legislation providing for the construction of a new Patent Office building; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the First Baptist Church of Berkeley, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the newly acquired possessions of the United States; which was ordered to lie on the table.

Mr. WARREN presented a petition of the Omaha Commercial Club of Omaha, Nebr., praying for the enactment of legislation relative to the reclamation of the arid lands; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. McLAURIN presented a petition of the Board of Trade of Georgetown, S. C., praying that an appropriation be made for the deepening of the harbor at that place; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Georgetown, S. C., praying that an appropriation be made for the construction of a public building at that place; which was referred to the Committee on Public Buildings and Grounds.

Mr. TELLER presented a memorial of the Lincoln Cattle Growers' Association and the Lincoln and Elbert counties Wool Growers' Association, of Colorado, and a memorial of sundry stock raisers of Egeria Park, Colo., remonstrating against the cession of the public lands to the States; which were referred to the Committee on Public Lands.

Mr. FORAKER presented a petition of Colerain Grange, No. 1472, Patrons of Husbandry, of Ohio, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Odell Grange, No. 1383, Patrons of Husbandry, of Ohio, and a petition of Colerain Grange, No. 1472, Patrons of Husbandry, of Ohio, praying for the enactment of legislation to secure to the people of the country protection in the use of imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

MEDALS FOR OFFICERS AND MEN OF NAVY AND MARINE CORPS.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 98) authorizing the Secretary of the Navy to cause to be struck bronze medals commemorating the naval engagements on the Cuban coast, and to distribute such medals to the officers and men of the ships of the North Atlantic Squadron of the United States, to report a substitute therefor, and as I think there will be no objection to it, I should like to have it passed.

The PRESIDENT pro tempore. The proposed substitute will be read.

The joint resolution (S. R. 115) authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain, and for other purposes, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to cause to be struck bronze medals commemorative of the naval and other engagements in the waters of the West Indies and on the shores of Cuba during the war with Spain, and to distribute the same to the officers and men of the Navy and Marine Corps who participated in any of said engagements deemed by him of sufficient importance to deserve commemoration: *Provided*, That officers and men of the Navy or Marine Corps who rendered specially meritorious service, otherwise than in battle, may be rewarded in like manner: *And provided further*, That any person who may,

under the provisions of this act, be entitled to receive recognition in more than one instance shall, instead of a second medal, be presented with a bronze bar, appropriately inscribed, to be attached to the ribbon by which the medal is suspended. And to carry out the provisions of this resolution, the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution which has just been read?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. WARREN. I desire to ask the Senator from Maine a question regarding it, if I may be permitted. I wish to know if it proposes to cover, as I presume it does, all the sailors and employees of the Navy who were engaged in these particular battles?

Mr. HALE. That is the very object of it.

Mr. WARREN. And it is to be a style of medal especially designed for this purpose?

Mr. HALE. Yes.

Mr. WARREN. Unlike the others that the present statute provides for?

Mr. HALE. Yes; it is to be commemorative of this occasion and to be a distinctive medal.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Senate joint resolution No. 98 will, without objection, be indefinitely postponed.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, reported an amendment authorizing the purchase, at a sum not to exceed $200,000, of the steel floating dry dock belonging to the Government of Spain, now in the harbor of Habana, Cuba, intended to be proposed to the naval appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3335) to provide for the purchase of a site and the erection of a public building thereon at Laramie, in the State of Wyoming, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Claims, to whom was referred the bill (S. 3435) for the relief of Poole & Hunt, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (S. 3527) granting a pension to Edwin M. Farnham, reported it without amendment, and submitted a report thereon.

Mr. MASON, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1454) for the relief of William L. Orr; and

A bill (S. 3473) for the relief of Corinne Strickland.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 876) for the relief of John E. Welch, reported it without amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (S. 3505) granting an increase of pension to Edwin Culver, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2152) granting a pension to Olive W. Lay, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1599) granting an increase of pension to Cornwell M. Brill, reported it with amendments, and submitted a report thereon.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 4184) granting an increase of pension to Evelyn Neale Murray, reported it with amendments, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 159) to provide for the erection of a public building in the city of Grand Forks, N. Dak., reported it with amendments, and submitted a report thereon.

Mr. TILLMAN, from the Committee on Naval Affairs, to whom was referred the bill (S. 2960) for the relief of Edward Kershner, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 2331) granting an increase of pension to Festus Dickinson, reported it without amendment, and submitted a report thereon.

ESTATE OF HENRY C. TOMS, DECEASED.

Mr. McLAURIN, from the Committee on Claims, to whom was referred the bill (S. 2242) for the relief of the estate of Henry C. Toms, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 2242) entitled "A bill for the relief of the estate of Henry C. Toms, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

ANNA ELISABETH JAMISON.

Mr. McLAURIN, from the Committee on Claims, to whom was referred the bill (S. 569) for the relief of Anna Elisabeth Jamison, executrix of the estate of Samuel Jamison, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 569) entitled "A bill for the relief of Anna Elisabeth Jamison, executrix of the estate of Samuel Jamison, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

JOHN W. WARWICK.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 2130) for the relief of the heirs of John W. Warwick, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 2130) entitled "A bill for the relief of the heirs of John W. Warwick," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

ARMY EXPLORATIONS IN ALASKA.

Mr. CARTER. From the Committee on Military Affairs I beg leave to submit a report in response to Senate resolution agreed to December 9, 1897, directing the Committee on Military Affairs "to investigate and report to the Senate, at the earliest practicable date, the extent to which the Territory of Alaska has been explored by the Army of the United States; and what, if any, aid the Army may be able to lend in opening, protecting, and maintaining the regular lines of communication exclusively within the territory of the United States from tide water to the interior of said territory, and what measures may, with propriety, be adopted to avert hostilities with and to secure the friendly cooperation of the native population of said territory in developing the resources thereof."

This report has been delayed because of the desire to incorporate the results of explorations conducted during the year 1899. The report now made, in addition to the introductory matter, embraces in narrative form the report of the Raymond expedition of 1869; the expedition under Gen. O. O. Howard, of 1875; of Petrof, in 1880; of Schwatka, in 1883; Ray, in 1883; Abercrombie, in 1884; Allen, in 1885; E. Hazard Wells, in 1897–98; Richardson, in 1897–1899; Ray, in 1897–98; Glenn, in 1898; Abercrombie, in 1898; Glenn, in 1899, and Abercrombie, in 1899.

The report will embrace, as I have heretofore suggested, in narrative form, the sum and substance of all the information acquired upon these various expeditions. I submit the report from the Committee on Military Affairs, and ask that it be printed.

The PRESIDENT pro tempore. The Senator from Montana, in response to a resolution of the Senate, submits a report, which will be printed.

Mr. CARTER. The report consists of the packages here and the introductory matter I have handed to the Secretary.

Mr. CULLOM. I ask leave to submit a conference report.

Mr. CHANDLER. I ask the Senator to wait until after the morning business is through.

Mr. CULLOM. I will delay it if the Senator desires.

The PRESIDENT pro tempore. If there are no further reports of committees, the introduction of bills is in order.

BILLS INTRODUCED.

Mr. CHANDLER. By request, I introduce a bill for the prevention of the denial or abridgment of the right of citizens of the United States to vote on account of color. I am not prepared to advocate the passage of the bill. I ask that it be printed and referred to the Committee on Privileges and Elections.

The bill (S. 4252) for the prevention of the denial or abridgment of the right of citizens of the United States to vote on account of color was read twice by its title, and referred to the Committee on Privileges and Elections.

Mr. PLATT of Connecticut introduced a bill (S. 4253) to provide for ascertaining the indebtedness of certain Osage Indians

to the traders at the Osage Agency, and for making payments upon such indebtedness; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4254) to allot lands of the Osage Reservation in severalty; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. LODGE introduced a bill (S. 4255) granting an increase of pension to Frank Smith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 4256) granting a pension to James H. Thomas; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAKER introduced a bill (S. 4257) for the relief of Decatur Hamlin; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PERKINS introduced a bill (S. 4258) relating to rights of way for canals and ditches used for irrigation and other beneficial uses; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LINDSAY introduced a bill (S. 4259) granting an increase of pension to Alice Worthington Winthrop; which was read twice by its title, and referred to the Committee on Pensions.

Mr. RAWLINS introduced a bill (S. 4260) to provide for holding terms of court in the district of Utah; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SHOUP introduced a bill (S. 4261) granting a pension to Frances M. Cellar; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL (by request) introduced a bill (S. 4262) for the relief of the estate of Richard Randall, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4263) for the relief of Mary A. Dinguid; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4264) for the relief of John B. Puryear; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 4265) for the relief of Michael Kries; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 4266) relating to the removal of causes from State courts; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment directing the Secretary of the Treasury to pay $350 to Frederick von Baumbach, collector of internal revenue at St. Paul, Minn., said sum being amount deposited for revenue stamps never received by him, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment directing the Secretary of the Treasury to pay $350 to Frederick von Baumbach, collector of internal revenue at St. Paul, Minn., said sum being amount deposited for revenue stamps never received by him, intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Finance, and ordered to be printed.

Mr. STEWART submitted an amendment directing the Secretary of War to make partial payments under contracts now existing with the War Department for the purchase and erection of pneumatic dynamite guns, carriages, etc., and ammunition for the same, intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PETTIGREW submitted an amendment proposing an appropriation of $30,000 to enable the Secretary of the Interior to purchase and place upon the Black Hills Forest Reservation, in South Dakota, a herd of American buffalo, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

He also submitted an amendment proposing to appropriate $150,000 for the purpose of rebuilding and enlarging the military post at Fort Meade, S. Dak., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

COLORED AND INDIAN SOLDIERS IN SOLDIERS' HOMES.

Mr. HOAR. I submit a resolution for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of War be directed to inform the Senate of the number of colored and Indian soldiers, or persons partly of African or Indian descent, in the National Soldiers' Homes.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. PETTUS. I should like to hear the resolution read.

The Secretary again read the resolution.

The PRESIDENT pro tempore. If there be no objection, the resolution will be agreed to.

Mr. HOAR. The Senator from Alabama wished to have the resolution read again. I should like simply to say that some complaint comes from the Soldiers' Homes to me—I had rather a touching and impressive letter this morning—that the colored soldiers find their life rather hard, as not finding it agreeable to the white soldiers in all cases to treat them on terms of entire equality; and the question occurred to me whether there were enough of them in number to warrant some separate provision for that class of old soldiers. The resolution merely asks for the number of such persons; that is all.

Mr. PETTUS. Mr. President, I am not opposing the resolution in the slightest degree, but I want to make a suggestion that may enlarge it. The soldiers have an insane hospital, or at least it is called by that name or intended for that purpose, and it seems to me that the Senator from Massachusetts might benefit mankind if he would enlarge it so as to include the insane asylum. I want these people to have every benefit that can be put upon them if they are worthy soldiers, but I think it is time for Senators to try to yield something to the opinion of mankind in their own States, not going any farther South, and separate these people. They do not live in harmony in the hospitals, even insane people. They do not live in harmony with your soldiers from Maine and from Massachusetts. While I would have them provided for as well as any white soldier on earth, let us consult the comfort of both, and inquire whether it would not be best to give them equal comforts in separate places.

The PRESIDENT pro tempore. Without objection, the resolution will be agreed to.

Mr. HOAR. Mr. President, if I may say one word, as the Senator has made a challenge, I do not think the Senate with the present matters before it would desire that either I or the Senator from Alabama should take up this subject this morning without special preparation for full and thorough discussion. I therefore only asked that the Senate might by this resolution be informed of the numbers of these soldiers at the Home and stop there.

But as the Senator has undertaken to administer not exactly a reproof, but an exhortation to me, hoping that I shall not ask for them any more than is granted in my own State, I beg to inform that Senator that in the colleges in Massachusetts and the schools, which I suppose are as good and are filled with as good gentlemen and ladies as are to be found elsewhere, the colored boy or girl takes his place as an equal—equal in the class, equal in studies, equal in the social life of the pupil.

I visited Amherst College a few years ago and was a guest of the distinguished President Seeley, a man famous and honored throughout the Union. The guest invited to meet me was an admirable young Greek scholar, a gentleman who sat by my side, and by the side of the hostess a colored youth from North Carolina. I wish to say that so far as Massachusetts is concerned the Senator's reproof does not apply.

Mr. PETTUS. Mr. President, my only purpose was——

The PRESIDENT pro tempore. The resolution is not before the Senate.

Mr. PETTUS. How, sir?

The PRESIDENT pro tempore. The resolution has been agreed to. The Senator can speak by unanimous consent. Is there objection?

Mr. PETTUS. The Senator from Massachusetts was not reminded of that fact. I will ask unanimous consent. I do not want to debate it.

The PRESIDENT pro tempore. No objection is made.

Mr. HAWLEY. I think the Senator from Massachusetts was on the floor and addressing the Chair when the Chair declared that the resolution was passed.

Mr. PETTUS. Mr. President, I am not going to debate any such subject now or at any future time. I leave that to the Senator from Massachusetts. But my only purpose was to get him to enlarge his resolution so as to include the insane asylum when he is asking for this information; that is all.

Mr. HOAR. I will consent to that modification. I ask unanimous consent that the insane asylum may be added, if there be a national insane asylum. I did not know that there was one.

The PRESIDENT pro tempore. The resolution as modified is, without objection, agreed to.

Mr. RAWLINS. I ask leave to introduce a bill.

Mr. SEWELL. Has the inquiry in relation to the Soldiers' Home gone over? I did not happen to be in the Chamber.

The PRESIDENT pro tempore. It has.

Mr. SEWELL. The Senator objected to it?

The PRESIDENT pro tempore. It has been agreed to by the Senate.

Mr. SEWELL. Will the Senator object to having it read?

The PRESIDENT pro tempore. It has been agreed to twice.

Mr. CHANDLER. A motion to reconsider is in order.

The PRESIDENT pro tempore. Without objection, the vote by which the resolution was agreed to will be reconsidered, and the resolution is before the Senate.

Mr. SEWELL. I ask for its reading.

The PRESIDENT pro tempore. It will be read.

The Secretary read the resolution as modified, as follows:

Resolved, That the Secretary of War be directed to inform the Senate of the number of colored and Indian soldiers, or persons partly of African or Indian descent, in the National Soldiers' Homes and national insane asylums.

Mr. SEWELL. I have no objection to it, Mr. President.

The PRESIDENT pro tempore. The resolution, without objection, is agreed to.

IMPROVEMENT OF NOOKSACK RIVER, WASHINGTON.

Mr. FOSTER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to cause a survey to be made and an estimate submitted of the cost of dredging and otherwise improving the mouth of the Nooksack River, to the end that during the freshets the water of said river may be enabled to pass freely into the waters of Puget Sound without overflowing the surrounding country. Should a further examination prove that it is not practicable to remove the accumulated débris from the mouth of said river the Secretary of War is hereby directed to submit estimates of the cost of opening a new channel for the mouth of said river.

WAR-REVENUE RECEIPTS.

Mr. GALLINGER. I submit a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury is hereby directed to communicate to the Senate, at the earliest practicable day, a statement showing the aggregate amount of revenue, since the war-revenue law went into operation, derived from stamps on notes, bank checks, insurance policies, leases, mortgages, telegrams, express shipments, and medicinal preparations, each item to be stated separately.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none. Without objection, it is agreed to.

Mr. COCKRELL. Let the resolution be read again.

The resolution was again read.

Mr. HOAR. I think it would be well to have separately stated also the receipts from the succession to estates. I move to add that.

Mr. GALLINGER. I have no objection to that modification.

The PRESIDENT pro tempore. The Senator from New Hampshire modifies his resolution as follows:

Mr. HALE. Would not the Senator also add the word "deeds?"

Mr. GALLINGER. "Deeds" ought to be in, Mr. President. I will accept any amendment enlarging the scope of the resolution.

Mr. HOAR. Why not include in a general order each separate source under the stamp or other excise?

Mr. GALLINGER. My purpose was to get information concerning the revenue derived from what may be called stamp taxes, and I think it ought to be confined to that, so far as my purpose will be conserved. If Senators desire to get information regarding matters of taxation outside of the use of revenue stamps, I think another resolution ought to be offered for that purpose.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SPOONER. I ask to have it read.

The PRESIDENT pro tempore. The resolution will be read once more.

Mr. SPOONER. I did not hear it.

The Secretary read the resolution as modified, as follows:

Resolved, That the Secretary of the Treasury is hereby directed to communicate to the Senate, at the earliest practicable day, a statement showing the aggregate amount of revenue, since the war-revenue law went into operation, derived from stamps on notes, bank checks, insurance policies, deeds, leases, mortgages, telegrams, express shipments, successions of estates, and medicinal preparations, each item to be stated separately.

Mr. SPOONER. I move to amend by inserting after the word "preparations" the words "and beer."

Mr. GALLINGER. That is all right.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. PLATT of Connecticut. I think the resolution might as well go over; and if I may be permitted to occupy one minute, I will state my reason. Of course there is a desire that the war-revenue tax shall be amended. If that subject is to be taken up, everybody and every business and every interest that had additional taxes put upon it will wish to be considered and to be relieved from those taxes. Therefore, if we are going to get this information, I think it ought to extend to all the subjects which were embraced in that law.

As I heard the resolution read, there is no reference to the amount derived from brokers' sales, and a variety of sources from which we derive revenue are not included there. If we are going to get that information, so as to lay the foundation for intelligent action, we ought to have the revenue from all sources.

Mr. GALLINGER. Mr. President, of course the resolution will go over if objection be made, but I simply want to restate my position, that I desire for certain purposes data concerning the revenue derived from the use of stamps, and I still think that there ought to be no objection to passing this resolution and permitting me to have the information that I desire for purposes which I do not care to state; and then if Senators want information on the general subject, let them introduce another resolution. However, I care nothing particularly about it.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. The resolution goes over under the objection.

Mr. PLATT of Connecticut. I will withdraw my objection if the Senator from New Hampshire feels that he ought to have this information, and another resolution can be presented.

Mr. GALLINGER. Let it go over. I am perfectly willing that it shall go over.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. PLATT of Connecticut. The Senator from New Hampshire now says that he is willing that it shall go over.

Mr. GALLINGER. Let it go over.

The PRESIDENT pro tempore. Objection is made, and it goes over under the rule.

PRINTING OF PORTO RICAN ACT.

Mr. FORAKER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed 3,000 additional copies of the act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes" (Public No. 60), approved April 12, 1900, and that the same be placed in the document room of the Senate.

COMMISSIONED NAVAL OFFICERS.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to inform the Senate, first, what was the total number of commissioned naval officers on the 31st day of December, 1899; second, the number on shore duty; and, third, the number on leave of absence or on furlough, or under orders other than to sea or shore duty; and also giving the above information as to each grade and class of officers in the Navy.

HOUSE BILL REFERRED.

The joint resolution (H. J. Res. 235) authorizing the exhibit of Government relics at the New York Printing Exposition from May 2 to June 2, 1900, was read twice by its title, and referred to the Committee on Appropriations.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 17th instant, approved and signed the joint resolution (S. R. 77) authorizing the printing of a special edition of the Yearbook of the United States Department of Agriculture for 1899.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate the following resolution.

The Secretary read the resolution reported by Mr. TURLEY from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. CLARK of Wyoming. I ask that that order be temporarily laid aside in order that I may ask unanimous consent for the present consideration of House bill 5485.

TERRITORY OF HAWAII.

Mr. CULLOM. I sent to the desk some time ago a conference report which I should like to have laid before the Senate before any other business is taken up, if I may have it done.

The PRESIDENT pro tempore. The Senator from Illinois presents a conference report.

The Secretary proceeded to read the report of the committee of conference, but was interrupted by—

Mr. PETTIGREW. Mr. President, I should like very much to

have this conference report printed in the RECORD and go over until to-morrow. I therefore ask that that may be done.

Mr. CULLOM. Of course if the Senate desires to have the report printed——

Mr. PETTIGREW. Simply in the RECORD. That is all.

Mr. CULLOM. I suppose I have no right to object to the request, and shall not do so.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PETTIGREW] asks that the report of the conference committee on the Hawaiian bill may be printed in the RECORD.

Mr. PETTIGREW. And also as a document.

Mr. CULLOM. If the report goes over, I should like also to have the bill printed as it has been agreed upon, so that Senators can see exactly what it is.

Mr. PLATT of Connecticut. That is right.

Mr. PETTIGREW. I simply want the information in the easiest possible way.

Mr. CULLOM. That will be the best way.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota [Mr. PETTIGREW] as it has been modified by the Senator from Illinois [Mr. CULLOM]? The Chair hears no objection, and it is so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 222) to provide a government for the Territory of Hawaii, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows:

Section 1, line 3, after the word "Hawaii," insert the words "in force."

Section 4, line 5, after the word "States," insert the words "resident in the Hawaiian Islands."

Section 4, line 6, strike out the words "in the Hawaiian Islands" and insert in lieu thereof the word "there."

Section 5, line 1, strike out all after the word "That" to and including the word "provided."

Section 5, line 2, after the word "Constitution", insert a comma; after the word "and" insert a comma and the words "except as herein otherwise provided:" after the word "States" insert the words "which are not."

Section 5, lines 2 and 3, strike out the word "applicable" and insert in lieu thereof the word "inapplicable."

Section 10, line 1, strike out the words "obligations, contracts."

Section 11, line 2, after the word "shall," insert the word "hereafter."

Section 18. Strike out the whole of said section and insert in lieu thereof the following:

"Section 18. No idiot or insane person, and no person who shall be expelled from the legislature for giving or receiving bribes or being accessory thereto, and no person who, in due course of law, shall have been convicted of any criminal offense punishable by imprisonment, whether with or without hard labor, for a term exceeding one year, whether with or without fine, shall register to vote or shall vote or hold any office in, or under, or by authority of the government, unless the person so convicted shall have been pardoned and restored to his civil rights."

Section 34, line 4, strike out the word "twenty-five" and insert in lieu thereof the word "thirty."

Section 37, line 1, after the word "vacancies," insert the words "in the office of representative."

Section 37, lines 2 and 3, strike out the words "general or."

Section 40, add at the end of said section the words "in the district from which he is selected."

Section 47, lines 3 and 4, strike out the word "chairman" and insert in lieu thereof the words "presiding officer."

Section 49, line 5, strike out the word "shall" and insert in lieu thereof the word "may."

Section 52, line 9, after the word "on," strike out the word "of;" also strike out the word "Hawaii" and insert in lieu thereof the words "the Territory of Hawaii."

Section 55, line 25, strike out the word "or," after the word "acquire," and insert in lieu thereof the word "and."

Section 55, line 37, after the word "allowed," strike out all to and including the word "allowed," in line 38, and insert in lieu thereof the words "nor shall spirituous intoxicating liquors be sold except under such regulations and restrictions as the Territorial legislature shall provide."

Section 55, lines 72 and 73, after the word "States," strike out all to the end of the section.

Section 60, line 13, strike out all after the word "paid" to and including the comma after the word "year," in line 14, and insert in lieu thereof the words "on or before the 31st day of March next preceding the date of registration, all taxes."

Section 62, in the title of the section, after the word "Senators," insert the words "and in all other elections."

Section 64, lines 15 and 16, strike out all after the word "each," and in line 15 to and including the word "party," in line 16.

Section 73, line 5, strike out all after the word "provide" to and including the word "him," in line 17.

Section 73, line 19, after the word "granted," strike out the words "in good faith."

Section 76, line 6, strike out all to and including the word "be," in line 7, and insert in lieu thereof "It shall be the duty of the United States Commissioner of Labor;" also, after the word "reports," in line 8, strike out all to and including the word "States," in line 9; also, after the word "Territory," in line 10, insert the words "of Hawaii;" also, in line 13, strike out the words "the legislature" and insert in lieu thereof the word "Congress;" also, strike out all after the word "to," in line 20, and insert in lieu thereof the word "Congress."

Section 80, in line 9, after the word "forestry," strike out the words "commissioner of labor."

Section 80, line 44, strike out all to the end of the section.

Section 82, line 2, after the word "and," strike out the words "not less than."

Section 85, line 6, strike out the words "house of representatives" and insert in lieu thereof the word "senate."

Section 86, line 1, strike out all after the word "that" to and including the word "States," in line 4, and insert in lieu thereof the following: "There shall be established in said Territory a district court to consist of one judge, who shall reside therein and be called the district judge."

Section 86, line 7, after the words "said district" insert the words "and said judge, attorney, and marshal shall hold office for six years unless sooner removed by the President."

Section 86, lines 7 and 8, strike out the words "The district court for the said district" and insert in lieu thereof the words "said court."

Section 86, line 10, after the word "court" insert the words "of the United States."

Section 86, line 11, after the word "court," insert the words "and said judge, district attorney, and marshal shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges, district attorneys, and marshals of district and circuit courts of the United States. Writs of error and appeals from said district courts shall be had and allowed to the circuit court of appeals in the Ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law, and the laws of the United States relating to juries and jury trials shall be applicable to said district court."

Section 92, line 4, after the word "dollars," strike out the word "and."

Section 92, line 6, after the word "and," insert the word "the;" after the word "justices" insert the words "of the supreme court," and after the word "each," in line 7 insert the words "and the judges of the circuit courts, $3,000 each."

Section 92, lines 9 and 10, strike out the words "Territory of Hawaii" and insert in lieu thereof the words "United States."

Section 92, line 11, after the word "thousand," insert the words "five hundred."

Section 92, line 12, strike out the word "two" and insert the word "three."

Section 96, line 9, after the word "in," strike out the word "a" and insert in lieu thereof the word "such."

Section 96, line 10, before the word "provided," insert the words "as may be."

Section 97, line 19, strike out all after the word "States" to the end of the section.

Section 98, line 2, strike out the words "permanent or temporary, on August 12," and insert in lieu thereof the words "on the 12th day of August."

Section 98, line 9, after the word "and," strike out all to and including the word "act," in line 10.

Section 98, lines 14 and 15, strike out all of said lines.

Section 99, line 3, after the word "on," insert the words "the 12th day of;" and in the same line, after the word "August," strike out the word "twelfth."

Section 101, line 12, strike out all after the word "certificates" to and including the word "acts" in line 22.

Section 104, line 1, after the word "effect" strike out the word "sixty" and insert in lieu thereof the word "forty-five."

Section 104, line 3, after the word "section" strike out the word "fifty-two" and insert in lieu thereof the word "fifty-three."

And the House agree to the same.

S. M. CULLOM,
H. C. LODGE,
Managers on the part of the Senate.

W. S. KNOX,
R. R. HITT,
JOHN A. MOON,
Managers on the part of the House.

RELINQUISHMENT OF SELECTED LANDS IN WYOMING.

Mr. CLARK of Wyoming. I desire to ask unanimous consent for the present consideration of the bill (H. R. 5485) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABANDONED PROPERTY IN INSURRECTIONARY DISTRICTS.

Mr. MONEY. I ask unanimous consent for the present consideration of Senate bill 602.

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent for the present consideration of a bill which will be read to the Senate for its information.

The Secretary proceeded to read the bill (S. 602) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof——

Mr. HALE. I must object to the consideration of that bill.

The PRESIDENT pro tempore. Objection is made.

Mr. MONEY. I ask for information. Have I the right to move that the Senate proceed to the consideration of the bill? If so, I should like to move to take it from the Calendar.

Mr. CHANDLER. Mr. President——

The PRESIDENT pro tempore. The resolution touching the election case from the State of Pennsylvania is the regular business of the Senate by unanimous consent, and by reason of that unanimous consent the Chair would hardly feel at liberty to hold that a motion could be made to displace it.

Mr. MONEY. I did not understand that the Senatorial case from Pennsylvania was before the Senate. I thought we were still in the morning hour.

The PRESIDENT pro tempore. That case is before the Senate until 2 o'clock, when, by the same unanimous-consent agreement, the Philippine bill will be the unfinished business.

Mr. CARTER. Mr. President, I now ask unanimous consent that the pending resolution be temporarily laid aside, and that the Senate proceed to the consideration of Senate bill 3419, known as the Alaska bill.

Mr. MONEY. I object to that.

Mr. JONES of Arkansas. Is it the ruling of the Chair that nothing can be taken up except by unanimous consent?

The PRESIDENT pro tempore. The Chair hardly feels at liberty to rule touching a unanimous-consent agreement; but the unanimous-consent agreement was that the election case from Pennsylvania should be continually before the Senate, with the exception of the then unfinished business, which was the Porto Rican bill, appropriation bills, and also the bill reported from the Committee on the Philippine Islands. That was the unanimous-consent agreement.

Mr. JONES of Arkansas. That the measures mentioned by the Chair have the right of way, the right to be considered; then, if none of these are presented, the Quay case has the right of way if anybody wishes to be heard upon it; but if nobody wishes to be heard, then I think the unanimous consent would be understood to mean that the business of the Senate would proceed in its regular order.

The Quay case simply has the right to be considered if anybody desires to make any remarks upon it; but if nobody wishes to take it up for discussion, and none of these other matters, which were especially excepted, are to be presented, then it seems to me that the regular business of the Senate might be proceeded with and any motion might be made to proceed to the consideration of any other question pending the Quay case, upon which nobody chooses to make remarks at this time. It seems to me the motion of the Senator from Mississippi that the Senate now proceed to the consideration of a special bill on the Calendar would not displace the pending business; but if taken up by the Senate it would be with the distinct understanding that if at any time, even while that question was up, any Senator chose to speak on the Quay case, he would have the right to do so; or if any of the other matters which were set aside were presented, they would come up for consideration; otherwise we should be in the attitude of having it understood that nothing whatever could be done in the Senate except by unanimous consent while this matter is pending, which I think was never intended.

Mr. CHANDLER. Mr. President, I understood the Senator from Arkansas [Mr. JONES] to take that view the other day when this question arose in the absence of the Senator from Massachusetts [Mr. HOAR].

I should like the privilege of saying to the Senator from Mississippi [Mr. MONEY] that the bill which he proposes to take up will lead to a very long debate; and this is not an opportune time, it seems to me, to move to take it up, even if a motion to take it up be in order. It has not been ascertained that Senators do not wish to speak to-day on the Pennsylvania case. I hope Senators will so speak. At all events, I trust the Senator from Mississippi will withdraw his motion. I do not care to get into a discussion of the meaning of this unanimous-consent agreement. I hope the Senator will withhold his motion until some more convenient time; otherwise it will certainly be antagonized.

Mr. HALE. Does the Senator from Mississippi withdraw his motion?

Mr. MONEY. No; I do not.

Mr. HALE. If the Senator's motion prevail, the Senate has determined to take that bill up and has made it the business before the Senate. It will then, as the Senator from New Hampshire [Mr. CHANDLER] says, be debated at length. That is not a bill that will be permitted to go through either by unanimous consent or on a short debate. It has excited the attention of the Senate. The attempt has been made here two or three times to get a day fixed when the bill should be voted upon; and the Senator may as well understand that this measure, whenever it does get up before the Senate, will consume considerable of the time of the Senate; and clearly, if taken up now, that will be the end of the Quay case so far as its being the unfinished business is concerned.

Mr. MONEY. Mr. President, I quite understand the objections entertained by Senators on the other side of the Chamber to the consideration of this bill; and with all due deference to my friend from New Hampshire, I do not think that he believes an opportune time will ever come for its consideration.

While I am perfectly willing, according to the general-consent agreement, that the Quay case shall be considered as the unfinished business, yet if nobody considers it worth while to take time to address the Senate upon it now, I do not see why the debate on the bill I have moved to take up should not begin. I do not believe the debate will be as long as the Senator from Maine [Mr. HALE] thinks. I do not think that many Senators will care to debate it.

For my part, I am ready to begin the debate to-day or at any other time; and I think I can show to the Senate that a very effective appeal can be made to the sense of justice of both sides of this Chamber for the passage of this measure of relief. I think I can show plainly that the Supreme Court has already made decisions in a number of cases that this was a trust fund, and that it was never intended by the original act that the owners should be divested of their rights of proprietorship. It is contrary to the law of nations and would put the United States in the attitude of unjustly depriving people of their property in violation of the uniform practice of all the civilized nations of the world, and contrary to the principles laid down by Dr. Leiber. I can also show that the Supreme Court not only has decided that it was not the intention of Congress to divest these people of their property, but that it was a trusteeship, and that the only thing lacking is a tribunal before which the cestui que trust can prove his share in the distributive fund.

Mr. HOAR. May I ask a question of the Senator from Mississippi?

Mr. MONEY. Certainly.

Mr. HOAR. I desire to ask the Senator if he expects a vote on this measure to-day, or merely desires to have it called up for the sake of making an argument, the substance of which he has just been stating, between now and 2 o'clock, when the Philippine matter will come up?

Mr. MONEY. In reply to the Senator, I should be very glad, of course, to get a vote upon the bill as early as possible. If Senators wish to be heard upon it, of course they have a right to be heard, and I shall be glad to hear them; but I should like to have this bill put in an attitude where it can be considered by the Senate, and where the facts and the law applying to the case can be fully considered.

Mr. HOAR. Perhaps I may suggest something that will be satisfactory to the Senator and the Senate, and that is, if the Senator is ready with the constitutional argument which he has just stated he wishes to address to the Senate at some time, that by unanimous consent he make that argument between now and 2 o'clock, when the matter will be laid aside and the Philippine question will come up. If he will not undertake to press the bill to a vote at present——

Mr. MONEY. I can not press it to a vote.

Mr. HOAR. The Senator has been already informed by the Senator from Maine [Mr. HALE] that there will be earnest and strenuous argument in opposition to this measure, and of course every Senator knows it is a matter about which I believe the Supreme Court of the United States was once evenly divided, if I am not mistaken.

Mr. BERRY. No. If the Senator from Mississippi will permit me, I think the Senator confuses this matter with the cotton-tax cases.

Mr. HOAR. That may be.

Mr. BERRY. This has no relation to the cotton-tax cases?

Mr. MONEY. None whatever.

Mr. BERRY. The Supreme Court decided that this property belonged to individuals. I understand the court was equally divided upon the question of the cotton tax. This, however, is a different matter.

Mr. HOAR. Then I was mistaken.

Mr. MONEY. I will say to the Senator from Massachusetts——

The PRESIDENT pro tempore. The debate is proceeding by unanimous consent.

Mr. HOAR. I hope the Senate will allow the Senator from Mississippi to make his speech; and then the matter will go over, of course, at 2 o'clock, as it will anyhow if taken up by a vote of the Senate. It is a pity to make so doubtful a proceeding in opposition to the unanimous-consent agreement, which the Senator from Mississippi is as certain to regard as any other Senator. I know how scrupulous and careful he is on all such matters which involve personal arrangements in the Senate.

Mr. MONEY. Thank you.

Mr. HOAR. It seems to me, therefore, that perhaps the Senator might make his speech now, and then at 2 o'clock the Philippine question will come up, and that will get rid of the whole question.

Mr. CARTER. I will suggest, Mr. President, that we are in the midst of the consideration of the Alaskan code bill, a very important piece of legislation, of widespread public interest, and of vital interest to the district of Alaska.

Mr. CHANDLER. The Senator will allow me to interrupt him right there. He is mistaken. We are in the midst of the consideration of the Pennsylvania resolution. [Laughter.] I ask the Senator from Mississippi to kindly wait until we ascertain whether any Senator wishes to speak on that resolution. If no Senator desires to speak, I shall ask that the resolution may go over, under the unanimous-consent agreement, until after the routine morning business to-morrow, and then the way will be open to any contention which the Senator from Mississippi and the Senator from Montana choose to maintain.

Mr. MONEY. Mr. President, if the Senators who oppose this measure will agree to fix a day for its consideration, and give as ample a range for discussion as they see fit, I shall be very glad to consent to that. I certainly do not want the discussion curtailed in any way; and I am quite sure when Senators understand the measure they will be inclined to favor the passage of the bill. If, however, I can not get that consent, I should prefer, with the indulgence of the Senate, to go on now.

Mr. BERRY (to Mr. MONEY). Ask that the bill be taken up in the morning hour to-morrow.

Mr. MONEY. If the Senate will give me consent to have the bill go over until to-morrow morning, and that it then be taken up in the morning hour, I shall be very glad to have that arrangement; or I am ready to go on now.

Mr. CARTER. Mr. President, my understanding is that objection was made to the present consideration of the bill presented by the Senator from Mississippi; and in view of the fact that at the time the Senate proceeded to the consideration of executive business yesterday evening we were in the midst of a discussion of a certain proposed amendment to the Alaskan bill, in order to facilitate the transaction of business, I ask the Senate to resume that discussion now, and attempt to-day, if possible, and if not, to-morrow, to dispose of the Alaskan code bill. It is quite possible it will take some time for it to be matured into an act of Congress even if passed by the Senate at an early date.

The PRESIDENT pro tempore. The Senator from Mississippi asked unanimous consent to take up a bill, and objection was made. He then made a motion that the Senate proceed to the consideration of the bill named by him. The Chair did not rule whether or not the motion was in order, because it is not, in the opinion of the present Presiding Officer, his province to determine what the Senate means by a unanimous-consent agreement. If the Senator insists on making the motion, the Chair will feel obliged to submit the question to the Senate whether or not the motion is now in order.

Mr. CHANDLER. I make the suggestion to the Senator from Mississippi [Mr. MONEY] and the Senator from Arkansas [Mr. JONES], who are both upon the floor, that the motion is in violation of the unanimous-consent agreement.

Mr. JONES of Arkansas. As I understand the motion of the Senator from Mississippi, it is to proceed to the consideration of the bill named by him, not interfering in any way with the rights of the Quay case, which has its rights under the unanimous-consent agreement, or any of the other cases mentioned in that unanimous-consent agreement; but for the consideration of the bill, preserving the rights of all of those things already agreed to.

Mr. HALE. I do not suppose the Senator himself thinks that he could make any such motion as that.

Mr. JONES of Arkansas. Then, if that be the case, nothing can go on except by unanimous consent.

Mr. CHANDLER. That was what you said the other day.

Mr. JONES of Arkansas. I do not think I said so.

Mr. HALE. There can be only one motion, which is to take the bill up; which would, of course, put the other measures out of the way.

Mr. CHANDLER. And that would be in violation of the unanimous-consent agreement.

Mr. BERRY. I wish to ask if there can not be an understanding with the Senator from Maine, the Senator from New Hampshire, and the Senator from Mississippi that some day be fixed in the early future, some morning hour, when this bill shall be taken up and considered, not for a final vote, but to be considered after the disposition of the routine morning business?

Mr. CHANDLER. Allow me to say that the unanimous-consent agreement expires on Tuesday next.

Mr. BERRY. Well, I suggest that a time be fixed subsequent to that day.

Mr. MONEY. What I desire is a vote. I am willing to have the discussion go on so far as the Senators who oppose the bill see proper to maintain it. I do not want anything that is unreasonable. I am perfectly willing to risk this case before the Senate upon its merits; but I do want to have the debate begun on it and for it to have an established place, so that it will be secure at least of settlement by a vote of the Senate. I do not want it put off morning after morning by objections being made. I repeat, that I shall be very glad if Senators who object to the bill will agree to fix a day or suggest a day for its consideration.

Mr. CHANDLER. I will agree that next Wednesday, in the morning hour, the Senator may move to take up the bill.

Mr. BERRY. I ask unanimous consent that the bill be taken up at that time.

Mr. WARREN. Mr. President, before proceeding further, I want to suggest that this is a bill which has been reported from the Committee on Claims and that there are members of that committee who have desired further information, and letters have been sent to the Department in relation to it. While I do not wish to delay the matter at all, I do not think we shall hurry it by fixing at this time a very near date for its consideration, because, I think, when the consideration of the bill is proceeded with, it will be necessary to get information of which we are not now in possession.

Mr. MONEY. If the Senator will permit me, if he will look in the papers he will find that the letters to which he has referred have been answered some time ago.

Mr. WARREN. That is true to some extent, but there are still further inquiries touching the bill, or some portions of it, which the information received does not cover; and so I think the Senator will agree with me we should have that information. I do not inject this statement in order to have the bill laid aside, but I do not think we should have a unanimous-consent agreement to proceed to a final vote on it for some time yet.

Mr. BERRY. Nobody proposes a final vote, but we want a time fixed for the consideration of the bill.

The PRESIDENT pro tempore. Does the Senator from Mississippi make a motion?

Mr. MONEY. I make a motion to take up the bill now.

The PRESIDENT pro tempore. The Senator from Mississippi moves that the Senate proceed to the consideration of the bill which he has mentioned.

Mr. JONES of Arkansas. I hope, if there is any question about the effect of that motion, that it will not be made. I believe that these unanimous-consent agreements ought to be observed with the utmost good faith, and that there should be no appearance of their violation in the slightest degree. I for one am not willing to be a party to any violation of any such agreement at any time; but the construction of these unanimous-consent agreements which is contended for by Senators on the other side, if correct, it seems to me is a good argument why there should never be unanimous-consent agreements hereafter. If, while one of the unanimous-consent agreements is pending, nothing else whatever can be taken up except by unanimous consent, then I do not believe that any more unanimous-consent agreements ought to be made; but if a single Senator believes that the motion of the Senator from Mississippi, if adopted, would displace the unanimous-consent agreement, or that it will be in any sense a violation of the unanimous-consent agreement, I hope the Senator from Mississippi will not make the motion, because I very much prefer to lose whatever right we may have, or even fail to press a bill which ought to be passed, rather than to have any appearance of violating a unanimous-consent agreement.

Mr. HOAR. I should like to inquire of the Chair, if I may be permitted, whether if this motion to take up the bill should pass the Senate, it would not displace the Quay case?

The PRESIDENT pro tempore. Undoubtedly.

Mr. HOAR. And whether the Chair would not be obliged to rule that the unanimous-consent agreement was destroyed?

The PRESIDENT pro tempore. Undoubtedly the Chair would be obliged to so rule.

Mr. HOAR. The statement of the Chair answers the question of the Senator from Arkansas, that the Chair would be obliged to so rule.

Mr. JONES of Arkansas. Then, is the ruling of the Chair that a motion can not be made that, subject to all the rights of the Quay case, the Senate proceed to the consideration of the bill named by the Senator from Mississippi?

The PRESIDENT pro tempore. The Chair is not disposed to rule on the question of whether or not such a motion would be in violation of the unanimous-consent agreement. He would submit that question to the Senate. It is not the province of the Chair to construe unanimous-consent agreements.

Mr. JONES of Arkansas. The question I asked of the President of the Senate was whether the motion made by the Senator from Mississippi, and made subject to all the rights of the Quay case under the unanimous-consent agreement, would then displace that case if adopted by the Senate?

The PRESIDENT pro tempore. No. If so adopted, in the opinion of the Chair, it would not.

Mr. MONEY. It would not?

The PRESIDENT pro tempore. Not if that case was excepted from its operation.

Mr. MONEY. That is my understanding of the case.

Mr. CHANDLER. A conditional motion of that kind to take up a bill is certainly not in order. A bill is either up or it is not up. It is not up under conditions to be specified in the motion.

Mr. JONES of Arkansas. The Quay case is up in that way now.

Mr. CHANDLER. That is under the unanimous-consent agreement.

Mr. MONEY. Pending the motion, I will ask for the consideration of the bill to which I have referred on next Wednesday morning immediately after the routine morning business.

Mr. HALE. The bill is a very important one, and it involves the taking of a very great amount of money from the Treasury.

Mr. MONEY. About $5,000,000.

Mr. HALE. I am not going to discuss its merits, but only to give the reasons why I shall object to anything of the kind. In the present condition of the business of the Senate, with many important matters looming before us which must needs be passed by Congress before we adjourn, and with the general desire that we shall get away from here by the 1st of June, which I believe

to be a clearly possible thing, I do not think that this bill is one of the class that should be taken from the Calendar and made special by agreement as to when a vote shall be taken upon it.

Mr. BERRY. There is no proposition to take a vote, but only to consider the bill.

Mr. HALE. That is the same thing. It is a special order, and puts other things aside that are more important. With the feeling I have about it, and believing that the bill itself, if allowed to pass, will subject the Treasury in the end to a drain of more than $150,000,000, I must oppose it. I object to the proposition.

Mr. MONEY. Will the Senator permit me to say a word to him before he takes his seat?

Mr. HALE. I was only stating my objection. I have not the floor.

Mr. MONEY. This is not a door to any further claim upon the Treasury. It is the distribution of a trust fund, and it has no relation whatever to the refunding of the cotton tax; it has no relation whatever to the cotton captured by the Union Army, called Confederate cotton. It relates to that which was captured under the act of 1863, in which it was declared that it was not the intention of the United States to deprive people of that class of property. It is simply a fund which the Supreme Court of the United States said was a trust fund, and which can not be distributed because there is no tribunal which can make a distribution of the trust fund to the cestui que trusts.

The Senator must not be alarmed at the idea that it will lead to any further consequences. This is a thing of itself; and I shall propose to strike out one clause of the bill that would seem to imply that somebody could bring a claim under this bill for any surplus which may remain in the Treasury. The fund is only $4,992,000, as has been shown by reports of the Secretary of the Treasury. So I hope the Senator from Maine will not entertain the idea that this is preliminary suit which is to lay the inducement for further claims upon the Government, for it does nothing of the kind. It is a distribution of a trust fund.

Mr. TELLER. This bill was reported from the Committee on Claims and intended to cover only cases where the Government had seized cotton and put the proceeds into the Treasury.

Mr. PLATT of Connecticut. All property.

Mr. TELLER. But it seems to me, on examining it, that the language is broader than the committee intended. The committee have reported this bill once before, but whether in the same language or not I do not know.

Mr. MONEY. It has been reported several times.

Mr. TELLER. The bill will need some amendments. The committee proposed, and we reported the bill upon the theory, that it did not apply to any abandoned property except the cotton seized under the abandoned-property act and the money paid into the Treasury. This is for the purpose of determining who are the owners of it, and that is all.

Mr. MONEY. That is all.

Mr. TELLER. I wish to say to the Senator from Mississippi that I am sure he does not expedite matters at all by insisting on bringing up the bill now. The chairman has sent to the Treasury Department for information which I think is in the interest of the bill. I am myself in favor of the passage of the bill as the committee intended it, but certainly we must have that information here before we proceed, in the interest of the bill. The Senator does not expedite matters at all by insisting now upon taking up the bill; and I speak as a friend of the measure. I hope the Senator will let this pass until we get the information, and we will try then to get the bill up. I believe the bill can be brought up with the information we shall have and passed here with little or no opposition; but it must be somewhat amended, and we must have some information, I think, to disabuse the minds of Senators who, like the Senator from Maine, think it may take a hundred million dollars. It will take somewhere between five and six million dollars, I suppose.

Mr. MONEY. Four million nine hundred and ninety-two thousand dollars.

Mr. TELLER. Somewhere in that neighborhood. I think we can guard it so that it will take nothing except where the Government has got the proceeds of the property of people which it ought not to hold. I hope the Senator will let the matter pass for the present.

Mr. MONEY. Considering what the Senator from Colorado has said and his friendship for this measure, I am willing that it shall go by now in order that Senators may be informed; and I hope they will avail themselves of every opportunity to inform themselves before the matter comes up again.

Mr. President, I desire to give notice, if I am in order, that after the usual business of the morning hour on next Wednesday I shall call up this matter.

CIVIL GOVERNMENT FOR ALASKA.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the business before the Senate be temporarily laid aside, and that the Senate proceed to the consideration of Senate bill 3419, known as the Alaskan bill. Is there objection?

Mr. CHANDLER. There is no objection, unless a Senator wishes to speak this morning on the Pennsylvania case.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The PRESIDENT pro tempore. The pending question, the Chair believes, is on the modified amendment offered——

Mr. CARTER. The modified amendment has not been offered. The pending amendment is that offered by the Senator from North Dakota [Mr. HANSBROUGH].

Mr. STEWART. Mr. President, I wish the Senate would realize the importance of maintaining the integrity of the mining laws of the United States. The laws now upon the statute book are the result of much labor, experience, and consultation. They have not been amended since 1872. The people of a vast region of the United States in Alaska understand these laws. Previous to 1872 I gave the best years of my life to assisting in perfecting them and making them suitable to the conditions of mining. They grew up originally from miners' rules and regulations, made by the miners themselves.

Gold mines were discovered in California in 1848. No legislation was had by Congress until July, 1866. In 1851, at the second session of the legislature of California, a provision was incorporated in the practice act by Judge Field, providing that the rules and regulations of the miners established and enforced might be offered in evidence and, when not in conflict with the laws of the United States or of the State, should govern the decision of the action.

Mr. HOAR. Was that in the United States law or in that of the State of California?

Mr. STEWART. The State of California. The United States passed no law until 1866. Under this policy of nonaction by the Government of the United States, the miners continued making their rules and regulations. The courts passed upon them, and at the time we legislated there were reports of mining decisions of the States and Territories comprising probably a hundred volumes. The principal part of these decisions was construing the miners' rules and regulations. A perfect system was established.

I came here in the winter of 1864-65 and commenced to advocate legislation to ratify these rules. The property of a million men rested upon these rules; in fact, the whole community depended upon them. The court had decided in a case which I argued in February, 1865, that the miners had acquired property which gave the court jurisdiction under these rules and regulations and that they could not close their eyes to what had occurred. The Supreme Court held that the courts had jurisdiction, notwithstanding the statutes of the United States declared the parties to be trespassers.

In July, 1866, an act was passed recognizing these rules and regulations, and confirming the title to the mines according to the regulations made by the miners themselves. The statute also made provision for obtaining patents. But the statute was inadequate. There had not been sufficient experience, and we commenced then to work out a system that would be satisfactory to the Government and satisfactory to the miners. I introduced a bill at every session and sent it out to the miners to be considered by them. We not only had a mining committee, but we agreed among ourselves on a committee of all the Delegates from the mining Territories and Senators and Representatives in both Houses from all the mining States. We pursued this for four years, considering every question in all its bearings, having all the Delegates and all the Senators and Representatives interested present in addition to the mining committee. At the the end of four years the act of 1872 was passed, and is contained in the Revised Statutes.

Section 2319 is as follows:

All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

Section 2324 is as follows:

The miners of each mining district may make regulations not in conflict with the laws of the United States or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements: The location must be distinctly marked on the ground, so that its boundaries can be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim.

On each claim located after the 10th of May, 1872, and until a patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year. On all claims located prior to the

10th day of May, 1872, $10 worth of labor shall be performed or improvements made by the 10th day of June, 1874, and each year thereafter, for each 100 feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made: *Provided*, That the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location.

Mr. PLATT of Connecticut. And the law has not been changed since?

Mr. STEWART. It has never been changed since, and there has never been a serious proposition to change it until now. No radical change has been made in the law.

Mr. President, I suggest the want of a quorum. I am not going to talk on this subject without a quorum present. I shall suggest that point every time the Senate is thin.

The PRESIDING OFFICER (Mr. MCCOMAS in the chair). The Senator from Nevada suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Deboe,	Lodge,	Sewell,
Bard,	Fairbanks,	McComas,	Shoup,
Bate,	Foraker,	McMillan,	Simon,
Berry,	Foster,	Martin,	Spooner,
Burrows,	Gallinger,	Mason,	Stewart,
Carter,	Gear,	Perkins,	Taliaferro,
Chandler,	Hansbrough,	Pettus,	Teller,
Clark, Wyo.	Hawley,	Platt, Conn.	Turley,
Clay,	Heitfeld,	Proctor,	Turner,
Cockrell,	Hoar,	Quarles,	Vest,
Culberson,	Kean,	Rawlins,	Warren,
Daniel,	Kenney,	Ross,	Wellington,
Davis,	Lindsay,	Scott,	Wetmore.

The PRESIDING OFFICER. Fifty-two Senators having responded to their names, a quorum is present. The Senator from Nevada will proceed.

Mr. STEWART. Mr. President, it is a consolation to me to know that there has never been a complaint made of any law that has been passed with regard to mines. It never has been charged that one man's property was taken and given to another. On the contrary, such care was taken as to receive the general consent, and that general consent has been continued.

The senior Senator from Colorado [Mr. TELLER] and I tried for two or three sessions to find a satisfactory method to obviate some objections to the law, and gave it up. We thought it was better to let it alone, making no further effort in that line.

There is no good reason assigned for these radical changes or for taking this business out of the hands of the Committee on Mines and Mining and transferring it to the Committee on Territories or the Committee on Public Lands or to individual Senators, when no explanation can be made, when it can not be considered at all. None of these amendments which have been put forward here have been considered. You can not get a quorum to listen to a discussion of the question. No one will know anything about it. You can not have these matters considered as they were considered before. There was no subject as to which the people were equally taken into the confidence of Congress as they were on this subject, and that confidence has not been misplaced. All controversies respecting mining claims were turned over to the courts. If they had been brought here, there would have been any amount of scandal, but in this very law it provides what shall be done. When an adverse claim is made, it must be turned over to the courts.

This feature of the act has done more to work justice than can be conceived. It was a long and tedious fight to reach it; but the matter was allowed to wait, and was finally satisfactorily arranged by a proper committee, who were diligently at work on it for years.

I will read section 2326:

Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim.

After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment roll with the register of the land office, together with the certificate of the surveyor-general that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the receiver $5 per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment roll shall be certified by the register to the Commissioner of the General Land Office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess.

If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the surveyor-general, whereupon the register shall certify the proceedings and judgment roll to the Commissioner of the General Land Office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Nothing herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person whatever.

He can sell it to any person whatever, whether citizen or alien.

Now, under this arrangement the local courts have decided these disputes, and remember that they have been doing that both before and since the passage of this law. It is now fifty-two years since miners commenced exercising these privileges, and you have a Committee on Mines, composed of very respectable Senators, who are able to act upon these matters, and they have time to deliberate if a bill is introduced and sent to them for consideration. I will read the names of the members of the Committee on Mines and Mining:

WILLIAM M. STEWART, of Nevada; MARCUS A. HANNA, of Ohio; JOSEPH SIMON, of Oregon; CLARENCE D. CLARK, of Wyoming; NATHAN B. SCOTT, of West Virginia; BENJAMIN R. TILLMAN, of South Carolina; HENRY HEITFELD, of Idaho; WILLIAM A. CLARK, of Montana; MARION BUTLER, of North Carolina.

They were selected with a view, as far as practicable, to securing men who had some knowledge of the subject, and we are ready at any time to consider a bill if the mining laws need amendment.

With regard to the alleged urgency for passing this unjust amendment it is said that Laplanders and Japanese and everybody else are robbing the country of these mines and shutting out American citizens. In the first place, the prospectors for mines, who take chances in mining, have been very successful in the last five years, and the result is the production of a thousand millions of gold, to which the prosperity of the country is indebted. If there had been no prospectors for mines, or if the prospectors had not been successful, the conditions would have been such that the gold men themselves would not have dared to present the bill which was passed. Conditions would have been very hard; money would have been very scarce.

We never contended that the material gold or the material silver was consequential. It was the quantity of legal-tender money which made the difference between good and bad times, and these miners, who are real benefactors, are abused and slandered by Senators. They are called Lapps and Japs and denounced as aliens in face of the fact that they have declared their intention to become citizens. The fact that they discovered these mines and added to the prosperity of the country is denounced as a crime. Never before has there been such a flood of gold as the hardy prospectors have furnished in the last four years. There is no truth in the charge that the country has been overrun by Lapps or Japs. Sheldon Jackson gives us an account of the Laplanders who were brought to Alaska by the War Department to manage and raise reindeer. I read from his report, Senate Document No. 34, Fifty-fifth Congress, third session, page 46:

NATURALIZATION OF THE LAPPS.

As an evidence of the purpose of the Norwegians and Lapps recently brought over from Lapland to become permanent citizens, the following persons have taken out their first naturalization papers: Magnusi Kjeldsberg, Johan Eira, Wilhelm Basi, Lauritz Stephansen, Johan Hilmar Hansen, Karl Johan Sacariasen, Ole M. Rapp, Alfred Hermansen, Ole Olsen Bar, Jeremias Abrahamsen, Isak Johannesen Hatta, Isak Salamonsen Nakkila, Per Andersen, Samuel Johannesen Balto, Nils Persen Sara, Nils Klemetsen, Lauritz Larsen, Otto M. Leinan, Hans Samuelsen, Ole G. Berg, Thoralf Kjeldberg, Peder Berg, Ole Johansen Stenfjeld, Karl Ove Suhr, Japeth Lindeberg, Ole Krogh, and Johan Petter Stalogargo.

The Lapps are well satisfied with their new home, and promise to make a very valuable and important addition to the population of Alaska and the development of its resources.

In my estimation, next to the discovery of gold, the most important event, commercially, in the history of Alaska during this year is the importation of this colony of Lapps. Experience is rapidly demonstrating that the only possible efficient transportation service in Alaska must be through the use of reindeer, and this necessitates the trained and expert drivers of reindeer found among the civilized Lapps and Finns. The 68 men that were brought over by this expedition are all picked men and expect to be permanent settlers of Alaska. They hope ultimately to have herds of their own, and raise and train reindeer to sell to the transportation companies. Their success will naturally attract others of their people, and render permanent the establishment of the reindeer industry in Alaska.

In this connection I make acknowledgments of the assistance rendered in the movement of the Lapps and reindeer by Brig. Gen. Henry C. Merriam, U. S. A., commanding the Department of the Columbia; also to Capt. W. W. Robinson, jr., U. S. A., at Seattle; Capt. B. Eldridge, U. S. A.; Capt. D. L. Brainard, U. S. A.; Capt. William R. Abercrombie, U. S. A.; Lieut. W. S. Graves, U. S. A., and especially to my associate, Capt. D. B. Devore, U. S. A., who shared with me in the perplexities, difficulties, and hardships encountered in Lapland.

There is no evidence whatever that there is a single Japanese in all Alaska. The pretense that foreigners are crowding out native-born citizens is simply false.

Another equally false pretense is made as an excuse for radical legislation against foreigners. It is said that our people have been treated badly by Canadian authorities and we must retaliate; that we must pass some severe laws. A greater mistake never occurred. In the first place, the Canadian government have treated American citizens precisely as they have treated their own citizens, with one exception, and that they are rectifying. They are desirous of having reciprocal benefits with us in this country, and they have manifested it. I have a correspondence with them and

the State Department here to show the condition of feeling there. The statutes of Canada relating to mining I called attention to before, but I want to do so again in this connection.

STATUTES OF CANADA RELATING TO MINING.

Laws of Canada, 1898, English edition, under the head of "Orders in council," etc., page xxxix, regulations governing placer mining in the Yukon Northwest Territories; title, "Interpretation:"

Free miner shall mean a male or female over the age of 18, but not under that age, or joint-stock company, named in and lawfully possessed of a valid existing free miner's certificate, and no other.

Page XL of Laws of Canada, 1898:

FREE MINERS AND THEIR PRIVILEGES.

1. Every person over but not under 18 years of age shall be entitled to all the rights and privileges of a free miner, * * * and shall be considered a free miner upon taking out a miner's certificate. * * *

2. A free miner's certificate may be granted for one year * * * upon the payment therefor of the sum of $10.

That was to citizens and to aliens alike. There was no distinction made.

At page L of the above volume, regulations concerning quartz mining claims, part 1, "every person over the age of 18 shall be considered a free miner. A free miner's certificate runs for one year."

Royalty to be paid: At page XLIV, section 30, of above volume, a royalty of 10 per cent of the gross product from any placer mine is exacted, but this royalty is not to be applied where the amount of gold taken out of any single claim is less than $5,000 in any single year.

NOTE.—Formerly the amount of exemption was $2,500, but this was changed by order in council of March 30, 1899. (See Statutes of Canada, English edition, 1899, page LXVII.)

There is no royalty exacted from quartz miners, and there is no alien law as applied to such claims.

The great majority, I suppose 75 per cent, of the money we have taken out of their quartz claims. Now, this is the British Columbia mining law that was passed against aliens about which correspondence was had, which I will soon refer to.

BRITISH COLUMBIA MINING LAWS.

In January, 1899, a law was passed by British Columbia confining the issuing of miners' licenses for placer mining to British subjects. This act applied only to claims located after February 3, 1899, the date when the news of the change from free mining reached Atlin, British Columbia. Previous to this free mining for both quartz and placer was allowed. There is a 1 per cent royalty on gross output in certain classes of mines in British Columbia in lieu of the ordinary property tax. Quartz mining is free to all persons in British Columbia. (Engineering and Mining Journal, volume 67, at pages 107, 126, 146.)

Atlin is not in the Yukon country; this is British Columbia. In the Yukon country there is a large area of free mining, and is still. Free mining has not been interfered with; but Atlin was a mining district in British Columbia south of the Yukon country. There some mines were found and there was complaint. All this complaint grew up about the treatment of our miners there, and about which the correspondence with the State Department took place. But I see by the papers that, in pursuance of the suggestion in this correspondence, they have contrived a plan to have free mining in Atlin and to be much more liberal.

"Atlin open to Americans" is a heading in this morning's Post.

ATLIN OPEN TO AMERICANS—CHANGE OF CANADA'S POLICY TOWARD ALIEN MINERS IN THE KLONDIKE.

MONTREAL, *April 17, 1900.*

Hon. Smith Curtis, minister of mines in the British Columbia cabinet, announces that the alien-labor law, which was passed by the British Columbia legislature at its last session to exclude American miners from the Atlin district, will be repealed at the July session of the legislature. To allow Americans to work placer mines in the meantime, the government has decided to grant free miners' certificates to companies incorporated under the laws of the province of British Columbia.

As the expense of incorporation is small, the Americans holding claims, or desiring to do so, can follow out their inclinations with little more trouble than British subjects. After the law is repealed all will be on the same footing.

They have taken measures to rectify that wrong on the representation of our State Department, and inasmuch as the legislature does not meet until July, they have authorized American miners to form corporations and to work their mines, showing a liberal spirit on their part. The correspondence with the State Department shows a proper spirit on the part of the Canadian authorities, in that they compare our laws with theirs and want to meet us more than halfway.

This is extremely important, because if we have prohibitory laws and if the Canadian government and Russia do the same, it is going to make mining in the Arctic almost impossible. If any person finds a mine in the Arctic he is a world-wide benefactor. It is only the most hardy who can do it.

These Laplanders who are so abused here in the Senate Chamber have conferred greater benefits upon this country than that number of American citizens, I do not care where you find them. They have opened and led the way to a great accumulation of gold to assist in our prosperity. They are hardy and industrious men, and every one of them has declared his intention to become a citizen. A few of them made a mistake. They were told by the officers that they could make their declaration of intention before a United States commissioner.

Mr. PLATT of Connecticut. Is it well settled who did discover gold at Cape Nome?

Mr. STEWART. The Laplanders discovered it, of course. They made the location.

Mr. PLATT of Connecticut. But had gold been discovered before they came?

Mr. STEWART. That is a disputed point. The Laplanders went in first and made the first location, and the presumption is that they discovered it.

Mr. PLATT of Connecticut. I only asked the question to obtain the information as a matter of curiosity.

Mr. CARTER. If the Senator from Nevada will permit me a moment, I call the attention of the Senator from Connecticut to a communication which appears in the RECORD which seems to have been addressed to the President of the United States on the 25th of May, 1899, signed by some thirty or forty or probably fifty residents of the Cape Nome country. In the fourth subdivision of the communication the following statement is made:

Fourth. That the aforesaid H. L. Blake and one N. O. Holtberg made the first discovery of gold during the summer of 1898, in what is now known as Cape Nome mining district.

Mr. PLATT of Connecticut. Who were Blake and Holtberg?

Mr. CARTER. They were citizens of the United States.

Mr. PLATT of Connecticut. Soldiers?

Mr. CARTER. No, sir; they were prospectors.

And afterwards imparted the information of such discoveries to their supposed friends, H. P. Anderson and H. E. Carlson, the Swedish missionaries, respectively at Golovin Bay and Unalaklet, and it was agreed between them that they would return to said district together at a later date and organize a mining district. The aforesaid missionaries, disregarding their promise, secretly and clandestinely and unknown to the said Blake, organized a party consisting of E. Lindbloom, E. Linderberg (who is employed by the United States Government in the care of the reindeer station at Eaton), W. C. Price, and E. N. Kittelsen, and 12 Laplanders (whose names are unknown) in the United States Government employ, and sent them to Cape Nome to locate mining claims in the aforesaid Cape Nome mining district and organize the same, and they did so locate many claims and organize said district.

Mr. STEWART. I do not believe a word of that, because those people do not show any knowledge of the subject. They narrate wild stories which bear the marks of falsehood. The place from which this Munchausen story originated is about 200 miles from Cape Nome. No one of the signers states that he was at Cape Nome or that he knows any fact connected with the mines of Cape Nome of his own knowledge.

If those men had found mines, they would have located them. It is the first instinct of a miner if he finds a mine to make a location. They made no mark there. I do not believe they were there. I believe these Laplanders were the first, because they were the first who made a location.

Mr. CARTER. That may be. I merely read the statement which was addressed to the President.

Mr. STEWART. He signed it for the league, did he not?

Mr. CARTER. No, sir; there are a number of persons who seem to have subscribed to the paper.

Mr. STEWART. That is a law and order league of certain citizens.

The PRESIDING OFFICER. Will the Senator from Nevada suspend a moment. The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in and to the government of the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. If there be no objection, the unfinished business will be laid aside temporarily.

Mr. NELSON. Will the Senator allow me to call his attention to one fact?

Mr. STEWART. Certainly.

Mr. NELSON. Right in this paper that the Senator from Montana has called attention to there is an affidavit from Dr. Kittelsen, who describes who the first discoverers of gold at Cape Nome were. Dr. Kittelsen is known both to myself and the Senator from Wisconsin. He was born in the county where the Senator lives. There is his affidavit, and he is as reliable a man as could be found. This statement that the Senator from Montana has read is untrue and is disproved by the statement of Dr. Kittelsen under oath.

Mr. JONES of Arkansas. What document does the Senator refer to?

Mr. NELSON. I am referring to Senate Document No. 272.

Mr. STEWART. I was just about to read that document in connection with my statement.

Mr. CARTER. What is the document?

Mr. NELSON. It is Senate Document No. 272 of this Congress.

Mr. STEWART. Now, I will read as a part of my remarks Dr. Kittelsen's statement, which bears every impress of verity, and the fact that the law and order leaguers, 150 miles away,

did not locate shows that they did not know anything about it. The idea that they would not have located rich mines if they had found them anywhere is absurd. It is too wild a story to be believed. I now read from the affidavit of the recorder of the district, Dr. Kittelsen:

DISTRICT OF COLUMBIA, *City of Washington, ss:*

Albert N. Kittelsen, M. D., being first duly sworn, on oath says that he is a citizen of the United States, and has been a resident of the Territory of Alaska since 1896; that he arrived at Cape Nome, Alaska, about October, 1898; that prior to that time there were three men located at Cape Nome; two of them were Swedes by birth, but had been in the United States some ten to fifteen years; the third was a Norwegian. Two other persons went there with me; one of them a Laplander and one an American citizen.

The Laplander had declared his intention to become an American citizen in the early spring of that year, and his declaration was filed before L. B. Shepherd, who was a United States commissioner at St. Michaels. The six persons who were then at Cape Nome located claims; some of them had located previous to our arrival. We then formed a mining district and adopted rules and regulations under the laws of the United States. I was elected recorder.

They were all citizens, or had declared their intention to become citizens, except one Laplander, and he had declared it before a commissioner.

Mr. BATE. He believed he had a right to do it?

Mr. STEWART. Believing that he had a right to do it. I continue with Dr. Kittelsen's affidavit:

A few weeks after that miners from the surrounding country commenced coming in, and during the following winter the number rose to between 200 and 300. I recorded all their claims, and in every sense was recognized and acted as mining recorder. The first Laplander located three good claims—one for himself, one for his brother, and one for an associate, who arrived soon after and took possession and worked the claims. These Laplanders worked their claims during the working season of 1899, and sold out to Mr. Lane in the fall of 1899.

One Norwegian located claims on about six different streams and has been in possession of them ever since. The claims of these Laplanders, while they were in possession and working them, were located by other persons called "jumpers."

Later on the claims of the Norwegian were relocated by "jumpers" and recorded by me, because it was my duty to record all claims presented for recordation. I was so instructed by the judge of the district court.

In the summer of 1899 three lawyers located themselves at Cape Nome, whose names were Hubbard, Beeman, and Hume. These relocators, although they did not take possession or work upon the claims they relocated or "jumped," employed Hubbard, Beeman & Hume as their attorneys. Mr. Hubbard, of the firm of Hubbard, Beeman & Hume, an attorney for the relocators, is in the city of Washington. I met him on the 5th of this month in the committee room of Senator HANSBROUGH.

I have no interest whatever in any of the "jumped" or relocated claims, either as original locator or relocator, and no private interest that would be affected by any of the proposed legislation.

ALBERT N. KITTELSEN.

Sworn to and subscribed before me this 6th day of April, 1900, at Washington, D. C.

[SEAL.] ELKANAH N. WATERS,
Notary Public.

Mr. TELLER. Mr. President, I suggest the want of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. STEWART. I do not want to have these men's property taken without a hearing.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Frye,	McLaurin,	Shoup,
Bard,	Gallinger,	McMillan,	Simon,
Bate,	Hale,	Nelson,	Spooner,
Carter,	Hansbrough,	Perkins,	Stewart,
Chandler,	Hawley,	Pettigrew,	Taliaferro,
Clark, Wyo.	Heitfeld,	Pettus,	Teller,
Clay,	Jones, Ark.	Platt, Conn.	Turley,
Cockrell,	Kean,	Quarles,	Vest,
Culberson,	Kenney,	Rawlins,	Wellington.
Fairbanks,	Lindsay,	Ross,	
Foraker,	Lodge,	Scott,	
Foster,	McComas,	Sewell,	

The PRESIDING OFFICER. Forty-five Senators having responded to their names, a quorum is present. The Senator from Nevada will proceed.

Mr. STEWART. Mr. President, when the Senator from Montana interrupted me to interpolate hearsay evidence and to incorporate in the RECORD a wild rumor which has no foundation in fact, I was speaking of the importance of friendly relations with Canada and of having this vast region open for the benefit of mankind, and I was speaking of the miners as benefactors.

Not one in a hundred makes a fortune; not one in a thousand; but the mining instinct leads them on to go to the Arctic Ocean and endure all sorts of hardships, and the world is receiving the benefit of it. A thousand million dollars in four years is not the only benefit that the country has had, but it is the only foundation of our prosperity.

We would have had prosperity all the time if we had not been deprived of silver, and now they want to deprive us of gold by preventing innocent men from mining in the Arctic and denouncing them as Lapps and Japs; denouncing these Laplanders as aliens who have all declared their intention to become citizens, these hardy men who are so beneficial to the country and who will continue to be so beneficial, because if the Arctic is to be explored it must be done by Finns, Swedes, Norwegians, and Laplanders—they will go there and do it.

No other countrymen can do it as well. Why should we abuse them in this way in the Senate of the United States when upon them depends so much of the prosperity of the world in opening up this region in which the gold of the future is lodged? The arctic region depends for its development on Russia, the United States, and Great Britain, and here we have a conciliatory spirit on the part of the Canadians.

They are willing to come half way and more. I read from this morning's Post what they have done in announcing that they agree that free mining should be opened on the 1st of July, in the meantime allowing Americans to work under corporations easily formed, which is practically free mining. I see by some papers that come from Juneau that free mining is already realized there. A Juneau paper says:

W. M. Brook is in the city en route to Atlin, where he has a grant from the British Columbia government to work the Stevendyke by hydraulics. Mr. Brook was formerly mining at Letuya Bay.

Now, this comes from another paper in Juneau. They have a daily paper there, by the way.

W. M. Brook, formerly of the Lituya Bay Gold Mining Company, has secured a grant from the British Columbia government for working the Stevendyke in the Atlin district. This is a great hydraulic proposition, and Mr. Brook expects great things from it.

Mr. Brook is an American citizen.

In connection with the opening of the Atlin mines to American citizens, I should like to have the Secretary read what the privy council say in answer to letters from the Department of State. The State Department very properly, and more patriotically than some Senators, has been trying to have this region opened. I have been talking it everywhere, in season and out of season, that we must harmonize these matters, so that our miners can go into British Columbia and their miners can come here; so that the hardy miners everywhere may mine in the arctic region; which is now the only hope of mankind so far as we know. Let us develop the mineral resources of that region.

Do not abuse the hardy men who go into that region; do not misrepresent them and say they are aliens and that they are robbing American citizens when they are there furnishing labor for American citizens, and thousands of American citizens are flocking there, steamers are going up there constantly; and notwithstanding all that, those hardy pioneers are abused on the floor of the Senate, and it is proposed to confiscate their property and pass harsh laws against them. I will fight and protest against such laws, for I have seen all these things. Such legislation can not be secured without a protest. There will be a protest, and there will be a long and a serious one.

I ask the Secretary to read the extract from a report of the committee of the honorable the privy council, approved by his excellency on the 16th of August, 1899, sent through the Secretary of State as part of the correspondence he has had on this subject.

The Secretary read as follows:

Extract from a report of the committee of the honorable the privy council, approved by his excellency on the 16th August, 1899.

The committee of the privy council have had under consideration a dispatch, hereto attached, dated 7th April, 1899, from Her Majesty's ambassador to the United States, transmitting a communication from the Secretary of State for the United States, inclosing a petition to the President of the United States from a number of citizens resident in the Atlin districts of British Columbia engaged in mining, representing that, having taken out free miners' certificates under the laws of British Columbia, they proceeded to locate placer claims in the Atlin district; but before they were able to record their claims an act was passed by the legislature of British Columbia entitled "An act to amend the placer-mining act," the effect of which it is alleged was to deprive the petitioners of the proprietary rights to any placer mines which, though staked, had not been recorded prior to the passing of the act.

The Secretary of State, to whom the matter was referred, observes that the dispatch from the British ambassador, with the inclosure from the Secretary of State at Washington, including a copy of the petition, was sent to the lieutenant-governor of British Columbia, requesting him to obtain from his ministers an expression of their views on the complaints of the petitioners. An answer has now been received, which in effect declares that the statements in the petition are very much exaggerated; that under the mining laws of the Province no right can be acquired until the claim has been recorded, and that all recorded claims are exempted from the operation of the act referred to.

The government of British Columbia, recognizing, however, that possibly through lack of sufficient facilities for recording claims there may have been some instances where locatees were unable within a reasonable time to record their claims, introduced an amending act in the same session, which was adopted, authorizing the appointment of a judge of the supreme court as a commissioner with full power to settle all disputes in that district in accordance with equity and the spirit of the mining acts, without being bound by the strict letter of the law.

As the report of the judge has not yet been made public, it is impossible to say how wide a discretion he has exercised in considering claims of American miners actually located but not recorded prior to the 18th January, 1899, the date of the passing of the act amending the placer-mining act. If, however, any reliance can be placed on newspaper reports, it would appear from the extracts hereto attached, taken from the Victoria Daily Times of the 13th and 17th July, 1899, that the judge was disposed to be influenced in his decision by the equities of the case rather than by the strict letter of the statute.

The public lands in British Columbia belong to the province, and the policy of granting or of withholding licenses to aliens is under the exclusive control of its legislature, and it would be contrary to the spirit of the constitution to interfere with a provincial act dealing with the disposition of its public lands.

For the past thirty years the mining laws of British Columbia have been of the most liberal character, and citizens of the United States have derived larger profits from the mines of that province than any other nationality.

It is no exaggeration to say that over 75 per cent of the mineral wealth of

the Kootenay district in southern British Columbia has gone to enrich American citizens, and the first restrictive legislation introduced is the act referred to relating to placer mines, and which seems to have been suggested by section 2319 of the mineral-lands act of the United States.

The contrast heretofore between the mining laws existing on the north side of the forty-ninth parallel and the laws on the same subject that prevail on the south side of that parallel of latitude, has been so marked as to frequently evoke strong comments. Section 2319 of the Revised Statutes of the United States relating to mineral lands reads as follows:

"All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States."

The clause on the same subject in the British Columbia act referred to grants the rights and privileges of a British subject in taking up placer-mining claims; also "to those who have declared their intention to become such." The similarity in the language of the two sections is noticeable.

The public lands in the Northwest and Yukon territories belong to the Federal authority, and American citizens have availed themselves of the liberal laws of the Dominion to acquire mineral lands and mining rights in the Yukon in a greater proportion than any other nationality, and the reports of the gold dust now arriving at Seattle and other American ports confirm the impression that the citizens of the United States are receiving a larger share of the wealth of the Yukon than even Canadians.

It is no doubt true that by section 13 of chapter 209, approved on the 14th of May, 1898, which reads as follows:

"SEC. 13. That native-born citizens of the Dominion of Canada shall be accorded in said district of Alaska the same mining rights and privileges accorded to citizens of the United States in British Columbia and the Northwest Territory by the laws of the Dominion of Canada or the local laws, rules, and regulations, but no greater rights shall be thus accorded than citizens of the United States or persons who have declared their intention to become such may enjoy in said district of Alaska; and the Secretary of the Interior shall from time to time promulgate and enforce rules and regulations to carry this provision into effect"—

Congress evinced a desire to extend to native-born Canadians mining rights in Alaska similar to those enjoyed by American citizens in the Yukon territory; but as the system in Canada is to grant mining licenses and the practice in the United States is to grant the land in fee, and as the dimensions of the mining claims in the one country are not equal to the area in the other country, the officials in Alaska have taken advantage of the technical difference between the mining laws in Alaska and the British Yukon to nullify section 13 referred to, the contention of American officials being that the Canadian law relating to the acquisition of mining rights must first conform to the American statutes before native-born Canadians can take up mining claims in Alaska.

The discrimination against British subjects on one side of the international boundary compared with the absence of any discrimination against American citizens on the other side of the line has no doubt had its effect on public opinion in British Columbia, and has resulted in the passing of the act to which objection is now taken.

The minister further observes that a like sentiment is growing in other parts of the Dominion, and it will be a cause for great regret if that feeling becomes so general as to force the parliament of Canada to adopt mining laws similar in their discriminating character to those that have been passed by the Congress at Washington.

The committee advise that Your Excellency be moved to transmit a certified copy of this minute and of the report of the government of British Columbia to Her Majesty's embassy at Washington for communication to the honorable the Secretary of State at Washington.

All which is respectfully submitted to Your Excellency's approval.

JOHN J. McGEE, *Clerk of the Privy Council.*

AT GOVERNMENT HOUSE,
Victoria, B. C., June 8, 1899.

SIR: Adverting to your letter of the 5th ultimo, wherewith you forwarded a petition to the President of the United States from certain residents of Atlin, complaining of recent mining legislation of this Province, I have the honor to transmit herewith a certified copy of an approved minute of my executive council, dated yesterday, embodying the views of my government in respect to the alleged grievances of the petitioners, and as to the scope of the said legislation.

I have the honor to be, sir, your obedient servant,

THOS. R. McINNIS,
Lieutenant-Governor.

The SECRETARY OF STATE,
Ottawa, Canada.

PROVINCE OF BRITISH COLUMBIA.

Copy of a report of a committee of the honorable the executive council, approved by his honor the lieutenant-governor on the 7th day of June, 1899.

The committee of council concur in the report inclosed herewith, and advise that a copy of the same, if approved, be forwarded to the honorable the secretary of state, for the information of his excellency the Governor-General in council.

A. CAMPBELL REDDIE,
Deputy Clerk, Executive Council.

To His Honor the Lieutenant-Governor in Council:

The undersigned has had before him for consideration a communication from the lieutenant-governor, dated the 12th ultimo, wherewith is transmitted a copy of a petition addressed to the President of the United States by certain residents of Atlin, complaining of recent mining legislation of this province, as therein set forth.

The undersigned has the honor to report as follows in regard to said petition:

The petition states that four-fifths of the claims prospected and located belong to citizens of the United States; thus, according to the petition itself, there is only one-fifth left for other aliens and our own citizens. This statement is probably, like the other statements in the petition, greatly exaggerated; but there is sufficient truth in it to justify (if this proportion between aliens and citizens should be maintained) the stand which the legislature took to carry out their avowed policy—the reservation of the provincial placer mines for British subjects.

The question whether such policy was in the true interest of the Province is one for the legislature and the legislature alone, and the unanimity with which that body indorsed this policy is sufficient to show that the Government and the legislature were in complete accord in the matter. There is no attempt to discriminate between the native-born and the naturalized citizen, nor to throw any difficulty whatever in the way of an alien desiring to become naturalized; all that is done is to say our placer mines are reserved for those who are prepared to acknowledge their obligations as citizens of the British Empire.

Taking up the complaints in the petition seriatim, we would say any rights acquired by the petitioners have been preserved to them. The legislation complained of specifically exempts all claims recorded prior to its passage, and provides for the unimpeded working of such claims by the holders, although aliens. A reference to the mining laws will show that their whole tenor is, as it necessarily must be, that no right is acquired until a claim is recorded. As already stated, all such rights are scrupulously respected. It may be well to note this, as a casual reader of the petition unacquainted with the facts might naturally suppose that such claims had been confiscated.

The Government, with the sanction of the legislature, had an unquestioned right to reserve any lands they might think fit from the prospector and miner. They might have said the Crown retains in its possession for the present all mines and minerals the property of the Crown in the northern part of the Province, and no one will be allowed to prospect for or appropriate minerals in that section. Such a course might have been taken with a view of working these claims for the Crown for its own direct benefit or with the purpose of having these claims in reserve after the mining interests in the other parts of the Province had been more fully developed.

Suppose such a course had been adopted; that all the miners had been excluded from the lands in question. The absurdity of the petitioners' claims would be seen at once, and the absurdity exists no less, although the reserve thus made has been relaxed so far as citizens are concerned. The grievance of the petitioners is really not that they are shut out, but that others are admitted.

The fifth clause of the petition claims that the petitioners had acquired vested rights by taking out free miners' certificates, not only to the rights granted by such certificates at the time, but to renewal in perpetuity of such rights. To state this is to refute it; the Crown and the legislature in providing for the granting to free miners the right to prospect for and appropriate minerals did not and could not divest themselves of the power to amend the terms and conditions of such certificates in any manner that might be deemed expedient. When recorded claims were exempted from the operation of the law, everything, as already stated, had been done that the most extreme advocate of vested rights could justly claim.

The sixth clause of the petition complains of alleged losses to the petitioners through lack of sufficient facilities for recording claims. This to some extent may have been the case, but, so far as it did exist, was caused by unavoidable circumstances for which no responsibility attaches to the Government.

So anxious have the Government and legislature been to minimize as much as possible any hardship or injustice which may have been occasioned by the sudden rush into the northern country, following on the discovery of rich diggings there, that an act was passed at the last session of the legislature providing for the appointment of a judge of the supreme court as a commissioner with full powers to settle all disputes in that country in accordance with equity and the spirit of the mining acts without being bound by the strict letter of the law.

The grievance complained of in the seventh clause of the petition, that aliens can not obtain work on claims held by citizens, has already been removed. By the legislation of last session the necessity of a laborer in a mine taking out a free miners' certificate is done away with.

The eighth clause of the petition alleges great injury to the interests of the country through the action of the law complained of. This, however, is purely a matter for the legislature to judge of and is of no concern to outsiders. The Government do not consider the statement is true nor that any present depreciation, even if such exists, is likely to be lasting.

The ninth clause of the petition alleges damages to citizens of the United States to the extent of many millions. This is only necessary to allude to as a good instance of the absurd misstatements and exaggerations of the whole of the document. As already repeatedly stated, the petitioners had acquired no rights which are in any way affected by the legislation complained of.

Dated this 6th day of June, A. D. 1899.

C. A. SEMLIN, *Provincial Secretary.*

Mr. STEWART. Mr. President, we see how utterly false are the assertions that the Canadians have been more illiberal than we have been. On the boundary question I have some prejudice against the action of the Canadians; but I must say, so far as their mining laws are concerned, they are fully as liberal as ours, but neither are as liberal as they ought to be, because every inducement should be held out to any person to go into the arctic regions and discover mines, for that gives employment to American citizens.

Look at the thousands who are now employed in the enterprise of supplying the ships that are running and the vast amount of business that has been created by the discovery of such hardy pioneers as these Norwegians and Laplanders, who discovered these mines at Cape Nome. Their discovery and location can not be blotted out by any mere rumor about some other person finding gold. I never knew a mining region to be discovered but that there would be some wild rumor that there was somebody there before those who claimed to have made the discovery. Everybody laughed at such assertions; because if they had made discoveries, they would have located mines at once.

These men were pioneers; they were orderly men; all but one American citizens, and that one thought he was, according to the statute. They went there in good faith and located in good faith under the rules and regulations of the miners and under the laws of the United States. They formed a mining district. Dr. Kittelsen was elected recorder, and he performed his duties so satisfactorily that nobody else has been elected recorder up to the present time.

As to the number of Laplanders and others, Dr. Jackson, in his affidavit, says:

The larger number of the party expected, after the close of their service with the Government, to try to secure herds of reindeer and establish the industry in Alaska to which they had been brought up from childhood and were accustomed in Lapland. This affidavit has only reference to the party from Lapland in the spring of 1898.

Forty-three Lapps, 15 Norwegians, and 10 Finns, making 68 men, were

brought from Lapland in the spring of 1898, under contract with the War Department for one year from February 1, 1898.

They were selected in Lapland with the understanding that they were to become American citizens and to colonize in Alaska, where a Scandinavian element was desirable for the purpose of fostering the reindeer industry. When they reached Port Townsend—the first place where they made a stop of any time in the United States—23 of them were naturalized, and after reaching St. Michael, Alaska, 4 others, who had not had an opportunity of being naturalized at Port Townsend, took out their first papers. Of the 27 that took out their first papers not over 3 or 4, when their contract terminated with the Government, took up mining for their support. Of the 27 mentioned, 11 were Norwegians, 6 were Finns, and 10 were Lapps.

Of the 68 men in the employ of the War Department only one asked to resign before the expiration of his term of service; the other 67 remained until their contract term of service expired, on January 31, 1899, when 40 of those who were discharged from the service went to the mines at Cape Nome.

Of the party that took up claims at the mines I am informed and believe 26 were Norwegians and Finns and but 14 were Lapps.

I would not care if they were all Lapps or all Finns. They have done a great work for this country and they have done great good, which is deserving of commendation and encouragement. The fact that they went there and that these great mining enterprises are going on there is seized upon as a reason why such legislation as is proposed should be passed. But here is the milk in the cocoanut. It is right here in the affidavit of a lawyer, and I wish the Senators would examine it.

A quorum of the Senate ought to be here long enough to hear this affidavit introduced by the Senator from North Dakota [Mr. HANSBROUGH]. I do not know whether I ought to call for a quorum, but this matter is so important that I think the Senate ought to know what the trouble is.

Mr. BATE. I suggest the want of a quorum, Mr. President.

Mr. STEWART. Yes; let the Senators come in. They can stay a few minutes while I show the colored gentleman in the wood pile. [Laughter.]

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Deboe,	McBride,	Ross,
Bard,	Fairbanks,	McComas,	Scott,
Bate,	Foraker,	McCumber,	Simon,
Berry,	Foster,	McLaurin,	Spooner,
Carter,	Frye,	McMillan,	Stewart,
Chandler,	Hansbrough,	Martin,	Sullivan,
Clark, Wyo.	Harris,	Nelson,	Teller,
Clay,	Hoar,	Perkins,	Turley,
Culberson,	Kean,	Pettus,	Vest,
Cullom,	Kenney,	Platt, Conn.	Warren,
Davis,	Lodge,	Rawlins,	Wellington.

The PRESIDING OFFICER. Forty-four Senators have responded to their names. A quorum is present. The Senator from Nevada will proceed.

Mr. STEWART. Mr. President, I apologize on behalf of the Senator from Tennessee for disturbing Senators in their repose to listen to this matter; but I came to a point where I thought the whole gist of this contention rested, and I thought it was necessary to have them know something about it, and here is a point to which I wish attention for a minute or two before they again retire to their rest.

I would state that these claims were located by men who had declared their intention to become citizens, and that they were pioneers there. It was ascertained that one of them had declared his intention before a commissioner who was not authorized to receive declarations, and he happened to strike a very rich claim and sold it at a very high price. When I read the very sincere affidavit of Attorney Oliver P. Hubbard, and then these amendments in connection with it, the force of this proceeding will be appreciated:

DISTRICT OF COLUMBIA, *City of Washington, ss:*

Oliver P. Hubbard, being duly sworn, on oath says that he is a citizen of the United States, an attorney at law, engaged in the practice of his profession at Nome City, in the Cape Nome mining district, district of Alaska, United States of America; that he first went to Alaska in the spring of 1898; that he is a member of the law firm of Hubbard, Beeman & Hume, of Nome City, Alaska; that the members of the firm are Edwin R. Beeman, formerly a practicing attorney of Minneapolis, Minn., and William I. Hume, formerly a practicing attorney at Portland, Oreg., and this affiant, formerly a practicing attorney at Chicago, Ill.

Affiant says—

Here is the important point:

That the firm of Hubbard, Beeman & Hume are attorneys in a number of mining suits now pending in the United States district court for the district of Alaska; that among others are suits brought to recover the possession of certain mining claims alleged to have been staked by alien Laplanders; that these claims were located by American citizens in the months of November and December, 1898; that all of the alleged Laplander and alien locations were located by American miners in the fall of 1898 and the winter of 1898 and 1899; that among the miners who made such locations were—

Giving the names. A private party can not take advantage of the alienage of the original locator. Only the Government can interfere. I think that is the statute. But at all events that question exists, and to have that question removed and to clear up a lawsuit and give the property to these jumpers these amendments appear to be fitted.

In some way or another there is a fitness of things that is marked. It may be accidental. It is an accident the like of which probably never happened before on earth that things fitted so well to the case of this man Hubbard, who is trying to get claims worth hundreds of thousands of dollars for his blackmailing clients, which claims are now in the possession of honest men. I will read the Hansbrough amendment, about which there is controvery:

That persons who are not citizens of the United States, or who, prior to making location, had not legally declared their intention to become such, shall not be permitted to locate, hold, or convey mining claims in said district of Alaska, nor shall any title to a mining claim acquired by location or purchase through any such person or persons be legal. In any civil action, suit, or proceeding to recover the possession of a mining claim, or for the appointment of a receiver, or for an injunction to restrain the working and operation of a mining claim, it shall be the duty of the court to inquire into and determine the question of the citizenship of the locator: *Provided*, That no location of a mining claim shall hereafter be made in the district of Alaska by any person or persons through an agent or attorney in fact, and all locations heretofore made by any person or persons through an agent or attorney in fact upon which $100 worth of labor or improvements had not been expended or made within ninety days first succeeding the date of such location are hereby declared to be null and void.

There is no question about that. The court would have to carry the amendment into effect if it became a law. The proposed substitute of the Senator from Montana [Mr. CARTER] accomplishes the same thing. I will read the proposed compromise of the Senator from Montana:

Nothing in this act shall be construed to authorize aliens who have not declared their intention to become citizens of the United States to locate mining claims or to acquire title from the United States to any of the public lands of the United States in the district of Alaska or to in any manner affect or change the laws regulating the disposal of the public lands of the United States in said district. In any civil action, suit, or proceedings hereafter arising in the courts of said district all questions touching upon the competency of the parties to enter or locate public lands shall be considered and determined by the court.

If they are not going to disturb the law, what is the object of this? Where is the motive for it? The law has stood for thirty-five years and been understood and administered by the courts. There is no trouble about it. If it is not to change a rule of law in order to give a man title which he has not got, what is the reason for it? The jumpers for whom Hubbard is attorney have never had possession. They simply had their claims recorded. Their attorney is here. If he did not have anything to do with the drawing of the amendment, how they could have got the information I do not know.

Now, I undertake to say that the title of Mr. Lane and others and the title of the Laplanders is good on the decisions of the courts under the laws of the land, and that this legislation is to take the property of one man and give it to another.

Mr. TELLER. It is good under the statute.

Mr. STEWART. It is good under the statute; good under the decisions; and these were the pioneers who found the mines. To take the mines from these pioneers and give them to the blackmailing jumpers it seems to me is the cruelest piece of legislation I ever heard of.

Besides, by unanimous consent, the Senate has allowed the Committee on Mines and Mining to manage this matter, and that committee has managed it for thirty-five years without complaint on the part of anybody and to the universal satisfaction of the country. Mining has grown up, and the whole country is attached to our mining laws. Now, to remodel those mining laws in the Senate without their having been considered by any committee is a proceeding I never heard of before. This goes beyond anything I have ever heard of in legislating in that respect.

Ah, you say, but it does not do any harm. What is the object, then, if it does not do any harm; if it does not make out a case for Mr. Hubbard? If it does not help him, for whom is it? There is no necessity for remedial legislation. I hope more Norwegians and Laplanders will go there and explore that cold region where others can not live. Let them take their reindeer and go in. I hope they will, and then we will have more business and more prosperity.

I think this is one of the most important questions, whether we shall pass harsh laws, whether we shall have criminations and recriminations which will practically exclude our miners from British Columbia. Seventy-five per cent, they say, and I think more, of the gold and silver and lead that has come from British Columbia has gone to enrich Americans; and the amount has been immense. I wish the Senator from Washington [Mr. TURNER] were here. I understand he has made a fortune in British Columbia. Does he want to have a law passed confiscating his title?

This proposed law will do more. I am told, and cases are mentioned, that as to many of the claims that are being worked—for instance, the Treadwell claim—they could not tell whether the locators were citizens or not. Vast expenditures have been made. If we are to have a lawsuit inquiring into the citizenship of the locators of every mine in Alaska, nobody knows how large a scheme it is to confiscate property that was acquired under the laws of Congress and the decisions of the courts.

Now, the mining laws of the United States were extended to

Alaska a long time ago, and they have been in full operation. The Senator from Montana said there was a string to it, or something of that kind. That string has been broken by practice. Very many of the mines are already patented. I read now from Supplement to the Revised Statutes, Volume I, second edition, 1874 to 1891, page 433:

And the laws of the United States relating to mining claims, and the rights incident thereto, shall, from and after the passage of this act, be in full force and effect in said district, under the administration thereof herein provided for, subject to such regulations as may be made by the Secretary of the Interior, approved by the President.

And then it goes further and secures the title to those who are there.

That parties who have located mines or mineral privileges therein under the laws of the United States applicable to the public domain, or who have occupied—

Whether they have located or not—

and improved or exercised acts of ownership over such claims, shall not be disturbed therein, but shall be allowed to perfect their title to such claims by payment as aforesaid.

That was in 1884. We want no other legislation whatever. The mining laws of the United States are there. Now, in 1897 there was a special alien-land law passed; a more liberal policy was adopted. There was a prejudice against the holding of large areas in the cattle country by persons who came from Europe, and an alien-land act was passed which also applied to mines. Nobody intended it should apply to mines, and the miners have been trying to get rid of it ever since. Public sentiment was against it. It finally found its way into the legislation of Congress in 1897. It is an act that ought to be studied in this connection, because it has a good deal of bearing.

That an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens, and so forth," approved March 3, 1887, except so far as it affects real estate in the District of Columbia, be, and the same is hereby, amended so as to read as follows:

"That no alien or person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States in the manner provided by law shall acquire title to or own any land in any of the Territories of the United States except as hereinafter provided: *Provided*, That the prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty, shall continue to exist so long as such treaties are in force, and no longer.

SEC. 2. That this act shall not apply to land now owned in any of the Territories of the United States by aliens, which was acquired on or before March 3, 1887, so long as it is held by the then owners, their heirs or legal representatives, nor to any alien who shall become a bona fide resident of the United States, and any alien who shall become—

It shall not apply to any alien who shall become—

a bona fide resident of the United States, or shall have declared his intention to become a citizen of the United States in the manner provided by law, shall have the right to acquire and hold lands in either of the Territories of the United States upon the same terms as citizens of the United States—

Bona fide residents and then those who have declared their intention to become citizens. These Lapps are about as good bona fide residents as you have ever had up there—

Provided, That if any such resident alien shall cease to be a bona fide resident of the United States, then such alien shall have ten years from the time he ceases to be such bona fide resident in which to alienate such lands.

Now, here is a special provision which controls all of the general provisions of the act, including the last and third section. I want to call the attention of lawyers to this particularly:

This act shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim, in any of the Territories of the United States.

That is a special provision referring to mines, and it stands there in so many words.

Mr. BATE. What is the date of that?

Mr. STEWART. March 2, 1897.

Here is a special provision with regard to mining claims. Section 7, to which the opposition call our attention, refers only to the public lands. There has always been a distinction kept up between the mining laws and the public-land laws. When you speak of land laws, you do not mean mining laws, and vice versa. The mining laws are special; the land laws are general.

The following is section 7, upon which the jumpers rely:

That this act shall not prevent aliens from acquiring lands or any interests therein by inheritance or in the ordinary course of justice in the collection of debts, nor from acquiring liens on real estate or any interest therein, nor from lending money and securing the same upon real estate or any interest therein; nor from enforcing any such lien, nor from acquiring and holding title to such real estate, or any interest therein, upon which a lien may have heretofore or may hereafter be fixed, or upon which a loan of money may have been heretofore or hereafter may be made and secured.

According to the gentlemen on the other side you destroy the last section.

Provided, however, That all lands so acquired shall be sold within ten years after title shall be perfected in him under said sale or the same shall escheat to the United States and be forfeited as hereinafter provided.

Now, here comes the remedy that they could not apply. They could not escheat it:

That any alien who shall hereafter hold lands in any of the Territories of the United States in contravention of the provisions of this act may nevertheless convey his title thereto at any time before the institution of escheat proceedings as hereinafter provided.

If he made his location in violation of this law, he can sell his ground; he can sell it to Mr. Lane or anybody else, and it will be a good title. He has a right to do that, if he got his title in violation of the act. That troubles the gentlemen. They want to get rid of it. They want to get rid of the title he can convey.

Provided, however, That if any such conveyance shall be made by such alien, either to an alien or to a citizen of the United States, in trust and for the purpose and with the intention of evading the provisions of this act, such conveyance shall be null and void, and any such lands so conveyed shall be forfeited and escheat to the United States.

SEC. 5. That it shall be the duty of the Attorney-General of the United States, when he shall be informed or have reason to believe that land in any of the Territories of the United States are being held contrary to the provisions of this act, to institute or cause to be instituted suit in behalf of the United States in the district court of the Territory in the district where such land or a part thereof may be situated, praying for the escheat of the same on behalf of the United States to the United States: *Provided*, That before any such suit is instituted the Attorney-General shall give or cause to be given ninety days' notice by registered letter of his intention to sue, or by personal notice directed to or delivered to the owner of said land, or the person who last rendered the same for taxation, or his agent, and to all other persons having an interest in such lands of which he may have actual or constructive notice. In the event personal notice can not be obtained in some one of the modes above provided, then said notice shall be given by publication in some newspaper published in the county where the land is situate, and if no newspaper is published in said county, then the said notice shall be published in some newspaper nearest said county.

"SEC. 6. That if it shall be determined upon the trial of any such escheat proceedings that the lands are held contrary to the provisions of this act, the court trying said cause shall render judgment condemning such lands and shall order the same to be sold as under execution; and the proceeds of such sale, after deducting costs of such suit, shall be paid to the clerk of such court so rendering judgment, and said fund shall remain in the hands of such clerk for one year from the date of such payment, subject to the order of the alien owner of such lands, or his heirs or legal representatives; and if not claimed within the period of one year, such clerk shall pay the same into the treasury of the Territory in which the lands may be situated, for the benefit of the available school fund of said Territory: *Provided*, That the defendant in any such escheat proceedings may, at any time before final judgment, suggest and show to the court that he has conformed with the law, either becoming a bona fide resident of the United States, or by declaring his intention of becoming a citizen of the United States, or by the doing or happening of any other act which, under the provisions of this act, would entitle him to hold or own real estate, which being admitted or proved, such suit shall be dismissed on payment of costs and a reasonable attorney fee to be fixed by the court.

There is no snap judgment about it. In the first place, the court has held over and over again that nobody but the United States can institute these proceedings, and after the United States institutes these proceedings the party has in the first place the power to sell it to anybody, no matter whether or not he acquired it in contravention of the law, before escheat proceedings, and after proceedings are had he can declare his intention to become a citizen or a bona fide resident and the case is dismissed. But the Carter and Hansbrough amendments compel the court to inquire into the citizenship of the original locator and defeat the claim, which is now held under the sanction of the statutes and the decisions of the courts. The authorities are all against the jumpers.

I will first call attention to a very creditable book which is an authority, a very fair book, Lindley on Mines, where all the cases are collated and the conclusion honestly and fairly drawn. It is very convincing. I will read his conclusions first. This author says:

It has been authoritatively determined by the Supreme Court of the United States that the estate created by a perfect mining location and transferred to an alien is not analogous to an estate created by descent; in other words, that is not an estate created by operation of law.

We think we are justified in asserting that the following principles have been established by the weight of authority:

(1) That a location made by an alien, if otherwise valid, creates in him an estate which can be divested only at the instigation of the government in a proceeding to which it is either directly or indirectly a party.

(2) That such estate, when vested in a citizen, is as complete as if originally acquired by him by location, and no one, not even the government, can assail his title.

Not even the Government can assail his title; but the trouble is that these titles are inchoate until the money is paid. That is the rule which has been followed in land cases; so that Congress has the constitutional power to destroy an inchoate title in these men. The courts have decided that Congress has power to destroy an inchoate title. The Government can repudiate the location made by an alien or a citizen before patent is granted. That is well established. Until the money is paid Congress can destroy the title. It has been in question all the while, but the Supreme Court held that Congress had the power.

After reviewing all the authorities at great length, Mr. Lindley draws his conclusions, as follows:

(1) An alien may locate or purchase a mining claim, and until "inquest of office" may hold and dispose of the same in like manner as a citizen.

(2) Proceedings to obtain patents are in the nature of "inquest of office," and in such proceedings citizenship is a necessary and material fact to be alleged and proved.

An alien can not get a patent, but he can fix himself so as to get a patent. He can declare his intention after he makes his location, and that secures it. The Supreme Court has so repeatedly held. If an alien wants a patent, all he has to do is to declare his

intention. An alien can do that just as well as a citizen. There is no trouble about that.

(3) In all other classes of actions between individuals with which the Government has no concern citizenship is not a fact in issue; it need be neither alleged or proved.

In the suit which Mr. Hubbard has brought for these jumpers, the original locators will not have to allege citizenship at all or prove it. There is no necessity for it at all.

Mr. JONES of Arkansas. The Senator will permit me. The effect of the proposed amendment is simply to change the law as it stands now.

Mr. STEWART. That is what it is. It changes it to fit these cases, and will stand for all time in that respect.

Mr. JONES of Arkansas. The intention of the amendment, as I recollect reading it, is to relate back to and to cover cases under the present law.

Mr. STEWART. Any case that appears in a court. It requires a court to take notice of it. The amendment of the Senator from North Dakota and the amendment of the Senator from Montana require the same thing.

Mr. JONES of Arkansas. While Congress can not pass a law to affect a vested right, it can pass a law to affect a man's right of action in court.

Mr. STEWART. It can do this in regard to all inchoate rights to public lands. It can make changes before the money is paid.

Mr. JONES of Arkansas. It can change his remedy but not his right.

Mr. STEWART. It can change his remedy, and changing his remedy takes away his right. A court could not, under the decision of the Supreme Court of the United States, listen to that at all. It could not allow them to go back to the locator to see whether he was a citizen or not. That would not be allowed under the existing law.

(4) Naturalization of an alien at any time subsequent to either location or purchase is retroactive and enables him to proceed to patent. The antecedent bar to patent by reason of his alienage is removed.

These are the conclusions to which this author has arrived after reviewing all the decisions. I wish to call attention to some of the decisions.

I call attention now to the case in Montana which was referred to yesterday, Manuel against Wulff (152 U. S., 505):

A deed of a mining claim by a qualified locator to an alien operates as a transfer of the claim to the grantee, subject to question in regard to his citizenship by the Government only.

If, in a contest concerning a mining claim, under Revised Statutes, section 2326, one party, who is an alien at the outset, becomes a citizen during the proceedings and before judgment, his disability, under Revised Statutes, section 2319, to take title is thereby removed.

The case that I now call attention to is Federal Reporter, volume 51, page 338, Billings et al. *vs.* Aspen Mining and Smelting Company et al., circuit court of appeals, Eighth circuit, July 5, 1892. I read the syllabus:

1. Mining claims—Capacity of aliens to hold.

An alien who has expended time, money, and labor in exploring for and locating a mining claim on public lands, conjointly with others, may hold his interest, or recover the same if deprived thereof, as against his colocators, and as against all the world except the United States, though Revised Statutes, 2319, confines the right of exploration, purchase, and occupation of unsurveyed mining lands to citizens of the United States, or persons who have declared their intention to become citizens.

Notwithstanding that, an alien may hold his claim against all the world except the United States. It is argued out by the court at great length, and the syllabus is thoroughly sustained.

This same case went up on rehearing. It was thoroughly discussed before the circuit court of the United States of the ninth circuit (Federal Reporter, volume 52, page 250). The syllabus is as follows:

1. Mining claims—capacity of alien to hold.

One who asserts title to a mining claim under a location made by an alien and two citizens can not defeat the claims of the alien's heirs on the ground that, under Revised Statutes, 2319, an alien can not be a locator, for mining rights constitute no exception to the general rule that the right to defeat a title on the ground of alienage is reserved to the Government alone. (O'Reilly *vs.* Campbell, 6 Sup. Ct. Rep., 421; 116 U. S., 418, distinguished; 51 Fed. Rep., 338, affirmed.)

Here is a case in the 56th Pacific Reporter where the cases are cited, and I think I will have the Secretary read it for the general information of the Senate. It is a good case and is well sustained. The cases are cited. I should like to have the Secretary read, commencing at page 300, Wilson et al. *vs.* Triumph Consolidated Mining Company, supreme court of Utah, March 14, 1899. Read the syllabus and all.

The PRESIDENT pro tempore. The Secretary will read as indicated.

The Secretary read as follows:

[Wilson et al. *vs.* Triumph Consolidated Mining Company. Supreme court of Utah. March 14, 1899.]

Location of mining claims by alien—Transfer to citizen—Vesting of title—Citizenship of domestic corporation—When question of citizenship can not arise—Mining claim held by alien—Relocated—Title to justify possession—Notice of location—How construed—Sufficiency—Work of one claim for benefit of group—Question for jury.

1. Where a mining claim is located by an alien on unappropriated Government land, and all the acts necessary to a valid location are performed by him, and he and his representatives, claiming to be the owners thereof, perform the work necessary to keep the claim good until it is conveyed to a citizen, and no rights of third parties have attached prior to the conveyance, as between private citizens, in which the Government is not interested, the conveyance vests the title in the citizen, although the original locator was an alien.

2. A corporation organized under the laws of Utah is a citizen of the State.

3. Although it is true, as a general rule, that only citizens of the United States can locate mining claims, the question of citizenship can only be raised by the Government; and in an action of ejectment in a contest between individuals the question can not arise.

4. A qualified locator may relocate a mining claim in the possession of an alien who has not declared his intention to become a citizen, if relocation be made without force or violence, and prior to declaration of intention or conveyance to a citizen. As against an intruder, possession is prima facie evidence of right to possession, but, as against one connecting himself with the Government title, mere occupancy must yield to the higher right.

5. A lease and bond from an administrator under order of court and by consent of all parties interested, and an actual possession by consent of all parties, is sufficient showing of title under which to justify possession.

6. The construction given a notice of location should be liberal and not technical, and a notice which refers to a known mining claim, with date of its location or to recorded claims adjoining it, with a joisting shaft, is a sufficient compliance with the law requiring a reference to be made to some natural object or permanent monument.

7. Where the testimony tends to show the consolidation of a group of claims for development and working purposes and that the required amount of work was done on one claim for all and that defendant's grantor was the owner of all the claims by location or assignment, the question of whether work on one would inure to the benefit of all was properly left to the jury.

(Syllabus by the court.)

Appeal from district court, Juab County; E. V. Higgins, judge.

Action by William D. Wilson and others against the Triumph Consolidated Mining Company. Judgment for defendant, and plaintiffs appeal. Affirmed.

This action in ejectment was brought by the plaintiffs and appellants in Juab County against the defendant and respondent to recover possession of a certain mining claim called the "Steeple Chase" by the appellants, and the "Mormon Chief" by the respondent, located in Tintic mining district, State of Utah.

The appellants insist that the Steeple Chase mining claim was located January 1, 1897, by one R. C. Alexander, their grantor, upon unappropriated mineral land of the United States, subject to location in observance of all the laws of the United States and the by-laws of the Tintic mining district, and that the appellants are the owners thereof, subject to the paramount title therein in the United States; and that while the plaintiffs and their grantors were the owners and entitled to the possession of Steeple Chase mining claim, the defendant, on the 15th day of January, 1897, entered into possession of said claim, and unlawfully withholds the possession of said claim from the plaintiffs, to their damage, etc.

It appears that J. F. Kappes, at the time of his death, September 24, 1895, was the owner of the Mormon Chief, which covers the same ground as the Steeple Chase, located August 10, 1882, by W. W. Hinch and O. T. McMillan. The Pride of the Hills mine was located August 11, 1885, by J. F. Kappes; the Sunday mine was located January 21, 1890, by J. F. Kappes and George Kappes; the Sunday Extension was located November 29, 1890, by J. F. Kappes; and the Silver Star was located January 29, 1892, by J. F. Kappes.

These five claims were lying contiguous to each other. Notice of the consolidation of these five claims for working purposes, including the Mormon Chief, was duly made and recorded, and the group consolidated on or before 1896. On November 9, 1895, Hugo Deprizin was appointed administrator of the estate of J. F. Kappes, deceased. The administrator expended $500 in assessment work on these consolidated claims in 1896 by running a tunnel in the Pride of the Hills mine, the work being completed on November 28, 1896.

This work was done for development work, for the benefit of the five claims named. On December 24, 1896, Deprizin, as administrator, and under an order of the probate court, and by consent and agreement of all the heirs and parties interested in the estate of J. F. Kappes, deceased, entered into a contract to sell, bond, and lease said five claims to Valentine Kramer for $10,000, of which sum $1,563.31 was paid in cash, with an option to pay the balance in two years. Kramer went into possession and at work on the five claims in December, 1896, and continued at work until January 7, 1897.

On January 11, 1897, Kramer assigned his contract to Kirby; and on February 12, 1897, Kirby assigned his contract to the respondent, a corporation organized under the laws of the State of Utah. From January 5, 1897, to the time of the trial, continuous work was done by the respondent and its grantors on the property. George Kappes had previous to 1896 conveyed his interest in the claims to J. F. Kappes.

The respondent, in its answer, denied all the allegations of the complaint and alleged that the plaintiffs had no right, title, or interest in said claims and are not, and never were, entitled to the possession thereof. The Steeple Chase mining claim, claimed by the appellants as having been located by their grantor January 1, 1897, is the same ground as the Mormon Chief, included in said group, and conveyed by the administrator of J. F. Kappes by lease, bond, and sale. This is the only claim involved in this litigation. The jury returned a verdict in favor of the defendant, and the plaintiffs appeal.

Mr. STEWART. I again call attention to the case of Manuel *vs.* Wulff (152 U. S., page 505), and I wish to emphasize that case. That is the Montana case that was cited by the Senator from Montana [Mr. CARTER]. I call attention to the fact that that case was overruled by the Supreme Court. I do not know but that I had better read a considerable portion of it.

The supreme court of Montana recognized the settled rule that an alien may take and hold land by purchase until office found, and that if the alien become a citizen before his alienage has been adjudged the act of naturalization takes effect by relation; but held that "possessory rights to mining claims on the public domain of the United States," although "endowed with the qualities of real estate to a high degree," did not come within that rule.

The argument was that as by statute mineral lands are not open to exploration, occupation, or purchase by aliens, but only by citizens of the United States and those who have declared their intention to become such, and upon compliance with the laws and local mining rules and regulations as to location and possession, title and possessory rights to mining claims thus acquirable solely by virtue of the statute and in the manner prescribed thereby, must be regarded as passing as by operation of law and not as by grant.

Hence that mining claims are controlled by the rule which forbids the alien to take or hold real estate by descent, since it is the rule of law and not the act of the party that vests title in the heir, and it would be an idle thing to vest title by one act of law and then take it away by another.

The court was of opinion that upon principle the analogy between an alien heir claiming by descent and an alien miner claiming under the mining laws was complete, and that as Moses Manuel was incapable of taking, the conveyance to him by Alfred Manuel, who was a citizen, amounted to an abandonment by the latter. We are unable to concur in this view. We do not

think that the transfer of a mining claim by a qualified locator to an alien is to be treated as ipso facto an abandonment or that the analogy of such a case to the casting of descent upon an alien can be maintained.

Among the cases often referred to upon the general subject and cited by the Montana supreme court is Governeur *vs.* Robertson (11 Wheat., 332, 350, 354). That was an action of ejectment and the facts these: Plaintiff claimed under one Brantz, who, being an alien, obtained, October 11, 1874, two grants from the Commonwealth of Virginia of lands lying in Kentucky. He became naturalized in Maryland, November 8, 1874, and his title was confirmed to him and to his heirs and their grantees by the legislature of Kentucky in 1796 and 1799. Defendant claimed under a grant of Virginia made to a citizen in 1785.

This court, speaking by Mr. Justice Johnson, among other things, said:

"On this subject of relation the authorities are so ancient, so uniform, and universal that nothing can raise a doubt that it has a material bearing on this cause, but the question whether naturalization in Maryland was equivalent to naturalization in Kentucky. To this the Articles of Confederation furnish an affirmative answer, and the defendant has not made it a question.

"Nor, indeed, has he made a question on the subject of relation back; yet, it is not easy to see how he could claim the benefit of an affirmative answer on the question he has raised, without first extricating his cause from the effects of the subsequent naturalization, upon the rights derived to Brantz through his patent. The question argued, and intended to be exclusively presented here, is whether a patent for land to an alien be not an absolute nullity.

"The argument is that it was so at common law, and that the Virginia land laws, in some of their provisions, affirm the common law on this subject.

"We think the doctrine of the defendant is not to be sustained on either ground.

* * * * * * *

"It is clear, therefore, that this doctrine has no sufficient sanction in authority, and it will be found equally unsupported by principle or analogy.

"The general rule is positively against it, for the books, old and new, uniformly represent the King as a competent grantor in all cases in which an individual may grant, and any person in esse, and not civiliter mortuus, as a competent grantee. Femes covert, infants, aliens, persons attainted of treason or felony, clerks, convicts, and many others are expressly enumerated as competent grantees. (Perkins, Grant, 47, 48, 51, etc.; Comyn's Dig. Grant, B. 1.) It behooves those, therefore, who would except aliens, when the immediate object of the King's grant, to maintain the exception.

"It is argued that there is an analogy between this case and that of the heir, or the widow, or the husband alien;" no one of whom can take, but the King shall enter upon them without office found. Whereas an alien may take by purchase and hold until divested by office found. It is argued that the reason usually assigned for this distinction, to wit, nil frustra agit lex, may, with the same correctness, be applied to the case of a grant by the King to an alien, as to one taking by descent, dower, or courtesy: That the alien only takes from the King to return the subject of the grant back again to the King by escheat.

But this reasoning obviously assumes as law the very principle it is introduced to support, since unless the grant be void it can not be predicated of it that it was executed in vain. It is also inconsistent with a known and familiar principle in law, and one lying at the very root of the distinction between taking by purchase and taking by descent. It implies, in fact, a repugnancy in language.

Since the very reason of the distinction between aliens taking by purchase and by descent is that one takes by deed, the other by act of law; whereas a grantee, ex vi termini, takes by deed, and not by act of law. If there is any view of the subject in which an alien, taking under grant, may be considered as taking by operation of law, it is because the grant issues, and takes effect, under a law of the State. But this is by no means the sense of the rule, since attaching to it this idea would be to declare the legislative power of the State incompetent to vest in an alien even a defeasible estate.

The court argues that it is good under any law that the alien can free himself of disabilities at any time before final judgment, and this is nothing more than what is contained in the statute to which I have referred, the statute of 1897. Here the law as laid down by the Supreme Court is reenacted in this statute as to public lands, and then the particular provision that an alien may locate mines in Alaska, it is said, is abrogated by the general provision in section 7:

SEC. 7. That this act shall not in any manner be construed to refer to the District of Columbia, nor to authorize aliens to acquire title from the United States to any of the public lands of the United States, or to in any manner affect or change the laws regulating the disposal of the public lands of the United States.

That refers to public-land laws, not to mining laws, because it is a special provision in regard to mining.

And the act of which this act is an amendment shall remain in force and unchanged by this act so far as it refers to or affects real estate in the District of Columbia.

But if that exception referred to mining laws, still the provision remains that only the Government can take advantage of it, and that the party may at any time free himself of this disability. The title of the persons who have bought claims from these Laplanders, Norwegians, and Finns is perfect.

There is no question about that. If it were not the case, what other object is there in these amendments? Have they any other conceivable object except to change the rule of law fixed by statute, to change the rule of law established by the Supreme Court? What other object can there be in making this apply except to take one man's property and give it to another?

Here is another case in the Supreme Court of the United States, in volume 171. I read from page 62. Here is where they go on and maintain this possessory right. They always sustain existing rights, although there may be some legislation in contradistinction from it.

Here is a case where they refer to Sparrow *vs.* Strong. It is the first case that ever came up to the United States Supreme Court in which the objection was made that the court had no jurisdiction because locators had no property, Congress not having acted, and the Supreme Court of the United States held that they could not shut their eyes to what had occurred in California and the surrounding States; that they could not confiscate the property of a million of men, but they would presume that they had title. This case is in 171 United States, page 62. It is the case of Del Monte Mining Company against Last Chance Mining Company.

Notwithstanding that there was no general legislation on the part of Congress, the fact of explorers searching the public domain for mines and their possessory rights to the mines by them discovered was generally recognized, and the rules and customs of miners in any particular district were enforced as valid. As said by this court in Sparrow *vs.* Strong (3 Wall., 97, 104):

"We know also that the Territorial legislature has recognized by statute the validity and binding force of the rules, regulations, and customs of the mining districts; and we can not shut our eyes to the public history which informs us that under this legislation, and not only without interference by the National Government, but under its implied sanction, vast mining interests have grown up, employing many millions of capital, and contributing largely to the prosperity and improvement of the whole country."

Other cases cited:

See, also, Forbes *vs.* Gracey, 94 U. S., 762; Jennison *vs.* Kirk, 98 U. S., 453, 459; Broder *vs.* Water Company, 101 U. S., 274, 276; Manuel *vs.* Wulff, 152 U. S., 505, 510.

The act which declares an alien may convey to a citizen and make a good title, the act of 1884, was passed sixteen years ago, about the same length of time embraced in the period between 1850, when the Congress of the United States decided upon nonaction, and 1865, when the Supreme Court of the United States recognized what had been done and predicated its decision upon it.

You have invited the hardy pioneers of all countries to go into that inhospitable country in the arctic region, and you were bound under the law to give them protection, and now you propose to pass a law depriving those people of their rights; for that would be the effect of this radical change. This shows the importance of having such questions considered by the appropriate committee, the members of which are familiar with the conditions existing and with what may be required. This has not been committed to any such committee.

The laws governing mining claims in the United States for the last thirty-five years have been satisfactory to everybody. Why should they now be amended by the Committee on Territories in a bill to establish a civil code for Alaska? That matter, of course, is within the jurisdiction of the Committee on Territories; but now it is proposed in that civil code that the mining rules and regulations shall be changed, and be changed in such a manner as to take from one man his property and give it to another.

Is it possible we have come to that? Have we arrived at such a condition in the Senate that we will take matters from the legitimate committee and allow no investigation? The Senate can not consider such things in detail in open session. Many Senators have business elsewhere and can not give the attention which the subject requires.

Whenever you say the mining laws, rules, and regulations under which we have lived for the last thirty-five years shall be changed without consideration by a committee, you do that which will create confusion and great hardship in that country; you undo the good work which has been done and with which everybody is satisfied.

Take your land laws. They have been administered in your Department here, and you have spent, until quite recently, from $175,000 to $300,000 a year sending out special agents to detect frauds. You have had nothing of that kind in mining cases. Such cases are turned over to the courts, which decide what persons are entitled to a particular property, and so there is no scandal about the settlement of our mining cases.

Suppose mining cases come here to be decided in Congress by special legislation, as you propose in this case, or were to be decided in the Departments by clerks on ex parte evidence; do you think our mining country would ever have been developed? Do you think we should have had the peace and prosperity which we have enjoyed? But those cases are settled by the local courts, where each party has a hearing; they do not come here at all, and justice is done.

It is now proposed to extend this law over Alaska. Why should not Alaska have the same laws which govern other parts of the country? Why should there be more restrictions upon people in the Arctic region than are imposed upon people elsewhere? If Norwegians and Finns and Laplanders have gone there, where it will be difficult for anybody to go, they should be encouraged; and we should protect everybody who will explore it, for as the result of their explorations there comes increased business to the millions, which adds immensely to the prosperity of the country.

The prosperity of which everybody is now boasting results from the thousands of millions of gold taken out in the last four years. Let us continue that prosperity, and cease talking about the Japs going there to mine. The Japs have not gone there, and they are not going there. The Norwegians, the Laplanders, the Finns, and those who are accustomed to that kind of a climate will go if anybody except American citizens go. American citizens are adventurous. The spirit which they display is most enviable. It is, I

know, a hard thing to go and live in such a climate, and ninety-nine out of every hundred who go there die in poverty.

If here and there there is one who wins a prize, that prize will give employment to thousands, and will add immensely to the prosperity of the whole world. If they are willing to sacrifice themselves in this effort to find gold, why should we rob them of their property when they get there? I say this amendment would be downright robbery. It would be a violation of every principle of justice. It is retroactive legislation: and it takes one man's property and gives it to another. The Congress of the United States has never knowingly committed such an error, and never will, I hope.

I regret that there are not more Senators who will give attention to this matter, so as to know something about it; but I apprehend they will get knowledge of it after a while. The subject must be kept before them long enough to have them give attention to it before this outrage is committed.

There is no evidence that the jumpers ever took possession. The evidence is that they did not take possession at all. The owners have worked the mines and developed them, and were in possession of them when Mr. Lane bought, and Mr. Lane has been working them ever since. They simply recorded notices, and they came here and raised this controversy as to whether a judge should inquire whether the locators had legally declared their intention to become citizens of the United States contrary to the statute, contrary to the decisions, contrary to justice, contrary to every principle of right dealing that can be imagined.

There is nothing but wrong in this proposition. Such a thing has not been done in the last thirty-five years. The people have not asked for such legislation. What, then, is the object of it? It is simply to take one man's property and give it to another.

I should like to have the mining rules made more liberal. I have submitted the correspondence of the State Department with the Canadian authorities, and I have shown you that the Canadians consider that they are more liberal than we are. I have submitted the communication from the privy council at Ottawa upon this subject, from which it appears that they want good relations with this country. Why should we not be as liberal to them in Alaska as they have been to us?

Explorations ought to be free over the whole country. We want to persuade Russia to let our miners go there; we want to persuade England and Canada to let our miners go into their possessions. Our people have entered the Transvaal. The English have been more liberal in South Africa toward American miners than we have been toward any foreigners, and the Dutch Republics are equally liberal.

Many of our citizens made fortunes there, and they have contributed largely to the success of those enterprises; our engineers were employed there, and helped develop the mines, until they were producing $80,000,000 per annum of gold, which went into the treasury of the world, and vivified commerce all over the world. It was the liberality there exercised which enabled those great mines to be opened.

It is very unfortunate now that that source of supply is cut off, and we feel it very materially, but I hope the mines will be saved. I hope nothing will happen to close those mines permanently. We need them, and I hope they will soon be reopened. I hope soon to see the arctic region, cold as it is, filled up by those accustomed to that kind of life, and I hope to see the miners there given all the privileges they want to hunt in the arctic region and develop the treasure there which will benefit all.

As to real estate in this city and real estate all over the United States, and as to farm products, the prices have been advanced by the adventurous pioneer miners. Why not let well enough alone? Why not carry out the principles which actuated the correspondence between our Government and the Canadian government to have more liberal laws on this subject? Why not encourage the miners? Do not we get our benefit?

See how Seattle is growing up and all those cities on the Pacific coast, and how they are benefited by the immense trade which comes from the explorations of our miners. Why strike at it in this vital place? Why strike at those men who will go where you will not go, where few American citizens can go, on account of the severe climate? Why strike them down?

Why call it monopolizing? Monopolizing what? Monopolizing the icebergs of northern Alaska? They have been there during all the ages, and nobody ever thought of monopolizing them; but if men go there at the risk of their lives and discover precious metals by their hard labor and make better prices, they should be encouraged and not legislated against.

I protest against aspersing their characters. They are benefactors. Those men have been sneered at as Laplanders and Norwegians and sneered at as Japs; but if any Japs have gone there I do not know of it. To strike at them is to strike at your best friends and to do the grossest injustice conceivable. I protest that it ought not to be done. Leave the laws as they are; leave the titles vested as they are vested under these laws; do not disturb the old landmarks.

If you pass such legislation as is proposed, Canada will very promptly say to you, "We never did anything like that; we gave them every opportunity, and when complaints were made here of injustice we set those complaints aside." Let us be as liberal as Canada has been. I do not see why Americans can not be as liberal in their laws as Canada or any other country. The comparison the council makes between the laws of Canada and our laws does not look well for us when our people have been going into British Columbia to quartz mine for the last thirty or forty years without molestation.

It has been said that we must pass vindictive legislation of this kind and put all possible obstacles in the way of mining there, so as to secure it for American citizens who never think of going there. I tell you, Mr. President, this action is preposterous and dangerous. Do not do it.

INQUIRIES RELATIVE TO THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Philippines, and ordered to be printed:

To the Senate of the United States:

In further response to the resolution of the Senate of January 17, 1900, requesting copies of communications between the Executive Departments of the Government and Aguinaldo or other persons undertaking to represent the people in arms against the United States in the Philippine Islands, together with other official documents relating to the Philippine Islands and the conduct and events of the insurrection against the authority of the United States in the Philippine Islands, and having reference to my message to the Senate of March 5, 1900 (Senate Document, Fifty-sixth Congress, first session, No. 208), and to my message to the Senate of March 27, 1900 (Senate Document, Fifty-sixth Congress, first session, No. 208, part 2), and that paragraph of the resolution of January 17, 1900, reading as follows:

"And that the President be further requested to communicate, without delay, so much of such information as is now in his possession or in that of any Department at Washington, without waiting to obtain so much of said information as may require considerable delay or communication with the Philippine Islands, and to communicate the remainder of the information as soon thereafter as it can be obtained"—

I transmit herewith the following additional papers:

First. Copies of English translations of certain documents found in insurgent records recently captured by our troops in the Philippine Islands, appended hereto, marked "I," and in continuation of the documents included under caption I of my message of March 27, 1900.

Second. Copies of English translations of certain documents recently captured by our troops in the Philippine Islands, containing Aguinaldo's instructions to the representative men of Iloilo who accompanied Gen. Marcus P. Miller on his expedition to that city, appended hereto, marked "II," and in continuation of the documents included under caption I of my message of March 5, 1900.

Third. Copies of English translations of documents recently captured by our troops in the Philippine Islands, containing information in regard to plans of the people in arms against the United States for the pillage of Manila, for risings in the city, or for the destruction of foreign property and the massacre of foreign residents. Said copies of documents are appended hereto, marked "III," and in continuation of the document included under caption V of my message of March 5, 1900.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *April 18, 1900.*

GOVERNMENT OF PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

The time remaining before the 1st day of May, when the act of April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," will take effect, appears to be insufficient for the careful inquiry and consideration requisite to the proper selection of suitable persons to fill the important civil offices provided for by the act. The powers of the present government will cease when the act takes effect, and some new authority will be necessary to enable the officers now performing the various duties of civil government in the island to continue the performance of those duties until the officers who are to perform similar duties under the new government shall have been appointed and qualified. That authority can not well be given at present by temporary appointments of the existing officers to positions under the act, for the reason that many of the existing officers are officers of the Army detailed to the performance of civil duties, and section 1222 of the Revised Statutes would prevent them from accepting such temporary appointments under the penalty of losing their commissions. The selection of the new officers and the organization of the new government under the act referred to will be accomplished with all practicable speed, but in order that it may be properly accomplished, I recommend the passage of a joint resolution to obviate the difficulty above stated.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *April 18, 1900.*

The PRESIDENT pro tempore. The message will be referred to the Committee on Pacific Islands and Porto Rico, in the absence of objection.

Mr. FORAKER. To give effect to the recommendation the President has made in the message which has just been read, I offer the joint resolution which I send to the desk, and ask for its present consideration.

The PRESIDENT pro tempore. The Senator from Ohio introduces a joint resolution and asks for its present consideration. The joint resolution will be read for the information of the Senate.

The joint resolution (S. R. 116) to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," was read the first time by its title and the second time at length, as follows:

Resolved, etc., That until the officer to fill any office provided for by the act of April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," shall have been appointed and qualified, the officer or officers now performing the civil duties pertaining to such office may continue to perform the same under the authority of said act; and no officer of the Army shall lose his commission by reason thereof: *Provided*, That nothing herein contained shall be held to extend the time for the appointment and qualification of any such officers beyond the 1st day of August, 1900.

Mr. FORAKER. I withdraw the request for present consideration and ask that both the message and the joint resolution be referred to the Committee on Pacific Islands and Porto Rico.

The PRESIDENT pro tempore. They will both be printed and so referred, in the absence of objection.

CAROLINE WIENHIMER.

Mr. COCKRELL. I move to reconsider the vote by which the Senate passed the bill (S. 3436) granting a pension to Caroline Wienhimer; and I ask that the House of Representatives be requested to return the bill to the Senate.

The PRESIDENT pro tempore. The Senator from Missouri enters a motion to reconsider the vote by which the bill (S. 3436) granting a pension to Caroline Wienhimer was passed and moves that the bill be recalled from the House of Representatives.

The motion was agreed to.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE DANFORD.

Mr. FORAKER. Mr. President, I desire to give notice that on Friday next, the 20th instant, at half past 4 o'clock, I shall ask the Senate to consider resolutions relative to the life, character, and public services of the Hon. LORENZO DANFORD, late a Representative in Congress from Ohio.

CIVIL GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from North Dakota [Mr. HANSBROUGH].

Mr. CARTER. I offer the substitute which I send to the desk for that amendment, in the hope that it may result in reconciling views and in bringing about speedy action on the bill.

The PRESIDENT pro tempore. The proposed substitute will be read.

Mr. TELLER. I suggest to the Senator that he had better let us vote on the amendment; and then, if he wants to add something, he can do it. I think we may prefer to first have a vote on the amendment of the Senator from North Dakota.

Mr. CARTER. I will do that if the Senator from Colorado prefers.

Mr. TELLER. I would rather vote on the amendment proposed by the Senator from North Dakota. When we dispose of that, the Senator can offer his amendment, if he thinks it necessary.

Mr. CARTER. Mr. President, the purpose was to hasten the vote, and if such action will result in that desirable end I will withdraw the proposed amendment.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH].

Mr. NELSON. Mr. President, I desire to make a brief statement for the purpose of putting the Senate in possession of what I conceive to be the true facts in this case.

There is no doubt but what this amendment is intended to be retroactive. It is not intended to make a rule for the future; it is intended to operate on existing rights and existing conditions. It is as clear a piece of retroactive legislation as can be found anywhere. If there is any class of legislation that is odious to institutions existing under a republican form of government and under a Constitution such as ours, it is legislation that is known either as ex post facto or retroactive. An ex post facto law is a law which makes that criminal which was not criminal when the act was done. A retroactive law is a law which attempts to create rights in reference to contracts which did not exist at the time the contracts were made.

In this case it is attempted by this legislation, Mr. President, to give certain persons who, in common parlance out West—and we may as well call things by their right names—are known as claim jumpers, and to equip them with legal weapons by which they can gain an advantage that they have not now under existing law.

It is practically admitted here, I believe, by Senators who have discussed this question, by the Senator from Colorado, the Senator from Nevada, and the Senator from Wisconsin, who are familiar with mining law, that foreigners can explore and locate mining claims; that no one can question the right that they have thus acquired by exploration and discovery, except the Government of the United States, and that they have such possessory right and such possessory title in the mines which they discover that they can transfer title to third parties.

I imagine another thing, Mr. President. If those people who have made these discoveries, who have located these mines, and made these explorations in Alaska had been native-born citizens, I do not think anyone would have had the hardihood to come in here and ask for retroactive legislation in reference to them; but now these claimants come here, and they attack these locations and explorations on the ground that those people are foreigners. They call them Laplanders, as though there were something odious in that, Mr. President. As a matter of fact—and it is a matter of history, and you may see it in magazine articles—the first discoveries of gold at Cape Nome were by Swede missionaries, who had gone there two or more years before, and located at what is called Golofnin Bay. They had located there, and one of the missionaries, a Swede, had been there a great many years.

Through one of his Indian converts he first got information about gold at Cape Nome. That led to the exploration; and here we have in this Senate document, which was referred to this afternoon, a statement under oath from Dr. Kittilsen, a native-born citizen of Dane County, Wis., the county where the Senator from Wisconsin [Mr. SPOONER] lives, and he and I know Dr. Kittilsen well; we know his father; he comes of a good family, and is a reliable and trustworthy man. He states in his affidavit the following facts:

That he is a citizen of the United States, and has been a resident of the Territory of Alaska since 1896—

He was there two years before the discovery of gold at Cape Nome.

that he arrived at Cape Nome, Alaska, about October, 1898—

Now, listen to this—

that prior to that time there were three men located at Cape Nome; two of them were Swedes by birth, but had been in the United States some ten to fifteen years; the third was a Norwegian. Two other persons went there with me; one of them a Laplander and one an American citizen.

There is the whole basis, in the first instance, of the cry of "Laplanders." Out of the six individuals who first made the discovery and located at Cape Nome only one was a Laplander. Those Swedes were missionaries who had been ten or fifteen years in that country, and they were the original locators. In addition to this, there were some more people who came there, who were brought there by an agent of the Government.

The Senator from Montana has conjured up a sort of Japanese or Chinese nightmare. There are no Japanese or Chinese holding any of these claims at present. The men whose claims it is attempted to reach by this legislation belong to four classes of people. A part of them are Laplanders, a part of them are Finns, a part of them are Norwegians, and a part of them are Swedes. How did these people come to be there? Where were they from? Those Laplanders were brought there by the Government, through its agent, Dr. Jackson, of the Department of Education.

In 1897 there were some whaling vessels wrecked upon the coast there. The Government started out to send relief to them, and for the purpose of sending the relief as expeditiously as possible they conceived the idea of going to Lapland, of procuring reindeer, and sending Laplanders out there with the expedition for the purpose of relieving those whalers. One or two years before that time Dr. Jackson had brought some other Laplanders there with a view of utilizing the reindeer in that country. He had made a beginning of it. The members of the first lot he brought there are not affected by this legislation, as they did not make any locations. Under the arrangement made with them it was provided that after they had stayed a year they were to be returned to their native country. But when Dr. Jackson went in 1897 to procure a lot of 500 reindeer for Alaska, he took special pains to arrange with those men who came with the reindeer that they were to remain there permanently, to make this country their home. I want to read something on that subject.

Mr. SHOUP. I desire to inquire of the Senator what authority, if any, Dr. Jackson had for saying to those men he brought over with the reindeer that they should stay there and become citizens of the United States?

Mr. NELSON. I will answer the question. He did not say that they were to become citizens of the United States, but he said he wanted them to stay permanently—to make this their home.

The Government of the United States sent its agent over to a foreign country to procure reindeer; to secure people to bring them over here and to take charge of them. He represented a certain state of facts to those people, and they having relied upon his representations, would it not be taking a narrow and a pettifogging view of the case to say that Dr. Jackson did not have authority to make such an arrangement?

Mr. HANSBROUGH. Will the Senator allow me to ask him a question?

Mr. NELSON. Certainly.

Mr. HANSBROUGH. The Senator from Minnesota has laid a great deal of stress upon the fact, as he claims——

Mr. NELSON. I yielded for a question.

Mr. HANSBROUGH. I desire to put a question to the Senator.

Mr. NELSON. Very well.

Mr. HANSBROUGH. The Senator has laid great stress upon the fact, as he claims, that the aliens who are now claiming the mines in the Cape Nome district were the discoverers of that district——

Mr. NELSON. Those Laplanders?

Mr. HANSBROUGH. Those Laplanders and others.

Mr. NELSON. I will give you the list of names from Dr. Kittilsen's affidavit.

Mr. HANSBROUGH. If the Senator will permit me—I know he wants to be right in this matter—and I am sure I do. I do not want to do anybody any injustice in any form; but I have here a document which has been printed by the Senate, a statement of the president of the Law and Order League, of Alaska, signed by 52 members of that league, consisting of some of the best men in that country. I desire to read just briefly, if the Senator will allow, from this document, and then will ask leave to print. This document goes on to say:

About the 25th of April, 1898, gold was discovered in this section by a party of four men, consisting of A. P. Mandaunt, H. L. Blake, D. B. Libby, and L. F. Melsing.

* * * * * * *

That the aforesaid H. L. Blake and one O. H. Holtberg——

Mr. NELSON. Is he a Laplander?

Mr. HANSBROUGH. I do not know what he is.

Mr. NELSON. He is a Swede.

Mr. HANSBROUGH (continuing)—

made the first discovery of gold during the summer of 1898, in what is now known as Cape Nome mining district, and afterwards imparted the information of such discoveries to their supposed friends, H. P. Anderson and H. E. Carlson, the Swedish missionaries, respectively at Golovin Bay and Unalaklet, and it was agreed between them that they would return to said district together at a later date and organize a mining district. The aforesaid missionaries, disregarding their promise, secretly and clandestinely and unknown to the said Blake, organized a party consisting of E. Lindbloom, E. Linderberg (who is employed by the United States Government in the care of the reindeer station at Eaton), W. C. Price—

A relative of Mr. Lane, I believe—

and E. N. Kittelsen, and 12 Laplanders (whose names are unknown) in the United States Government employ, and sent them to Cape Nome to locate mining claims in the aforesaid Cape Nome mining district and organize the same, and they did so locate many claims and organize said district.

I thought it was necessary in this debate to show that there is good and sufficient evidence here on the authority of reputable men from Alaska that these gentlemen, Lindbloom and Linderberg, did not discover the Cape district, but that it was discovered by Blake and this man Holtberg.

Mr. STEWART. There is not a particle of evidence that Blake was ever there. This is hearsay from some miners two or three hundred miles off. No man says he was on the ground as the other men did.

Mr. NELSON. Mr. President, I wish to say to the Senator from North Dakota that he was not exactly fair. It was not a question. It was more than that. It was interjecting a statement. I desire to say to him that the so-called law and order league, of which he speaks and which is referred to in the document he has had printed, is simply an organization—I may as well call things by their right names—which came there, and its purpose was to jump these claims and drive out the Swedes and Norwegians and Laplanders. I shall come to that point by and by as I go along. I do not propose at this time to be diverted from what I am about to state.

Now, who are the Finns and Laplanders that our Government got into this country? Who are the people who went there and for what purpose did they go? In the northern part of Norway and Sweden and the extreme northern part of Russia, north of the province of Finland and within the limits of the arctic circle, is a dreary waste of icebergs and snow. No vegetation of any consequence is there except moss and a few stunted birch. The country would be utterly unpopulated and unsettled and of no use if it were not for the Finns or Laplanders who have settled in that country. That whole country has for years and years been occupied by the Laplanders. Their chief property consists of herds of reindeer. The reindeer furnish them their milk, their butter, their cheese, skins for their clothing, skins for bedding, skins to cover tents with, and they furnish meat. A man's wealth is measured by the number of reindeer he owns.

There are two classes of those Lapps, one class known as Mountain Lapps, living up in the interior, who herd the reindeer, taking care of them summer and winter. Then there is another class living near the seacoast, near the fiords and bays. They live partly by fishing and partly by keeping reindeer. In that country these Lapps have settled, and they have made use of that country for many hundreds of years.

Mr. TILLMAN. I should like to ask the Senator if he has any information as to the success of the experiment in transferring reindeer from Lapland to Alaska, and whether they are multiplying or likely to subserve the same uses there that they do in their native habitat. In other words, we have spent a good deal of money on this reindeer experiment, and it seems to have gotten us into a row over gold. I should like to get at the facts, if they are within the reach of anyone, as to what the result of the transfer of the reindeer from Lapland to Alaska has been.

Mr. CHANDLER. I rise to a question of order, which is whether it is in order, when the question of miners' rights and the rights of aliens is being discussed, to introduce a discussion of the subject of the acclimatization of reindeer in Alaska?

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). The Senator from Minnesota yielded to the interruption.

Mr. TILLMAN. Will the Senator from Minnesota yield to me to answer the Senator from New Hampshire?

Mr. NELSON. I was going to suggest to the Senator from South Carolina, as an answer to it, that it would be about as apt as it sometimes is to discuss the negro question down South and the right of suffrage.

Mr. TILLMAN. I have no purpose of trying to divert the Senator from Minnesota.

Mr. NELSON. I do not refer to the Senator from South Carolina.

Mr. TILLMAN. I want some information, and he seems to know about this matter. I sympathize with his object.

Mr. NELSON. I will explain it, if the Senator will listen to me. I will come to it directly.

Mr. TILLMAN. I want to get a chance to answer the Senator from New Hampshire. He is always interjecting something that does not belong here, and I have as many rights here as anybody.

Mr. NELSON. I yield to the Senator from South Carolina to answer the question.

Mr. CHANDLER. If the Senator from South Carolina will allow me before he jumps onto me, as he says he proposes to do, I have not interjected anything. The Senator from South Carolina interjected the Siberian reindeer into this discussion about miners' rights, and I simply say that it is out of order, or it ought to be out of order, and if the Chair shows the wisdom and discretion that I believe exist in his brain he will so rule.

Mr. TILLMAN. Without waiting for the Chair to say anything on that subject, I will state that the Senator from New Hampshire has interjected himself into this discussion, and I think he is just as foreign to it as anything else.

Mr. NELSON. The Government, or that part of the Government which represents and has for years represented education in Alaska, conceived the idea (I think the senior Senator from Colorado, perhaps, was the means of having the first steps taken in Congress to secure legislation for that purpose) of introducing reindeer into Alaska. In order to get the reindeer there and to make a success of their introduction, it was necessary to get people who live in Lapland, who are accustomed to reindeer and know how to take care of them, know how to break them in, how to hitch them up and drive them, for the reindeer of Lapland are not only used for meat and drink and clothing and all that, but they are also used for transportation. They are the beasts of burden. They are the travelers of the country.

The representative of our Government in 1897 went to Lapland to bring these people here with their reindeer. In the province of Lapland, mixed in with the Laplanders, there are a few Norwegians and a few Finns. The Norwegians occupy pretty much the same relation to the Laplanders of that country that the whites do to the colored people down South. A few of the Norwegians and Swedes who were mixed in there with the Laplanders came over with the deer. Dr. Jackson made an arrangement with them by which they were to come here and stay permanently. He rushed them across the country as rapidly as he could. When they got to Port Townsend, Puget Sound, a number of them, to show their good faith, went before the clerk of the court at Port Townsend—the clerk of the United States court, I believe, or a State court—and declared their intention to become citizens.

There were a few others who wanted to do it, but Dr. Jackson hurried them along and said, "You can have that done in Alaska." They went up to St. Michael; and when they got to St. Michael, they went before the United States court commissioner. Dr. Jackson, an American citizen, whom you all know, thought it was legal. He advised those people, some of them Swedes, some of them Norwegians, some Laplanders, to go before the court commissioner and take out their first papers, as we call them; declare their intention. They did it in good faith, and imagined they complied with the law. Unfortunately under our law a person can not declare his intention before a United States court commissioner. He must do it before the clerk of the court or the judge of the court. That is the misfortune of these people, and it is sought here to take advantage of the fact that these people had not declared their intention in a proper way.

The Laplanders would never have come to this country. They are not an emigrating people. There is no more danger of their coming here than there is of the people of this country moving to Lapland, where they come from. They occupy the country within the Arctic Circle, in the Scandinavian countries, and they are never known to emigrate farther south. Occasionally, in the middle of the summer, they will drive their herds down on the high mountains in the southern part of Sweden and Norway and pasture them for a brief period, but they never go there to live. They keep in their own country and their own climate.

Is not the introduction of reindeer into that country a laudable purpose? Is it not of interest to this country to get the class of people who can live in that climate? The miners go in there, and in the nature of things there are only three or four months in the year in which they can do much of anything in that country. It is only during the short summer. If we expect to get any permanent residents in that country who will live there as we live here, who will live there in winter, these are just the people we need. And, what is more, if we can make a success of introducing the reindeer in that country, it will be a great blessing to the miners and to everybody else who go to live there.

The reindeer will furnish the people the best transportation facilities in the winter, better than anything else in that icy cold country, and they will also furnish the people with skin for their clothing and for their overcoats and for their gloves and everything else, and then supply them with an abundance of good meat. We can not introduce our cattle there and make a success of it. Perhaps among some of the little coves and bays along the southern shore on the seacoast they can raise a few sheep and a few cattle, but in the interior they can not raise any cattle or sheep. The only food animals that can successfully be raised in that country are the reindeer.

Now, when we brought those people there with this laudable purpose, with the view of introducing the reindeer industry there, encouraged them to come, having gone to their own country and got them, I ask why in the name of equity and justice and common sense ought we under these conditions to discriminate against them. I think people who have come under the conditions under which the Laplanders and the Finns and the Swedes came with the reindeer, and on those terms, ought to be treated, to all intents and purposes, as though they were of our own flesh and our own blood.

I have been surprised at my friend the Senator from North Dakota. He first introduced this amendment in its original form to cut off even those who had declared their intention to become citizens. It was afterwards modified, and then in the first statement he made in the Senate he would have it appear that all these people were nothing but Laplanders, a horde of Laplanders, who had come over here and were trenching upon the rights of native-born citizens, and the word "alien" seemed to roll like a sweet morsel.

What does Dr. Jackson say? Let us see what he said. Let us see what a great danger there is in this matter:

Forty three Lapps, 15 Norwegians, and 10 Finns, making 68 men, were brought from Lapland in the spring of 1898, under contract with the War Department for one year from February 1, 1898.

I read from Dr. Jackson's affidavit.

Of the 68 men—

He refers to these men—

in the employ of the War Department only one asked to resign before the expiration of his term of service; the other 67 remained until their contract term of service expired, on January 31, 1899, when 40 of those who were discharged from the service went to the mines at Cape Nome.

Of the party that took up claims at the mines I am informed and believe 28 were Norwegians and Finns and but 14 were Lapps.

Who are the Finns? That is another class.

Mr. PETTIGREW. Will the Senator allow me to ask him a question? Can he tell how many claims each one of these people took?

Mr. NELSON. I have no means to answer the question, but would that cut any figure if they were native-born citizens?

Mr. PETTIGREW. I simply asked for information.

Mr. NELSON. I put the question to the Senator from Montana, or the Senator from North Dakota, or the Senator from South Dakota, if these were American citizens—native-born citizens—would it cut any figure how many claims they took? If it would not in their case, why should you make a different rule in the case of these people, who have come here under the conditions I have indicated.

Who are the Finns? I will tell you who they are. The province of Finland is situate north of the city of St. Petersburg. There are about two and a half million people. It was a country that was originally settled and colonized by the Swedes over four hundred years ago, when the Finns were barbarians. It remained under the control of Sweden as a province—a colony of Sweden—for nearly four hundred years, until the beginning of the nineteenth century—I think 1807 or 1808—when Russia acquired the country. They became civilized. The Swedes Christianized them. They all became Lutherans. They became an educated and intelligent people. There was a great admixture with Swedes, and that educated them. Many of them, or most of them, read and spoke the Swedish language. Their great poets and great authors all wrote in the Swedish language.

They had a government of their own, and when finally Sweden was compelled to relinquish the province of Finland to Russia at the beginning of this century, they were permitted until within the last year to retain their own government, and the Czar of Russia simply called himself the Grand Duke of the Duchy of Finland. But lately, within the last year or two, the Russian Czar, for reasons of his own, and his council have seen fit to deprive them of the rights. They had an autonomous government. They had their own army, their own legislature, their own mint, and their own government almost as independent of Russia as one of our States is of the other States of the Union. All that has, to a large extent, been taken away from them within the last year or two, and no doubt many of you have seen what the Russian Empire has done to the poor Finns.

From the province of Finland a great many people have emigrated into the northern part of Sweden and into the northern part of Norway and settled in the country intervening between the Lapps and the Norwegians and the Swedes. Many men of the Finns have come to America. They are a tall, straight race, about the same stature and size and build as the ordinary Norwegians and Swedes. They are, in their original state, light haired, blue-eyed, fair complexioned, with broad faces, stubby noses, and high cheek bones. They are energetic, bright, able people. In the days of Sweden's greatness, when Gustavus Adolphus was the head of the Protestant army in Germany and fought for the cause of Protestantism, some of the best regiments he had in the Swedish army were composed of Finns, and at the battle of Lützen, when Gustavus Adolphus was killed and the Swedish line of battle was almost wavering, it was a regiment of Finnish cavalry that restored the order of battle and gave the victory to the Swedes.

It is the descendants of those people who have come here. My friend the Senator from Michigan knows them well. They are to be found in the copper and iron mines in the northern part of Michigan. They go there and work a half a dozen years or so in the mines, accumulate a little money, and then they go out in the northern part of Wisconsin, Montana, Idaho, and those States, and buy farms and become farmers. They do not come to this country to make a little money and go back to the old country. They are all Protestants, and one good thing about them—I do not know how my friends on the other side will look at it—is that they are nearly all good Republicans. These are some of the outcasts who have gone to Cape Nome and whom it is sought to legislate against in this bill. We are likely to have a great many of them come this year on account of the change that has taken place in their own country—Finland. They are likely to come here in large force, and they are just the men to become permanent settlers in a country like Alaska.

I am somewhat acquainted, Mr. President, with the Swedes and the Norwegians and the Finns. They are pretty thick in the Western country. I think the verdict of almost everybody is that they have not been dangerous or harmful. I think they have had as much to do as any other class of people with the building up of that country. I think that is true in States like North Dakota, Wisconsin, and Minnesota. They are good, law-abiding citizens; I think as law-abiding as any there are in Montana. When people have come here in good faith, as these have come, under these conditions, we ought not to take advantage of a mere technicality and say, "You ought to be frozen out because you have not declared your intention, or because you declared your intention before a court commissioner instead of the clerk of the court."

Why should we resort to a species of retroactive legislation that we would not have the hardihood or the cheek to invoke against native-born citizens? The spirit of the United States of America, ever since it became an independent nation, has been contrary to all such notions. This country has always up to the present day extended its arms and held its doors open to the people of the Old World, and when they have come here and behaved as good citizens America has received them with open arms and treated them as though they were to the manner born.

While I make this statement as a matter of justice to those people, I have this to say, and I do not want any of you to feel that I am unpatriotic: If you desire to fence in Alaska and keep this class of people out, if you want to keep the Finns and the Laplanders and the Swedes and the Norwegians out of Alaska for the future, I shall make no objection and shall put no obstruction to it; but when people have gone there under the conditions that those people have, all I ask is that you treat them just as you would treat them if they were native-born citizens. That is all I ask. If my friend the Senator from Montana will limit his amendment to cover future cases he can fence out everybody in creation, from the angel Gabriel down to his Japanese and Chinese.

In response to the question of the Senator from South Carolina

[Mr. TILLMAN], I am unable to state exactly what success there has been in the introduction of reindeer in Alaska. I think the Senator from Colorado [Mr. TELLER], who, as far as legislation is concerned, may be considered the father of that kind of legislation, would be able to give the Senator from South Carolina more information on that subject than I can. My understanding is that to a large extent it has been a great success, and I think in course of time the hills and valleys of Alaska can be covered with reindeer as they are in Lapland, in the northern part of Norway and Sweden.

I have not any doubt about it, because the kind of pasturage is there. The reindeer live upon a kind of moss in summer and winter. They do not put up any hay for reindeer. In summer they get at the moss easily. In winter they have to paw off the snow, but they get at it even where the snow is 3, 4, and 5 feet deep. It is no more difficult for the reindeer to subsist and get along in Alaska than in Lapland. There is the same kind of food, the same climate in Alaska that there is in Lapland. In fact, Lapland is farther north. I think the center of Alaska is at 65° north latitude, while nearly all of Lapland is north of the Arctic Circle and between 65° and 70°.

There is one other matter that I forgot to state, and I want to state it here. I want to tell it just as I understand it. I have talked with this Dr. Kittilsen. One of the missionaries, Mr. Anderson, a Lutheran missionary, came down in the early part of the winter and saw me about this matter. What did these gentlemen say to me? It is not here in the record, but I feel I must tell the Senate what these gentlemen told me. They said: "We happened to be the first locators there. We got good claims. As soon as it was found out, there was a rush in there, and then they wanted to jump our claims; they raised a hue and cry and said, 'Damn Lapps, damn Norwegians, damn Finns, damn Swedes, these foreigners.'" And they organized what they called this league, and they attempted to drive those Swedes and Lapps and Finns and Norwegians out of the country. But the United States officers there, civil and military, protected them, and that is one of the complaints we have. Petitions are here asking for the removal of the United States military officer in command of that district because the civil officers and the military officers, with troops of the United States, protected these people out there in their rights; and now these claim jumpers come here to Congress and want us to give them legislation and fortify them in a manner in which they were never fortified before.

One of those men who came to see me told me, with tears in his eyes, how they had persecuted him. One of these men, Mr. Linderberg, a Norwegian, who came with these Laplanders and whose affidavit is here, told how they had attempted to drive him out of the country; and to-day in this very Chamber a gentleman informed me that they have organized what they call a Law and Order League, a certain class of miners out there on the Pacific coast somewhere, to go up and drive these people out of the country; and he intimated to me that unless legislation were passed in the interest of these men, there would be bloodshed up there. I do not believe anything of the kind. I believe the great mass of the American miners who are up in that country are law-abiding citizens and will do what is just and fair; and I think that this is simply a small lawless element that is trying to take advantage of the exploration and discovery of these mines. I sincerely trust that the Senate will not aid them in their enterprise.

Mr. TILLMAN. Mr. President, the Senator from Minnesota seemed to object to my asking him a perfectly relevant question.

Mr. NELSON. No; I did not object.

Mr. TILLMAN. I want to disabuse the Senator's mind of any idea that I had such a purpose. I have listened with a great deal of interest to his recital of the habits of the reindeer and the desirability of getting them over there, and I wanted to know the result of the experiment. I will ask the Senator from Colorado [Mr. TELLER] to tell us just what we have got for the money we spent in sending to Lapland to get these men and their animals, to carry them over there, and what they can do with them in this Territory of ours.

I want to say to him that I sympathize absolutely with his idea that these Laplanders up there have as many rights as anybody else, and that if there is any legislation necessary here, it ought to be to protect them rather than to have the legal status which now exists changed.

I know nothing about the merits of this case except in a general way as I gather it from the debate. But it seems that unless we now change the status by some ex post facto legislation, or by some law that will be retroactive in its effect, these Laplanders and those who have purchased from them have rights that the courts will adjudicate; and I do not see any reason why we should not let the courts settle this business and go on and finish this Alaska bill, and take this amendment by the nape of the neck and kick it out of the Senate.

Mr. CARTER. Mr. President, it is quite impossible to reconcile all the rumors relative to Alaska, and particularly to the gold fields, to anything like the truth.

It has been the purpose of the committee having this bill in charge from the beginning to provide a system of law that would be universally applicable and would not invade any existing or vested rights. When the bill was presented upon the floor the Senator from North Dakota and other Senators objected to section 73 of the bill, which provides that—

> The title to any lands heretofore conveyed shall not be questioned or in any manner affected by reason of the alienage of any person from or through whom such title may have been derived.

The preceding section gave to aliens the right to hold property in Alaska irrespective of any law heretofore passed or existing. Objecting to this section 73, the Senator from North Dakota presented his amendment. The discussion upon that amendment has taken a somewhat wide range and has been characterized by a dealing in terms of opprobium, crimination, and recrimination, with which we have nothing whatever to do in this Chamber.

The discussion has demonstrated one fact very clearly, that certain Senators believe that an alien, without declaring his intention to become a citizen of the United States, has as good a right to locate a mining claim on the public domain of the United States as any citizen of the country, whether native born or naturalized.

In 1872 the present mining law was passed, and by section 2319 of the Revised Statutes, which formed a part of that law, locations upon the public domain of mineral land were limited to persons who were citizens of the United States, or had declared their intention to become citizens. That law was uniformly construed by the local courts in the mining States to permit and to allude to a litigation to raise the question of citizenship as to a locator. Later on the Supreme Court of the United States held that a party to a litigation could not raise the question of the citizenship of the locator; that that question could only be raised by the Government of the United States.

Now, as a result of the law and the construction of it by the Supreme Court, it is contended that an alien may, notwithstanding the statute fails to give him the right, locate a mining claim, and his right to its possession may not be questioned by any citizen or by any power except the sovereign power, the Government itself. This I do not believe to be in conformity with the settled legislative policy of the Government. I believe that when the United States Congress, in 1872, passed a law providing that mining claims could be located only by citizens or persons who had declared their intention to become citizens, it did not intend to give the right to aliens who had not declared their intention to make mining locations. And yet if the Government is the only authority capable of raising the question, then the mining location may be made in violation of law, and possession may be continued indefinitely unless the Government of the United States objects.

Now, let me state the only question to be decided. I do not think the amendment of the Senator from North Dakota raises it fairly or limits the issue sufficiently. It is this: Shall it henceforth be the settled policy of the United States to reverse the act of 1872 and permit persons to locate claims upon the public domain under the mining laws who are not citizens and have not declared their intention to become citizens? If that is to be the settled policy, let the Congress so decide. If, on the contrary, it is desired that we adhere to the law as passed in 1872, that only citizens or persons who have declared their intention to become citizens shall be permitted to locate mining claims on the public domain, then we must provide that in any litigation concerning the title to a mining claim any party in interest may put the citizenship question in issue. At present, in the face of the decisions of the Supreme Court of the United States, a party to the record can not do this.

I suggest as a substitute for the amendment of the Senator from North Dakota an amendment which will interfere with no vested right, which will interfere with no existing litigation, and will not, if the views of the Senator from Nevada are correct, result in a change of anybody's title. The amendment is brief. Permit me to read it:

> That nothing in this act contained shall be construed as changing the existing mining laws of the United States, but in any suit, action, or proceeding hereafter commenced involving the validity of an unpatented mining location on the public domain, any party alleging an interest in the subject-matter may put the competency of the locator in issue, and the court shall determine whether the locator was a citizen or had declared his intention to become a citizen of the United States at the time the location was made.

Now, in order to reach the persons referred to by the Senator from Minnesota [Mr. NELSON] as having in good faith declared their intention to become citizens of the United States before a commissioner, who was not authorized by law to accept such declaration, I am perfectly willing to accept an amendment to this amendment which shall, in so far as mining locations are concerned, validate that act, which was irregular and illegal, so as to

give them the benefit of an act which they performed in good faith. I do not see any objection to that. If those persons who came in from Finland and Norway and Sweden and Lapland desired to declare their intention, but through some mishap or ignorance on their part failed to appear before the proper officer, it is a proper subject for remedial legislation on the part of Congress in my opinion. It is useless here to undertake to settle questions of dispute concerning what happened 8,000 miles from here. We can only deal with principles.

If it is the view of the Senator from Nevada [Mr. STEWART] and the Senator from Colorado [Mr. TELLER] that henceforth persons who take not sufficient interest in our Government to declare intention to become a part of its citizenship may locate the public domain of the United States and hold it under the mining laws of the country, then upon the Senate and the Congress may rest the burden and the credit.

Mr. President, I for one would not extend to any man of foreign birth, unwilling to declare his intention to become a citizen, the right to take gold from the public domain of the United States no more than I would permit him to go upon our public domain and take up a homestead without first declaring his intention to become a citizen.

The ownership of the soil of every country chiefly vests in the citizens of the country. Birds of passage, having no interest in our institutions, accepting no obligations to fight under our flag when the flag needs defense, should not be permitted all the time and everywhere to enjoy the same privileges we accord to our citizens of native birth and to those well-meaning persons of foreign birth who desire to become a part of our body politic. The declaration of intention to become a citizen of the United States is not a drastic prerequisite to the enjoyment of the benefits of citizenship. It is not an unreasonable request for the Government to make. It has not been so regarded.

I believe, Mr. President, that when the sober judgment of Congress shall have been taken upon this subject it will be in favor of the American miner, native born or naturalized, or who has declared his intention to become a citizen. In the State I have the honor to represent there are hundreds of miners of foreign birth, born in all parts of Europe. I said hundreds, yea, thousands. Perhaps one-third of the population of the State were born abroad. Not a single solitary individual in the entire citizenship of that State, which was first to send an organized regiment into the field in the Spanish war, would to-night for one moment contend that persons of foreign birth, taking not sufficient interest in our institutions to declare intention to become citizens, should go into the mountains of Montana and enjoy the same rights and privileges accorded to the people who are a part of its citizenship, a part of its electorate, whether native born or naturalized.

All there is to this amendment here presented is embodied in the mere statement that it gives to parties contesting over the right to hold parts of the public domain the right to question the other man's citizenship. If the Senator from Minnesota will prepare an amendment that will embody the thought he so feelingly expressed that these Finns, Laplanders, Norwegians, and other persons who went in there and declared their intention to become citizens before the notary public or the commissioner, I should be glad to accept it, because it seems to be just. There is an immeasurable distance between that remediable proposition and the one insisted upon by the Senator from Nevada, that henceforth, regardless of citizenship, every alien may locate and hold claims upon the public domain of the United States under our mining laws. To that proposition I am unalterably opposed.

Since it has been sprung in the Senate and so earnestly insisted upon, it is the duty of the Senate to settle the policy here and now. It is not complicated. It is a bare question of public policy: Shall we allow persons of foreign birth who have not declared their intention to become citizens of the United States an unlimited right, except as to the Government itself, to locate mining claims on the public domain? If you believe we should, reverse the policy of over thirty years and let us start out upon a new departure and give full notice to all the peoples of all the world that whatsoever we have in our public domain of treasure may be shared by all, without reference to their allegiance to our flag.

Mr. TELLER. Mr. President, I wish to assure the Senator from Montana that under a claim of zeal for the American miners he is not going to succeed in getting the Senate of the United States to engage in settling any mining disputes between the people who are here demanding this legislation for that purpose and for nothing else——

Mr. CARTER. Mr. President, I resent that statement as unauthorized and unwarranted.

Mr. TELLER. I decline to be interrupted just at this moment.

Mr. CARTER. The amendment—I call the Senator's attention—relates to——

Mr. TELLER. The Senator has assumed, without the slightest reason for it, that I want to change the mining law. Mr. President, I have said here that I do not want to change the mining law; and I do not intend that it shall be changed on a statute of this kind if I can prevent it.

Mr. President, I know something about what this means. If the Senator thinks that he can, by his attack upon us, make it appear that we are in favor of repealing the law that exists and change front on this question, he will find he is mistaken. No one proposes to change the law that I know of except the Senator from North Dakota and the Senator from Montana. They propose to do it at the demand of a certain class of disreputable scalawags who invade every mining camp on this continent and who are known as mine jumpers.

Mr. CARTER. They are just ordinary American citizens.

Mr. TELLER. It does not make any difference whether they are citizens or not, they are the men who go out and wait until some hardy miner, whether he be citizen or whether he be not, has discovered something, and then they attempt to steal it. We have had trouble with such people for forty years in the part of the country in which I live.

Now, Mr. President, we do not propose, I repeat, to change the law. If these people have no right to this land, the courts are open to the men who have attempted to jump it from them. What the Senator proposes is to change the law so that the men who have not got any standing in court can get it. That is what his amendment will do, and it is no answer to our objection to say that the Senator from Colorado wants to change front and let the whole world, the foreign world, gobble up the mining lands of the United States.

Mr. President, from 1848 to 1862 there was no law, either made by miner or made by any legislative body on this continent, that made a distinction, as to the man who took a mining claim, between a citizen and a foreigner. California was settled with thousands of foreigners, taking the mining land and extracting from it the riches that went into the country and made it prosperous and happy. The same thing was done in the camp in which I lived; and I repeat, until 1866 nobody heard of limiting the appropriation of mining lands to citizens and excluding aliens.

Mr. President, no harm came to the country, and the American miner did not complain. In that law it is provided that no man shall take it unless he is a citizen, and the Government of the United States has the power at any hour that it sees fit to put that law in force and take it away from the alien if he attempts to appropriate it.

The act of 1866 limiting appropriation of mining claims to citizens was unchanged until the act of 1897.

Then, if I mistake not, with the assistance of the Senator from Montana, this act of 1897 was passed which has been read here. Passed why, Mr. President? Because a law had slipped through here, which nobody thought would apply to mining claims, to prevent the appropriation of the agricultural lands of this country by foreigners in great tracts—not in single quarter sections, but in great tracts. When it was found that the miner could not sell his claim to a foreigner, then there arose a demand in the Senator's community, as in mine, that there should be a change of this law, and then this law of 1897 was put on the statute book and has been since in effect.

Mr. President, if there has been any change of law, the Senator has had his hand in it. I never saw the law and never heard of it until this debate began. What does it provide? It provides that a foreigner who is a bona fide resident of a Territory, shall have the same right exactly as a citizen has as to owning mining claims, and under that law these men have taken property in Alaska.

I want to say to the Senator here and to the Senate that I do not believe the time has come when the American Senate is going to take out of the courts that question and attempt to try it here.

If the American people are afraid of foreign domination in mining lands, it is the fault of the Administration, whatever it may be, that they do not come in here and put in force the law which provides for office-found, or what is equivalent to that, an escheat.

Why, Mr. President, the law has been from time immemorial that a man's title can not be questioned because he is a foreigner until office-found, and the Supreme Court have so held distinctly and repeatedly. I challenge the statement the Senator made the other night, that there has been anywhere in the United States under the mining law any system of jurisprudence which denied foreigners the right to take and to hold until office-found, except for a short time. I know what the decision was in Montana, and I know what a district court held in Colorado; but it was reversed.

Mr. CARTER. That is what I contended.

Mr. TELLER. Yes, that is what the Senator contended; but the Senator contended more. He contended that there had been a practice in this country that foreigners could not take and could not hold. I do not think that it has been held in any community, except in the cases the Senator cited, that foreigners could not take and hold until the Government questioned their title, and in

this act of 1897 it is ex industria provided that when the Government shall assail that title a man is not robbed of his property.

What does the Senator want to do? Does he want these men who have got a paper title, who have never put their hands on these claims, to be allowed to go into court and raise the question as to the title of these men who have, after much labor perhaps, created great value in the claim, when the statute of the United States, when it escheats the property, declares that the money the property brings shall go back to the man who holds it in contravention of law? This statute provides that if a man holds a claim in contravention of law, he may sell it to any man that he pleases, and the title is good.

Mr. President, the Senator's amendment will raise the question in the courts, give a standing in court to these men, these blackmailers—for that is what they are. In ninety-nine cases out of one hundred when a man puts his claim on another's, he is a blackmailer and a thief. It has been the curse of the mining camps, ever since we have had a mining camp, that this class of men were allowed to go unhanged, and in many camps in which I have been, Mr. President, the people in their might have sometime said to those fellows, "You get out of this camp;" and they have got out.

Mr. President, let these people go to the courts if they have a claim. If by filing a preemption claim, as we call it, over the possession, which the court has said is no claim whatever—if any court can be found that will sustain such a claim, let them establish their claim there. We ought not to legislate here in a way to give them any advantage which they do not now have.

Why does the Senator want to legislate in this way if he does not propose to give these people more than they are now entitled to? He is not willing to accept what the Senator from Minnesota [Mr. NELSON] has said he would be willing to accept; that is, to apply the proposed law to claims which shall be located hereafter. No, Mr. President, the Senator is not willing to do that.

Mr. CARTER. Is the Senator willing to do that?

Mr. TELLER. I am not willing to do that. I think when I state to the Senate why I am not willing to do that, the Senate will see that it ought not to be done.

There is a class of men in the mining country who are known as prospectors. They are a class who have grown up with the country; they are sui generis; they go wherever they hear that there is a new mining camp. If you start a story in the mining regions that there is a new rich camp 50 miles or 100 miles or 500 miles away, you will see the prospectors gathering together, getting their pack animals and horses ready; and away they go. Why, Mr. President, it has been said, I think, a thousand times that they were only happy when hunting a claim. When they find one, they look around immediately for some man to whom they can transfer it. They never expect to do any more work than to find a claim. They are the men who uncover the hidden riches, who enrich thousands of other people, but rarely get rich themselves. They are deserving and worthy people; and they render immense benefit to the country by their industry and their enterprise. They are the men who transmit, I may say, the inchoate title, which ripens ultimately into a fee-simple title from the Government.

But, Mr. President, you can not inquire when you go to buy a claim if the locator of the claim was a citizen. How can you determine that question? To what confusion would it lead you, owing to the frequent transfer of these claims? I may say that no community would be prosperous if mining claims could not be transferred from the original prospector, who has not the money to develop them, to the man who has got the funds to develop them. How can you determine whether the man is a foreigner or not? He may have an American name. He may be Jones or Smith. He may sell the claim to a man whom I know. I go to buy it; and I inquire of him, "Was your prospector a citizen of the United States?" "Certainly he was." The presumption ought to be that he is a citizen. But, Mr. President, suppose it is found out under this provision, which the Senator is anxious to incorporate into the statute, that the man was not a citizen; then I have bought a claim which may have passed through perhaps half a dozen persons since its original location, and the question of citizenship is raised. That is what the amendment of the Senator from Montana, whether he wants to or not, will do. That ought not to be done.

Mr. CARTER. Will the Senator yield to me for a question?

Mr. TELLER. Certainly.

Mr. CARTER. Is it not true that before the claim will be patented by the United States the proof of citizenship of the locator must be made?

Mr. TELLER. Always, Mr. President. The locator, when he comes to get a patent and discovers that he is not a citizen, finds himself compelled to go over to the clerk's office and there to swear allegiance to the United States. I have seen men who had carried muskets in the American Army for four years compelled to do that. Were they any better men after they had taken the oath before that clerk than they were when they took it before the mustering officer? Were they any more entitled to the kindly care of this Government because of that oath than they were when they risked their lives in the defense of the integrity of their adopted land?

Our statute says "bona fide residents," and the Senator wants to incorporate in the statute the words "bona fide citizens." Mr. President, if there is any evil here at all, that evil can always be met by the United States attorney. It can always be met by a proceeding to compel such a man to take out his first papers, or to forfeit his claim by a proceeding in court. If he lets it go to a conclusion, this great Government does not steal his little all; it turns it over to him, and lets him have it. What the Senator's amendment will do would be to let the blackmailer and the jumper of claims contest it with the locator and ultimately become the owner of it. I am glad to say that every nation in the world that I know of has denied that right to the interloper and the invader.

Mr. President, if I speak with a little warmth on this subject, it is because I have seen the evil of it. I have seen a man with a claim as righteous as any man ever had in the world, and I have seen a blackmailer, getting behind him a capitalist, worry the owner until he has robbed him of the better part, and in some instances of all, of his claim because he could not keep up the fight with his richer and abler antagonist.

Mr. President, if there is a class of men who are contemned and despised in the mining camps it is the claim jumpers; and no man despises them more than I do. These men who are coming here with their attorney show themselves to be jumpers when they come here and ask us to give them a standing in court with a provision of law that shall unsettle a well-adjudicated line of decisions that a man in possession of a mining claim, no matter what the vice might be in the inception of his claim, is protected from an outsider filing a claim over him.

Mr. President, when you come to amend the mining laws, if you want to do so, put in something more stringent, but I insist there has never been any abuse of these laws and there is no reason for such legislation now. The assumption of the Senator from Montana that we are inviting all the world to come in is not correct, for we do not propose to do so. If he thinks we do, let him confine his legislation—which he has not done in this amendment, and which he does not propose to do—let him confine it to claims that shall be located hereafter. Then all the world will know upon what terms such claims are to be located. Do not let us change a rule of law which has become a rule of property since 1866.

Mr. President, the mining interests of this country are great interests. We have put out in this country in the last forty-eight years more than half of all the metal money that has been in circulation in the world; and we are to put out more. We have thousands of mining camps, and no mining camp has ever asked for any legislation of this kind upon this subject. Cripple Creek, which has put out its thirty or forty million dollars a year, has had nobody here demanding a change in the mining laws. The miners there have not found any danger of foreign interference. They have felt that they were running no risks of hordes of foreigners coming over here and dominating Americans; and they have not felt that they had any representative on this floor who was unmindful of their interests. The miners of the great State of Colorado do not need the fostering and kindly care of either the Senator from Montana or the Senator from North Dakota.

Mr. CARTER. Mr. President, the hour is late, and I move that the Senate do now adjourn.

Mr. DAVIS. I trust the Senator will withdraw that motion, as I desire to move an executive session.

Mr. CARTER. I withdraw the motion.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The motion is withdrawn.

Mr. CARTER submitted the following amendment; which was ordered to be printed:

Strike out sections 73 and 74 and insert:

"SEC. —. That nothing in this act contained shall be construed as changing the existing mining laws of the United States, but in any suit, action, or proceeding hereafter commenced involving the validity of an unpatented mining location on the public domain any party alleging an interest in the subject-matter may put the competency of the locator in issue, and the court shall determine whether the locator was a citizen or had declared his intention to become a citizen of the United States at the time the location was made."

EXECUTIVE SESSION.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 19, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 18, 1900.

ASSISTANT SECRETARY OF THE NAVY.

Frank W. Hackett, of New Hampshire, to be Assistant Secretary of the Navy, vice Charles H. Allen, resigned.

PROMOTION IN THE ARMY—ARTILLERY ARM.

First Lieut. Samuel D. Sturgis, Sixth Artillery, to be captain, April 8, 1900, vice Ostheim, First Artillery, deceased.

COLLECTOR OF CUSTOMS.

Robert M. Wallace, of South Carolina, to be collector of customs in and for the district of Charleston, in the State of South Carolina, in the place of John R. Tolbert, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 18, 1900.

PROMOTIONS IN THE VOLUNTEER ARMY—FORTY-SIXTH INFANTRY.

First Lieut. Henry H. Sheen, Forty-sixth Infantry, to be captain, April 10, 1900.

Second Lieut. Richard B. Kavanagh, Forty-sixth Infantry, to be first lieutenant, April 10, 1900.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. George T. Vaughan, of Virginia, to be surgeon in the Marine-Hospital Service of the United States.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 18, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

THE SHIPPING BILL.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I ask unanimous consent that the minority of the Committee on Merchant Marine and Fisheries be given until Friday, April 27, to bring in the minority report on the shipping bill, the House having given that committee hitherto permission to report by the 20th of April. This meets the approval of the Committee on Merchant Marine and Fisheries and the distinguished gentleman from Ohio who is at the head of the committee.

Mr. GROSVENOR. I did not understand the length of time asked by the gentleman from Massachusetts.

Mr. FITZGERALD of Massachusetts. Until Friday, April 27. I think that was the agreement.

Mr. GROSVENOR. There is no objection to that, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the minority of the Committee on Merchant Marine and Fisheries have until Friday, April 27, to file the minority views, the House having given heretofore until April 20. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

PAY OF THE NAVY.

Pay of officers on sea duty; officers on shore and other duty; officers on waiting orders; officers on the retired list; Admiral's secretary; clerks to commandants of yards and stations; clerks to paymasters at yards and stations; general storekeepers, receiving ships and other vessels; for 4 additional clerks, 1 to commandant, at $1,500 per year, and 1 to paymaster and general storekeeper, at $1,300 per year, at Honolulu, and 1 to commandant, at $1,500 per year, and 1 to paymaster and general storekeeper, at $1,300 per year, at Samoa; commutation of quarters for officers on shore not occupying public quarters; pay of enlisted men on the retired list; extra pay to men reenlisting under honorable discharge; interest on deposits by men; pay of petty officers, seamen, landsmen, and apprentice boys, including men in the engineers' force and for the Fish Commission, 17,500 men and 2,500 apprentices under training at training stations and on board training ships, and for men detailed for duty with naval militia at the pay prescribed by law, $12,810,897.

Mr. FOSS. Mr. Chairman, I desire to offer an amendment on page 1, line 9, after the word "pay," to insert the amendment I send to the desk.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from Illinois.

The Clerk read as follows:

In line 9, on page 1, after the word "pay," insert: "and allowances prescribed by law."

Mr. FOSS. I may state, Mr. Chairman, that this simply makes the bill correspond to the current law in that regard.

The amendment was agreed to.

The Clerk read as follows:

EMERGENCY FUND, NAVY DEPARTMENT.

To meet unforeseen contingencies for the maintenance of the Navy constantly arising, to be expended at the discretion of the President, $500,000.

Mr. KITCHIN. Mr. Chairman, I raise the point of order against this emergency-fund provision of the bill. I make the point of order that there is no law for it, that it is new legislation, and is obnoxious to the rule. I refer to the paragraph just read by the Clerk, which changes existing law.

Mr. FOSS. Mr. Chairman, I believe that this appropriation for an emergency fund to meet unforeseen contingencies for the maintenance of the Navy—a fund of $500,000—is in order under the rules of the House.

This appropriation is for the maintenance of the naval establishment in connection with our insular possessions. We have about one-half of our Navy stationed in the Philippines, as well as one-half of our Marine Corps; and there are a thousand and one contingencies which might arise in view of the uncertain conditions in those far-away possessions which would make the appropriation necessary.

The maintenance of the Navy, Mr. Chairman, has been held to be a work or object already in progress under the rule, and consequently it comes, in my judgment, under the provisions of Rule XXI and within the law.

Another thing. This emergency fund, while in the discretion of the President, is to be expended through the different bureaus of the Navy Department, which have been already authorized by law. For these two reasons I hold that the point of order is not well taken, and should be overruled.

Mr. KITCHIN. In reply to the gentleman from Illinois, I desire to say that, as far as the maintenance of the Navy is concerned, throughout this bill will be found items for the protection and maintenance of the Navy, but that this is an entirely new section. It is called "Emergency fund, Navy Department." There is absolutely no law and no precedent for it, as I understand. The language is this:

EMERGENCY FUND, NAVY DEPARTMENT.

To meet unforeseen contingencies for the maintenance of the Navy constantly arising, to be expended at the discretion of the President, $500,000.

Now, in the first place, I think to make it at the disposal of the President makes it new legislation certainly, but the entire fund itself is new legislation. Nowhere in our law can you find any such fund, known as the emergency fund, to be placed at the disposal of the President.

The gentleman says we have islands in the Orient and we know not what may happen there, and therefore this is a necessity. The point I made was not whether it was a necessity or not, but whether it changed existing law, and the gentleman has pointed to no precedent to sustain this item. With all due respect to the opinion of the acting chairman of the Committee on Naval Affairs, I press my point of order that this is new legislation.

If this is not new legislation, pray tell me what items might you not add to this bill. Why not add an item of a million dollars to be used by the Secretary of the Navy for some general emergency, to be at his disposal? Why not give a constructor of some navy-yard a million dollars to be at his disposal, because we know not what may happen? The whole structure there might be burned. But I believe that this Congress ought to exercise its own judgment in appropriating money, and until Congress has enacted the law under which this emergency fund can be properly appropriated, it is clear to my mind that it is new legislation and is subject to the point of order.

Mr. CANNON. Mr. Chairman, I only want to say a word upon the point of order. The propriety of making this appropriation is one thing. The right to make it under the rules is another thing. Now, this is a fund in the nature of a miscellaneous or contingent fund, and the same rule that makes it in order at various places in this bill to appropriate a contingent fund for miscellaneous purposes makes it in order to appropriate, so far as the rules are concerned, $500,000—

To meet unforeseen contingencies for the maintenance of the Navy constantly arising, to be expended at the discretion of the President.

It seems to me the bare statement of the proposition and of what runs all through every general appropriation bill in making miscellaneous or contingent appropriations would cover sufficiently the objection to the point of order.

Mr. RIXEY. Mr. Chairman——

Mr. CANNON. One moment. Why, Mr. Chairman, it would be in order to appropriate under our rules in the following language: "That there be, and hereby is, appropriated for every purpose in connection with the Navy, to support the same in pursuance of law and for contingent expenses and unforeseen expenses, to be expended in the discretion of the President for these purposes, $61,000,000." That would be entirely in order under the

rules. As to whether it would be wise to make such an appropriation or not is another question.

Mr. BERRY. May I ask the gentleman a question?

Mr. CANNON. Certainly.

Mr. BERRY. What are the possibilities; what character of expenditures might this cover?

Mr. CANNON. Oh, I do not know; but I will ask my friend, what are the possibilities and what is the character of expenditures to be covered by an appropriation for contingent expenses? It is anything in the——

Mr. BERRY. There might in the secret service be something of that kind.

Mr. CANNON. It is for anything that pertains to the public service, the Navy being authorized by law. Now, any appropriation in connection with the public service, for the purpose for which the Navy is authorized and organized under law, for its support, seems to me is in order under the rule.

Mr. BERRY. I understand that proposition; but now each section of this bill takes up equipment, or navy-yards, and so on, and says what shall be expended, and I just wanted an idea from the gentleman or from the chairman of the committee what were the possible expenditures of a contingent character.

Mr. CANNON. Oh, I am not discussing that question.

Mr. KITCHIN. Is the gentleman aware——

Mr. CANNON. The gentleman from North Carolina may be correct in his contention as to whether this is the best way to appropriate. I am inclined to think he is not correct in that contention; but I am only addressing myself to the point of order.

Mr. KITCHIN. I want to ask the gentleman from Illinois if he was aware that this bill has contingent funds, according to the law and the precedents, for the different bureaus of the Navy Department also amounting to $467,000?

Mr. CANNON. I certainly am aware; but the same point of order that would be fatal, or effective, rather, to this proposition would be effective to the appropriation of the $400,000 that the gentleman refers to, in my opinion.

Mr. RIXEY. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. RIXEY. Suppose there is no emergency fund, and there should be a deficiency; does not your Committee on Appropriations provide for cases of that kind?

Mr. CANNON. Ah! But my friend will allow me; deficiencies in the absence of appropriations can not be made except where the law authorizes them. In other words, in the ordinary business of the Government the officer of the Government is powerless unless there is an appropriation or unless the law should authorize it, which it does in very rare instances, in order to make an obligation against the Government where there is no appropriation.

Mr. UNDERWOOD. Mr. Chairman, I think the gentleman from Illinois has overlooked the history that brought about the adoption of this very rule. Until 1838 there was no rule against adopting new legislation on appropriation bills, but up to that time a great many appropriation bills had failed to become law by reason of the fights that grew out of the attempt to adopt new legislation or change existing law; and Mr. Hinds, in his Digest of Parliamentary Precedents, states on page 280 that—

> In 1835 the fortification appropriation bill had failed because the Senate would not agree to an item of $3,000,000 to be disbursed by the President for certain extraordinary military and naval purposes.

Now, here is an item identically the same carried in this bill, to be disbursed by the President for "extraordinary military and naval purposes."

Mr. DAYTON. I hope the gentleman will pardon me; I did not hear the page.

Mr. UNDERWOOD. Page 280 of Hinds's Digest. The failure of that bill for that reason, Mr. Speaker, caused the adoption of this rule to avoid these contingencies in the future, and the very adoption of the rule grew out of a similar provision in a general appropriation bill to this one now before the House. It was for the purpose explicitly, as stated in Hinds's Digest, of avoiding such a contingency that this rule was adopted. I am reading from Hinds's Parliamentary Precedents of the House of Representatives. That is all I desire to say.

Mr. DAYTON. Mr. Chairman, I desire to say a word on this matter in connection with the point of order. I want to call attention to the fact that in the Fifty-third Congress, third session, page 2403, in an opinion the Chairman rendered on the naval appropriation bill, on which a point of order was raised against an addition made to the naval force——

The CHAIRMAN. What page is the gentleman reading from?

Mr. KITCHIN. I can not hear the gentleman from West Virginia and ask for order.

The CHAIRMAN. What page is the gentleman from West Virginia reading from?

Mr. DAYTON. I am referring to page 2406 of the RECORD, and not of Hinds's Digest. I will send it to the Chair in one moment. It was held that there was a difference to be observed in reference to the work of a Department, such as the Navy Department; that it was a continuing work, and that although the expenditure might be increased, nevertheless these sums of money can be appropriated for it, even to the extent of adding new ships; even to the extent of increasing the amount of the force, because it was "a work already in progress."

Mr. UNDERWOOD. Will the gentleman allow me a question?

Mr. DAYTON. Pardon me; when I discuss a legal point, I do not want to be interrupted right in the midst of the statement. I will yield to you in a moment. It is not an appropriation to any new Department; it is not an appropriation to any new work of any kind or character; it is simply an additional appropriation to a Department well organized. It does not change existing law. It is simply an additional appropriation to work already in progress, to be used in case of an emergency and to be accounted for if used.

Mr. UNDERWOOD. Now will the gentleman allow a question?

Mr. DAYTON. Now let me make the point. First, the Navy is established in a work "already in progress." Second, this appropriation does not change existing law or provide for any new object, but simply gives more money to the establishment or work, to be used in case of an emergency. Third, it is to be expended in a legal and proper manner. Now I will listen to you.

Mr. UNDERWOOD. I will ask the gentleman if, in his argument, he is contending that all matters of the Navy, such as the building of ships, or dockyards, or of armor-plate factories, are continuing work? Is not that the argument that the gentleman makes?

Mr. DAYTON. Do you mean that as an argument for the armor-plate factory?

Mr. UNDERWOOD. I think it could be used as such when we come to it.

Mr. DAYTON. When we reach that bridge, my friend, I will answer that.

Mr. UNDERWOOD. The gentleman does not stand by his argument.

Mr. DAYTON. An armor-plate factory has no more to do naturally with the Navy than the man in the moon.

Mr. WILLIAMS of Mississippi. Quite as much as a steam engine.

Mr. DAYTON. Not any more than the digging of coal in West Virginia is a part of the naval establishment.

Mr. UNDERWOOD. Mr. Chairman, in reference to this argument, I want to say we know——

Mr. DAYTON. I want to send this record up to the Chair, as I promised.

Mr. UNDERWOOD (continuing). When the question was first raised in this House as to whether a ship was a continuing improvement of the Navy, it was in reference to the *New York*. The ship *New York* had been commenced in 1869, and in 1885 was still uncompleted. A proposition was made to appropriate to finish the building of the ship *New York*.

The Chair ruled that that was an appropriation to carry out an undertaking that had already been begun by law, and that was the beginning of the precedent established in this matter. The next Congress adopted it for new vessels that had not been begun. But, Mr. Chairman, although these precedents are well established, and particularly in this House, they are with reference to the building of ships or the completion and carrying out of a specific purpose that is known to be a part of the Navy.

This appropriation, now before the Chair for consideration, does not make the appropriation for any specific object, but it leaves it indefinite for the President to spend for any purposes within the naval affairs of the United States. Now, I will call the Chair's attention to this ruling, on page 288 of the Digest:

> By public works and objects already in progress are meant tangible matters, like buildings, roads, etc., and not duties in an executive department.

That decision is found in the records of the Fifty-first Congress. I do not know who the Chairman was who decided the proposition, but it is clearly within the line of all decisions in such matters. It is absolutely in contravention of the argument of the gentleman from West Virginia [Mr. DAYTON]. It clearly holds that this object must be like buildings, public roads—some definite known object that is tangible and can be reached.

Furthermore, it says it must not be executive, whereas this provision is absolutely executive; it puts the money in the hands of the Executive to be used as he pleases, and not for any specific or tangible purpose.

Mr. DAYTON. The reason I referred to the decision in the Fifty-third Congress is because of the distinction that is drawn between the class of works to which the gentleman from Alabama refers and the naval establishment.

Mr. UNDERWOOD. I say that it is not a tangible object; there is no specific object mentioned; it is purely an appropriation

to be expended by the Executive, and that was held could not be done by this decision of the Fifty-first Congress.

The CHAIRMAN. The Chair is ready to rule.

Mr. DE ARMOND. Mr. Chairman, the point of order, I take it, is predicated on clause 2 of Rule XXI, which reads as follows:

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Now, if this provision of the rule is in force and is to have application on this question, it seems to me that no doubt can arise; it seems to me that there is no room for doubt that the point of order made by the gentleman from North Carolina [Mr. KITCHIN] is good and ought to be sustained. The item to which he raises this point is:

To meet unforeseen contingencies for the maintenance of the Navy constantly arising, to be expended at the discretion of the President, $500,000.

There is no limitation whatever as to the Presidential expenditure or the exercise of the President's discretion. Anything the President may regard as a contingency, an unforeseen one, is the thing that he can provide for under this item of appropriation. There is no law that authorizes this. If the President were to conclude that under this item in the bill a new ship ought to be built, he would be authorized by this item to build it. And yet it is the general course of legislation, the universal course in Congress, to provide for the building of each and every ship that is built. If the President were to conclude that it would be a good scheme to buy a ship, there would be authority given in this item to buy it; and yet it has been the course of legislation that authority must be given to the Department, the President, or somebody to make such purchase or it can not be made. If it were to occur to the President, with this item in the bill, that a new navy-yard ought to be established or a new dock constructed, authority would be found here for it. If it were called an unforeseen contingency, he could make the investment and incur the indebtedness.

If it were concluded that it would be a good scheme to buy a new island, or a group of islands, "for the maintenance of the Navy," for the establishment of navy-yards, the language of the appropriation is broad enough to allow it; and yet there is no law in existence authorizing any such investment by the President or any such disposition of money by him or anybody else. There is a tendency of late in legislation that certainly ought to be checked by a proper ruling on these items, when objected to, to enlarge the discretionary power of this and that officer of the Government, transferring to him in bulk, and large bulk, the public funds to be disposed of as he may think necessary, under such circumstances as he thinks would warrant the investment.

Now, the older and better system was, and we ought to return to it, to provide by legislation what is to be done, to direct the expenditures that are to be made, not merely to turn over to some executive officer funds in bulk to do as he thinks fit with the money that ought to be handled by Congress, in the exercise of its own judgment. This is only one of the many like items found in this bill and other appropriation bills of recent origin.

If it is necessary to provide by law for such expenditures, then provide by law, in the lawful way, by introducing and passing a bill and letting it become a law. Then when the law has been made, if Congress deems it proper to appropriate under the law, let Congress so appropriate; but do not make law in violation of your rules, in violation of propriety, and in great danger to economical and just and honest administration of the Government; and at the same time that you are making such a law do not unloose the purse strings and turn over the treasure of the people to any executive officer.

To my mind it is hard to see how there can be new legislation if this is not new legislation. No such power exists to-day; no such expenditures can be made, if the Treasury were filled to overflowing, by any President or other executive officer of the Government. I should like some one to point out what particular thing connected with the maintenance of a navy and regarded as an "unforeseen contingency," subject to the judgment only of one man, can be specified that will fall outside of the ample breastworks here reared.

Mr. FOSS. I will state to the gentleman that we have to-day in Manila sixty or seventy vessels of the Navy. We have about half the Marine Corps there. In view of the unsettled conditions, and in view of our ignorance as to those conditions, there are liable to arise constantly contingencies which may make necessary an appropriation like this.

Mr. DE ARMOND. That does not meet the question here. The question here is as to the power to make this appropriation in this bill—whether any law exists under which you can make it—any law which authorizes it. That is the question here.

Mr. FOSS. I understood the gentleman to ask me what this appropriation was for—the necessity for it.

Mr. DE ARMOND. I ask this—and I direct the inquiry to the gentleman who is the acting chairman of the committee or to any other gentleman—whether he can specify any particular thing which the President might not regard as an unforeseen contingency, anything connected with the maintenance of the Navy, on account of which the President might not expend all this $500,000, or any part of it.

Mr. WHEELER of Kentucky. In reply to the gentleman from Illinois [Mr. Foss] I will direct the attention of my friend from Missouri [Mr. DE ARMOND] to page 15 of the bill, where there is an appropriation of $6,000,000 to cover the very things which this appropriation purports to cover.

Mr. FOSS. I did not understand the question of the gentleman from Missouri.

Mr. DE ARMOND. The point I made was this: That this legislation is so thoroughly new, so sweeping, that you can not circumscribe or limit it if this provision be passed. I think you can not specify a single thing connected with the Navy so thoroughly unauthorized now that the President may not do that thing with all this money or any part of it.

If there is any such thing connected with the Navy which can be specified as a thing that can not be done with this money or part of this money, I should be glad to have it specified. You can buy ships; you can build ships; you can buy navy-yards; you can construct navy-yards; you can buy docks; you can hire docks; you can hire ships; you can hire men—either permanently or temporarily. You can do anything that may be regarded as tending toward "the maintenance of the Navy" and arising out of an "unforeseen contingency."

Passing from that consideration, the point I make is that no law exists authorizing such a sweeping use of the public money, such a blind use of the public money, such a use of the public money for things not provided for and not thought of—things to be thought of and to be provided for, simply according to the judgment or the will of the President.

The gentleman from Illinois [Mr. Foss] suggests that this appropriation is necessary because there is ignorance as to what legislation we should have or what we may need in Manila or elsewhere. That has nothing to do with the point of order. If it is necessary (which I do not concede) that there should be such legislation as this, then under the rules, and under correct methods of parliamentary procedure, that legislation ought to be secured by the introduction and passage of a bill. Such a bill being passed and authorizing such an expenditure as this, then it would be entirely competent to make appropriations for this expenditure. But here comes an appropriation without the authority to make it. Here comes an appropriation without any law authorizing it. Here comes an enactment of a law which authorizes an appropriation in the very words which enact the law itself.

Mr. FOSS. Will the gentleman from Missouri yield for a question?

Mr. DE ARMOND. Certainly.

Mr. FOSS. Does not the gentleman think that the maintenance of the naval establishment and for incidental expenses in connection with the naval establishment, as expressed in the pending bill and the paragraph to which exception is quoted, is a "work and object already in progress?"

Mr. DE ARMOND. Mr. Chairman, if the gentleman were to insist upon the doctrine that he holds—that is, that a large surplus fund might be appropriated in this way without a specific object—it would be, in the same line of reasoning, perfectly competent to throw away the entire bill; to include the entire appropriation for the naval establishment on one page, the size of one of the pages presented here, and authorize the President of the United States to expend that in his discretion. Is the gentleman prepared to assume a position of that kind? I ask if that is competent under the law; and whether, if the law be enforced, such an appropriation as that provided in the pending bill, and against which the point of order is made, is possible under our rule?

Mr. Chairman, if the law is in force which would authorize this provision of the bill, then the same law must be in force on every other item of this bill and in any other appropriation bill passed and to be passed by this House, and instead of legislating for a thousand dollars on this, or ten thousand on that, or a million dollars on the other proposition contained in the various bills, it would only be necessary—because in that event it would be competent for Congress—it would only be necessary to have a simple bill, containing but one item, making a bulk appropriation of the whole amount carried by the bill, and placing the entire lump sum at the disposal of the President, to do as he may see fit, to exercise his own discretion in the expenditure of the money.

Mr. CANNON. Will my friend from Missouri yield to me for a moment?

Mr. DE ARMOND. Certainly.

Mr. CANNON. I for myself assent to the proposition the gentleman makes, that a bill might be drawn in one sentence not longer than my finger; and it is quite competent under the rules of the House to appropriate $61,000,000 for the naval establishment

instead of in detail for the support of the Navy, under the law, of course.

Mr. DE ARMOND. Yes; I agree with the gentleman, "under the law." But there is no provision of law that authorizes the expenditure of this sum or any other sum for incidental contingencies or necessary contingencies that might arise.

Mr. WILLIAMS of Mississippi. To be expended in the discretion of the executive officer of the Government.

Mr. CANNON. Ah, but for the maintenance of the Navy.

Mr. DE ARMOND. Where is the provision of law that authorizes such an appropriation?

Mr. CANNON. It arises from the power authorized by existing law to have a Navy at all and the provision of law that requires or authorizes the maintenance of that Navy. There can be no question on that point.

Mr. DE ARMOND. Will the gentleman cite the law to which he refers?

Mr. WILLIAMS of Mississippi. But not a law to be executed in the discretion of the executive officers of the Government. The law is specific.

Mr. CANNON. Of course I agree with the gentleman from Mississippi to the extent that the President could not organize an army or a navy under that discretion.

Mr. WHEELER of Kentucky. But, according to the suggestion of the gentleman from Illinois, he could organize a navy and use the discretionary fund placed at his disposal for that purpose.

Mr. DE ARMOND. The law is specific and provides for the doing of certain things. This appropriation gives to the Executive a discretion that is not provided by law in any sense.

Mr. CANNON. But he must maintain a navy?

Mr. DE ARMOND. I ask the gentleman from Illinois if the President, under this discretion, could add five thousand or one thousand men to the naval force authorized by law?

Mr. CANNON. Certainly not.

Mr. DE ARMOND. And why?

Mr. CANNON. Because the law itself fixes the number.

Mr. DE ARMOND. But you are making a new law in this provision.

Mr. CANNON. Oh, no; I do not so understand it.

Mr. DE ARMOND. The gentleman from Illinois is entirely familiar with the matter of appropriations in this House, and knows as well as any of us, and can state better than any of us, the fundamental propositions that are embodied in the law, that we can not appropriate a cent of the money of the people from the Treasury of the Government without a law which authorizes it. Now, if there is a law which authorizes this appropriation, it can be found. I ask the gentleman where that law is to be found?

Mr. CANNON. The law is the law creating the Navy; that there shall be so many officers, so many enlisted men, so many ships, and that there shall be coaling stations here and there, and all of the details that go to make up the complement of the Navy; and all the bills, as a matter of detail providing for the service of the Government, are based on the same principle. If it be necessary to utilize this appropriation, which the bill provides, and the President finds in his discretion, under the advice of the naval establishment, that another coaling station is necessary, he could purchase it, he could provide for it, because it is necessary for the "maintenance of the Navy" and is a part of the naval establishment. If any one of the thousand things that constantly arise in connection with the Navy should present itself, he is in a position to use a portion of this fund of $500,000 for the "maintenance of the Navy" under the law.

Of course it would have to be "under the law," because otherwise he could not expend it. But the law is clear on these points, and there can be no doubt as to the fact that the President must expend such appropriation "under the law" and not otherwise. And when I say an expenditure "for the maintenance of the Navy," the law itself necessarily specifies what that means and where the expenditure may properly go. Of course it nowhere specifies how any pound of powder should be used. It nowhere specifies a thousand other things that are necessary for the maintenance of the Navy. The matter is placed in the discretion of the Executive. The President could use the fund, if necessary, for the purchase of powder or for any other purpose in connection with the maintenance of the Navy where sound discretion is lodged with him. In other words, it is a wise precaution that provides an emergency fund to anticipate any unusual demand that may be made upon the resources of the Navy under the discretion of the President. We must trust him to some extent. Gentlemen will not deny that; and we must provide to meet unforeseen contingencies in the naval establishment.

Mr. UNDERWOOD. Will the gentleman permit me to ask him a question?

Mr. CANNON. Well, I am assuming to talk in the time of the gentleman from Missouri.

Mr. DE ARMOND. Certainly, I yield to the gentleman to allow a question.

Mr. UNDERWOOD. The gentleman from Illinois will no doubt recollect the fact that there was a point of order made upon a provision in the appropriation bill from his committee in the Fifty-first Congress, where it was held that an appropriation to come within the law must provide for a tangible object "already in progress," such as the building of a new custom-house, or any other expenditure of the same character, and not for an intangible thing, like that suggested in the present bill. That decision was made in the Fifty-first Congress.

Mr. CANNON. I can see how that would be a very apt decision under certain conditions to arrive at certain things. I do not recollect the decision that the gentleman speaks of.

Mr. UNDERWOOD. I have referred the Chairman to it.

Mr. CANNON. But I will say to the gentleman from Missouri [Mr. DE ARMOND] that the authority for this appropriation is to be found in the authority for every contingent and miscellaneous expenditure that is appropriated for.

Mr. DE ARMOND. I wish to ask the gentleman from Illinois this question: Where is to be found the authority under existing law for authorizing the President to expend this $500,000 or any of it?

Mr. CANNON. Oh, the whole of it authorizes the Executive, and it is quite as competent now that we make these appropriations directly authorizing their expenditure by the Executive as it is to authorize their expenditure by the various Departments. The greater includes the less. The President is at the head of the whole shooting match. [Laughter and applause.]

Mr. DE ARMOND. Now, Mr. Chairman, the gentleman says this expenditure can be made for the maintenance of the Navy. I do not concede that; but, passing that, by whom can it be made? Where is the law that authorizes it to be made by anybody? You have to designate the person who is to make it.

Mr. CANNON. This appropriation, like scores of other appropriations proposed in this bill and that have been in all naval appropriation bills, is for expenditures necessary to the maintenance of the naval establishment. Now, the naval establishment, I will say again, is under law as to its personnel.

Mr. DE ARMOND. I will ask the gentleman another question.

Mr. CANNON. Yes.

Mr. DE ARMOND. Suppose this were an appropriation authorizing the expenditure of this $500,000 by the Secretary of the Navy. Would that be a change of existing law?

Mr. CANNON. I think not.

Mr. DE ARMOND. Then there is no existing law directing who shall make the expenditure. Is that true?

Mr. CANNON. Well, I say the greater includes the less.

Mr. DE ARMOND. Yes; but is that true, if the gentleman from Illinois please? Is it true that there is nothing in the law determining who shall make an expenditure for "unforeseen contingencies?"

Mr. CANNON. I have no recollection of there being a specific law that it shall be competent for Congress to appropriate so much money, saying that A B or C D shall alone make that expenditure. There may be such a law, but I now have no recollection of any. But I do have a recollection that all rules and all laws have, if I may be allowed the expression, their common law, and any appropriation to carry out a law or maintain an establishment under law for contingent expenses, for miscellaneous expenses, for unforeseen contingencies, in the discretion of the President, is in order. It might be a question as to the wisdom of making such an appropriation, but anything that maintains that establishment which is organized under law and makes it efficient, it seems to me, I will say to the gentleman, is authorized by law.

Mr. DE ARMOND. There are two things in it. In the first place, there must be a law authorizing the appropriation. That is clear under clause 2 of Rule XXI. There must be a law authorizing the appropriation. Now, that law must authorize all that is done in and by the appropriation, or you make new legislation about it. In the first place, there is no law authorizing the appropriation for "unforeseen contingencies" for the maintenance of the Navy. The gentleman from Illinois can not find it. The chairman of the Committee on Naval Affairs, the gentleman from Illinois [Mr. FOSS], can not find it. Nobody can find it, because it does not exist. Hence, there is not a scrap of law that authorizes the President to dispose of any money appropriated for the maintenance of the Navy covered by this particular item; and the President can not appropriate it, and the President can not handle it unless he is authorized by law to do it.

Neither can the Secretary of the Navy nor any other official, great or small, in the Government do the same thing. So, then, this item at once makes the law and makes the appropriation under the law, makes both at one and the same time, and that is violative of paragraph 2 of Rule XXI. If we are going to adhere to the rules, however great the necessity which the gentleman from Illinois [Mr. FOSS] talks about, it is necessary first to have the law, and then to make the appropriation to carry it out.

If we are going to disregard the rules, it is another proposition.

The discussion so far has proceeded upon the theory that we will try to observe them.

Mr. FOSS. Mr. Chairman, just a moment. I desire to state that in each bureau there have been for a great many years and is to-day a contingent fund. Now, this emergency fund, if the Chair will look at the bill, applies not to any one bureau, but to all bureaus; in other words, for the whole Navy Department, and for the maintenance of the Navy. It is a contingency provision, not for one department—it has been recognized for years and years as in order—but for all departments.

Mr. DE ARMOND. Mr. Chairman, will the gentleman yield to me for a question?

Mr. FOSS. Certainly.

Mr. DE ARMOND. You say a provision has been made to set apart a contingency fund for each and all of the various bureaus of the Department?

Mr. FOSS. Yes.

Mr. DE ARMOND. And this is an additional provision for all the departments. Now, then, I ask you if it is not a change of existing law to make it apply in bulk to every branch of the departments? When you make an appropriation for all in a lump and put it in the hands of a Government officer, who, under the existing laws, can not handle any of this fund, do you not make a new law, and are you not appropriating without law until you make it?

Mr. FOSS. I think it is substantially the same.

Now, Mr. Chairman, I desire to call attention to another fact, and that is, that emergency funds are not unusual. In the last deficiency act, of March 3, 1899, there was a fund of this character of $500,000 appropriated by Congress.

Mr. KITCHIN. It is impossible to hear.

Mr. FOSS. I desire to say, Mr. Chairman, that emergency funds are not unusual in appropriation bills and that in the deficiency act of last year, approved March 3, 1899, there was an appropriation of $500,000 for emergencies in connection with the naval establishment, practically the same provision which is here in this bill, and that I understand the additional deficiency act of this year, which was reported by the Committee on Appropriations, has an emergency provision.

Mr. KITCHIN. Will the gentleman from Illinois allow an interruption?

The CHAIRMAN. The Chair would like to ask the gentleman from Illinois this question: Suppose the words were to be left out "to be expended at the discretion of the President," and the rest of the language were left in, making the appropriation, in whose discretion would the money be expended?

Mr. FOSS. I think the money would be expended by the Navy Department, under the direction of the President, as Commander in Chief of the Army and Navy.

Mr. KITCHIN. Mr. Chairman, I would like to ask the gentleman from Illinois a question upon what he has just said. The gentleman has cited two instances in which he thinks the same proposition was involved as in this case. The gentleman will remember that those were items for a specific department, and this point of order was not raised against either of those appropriations; and the point being not raised, certainly they can not be considered precedents.

Mr. FOSS. I understand.

The CHAIRMAN. The Chair is ready to rule.

This bill is a bill making appropriation for the naval service for the next fiscal year. Of course, every appropriation in the bill is for the maintenance of the naval establishment. This appropriation is for "the maintenance of the Navy;" broadly speaking, that is what the object of the appropriation is. It is so stated in the appropriating words; "to meet unforeseen contingencies for the Navy constantly arising," in the mind of the Chair, is simply a limitation on that appropriation. So that the Chair has no difficulty whatever on the first proposition. The appropriation is for the maintenance of the Navy, and is in order on this bill. The question is whether the language "to be expended at the discretion of the President" changes existing law.

The Chair finds a ruling made in the Fifty-fourth Congress on an appropriation—

> For the relief and care of the poor and destitute, and for such charitable and reformatory work and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions and as the District Commissioners may deem necessary the sum of $94,700 to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions, or by employing for the purpose the public institutions or agencies of said District where practicable, etc.

The point of order was made against that amendment, and the Speaker of the House held—that being in the House—the point of order was not well taken, and that that amendment was in order. While the present occupant of the chair would hardly go so far as to hold that that particular amendment was in order, as at present advised, yet the question rises here whether it is any more than a limitation on this appropriation, to be used in the discretion of the President—when the President approves of it, in other words. That is the view the Chair takes of it, and so overrules the point of order.

Mr. KITCHIN. From that ruling, Mr. Chairman, I appeal.

The CHAIRMAN. The gentleman from North Carolina appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as a judgment of the committee?

The question was put.

The CHAIRMAN. The Chair is in doubt.

Mr. DAYTON. A parliamentary inquiry. What is the motion before the House?

The CHAIRMAN. The question is, Whether the decision of the Chair shall stand as the judgment of the committee?

The committee divided; and there were—ayes 80, noes 83.

Mr. FOSS. I demand tellers.

The question was taken on ordering tellers, and tellers were ordered.

The CHAIRMAN. The Chair appoints as tellers the gentleman from North Carolina, Mr. KITCHIN, and the gentleman from Illinois, Mr. FOSS.

The House again divided; and the tellers reported—yeas 94, nays 89.

So the decision of the Chair was sustained.

Mr. WHEELER of Kentucky. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Kentucky will state it.

Mr. WHEELER of Kentucky. I paired generally with my colleague on the committee, Mr. METCALF of California, and I desire to ask the Chair—I know it is entirely within the discretion of the members of the House—what the practice has been in voting; whether or not pairs are respected in Committee of the Whole on matters like the one under consideration. I refrained from voting, but there seems to be some conflict in the minds of different members, and I would like to ask the Chair what the practice has been.

The CHAIRMAN. The question rests entirely with each member as to pairs. The Chair can not state what the practice of the members of the House may be, but as far as the Chair is individually concerned, when paired he refrains from voting on all questions.

Mr. RANSDELL. Mr. Chairman, I am paired on this question with the gentleman from Pennsylvania. I voted in the affirmative, and I wish to withdraw my vote.

Mr. GAINES. I voted in the negative, and I desire to withdraw my vote. Is there no rule of the House, Mr. Chairman, that controls this question of pairs?

The CHAIRMAN. There is no rule except that the pairs shall be in writing and may be announced at the end of a vote. The Chair will state that it is not clear that a vote can be withdrawn after the result is announced. However, in this case, it does not affect the result, as one has been withdrawn in the affirmative and one in the negative.

Mr. KITCHIN. Mr. Chairman, I move to amend this paragraph by striking out lines 12, 13, and 14.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> On page 4 strike out lines 12, 13, and 14, in the following words:
> "To meet unforeseen contingencies for the maintenance of the Navy constantly arising, to be expended at the discretion of the President, $500,000."

Mr. KITCHIN. Now, Mr. Chairman, I yield to the gentleman from Kentucky [Mr. WHEELER].

Mr. WHEELER of Kentucky. Mr. Chairman, I suppose it is well-nigh useless now to say anything to the House on this item, as some friction has been generated by the discussion of the point of order. I suppose all of us give way to our natural inclinations to follow the lead of our respective parties, but I desire to submit a few observations to the committee and then will acquiesce cheerfully in whatever its judgment may dictate.

If there is any evidence—and I wish the chairman of the committee would give me his attention—if there is any evidence before the Committee on Naval Affairs asking for this appropriation, I have been unable to discover it. The President of the United States certainly never asked for it.

I am aware that the Secretary of the Navy, after the item had been incorporated in the bill and after the committee had discussed the matter pro and con, did, in response to an inquiry propounded to him by the chairman, say that he believed that this item should be left in the bill. But in response to a further question, asked by myself, he declared that in his judgment the practice of making appropriations of great sums of money to be expended at the discretion of any Department officer was vicious and unwise.

Now, I care nothing about this particular item, Mr. Chairman; it is a small matter when we come to consider the vast revenues of the Treasury. I am a sincere advocate of building and maintaining a great Navy by the Federal Government. I believe the spirit of our people sanctions such a purpose. I am confident we are heartily supported in our efforts to construct a Navy that will

render our shores secure from the attack of any country under the sun.

I believe in the establishment of a great Navy not as an engine of offense, but as a means of defense. And, desiring to see a great Navy constructed and maintained, I do not like to see items like the present creeping into appropriation bills which, to put it mildly, will excite suspicion in the conservative element of our country.

I am not willing to trust the President of the United States to handle $500,000 of the people's money when he makes no explanation to me or my constituents as to what he does with it. I say that in a kindly spirit. If I should lie down and die this afternoon, I would be unwilling to let my affairs be administered by any man without giving bonds to report to my heirs or assigns.

Here is an appropriation bill carrying sixty-one millions of money. Every department of the Navy has a contingent appropriation, in the aggregate, of $470,000. And yet, so far as I am advised, upon the ipse dixit of the chairman of this committee, the sum of $500,000 is incorporated in this bill. If it is necessary, it certainly has not been pressed by the Department of the Navy.

What put it there? It was put there simply because the last appropriation bill carried a similar item; and this tends to accentuate the dangerous tendency to make extravagant appropriations in the American Congress. It is unprecedented. The last appropriation bill, passed when we were just recovering from our struggle with Spain, carried an item like this. No protest was raised against it; no point of order was suggested. Now, we find cropping out in this bill a similar item. Next year it will have been sanctioned by two appropriation bills, and it will become a regular appropriation for the Navy Department. Why? It is an open secret that many of the appropriations——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. WHEELER of Kentucky. I ask five minutes more.

The CHAIRMAN. The gentleman asks that his time be extended for five minutes. Is there objection? The Chair hears none.

Mr. WHEELER of Kentucky. It is an open secret that many of the appropriations in all our Departments are too high. That is an infirmity of our system from which we can not escape. I do not think that it is to be charged to any particular party or to any particular committee. Necessarily we make appropriations sometimes (relying upon the heads of Departments) which are greater than they should be. I have been told within the last two days that under a certain Department of the Government, just before the expiration of the last fiscal year, a particular public work was in progress. The officer who was talking to me said he went to that public work and saw dozens and dozens of men engaged there in all sorts of work, and was told that an effort was being made to use up the appropriation which had been made, because it was so great they wanted the whole thing wiped out before the next bill was considered.

Mr. WM. ALDEN SMITH. Will the gentleman allow me a question?

Mr. WHEELER of Kentucky. Yes, sir.

Mr. WM. ALDEN SMITH. Do you claim that this discretion has been abused in any way?

Mr. WHEELER of Kentucky. What discretion?

Mr. WM. ALDEN SMITH. The discretion conferred on the Secretary of the Navy in the last bill, which the gentleman has just referred to.

Mr. WHEELER of Kentucky. No, sir; I do not. I make no reflection upon anybody. I think that in all probability the last appropriation was absolutely necessary.

Mr. WM. ALDEN SMITH. Then, why not trust them now?

Mr. WHEELER of Kentucky. If the President will say that he wants this appropriation, I will vote for it cheerfully; I shall be glad to do so. If the gentleman will point me to any responsible head of a Department who says this appropriation is necessary, I will cheerfully support it.

Mr. DAYTON. If it is recommended by the Secretary of the Navy, is that sufficient for the gentleman?

Mr. WHEELER of Kentucky. The Secretary of the Navy is not the responsible head when it comes to a question of this sort; and I am unwilling to accept his judgment.

Mr. DAYTON. Then I understand you draw a distinction between the President and the Secretary of the Navy in this matter.

Mr. WHEELER of Kentucky. I do. If the Secretary of the Navy had originally asked for this, I should have raised no question against it; but I say that the Secretary of the Navy made no such request. The appropriation was put in the bill, so far as I am advised, upon the suggestion of the chairman of the committee or some of his colleagues.

Mr. WM. ALDEN SMITH. Can the gentleman see no wisdom in the provision?

Mr. WHEELER of Kentucky. I see no wisdom in it, but, on the contrary, I see a vicious and dangerous principle involved; and therefore I oppose it. The gentleman from Michigan would be unwilling to put a provision of this kind in his own will, and you have no more right to handle recklessly the money of the American people than you have to do a similar thing in the transaction of your own private affairs.

Mr. WM. ALDEN SMITH. I will state to the gentleman that this thing has been done again and again in private and public trust, and the power has not been abused, to my knowledge, and it is quite necessary that the Navy Department should have an emergency fund at its disposal in the present crisis of our country's affairs.

Mr. WHEELER of Kentucky. I am aware that this sort of an appropriation has sometimes been made, but rarely. But whether that is true or not, coming back to the question, we who honestly desire to build up and maintain a navy know that items of this character will excite the suspicion of the American people. No man knows what will become of this money. To the suggestion of the acting chairman of the committee [Mr. Foss] that there are some ships in the Philippines that might need some money, I reply that $8,500,000 are appropriated in this bill to cover just such contingencies as those suggested by the gentleman.

The appropriations for the Bureau of Equipment and the Bureau of Construction and Repair carry $8,500,000. If any ship goes on a reef, if any ship needs repairing, needs any work done upon it, there is the appropriation of $8,500,000 at the disposal of the Navy Department. If it should be necessary to buy coal to be used at any coaling station, there is an appropriation of $700,000 carried in this bill to cover just such contingencies. There is absolutely no demand for an appropriation of this kind.

Mr. DINSMORE. The gentleman said a few moments ago, I believe, that an appropriation similar to this was in the bill of last year.

Mr. WHEELER of Kentucky. Yes, sir.

Mr. DINSMORE. Was such an appropriation in the bill prior to that time?

Mr. WHEELER of Kentucky. Never, so far as I am aware, in any naval bill.

Mr. DINSMORE. Was it not inserted in the last appropriation bill on account of the war then existing and because it was believed to be necessary?

Mr. WHEELER of Kentucky. That appropriation last year was made in response to the same public sentiment that induced this House to put $50,000,000 in the hands of the Executive to provide for the defense of this country.

Mr. DINSMORE. Exactly.

Mr. WHEELER of Kentucky. We wanted to give the President everything that he needed; and if the Executive thinks this appropriation necessary, I venture to say there will not be a dissenting vote upon the question on this side of the Chamber. We protest against this appropriation because we believe it to be unnecessary and extravagant.

Mr. KITCHIN. Allow me to state to the gentleman from Kentucky that last year the amount referred to did appear as an appropriation in the original bill that we were considering; but after a thorough investigation of the last bill—the bill as passed—I find no such appropriation.

Mr. WHEELER of Kentucky. But it went into the deficiency bill after the other bill had been passed.

Mr. WM. ALDEN SMITH. Will the gentleman allow me another question? He says that he would vote for this if the President asked it——

[Here the hammer fell.]

Mr. WHEELER of Kentucky. Yes; I will vote for it if the President says he wants it and if it is necessary; and I suppose that every member of the House would do so.

Mr. FOSS. Mr. Chairman, as everyone knows, there is submitted to Congress at the beginning of every session a Book of Estimates; and in case there are supplementary estimates to be asked for, there is a report or a letter usually submitted from the appropriate Department with reference to any new provision which may be desired. Now, in the additional estimates submitted to Congress, that will be found in House Document 398; the Secretary of the Navy asks for an emergency fund of $500,000.

Mr. WHEELER of Kentucky. Will the gentleman from Illinois state the date of that communication?

Mr. DAYTON. That was the 2d day of February, 1900.

Mr. FOSS. February 2, 1900, as this record shows.

Mr. WHEELER of Kentucky. Is it not a fact that the bill, to which the gentleman is now referring in his remarks, contained the very item provided here before the date of that communication?

Mr. FOSS. No; it never did.

Mr. WHEELER of Kentucky. Why, the gentleman understands it was in the original appropriation bill?

Mr. DAYTON. Never.

Mr. FOSS. It was not in the bill before that date. It was asked for. The Secretary of the Navy said in his report:

It is requested that the item of $500,000 be appropriated for the fiscal year ending June 30, 1901, to meet such expenses in connection with the Navy, etc., as might arise from time to time for which no specific appropriation is made, and for which the appropriation is unable to be estimated for, even approximately, at the present time.

That is the substance of what the Secretary recommends in this regard.

Now, I wish to quote the testimony of the Secretary of the Navy on this very proposition. This is the point to which I desire to call the attention of the members of this committee. I asked the question myself in reference to the items now under consideration. I wanted to ask the Secretary of the Navy a question in reference to the appropriation of the emergency fund to meet unforeseen contingencies constantly arising, to be expended at the discretion of the President:

The CHAIRMAN. I would like to ask the Secretary one more question, which is in reference to the necessity of the emergency fund for these unforeseen contingencies constantly arising, to be expended at the discretion of the President, $500,000. I understand that during the past year you had an emergency fund of $500,000 put on, I think, in the sundry civil bill?

Secretary LONG. Yes.

The CHAIRMAN. And this year you are asking for another fund for the same amount in order to meet the unsettled conditions in the foreign stations?

Secretary LONG. That is true.

Mr. CUMMINGS. Do I understand that means he is practically asking for $1,000,000?

The CHAIRMAN. No; just $500,000.

Secretary LONG. The same for next year as for the past.

Mr. WHEELER of Kentucky. If we go into that I want to ask a question.

The CHAIRMAN. I would like to have the Secretary make a little fuller statement, if he can, as to the unforeseen contingencies and the necessity for that, in case we should be asked for a little fuller explanation on the floor.

Secretary LONG. The very words, "unforeseen contingencies," show the difficulty of stating what they are; but you can understand that, with the Philippine Islands on our hands and with three-fourths of our fleet there and half of our marines, things are liable to arise that you can not foresee. The best report that I could make about that would be to give you, which you already have, I presume, a statement of what we have expended.

Admiral CROWNINSHIELD. There is the transportation of enlisted men across the continent.

Secretary LONG. More than half of our marine force is over there and more than half of our vessels are there.

Admiral DEWEY. I suppose every cent that we spent at Cavite came out of that?

Secretary LONG. Yes.

Admiral DEWEY. We employed native labor and we had from 800 to 1,000 natives employed at our dockyards at Cavite repairing, unloading colliers, etc., and I wondered how we were going to pay for it when we were spending it.

Secretary LONG. Congress took care of you.

The CHAIRMAN. There are a thousand and one things that come up for which there is no specific appropriation in the bill for which you have to use some fund of this kind?

Secretary LONG. Yes.

Mr. WHEELER of Kentucky. Now, on that point what you have said relates to the condition of affairs which came up last year, because that was not foreseen and was an unforeseen contingency; but now that contingency has culminated, and each bureau has been provided with a contingent fund. Not in your capacity as Secretary of the Navy, but in your capacity as a citizen of the United States, do you not think that it is a very unwise policy for the legislative body of the Government to place a half million dollars of money at the disposal of any department, specific appropriations having been made for every bureau in that department?

Secretary LONG. The principle is accepted and recognized even in matters here at home. For instance, you give me a contingent fund of $5,000 in the Department. You have various contingent funds of that kind where you recognize the fact that there may be a contingency arise which is unforeseen. This will be still more the case in the unsettled conditions of the Philippines than here at home. I think we require some amount. It is simply for you to say how much you think is reasonable. I do not think a half million dollars is unreasonable under the circumstances, and that I should say as a citizen. I think it is perfectly proper to put half a million dollars at the disposal of the Department. You do much more than that for the Army, I think.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. I ask unanimous consent that I may be permitted to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WHEELER of Kentucky. Now, will the gentleman from Illinois state the reply of the Secretary of the Navy to my inquiry wherein he said that the practice was vicious—the practice of making these indefinite, contingent appropriations.

Mr. FOSS. I will allow the gentleman to make that statement or read the testimony for himself. But I do not think the Secretary used the word "vicious."

Mr. WHEELER of Kentucky. No, perhaps not that word; but he said it was unusual, as a general principle, and he would not advocate it.

Mr. FOSS. Mr. Chairman, every man in the House, without distinction of party, voted $50,000,000 for the support of the Government in time of war to use, in the discretion of the President, and yet the gentleman from Kentucky now criticises an appropriation of $500,000 for the establishment of peace.

But I wish to say to the gentleman from Kentucky—I have not seen fit to say a word about the contingent items in the bill heretofore—I wish to say a word to him in reference to these items. There are various contingent items of expenditure provided here. I have already stated that contingent items are in the bill in every bureau in the Department, under all of the administrations of the Government. As far back almost as that time to which the memory of man runneth not to the contrary these appropriations have been made, and there are $412,000 here appropriated under the different bureaus for contingent items of expenditure.

I call the gentleman's attention to the naval appropriation bill which was passed in 1855, before our civil war in this country—a naval appropriation bill that contained an appropriation for the naval service—not $61,000,000, as this bill carries. That bill carried not over eight or ten millions of dollars, and I want to read to him just one item in the contingent appropriation of that amount.

For contingent expenses that may accrue for the following purposes.

Just as our contingent items read here in this bill. Why, every one of these contingent provisions in this bill enumerates anywhere from one to fifty items for which the appropriation is made.

Mr. WHEELER of Kentucky. Will my friend permit me to ask him a question? Has he heard any objection from this side of the House or from the minority against the appropriations for contingencies under the bureaus? Does anybody raise an objection to them?

Mr. FOSS. You have raised it in your report, as I understand.

Mr. WHEELER of Kentucky. No, sir; not an objection has been raised against the contingencies under the bureaus. It is this specific item alone that we object to.

Mr. FOSS. Now, I wish to read here. This is away back in 1855, before the war of the rebellion, when the naval appropriation bill did not amount to more than seven or eight million dollars. Yet here is a contingent item of $606,860. We find a contingent item under no bureau here that amounts to anywhere near that sum, and all taken together only amount to $412,000.

Mr. WHEELER of Kentucky. Excluding this item.

Mr. FOSS. Outside of this $500,000.

Mr. WM. ALDEN SMITH rose.

Mr. FOSS. I yield to the gentleman from Michigan.

Mr. WM. ALDEN SMITH. Mr. Chairman, I hardly understand the reasoning of the gentleman from Kentucky [Mr. WHEELER]. He says, as I understand, that if this discretion were vested in the President he would not oppose this appropriation. It is to be expended solely in the discretion of the President.

Mr. WHEELER of Kentucky. What was the gentleman's remark?

Mr. WM. ALDEN SMITH. I rose to ask the gentleman from Kentucky a question a few moments ago, and it was this: You say you would not oppose this appropriation if it were to be vested in the discretion of the President.

Mr. WHEELER of Kentucky. No; I did not use any such language.

Mr. WM. ALDEN SMITH. I understood you to say that.

Mr. WHEELER of Kentucky. I was unfortunate, it seems, in my language. I said if the President had deemed it necessary to ask for it, I should have been glad to support him.

Mr. WM. ALDEN SMITH. But now under the bill the money is to be expended within the discretion of the President.

Mr. WHEELER of Kentucky. That is entirely true.

Mr. WM. ALDEN SMITH. Then why not trust him?

Mr. WHEELER of Kentucky. As it is an unnecessary appropriation, we want to keep it in the Treasury, where it belongs.

Mr. WM. ALDEN SMITH. It will not get out of the Treasury unfairly nor unjustly nor dishonestly.

Mr. WHEELER of Kentucky. That is your conclusion.

Mr. WILLIAMS of Mississippi. The President was not elected to make appropriations.

Mr. WHEELER of Kentucky. The President is not the repository of the funds of the Government.

Mr. WM. ALDEN SMITH. He is the repository of the confidence of the people to-day, and he would not abuse any such confidence.

Mr. WHEELER of Kentucky. Oh, the gentleman is growing excited about something for which there is no reason to be excited. That is nonsensical.

[Here the hammer fell.]

Mr. KITCHIN. I shall address my remarks not to the point of order that has already been decided against us, but to the necessity and the wisdom of this appropriation.

The gentleman from Illinois [Mr. FOSS] says that we unanimously voted for $50,000,000 to be at the disposal of the President just prior to the Spanish war. We knew then for what purpose that money was to be used.

It was whispered by the Republican leaders throughout this House that we wanted to equip a navy to meet the Spanish navy that we were going to fight in a few weeks; but I would say to the gentleman from Illinois that if this House had known that the result of that $50,000,000 would have been the permanent acquisition of the Philippine Islands with their thousands of troubles

attached to our country, that bill would not have passed unanimously.

The gentleman also says this emergency fund is to be used outside of the United States. Where are our naval stations outside of the United States? I say the United States include every foot of territory under the United States flag. But the gentleman means territory outside of the United States as our country was two years ago, and those naval stations he means, as I understand it, are San Juan and Cavite, and the gentleman well knows that ample appropriations have been made for both those stations in other sections of this bill.

Now, Mr. Chairman, here are the circumstances in which they find themselves: The President is treading around on tiptoes in the Philippine Islands and in darkness, not knowing what emergency may stare him in the face at any moment; therefore he wants to be supplied with these daggers of war or sinews of war to meet those emergencies. We know not but that he may take it into his patriotic head to purchase a naval station in some island of the south sea. We know not where he may want to carry or what he may do under the flag under the guise of an emergency.

Gentlemen, if that patriot or anarchist whom we on this side tried to elect President four years ago—I call him "anarchist" because you have tried to put him under that name—if he were in the Executive chair to-day, not one of you, not even the distinguished leader from Illinois himself [Mr. CANNON] would be in favor of putting $500,000 at his disposal when there was no specific law to that effect, and neither would the acting chairman of this committee.

When I remember the actions of the gentleman who is in the Executive chair to-day; when I see how quickly he has changed his mind upon fundamental principles of American institutions; when I see that he has changed his mind upon the Porto Rican tariff bill absolutely in three or four months—that is, if the reported remarks of the gentleman from Indiana and of the Senator from Indiana and the letter of the distinguished Speaker of this House are to be believed—that he changed his mind completely upon one of the great questions underlying our Government; that in one month he proclaimed that all blessings followed our flag and in another denies that the greatest blessing known to political man—the American Constitution—follows the flag; that he had changed his ideas upon criminal aggression and now calls the same principles he then denounced "benevolent assimilation." When I see the President giving no reasons to the country that are satisfactory even to his own party for the changes of his mind upon these great principles so suddenly, I for one consider it a bad policy and a bad precedent to put $500,000 in his hands to be expended wherever the vessels of our country may plow the seas, both in the Philippine Islands and elsewhere.

We know not into what emergency he may lead us, and from this emergency fund we know not what may emerge; and we know, whatever he does, right or wrong, when it is called into question here, members on that side of the House will every one get up here and rally around the flag and say, "You must stand by the President" because "we are in it." [Loud applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAWLEY. Mr. Chairman, I was not so far from my seat but I heard the challenge of the gentleman from North Carolina. If his purpose was to associate me with the President of the United States, that distinguished, splendid American, nonsectional President, he could not have conferred upon me a greater honor. There has never been in the history of our country one who was more universally esteemed, more generally beloved, than the President of to-day; and I can advise the gentleman from North Carolina and I would say to every Southern Representative on that side that they will have no sympathy from the people of the South in undertaking to discredit him on this floor.

Mr. GAINES. He discredited himself.

Mr. HAWLEY. I did not hear the gentleman.

Mr. GAINES. He discredited himself by shifting around without giving any reason for it. [Laughter on the Democratic side.]

Mr. HAWLEY. The President of the United States discredits no one. He is an honor to this country. He does not need any defense at my hands. There is no section of our country that has not applauded the patriotism, the skill, the energy, and the true Americanism which he has shown with his national universal spirit toward every part of our country alike [loud applause on the Republican side], and particularly does this apply to the South. When he appealed to that part of our country, as he did to all of it, they rallied at once to his call.

The martial spirit of that brave and generous people responded in the same gallant fashion they have always displayed in every cause they have ever espoused; and you can not to-day go to any part of that fair and fertile land that you will not find the name of William McKinley spoken with dignity and with honor—aye, more, with affection—by that people. [Renewed applause on the Republican side.] If he has changed his mind, it is not known here. Does the gentleman want to say that a single conviction of his mind has ever undergone a change in respect to any question that affects our country's welfare? [Applause.]

I will say to the gentleman that his policy promoting our industrial interests and strengthening the financial integrity of this country has touched with the wand of inspiration the mighty engines of industry in the South—that section of our country which has more to hope for and more to build for, more to expect and more to realize than any other section of the American Republic—and to-day, while they may differ in respect to technical party differences, while they may differ somewhat in respect to some political conditions, while they may be unhappy in some of their political relations, there is not a thoughtful, serious, candid man who believes in lifting up and building up the Southern industrial life that does not applaud to-day the earnest and honest purpose of William McKinley to have the South full sharers and full partners in all the great national prosperity which has come to the American people under his Administration. [Loud applause on the Republican side.]

Mr. KITCHIN. Will the gentleman permit me to ask him a question?

Mr. HAWLEY. Certainly.

Mr. KITCHIN. The only thing that I remember in my speech that I suggested against the President was his change of mind. I would like to ask the gentleman, my distinguished colleague on the committee, if it is not true that the President—down, I believe, at a religious gathering last summer—stated substantially that "nothing but blessings could follow the flag;" and if he is not now taking the position that the greatest of all blessings, the Constitution of the United States, does not follow the flag?

The CHAIRMAN. The time of the gentleman has expired.

Mr. KITCHIN. I ask that the gentleman's time may be extended.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina, that the time of the gentleman from Texas be extended five minutes. The Chair hears no objection.

Mr. HAWLEY. Replying to my friend from North Carolina, when the President said that the blessings of liberty, that the happiness and pursuit of it, followed the flag, I want to ask if there is any gentleman on that side of the House that denies it? Does any man say that the flag is not the covenant of freedom wherever it floats?

I heard the gentleman from Kentucky yesterday afternoon discuss the question of the American flag as well as American armor, and I beg to ask him—as I am informed by the morning press; I did not hear the remark—if he said that a man who wore the uniform of an officer was responsible for a combine between the armor-plate plants in this country? Were you correctly reported?

Mr. WHEELER of Kentucky. I expressed it as my opinion.

Mr. HAWLEY. If the gentleman did so, it is due to himself, from his habits, from his character, and by his ancestral respectabilities, that he say to the House who it was that wore that uniform.

I speak of it here now in reply to the gentleman's question, because the flag has been borne with courage, it has been borne with honor, it has been borne in victory wherever the American soldier carried it. In planting it in every part of the world where circumstances placed us they have raised it for every man who lives there to be benefited by its influence, bettered in his condition, bettered in his home, bettered in his prospects with respect to all his future life, and better and higher in all the civilizing influences that attend it.

Mr. KITCHIN. Will the gentleman yield?

Mr. HAWLEY. Certainly.

Mr. KITCHIN. Evidently the gentleman did not understand my question. My question is: If the President had not said that "nothing but blessings followed the flag," and if his position was not now that the greatest of all blessings known to man, the American Constitution, does not follow the flag?

Mr. HAWLEY. Why, Mr. Chairman [laughter on the Democratic side], the question of the flag as the emblem of liberty being followed by the Constitution does not necessarily carry the Constitution with it. That is an irrelevant question, which belongs in no way to this debate. [Laughter on the Democratic side.]

Mr. KITCHIN. With the consent of the gentleman from Texas, I withdraw my question. [Laughter on the Democratic side.]

Mr. CLAYTON of Alabama. That is unnecessary, because his colleague from Missouri just advised him not to answer.

Mr. HAWLEY. My colleague from Missouri is a Representative on the floor, as I am. I did not need the advice either of the gentleman from Missouri or of the gentleman from Alabama. There has not been, Mr. Chairman, a single day of history in the American Republic where we have acquired a single mile of territory that was not acquired under a Democratic President, not even Alaska. In the acquisition of that territory under the Administration that annexed it we have adopted laws and regulations that were consistent with our governmental principles and placed the

Constitution there when through an act of Congress we elected to do it. Does the gentleman from North Carolina deny it?

Mr. GAINES. I deny we placed the Constitution there. It was already there. [Laughter on the Republican side.]

Mr. HAWLEY. If the gentleman from Tennessee will pardon me a moment, I am having a friendly discussion with the gentleman from North Carolina.

Mr. KITCHIN. I did not hear the gentleman's question.

Mr. HAWLEY. My statement is that every foot of territory acquired by the American Republic since its organization was acquired under a Democratic President.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. KITCHIN. I ask unanimous consent that his time be extended five minutes.

The CHAIRMAN. Without objection, the request will be granted.

There was no objection.

Mr. WILLIAMS of Mississippi. Give the gentleman time to complete his question.

Mr. HAWLEY. The gentleman from Mississippi is very courteous. I ask the gentleman from North Carolina if there has been one single mile of territory acquired under any Administration except that of a Democratic President and whether it has not been determined by Congress as to what legislation or control or regulation should be prescribed, without reference to the Constitution?

Mr. GAINES. Will the gentleman yield to me?

Mr. HAWLEY. No. My remark is addressed to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. I understood the gentleman from Texas considered that all these islands that we had recently acquired were American territory, at least.

Mr. HAWLEY. That is not the question I asked the gentleman. It is whether these possessions have been regulated by Congress under law established by Congress under every Administration which acquired the territory?

Mr. KITCHIN. I do not remember the exact date, but I will state that Alaska was acquired under a President elected by the Republican party.

Mr. HAWLEY. As a war Democrat he was before the Democratic convention in 1868 while still President, and there received 67 votes for the nomination, the great body of them from the South, and he was subsequently returned to the United States Senate from Tennessee by the Democratic party of that State.

Mr. KITCHIN. Alaska had been acquired before that time.

Mr. HAWLEY. Alaska was acquired under the Administration of Andrew Johnson when he was President of the United States, in 1867.

Mr. KITCHIN. Elected on the ticket with Abraham Lincoln.

Mr. WM. ALDEN SMITH. That did not hurt him any.

Mr. HAWLEY. And in this and every case in the history of our country's acquisition of new territory Congress established such laws and regulations as it saw fit, dealing with them more largely in its own good time.

The CHAIRMAN. The debate on this question has been exhausted.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move to strike out the last word. It so happens that I was engaged in the delightful perusal of a speech made yesterday by the Senator from Massachusetts, Senator HOAR, when the gentleman from Texas asked his question, and Senator HOAR answers it so fully that I know he will be interested if I read what he says.

Mr. WM. ALDEN SMITH. Read what he says about Bryan. [Laughter on the Republican side.]

Mr. WILLIAMS of Mississippi. Later on. Indefinitely later on. [Laughter on the Democratic side.]

The Senator says:

> Gentlemen tell us that the bill of the gentleman from Wisconsin is copied from that introduced in Jefferson's time for the purchase of Louisiana.

Then here is Senator HOAR'S reply:

> *Do you claim that you propose to deal with these people as Jefferson meant to deal with the people of Louisiana?* You talk of Alaska, Florida, California; do you claim that you mean to deal with the Filipinos as we mean to deal with Alaska and as we have dealt with Florida and with California?

Now, what is the use of gentlemen talking about acts of Congress and about the general power of Congress to deal with the Territories, when the real question at issue between us is, How are you going to deal with them? How do you propose to deal with them? How do you dare to assert you are going to deal with them? And do you dare assert that you are going to deal with the Filipinos as Jefferson dealt with the people of Louisiana and as the people of Florida and California and New Mexico were dealt with at a time when, under Democratic rule, acquisitions were made to the territory of this Union? [Applause.]

Let us not hide behind words and nonsense. Let us not take refuge behind murky clouds. Let us come out. You are starting a new departure if you are starting anything. You are for the first time in the history of the American people proposing to deal with the population of annexed Territories as a population over whom the shield of the Constitution stands as no protection. You are for the first time in the history of the American people about to claim the right to legislate for people, and at the same time not to permit the very highest and most sacred form of American legislation to go to them, namely, the Constitution of the United States.

Now, Mr. Chairman, talking about changing minds——

Mr. HAWLEY. Will the gentleman pardon me——

Mr. WILLIAMS of Mississippi. Wait one moment. Talking about changing minds, I saw something the other day that came from the president of a Western university or college that struck me as very good. He said that a great many people had said, "You charge the President with changing his mind. Why, all great men change their minds! Sir Robert Peel changed his mind about free trade, and the world applauded him; Gladstone changed his mind about Irish home rule, and the world applauded him."

And then this president of this Western college, according to an extract which I cut from a newspaper—Republican at that, for the Republicans have lucid intervals now and then—said, "If I were called upon to draw a comparison between Mr. McKinley and Peel and Gladstone, I would say that Peel and Gladstone had changed their minds, but that Mr. McKinley *had permitted his mind to be changed for him*," and if that was ever an element of greatness, I never heard of it. [Laughter and applause.]

Mr. GROSVENOR. Will the gentleman allow me——

Mr. WILLIAMS of Mississippi. That is all. [Applause, during which Mr. WILLIAMS of Mississippi took his seat.]

Mr. GROSVENOR. Mr. Chairman, I have taken the floor in my own right, the gentleman refusing to recognize me.

Mr. WILLIAMS of Mississippi. I beg the gentleman's pardon. I did not hear the gentleman express a desire to interrupt me.

Mr. GROSVENOR. Does not the gentleman from Mississippi know that that president of that university has utterly denied that he ever made that statement? Does not the gentleman know that?

Mr. WILLIAMS of Mississippi. What is the gentleman's statement?

Mr. GROSVENOR. Does not the gentleman from Mississippi know that the college president to whom he has referred has made a statement over his own signature that every word of that pretended interview was false; that he never made the statements attributed to him?

Mr. WILLIAMS of Mississippi. The gentleman has asked a question. I will answer it by saying no, I know nothing of the sort, and, further than that, the anecdote would be just as good if I had told it myself. I do not care who told it. [Laughter and applause.]

Mr. GROSVENOR. Mr. Chairman, it may be possible that the President of the United States has changed his mind. It is a great thing that the Democratic party on this floor has got one little thing to talk about. They had a President for eight years, and they tried to get him for twelve, and they have cursed him during the last ten years, and are cursing him now. We have a President that has held the office for three years and will hold it for five more [applause on the Republican side], and the only censure that I have ever heard upon him on this floor was the fact that it is alleged by Democrats, unsupported by the truth, that he has changed his mind upon the question between free trade and 15 per cent of the Dingley law duties in the tariff with regard to Porto Rico.

Mr. WILLIAMS of Mississippi. Will the gentleman from Ohio permit an interruption just there?

Mr. GROSVENOR. Well, the gentleman from Mississippi absolutely declined to allow me to interrupt him.

Mr. WILLIAMS of Mississippi. I beg the gentleman's pardon. I would have allowed him to interrupt me if I had known what was his desire, but I did not hear the question. The House will bear me out in my statement, that I have never refused courteous treatment to my fellow-members.

Mr. GROSVENOR. Very well, let the gentleman go on with his question.

Mr. WILLIAMS of Mississippi. The gentleman says that the Democrats charge, without proof, that the President of the United States changed his mind with reference to this Porto Rican tariff question. Now, will the gentleman answer this question: Did not the President of the United States recommend free trade between Porto Rico and the balance of the United States in a public message? Is it not further true—for the two go together—is it not furthermore true that he stated to the gentleman from Vermont [Mr. POWERS] and to the gentleman from the Cincinnati district of Ohio, and to other gentlemen as well, that he had changed his mind and was now in favor of the bill you passed here? Now, if it be not true that he told these gentlemen that, then they are guilty of the untruth and not we who believed them.

Mr. GROSVENOR. Mr. Chairman, it is quite equal to the gentleman to take possession of the floor under the five-minute debate under the pretense of asking me a question, and make a series of statements in the form of an interrogatory addressed to me. That is not exactly fair treatment on the part of the gentleman from Mississippi, and the gentleman knows it very well, while standing upon his feet and pretending to be a gentleman and interrupting a fellow-member——

Mr. WILLIAMS of Mississippi. I do not understand the gentleman from Ohio.

Mr. GROSVENOR. Well, you took five minutes to make a speech in my time.

Mr. WILLIAMS of Mississippi. I only asked the gentleman a question by his own consent; and the question I have propounded is certainly no excuse for the gentleman losing his temper.

Mr. GROSVENOR. I have not "lost my temper," I will say to the gentleman, when he uses such a term as that, and I do not desire to be lectured by the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. The "gentleman from Mississippi" is not lecturing the gentleman from Ohio, and would not assume to do so. I have treated the gentleman with perfect courtesy in all respects, and must have courtesy in return.

Mr. GROSVENOR. I understood the gentleman in his remarks to allude in a discourteous manner to the statements that I have made.

Mr. WILLIAMS of Mississippi. I made no such allusion. The gentleman is acting under a misapprehension. I am, or try to be, always courteous, and I shall insist upon and enforce courtesy from every other man on this floor.

Mr. GROSVENOR. The gentleman undertook to make a series of statements in the course of my remarks——

Mr. WILLIAMS of Mississippi. I only asked a question of the gentleman, which is not unprecedented in the action of the House on these occasions. The gentleman from Ohio yielded to me for that purpose.

Mr. GROSVENOR. I did.

Mr. WILLIAMS of Mississippi. And if the gentleman from Ohio means to say that there was anything "ungentlemanly" in my asking the question, then the gentleman from Ohio——

Mr. GROSVENOR. "The gentleman from Ohio" did not say that; he simply meant to say that it was unfair on the part of the gentleman from Mississippi to take up his time in that way, under the five-minute debate.

Mr. WILLIAMS of Mississippi. But the gentleman gave me the privilege of asking the question.

Mr. GROSVENOR. I did, to ask a simple question, but not to make a speech. The gentleman knew that as well as I do. I regret very much that the gentleman from Mississippi could not have allowed me to make a speech under the five-minute rule without an unpleasant intervention like this. I have never done such a thing to him or anybody else on this floor.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WILLIAMS of Mississippi. I ask unanimous consent that the gentleman may have an additional five minutes. I did not intend to consume his time without his consent, of course.

There was no objection.

Mr. GROSVENOR. I am very glad the gentleman from Mississippi says that. It was almost apparent to me that his object was to prevent me from saying what I had desired to say.

Now, Mr. Chairman, let us examine what has been done and learn the value of the sentiments which have been expressed here in this discussion. I hope I may, like other gentlemen on this side of the House, make a statement without groaning and interruptions and yelling on the other side of the House.

What is the question presented here? We have listened with patience to the bitter denunciations of the President of the United States on the part of the gentleman from North Carolina and others, who saw proper to interject the point of order a few moments ago upon this provision of the pending bill. In response to that I desired to submit a few remarks when I was interrupted, and beg leave to do so now.

I can say to those gentlemen who are making these charges of a change of mind on the part of the President a word: I want to point out to them how nearly the whole subject is swept away by the application of the rule of de minimis. We had in this country a tariff law that rests upon the people of Porto Rico today to the full extent of the Dingley law, and every Democratic vote cast on this floor and every Republican vote cast on this floor against this bill was in its effect, if it had been potential enough to defeat the bill, sufficient to have continued that whole Dingley tariff upon the products of Porto Rico during the balance of this fiscal year.

Now, the President sent a message to Congress, and it has been the delight of our friends on the other side to harp upon that message, in which he said that it was our plain duty to give free trade to Porto Rico, recognizing at the time that very doctrine which you on the other side of this House have denied all the way through, recognizing the doctrine that the Constitution did not go by virtue of itself into the islands, or else his suggestion of free trade would have been ridiculous, and every member of the House on either side would have said so.

And when you proposed to vote for a free-trade measure, you recognized the fact that the Constitution did not, of its own force, go to the island of Porto Rico. Your very vote stands recorded here that there was no operation of the Constitution in Porto Rico, else there was no need of any legislation, and your vote in favor of a free-trade amendment to the bill was idle.

The President suggested just that much and no more.

Mr. KITCHIN. May I ask the gentleman just one question?

Mr. GROSVENOR. Certainly.

Mr. KITCHIN. As the gentleman knows, my statements were going to show the change of mind of the President. Does the gentleman deny that the President has changed his mind?

Mr. GROSVENOR. I am trying to get to that point, if the gentleman will let me go on.

As soon as it became manifest to the President that money had to be raised in some way and that the Ways and Means Committee of this House had brought in a tariff bill providing for 15 per cent or 25 per cent, the President recognized the right and power of this House of Representatives to originate that tariff bill.

That power was given to it by the Constitution. It was the duty, the obligation of the House of Representatives; and the gentleman will find by an examination of the CONGRESSIONAL RECORD that up to the very last moment of the passage of that Porto Rican bill gentlemen on the other side of this House by scores insisted that the President was still in favor of free trade in Porto Rico, and newspapers from one end of this continent to the other claimed that we, on this side of the House, were in a contest with the President; that the President never had changed his mind—that he was still in favor of free trade.

But I call the gentleman's attention to the fact that in the message of the President he gave no sign or indication of when he desired that that free-trade measure should go into effect; and when the Congress of the United States came to pass the bill that you voted against, when you voted in favor of continuing the Dingley bill, pure and simple, we, by our vote, put it so that within the next sixty days, within the next ninety days, within the next four months, any time after the organization of that government, the people of Porto Rico can have free trade by their own choice and their own action.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. I ask for five minutes more.

Mr. HAWLEY. I ask that the gentleman be permitted to conclude his remarks without limit.

Mr. GROSVENOR. I only care for five minutes.

The CHAIRMAN. Is there objection to the request?

There was no objection.

Mr. GROSVENOR. Now, the President, recognizing the authority of Congress to originate that tariff bill, recognizing the fact that the exclusive right to originate it was in the House of Representatives, the President has signed it, and thereby given his approval to it. Is it possible that the gentleman, in charging that the President of the United States has changed his mind, in charging him with being a fickle man, unfitted for the high position which he occupies——

Mr. KITCHIN. Mr. Chairman——

Mr. GROSVENOR. Let me finish my sentence; because he has had one opinion at one time and has approved the act of the authority of the taxing power of the Government and signed the measure, is it possible that the gentleman has overlooked the right and the duty of the President so to do?

Mr. KITCHIN. Now, Mr. Chairman——

Mr. GROSVENOR. How often has the gentleman from North Carolina known a President of the United States to sign a bill that he was not absolutely in favor of.

Mr. KITCHIN. I want to ask you a pertinent question.

Mr. GROSVENOR. I yield to the gentleman.

Mr. KITCHIN. Does not the gentleman know that the honored Speaker of this House wrote a letter which was published, and from that which was published in that letter every man understood that the President was in full accord with the bill then pending, and when the President sent his message to this House was he sending it to this one or to the one two years from now when he spoke about the "plain duty?"

Mr. GROSVENOR. I will say to the gentleman that he and his compatriots who are to be here in the next House—that they will be talking about this change of mind even then. [Laughter and applause on the Republican side.] It is the only thing you have ever had in the history of William McKinley to hang your hat on or that you could criticise.

Mr. KITCHIN. And you ought not object to our doing so.

Mr. GROSVENOR. It is the first thing in his whole life. He joined in the opinion of this House; he was not afraid of Democratic criticism; he was not afraid of newspaper criticism. When he saw that the arrangement made by the Committee on

Ways and Means and ratified by the House would give to Porto Rico the money that they were suffering for, he saw fit to waive any original opinion that he had, and which was practically carried into effect by the bill, and approved the judgment that he had later on. And how small it is, my friends, this 15 per cent on 100 per cent, 24 cents on the hundred pounds on sugar, as against 160 that you indirectly voted for.

Mr. WHEELER of Kentucky. Will the gentleman allow me to ask him a question?

Mr. GROSVENOR. Certainly.

Mr. WHEELER of Kentucky. If the President of the United States, from further knowledge of the facts, changed his opinion on the Porto Rican tariff, why did not he say so to the House of Representatives?

Mr. GROSVENOR. How often have you known the President to approve a bill and send his reasons to the House of Representatives for doing so?

Mr. WHEELER of Kentucky. He sent a message recommending one thing and changed for another.

Mr. GROSVENOR. He never sent a message recommending "one thing"—— [Cries of "Oh!" on the Democratic side.]

Mr. WHEELER of Kentucky. He sent a message in which he said that it was our plain duty to give free trade to Porto Rico.

Mr. GROSVENOR. At what date did he fix it? Now come the groans from the pit. [Great laughter on the Republican side.] When did he fix the date that it was to be the law?

Mr. WHEELER of Kentucky. I did not understand the gentleman.

Mr. GROSVENOR. I say this: The President recommended free trade to Porto Rico.

Mr. WHEELER of Kentucky. Yes.

Mr. GROSVENOR. He did not fix the date, for the very manifest reason that he recommended action by Congress.

Mr. WHEELER of Kentucky. The gentleman is equivocal.

Mr. GROSVENOR. He is not equivocal. What is the difference, my friend, between fixing the date of a law when, if there had been no opposition upon the other side, this free-trade law would have been in effect practically in Porto Rico to-day; but because you had given the whole winter to talking about the Constitution following the flag and the flag following the Constitution [laughter on the Republican side], and naked heathens rushing around with Washington's Farewell Address as their guiding star [laughter], this long delay has been made necessary.

Mr. WHEELER of Kentucky. Let us get back to the original proposition. [Laughter on the Democratic side.]

Mr. HOPKINS. Do not go back.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHEELER of Kentucky. I ask unanimous consent that the time of the gentleman be extended.

The CHAIRMAN. For how long?

Mr. WHEELER of Kentucky. For ten minutes, or so much longer as he desires.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from Ohio be extended for ten minutes.

Mr. GROSVENOR. That is, the time for the gentleman from Kentucky and myself.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WHEELER of Kentucky. I want to say to the gentleman that he is pursuing his customary adroitness in avoiding the question at bar. The President of the United States certainly knew what he was talking about when he told the Congress that it was their plain duty to admit goods from Porto Rico without tariff, and he meant that we should do so at once. Now, if he changed his opinion on that question, pending the debate on the Hawaiian tariff, I would like the gentleman to say if it would not have been right for the President to deal fairly with the representatives of the American people and say why he changed his opinion?

Mr. GROSVENOR. I say he has not changed his opinion.

Mr. WHEELER of Kentucky. You said so less than five minutes ago.

Mr. GROSVENOR. I have not said he changed his mind.

Mr. WILLIAMS of Mississippi. It was changed for him.

Mr. GROSVENOR. I have no language to characterize an argument like that. I am talking to the gentleman from Kentucky.

Mr. WHEELER of Kentucky. The question I asked of the gentleman was in perfect courtesy.

Mr. GROSVENOR. I am not complaining of you; I am complaining of the constant interruptions by groans and all these attempts to assail an argument that is being made in perfect good faith. Now, if the gentleman will allow me, the point that he was trying to bring out, if I understood, was that the President was in favor of free trade in Porto Rico?

Mr. WHEELER of Kentucky. Yes.

Mr. GROSVENOR. That he called upon Congress to act?

Mr. WHEELER of Kentucky. Yes.

Mr. GROSVENOR. That when Congress did act he approved the judgment of Congress, and not only that, but, in my opinion, became decidedly of the opinion that the delay which was put into the bill in order that there might be a Territorial government or a colonial government formed there was better than precipitating free trade, as the gentleman undertakes to say the message implied, and which I deny.

Mr. WHEELER of Kentucky. Now will the gentleman permit me?

Mr. GROSVENOR. Yes.

Mr. WHEELER of Kentucky. The gentleman says that the President of the United States bows to the will of Congress. Without being able to turn to the page of the RECORD, I am sure the gentleman will not deny that from his place where he stands, in the debate on the Porto Rican question, when he appealed to his colleagues to support the pending bill, he charged it to be true that the President of the United States was then in accord with him.

Mr. GROSVENOR. I say so now.

Mr. WHEELER of Kentucky. He changed his opinion——

Mr. GROSVENOR. I say he did not change his opinion in any material respect; he simply changed from the original idea of free trade to what was almost the condition of free trade that we appended to the measure. I want to say to the gentleman that it is evidence of the smallness and the littleness of the Democratic position that that is all that they have got against the President of the United States.

Mr. WHEELER of Kentucky. If the gentleman will pardon me once more, I desire to say that the Democratic party does not criticise the President of the United States for changing his opinion. We respect a man who honestly changes his opinion if he finds reasons to justify it. What we condemn him for is allowing his message to stand unchanged to the country and leaving it to stand upon reasons secretly communicated to his colleagues, and not giving it to the country. That is what we complain of. [Applause on the Democratic side.]

Mr. GROSVENOR. The gentleman is mistaken in one important fact. There is so little difference, so unimportant, so contemptible a difference between the position of actual free trade and almost free trade that we have given them, with free trade at the option of the people of Porto Rico within sixty days, that I say it is too small for the President of the United States to be criticised about.

Now, Mr. Chairman, I want to finish what I have to say. The country is taking exactly this view of it. Congressman after Congressman who have stood here and acted in its behalf have gone to their constituents, just when the Democratic noise was the loudest, and have been sent back here with a unanimity almost unparalleled in the nomination of Congressmen. And the great body at Philadelphia, the Manufacturers' Association, on yesterday approved the Porto Rican bill, the very body that a few weeks ago was quoted on this floor as opposed to it. [Applause on the Republican side.] And from one end of this country to the other the people of this country are taking care of it.

The Republican party will not lose any votes in the coming election because of their action on the Porto Rican bill, because they have stood by their principles, by the principles of Jefferson and Adams and all the Presidents who have acquired territory in this country, and have said, not that the blessings of our Government do not go to these islands of their own motion, but they have said that the terms and the details upon which the laws and the Constitution and blessings of equal citizenship shall go to them by an act of Congress under the persuasive influence of the Constitution that shall give them all the liberty that we have already given to Hawaii and Porto Rico. [Applause on the Republican side.]

We have got something to show for our principles and contentions. We are not holding back by the coat tails of the world and holloaing "Whoa!" [laughter on the republican side]; we have got something to show for our opinions. Witness the splendid organization of the government of Hawaiian Territory. Look at the liberal, generous, Christian-like constitution and laws that we have bestowed upon the people of Porto Rico.

Look at the fact that, but for the intervention of a few men on this side of the water, we should have extended the same benefits of the Constitution, the same liberty of American citizenship, in embryo at least, to the people of the Philippine Islands. But we would not consent—and that is your trouble, my friends—we would not consent that you should drive us to admit that the people of Porto Rico and the people of the Philippine Islands were upon an equal footing with the people of the United States. [Applause on the Republican side.]

We would not consent that ship loads and millions and millions of Malays and all those people might come over here and march into our labor markets, and we will make it warm for you before the campaign is over. [Laughter and applause on the Republican side.] You voted that the Constitution of the United States carried equal citizenship to the Malays and the Chinese of the Philippine Islands, and that is your position to-day. It is your complaint that we would not let you do it, but in due time, under

the wisdom of the Republican party and under the blessings of God we will send liberty and equal rights as rapidly as they can comprehend them to the people of Porto Rico and to the people of the Philippine Islands. [Applause on the Republican side.]

Mr. TERRY. Will the gentleman from Ohio permit me a question?

Mr. GROSVENOR. Certainly.

Mr. TERRY. The gentleman stated that the people of Porto Rico would get free trade when they desired it. I would like to ask him through what channel will they be permitted to exercise that right?

Mr. GROSVENOR. Through the election of members to the legislative body.

Mr. TERRY. And who appoint the men that control the legislature?

Mr. GROSVENOR. The people of Porto Rico elect the representative body.

Mr. TERRY. They elect their representative body in districts that have been fixed by the executive council.

Mr. GROSVENOR. That may be; I do not know. The gentleman is entering upon a field which he will find troublesome.

Mr. TERRY. I recollect reading the provisions of the Porto Rico bill on this subject, and according to my recollection the executive council will fix the districts to elect the members of the delegates of the people of Porto Rico.

Mr. DAYTON. I rise to a point of order—that this debate is not germane to the bill.

Mr. GROSVENOR. I am through.

Mr. TERRY. The gentleman from West Virginia [Mr. DAYTON] ought to have raised that point a little earlier.

Mr. DAYTON. I want to say, with all courtesy, that this debate was started by the gentleman from Mississippi; he has been answered by the gentleman from Ohio, and now it is time for the controversy to cease.

Mr. WILLIAMS of Mississippi. The discussion was not started by me, but by some one else.

Mr. DAYTON. It was started by the gentleman from North Carolina and participated in by you.

Mr. WILLIAMS of Mississippi. I ask the consent of the House to occupy five minutes more, as I wish to say a few words in reply to the gentleman from Ohio.

Mr. DAYTON. I want to insist on the rule. The understanding was that when we undertook the discussion of this appropriation bill there would be no partisan debate.

The CHAIRMAN. Is there objection to allowing the gentleman from Mississippi to proceed for five minutes? The Chair hears none; and the gentleman will proceed.

Mr. WILLIAMS of Mississippi. Mr. Chairman, as a man grows old he learns some things. I am not so old that I can not learn. I have learned something to-day. I will never again while a member of the American Congress undertake to ask a question of any member on this floor who is not sufficiently well versed in the ordinary courtesies and decencies of human intercourse as to be capable of returning at least a polite reply to a polite inquiry.

Further than that it would be almost impossible for me, without a breach of parliamentary rules, to express myself upon that particular subject—the subject of the conduct of the gentleman from Ohio [Mr. GROSVENOR] in our colloquy a moment ago.

I asked the gentleman from Ohio a question which he either could not answer or would not answer, or else, in his usual lawyerlike politician style, desired to evade. That question has never been answered by him yet.

The gentleman had said on this floor that the President of the United States had not changed his mind upon the Porto Rican question; that the charge was a Democratic falsehood. Remember, I did not charge that he had. What I charged was that he had permitted others to change his mind for him, which, in my opinion, was not a thing of which any man could at any time be especially proud.

But, in charity to the President and in charity to many of the members of this House, I asked the gentleman, when he denied that the President had changed his mind, that he permit me to ask a question, and he yielded.

I asked him whether the President had not in a public message announced that he was in favor of free trade between Porto Rico and the balance of the United States, and also whether various members of this House had not risen, one after another, to say that the President had told them in private conversation subsequently that he was at the time of the conversation in favor of the bill which passed the House, a bill fixing a tariff between Porto Rico and the balance of the United States.

There was nothing rude in that inquiry; there was nothing personal in it; there was nothing discourteous in it; there was nothing unprecedented in it; there was nothing in it that could have stirred up wrath in the breast of any man except one who felt himself in a corner and as if he had to break up the convention in a row in order to keep from arriving at an election. That is all.

Mr. GROSVENOR. I hope the gentleman will allow me to explain.

Mr. WILLIAMS of Mississippi. Now, then, that question has not been answered by the gentleman yet.

Mr. GROSVENOR. Let me say that I had no feeling about the question——

Mr. WILLIAMS of Mississippi. If the gentleman had no feeling, he ought to have answered. He ought to know what plain English means, and he ought to know when and where and how to use plain English understandingly and courteously.

Mr. GROSVENOR. I complained only of the gentleman taking up my time with statements which were not questions.

Now, as to the statements of the gentleman from Ohio and the gentleman from Vermont, I know nothing about what the President said to them.

Mr. WILLIAMS of Mississippi. The gentleman will now excuse me. I did not "use up his time." I only asked a question, and that only after he had yielded.

Do these gentlemen who came before this House and said that they had private conversations with the President of the United States and that he urged them to vote for the Porto Rican bill, or the Speaker of this House, who wrote a public letter stating that the President wanted the bill voted for, or did the Senator from Indiana, who made a statement on the floor of the Senate to the same effect, tell the truth or tell a falsehood? If they did tell the truth, and they have not the reputation of liars, one of two things is necessarily a fair inference; either that the President changed his mind or that he had his mind changed for him.

Now, Mr. Chairman, I have merely stated in general my interrogatory to the gentleman from Ohio as to what is a matter of common public knowledge, and I did not expect that a question of that kind, although it might be rather inconvenient to answer, would have turned out so great a volume of wrath.

Mr. HAWLEY. Will the gentleman allow an interruption just there?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. HAWLEY. Do you have any objection, under a republican form of government, to a President elected by the American people obeying the will of Congress?

Mr. WILLIAMS of Mississippi. Ah, Mr. Chairman, that sounds very much like a recent pronunciamento of a new-fledged candidate for the Presidency, whose idea of the high office is that a man who sits in the seat occupied once by Washington and Jefferson and Jackson need be only one who can keep his ear to the ground and find out what is "going on" amongst the people of the country around him, and after he catches the current needs only to float on its surface.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. I had some other things to say, Mr. Chairman, but will not insist upon occupying the floor any longer.

Mr. FOSS. I call for a vote.

Mr. TERRY. Mr. Chairman——

Mr. FOSS. I have asked for a vote, Mr. Chairman, on this question.

The CHAIRMAN. Debate has been exhausted on the amendments.

Mr. TERRY. I only wish to call the attention of the gentleman from Ohio to the Porto Rican act, in reference to a matter in which we differ [cries of "Vote!" "Vote!"]—Oh, I have heard that cry of "Vote!" before. I say I wish to call the attention of the gentleman from Ohio to a matter in connection with this Porto Rican bill which he seems to have lost sight of.

The CHAIRMAN. The Chair has stated to the gentleman from Arkansas that debate on this proposition is exhausted.

Mr. TERRY. I move to strike out the last word, or the last line, if necessary.

The CHAIRMAN. Debate on that proposition is exhausted.

Mr. TERRY. Then I ask unanimous consent that I may be permitted to make a suggestion to the gentleman from Ohio for a few minutes.

Mr. DAYTON. I object.

The CHAIRMAN. Objection is made, and the debate is exhausted on the pending amendment.

The question is on the pro forma amendment. Is that withdrawn? The Chair will regard it as being withdrawn, and hears no objection to the suggestion.

The question is on the amendment of the gentleman from North Carolina to strike out the language in the provision of the bill which has just been read—on page 4 to strike out lines 12, 13, and 14.

The question was taken; and on a division there were—ayes 92, noes 93.

Mr. KITCHIN. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The Chair appointed Mr. FOSS and Mr. KITCHIN as tellers.

The committee again divided; and the tellers reported—ayes 90, noes 104.

So the amendment was rejected.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

BUREAU OF NAVIGATION.

Transportation, recruiting, and contingent: For expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for men and boys, and all other expenses attending the recruiting for the naval service, and for the transportation of enlisted men and boys at home and abroad and of officers accompanying them; for heating apparatus for receiving and training ships, and extra expenses thereof; for freight, telegraphing on public business, postage on letters sent abroad, stationery, maps, railway guides, city directories, and necessary books of reference, ferriage, ice, apprehension of deserters and stragglers, continuous-service certificates, discharges, good-conduct badges, and medals for boys, schoolbooks for training apprentices, packing boxes and materials, and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen, and impossible to classify, $80,000.

Mr. CANNON. Mr. Chairman, I make the point of order upon the following words, in line 25, page 4, of the paragraph just read:

Stationery, maps, railway guides, city directories, and necessary books of reference.

I make the point of order upon the following grounds: This is a contingent appropriation for the Bureau of Navigation in connection with the naval service outside of the Department at Washington. These words appear in the naval appropriation bill here for the first time. The legislative, executive, and judicial appropriation bill for many years past, since 1870 and certainly since 1876, provides for the current and contingent expenses in this regard of the naval establishment in the following words:

For stationery, furnishing newspapers, plans, drawings and drawing materials, horses and wagons to be used only for official purposes, for expressage, postage, and other absolutely necessary expenses of the Navy Department, and of the various bureaus and officers, $12,000.

Now, the Committee on Appropriations, from time whereof the memory of man runneth not to the contrary, have had that jurisdiction in the legislative, judicial, and executive appropriation bill for the Navy Department proper. Of course, appropriations for the maintenance of the naval establishment other than for these contingencies are under the jurisdiction of the Naval Committee.

Now, these words on which I make the point of order are words providing a contingent fund for the Bureau of Navigation in the Navy Department proper, which are therefore subject to the point of order under the ruling that the Speaker made on a question that was raised on the Army appropriation bill, and ought not to be in the bill on the merits, because it but duplicates an appropriation in part that is made in the legislative bill.

Mr. DAYTON. Will the gentleman allow me to ask him just what words he refers to?

Mr. CANNON. I refer to the words "stationery, maps, railway guides, city directories, and necessary books of reference."

Mr. DAYTON. That is all, is it?

Mr. CANNON. That is all.

Mr. FOSS. I would state to the gentleman that the Bureau are exceedingly anxious for this provision. Under the present law they state that they are unable to buy any city directories. Rear-Admiral Crowninshield said:

We can not buy a city directory. We have to borrow one when we want to see one.

So that, if the Committee on Appropriations does appropriate for these things, it is evident that the Navy Department has not got them or can not get them. And, under the testimony of Admiral Crowninshield, it appears that they can not get them.

Mr. CANNON. Now, I will say to my friend that the language in the legislative bill, after mentioning stationery and other articles, says:

And other absolutely necessary expenses of the Navy Department.

Now, I will state to my friend that the provision for stationery, and so forth, in the legislative bill, is broad enough to cover city directories and every other absolutely necessary expense.

Mr. FOSS. Now, right there, I should like to ask the gentleman whether it is broad enough, for instance, to allow the Department to buy Brassey's Naval Annual?

Mr. CANNON. Oh, certainly.

Mr. FOSS. And other books of naval reference?

Mr. CANNON. Oh, certainly; quite broad enough; but the admiral that he refers to, instead of coming to the committee that had and has jurisdiction upon deficiency bills, as well as upon the legislative bill, prefers to have $80,000, and under this authorization he may buy a library of $25,000 or of $10,000. I do not say he would, but the distinction between the maintenance of the naval establishment, for which the naval appropriation bill carries the appropriation, and the appropriation for the Navy Department here in Washington is well defined. The legislative bill carries the latter, the naval bill carries the former, and this but duplicates the provision in the legislative bill, and appears now for the first time in this bill and is subject to the point of order.

Mr. DAYTON. Will the gentleman pardon me one moment? Will he tell me how in the world your committee have jurisdiction, in the legislative bill, of such a matter as furnishing stationery for the Navy Department?

Mr. CANNON. It has always had it.

Mr. DAYTON. Do you not think you had better surrender that?

Mr. CANNON. Not at all.

Mr. DAYTON. Why not?

Mr. CANNON. Why, for every reason. Here is the legislative bill that provides the whole force of the Navy Department here in Washington and has always provided it, and it ought to remain there.

Mr. DAYTON. Might you not as well take the ice and the heating apparatus and all that and put it on the legislative bill?

Mr. CANNON. We do take every dollar of it; and your appropriation here for contingencies in this bill, with this exception, is an appropriation for the naval service.

Mr. DAYTON. Why, you might as well——

Mr. CANNON. Let me answer your question.

Mr. DAYTON. Certainly.

Mr. CANNON. For the naval establishment, for the service outside of the Navy Department proper, which is here in Washington.

Mr. DAYTON. You might as well surround the whole business and appropriate for it on the legislative bill, might you not?

Mr. CANNON. Not at all. All we want is to be let alone.

Mr. DAYTON. You do not want to be let alone when you are making appropriations for the Navy Department on improper bills, when you are appropriating items that ought to be included in the naval appropriation bill.

Mr. CANNON. If my friend understands about the jurisdiction of the various committees, he understands that the Navy Department in all its personnel, its Assistant Secretary, its clerks, its contingent fund here in Washington, is carried by appropriations in the legislative bill and that the Naval Committee have no jurisdiction under the rules of the House to report an appropriation for that, and because you undertake to duplicate an appropriation where your committee have no jurisdiction I make the point of order upon those words.

Mr. DAYTON. Will the gentleman pardon me one moment?

Mr. CUMMINGS. Will my friend allow me a minute? How is it with regard to the Army?

Mr. CANNON. The same way precisely in regard to the Army.

Mr. DAYTON. If the gentleman will allow me——

Mr. CUMMINGS. How is it in regard to the Army?

Mr. CANNON. The same way precisely in regard to the Army.

Mr. DAYTON. Pardon me, I do not know but what we will reach an agreement. Do you not believe that city directories, Brassey's Naval Annual, are just as much a part of the equipment of the Navy as any other part of the equipment?

Mr. CANNON. It is not a part of the equipment—stationery, maps, railroad guides, city directories, and necessary books of reference.

Mr. DAYTON. It is for postage on letters sent abroad, stationery, maps, railway guides, city directories, Brassey's Naval Annual, and other necessary books of reference for the benefit of our ships when they go abroad.

Mr. CANNON. I beg your pardon; I say this appears now for the first time in this bill; and that is fatal to it. I turn to a provision that provides for a contingent fund for the Navy Department that includes all these items. That is all I desire to say.

Mr. DAYTON. I say that it is a part of the equipment of the naval establishment and the naval establishment is established.

Mr. FOSS. Mr. Chairman, I admit that this is new language; probably new legislation; and if the gentleman wishes to make the point of order to strike out this provision, I have nothing further to say.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TERRY. Mr. Chairman, in the course of a colloquy with my distinguished friend from Ohio a few minutes ago, in which I was cut off, there arose a difference of opinion between us as to the provisions contained in the Porto Rican bill, and in the course of his very fervid remarks he stated that the people of Porto Rico could have free trade whenever they desired it. I asked him through what channel they could express their desire. He stated, as I understood him, that it would be through the delegates elected by them. Here is the bill. It provides that it shall be done by the "legislative assembly" of Porto Rico; that whenever they have passed a bill for local taxation, and so forth, and have adopted a resolution so notifying the President, then certain things may be done to put an end to tariff duties. It is the legislative assemble and not simply the delegates elected by the people of Porto Rico.

What composes the legislative assembly of Porto Rico are the two houses then existing, namely, the executive council, six of whom, a majority, may be appointed by the President from non-residents; and the executive council and the house of delegates constitute the general assembly of Porto Rico. So it is not by the delegates of the house, elected by the inhabitants of Porto Rico; and, furthermore, I asked him if it were not a fact that the legislative districts from which these delegates may be elected were

under the control of the executive council, and he intimated that that was not true.

Mr. GROSVENOR. I did not hear you make any such statement as that.

Mr. TERRY. The RECORD will show. I understood the gentleman to so state.

Mr. GROSVENOR. I answered an entirely different matter, as I understood.

Mr. TERRY. You stated, as I understood, that the delegates elected by the people were to determine that question. I say that that is not correct. I say these gentlemen who are to form the executive council have control of them; and not only that, but it is also provided that the executive council shall control the mapping out of the districts. Everybody knows what can be done by gerrymandering; at least some of us know. It also provides, in section 28, that for the purpose of the election of these delegates Porto Rico shall be divided by the executive council into seven districts, composed of, etc., so that at least when you told this committee that the people of Porto Rico could determine as to free trade, it was a delusion and a snare. They can do no such thing; and, as the gentleman from Ohio, in effect, taunted me with not knowing anything of the Porto Rican bill, I commend to him a careful reading of that bill himself.

Mr. GROSVENOR. Mr. Chairman, I think I said, and the notes I think will show it at the proper time, that I said the legislative body could fix this.

Mr. TERRY. You said the delegates elected by the people of Porto Rico, as I understood you.

Mr. GROSVENOR. I did not. I beg to say that.

Mr. DAYTON. Mr. Chairman, I raise the point of order.

Mr. GROSVENOR. You can not raise a point of order until I get through.

The CHAIRMAN. The gentleman from West Virginia raises the point of order.

Mr. DAYTON. I raise the point of order against any discussion that is not germane to the provisions of this bill.

Mr. GROSVENOR. If it is to hurry the work on, you will find that you are only losing time by that policy.

Mr. DAYTON. I am objecting to this partisan discussion about a matter on which there ought to be a unanimity of sentiment on both sides.

Mr. GROSVENOR. If anybody will cut me off by a strict application of the rules after the statement has been made by the gentleman from Arkansas without allowing a reply——

Mr. TERRY. I hope the gentleman will not insist on the point of order, and give my friend from Ohio a chance.

Mr. DAYTON. I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GROSVENOR. Very well.

The Clerk read as follows:

BUREAU OF ORDNANCE.

Ordnance and ordnance stores: For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department; for watchmen at magazines; for furniture in ordnance buildings at navy-yards and stations; for maintenance of the proving ground and powder factory; for target practice, and for increasing the efficiency of the Ordnance Department, $500,000.

Mr. GAINES. Mr. Chairman, I move to strike out the last word.

In the course of the debate on yesterday I asked the gentleman from West Virginia [Mr. DAYTON] a question. I asked if he did not support the law passed by the Fifty-fifth Congress to erect a smokeless gunpowder factory for the Government. He did not deny he voted for it, but said we ordered it built because we were then at war with Spain.

As I remember, the Republican party as a unit in the House supported that measure, and in addition to that I find on inquiry at the Navy Department that the Secretary of the Navy, before the war and in 1897, requested Congress to erect a powder factory. War was declared against Spain in April, 1898. So the statement that we had a war on and hence ordered the building of this factory falls to the ground. The historic fact is, that Congress, by request of the Secretary of the Navy, authorized the appropriation before the war.

Now, you will find that the Secretary in his recent report commends the establishment of this powder factory in this language:

The Government powder factory at Indian Head is progressing favorably. It is neither expected nor desired to enter into competition at these works with private manufacturers, except as to quality, it being the policy of the Department to foster the commercial industry, upon which the country must largely draw for its supply.

I find in the Secretary's report for 1897, on page 295, the statement of Admiral O'Neil, requesting Congress to erect this powder factory. I desire the House to listen attentively to the particular language that I shall now read. Admiral O'Neil said:

The Bureau is of opinion that for national and economic reasons the Department should own and operate a smokeless-powder factory, at which it could produce a part of the powder required for the naval service, and an item has been inserted in the annual estimates for this purpose. The property known as Bellevue Magazine, on the Potomac just below Washington, would be an excellent site, and it is conveniently reached by water and by railroad, and it is but two hours' distance from the naval proving ground. The present price of the smokeless powder procured by purchase is very high, and the Bureau believes it can produce it in large quantities at a greatly reduced price. *The success of the Bureau with its gun factory encourages it to believe that it could do equally well in the manufacture of other munitions of war.*

Our gun factory, he says, is such a success he urges a Government powder factory, and Mr. Secretary Long indorsed his recommendation.

It will be seen that in the Fifty-fifth Congress, on the recommendation of Mr. Secretary Long, we passed an appropriation going into millions of dollars to erect a powder factory, including a smokeless-powder factory; and what for? In order that we might crush the "monopoly" that has had the United States Government by the throat; that he might get a better quality of powder; that he might get more powder for the same amount of money; that we might have the machinery in our own hands, and not be the victims, as we have been heretofore, as in the case of our armor plate, of the manufacturers.

Mr. Long says, page 22, in his report for 1897, that there was a "lack of sufficient competition among private manufacturers." We make naval clothing at our New York naval factory. This is indorsed by Mr. Long and the Congress; and yet the gentleman from Illinois [Mr. CANNON], always alert about appropriations, twitted the gentleman from New York [Mr. DRIGGS] on yesterday, or the day before, because he asserted, in the splendid argument he then made, that he was in favor of making some of our ships at our public factories.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES. Mr. Chairman, I ask five minutes additional.

The CHAIRMAN. Without objection, the gentleman from Tennessee will proceed for five minutes longer.

There was no objection.

Mr. GAINES. Mr. Chairman, let me say that I do not know exactly who recommended the establishment of our gun factory, where we are making our splendid Springfield rifles and our splendid guns of other kinds in the city of Washington, and the heavy ordnance for the Navy, but I do know that President Lincoln was so embarrassed during the war of 1861–1865, that in his message of December, 1863, he uses this clear and unmistakable language:

The change that has taken place in naval vessels and naval warfare since the introduction of steam as a motive power for ships of war demands either a corresponding change in some of our existing navy-yards or the establishing of new ones for the construction and necessary repair of modern naval vessels.

Now listen:

No inconsiderable embarrassment, delay, and public injury have been experienced from the want of such governmental establishments.

That is, that as a government we will own the establishments which make our naval and war material.

He wanted a Government establishment to make our naval and war material. Mr. Chairman, I am as much opposed as any man in this House or elsewhere to the Government engaging in what is known as private industries. But in making armor plate and powder the power is clear and complete to do so. They are governmental duties. Look at our postal system. Right along in the same section of the Constitution in which Congress is given the power to create the Army and Navy we find it gives it the power to create a postal system of the United States. No man will deny that the Government of the United States has the power to go and buy horses and buy wagons and make mail bags. I believe they are now making mail bags that carry the mails throughout the United States.

Mr. Chairman, the power is present in Congress. We have the constitutional right, and it is a question now whether we shall stand enthralled in the hands of the armor-plate men or go one step further and say that we propose to disarm that monopoly that has been holding up the Government of the United States in war and in peace. They speak about holding up our war vessels; that they are still naked for the want of armor plate. Mr. Chairman, that is not true. These two concerns have been holding up the Government of the United States and not the vessels. They have held up the President, they have held up the American Congress, and it is our duty to put a stop to it, and I propose at a later day to call the attention of Congress to facts going to show that that is the fact. Secretary Long wisely said in his report the reason why he wanted a factory for the Government was to overcome the monopoly that was dictating the price of powder to the Government of the United States, not only, Mr. Chairman, in time of peace but in time of war, and now we want to crush the armor trust. [Applause.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. BINGHAM having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On April 17, 1900:

H. R. 8347. An act making appropriations for the legislative,

executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes.

H. R. 8876. An act granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation in Minnesota.

H. R. 445. An act for the relief of Clare M. Ashby, widow of W. W. Ashby, late United States consul at Colon.

H. R. 493. An act granting a pension to Fanny M. Hays;

H. R. 4828. An act granting a pension to Susie E. Johnson;

H. R. 5211. An act granting a pension to Lizzie M. Dixon;

H. R. 5346. An act granting a pension to Elizabeth B. Norris;

H. R. 4655. An act granting a pension to Elizabeth C. Rice;

H. R. 6952. An act granting a pension to Carrie P. Dale;

H. R. 1800. An act granting a pension to Lutheria H. Maynard;

H. R. 2397. An act granting a pension to Eliza S. Redfield;

H. R. 1754. An act granting a pension to Helen M. Hull;

H. R. 3021. An act granting a pension to Eliza H. Getchel;

H. R. 3640. An act granting a pension to Mary Pollock;

H. R. 7445. An act granting a pension to Emma B. Reed;

H. R. 7488. An act granting a pension to John C. Ray;

H. R. 7594. An act granting a pension to Amelia Taylor;

H. R. 457. An act granting a pension to Clara L. Harriman;

H. R. 5110. An act granting an increase of pension to Edward T. Kennedy;

H. R. 5209. An act granting an increase of pension to Samuel A. Greeley;

H. R. 5169. An act granting an increase of pension to Charles Weed;

H. R. 5503. An act granting an increase of pension to Samuel Hanson;

H. R. 6161. An act granting an increase of pension to John Landegan;

H. R. 6284. An act granting an increase of pension to James Crawley;

H. R. 6304. An act granting an increase of pension to James J. Lyons;

H. R. 4047. An act granting an increase of pension to James S. Jordan;

H. R. 2203. An act granting an increase of pension to John M. Garrett;

H. R. 2681. An act granting an increase of pension to Calista F. Hall;

H. R. 2809. An act granting an increase of pension to Moses F. Woods;

H. R. 8610. An act granting an increase of pension to Abner S. Crawford;

H. R. 5882. An act granting an increase of pension to John B. Fairchild;

H. R. 4681. An act granting an increase of pension to Elizabeth Keiff;

H. R. 3863. An act granting an increase of pension to Alfred Dyer;

H. R. 1458. An act granting an increase of pension to John E. Whinnery;

H. R. 1507. An act granting an increase of pension to William H. La Count;

H. R. 6885. An act granting an increase of pension to Horace B. Durant;

H. R. 3085. An act granting an increase of pension to William Sheppard;

H. R. 3268. An act granting an increase of pension to James W. Kessler;

H. R. 3635. An act granting an increase of pension to Timothy B. Eastman;

H. R. 3694. An act granting an increase of pension to James Bottoms;

H. R. 3775. An act granting an increase of pension to Robert Boston;

H. R. 8395. An act granting an increase of pension to Henry Johns;

H. R. 7322. An act granting an increase of pension to Frederick E. Vance;

H. R. 8120. An act granting an increase of pension to David L. Wentworth;

H. R. 3167. An act granting an increase of pension to Thomas H. Cook;

H. R. 2999. An act granting an increase of pension to George M. Brown;

H. R. 2865. An act granting an increase of pension to Louis H. Gein;

H. R. 434. An act granting an increase of pension to Jesse Smith;

H. R. 205. An act granting an increase of pension to George C. Snyder;

H. R. 240. An act granting an increase of pension to George W. Wakefield; and

H. R. 1890. An act to increase the pension of John Houk.

On April 18, 1900:

H. R. 1092. An act to set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office; and

H. R. 2356. An act for the relief of Hiram Johnson and others.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk, proceeding with the reading of the bill, read as follows:

Equipment of vessels: For purchase of coal for steamers' and ships' use, including expenses of transportation, storage, and handling the same; hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; canvas for the manufacture of sails, awnings, hammocks, and other work; water for all purposes on board naval vessels, including the expenses of transportation and storage of the same; stationery for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship; the removal and transportation of ashes from ships of war; interior appliances and tools for equipment buildings in navy-yards and naval stations, and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards; foreign and local pilotage and towage of ships of war; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments, and repairs to same; libraries for ships of war; professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, running lights, compass fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps, and their appendages, for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; bunting and other materials for making and repairing flags of all kinds; photographic instruments and materials; musical instruments and music; installing, maintaining, and repairing interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate the machinery belonging to other bureaus, $2,600,000.

Mr. CANNON. Mr. Chairman, I desire to ask the gentleman in charge of the bill a question. This language appears to be at the bottom of page 15:

Except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate the machinery belonging to other bureaus, $2,600,000.

What is the object, may I ask the gentleman, of that language? And does it by law, in effect, while it is a matter of appropriation, change the jurisdiction between the Bureau of Equipment and other bureaus?

Mr. FOSS. I understand, Mr. Chairman, that that language is in correspondence with Order No. 86, regulating the matters between the Bureau of Ordnance and the Bureau of Equipment. There are certain appliances mentioned in this clause beginning with the word "except" which are properly within the Bureau of Ordnance and will be so considered and regarded hereafter. It is a matter of regulation purely between the departments, the regulation of their own concerns.

Mr. CANNON. I suppose the necessity for the change comes from the fact that electricity has come into use as a motor and makes some adjustment necessary, different from that which obtained heretofore between these bureaus.

Mr. FOSS. That is as I understand it.

Mr. LIVINGSTON. Do you understand that the Ordnance Department has accepted this change?

Mr. DAYTON. Oh, yes; it is in accordance with an order of the Secretary of the Navy, and is to carry out their adjustment.

The Clerk, proceeding with the reading of the bill, read as follows:

Ocean and lake surveys: Ocean and lake surveys; the publication and care of the results thereof; the purchase of nautical books, charts, and sailing directions, and freight and express charges on the same; for the survey of the island of Guam, and continuing the surveys of the imperfectly known parts of the coasts and harbors of the Philippine Archipelago, of the Hawaiian group, and of the islands of Cuba and Porto Rico, with their bordering keys and waters and the minor outlying islands, deep-sea soundings and other observations for the survey of suboceanic telegraph cable routes; determinations of the magnetic variation, and other observations necessary for the construction of charts for the correction of the mariner's compass in oceanic navigation, and continuing the investigations and charting of reported obstructions to navigation in the United States waters of the Great Lakes, including the hire of vessels and the compensation, not otherwise appropriated for, of persons employed in the field work, under the authority of the Secretary of the Navy, and for every expenditure requisite for making hydrographic surveys that are required under the regulations for the government of the Navy, $100,000, and any unexpended balance of the appropriation for ocean and lake surveys for the fiscal year ending June 30, 1900, is hereby also appropriated.

During the reading of the above paragraph the following took place:

Mr. BURTON. Mr. Chairman, I desire to secure all rights with reference to this paragraph.

The CHAIRMAN. The Clerk has not concluded the reading of the paragraph. It will not be in order until the paragraph is concluded.

The Clerk proceeded and finished the paragraph.

Mr. BROMWELL. Mr. Chairman, I desire to raise a point of order on this section, against so much of it as commences with the word "continuing," in line 13, and ending with the word "Navy," on line 18. There are points of order that might be raised as to other portions of this section, but I myself desire to call attention of the committee to this part particularly.

Mr. MOODY of Massachusetts. Mr. Chairman, I desire to reserve a point of order against the whole paragraph, and I trust that the gentleman from Ohio will deem that to be sufficient for his present purposes.

Mr. BROMWELL. I am willing to do that.

Mr. MOODY of Massachusetts (continuing). So that we may have a discussion on the merits. I am with the gentleman. Then we will decide whether it shall be decided on its merits or——

Mr. BROMWELL. I am willing that the point of order shall be reserved.

The CHAIRMAN. The Chair understands the gentleman from Massachusetts to reserve a point of order on the whole paragraph.

Mr. MOODY of Massachusetts. Against that part of the paragraph indicated by the gentleman from Ohio and the whole paragraph. I suppose if any part of it is obnoxious to a point of order the whole paragraph is.

Mr. BROMWELL. The portion of the paragraph to which I am calling attention begins with the words "and continuing," in line 13, and ends with the word "Navy," in line 18.

Mr. CANNON. I believe I have the floor, and I want to submit a proposition to the gentleman, if I can have his attention and that of the chairman of the Committee on Naval Affairs. My suggestion is this: That the gentleman from Ohio [Mr. BROMWELL] and the gentleman from Massachusetts [Mr. MOODY] reserve the point of order for the present. If that be done, then I want to say to the gentleman from Illinois in charge of the bill that, so far as I am concerned, I am quite willing that this matter should come up to-morrow immediately after the reading of the Journal, and the merits of this whole section be then considered by the Committee of the Whole.

I make this suggestion for this reason: While I believe the whole paragraph to be subject to a point of order, I recognize the fact that if there can be sufficient general debate—I do not mean more than sufficient—and then debate under the five-minute rule, we might just as well dispose of this matter to-morrow, because it is perfectly patent from the surrounding circumstances that when this bill goes to the Senate, although the section might go out on a point of order here, it would be restored there, and would have to be fought over later in the session on the merits. So that I submit to my friend from Massachusetts and my friend from Ohio that if we can get reasonable time for debate, reserving the point of order in the meantime, it would perhaps be wise to determine this matter upon its merits after full consideration and debate by the House touching the merits of the whole question.

Mr. BROMWELL. If the gentleman from Illinois means to suggest that the point of order be waived ultimately and the question on its merits submitted to the House, I ought to say that my own view in regard to this particular section of the bill and this particular part of the section is so strong that I would not be willing to waive the point of order if it is a good one and take the vote of the House upon the merits.

Mr. CANNON. Suppose, then, that for the present we agree (if it suits the gentleman from Illinois and the gentleman from Ohio) that the matter go over until to-morrow morning, when there shall be an hour's general debate on each side upon the merits of the bill, the point of order being reserved, and that then there may be such five-minute debate as may be apt and proper. In the meantime I would be glad to consult with the gentleman from Ohio [Mr. BROMWELL], because I think, on fully considering this matter, he will see that some time or other before this Congress adjourns we must determine this question on its merits; and I think the present may be the best time to do it, both for the gentleman from Illinois in charge of the bill and for those of us who do not agree to this provision. I think I can satisfy the gentleman touching that matter.

Mr. BROMWELL. The proposition is, then, that to-morrow, immediately after the consideration of the bill is entered upon, there shall be an hour's debate on this section.

Mr. CANNON. An hour's general debate on each side.

Mr. BROMWELL. The point of order being reserved, to be brought forward again after the general debate, or waived?

Mr. CANNON. The point of order to come up afterwards, unless the gentleman from Ohio can see his way clear to think it politic to waive it and allow the matter to be decided on its merits, as I think he will when he fully considers the question. But in the meantime, for the present, let the point of order be reserved and let the matter go over till to-morrow morning, immediately after the reading of the Journal, when we go into Committee of the Whole; that then there be two hours' general debate on each side.

Mr. CUMMINGS. I suggest that the committee are unanimous in favor of the bill as it reads——

Mr. CANNON. Precisely.

Mr. CUMMINGS. And I do not see any reason why we should not go right on with this matter now.

Mr. SHAFROTH. I suggest that there should be some arrangement about the control of the time.

Mr. FOSS. Mr. Chairman——

Mr. BROMWELL. I believe I have the floor. I yield to the gentleman from Illinois.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSS] is entitled to the floor, the point of order, as the Chair understands, being reserved.

Mr. FOSS. Mr. Chairman, I am perfectly willing that this provision of the bill be passed over until to-morrow morning, to be taken up as soon as we go into Committee of the Whole, and I will agree to general debate for two hours, one hour to be controlled by my colleague [Mr. CANNON] and one hour by the acting chairman of the committee.

The CHAIRMAN. Unanimous consent is asked that this paragraph be passed over until the meeting of the committee to-morrow, when it is to be considered, points of order to be reserved, and that general debate be had for two hours, one hour to be controlled by the gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, and the other hour to be controlled by the gentleman from Illinois [Mr. FOSS], acting chairman of the Committee on Naval Affairs. Is there objection?

There was no objection.

The Clerk read as follows:

Depots for coal: To enable the Secretary of the Navy to execute the provisions of section 1552 of the Revised Statutes, authorizing the Secretary of the Navy to establish, at such places as he may deem necessary, suitable depots for coal, and other fuel, for the supply of steamships of war, $700,000.

Mr. CANNON. I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill a question. As I understand, this is an appropriation that executes the section of the Revised Statutes referred to, and is available to the Secretary of the Navy to establish suitable depots for coal and other fuel anywhere that it is necessary to do so.

Mr. FOSS. That is true.

Mr. CANNON. Now, I want to ask the gentleman if he has had his attention called to a late Executive order that places the jurisdiction of the Dry Tortugas where the quarantine station now exists, under the Secretary of the Navy, for the purpose of establishing a coaling station there, which would necessarily discontinue the quarantine station at that point?

Mr. FOSS. I would state in reply to the question that my attention has not been called to it officially.

Mr. CANNON. Well, now, I want to say to the gentleman that mine has, within a day or two, and that to-morrow morning, as the sundry civil bill carries appropriations for the quarantine service, and there comes an application for a large amount of money to move this quarantine station somewhere else, I have caused a request to be made to the Secretary of the Navy and the Secretary of the Treasury to give that committee a hearing at half past 10 to-morrow touching that mattter.

It is a matter of very great importance. The quarantine station at this point cost $175,000. It is the most important quarantine station on the Gulf coast. It is the nearest to Habana, it is the one that is relied upon to quarantine the commerce and the people that may be infected with and spread the yellow fever; and while I have not looked into it, yet I hope to between this and noon to-morrow, and I should be very glad indeed if some other coaling station could be arranged for. If it is not arranged for, I think that this appropriation ought to be amended so as to direct the use of the necessary part of it to construct quarantine stations elsewhere; and if it meets the approval of my friend——

Mr. FOSS. Why not let it go over?

Mr. CANNON. I would be glad if he would pass this over and recur to it later on in the bill.

Mr. FOSS. I agree to that.

The CHAIRMAN. Is the formal amendment withdrawn?

Mr. FOSS. I agree to pass over this provision until to-morrow.

The CHAIRMAN. Without objection, the paragraph will be passed over.

The Clerk read as follows:

Equipment plant at Cavite, Philippine Islands: For the purchase of the necessary tools and appliances for the enlargement and for increasing the facilities of the equipment plant at Cavite, Philippine Islands, $30,000.

Mr. CANNON. Mr. Chairman, I want to direct the attention of the committee to this item. On the urgent deficiency bill, passed at this session, there was an item appropriating $30,000 for this same purpose. The Committee on Appropriations had jurisdiction of it purely as a deficiency item and had to investigate it as best we could.

We did investigate it, and were satisfied, in the present condition of the service in the Philippines, that the $30,000 ought to be appropriated, although I am frank to say that we were also satisfied that the improvements at Cavite should be only makeshift improvements; that the true point to improve was, I believe, Subig Bay; and if I recollect right, Admiral Dewey was very clearly of the opinion that Subig Bay was the place where the naval establishment ought to be, from every standpoint, both from the depth of water and otherwise. If I recollect aright, they said that at Cavite there was 19 feet of water only; at any rate it was quite shallow; but for present stress we recommended the $30,000.

I must confess, unless some light has come to the Committee on

Naval Affairs, I should be inclined to doubt the propriety of making further improvements there, especially if we were correctly informed that the improvements ought to go where the deep water is and where the true place for defense is, namely, at Subig Bay; and it is merely for the purpose of drawing the attention of the gentleman to that matter and asking him this question that I have made these remarks. I disclaim any thorough knowledge about the premises.

Mr. LIVINGSTON. May I suggest to my colleague that the $30,000 was left optional with the Secretary for the very reason that it is here left optional, as the water was not of sufficient depth. I think it ought to be left so here; even if you have to repeat the provision, you had better repeat it here also.

Mr. CANNON. I do not recollect what the provision was in the urgent deficiency bill. I would be glad if my colleague would send to the committee room and get that information.

Mr. FOSS. I would like to call the attention of the gentleman from Illinois to this provision. If he will note the provision, it is for the necessary tools and appliances for the enlargement and for increasing the facilities of the equipment plant at Cavite. If it is deemed desirable to change the location of the plant at some future time, then the tools and appliances can also be changed. Now, then, this is the only plant we have there. There are sixty to seventy vessels in those waters, and it is quite important that we should have this plant there, even for temporary purposes, because without this equipment plant our vessels have to go 700 miles away to Hongkong, and that was the explanation given by those in charge of the Bureau before the committee.

Mr. GAINES. I would like to ask the chairman of the committee a question.

Mr. DAYTON. I hope I may have the attention of the gentleman from Illinois, chairman of the Committee on Appropriations, while I read him the information that we had before the committee, and to be found in the hearing, a very late one, of Admiral Bradford, in charge of this Bureau.

I may say, further, that while the subject of the location of the naval station in the Philippines is under consideration, coal will always be required at Manila, that being the chief seaport of the archipelago, and after due consideration by the Department it was decided that it would be wise and advisable to prepare suitable storage for a considerable amount of coal there without reference as to whether a permanent naval station would be located there or at Subig Bay.

The CHAIRMAN. Is there a naval station at present?

Admiral BRADFORD. Yes, sir; at Cavite.

The CHAIRMAN. It was the Spanish naval station?

Admiral BRADFORD. Yes; a considerable station, too; there is a marine railway there.

The CHAIRMAN. Are we using it now?

Admiral BRADFORD. Yes; vessels up to 600 tons can be hauled up and are being hauled up constantly. It is proposed to locate this coal station about a third of a mile from Cavite, inside of Sanglai Point, where the Spanish had a coaling station.

Mr. LOUDENSLAGER. What is the depth of the water there?

Admiral BRADFORD. About 19 feet. There is a civil engineer there now boring and surveying for the location of the wharf and house.

Mr. LOUDENSLAGER. Is there a wharf there now?

Admiral BRADFORD. Only the remains of one.

The CHAIRMAN. How do you coal there now?

Admiral BRADFORD. By means of lighters, or cascos, as they are called. When coal is taken there in merchant ships it is discharged into lighters; the natives carry the coal on shore and pile it in the open, using small baskets; when a ship is coaled the reverse operation takes place, the natives carrying the coal to the cascos, which are towed to the vessel of war and the coal is placed on board. Labor is cheap, and it costs from 50 to 60 cents in gold per ton to carry it ashore and back again to war ships.

Mr. DAYTON. Does this contemplate dredging the channel?

Admiral BRADFORD. No; only the erection of the necessary storehouses and wharves.

Mr. DAYTON. Do you think that depth of water—19 feet—will be sufficient?

Admiral BRADFORD. Well, a greater depth would be better, but most of the ships that will be on that station in the future will be small vessels and they can go to the wharf and coal. Larger vessels must be coaled by means of lighters, which go to the wharf to be filled.

Mr. LOUDENSLAGER. Is that the mean depth of the harbor or at the pier?

Admiral BRADFORD. Only at the pier.

Mr. LOUDENSLAGER. How far out would you have to put the piers to get a greater depth?

Admiral BRADFORD. I can not tell you exactly, but it is too far to make the construction of a pier practicable. Large ships can coal perhaps more rapidly with a number of lighters than at the wharf. The wharf will facilitate coaling small vessels and will very much facilitate the discharge of colliers.

Mr. LOUDENSLAGER. How many tons of coal will you be liable to have there at a maximum time?

Admiral BRADFORD. I have had as much as 40,000 tons, and I should say there should be a supply of 25,000 tons at all times. I have been sometimes reduced below that; I am now, but there should be a good reserve always on hand.

The Clerk read as follows:

Navy-yard, Norfolk, Va.: Quay wall north of timber basin, $25,000; concrete and granite dry dock, to cost not more than $1,200,000, for which contract is hereby authorized, $200,000; remodeling machine shop for steam engineering, $60,000; extension of locomotive crane track, $15,000; increasing electric plant, $20,000; office building for steam engineering, $20,000; storehouse for yards and docks, $45,000; paving and grading, $30,000; garbage crematory, $5,000; stables, $7,500; surgeons' office and dispensary, $10,000; remodeling steam-fitters' and plumbers' shop for construction and repair, $15,000; new altars for timber dry dock, $15,000; laundry at St. Helena for receiving ship, $5,000; sewers, $4,000; in all, navy-yard, Norfolk, Va., $466,500.

Mr. CANNON. I notice that in this paragraph a dry dock to cost not more than $1,200,000 is authorized for the navy-yard at Norfolk. This is an entirely new work, as I understand—an additional dry dock.

Mr. FOSS. I call on the gentleman from Virginia [Mr. RIXEY], who is a member of the committee, to give the gentleman from Illinois such information as he may require.

Mr. RIXEY. Yes, sir; this is a provision for a new dry dock.

Mr. CANNON. How many are there at that point now?

Mr. RIXEY. I understand there are two there now.

Mr. CANNON. Is either of them large enough to dock our large cruisers or battle ships?

Mr. RIXEY. I understand not; I understand that neither of the existing docks will take a first-class battle ship.

Mr. CANNON. It was stated a year or two ago that the river at that point was so narrow that it was not practicable to dock there a battle ship or a large cruiser in any dock that might be constructed. Has the gentleman any information on that point?

Mr. RIXEY. My information is that——

Mr. DAYTON. Does the gentleman from Illinois [Mr. CANNON] make a point of order?

Mr. CANNON. Not at all; I am merely trying to get some information.

Mr. RIXEY. My information is that there is ample depth of water there for a new dry dock, to dock any ship of any size that we have; and that provision has been made for dredging. I will state further that Admiral Endicott, as I am informed, stated that it is more important to have a new dry dock at Norfolk than at any other point.

Mr. CUMMINGS. Will the gentleman allow me?

Mr. RIXEY. Certainly.

Mr. CUMMINGS. The State riparian water line—the State line—was the basis for the remark the gentleman from Illinois [Mr. CANNON] made just now concerning the width of the river. The trouble since then, I understand, has been settled. It was supposed several years ago that on account of so much traffic in that river such a dry dock as is now contemplated would hardly be desirable; but more land is now being taken in, and the riparian rights no longer stand in the way.

The largest of the docks there takes in vessels of the class of the *New York*. Those are the largest ships that can be docked there at present. The depth of water has been increased now to 28 feet.

Mr. FITZGERALD of New York. Thirty feet at low water.

Mr. CUMMINGS. Thirty feet at low water, as the gentleman from New York informs me. It was formerly 22 feet; and at one time the *New York* had difficulty in reaching the dock on account of the shallowness of the water, and was sent back to the navy-yard at New York.

This new dock is considered to be absolutely necessary by Admiral Endicott, because it will occupy a middle position between Key West and our northern boundary. There is not now, and never has been, at that point any dock that would take in a first-class battle ship. One of the docks there now is a small dock, a granite dock, constructed nearly fifty years ago, and to-day it is nearly as good as new.

Mr. CANNON. The reason I asked the question was this: I have a very clear recollection that about the time of the breaking out of the late war with Spain, or a little later, there was some difficulty about docking ships even of the size of the *New York;* and there came a stress estimate by way of deficiency—that is about the only way that I get knowledge of naval appropriations—an estimate, if I recollect aright, of $100,000 to dredge the channel there, a work which was brought to our attention as absolutely necessary. I think I got my impression then that the river was so narrow at that point that probably there never could be constructed a dry dock that would give sufficient depth of water and that would be available to dock our great battle ships and cruisers.

Mr. CUMMINGS. I think the gentleman's impression came from this fact: It was thought it would be dangerous to launch a ship which might be built there——

Mr. CANNON. Possibly that was it.

Mr. CUMMINGS. No danger was apprehended about docking vessels. The apprehension was in regard to launching ships that might be built, as there was some trouble at that time with the *Raleigh* and the *Texas*, built at that yard.

[Here the hammer fell.]

Mr. CANNON. I should like a moment more to complete what I have to say.

The CHAIRMAN. In the absence of objection, the gentleman from Illinois will proceed for five minutes more.

There was no objection.

Mr. RIXEY. In answer to the gentleman's question, may I read him what Admiral Endicott said?—

The Norfolk Navy-Yard has always been of the first importance, whether in time of peace or war.

* * * * * * *

The Bureau renews its recommendation of last year that Congress appropriate for the construction of a permanent dry dock of the largest size at this navy-yard. The reasons why such a dock is needed are set forth in the last annual report, and will not be repeated here. At the time that report was made steps had been taken by the War Department, under authority of Congress, to improve the navigation between the Chesapeake Bay and the navy-yard by excavating a channel of the depth of 30 feet at mean low water,

in order that this navy-yard might be accessible to the largest naval vessels at all stages of the tide.

This channel is now completed, and it is regarded as exceedingly important that facilities be established at this yard for docking the largest vessels of the Navy. Hitherto it has not been possible for the deepest draft vessels to reach the yard at all times because the channel has not been deep enough. Congress has authorized the construction of a timber dry dock of the largest size at the League Island Navy-Yard, but no dock will exist south of that point of a capacity for receiving the largest naval vessels unless one be built at the Norfolk yard, which is only second in importance upon the Atlantic seaboard, and it should be immediately fitted for the heaviest work of the Navy in this respect.

Mr. CANNON. Mr. Chairman, my object is not to criticise the work of the Naval Committee, where I have not had the opportunity of gathering much knowledge, but to elicit some information for my own guidance in this matter. The gentleman from Iowa [Mr. HEPBURN] reminds me that instead of the appropriation being $100,000 for the dredging of this channel at the breaking out of the Spanish war, it was $375,000. I do not recollect the exact amount, but the gentleman is most probably correct, as he usually is.

Now, I have no doubt that if we were beginning anew in the United States, touching our navy-yards—if the revolution that has been going on in shipbuilding from wood to iron and steel ships was new and now in progress, perhaps many of our yards would be differently located. Of course these are matters that we must gather by experience.

I know where several yards were located under the old order of things, and cities have grown up adjacent to them, and of course, under the circumstances, it would be very difficult to make a change. In fact, it is difficult, almost always, to change the location where the establishment has once been erected. But as we understand it, ours is a representative Government, and we all look out for our own interests while we look also to the interest of the public.

Mr. GROSVENOR. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSVENOR. I do not desire, of course, to cut off the speech of my friend from Illinois, but I would like to have the privilege of knowing exactly what the question is before the House? [Laughter.]

Mr. CANNON. Well, I will state to my friend from Ohio that I am determined to strike out the last word, if I have strength enough to do it. [Laughter and applause.] I am anxious, and am now doing my very best in reference to that motion.

Mr. GROSVENOR. Very well; I am satisfied. I am glad to know that something was pending before the committee.

Mr. HOPKINS. I trust the gentleman from Illinois will confine his remarks to the amendment suggested. [Laughter.]

Mr. CANNON. I will say in all kindness to my golden-haired colleague from Illinois that I am assured from his manner that he would agree to the amendment. [Laughter.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. Very well, Mr. Chairman, I will complete my remarks when we reach Mare Island. [Laughter.]

The Clerk read as follows:

Naval station, Port Royal, S. C.: Toward rebuilding dry dock, to cost not to exceed $500,000, $150,000, and the Secretary of the Navy is hereby authorized to rebuild or repair said dock in concrete or stone, or both, as he may elect; condensing plant, $30,000; fire-engine house, $9,000; grading and drainage, $2,000; purchase of land, $20,000; crane supports in steam-engineering machine shop, $10,000; in all, naval station, Port Royal, $227,000.

Mr. CANNON. Now, Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I wish to know whether or not the dock that has been built, repaired, and appropriated for, in connection with the paragraph just read, as well as the appropriations that have been made for procuring water at the docks, and the various sums that have been expended in connection with it, have given any manner of information on which we can base an opinion?

Mr. CUMMINGS. The gentleman from South Carolina [Mr. ELLIOTT] will give the gentleman from Illinois full information upon that point.

Mr. CANNON. And, Mr. Chairman, for fear that my time shall expire before I get through asking questions, I desire further to ask what assurance has the Committee on Naval Affairs that after the building of a dry dock not to exceed $500,000, and for which $160,000 is appropriated—what assurance is there that, when in addition to what has been already expended, where it seems that there is not and has not been found heretofore a sufficient number of feet of water to enable ships to get out—what assurance is there that after this additional large sum is expended we will have a dock that we can get to without going over land? [Laughter.]

Mr. ELLIOTT. In answer to the gentleman from Illinois, I beg to say that it appears from the hearings before the committee that any ship of the Navy can go up to the Port Royal dry dock and remain there at all stages of the tide and go into the dock and come out without interruption. There is no difficulty, therefore, about the amount of water, if that is the point the gentleman from Illinois has in mind. What was the other question of the gentleman from Illinois?

Mr. CANNON. I would like to know whether the gentleman has information that the expenditure of the amount here appropriated will give us a dock that can be used for our larger vessels?

Mr. ELLIOTT. That is the information we received from the Navy Department—that it will rebuild the dock in accordance with the plan suggested by the Secretary of the Navy.

Mr. CANNON. What has been expended heretofore at Port Royal dry dock?

Mr. ELLIOTT. About $2,000,000.

Mr. CANNON. How many ships have been docked there? I mean the larger war ships.

Mr. ELLIOTT. The first battle ship docked anywhere in the United States—the *Indiana*—was docked there. I do not remember of any other of the first-class war vessels being docked at Port Royal.

Mr. CANNON. Has there been one docked since the *Indiana* was docked?

Mr. ELLIOTT. As far as I know, no other battle ship.

Mr. CANNON. Was there not some trouble in connection with the docking of the *Indiana*? Was there not some fear that we might lose the vessel entirely while being docked there?

Mr. ELLIOTT. I can only say to the gentleman, as I said to him a year ago upon this same point, that the *Indiana* went in and came out, as the commandant of the station reported, as easily as a tugboat could have done.

Mr. CANNON. Then the newspaper and other statements were mere "fakes" about our probable loss of the vessel?

Mr. ELLIOTT. Either that or they were untrue statements, made by rival dock-building firms.

Mr. CANNON. And no battle ships have been docked there since, to the gentleman's knowledge?

Mr. ELLIOTT. No additional battle ships or cruisers have been docked since then, but other vessels have been. The harbor is an excellent one, and it is necessary to have these docks ready for our ships, so as to meet any emergency that might arise.

Mr. TALBERT. It seems to me that the naval officers have had something to say about this matter. It is not the amount of water or anything of that kind that enters into their calculations. That is not the trouble. The real difficulty is that it is not a good place to give balls or that kind of thing for the élite. [Laughter.]

Mr. CUMMINGS. I think I can give the gentleman some information. The dock is built of wood, in low soil. Hurricanes frequently sweep over that region. If you remember, we had to appropriate money several years ago for damages caused by a hurricane. This wooden dock is sprung; it leaks badly, and must be repaired.

Mr. HEPBURN. It is new, is it not?

Mr. CUMMINGS. It was completed about seven years ago. It requires extensive repairs. It has a concrete foundation. If it is to be repaired, it ought to be repaired with some other material than timber; and so it has been left in the discretion of the Secretary of the Navy to repair it in concrete or stone, or both, as he may choose.

Mr. CANNON. I move to strike out the last two words. I wish to read a line from the hearing:

NAVAL STATION, PORT ROYAL, S. C.

The CHAIRMAN. The next station is the naval station at Port Royal, S. C.; rebuilding dry dock, $500,000.

Mr. DAYTON. You can get along without the dock there, can you not?

Admiral ENDICOTT. Yes, sir; but something ought to be done with it some time or other, and as soon as possible; but I do not think the interests of the service will suffer in the absence of its use just at present.

Mr. DAYTON. Now, the next item is the quay wall, $50,000.

Admiral ENDICOTT. That quay wall is to make a good permanent water front. You know they have violent cyclones there, and every time one of those occur we have a good deal of damage done to the water front.

And so on.

I have no malice touching this amendment. I can not talk with as much certainty about this as I could about some of the other navy-yards: but with a great bill carrying $61,000,000 and authorizing $40,000,000 more—for that is what this bill does—appropriating $61,000,000 and authorizing forty millions more to be appropriated hereafter—I am satisfied that perhaps ten millions, and I do not know but twenty, might be dispensed with without hurting the service. I know that it is difficult to do this, for if we are all to represent our constituents, each is apt to think that he has the most important improvements that ought to be made.

Mr. CUMMINGS. Mr. Chairman, there is no dry dock, except the Port Royal dry dock, between Norfolk and New Orleans, a stretch of 1,600 miles. The New Orleans dock is not yet completed. It does seem to me that, in view of the fact that we have a dock already constructed at Port Royal that will take in battle ships of the largest size—a dock that is now leaking and falling to pieces, a dock that must be repaired to preserve it—it is economy, first-class economy, to repair it either in concrete or with stone. Believing this, I advocated this appropriation in the committee.

I believe that it is absolutely necessary to have some dock

between the port of Norfolk and the port of New Orleans. You have had one made of timber at Pensacola, which went to ruin during the war. There is no other place, not even at Key West, nor at the Dry Tortugas, where a ship can be docked. In case of war the only place where we could dock a ship between Norfolk and New Orleans would be in the harbor of Havana, provided the Cubans would allow us to do so, and we obtain by purchase the steel dock left there by the Spaniards.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Navy-yard, Mare Island, Cal.: Tools for yards and docks, $10,000; sewers, $10,000; sidewalks and roads, $15,000; water system, $107,000; enlarging freight shed, $5,000; medical dispensary, $7,500; light and power station, $50,000; shelter roof for construction and repair, $2,200; joiner shop for construction and repair, to cost not more than $100,000, for which contract is hereby authorized, $50,000; anchor shed, $7,000; to continue quay wall, $30,000; crane scow, $12,000; to continue dredging, $100,000; foundry for construction and repair, $4,500; pattern shop for construction and repair, $6,000; coal storage, $50,000; changes and extensions in electric system, $12,000; enlargement of equipment offices, building 65, $5,000; barracks for enlisted men (to take the place of the receivingship), to cost not more than $300,000, for which contract is hereby authorized, $100,000; in all, navy-yard, Mare Island, $563,200.

Mr. CANNON. I move to strike out the last word. I notice in this appropriation an item of a hundred thousand dollars to continue dredging. As I understand, that is for the channel from San Francisco up to Mare Island.

Mr. FOSS. I should have to refer to the report in order to state that.

Mr. CANNON. Well, I want to say that this is another navy-yard that for many purposes is a dry-land navy-yard—the one at Mare Island.

There ought not ever to be another dollar expended. It ought to be abandoned, and a navy-yard constructed down on San Francisco Bay, where there is water sufficient to float battle ships and cruisers that the United States owns. I have had occasion time and again to look into the matter of the yard at Mare Island, and I think if it were to be located to-day it should not be located there at all.

Since it was located there great expensive quarters and a great expensive establishment of a navy-yard has been constructed, but the river has been inclined to fill up and you have to dredge it. It appears on the river and harbor bills to dredge out and improve the river, as I understand it.

Mr. LOUD. It is not a river at all.

Mr. CANNON. It is a bay, that leads up from San Francisco, and shoals and fills up, as I understand the condition.

Mr. LOUD. It is 25 miles wide.

Mr. CANNON. It is 25 miles wide, but it shoals and fills up. Now, a hurricane came along, and I think mercifully came along, a year or two ago and blew down a good many officers' quarters and buildings at Mare Island. If the people had done half as well as the Lord did, and not tried to build another building there, and built a navy-yard down on San Francisco Bay, we would have something to show for our money. I suppose it is not worth while to make a motion to strike out.

Mr. LOUD. Would not that same rule apply to all our navy-yards?

Mr. CANNON. No; it does not apply to New York; because there——

Mr. LOUD. What other navy-yard does it not apply to?

Mr. CANNON. It does not apply to New York and it does not apply to Boston.

Mr. JONES of Washington. Nor to Port Orchard.

Mr. CANNON. The gentleman says maybe it can apply to all. It may apply to some of them. I can not speak for all of them, but we have got a good many bad navy-yards that would not exist for a holy minute if it was not for the "you tickle me and I tickle you"—and I am not abusing anybody. [Laughter.]

Mr. LOUD. Let me ask you right there if the city of Boston is not coming here year after year, and at the present time, after a very large appropriation to give them water enough to enable them to get up to the navy-yard at Charlestown, and that we are spending three or four million dollars in the harbor of New York to give vessels an opportunity to get up there?

Mr. CANNON. Oh, yes; but New York is a great harbor that takes a large part of the commerce of the world, and so is Boston a great harbor that takes a large portion of the commerce of the world. So is San Francisco Bay, and God gave you one of the most beautiful bays on earth, where you have got water. Why do you want to go up 25 miles, where the water shoals, and maintain a navy-yard? The gentleman lives in that neck of the woods down there. [Laughter.]

Mr. LOUD. Water!

Mr. CANNON. Neck of the woods is the correct expression. But he has got real water in San Francisco Bay. Now, I do not suppose that this will do any good, because I suppose the combination will still hold, and I speak of it respectfully; I am not abusing any of them, but I wish that by some way or other we could manage these navy-yards in the public interest, and would be glad to vote three or four million dollars to every locality that has a navy-yard that the Government does not need if we could just discontinue the navy-yards that we do not need and improve navy-yards that the Government does need.

Mr. LOUD. I only wanted you to be historically correct. That is all I was after.

Mr. PEARCE of Missouri. Mr. Chairman, I do not happen to represent that "neck of the woods," but I am quite familiar with San Francisco Bay. I was all over it last fall with the charts. There is not an available point at the present in San Francisco Bay. There was a year or two ago, at Hunters Point, but that is no longer available.

Mr. CANNON. Can not we condemn it?

Mr. PEARCE of Missouri. There is not a dry dock——

Mr. CANNON. No.

Mr. FOSS. We have spent four or five million dollars at this place.

Mr. PEARCE of Missouri. It is possible, but it is questionable whether there is ground enough at Hunters Point for the accommodation of a navy-yard. Now, there has been a great deal of money expended at Mare Island in the construction of workshops, and under the conditions that exist at present in and about San Francisco it is unquestionably the best point.

Mr. McRAE. Do I understand the gentleman from Missouri to make the motion to strike out the appropriation for $100,000 for dredging?

The CHAIRMAN. The gentleman simply moved to strike out the last word.

Mr. McRAE. I move to strike out the appropriation—that is, "continuing dredging, $100,000," in lines 15 and 16.

The CHAIRMAN. The Clerk will report the amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MAHON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. BENNETT, its Secretary, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

S. 4024. An act directing the Secretary of the Treasury to re-examine and resettle the accounts of certain States and the city of Baltimore growing out of the moneys expended by said States and the city of Baltimore for military purposes during the war of 1812;

S. 4215. An act granting a pension to Belle Bean;

S. 743. An act to relieve Benjamin F. Burgess of the charge of desertion; and

S. R. 31. Joint resolution to authorize the appointment of George Izard Middleton an ensign in the Navy.

The message also announced that the Senate had passed without amendment bills and concurrent resolution of the following titles:

H. R. 8466. An act to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia;"

H. R. 6959. An act to extend the provisions of an act entitled "An act granting an increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893;

H. R. 5485. An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof; and

S. Con. Res. No. 45:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to cause a survey to be made and an estimate submitted of the cost of dredging and otherwise improving the mouth of the Nooksack River, to the end that during freshets the water of said river may be enabled to pass freely into the waters of Puget Sound without overflowing the surrounding country. Should a further examination prove that it is not practicable to remove the accumulated débris from the mouth of said river, the Secretary of War is hereby directed to submit estimates of the cost of opening a new channel for the mouth of said river.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

On page 31, lines 15 and 16, strike out the words "To continue dredging, $100,000."

Mr. McRAE. Now, Mr. Chairman, I know nothing about whether this is a proper place for a navy-yard, but this is not a river and harbor bill, and this item is a river and harbor item. There are projects throughout this country that need appropriations, and I object to making the naval appropriation bill the means of improving harbors at some place where there may happen to be some Government property, to the exclusion of all other rivers and harbors. I hope the item will be stricken out.

If I had known before the paragraph was passed, I would have made a point of order against it, but it escaped my notice. I insist that this is not the proper place to make an appropriation for improvement of rivers and harbors, however worthy they may be.

Mr. FOSS. Mr. Chairman, I desire to say in reference to this item that it was recommended by the Chief of the Bureau of Yards and Docks, and I will read you what he says in regard to it.

Under appropriations previously made contracts were entered into for dredging a basin in front of the yard sufficiently deep to allow the larger vessels to lie afloat at low tide, and to excavate a channel of the proper depth

through Mare Island straits. This work has been carried on for about eighteen months, and has resulted in greatly improving navigation at and in the vicinity of the yard, but further work is necessary in order to give the anchorage ground sufficient width for the convenient mooring of vessels and the channels ample width for navigation. A further appropriation of $100,000 is recommended for continuing the improvement.

So I understand it is a fact that the purpose is to get sufficient anchorage there, and it is to excavate the channel.

Mr. McRAE. Who made that recommendation?

Mr. FOSS. The Chief of the Bureau of Yards and Docks in his report made that recommendation.

Mr. McRAE. He is a naval officer?

Mr. FOSS. Yes.

Mr. McRAE. Now, the testimony offered by the gentleman himself shows that the improvement is to be made for improving the navigation and deepening the channel, and while it may be necessary, this is not a proper place to do it. It should be in a river and harbor bill; and if we can not have that bill at this session for the country at large, it seems to me that all these appropriations that seek to make improvements of rivers and harbors ought to go out and wait for the bill next session.

The CHAIRMAN. The question is on the amendment.

Mr. DAYTON. Mr. Chairman, just one word. I hope the gentleman from Arkansas will not insist on this motion, when he takes into consideration that this is substantially the only navy-yard we have on the Pacific coast that is available. I am aware of the fact that we have a dry dock at Puget Sound, where we have ample facilities and where the channel is amply deep. But he must remember that a large amount of the repair work of the Navy will necessarily come to this yard at Mare Island. He must also recognize the further fact that no matter what mistake may have been made in the past in locating the yard at its present place, it has nevertheless been located there, and a million dollars of Government money is invested there, and that this hundred thousand dollars will render that channel in such a condition that it will go largely toward rendering this an efficient navy-yard.

I have not the figures before me, but my recollection is that the report indicates that this yard stands possibly fourth in this country in the amount of repair work that is done. That is an important consideration on the Pacific coast and now requires attention, because of the fact that our ships will come there for repairs from the Philippine Islands. Under these circumstances, remembering further that we have already expended a large sum in this way to continue this dredging, that the work is going on under the direction of this Bureau, it seems to me that we had better not stop it now, but appropriate the money for the work to continue. I admit that the objection is technically correct; that the item ought to come up in the river and harbor bill; but at the same time this channel and this work is very much needed for the benefit of the Government yard located there.

I regret exceedingly that sickness has prevented the member from California [Mr. METCALF] on the Naval Committee from being present this afternoon, and I want to make this statement to the committee to explain the reason why he does not rise to defend this appropriation.

Mr. RIDGELY. Will the gentleman yield to me?

Mr. DAYTON. Certainly.

Mr. RIDGELY. Can the gentleman tell us how much has been expended in dredging this channel altogether?

Mr. DAYTON. I am not able to tell you now. My recollection is that a similar sum—I do not state this accurately—that a similar sum of $100,000 was appropriated last year. At any rate, there was a very considerable sum appropriated last year for this work, and this is to continue it.

Mr. McRAE. Will this finish it?

Mr. DAYTON. I am not able to state that definitely; it will go largely toward it.

Mr. RIDGELY. The gentleman can not tell whether we shall have to keep on appropriating for this purpose or not?

Mr. DAYTON. The channel has been largely improved and bettered by the appropriations that have been made heretofore. It has been deepened so that a much better class of vessels can enter the harbor. My judgment is that $100,000 will complete the work, but I do not make that statement absolutely.

Mr. McRAE. Mr. Chairman, I withdraw the amendment, in view of what the gentleman from West Virginia says.

The Clerk, proceeding with the reading of the bill, read as follows:

Dredging, Dry Tortugas, Florida: Dredging channel, $100,000.

Mr. McRAE. Mr. Chairman, I make a point of order against so much of the paragraph as provides for dredging at Dry Tortugas. If there is any explanation to be given, I am willing to reserve the point of order to hear it. I do not see any purpose indicated, and I know it is an item that ought to be on the river and harbor bill.

The CHAIRMAN. The point of order is reserved.

Mr. CANNON. I suggest to the gentleman from Arkansas, while the gentleman from Illinois is looking up the record, that I dare say the appropriation of $100,000 for dredging Dry Tortugas is probably an expenditure already begun or otherwise relating to the destruction of the quarantine station; and I would suggest to the gentleman from Arkansas and the gentleman from Illinois that we pass this paragraph and return to it at a later time.

Mr. McRAE. I am perfectly willing to that, if the point is reserved.

The CHAIRMAN. If there is no objection, the paragraph will be passed and the point of order reserved.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

Dry dock, Algiers, La.: To complete floating dry dock for Algiers, La., $650,000.

Mr. FOSS. Mr. Chairman, I will state that I have just received a letter from the Secretary of the Navy asking that $300,000 of this may be made immediately available, so that I offer the following amendment. After line 13 I move to insert "$300,000 to be immediately available."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "dollars," in line 13, page 33, insert "$300,000 to be immediately available."

Mr. DAYTON. I would like to ask the chairman in charge of the bill what is the practical difference if we make the whole of this sum immediately available? I make the statement that the contractors building this dock have already expended upon the work a very much larger sum than the appropriation already made will meet.

The dock is being rapidly pushed forward. I had the pleasure a very short time ago of examining the work which had been done upon it, and it seems to me that the sooner it is completed the better. A part of this appropriation, under the terms of the amendment, will be available in July; and a further amendment providing simply that the whole sum be immediateiy available will enable this work to be prosecuted very expeditiously so as to be completed much sooner than would otherwise be the case. I suggest an amendment making the whole sum immediately available.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from West Virginia [Mr. DAYTON].

The Clerk read as follows:

Strike out of the proposed amendment the words "three hundred thousand dollars."

Mr. FOSS. I accept that amendment.

The CHAIRMAN. The question, then, is on the amendment of the gentleman from Illinois [Mr. FOSS] as modified by him upon the suggestion of the gentleman from West Virginia.

The amendment was agreed to.

The Clerk read as follows:

Building and grounds, Naval Academy: For the construction at the Naval Academy, Annapolis, Md., of a building suitable for use as cadets' quarters, at a cost not to exceed $2,500,000, including the architect's fees and the pay of the clerk of the works and the inspectors, $350,000.

Mr. CANNON. I make a point of order on this paragraph. It contemplates an expenditure not authorized by existing law. All the money for this work up to the limit authorized by law has been appropriated.

Mr. MUDD. Mr. Chairman, I desire to be heard on the point of order. This same point precisely was raised against a precisely similar provision in the naval bills of the last two sessions of Congress, and the point was decided adversely. My recollection is that in the last Congress, at the second session, an amendment ment was offered by myself to insert a provision, not in the bill as it came from the committee, authorizing the Secretary of the Navy to contract for the building of a power house, boathouse, and an armory—a provision precisely similar, I say, to that now before the Committee of the Whole, except that the amount was not the same.

The point of order was raised by the chairman of the Committee on Naval Affairs [Mr. BOUTELLE]; and I believe the gentleman from Illinois [Mr. CANNON] who makes the present point of order submitted some observations in favor of that point, or it may be that the gentleman from Illinois himself made the point of order, and the gentleman from Maine supported it; I am not altogether clear in my recollection as to that. The Chairman of the Committee of the Whole at that time, Mr. SHERMAN of New York being in the chair, decided that inasmuch as these works, though not specifically authorized by previous provision of law, were, in the language of the rule, "in continuation of appropriations for public works and objects already in progress," the point of order was not sustainable.

I am rather surprised that the same point should be made again this year. Everybody understands that we have a Naval Academy. I suppose all admit that we have a Navy and a general naval establishment, and both are within the purview and contemplation of law; and certainly it will not be seriously contended that every provision for every single building which we propose to provide for, either at the Naval Academy or anywhere else under the Navy Department, must be subject to this continual and perennial point of order.

I hardly think that it is necessary for me to argue this question

further. There is no way under the sun by which we can provide for these buildings except in a general appropriation bill. There is no method known to me or, I apprehend, to the gentleman from Illinois by which it can be done unless in the manner proposed here and in the manner in which it has been done from time immemorial—upon appropriation bills in the Naval Committee.

Similar points of order have been made against provisions for buildings for the Naval War College; also against other buildings, although I can not give the exact citations now. But similar points of order have been made against buildings for the Military Academy at West Point, in which case the provisions were in all respects analogous to this, authorizing contracts to be made for a certain amount and making an appropriation for the same.

An amendment was submitted, as I have stated, in the last Congress for new buildings at Annapolis, Md., the appropriations amounting to $500,000. The matter will be found reported on page 3397 of the CONGRESSIONAL RECORD for the second session, I believe, of the last Congress. In ruling upon this question, the Chairman recited various precedents bearing upon the subject and overruled the point of order. And such have been the rulings of the Chair all along—unvaryingly—upon provisions similar to this.

Mr. CANNON. I hold in my hand the act making appropriations for the naval service for the fiscal year ending June 30, 1899, and I read from it:

The Secretary of the Navy is authorized to contract for the construction, at the Naval Academy, Annapolis, Md., of a building suitable for use as an armory, at a cost not to exceed $300,000; a boathouse, at a cost not to exceed $30,000; a power house, at a cost not to exceed $100,000; four double houses for officers' quarters, at a cost not to exceed $60,000; for grading, electric-light wiring, removing old buildings, and preparing plans, at a cost not to exceed $90,000; for construc'ing the line of sea wall on the river side, piling, dredging, and filling in, as may be necessary, $150,000; and the sum of $500,000 is hereby appropriated toward the construction of the public works herein authorized.

These public works, authorized by that provision of the law, aggregate $1,000,000.

Now, I will read another authorization, the act for the current year. It is as follows:

BUILDINGS AND GROUNDS AT THE NAVAL ACADEMY, ANNAPOLIS, MD.

For completion of buildings and other works authorized under the act making appropriations for the naval service for the fiscal year ending June 30, 1899, under such plans as may be adopted by the Secretary of the Navy, not to exceed in cost $1,220,000, $720,000.

Now, then, Mr. Chairman, that $720,000 specified in this appropriation was appropriated plus the $500,000 that was appropriated in the general act previously passed, making a total appropriation of $1,220,000 for this purpose. And the last act provides specifically that this work shall not exceed in cost the sum of $1,220,000.

That is all the legislation that has been had about the Naval Academy on this subject. That is the law, and a limit has been placed on the cost, amounting to the sum I have suggested. The limit is fixed by law for these public works and buildings at the Academy, that they shall cost not to exceed the sum of $1,220,000.

Now, what is the provision before us? I read from the paragraph of the bill:

Building and grounds, Naval Academy: For the construction at the Naval Academy, Annapolis, Md., of a building suitable for use as cadets' quarters, at a cost not to exceed $2,500,000, including the architect's fees and the pay of the clerk of the works and the inspectors, $350,000.

That, Mr. Chairman, is entirely without warrant of law. If that is in order on this bill it is equally in order to appropriate a hundred million for this, or for any other purpose, or for any character of work covered by the bill. I do not think it is in order to do this, for if it is it would be in order to increase the limit to two and one-half millions of dollars on the same ground, or to any sum. If that be true, then it would be in order to add something else, as is provided further on in the bill, and you may increase the appropriation to $100,000, $1,000,000, or $5,000,000. Where would be the limit?

Now, Mr. Chairman, it is of course competent for Congress to do all of these things, but it must do it under the rules of the House and by appropriate legislation. The legislation heretofore provides that this shall not cost to exceed $1,220,000. That is the law; the money has been appropriated, and it is beyond our power to extend that limit without a legal authorization in that direction. The extension, therefore, of the limit proposed here of two and a half million of dollars is subject to the point of order.

Mr. KITCHIN. Will the gentleman allow an interruption?

Mr. CANNON. Certainly.

Mr. KITCHIN. Was not the gentleman arguing this morning on another proposition of the bill exactly to the contrary of the position he now takes?

Mr. CANNON. Not at all.

Mr. KITCHIN. In my opinion he was. I understood you to argue that when we were authorized to extend anything the law providing for that expenditure might be changed——

Mr. CANNON (interrupting). Oh, Mr. Chairman, I am not responsible for my friend's misapprehensions or misunderstandings. [Laughter.]

Mr. KITCHIN. But you are responsible for a change in your own views. [Laughter and applause.]

Mr. CANNON. I have not changed my position or my views. My friend thinks I have, but he will find that I am consistent in that regard.

Mr. KITCHIN. I only call attention to the change in the gentleman's argument from that made this morning to the one he is now making.

Mr. CANNON. The argument this morning, the gentleman will find, is not inconsistent with that I am making now. There is a naval establishment in existence. We appropriated for that. We appropriated for it in accordance with law. But here is a proposition to erect a certain public building, or public buildings, covered by authorization already made, and make a provision by legislation that will cost $2,500,000, whereas the legislation originally provided contemplated an expenditure of but $1,220,000.

That was done in express terms. Where, then, is the inconsistency? If it is in order to do this you can make it $50,000,000. If it is in order to do this you can make a naval school at Philadelphia, or at Long Branch, or anywhere else, upon an appropriation bill. We can do it by legislation, I admit, but the point is that it is legislation, and hence not in order here; and the appropriation following the legislation is not authorized by law, and hence it is subject to the point of order under the rule.

Mr. KITCHIN. Does the gentleman think if the words were added "at the disposal or discretion of the President" it would meet his objection? [Laughter.]

Mr. CANNON. I would only say, Mr. Chairman, that I trust that God in His infinite wisdom and mercy may give my friend capacity to distinguish between one subject and another. I can not do it for him, I confess. [Laughter and applause.]

Mr. KITCHIN. I hope, Mr. Chairman, that God in His mercy has endowed me at least with the ability and capacity to observe the somersault of the gentleman from Illinois in one day. [Laughter and applause on the Democratic side.]

Mr. CANNON. Very well; we are even now.

Mr. KITCHIN. Now, Mr. Chairman, as to the point of order. I think the gentleman reverses his argument absolutely. He stated to-day that the emergency fund was in order and the point of order was not good against it, because we now had provisions for the "maintenance of the Navy." That being the case, it was our duty to maintain it under the law, and hence it was proper to put an appropriation in the bill of $500,000 to be used, in the discretion of the President, wherever in the wide world he wanted to use it. That was the gentleman's point this morning. He said that it was not new legislation, although he could find no law to rest it upon.

Now, this afternoon the gentleman from Illinois [Mr. CANNON] takes this position: That although we have a Naval Academy to be maintained, to be built up, to be perfected; although we have all that and a law for it, yet, when in this bill we say "Erect a certain building there," lo and behold, the point of order is good against us. And so I reiterate my statement that I think I have observed a somersault on the part of the gentleman from Illinois [Mr. CANNON].

Mr. UNDERWOOD. Mr. Chairman, I did not agree with the argument made by the gentleman from Illinois [Mr. CANNON] this morning, because there was no specific object for which the appropriation was made; but here there is a clear and specific object, a building to be erected and now in course of erection, and this body as far back as the Fiftieth Congress directly decided the point. A section of the bill was read providing for the erection of a fireproof building on the grounds of the Military Academy at West Point.

Mr. Kilgore, of Texas, made the point of order that the building had not been authorized by law.

After debate, the Chairman, Mr. Cox, of New York, ruled as follows:

The Chair decides that within the meaning of the provision just read the building proposed to be erected—"fireproof building on site of public grounds at West Point"—is within the purview of the rule. The construction of a building is an incident to the maintenance of the Academy itself, the object being already in progress—the main object contemplated not only by the bill, but by the very institution of the Academy itself.

Now, in the case of this decision, there was no building commenced. It was held that the appropriation was in order, to maintain the Academy. Here we have a building already provided for that this appropriation merely intends to enlarge. Now, I contend, Mr. Chairman, that in this instance, as well as in the proposition for the erection of an armor-plate factory that will be reached later in the bill, it is clearly in the line of all the decisions that have been rendered by the Chair in the last twenty years, that where an appropriation is for the purpose of maintaining the naval establishment that the erection of a new building at Annapolis, or the erection of any building that is necessary to carry out and maintain that establishment, is in order and not subject to the point of order.

I say this because the question may be raised later on in the

bill when the proposition to build an armor-plate factory is up; but I also say it because last year I voted for the proposition to erect these buildings at Annapolis. There is not a man on this floor who has not got a young man from his district there who is being educated at the cost of the Government, for the benefit of the country. The buildings that we have had at Annapolis have been old structures that have been condemned and reported as dangerous to the life of those students there, and I say that when we take these young men from our districts and send them to Annapolis it is the duty of this Congress to provide that they shall have suitable quarters in which they may live during the four years that they are there.

Mr. MUDD. Just a word further on this point of order.

The CHAIRMAN. The Chair would like to know, more than anything else, about the legislation referred to by the gentleman from Illinois [Mr. CANNON]. The Chair does not understand that the gentleman from Illinois raises any point that if this was an original proposition to erect a building there, without regard to the limit of cost, a point of order would be good against it. The Chair understands the gentleman to claim that since the ruling made in March, 1898, Congress has passed one or more laws by which it has limited the amount to be expended upon these buildings, and has appropriated that amount, and that this proposed appropriation would increase the limit, and is therefore not in accordance with existing law. That is what the Chair understands the gentleman to claim.

Mr. CANNON. That is my understanding of the condition.

Mr. MUDD. Your understanding is wrong.

The CHAIRMAN. That is the question the Chair would like to be informed about.

Mr. CANNON. It is my understanding of the situation, although I will say that I do not understand that any ruling is right, if it was ever made, by which you can build, without legislation, a second library building, for instance, or a Supreme Court building upon this reservation.

The CHAIRMAN. The gentleman from New York, Mr. Cox, in 1892, decided that on an appropriation bill it was in order to make an appropriation to build a new building at West Point for the use of the Academy, and following that decision, Mr. SHERMAN of New York decided, in March, 1898, that it was in order on an appropriation bill to authorize and appropriate for a new building at Annapolis for the purposes of the Naval Academy.

Mr. CANNON. I would say now, in reply to that, that in my judgment the decision of Mr. Cox, followed by that of Mr. SHERMAN, was not well taken. The repair of a building, as I understand, does not conflict with the rule; but the building of an entirely new building, in my judgment, does conflict with the rule. The gentleman from Mississippi [Mr. WILLIAMS] reminds me that the other day, in the consideration of the Agricultural appropriation bill, an appropriation was made for a laboratory on the reservation adjacent to the Agricultural Department, and that it was held, subject to the rule, that there was no legislation that authorized it.

With all due respect to all decisions that may have been made, I do not believe that it was contemplated that you could authorize cadet quarters, to cost two million and a half, upon a general appropriation bill unless there was prior legislation. Now, that is just what this bill does, and so far as there is prior legislation, the limit of cost is fixed at a million two hundred thousand dollars, all of which has been appropriated.

Mr. LOUD. Will the gentleman allow me to ask him a question?

Mr. CANNON. Yes.

Mr. LOUD. I would like to ask him, if this point of order shall be determined against, if the Post-Office Committee would have the right to report an appropriation for the erection of public buildings, especially if they were upon Government grounds?

Mr. CANNON. In connection with the postal service?

Mr. LOUD. Necessarily.

Mr. CANNON. I see no reason why they should not.

Mr. LOUD. If this thing is going around, I would like my committee to have some of it. [Laughter.]

Mr. MUDD. Just a word. I am glad—in fact, I am much encouraged—when the gentleman from Illinois admits that in order to sustain his point of order it will be necessary for the Chair to reverse the decisions of former Chairmen for the last twenty or thirty years.

Mr. CANNON. I have not admitted it.

The CHAIRMAN. The decisions are not uniform by any means.

Mr. MUDD. Well, I want to correct the statement of the gentleman from Illinois in this respect. He stated that he understood that the act of the last session of Congress placed a limit on the buildings to be constructed at the Naval Academy. Now, the gentleman from Illinois obviously is mistaken. I have the provision of the last session of the last Congress now before me. It was offered by myself as an amendment to the naval appropriation bill, and it is as follows:

> For completion of buildings and other works authorized under the act making appropriations for the naval service for the fiscal year ending June 30, 1899, under such plans as may be adopted by the Secretary of the Navy, not to exceed in cost $1,220,000, $720,000.

The limit, and the only limit, in that provision was upon the specific buildings that had been theretofore authorized by an act of the preceding session, in an appropriation bill of that session, and the point of order now made presents a case which is similar to the situation which existed when the original appropriation was passed at the second session of the last Congress, making an appropriation of $500,000 for the construction of these buildings, which was then a new proposition for the three buildings, including the armory, the boathouse, and the power house.

The provision of that time, which I apprehend the Chair has now before him, was for $500,000 toward the construction of these three buildings which were then authorized. They had never theretofore been authorized by any provision of law. I apprehend there is no difference in principle on a point of order between a boathouse and armory and cadets' quarters, where the the cadets live and perform their work and receive their training.

If it was in order without a provision of a previous law to build a boathouse or a power house, as it was held by the then Chairman, Mr. SHERMAN, in pursuance of authority which guided him and had guided Mr. Cox in a decision there cited, and had guided other Chairmen for years and years before, I apprehend it is just as much in order to provide as a new and original proposition for the purpose of carrying on necessary "works and objects already in progress" at the Naval Academy in building cadet quarters.

Mr. CANNON. Will the gentleman allow me to ask him, as a question of fact, are there any cadet quarters there at Annapolis?

Mr. MUDD. There is a building which a board of survey and Boards of Visitors and the Secretary of the Navy have told us in official communications are liable at any day to fall down upon the heads of the cadets. They say they fear they may tumble down at any time.

But that is a matter that is not pertinent upon the discussion of the point of order. When we come to the merits of the proposition I think the House will agree, as they agreed on one or two occasions before, that these cadets ought to be kept in somewhat better houses down there than the gentleman from Illinois would keep his horse in at home. That is a matter, however, I repeat, that goes to the merits of the proposition, and not to the point of order.

Mr. DENNY. I would like to call my colleague's attention to the statement made in the testimony before the committee, on page 61, by Professor Dodge. The chairman asked him:

> Are there any other buildings which had been condemned and torn down? Professor DODGE. The cadets' quarters have been condemned by the board which examined it. It is very old and is rapidly going to pieces.

Mr. CUMMINGS. Mr. Chairman, nobody denies that the provision for the building of a dry dock or a navy-yard is not in order. It seems to me that if that is so, the proposition to build in the Naval Academy quarters for cadets to take the place of buildings which have been condemned as unhealthy and as unsafe would come within the same category of building a dry dock.

Mr. MUDD. I have here the original law which established the Naval Academy. It is section 1511 of the Revised Statutes. It provides as follows:

> A naval academy shall be established at Annapolis, in the State of Maryland.

I apprehend that it will not be seriously contended that the establishment of a naval academy did not require some "buildings" for the cadets. It is not to be supposed that the contemplation of law was they should rest in tents or on the ground uncovered by roof.

The CHAIRMAN. The Chair will suggest that he would like to examine some authorities not fully reported in the Digest before deciding this question. If there is no objection, he would like to have it go over at present.

Mr. FOSS. Then, Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 10450 and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GAMBLE, for ten days, on account of important business.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Insular Affairs:

To the Senate and House of Representatives:

The time remaining before the 1st day of May, when the act of April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," will take effect, appears to be insufficient for the careful inquiry and consideration requisite to the proper selection of suitable persons to fill the important civil offices provided for by the act. The powers of the present government will cease when the act takes effect, and some new authority will be necessary to enable the officers now performing the various duties of civil government in the island to continue the performance of those duties until the officers who are to perform similar duties under the new government shall have been appointed and qualified.

That authority can not well be given at present by temporary appointments of the existing officers to positions under the act, for the reason that many of the existing officers are officers of the Army detailed to the performance of civil duties, and section 1222 of the Revised Statutes would prevent them from accepting such temporary appointments under the penalty of losing their commissions. The selection of the new officers and the organization of the new government under the act referred to will be accomplished with all practicable speed, but in order that it may be properly accomplished, I recommend the passage of a joint resolution to obviate the difficulty above stated.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *April 18, 1900.*

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1569. An act granting a pension to Phebe E. C. Priestly—to the Committee on Invalid Pensions.

S. 3708. An act granting a pension to John H. Harrison—to the Committee on Pensions.

S. 3922. An act granting an increase of pension to Mary Corinne Blandin—to the Committee on Pensions.

S. 2400. An act granting an increase of pension to Edith Lockwood Sturdy—to the Committee on Pensions.

S. 1975. An act granting an increase of pension to Annie D. M. Wood—to the Committee on Pensions.

S. 3534. An act granting an increase of pension to Helen G. Heiner—to the Committee on Invalid Pensions.

S. 4024. An act directing the Secretary of the Treasury to reexamine and resettle the accounts of certain States and the city of Baltimore growing out of the moneys expended by said States and the city of Baltimore for military purposes during the war of 1812—to the Committee on War Claims.

S. 4215. An act granting a pension to Belle Bean—to the Committee on Invalid Pensions.

S. 743. An act to relieve Benjamin F. Burgess of the charge of desertion—to the Committee on Military Affairs.

S. R. 31. Joint resolution to authorize the appointment of George Izard Middleton an ensign in the Navy—to the Committee on Naval Affairs.

Senate concurrent resolution 45:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to cause a survey to be made and an estimate submitted of the cost of dredging and otherwise improving the mouth of the Nooksack River to the end that during freshets the water of said river may be enabled to pass freely into the waters of Puget Sound without overflowing the surrounding country. Should a further examination prove that it is not practicable to remove the accumulated débris from the mouth of said river, the Secretary of War is hereby directed to submit estimates of the cost of opening a new channel for the mouth of said river—

to the Committee on Rivers and Harbors.

FREE HOMESTEAD BILL.

Mr. EDDY. Mr. Speaker, I ask unanimous consent that Thursday, May 3, be set aside for the consideration of House bill 996, known as the "free-homestead bill."

The SPEAKER. The gentleman from Minnesota asks unanimous consent that May 3 be set down as a special order to consider the free-homestead bill. Is there objection?

Mr. CANNON. Not to interfere with appropriation bills.

The SPEAKER. The gentleman from Illinois asks that there be added to that request that it shall not interfere with appropriation bills.

Mr. McRAE. In view of the exception, what would be the objection to making it a continuing order?

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

NAVAJO INDIAN RESERVATION, ARIZ.

Mr. LACEY. Mr. Speaker, I desire to call up the conference report on House bill 4001, authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In line 1 of the Senate amendment strike out all after the word "*Provided*" and insert in lieu thereof the following:

"That all that portion of the Navajo Indian Reservation in Arizona lying north of 36° 30′ north latitude and west of the one hundred and eleventh meridian be, and the same is hereby, opened for mining purposes only and subjected to the mining laws of the United States."

And the Senate agree to the same.

JOHN F. LACEY,
JOHN H. STEPHENS,
CHARLES CURTIS,
Managers on the part of the House.

WILLIAM M. STEWART,
GEORGE L. SHOUP,
JOHN L. McLAURIN,
Managers on the part of the Senate.

Mr. LACEY. The statement is very brief, Mr. Speaker, and will explain the effect of the amendment. I ask that it be read.

The SPEAKER. The Clerk will read the statement of the conferees.

The Clerk read the statement, as follows:

The effect of the amendment as substituted by the conference report is to permit mining upon the land north of 36° 30′ north latitude and west of the one hundred and eleventh meridian. There are several mining claims that have been located on this portion of the Navajo Reservation, and indications are that the claims are valuable for copper.

This portion of the reservation is of very little value for grazing purposes, it being covered with lava beds, and it is of no advantage to the Indians to exclude miners therefrom. If the mines prove valuable, it is important that they should be opened. The necessities for increased supply of copper are national in character, and the reservation ought not, in the opinion of the conference committee, be used to prevent mining thereon.

In January, 1900, an Executive order was issued adding a large area of grazing land to the Navajo Reservation, so that with the amount of land obtained by this order the Indians will have larger and more valuable grazing facilities than they ever had before, and the opening of the lava-bed country to miners will not interfere with the occupation of the reservation for grazing purposes.

Mr. LACEY. I move that the report of the committee of conference be adopted.

The motion was agreed to.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. I am directed by the Committee on Appropriations to report back the urgent deficiency bill with Senate amendments, and to recommend that certain of those amendments, as stated in the report which I send to the desk, be concurred in and certain other amendments concurred in with an amendment. I ask that the report be read, and then I desire unanimous consent for the immediate consideration of these amendments.

The report of the Committee on Appropriations was read, as follows:

The Committee on Appropriations, to whom was referred the bill H. R. 10449, making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes, beg leave to submit the following report, and recommend that the House agree to the amendments of the Senate numbered 1, 4, 5, 6, 7, and 8.

That the House agree to amendments numbered 2 and 3 with amendments as follows:

Add to each of said amendments the following:

"Except in so far as such printing may be necessary in executing the requirements of the act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900."

There being no objection, the House proceeded to the consideration of the amendments, which were respectively concurred in, or concurred in with amendments, as recommended in the report of the committee.

GARFIELD HOSPITAL.

Mr. CANNON. I am directed by the Committee on Appropriations to report back with a favorable recommendation the joint resolution (S. R. 114) for the relief of Garfield Hospital, and to ask for its immediate consideration.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That $1,000 is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated and out of the revenues of the District of Columbia, in equal parts, for the maintenance of the isolating ward for minor contagious diseases at Garfield Memorial Hospital for the remainder of the fiscal year ending June 30, 1900.

Mr. UNDERWOOD. Will the gentleman explain the necessity for this appropriation?

Mr. CANNON. The sum of $3,000 was appropriated for the maintenance of the isolation ward at Garfield Hospital. That appropriation has been exhausted, and the ward has to be closed unless this further appropriation of $1,000 be made. This ward is for the treatment of cases like diphtheria, scarlet fever, measles, smallpox, etc.

Mr. FITZGERALD of Massachusetts. Is this institution supported entirely by the District of Columbia?

Mr. CANNON. Very largely—not entirely. It has been so supported for years.

Mr. FITZGERALD of Massachusetts. Is the institution conducted under private auspices?

Mr. CANNON. It is a private corporation.

Mr. FITZGERALD of Massachusetts. What is the nature of this private corporation?

Mr. CANNON. It is a corporation for the purpose of running the Garfield Hospital. Patients who can pay do so, and those who can not do not pay. Not only is this appropriation made, but there is a considerable appropriation for charity patients, etc.

Mr. FITZGERALD of Massachusetts. I merely made the inquiry to draw the attention of the House to the fact that the institution is a private one. Certain gentlemen in this and other Congresses have been in the habit of going into hysterics when any appropriation is suggested where the adherents of the Catholic faith are to be the beneficiaries, but are silent or acquiescent when the adherents of the other churches are the beneficiaries. This institution is sectarian, just as much as certain other institutions which have been legislated against because the doctrines taught there were those of the Catholic faith. I will not object, however.

I am too broad minded on matters of this kind; and I think this is due as much as anything else to the liberal and progressive manner in which the Catholic Church teaches all her adherents to act on all matters which are for the general good. This hospital, although private, and, as I understand it, under the control of a certain religious denomination, is doing good work, and I shall certainly not offer any objection to unanimous consent being given for the present consideration of this bill. My rising at this time was merely to suggest to certain gentlemen who are present and who entertain narrow views when a certain religious denomination is concerned that this would be a good time to emphasize the peculiar ideas which they possess on the question of appropriations outside of regular governmental channels.

Mr. CANNON. The Garfield Hospital and the Providence Hospital have journeyed along on the sundry civil bill, in the main, fairly well; the controversies have usually come upon the District of Columbia bill. So that, upon the whole, I do not know that we can do better than to make the appropriation.

Mr. FITZGERALD of Massachusetts. I agree with the gentleman from Illinois. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The joint resolution was ordered to a third reading; and being read the third time, it was passed.

Mr. CANNON. Mr. Speaker, I move to reconsider the vote in both of the cases just considered by the House, and move to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of French Broad River—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Holston River, Tennessee—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with accompanying papers, an agreement with the Cherokee tribe of Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with accompanying papers, an agreement with the Muskogee or Creek tribe of Indians—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of Kentucky, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 6868) to amend an act authorizing the terms of the district court of the United States for the southern district of Mississippi to be held hereafter at Biloxi, reported the same without amendment, accompanied by a report (No. 1080); which said bill and report were referred to the House Calendar.

Mr. COWLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9635) to establish light-house and fog signal in State of Washington, reported the same without amendment, accompanied by a report (No. 1081); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9924) to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss., reported the same with amendment, accompanied by a report (No. 1082); which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 200) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home, reported the same without amendment, accompanied by a report (No. 1083); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PIERCE of Tennessee: A bill (H. R. 10804) to detach the county of Dyer from the eastern division of the western district of Tennessee and to attach the same to the western division of the western district of said State of Tennessee—to the Committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 10805) to regulate the practice of homeopathic pharmacy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KNOX (by request): A bill (H. R. 10806) for the relief of acting assistant surgeons, United States Army—to the Committee on Military Affairs.

By Mr. CLAYTON of Alabama: A bill (H. R. 10807) granting certain lands belonging to the United States and situated in the State of Alabama to the State of Alabama for the use and benefit of the common schools of that State—to the Committee on the Public Lands.

By Mr. GLYNN: A bill (H. R. 10808) to establish a two-dollar standard of wages for labor—to the Committee on Labor.

By Mr. GAMBLE: A bill (H. R. 10809) to ratify an agreement with the Yankton Sioux Indians, of South Dakota, and making appropriation to carry the same into effect—to the Committee on Indian Affairs.

By Mr. RANSDELL: A bill (H. R. 10810) making an appropriation to close Bougére Crevasse, in Concordia Parish, La.—to the Committee on Rivers and Harbors.

By Mr. GROSVENOR: A bill (H. R. 10811) to authorize the President of the United States to appoint certain volunteer officers of the rank of brigadier-general in the Regular Army—to the Committee on Military Affairs.

By Mr. GLYNN: A bill (H. R. 10835) to erect a statue to Gen. Phil. Sheridan—to the Committee on the Library.

By Mr. NEEDHAM: A joint resolution (H. J. Res. 239) providing for a preliminary survey of certain portions of the San Joaquin River, California, and of a ship canal from the city of Stockton to San Francisco Bay or other point, and so forth—to the Committee on Rivers and Harbors.

By Mr. LANE: A joint resolution (H. J. Res. 240) for the diversion of moneys heretofore appropriated for the harbor of Davenport, Iowa—to the Committee on Rivers and Harbors.

By Mr. GILLETT of Massachusetts: A concurrent resolution (H. C. Res. 40) providing for the reprinting of a portion of the Annual Report of the American Historical Association for 1898—to the Committee on Printing.

By Mr. GAMBLE: A resolution (H. Res. 230) in relation to the consideration of H. R. 996—to the Committee on Rules.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 231) relating to repealing tax on express packages—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 10812) authorizing the Secretary of the Interior to set aside certain described lands in San Juan County, Colo., as a legal subdivision or lot, and authorizing the mayor of Silverton to enter said lands for cemetery purposes—to the Committee on the Public Lands.

By Mr. DAHLE of Wisconsin: A bill (H. R. 10813) granting an increase of pension to Mrs. Margaret M. Metcalf, of Kilbourn, Wis.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10814) removing charge of desertion against

Thomas Kelly, of Madison, Wis.—to the Committee on Military Affairs.

By Mr. GLYNN: A bill (H. R. 10815) to grant a pension to Lucius K. Smalling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10816) to increase the pension of Mrs. Mary A. McCullough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10817) to pay Dr. Walter F. Robinson a salary as contract surgeon in the United States Army from October 13, 1898, to January 2, 1899—to the Committee on War Claims.

By Mr. HOWELL: A bill (H. R. 10818) for the relief of Frederick W. Armstrong, of Asbury Park, N. J.—to the Committee on War Claims.

By Mr. LATIMER (by request): A bill (H. R. 10819) for the relief of Esther A. Keyser—to the Committee on the District of Columbia.

By Mr. MAHON: A bill (H. R. 10820) for the relief of the legal representatives of Henry Ruby, deceased—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 10821) granting an increase of pension to Sarah Burch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10822) granting an increase of pension to Nimrod F. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10823) granting a pension to Maggie J. Carter—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 10824) granting an increase of pension to Mary A. Harding—to the Committee on Pensions.

By Mr. PEARRE: A bill (H. R. 10825) granting an increase of pension to Elias Bussard—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 10826) for the relief of Mrs. Mollie Bissell—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 10827) authorizing the Secretary of the Treasury to defray the expenses of contestant in the contest entitled "Koonce *vs.* Grady"—to the Committee on Claims.

By Mr. ZENOR: A bill (H. R. 10828) granting a pension to David B. Salts—to the Committee on Invalid Pensions.

By Mr. ZIEGLER: A bill (H. R. 10829) granting a pension to Albert Wetzel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10830) granting an increase of pension to Sarah J. Warren—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10831) to correct the military record of Louis Wollet, alias John Wolf—to the Committee on Military Affairs.

Also, a bill (H. R. 10832) to correct the military record of Abraham Myers—to the Committee on Military Affairs.

By Mr. MANN: A bill (H. R. 10833) to remove the charge of desertion from the military record of Orange A. Avery—to the Committee on Military Affairs.

By Mr. RANSDELL: A bill (H. R. 10834) granting an increase of pension to Michael Dempsey—to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 10836) for the relief of Charles H. Cotton—to the Committee on Claims.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 10837) granting a pension to Andrew J. Miller—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Peter Kies and 58 other citizens of Gilbertville, Iowa, in favor of the bill to increase the tax on oleomargarine—to the Committee on Agriculture.

Also, letter of James H. Curtin and E. A. Engler, of Dubuque, Iowa, in opposition to the passage of House bill No. 887, relating to the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS: Petition of the Philadelphia (Pa.) Drug Exchange, in favor of a national park being made of the Calaveras Grove of Sequoias, in the State of California—to the Committee on the Public Lands.

By Mr. BABCOCK: Petition of George W. Bell Post, No. 53, Department of Wisconsin, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BINGHAM: Resolutions of the Trades League of Philadelphia, Pa., urging that an engineer commission be appointed by the President of the United States to appraise the value of the Chesapeake and Delaware Canal, with a view to its acquisition by the Government for the purpose of making it a free and open waterway, etc.—to the Committee on Railways and Canals.

Also, resolutions of the Civil War Veterans' Association, Customs Service, Port of New York, in favor of giving preference in appointments to soldiers of civil and Spanish-American wars—to the Committee on Reform in the Civil Service.

By Mr. BROSIUS: Petition of John A. Rose Post, No. 358, of Christiana, Pa., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BURTON: Resolutions of the Cleveland (Ohio) Chamber of Commerce, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: Resolutions of the Quarterly Conference of the Madison Street Methodist Episcopal Church, Chester, Pa., against island saloons and canteens—to the Committee on the Territories.

By Mr. CANNON: Resolutions of the Potomac Woman's Christian Temperance Union, of Potomac, Ill., against saloons and Army canteens in our new insular possessions—to the Committee on Insular Affairs.

Also, papers to accompany House bill for the relief of Charles H. Cotton—to the Committee on Claims.

By Mr. CHANLER: Petition of A. C. Humphreys, of New York, favoring the passage of Senate bill No. 1159, for increased efficiency in the Patent Office—to the Committee on Patents.

Also, petition of Selden Bacon, of New York, favoring the passage of House bills Nos. 8066, 8195, and 9245—to the Committee on the Public Lands.

Also, memorial of the United States Brewers' Association, of New York, asking for the repeal of the war tax on malt liquors—to the Committee on Ways and Means.

Also, resolutions of the Real Estate Board of Brokers of New York, praying for the repeal of the documentary stamp tax—to the Committee on Ways and Means.

Also, petitions of Abraham Lincoln Lodge, No. 445, and the Trades and Labor Assembly of Columbus, Ohio; Building Trades Council of Cincinnati, Ohio, and Retail Merchants' Association of Illinois, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of the National Grain Growers' Cooperative Association of America, respecting legislation in the interest of agriculture—to the Committee on Agriculture.

Also, petition of A. S. Wolf and others, of New York City, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of Bernheimer & Schmidt, of New York, asking for the repeal of the war tax on malt liquors—to the Committee on Ways and Means.

Also, petition of Farragut Post, No. 75, and Judson Kirkpatrick Post, No. 143, Grand Army of the Republic, Department of New York, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the New York County Medical Association, favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

Also, petition of the municipal assembly of the city of New York, urging the passage of House bill No. 876, for the reconstruction of the post of Fort Hamilton—to the Committee on Military Affairs.

Also, petition of the American Ornithologists' Union, of New York, urging the passage of the Lacey bill for the protection of wild birds and game—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Westliche Post, of St. Louis, Mo., urging the passage of the St. Louis World's Fair bill—to the Special Committee on the Centennial of the Louisiana Purchase.

Also, petitions of Edward Barnes, Thomas Lawler, J. D. Smith, and P. J. Quigley, of New York City, N. Y., in relation to the retirement of Government employees in the classified service—to the Committee on Reform in the Civil Service.

Also, petition of the Albany News Company, Northern News Company, and International News Company, against the passage of House bill No. 10275, as being detrimental to the business of news dealers—to the Committee on the Post-Office and Post-Roads.

Also, petition of George H. Mann, of New York, in support of House bill No. 5499, relating to the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Society for the Prevention of Cruelty to Animals, urging the passage of the bill extending the time that live stock may be permitted to be confined in cars, boats, or vessels—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARKE of New Hampshire: Petition of druggists of Keene, N. H., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. CUMMINGS: Petition of Colonel Henry A. Weeks Post, No. 146, Department of New York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DAVIS: Protest of Mrs. E. A. Hill and 84 other citizens of Orange City, Fla., against allowing the sale of intoxicating liquors at Army posts—to the Committee on Military Affairs.

By Mr. DRISCOLL: Petitions of Grand Army of the Republic posts of East Syracuse, Morrisville, Georgetown, and Syracuse,

N. Y., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. ESCH: Petitions of Grand Army of the Republic posts of Hixton, Eleva, Arcadia, and Galesville, Wis., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolution of the Chamber of Commerce of Milwaukee, Wis., asking for reduction of internal-revenue tax—to the Committee on Ways and Means.

Also, petitions of the Methodist Episcopal, Baptist, and Christian churches of Sparta, Wis., and citizens of Lafayette, Wis., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

Also, resolutions of a pro-Boer public meeting in Eau Claire, Wis., expressing sympathy with the republics of South Africa—to the Committee on Insular Affairs.

By Mr. GARDNER of Michigan (by request): Petition of druggists of Charlotte, Mich., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. GLYNN: Papers to accompany House bill No. 6794, granting a pension to the widow of Capt. James McFarland—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 7538, for the relief of Edward P. Quinn—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 7536, for the relief of Ellen Casey—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 7537, to correct the military record of John Green—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 5654—to the Committee on Claims.

Also, papers to accompany House bill No. 6795—to the Committee on War Claims.

Also, petitions of N. G. Lyon Post, No. 43, and Eugene Bronk Post, No. 117, Department of New York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GRAHAM: Resolutions of Omaha (Nebr.) Commercial Club, in relation to the reclamation and settlement of arid lands—to the Committee on Appropriations.

Also, petition of the Drug Exchange of Philadelphia, Pa., urging the purchase of the Calaveras big trees of California by the Government and to set aside the grove as a national park—to the Committee on the Public Lands.

By Mr. GREENE of Massachusetts: Petition of vessel owners, master mariners, and citizens, relative to improvements in harbor of Fall River, Mass.—to the Committee on Rivers and Harbors.

By Mr. HENRY of Connecticut: Petition of Enfield Grange, No. 151, Patrons of Husbandry, of Enfield, Conn., in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, petition of Enfield Grange, No. 151, Patrons of Husbandry, of Enfield, Conn., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. HOPKINS: Petition of Barnes Post, No. 395, of Kingston, Ill., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. JACK: Petition of Mechanicsburg Post, No. 441, of Brush Valley, Pa., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. KITCHIN: Petition of the Representative Meeting of the North Carolina Yearly Meeting of Friends, favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, affidavit to accompany House bill No. 462, granting a pension to Edward Henry—to the Committee on Invalid Pensions.

By Mr. LONG: Resolutions of Haven Post, No. 435, Department of Kansas, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LYBRAND: Petitions of Torrence Post, No. 60, of Delaware, and James Sailor Post, No. 440, of Degraff, Ohio, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petitions of the St. Paul's Methodist Episcopal Church, of Delaware, Ohio, and Christian Endeavor Society of Marysville, Ohio, for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. MANN: Papers to accompany House bill to remove the charge of desertion from the record of Orange A. Avery—to the Committee on Military Affairs.

Also, petition of employees of Armour Station post-office, Chicago, Ill., favoring the passage of House bill No. 9565, for the retirement of civil employees after long service—to the Committee on Reform in the Civil Service.

Also, petition of the National Paper Hangers' Protective Association, Chicago, Ill., against the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

By Mr. MORRIS: Petitions of Grand Army of the Republic posts of Duluth, Hewitt, Park Rapids, Gray Eagle, and Paynesville, Department of Minnesota, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. NAPHEN: Resolutions of the Central Labor Council of Cincinnati, Ohio, opposing the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. NEVILLE: Resolution of North Platte Commercial Club, urging adequate appropriation for hydrograpic survey in arid regions—to the Committee on Appropriations.

By Mr. O'GRADY: Petition of Chili Grange, No. 393, Patrons of Husbandry, of New York, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. PEARRE: Petition of the estate of John Peacher, deceased, late of Washington County, Md., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RAY of New York: Petition of Ben Marion Post, of Walton, N. Y., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SHAFROTH: Resolutions of the Board of Trade of Leadville, Colo., opposing grants of public lands to any parties but actual settlers—to the Committee on the Public Lands.

By Mr. STOKES: Protests of Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen, of Columbus, Ohio, and of the Building Trades Council and the Central Labor Council of Cincinnati, Ohio, against the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

By Mr. SULZER: Resolutions of the Omaha (Nebr.) Commercial Exchange Club, in relation to the reclamation and settlement of arid lands, etc.—to the Committee on the Public Lands.

By Mr. WANGER: Petition of M. Y. Johnson and 32 other farmers of Montgomery County, Pa., in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. WARNER: Petition of the Christian Endeavor Society of Urbana, Ill., for the passage of a bill to forbid the sale of liquors in canteens—to the Committee on Military Affairs.

By Mr. WEYMOUTH: Petition of E. S. Clark Post, No. 115, Grand Army of the Republic, Department of Massachusetts, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Union Temperance Meeting and Woman's Christian Temperance Union of Bolton, Mass., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. JAMES R. WILLIAMS: Paper to accompany House bill for the relief of Faiba Newby—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Andrew J. Miller—to the Committee on Invalid Pensions.

By Mr. ZIEGLER: Papers to accompany House bill to correct the military record of Abraham Myers—to the Committee on Military Affairs.

Also, papers to accompany House bill granting a pension to Albert Wetzel—to the Committee on Invalid Pensions.

Also, papers to accompany House bill increasing the pension of Sarah J. Warren—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *April 19, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. RAWLINS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

REPORT ON EDUCATION IN PORTO RICO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 12th instant, a letter from Brig. Gen. George W. Davis, together with the report of Dr. Victor S. Clark on education in the island of Porto Rico; which, with the accompanying papers, was referred to the Committee on Printing.

SCHOONER ORANGE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Orange*, John Holman, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

SCHOONER LITTLE WILL.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusion of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Little Will*, William Tallman, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the joint resolution (S. R. 114) for relief of Garfield Hospital.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 5485) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof; and

A bill (H. R. 8466) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia."

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the National Confectioners' Association of New York City, praying for the passage of the so-called pure-food bill; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Jewett Grange, No. 826, Patrons of Husbandry, of Jewett; of Searsburg Grange, No. 494, Patrons of Husbandry, of Searsburg; of Oak Grange, No. 873, Patrons of Husbandry, of Poughkeepsie; of Wright Settlement Grange, No. 706, Patrons of Husbandry, and of Fredonia Grange, No. 1, Patrons of Husbandry, of Fredonia, all in the State of New York, praying for the enactment of legislation to secure to the people of the country the advantages of State control of imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Clyde Grange, No. 33, of Clyde; of Searsburg Grange, No. 494, of Searsburg; of Jewett Grange, No. 826, of Jewett; of Ripley Grange, No. 65, of Ripley; of Oak Grove Grange, No. 873, of Poughkeepsie; of Wright Settlement Grange, No. 706, and of Fredonia Grange, No. 1, of Fredonia, all Patrons of Husbandry, and of the Board of Trade of North Tonawanda, all in the State of New York, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of Coventry Grange, No. 484, Patrons of Husbandry, of Coventry, N. Y., praying for the extension of rural free mail delivery, for the adoption of certain amendments to the interstate-commerce law, and also for the enactment of legislation giving States authority to control the sale of imitation dairy products; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the United States Brewers' Association of New York, and a petition of the Onondaga Brewers' Club, of Onondaga, N. Y., praying for the repeal of the war-revenue tax on beer and malt liquors; which were referred to the Committee on Finance.

He also presented a petition of the Substitute Letter Carriers' Association of Detroit, Mich., and a petition of the Substitute Letter Carriers' Association of Newburgh, N. Y., praying for the enactment of legislation regulating the salaries of substitute letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Fiber Workers' Union No. 7185, American Federation of Labor, of Lockport, N. Y., praying for the enactment of legislation to increase the salaries of machinists employed in the Government Printing Office; which was referred to the Committee on Printing.

He also presented a petition of the congregation of St. Luke's Methodist Episcopal Church, of Albany, N. Y., and a petition of Sheridan Grange, No. 235, Patrons of Husbandry, of Sheridan, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and in any of the newly acquired possessions of the United States; which were referred to the Committee on Military Affairs.

He also presented petitions of Local Union No. 78, of Syracuse; of Local Union No. 51, of Utica, and of Local Union No. 97, of Lockport, all American Federation of Musicians, in the State of New York, praying that the United States Marine Band be not allowed to take away the means of livelihood of civilian bands by refusing leaves of absence for the purpose of participation in public events, expositions, etc.; which were referred to the Committee on Military Affairs.

He also presented a petition of Troop C, National State Guard of New York, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of J. B. Butler Post, No. 111, Grand Army of the Republic, Department of New York, of Pulaski, N. Y., praying for the enactment of legislation relative to the pensioning of soldiers and sailors who are incapacitated for the performance of manual labor, etc.; which was referred to the Committee on Pensions.

He also presented a petition of the Civil War Veterans' Association, Customs Service, Port of New York, praying for the enactment of legislation relative to civil service and appointments thereunder; which was referred to the Committee on Civil Service and Retrenchment.

Mr. WELLINGTON presented a memorial of the publisher of the Banner of Liberty, of Libertytown, Md., and a memorial of the editor of the Temperance Sentiment, of Gaithersburg, Md., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of 58 citizens of Maryland, 22 citizens of Maryland, Virginia, Illinois, and the District of Columbia, and of sundry citizens of the District of Columbia, praying that an appropriation be made to pay the depositors of the failed Freedman's Saving Bank and Trust Company; which were referred to the Committee on Finance.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Manchester, N. H., praying for the enactment of legislation to prevent the selling of or dealing in beer, wine, or any intoxicating drinks in any post exchange, or canteen, or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

Mr. TELLER presented a petition of the Trades and Labor Assembly of Denver, Colo., praying that all the remaining public lands be held for the benefit of the whole people and that no grants of the title to the same shall be given to any but actual settlers and home builders thereon; which was referred to the Committee on Public Lands.

He also presented a petition of Typographical Union No. 49, of Denver, Colo., praying for the enactment of legislation to limit the hours of daily service of laborers and mechanics employed upon the public works of the United States, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a petition of the Sheep Breeders' Association of Fort Collins, Colo., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Club of Grand Junction, Colo., and a petition of the Woman's Christian Temperance Union of Lupton, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

He also presented petitions of the congregation of the Methodist Episcopal Church of Colorado City; the Woman's Christian Temperance Union of Colorado Springs, and of the North End Woman's Christian Temperance Union, of Colorado City, all in the State of Colorado, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were ordered to lie on the table.

He also presented a petition of George G. Meade Post, No. 47, Grand Army of the Republic, Department of Colorado, of Denver, Colo., praying for the enactment of legislation relative to the pensioning of soldiers and sailors who are incapacitated for the performance of manual labor, etc.; which was referred to the Committee on Pensions.

Mr. BERRY presented a memorial of sundry citizens of Arkansas, remonstrating against an appropriation being made for the continuance of the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

Mr. KENNEY presented a petition of sundry citizens of Delaware, praying for the enactment of legislation granting to the people of the Philippines the unobstructed right to govern themselves, etc.; which was ordered to lie on the table.

Mr. PENROSE presented a memorial of sundry citizens of Pittsburg and Allegheny, in the State of Pennsylvania, remonstrating against the enactment of legislation relative to the internal-revenue tax on fermented liquors; which was referred to the Committee on Finance.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation to authorize the President of the United States to appoint a commissioner from the retired officers of the Corps of Engineers, or from civil life, to appraise the value of the works and franchises of the Chesapeake and Delaware Canal, with a view to its purchase by the United States for the purpose of making it a free and open waterway and for military and strategic purposes; which was referred to the Committee on Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Warrington, Pa., praying that all the acts of Congress now in force relating to bigamy, divorce, etc., be extended to the new island possessions of the United States until such time as laws can be enacted for their government, and also that the manufacture and sale of all intoxicating liquors be prohibited in those possessions; which was referred to the Committee on the Judiciary.

He also presented petitions of the Preachers' Alliance of Carbondale; of the Men's Alliance of Wilkesbarre; of the Woman's Christian Temperance Union of Landisville; of Washington Camp, No. 203, of New Albany; of the Woman's Christian Temperance Union of New Albany; of the Quarterly Conference of the Madison Street Methodist Episcopal Church, of Chester, and of the congregation of the Methodist Episcopal Church of Mount Carmel, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the island possessions of the United States, and in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

He also presented petitions of the congregations of the Hebron Lutheran Church, of Leechburg; the Presbyterian Church of Leechburg; the Methodist Episcopal Church of Leechburg; the First Lutheran Church of Leechburg; the United Presbyterian Congregation of Leechburg; the Epworth League of Williamsport; the congregation of the Lutheran Church of Blairsville; of sundry citizens of Blairsville; of sundry organizations of New Holland; of the Sunday school of Elderton; of the United Presbyterian Congregation of Elderton; of the congregation of the Baptist Church of Union City; of the Woman's Christian Temperance Union of Elderton; of the congregation of the Methodist Episcopal Church of Elderton; of the Woman's Christian Temperance Union of Millcreek; of the congregation of the First Presbyterian Church of Rochester; of the congregation of the Methodist Episcopal Church of Rochester; of the Young Men's Christian Association of the Susquehanna University of Selinsgrove; of the congregation of the Center Cumberland Presbyterian Church, of Slate Lick; of the Christian Endeavor Society of Duncannon; of the congregation of the Episcopal Church of Duncannon; of the congregation of the Methodist Episcopal Church of Thompson; of sundry organizations of Corry; of the congregation of the Methodist Episcopal Church of Corry; of the Woman's Christian Temperance Union of Lititz; of sundry organizations of Altoona; of the Woman's Christian Temperance Union of Putneyville, and of the Loyal Legion Temperance Union, of Putneyville, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

Mr. HOAR presented the petition of Edwin G. Garwood and 32 other citizens of Moorestown, N. J., praying for the enactment of legislation which shall assure to the people of the Philippine Islands that it is not the purpose of the United States to force them to become subjects or citizens of the United States, but to assist them to establish and maintain an independent constitutional government, pending the establishment of which the United States will perform the international duties assumed by this Government, under the late treaty with Spain, in protecting the rights and securing the safety of the citizens and subjects of other countries in the Philippine Islands, as well as of those of the United States; which was referred to the Committee on the Philippines.

TAX REGULATIONS IN PORTO RICO.

Mr. FORAKER. I present a paper, being a translation made in the division of customs and insular affairs, War Department, April, 1900, on the regulations for the levying, administration, and collection of the industrial and commercial taxes in Porto Rico, promulgated by royal decree of June 9, 1893. I move that the paper be printed as a document.

The motion was agreed to.

GOVERNMENT OF PORTO RICO.

Mr. FORAKER. I am instructed by the Committee on Pacific Islands and Porto Rico, to whom was referred the joint resolution (S. R. 116) to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," to report it favorably without amendment, and to ask for its present consideration.

The PRESIDENT pro tempore. The joint resolution will be read for information.

The Secretary read the joint resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. TELLER. I wish to have the joint resolution printed so that we may have a chance to see it.

Mr. FORAKER. It has been printed, but the Senator perhaps has not had a chance to see it. I think if he will look at it in a moment——

Mr. TELLER. I have not had any opportunity to look at it; that is certain.

Mr. FORAKER. That is true, probably.

Mr. TELLER. I hope the Senator will withhold it until after the routine morning business, at least.

Mr. FORAKER. Very well; I will delay it until that time.

Mr. TELLER. I shall not object to its consideration then.

The PRESIDENT pro tempore. The request is withdrawn for the present.

Mr. FORAKER. I will be glad if the Senator will look at it, so that it can be acted on at the session to-day.

Mr. TELLER. I do not desire to object to taking it up after I read it, but I desire to have it laid aside for the present.

REVENUE CUTTER FOR USE AT PHILADELPHIA.

Mr. PENROSE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 4197) to provide for the construction of a revenue cutter for use at Philadelphia, Pa., to report it favorably without amendment, and I ask for its present consideration.

The bill was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to have constructed, or purchase, at a cost not to exceed $50,000, a vessel to be used and equipped as a revenue cutter of the third class for harbor service at Philadelphia, Pa.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALLOWANCE OF EXCEPTIONS.

Mr. HOAR. I am directed by the Committee on the Judiciary to report back favorably with an amendment the bill (H. R. 8366) to amend section 953 of the Revised Statutes, and to ask for its immediate consideration.

Mr. President, before the bill is read, I desire to say to the Senate that a similar bill passed the Senate the other day without any question. It is a bill which provides that when a judge dies who has sat in a trial before the exceptions are signed, the successor of the judge shall pass upon the exceptions.

The House have sent up a bill similar to the one passed by the Senate except that they have added a clause that if the judge is unable to pass intelligently on the exceptions there shall be in all cases a new trial. Our committee thought it was going too far, and therefore I desire the Senate to pass the bill with an amendment striking out the House addition, and if the House insists on a disagreement to the Senate amendment there will be a conference. That is the whole bill. Let the Secretary read it.

The Secretary read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on the Judiciary was, on page 2, to strike out lines 11 to 15, inclusive, in the following words:

But in case said judge is satisfied that owing to the fact that he did not preside at the trial, or from any other cause, that he can not fairly pass upon said motion, and allow and sign said bill of exceptions, then he shall grant a new trial as a matter of course to the party moving therefor.

The amendment was agreed to.

Mr. CHANDLER. I desire to say a word about the bill. Is it a Senate bill?

Mr. HOAR. It is a House bill, as I explained before. The bill was introduced in the same language precisely as the Senate bill, with the exception of an addition which has been stricken out.

Mr. CHANDLER. Do I understand the Senator that he proposes to ask to have the bill go into conference?

Mr. HOAR. Yes.

Mr. CHANDLER. I only wish to suggest that while the provisions of the bill seem to be unobjectionable so far as I can see, the title needs amending so as to describe what the effect of the law is.

Mr. HOAR. I shall move an amendment to the title.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. HOAR, the title was amended so as to read: "A bill to amend section 953 of the Revised Statutes relating to the allowance of exceptions."

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 4066) for the relief of Thomas Stack, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4087) granting an increase of pension to Ellen M. Mansur;

A bill (S. 1348) granting an increase of pension to Eliza M. Stillman; and

A bill (S. 2190) granting a pension to Emma J. Bidwell.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4256) granting a pension to James H. Thomas;

A bill (H. R. 2728) granting a pension to Thomas T. Garrison;

A bill (H. R. 4520) granting an increase of pension to George H. French;

A bill (H. R. 7624) granting an increase of pension to Pleasant H. McBride; and

A bill (H. R. 4368) granting a pension to Flora B. Hinds.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 9824) authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams, reported it with amendments, and submitted a report thereon.

REPORT ON COPPER RIVER EXPEDITION TO ALASKA.

Mr. PLATT of New York. I am directed by the Committee on Printing to move concurrence in the amendments of the House of Representatives to two concurrent resolutions which are upon the table of the President pro tempore.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendment of the House of Representatives to a Senate concurrent resolution. The amendment will be read.

The SECRETARY. Strike out all after the resolving clause and insert:

That there be printed 4,000 copies of the report of Capt. W. R. Abercrombie on the Copper River exploration expedition to Alaska, transmitted by the Secretary of War, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution by the War Department.

Mr. CARTER. In this connection I desire to make a brief explanation, and it will be then for the Senate to determine what to do with the resolution.

The report referred to is incorporated in a report made upon yesterday and ordered printed—the report which came from the Committee on Military Affairs. It may be desirable to have this report printed separately, but it will be printed, I suggest to the chairman of the Committee on Printing, in the report of yesterday from the Committee on Military Affairs.

The PRESIDENT pro tempore. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

TREATY WITH SPAIN.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendments of the House of Representatives to a concurrent resolution of the Senate, which will be stated.

The SECRETARY. In line 2 strike out "twenty" and insert "nine;" in line 6 strike out "thirteen" and insert "six;" in line 7 strike out "seven" and insert "three;" so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 9,000 copies of the message of the President transmitting the treaty of peace with Spain and the accompanying documents, in one volume, of which 6,000 copies shall be for the use of the House of Representatives and 3,000 copies for the use of the Senate.

The PRESIDENT pro tempore. The Senator from New York, from the Committee on Printing, moves that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

BILLS INTRODUCED.

Mr. BAKER introduced a bill (S. 4267) granting an increase of pension to William C. Whitney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ROSS introduced a bill (S. 4268) to increase the limit of cost for the purchase of site and the erection of a public building at Newport, Vt.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER introduced a bill (S. 4269) granting an increase of pension to James Longstreet; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 4270) to provide for the purchase of a site and the erection of a public building thereon at East St. Louis, in the State of Illinois; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SIMON introduced a bill (S. 4271) granting an increase of pension to James G. Corben; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 4272) granting an increase of pension to Norman S. Bull; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KENNEY introduced a bill (S. 4273) granting certain privileges to the special policemen stationed at street crossings and intersections in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HAWLEY introduced a bill (S. 4274) providing for the appointment of assistant surgeons of volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MARTIN introduced a bill (S. 4275) for the relief of the trustees of the Episcopal Church at Dinwiddie Court-House, Dinwiddie County, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 4276) granting an increase of pension to Joel Bowling; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 4277) granting a pension to Albert Wetzel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 4278) for the relief of Antonia Q. Lovell and others; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 4279) granting a pension to Samuel E. Browne; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 4280) granting a pension to Amanda B. Tisdel; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. RAWLINS submitted an amendment proposing to appropriate $4,000 for expenses and clerk hire in the office of the surveyor-general in the State of Utah for the current fiscal year in addition to appropriation previously made, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MILK AND CREAM IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioners of the District of Columbia be directed to furnish the Senate with a report from the inspector of dairy products showing the quality and condition of milk and cream sold in the District of Columbia, and whether same contain any foreign substances deleterious to health, and if so, giving description of such substances, and what legislation is necessary to remedy the evil.

MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Printing be directed to investigate the facts connected with the compilation and publication of the Messages and Papers of the Presidents; the result of the permission given to private persons to use the stereotyped plates; the distribution of copies made, gratuitously or otherwise, by the Government; the sales made by private persons and the methods adopted in making such sales; the circumstances under which the compilation has been copyrighted, and the other material facts surrounding the compilation and distribution of the volumes; and report to the Senate the result of the inquiry and any legislation which may be deemed desirable by the committee.

WAR-REVENUE RECEIPTS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a preceding day.

Mr. GALLINGER. That is the resolution which I submitted yesterday. I ask unanimous consent that it go over until to-morrow, not losing its place.

The PRESIDENT pro tempore. It will lie on the table.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 18th instant approved and signed the following act and joint resolutions:

An act (S. 2336) repealing section 4716 of the Revised Statutes so far as the same may be applicable to the claims of dependent parents of soldiers, sailors, and marines who served in the Army and Navy of the United States during the war with Spain;

A joint resolution (S. R. 34) authorizing the printing of 35,000 copies of Bulletin No. 24, Department of Agriculture, entitled "A Primer of Forestry," for the use of Congress and the Department of Agriculture; and

A joint resolution (S. R. 108) providing for the printing of the report of the governor of Arizona for 1899.

GOVERNMENT OF PORTO RICO.

Mr. FORAKER. If now in order, I desire to call up for present consideration Senate joint resolution 116.

The PRESIDENT pro tempore. The Chair will lay before the Senate the resolution touching the election case in Pennsylvania. It will be read.

The Secretary read the resolution reported by Mr. TURLEY from the Committee on Privileges and Elections January 3, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

The PRESIDENT pro tempore. The Senator from Ohio asks for the consideration of a joint resolution and that the resolution just laid before the Senate be temporarily laid aside. The joint resolution will be again read to the Senate for its information.

The Secretary read the joint resolution (S. R. 116) to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," as follows:

Resolved, etc., That until the officer to fill any office provided for by the act of April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," shall have been appointed and qualified, the officer or officers now performing the civil duties pertaining to such office may continue to perform the same under the authority of said act; and no officer of the Army shall lose his commission by reason thereof: *Provided*, That nothing herein contained shall be held to extend the time for the appointment and qualification of any such officers beyond the 1st day of August, 1900.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. TILLMAN. I have no objection to the consideration of the joint resolution, but I should like to ask some questions about it.

The PRESIDENT pro tempore. The Senator is recognized.

Mr. TILLMAN. I should like to ask the Senator in charge of the joint resolution why this measure is necessary. I understand that there will be some difficulty in substituting a civil government for a military government, and that the new governor may not feel disposed to rush in and seek to organize his civil government without a little time to look around and sort of feel easy in his seat and get a little acquainted with conditions. But the point I have in my mind is this: Porto Rico is not under the Constitution of the United States, we have been told. It therefore is not subject to any laws of the United States except those which we enacted in the bill last week for its government. I should like the Senator to tell me whether, under that act for the government of Porto Rico, there is any requirement which would prohibit Army officers from continuing to hold these places for the time being.

Mr. FORAKER. All that is explained in the message sent to the Senate by the President yesterday.

Mr. TILLMAN. I am like other Senators; I have not had time to examine this matter, and I am trying to get light now.

Mr. FORAKER. I have no objection whatever to repeating it to the Senator as well as I can, though if he would read the message he would find it better stated there than I am able to state it.

The President calls attention to the fact that the civil government provided for is to go into effect on the 1st day of May. He is required to make quite a number of appointments in order to set the machinery of that government into operation. He calls our attention to the fact that there is so little time intervening between now and the 1st day of May that it is impossible for him to make selections that will be entirely satisfactory to him. He wants additional time, and inasmuch as the law goes into effect the 1st day of May and the military government which is now in operation there must at that time necessarily cease, there will be no authority for anybody to exercise official power there after May 1 unless Congress takes some such action as is provided for in this joint resolution.

The joint resolution provides simply that the officials who are now there exercising the duties of the various offices they are holding shall continue to exercise those duties until the officers provided for in the civil government can be appointed and qualified in accordance with the requirements of the act.

The joint resolution, however, is not indefinite as to the time that shall be taken by the President therefor, for it contains a proviso to the effect that no such official shall continue longer than until the 1st day of next August.

I will call the Senator's attention to the further fact that according to the requirement of the act establishing civil government quite a number of appointments must be made from the native inhabitants of the island of Porto Rico. The President does not feel sufficiently advised with respect to the qualifications of individuals there to make those selections. He has appointed a governor. The governor is about to start to Porto Rico. He sails, I believe, on Saturday next. It is desirable, I think everybody can see and appreciate, that he should have an opportunity to visit the island and personally examine into the situation, and then recommend to the President what he may deem advisable to do with respect to the organization of that government and the necessary appointments there.

Mr. DANIEL. Will the Senator permit me to ask him a question?

Mr. FORAKER. Certainly.

Mr. DANIEL. In the civil government do not these officers merely keep their military titles and salaries, or do they draw salaries in addition to their military compensation?

Mr. FORAKER. They do not draw any additional salaries. They simply draw their military salaries, as I understand it.

Mr. CHANDLER. I should like to ask the Senator from Ohio if there is not a very rigid law on the statute book which would endanger the military commissions of those officers if they went on for this short period of time and performed their civil functions?

Mr. FORAKER. Yes; there is on the statute book a section which is referrred to in the President's message which prohibits any military officer from exercising any duties as a civil officer under the penalty of losing his commission and rank in the Army if he does so.

Mr. CHANDLER. Therefore it is absolutely necessary, in order to prevent a hiatus, that the military officer should be relieved from that duty.

Mr. FORAKER. It is absolutely necessary.

Mr. TILLMAN. But the point has not been elucidated by anyone, either the Senator from Ohio or the Senator from New Hampshire, as to why this loss of office by the Army officers would take place. The Constitution of the United States is not there, we have been told, and it has been hammered into us until I suppose some of us have got to consent to the fact, whether it is a law or not, until the Supreme Court has determined the question. I want to know how it is and why it is that these officers would lose their positions in a territory outside of the United States under a law that does not apply to that territory.

Mr. FORAKER. Mr. President, it is not a constitutional provision that makes this legislation necessary in that respect, but a statute of the United States. The law providing for a civil government expressly extends to Porto Rico all the statutory laws of the United States not locally inapplicable, and a statute which prohibits an officer of the United States Army from holding and exercising the duties of a civil office would be locally applicable in Porto Rico as prescribed in that statute.

Mr. BACON. Is not that restricted to officers in the United States?

Mr. FORAKER. No, sir.

Mr. BACON. I would be glad to have the Senator get the law and read it to us. Will the Senator refer to the statute?

Mr. FORAKER. The United States Army is very likely to be outside of the United States.

Mr. BACON. But the point I am after is the restrictions as to officers, if that is not limited to officers while in the United States.

Mr. FORAKER. I do not so understand it. I will get the Revised Statutes.

Mr. BACON. I think it is in the statute, but the Senator does not.

Mr. CHANDLER. I really hope the Senator from South Carolina and the Senator from Georgia will rediscuss this question on the Philippine bill, after this joint resolution has passed, because it is very important that the joint resolution should be passed this morning.

Mr. TILLMAN. Mr. President, the Senator from New Hampshire is always endeavoring to rush something here without giving the Senate an opportunity to understand just exactly what it is doing.

Now, is it the purpose in having this joint resolution passed so hurriedly to have the military government there continue for the grand pageant that is to come off on the 1st of May, when the inauguration of our new governor down there takes place?

You have all read in the papers that we are going to have the grandest ceremonial that has ever been seen in any part of the United States on that day, for the purpose, I suppose, of impressing the islanders with the grandeur and greatness of our country as well as impressing the people of the United States with the new policy of imperialism by which this pro-consul or governor is to take possession of this little territory of 4,000 square miles and a million or so of colonists or subjects under the new departure in our history.

After a while, of course, we will have another governor sent to the Philippines, and he will be of so much greater importance than the governor of the little colony of Porto Rico that I suppose we will have to have the Navy to escort him across the Pacific, and he will have umbrellas, such as the Dey of Algiers and the Sultan of Morocco use, held over him as he marches forth in the

gaze of his subjects. So we will have our subject and subsidized princes down in the Sulu Archipelago, the Sultan, with his numerous wives, and the Datos commanding his bodyguard of Mohammedans, and all that sort of thing.

I presume it is necessary to have a whole lot of brass buttons and epaulets, with the paraphernalia of a military procession and the booming of cannon, and it could not be gotten in readiness by the 1st of May if we had to tear up by the roots the present military establishment and substitute therefor a civil government. If that is the purpose, I yield without a moment's further obstruction to the passage of the joint resolution. Let our people read in the papers of the imperial pomp and circumstance attending our new policy and be ready for the impending changes in our republican simplicity.

Mr. CHANDLER. Mr. President——

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution? There is nothing before the Senate for debate.

Mr. MASON. Mr. President——

The PRESIDENT pro tempore. Is there objection?

Mr. MASON. I rose to ask simply for the reading of the joint resolution. I was not able to hear it.

The PRESIDENT pro tempore. It will be reported the third time.

Mr. MASON. To save time, I will object to its consideration.

The PRESIDENT pro tempore. The Senator from Illinois objects.

Mr. FORAKER. I hope the Senator from Illinois will not object to the present consideration of the joint resolution.

Mr. PLATT of Connecticut. The Senator can move to take it up.

Mr. FORAKER. If the Senator was not present in the Chamber when the joint resolution was read, I hope that it may be read for his benefit.

The PRESIDENT pro tempore. The Secretary will again read the joint resolution.

The Secretary again read the joint resolution.

Mr. FORAKER. Now I renew my request.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio for the present consideration of the joint resolution? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate.

Mr. BACON. Before the joint resolution is acted upon, I would be very glad if the Senator will read the statute which I think he now has.

Mr. FORAKER. Certainly. The statute referred to in the President's message, and referred to by me in the remarks made a moment ago, is found in section 1222 of the Revised Statutes, and reads as follows:

SEC. 1222. No officer of the Army on the active list shall hold any civil office, whether by election or appointment, and every such officer who accepts or exercises the functions of a civil office shall thereby cease to be an officer of the Army, and his commission shall be thereby vacated.

Mr. BACON. The question I asked the learned Senator is whether or not that did not necessarily refer to offices in the United States, whether that statute contemplated any other offices?

Mr. FORAKER. I do not know what may have been in the minds of the legislative body when they framed that section. That is possible, what the Senator says. But certainly it is broad enough to apply to any civil office created by an act of Congress the duties of which are to be exercised elsewhere.

Mr. BACON. Then I will ask the Senator the question whether it is not true that in Cuba at present the officers of the United States Army are exercising the duties of civil officers and receiving large salaries outside of their salaries as officers of the Army?

Mr. FORAKER. I do not understand that any officer of the United States Army in Cuba is exercising the function of a civil office. The occupation in Cuba is somewhat peculiar, we must all admit; but still it is a military occupation, as I understand it.

Mr. CHANDLER. The Senator does not understand——

Mr. BACON. Will the Senator allow me?

Mr. FORAKER. The occupation in Cuba is based on belligerent right, and whatever duty he is there discharging the officer in question, if there be any one in question, he is exercising a military and not a civil duty.

Mr. BACON. The point I make is this: Of course if an officer in Cuba is there exercising only the office of an officer of the United States Army, he is only authorized to receive the pay of an officer of the Army; and if he is receiving an additional salary, it must be in the exercise of some office other than his military office.

Mr. FORAKER. Mr. President——

Mr. BACON. Now, if the Senator will pardon me a moment, the Senator spoke of my having some particular person in view. I have not, but it is my general information (and it is entirely general and may be equally erroneous) that the officers of the United States Army on duty in Cuba are many of them receiving very large salaries in addition to their pay as officers of the Army. If I am wrong in that, of course I desire to be corrected.

Mr. CHANDLER. I ask the Senator if he has any definite information as to that fact?

Mr. BACON. I have distinctly stated in the hearing of the Senator from New Hampshire that I did not and that I might be in error in the general understanding which I have.

Mr. CHANDLER. Now, I should like to have the Senator——

Mr. BACON. I should like to have the Senator from New Hampshire give information on that point if he has it.

Mr. CHANDLER. I have not any. I should like to have the Senator offer a resolution calling for information on that point, for I very much doubt whether any Army officer in Cuba has the right to receive one dollar additional——

Mr. BACON. I will accommodate the Senator. I will submit a resolution of inquiry on the subject.

Mr. CHANDLER. And I do not believe he has received one dollar additional.

Mr. BACON. I do not know that it is the case, and I hope that it is not.

Mr. CHANDLER. I am not aware of it if such is the fact.

Mr. FORAKER. I have no personal knowledge as to what is being done in Cuba. If there is anything being done there that the Senator wants to take exception to, I hope it will be found, upon examination, to be all right, valid, and legal. I do not know what the facts are, and I express no judgment upon that at this time. But however that may be, I trust that this joint resolution may be allowed to pass, for surely it is necessary that there should be such a provision as this to enable an Army officer, after the 1st day of May, to perform the duties of any one of these officers, because he will be then exercising the functions of a civil office.

Mr. MASON. Will the Senator from Ohio yield to me?

Mr. FORAKER. I yield to the Senator from Illinois.

Mr. MASON. I was going to make a suggestion. It is stated and generally believed, and I have never seen it contradicted, that the Army officers in some of our insular possessions are drawing pay as Army officers and also as civil officers. If that is the case, there could be no objection to this amendment, by inserting between lines 9 and 10:

And no officer of the Army shall receive any additional pay or emoluments for such civil service nor lose his commission by reason thereof.

Mr. CHANDLER. There is no objection to that.

Mr. FORAKER. I have no objection if the Senator thinks it necessary; but the tenure under this enactment will be so short, it does seem to me it is not a matter of very much moment.

Mr. MASON. I shall not insist on offering the amendment if the Senator from Ohio does not think it necessary.

Mr. FORAKER. I would rather the Senator would not offer it on this measure.

Mr. BACON. I will ask the Senator from Ohio a still further question.

Mr. MASON. I have not offered, and I do not offer, the amendment. I should think, however, that it would be a wise provision.

Mr. BACON. I understand, according to my recollection of the Porto Rican bill, that there are officers to be appointed under that bill who have to be confirmed by the Senate. Am I not correct?

Mr. FORAKER. Yes, sir; many of them have to be confirmed.

Mr. BACON. The point I wish to suggest to the Senator is this: It has been published in the papers and has not been denied—on the contrary, I understand it to be generally conceded—that there has been some expressed desire from the executive department that Congress shall adjourn in June and that, in consequence of that communication to the leading members of the two Houses, there is a well-considered acquiescence on the part of those who are understood to control the question as to the sessions of Congress that we shall adjourn some time early in June in compliance with the expressed Executive wish that Congress should be then adjourned. We have heard it stated upon this floor within the past twenty-four hours, I think, that Congress ought to adjourn by the 1st of June and that it is entirely practicable that it shall do so. While I doubt very much whether that can be done, I have no doubt whatever, under the statements which have been made and the wishes which have been expressed by the Executive, that we shall adjourn during the month of June, and in all probability before the middle of June.

Mr. President, if that be the case, is not the Senator extending the limit too far when he fixes the date at the 1st of August for the appointment of the Porto Rican civil officers? In other words, if we are to adjourn by the middle of June, and if, as the Senator from Ohio states, almost all of these officers to be appointed to positions outside of the United States are still to be confirmed by the Senate of the United States, should not the limitation be such that there can be a reasonable probability that the officers who

are to be sent to the island of Porto Rico shall be officers confirmed by the Senate before they enter upon their duties? Is not this an invitation that the nomination of officers for these most important and novel duties shall be made subsequent to the adjournment of Congress and after the opportunity for confirmation by the Senate has been lost? While it may be proper—and I am inclined to think it is; in fact, I will say that it is proper—that there should be an extension, ought not that extension to be limited to a time within a reasonable expectation of the adjournment of the present session of Congress?

Mr. FORAKER. If the Senator will allow me, I am glad to be able to say that I know that the date of the adjournment of Congress had nothing to do with the fixing of the date in this joint resolution; that is to say, it was not fixed at August 1 with a view to having the appointments postponed until after Congress adjourned.

Mr. BACON. I quite agree with the Senator, but that had not occurred to me.

Mr. FORAKER. It did not occur to me, and I am sure it did not occur to the Secretary of War, with whom I talked in regard to it.

Mr. BACON. I am sure the Senator will not understand me as intimating that that is the design or that he had any such purpose.

Mr. FORAKER. In fact, I think most of the appointments will be made before this session of Congress adjourns, though some of them may not be made that early. I appreciate the suggestion of the Senator; but I do not know when Congress will adjourn, and I think the joint resolution had better stand as it is.

Mr. PLATT of Connecticut. We on this side of the Chamber, I think, ought to be obliged to the Senator from Georgia [Mr. BACON] in that he is able to communicate to us what the expressed wish of the President of the United States is with reference to adjournment. For one, I feel very much under obligations to the Senator. I had not heard of it before.

Mr. BACON. The Senator will pardon me. He has not read the newspapers of the city if he has not heard of it.

Mr. PLATT of Connecticut. Mr. President, I think I might almost say that I had not heard of it if I had read the newspapers of the city; but I have yet to learn that when the President expresses a wish to Congress he expresses it through the newspapers of the city.

Mr. BACON. That was not my statement, Mr. President. My statement was that the newspapers had announced the fact that the President had communicated that wish to leading members of the dominant party in each House of Congress that Congress should adjourn at an early date.

Mr. PLATT of Connecticut. As I do not reckon myself——

Mr. TILLMAN. Mr. President——

Mr. PLATT of Connecticut. Just allow me to say one word, please.

As I do not reckon myself among the dominant members of either party in Congress, it is not surprising that I might not have heard of this expressed wish of the President. I am therefore exceedingly obliged to the Senator from Georgia for communicating it to the Senate and to me.

Mr. BACON. I am sure I am very much gratified to be able to serve the Senator.

Mr. PLATT of Connecticut. But I do want to say this, however, in addition, that whatever the President of the United States may think about the wisdom of our adjournment, the propriety of it, and the possibility of it, with due regard to the business of the country, I think, so far as I know the opinions of Senators, they are all in favor of an early adjournment; and I think, so far as I know the sentiment of the country, that the country would be very glad to have us adjourn even before the 1st of June.

Mr. BACON. I desire to say that I think the Senator is entirely correct. Nothing can be done at this session of Congress except that which is the work of the dominant party, and the less of it that is done the better, and the sooner we adjourn without doing any of it the more gratified the country will be. [Laughter.]

Mr. HAWLEY. I think, on the contrary, that the country expects us to stay here until whatever is essentially necessary and important shall be accomplished, I do not care whether it be until August or September.

Mr. DANIEL. I beg leave to offer an amendment to the joint resolution, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 13 it is proposed to add:

And it is further provided, That no officer of the Army shall receive any pay or emolument for service rendered in any civil capacity.

Mr. FORAKER. I suggest to the Senator to insert "in addition to his salary as an officer."

Mr. DANIEL. "In addition to his salary as an officer." Let those words be added.

Mr. FORAKER. With those words added, I accept the amendment.

Mr. DANIEL. It seems to me, Mr. President, that this is a wise and just joint resolution, and I do not think there ought to be any opposition at all to it. I hope the Senate will vote for it with this addition. It seems to me evidently just, and with that addition I think the legislation is unexceptionable.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The SECRETARY. It is proposed to insert at the end of line 13 the following:

And it is further provided, That no officer of the Army shall receive any pay or emolument for service rendered in any civil capacity in addition to his salary as an officer.

Mr. CHANDLER. I suggest, after the word "Army," to add the words "on the active list."

Mr. PLATT of Connecticut. Do the Senator from Virginia and the Senator from New Hampshire propose to make a different rule for the Army than for the Navy?

Mr. DANIEL. There is no objection to putting "the Navy" in.

Mr. CHANDLER. Does the Senator object to my suggested amendment?

Mr. DANIEL. I do. An officer of the Army is an officer of the Army, and is referred to as such in the statutes.

Mr. CHANDLER. I understand the Senator's amendment to be what the existing law now is. I think the law, however, is different as to retired officers, who are allowed to sometimes hold civil offices.

Mr. FORAKER. I understand this to apply to civil offices; not offices that are held under the military occupation, if there be a proper distinction to be made. I inquire of the Senator if he has any objection to adding the word "hereunder" after the word "rendered?"

Mr. DANIEL. It seems to me the proposition is a good one in general; but I have no objection to confining it to this resolution. We are not prepared to consider other matters.

Mr. FORAKER. That is the only reason that I ask it. I have no objection to the amendment with the modification suggested.

Mr. DANIEL. I have no objection to confining it to Porto Rico. We are dealing with the question of a civil government for Porto Rico.

Mr. FORAKER. I suggest to insert after the words "service rendered" the word "hereunder."

Mr. PLATT of Connecticut. The Senator from Michigan [Mr. MCMILLAN] makes inquiry whether this will not apply to the Engineer Commissioner of the District of Columbia?

Mr. CHANDLER. The Senator modifies his amendment.

Mr. DANIEL. If we make it general, it might strike somewhere where we have not investigated, and we should be surprised ourselves to see its effect. We are legislating for Porto Rico, and I would confine this matter to the government of Porto Rico and not intermix general legislation with the amendment.

Mr. TILLMAN. I should like the attention of the Senator from Virginia. We have an island somewhere called Guam, and there is an officer of the Navy who is governor of Guam. We have another island somewhere else out there—and very few of us know where it is, and never heard of it until recently—called Tutuila. The newspapers have made statements in regard to the matter; but we are told that they never tell the truth about the Administration, although many of them are Republican in their politics. It is stated that some officer of the Navy has been detailed as governor of Tutuila, and I should like to know whether Naval officers occupying such positions are drawing additional salaries. We also have along with these numerous high-paid commissions who are traveling around the world, drawing ten or fifteen thousand dollars a year salary. Let us try to get this thing straight.

Mr. MCMILLAN. I suggest that there be inserted the words "for service under this act."

Mr. FORAKER. I think the amendment is in proper form now. It is so restricted. I ask that the amendment be again stated, as it has been modified.

Mr. DAVIS. Let the amendment be read as it now stands.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The SECRETARY. After line 13 it is proposed to add:

And it is further provided, That no officer of the Army shall receive any pay or emolument for service rendered hereunder in any civil capacity in addition to his salary as an officer.

Mr. DANIEL. It seems to me that will answer.

Mr. TILLMAN. I should like to ask the Senator from Virginia if he can not make that retroactive? We now are discussing a question on the Alaska bill that seeks to make that proposed law retroactive, and while I am a little opposed to retroactive legislation, I think if any officer of the Army has been drawing a salary for performing his duties as an officer of the Army, and in addition a salary by reason of his civil functions, the thing ought not to be allowed, and we ought to stop it.

Mr. DANIEL. It seems to me we had better confine ourselves to the matter before us. The information of some Senators is that no Army officer has been receiving any salary for performing

civil functions; and I take it for granted that such is the case. We ought to deal with cases as to which we are advised, because otherwise we are led into hasty and ill-considered legislation in trying to accomplish too much. As to Guam and these other islands, it is all right and proper that naval officers should be governors of them. We have annexed the islands; they are under military occupation, and the President has not exceeded the propriety of his duty in appointing either naval or Army officers to their temporary government. Otherwise he would have been obliged to ship an Army officer to Guam and make him governor, but as a war ship was there, it was more convenient and appropriate to make a naval officer the governor until such time as Congress may legislate about the matter. That has been done all through our history. It was an appropriate thing to do. We can not, however, consider all those matters in providing a civil government for Porto Rico. If we can get that thing right, or as near right as we approximately may, we shall have done the best that the case admits of.

Mr. TILLMAN. Mr. President, I do not think the Senator from Virginia and I differ as to the advisability or the necessity of the President having some head or officer in control of those islands of Guam and Tutuila. The question is in regard to the payment of those Army or Navy officers for services as civil officers in addition to the pay which they already receive. That is the only point I was trying to make. I was not objecting to the appointment of a governor for Guam. I know we have got to have somebody there in authority. It is only a question as to the pay.

We are starting out on an entirely new programme of imperialism, and we have got to keep track of the thing as it goes along. We do not know what is going to happen unless we do keep track of the Executive action. Congress at least should know what is being done, so that we may know whether it is proper to indorse it or otherwise.

Mr. CHANDLER. I do not believe a single Army or Navy officer has received a dollar for civil services. The resolution the Senator from Georgia [Mr. BACON] will offer will bring out that fact. The amendment of the Senator from Virginia [Mr. DANIEL] limits the effect of this joint resolution, and therefore I do not think there can be any sound objection now remaining to its passage.

Mr. FAIRBANKS. Mr. President, the impression created by what has been said on the other side of the Chamber to the effect that Army officers have been receiving additional salary or compensation for performing civil duties in Porto Rico is erroneous and misleading. The testimony of General Davis before the Committee on Pacific Islands and Porto Rico refutes that idea absolutely. I read from his testimony:

> All the collectors of customs are Army officers, who receive no salary and no allowance. No Army officer in Porto Rico receives any salary allowance from the insular funds.

This is specific and admits of no room for doubt. The compensation which the Army officers receive as such is all that they are paid.

Mr. TILLMAN. Then I call the Senator's attention to the fact that the statement is made in the newspapers, which never tell the truth, that Admiral Dewey claimed compensation as a member of the Philippine Commission; and with these various questions, which, as I said, are entirely new, arising every day, there can be no harm in us keeping track of what is going on.

Mr. HAWLEY. Can not that be attended to by some subsequent legislation and let this business go ahead?

Mr. RAWLINS. Mr. President, it seems to me that the amendment offered by the Senator from Virginia [Mr. DANIEL] is objectionable. The law at present, as I understand it, is that no military or naval officer detailed for civil service can receive any additional compensation. This proposed amendment is to the effect that the military or naval officers detailed to perform civil service in Porto Rico shall not receive additional compensation for that service. That tends to weaken the general law, and implies that military or naval officers detailed elsewhere may receive such additional compensation.

It seems to me it would be safer, at least, to omit the provision entirely from this joint resolution, and let the matter stand under the general law.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Virginia [Mr. DANIEL] as modified.

The amendment as modified was rejected.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM PENNSYLVANIA.

Mr. McMILLAN. I ask unanimous consent for the present consideration of Senate bill 1929.

Mr. CULLOM. I desire to secure consideration for a conference report.

Mr. McMILLAN. I will give way to the Senator from Illinois in a moment. I only want to get the bill up.

Mr. CULLOM. I wish to have the conference report which I submitted yesterday considered.

Mr. CHANDLER. Mr. President, is the routine morning business finished?

The PRESIDENT pro tempore. It is; and the resolution in regard to the seat in the Senate from Pennsylvania, which has been laid before the Senate, has been temporarily laid aside.

Mr. CHANDLER. Then I ask that the resolution may go over until to-morrow morning.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the resolution touching the Senatorial case from Pennsylvania go over until to-morrow morning. If there be no objection, it will be so ordered.

BALTIMORE AND POTOMAC RAILROAD.

Mr. McMILLAN. I now ask that Senate bill 1929 may be taken up.

The PRESIDENT pro tempore. The Senator from Michigan asks unanimous consent for the present consideration of a bill, which will be read to the Senate for its information.

The Secretary read by its title the bill (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein.

Mr. CULLOM. If the bill of the Senator from Michigan is now before the Senate, I ask the Senator to yield to me.

The PRESIDENT pro tempore. It is not before the Senate.

Mr. CULLOM. When it is before the Senate I should like to have the conference report considered.

The PRESIDENT pro tempore. The bill will be read in full for the information of the Senate, but it will not be before the Senate until the Senate has consented to take it up.

Mr. CULLOM. Then, if the bill is to be read in full, I hope the Senator will yield until I can have action on the conference report.

Mr. McMILLIN. I shall be glad to yield to the Senator.

TERRITORY OF HAWAII.

Mr. CULLOM. I now ask for the consideration of the conference report, which I submitted yesterday, on the bill providing a government for the Territory of Hawaii.

The PRESIDENT pro tempore. The Senator from Illinois asks for the consideration of the conference report submitted by him yesterday; which will be read.

Mr. BACON. Do I understand that this is a report of the conference committee on the Hawaiian bill?

The PRESIDENT pro tempore. It is.

Mr. BACON. May I inquire whether or not it has been printed?

The PRESIDENT pro tempore. It has been printed.

Mr. CULLOM. It has been printed, and it is probably on the Senator's table.

The PRESIDENT pro tempore. The reading of the report will be proceeded with.

The Secretary read the report as printed in the proceedings of the Senate of yesterday.

Mr. CULLOM. There is a mistake in the last clause of the conference report, which reads:

> Section 104, line 3, after the word "section," strike out the word "fifty-two" and insert in lieu thereof the word "fifty-three."

I failed to correct the error resulting from the numbering of the sections. It should be 52.

Mr. SPOONER obtained the floor.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. The Senator from Wisconsin has been recognized.

Mr. LODGE. I beg pardon. I was not aware of that.

Mr. SPOONER. Mr. President, it is quite impossible to gain any very definite information from the reading of this report as to what changes have been made in the bill as it passed the Senate. I should like to have the Senator explain, if he will, briefly the essential changes, particularly with reference to the provision incorporated in the bill by the Senate concerning contract labor.

Mr. CULLOM. Mr. President——

Mr. BACON. Before the Senator from Illinois proceeds with his explanation, I should like to make a suggestion. It seems to me impossible to understand this conference report from its mere reading at the desk, and it will be equally impossible, after the explanation of the Senator from Illinois, for us to intelligently contrast, as we should do, the Senate bill with the House bill as it came to us and as it has been brought back to us by the conferees. Of course we all know this is a voluminous bill, 55 pages long. I hope I may have the attention of the Senator from Wisconsin [Mr. SPOONER] and the Senator from Illinois [Mr. CULLOM], if of no other Senators, because I wish to make a suggestion for a practical purpose.

Mr. CULLOM. Excuse me; I was interrupted and I did not hear the last remark of the Senator from Georgia.

Mr. BACON. The last remark I made was that I hoped I might have the attention of the Senator from Illinois——

Mr. CULLOM. I was trying to give it to the Senator from Georgia.

Mr. BACON. For the reason that the suggestion I propose to make is for a practical purpose. I was trying to show the difficulty of our contrasting the two measures, which it is recognized by every one we should have a fair opportunity to do. We passed an elaborate bill upon the subject of the government of the Hawaiian Islands. We sent it to the House. The House sent us back a bill in the form of a substitute.

In other words, they sent back what purported to be an entire bill. That bill corresponded very largely with the Senate bill; but still, from the fact that they sent it back not in the shape of amendments to the various provisions of the Senate bill, but in the shape of a substantive entire bill, it would be with the utmost difficulty that we could take the Senate bill and compare it with the House bill, for the reason that even where it corresponds with the Senate bill it is simply put down as part of the House bill, and where it differs from the Senate bill there is nothing to indicate that that is something in which it differs. It is all printed as a new bill, and the only thing that appears to us from this bill by which we can form any accurate judgment as to differences is as to amendments proposed by the conferees to the House bill. In other words, the whole of the bill before us, the House substitute, which is a bill in its entirety, is printed in the ordinary roman text. The House bill, so far as it has been amended by the conferees, has had the part rejected stricken through in the ordinary way, and the part substituted printed in italics in the ordinary way.

The report of the conference committee shows in what the conferees differ from the provisions of the House bill, but there is nothing in this bill as printed by which we can judge as to how far the Senate bill has been changed, and I think it ought to be printed in some way so that when we read a section we will be able to see that that section is as it left the Senate, or, if that section has been changed, it ought to be so indicated that we can, from a perusal of that section, tell in what particular it has been changed. As it is now, the only way in which we can compare the bill reported by the conferees with the Senate bill is to take the original Senate bill in the one hand and the House bill in the other, and possibly requiring that there shall be two engaged in it at the same time, one reading the provision in the Senate bill and the other reading the corresponding provision in the House bill, for the purpose of determining whether or not there has been any change in the Senate provision by the House provision, and if so, what has been the change.

Now, I fully understand, of course, that the Senator from Illinois will as clearly and as accurately as it is practicable for anybody to do, point out to us the changes; but I do say it is impossible for anyone verbally to point out the changes in such a way that it will enable us to determine whether or not they are such changes as will meet with our approval.

Mr. CULLOM. The Senator from Georgia has stated largely the facts as they exist with reference to the conduct of this bill from one House of Congress to the other. It is true, as stated, that the Senate passed a bill. It went to the House, and instead, as we naturally supposed they would do, of their amending the Senate bill in the ordinary way, they did as the Senator has stated—struck out all after the enacting clause and substituted the bill called the House bill. That bill, however, was largely the same bill, containing very many of the same sections, without amendment, that the Senate passed. For instance, I have here a bill not exactly as it passed the Senate, because it is printed with the amendments made by the House incorporated; and, for instance, section 2, section 6, section 7, section 8, I believe section 9——

Mr. BACON. I would inquire of the Senator whether he is prepared to take up the two bills, section by section, and show the sections which are identical and those in which changes have been made?

Mr. CULLOM. I can as to most of the bill. I wish to say that I do not want anything unreasonable in reference to this matter. All I want is to get the conference report considered as soon as we can consistently, and with all the information that anybody wants, if we can give it. But there are a large number of very inconsequential amendments made to the Senate bill, which constitute what is called the substitute or House bill, to which the Senate conferees agreed; but the substantial provisions of the bill, or many of them, are as the Senate passed the bill. For instance, as to the land matter, the Senate provisions on that subject are accepted by the House. As to the Federal court, the Senate provision was accepted by the House—I mean the House conferees, not the House itself. So most of the important provisions of the bill as it passed the Senate are retained in the bill as it comes before the Senate now in the conference report and exactly, so far as concerns the provision establishing a Federal court, as it passed the Senate of the United States.

If the Senator is very anxious for a little time, I wish to inquire whether a couple of hours would be all that is necessary for the Senator, or would he want a longer time to look over the two bills?

Mr. BACON. Mr. President——

Mr. CULLOM. I desire to say before that is done——

Mr. BACON. I think the same course ought to be pursued in this matter that is pursued ordinarily, that we ought to have this measure printed in a way that we can conveniently compare the two.

Mr. CULLOM. I was going to say you can get bills now, if you desire them, with the Senate bill all stricken out, lines drawn through its text, but still you can read exactly what the provisions are. There are plenty of those bills which can be secured at any time.

Mr. BACON. The Senator will pardon me.

Mr. CULLOM. It is very difficult to print this report—because that is what it is now—in any other way than it is printed, because it is a substitute, and the substitute was acted upon by the conferees, and all the amendments that are in the substitute were concurred in by the conferees of the two Houses. I can hardly see how you can print the bill so as to give any more light upon the subject than you can get now than by getting the Senate bill as amended by the House, striking out all after the enacting clause and inserting the House bill, except that you want to get the amendments to the substitute which passed the House, because the conferees have amended that measure.

The PRESIDENT pro tempore. The Chair desires to call the attention of the Senator from Illinois to the last amendment—

Section 104, line 3, after the word "section," strike out the word "fifty-two," and insert in lieu thereof "fifty-three."

It is clearly a mistake.

Mr. CULLOM. Yes.

The PRESIDENT pro tempore. The Chair knows of no way in which it can be remedied except by the Senator withdrawing the report and having the committee of conference amend it. There is no other way of which the Chair knows.

Mr. CULLOM. I think the conferees on the part of the Senate regarded that as a mistake in writing "three" instead of "two."

The PRESIDENT pro tempore. It appears very clearly in both reports, House and Senate, to have been a deliberate striking out of "fifty-two" and inserting "fifty-three." A report of a conference committee can not be amended, and the Chair knows of no way except for the Senator to withdraw the report and have the conferees correct it.

Mr. CULLOM. I am fully aware that an ordinary error can not be changed by any one of the conferees without the consent of all, but I regarded this, and I think my colleague on the conference committee thought so, too, as a sort of clerical mistake, which might be corrected without referring it back. But if the Chair thinks differently, of course we will act accordingly. It was a mistake on the part of the clerk.

Mr. BACON. As the report is not to be considered now, I should like to ask the Senator from Illinois whether it is not practicable in the interim to have the bill so printed that we can tell in what particulars changes have been made without having to take the two bills and read them paragraph by paragraph.

Mr. CULLOM. How would the Senator suggest that it be printed so that it would be any plainer than it is now, with the bill as it passed the Senate before him?

Mr. BACON. I do not know how I can better answer the Senator than to refer to the suggestion which he made to me. The Senator asked me whether or not two hours would be sufficient for me to take these two bills and retire to some secluded spot and compare them. If I did so, that would not be information for the balance of the Senate. There are other Senators here as well as I who want to have this information. I am not asking it for myself alone.

Mr. CULLOM. I understand.

Mr. BACON. And it ought to be put in shape where the Senate will be advised of the changes which are made. We want to know two things. We want to know, in the first place, what changes the House bill makes in the Senate bill. That does not appear by any printed document we have here, except we have the printed Senate bill and we have the printed House bill, the one to be compared with the other. The other thing we want to know is this: After the House, by means of a substitute, has amended the Senate proposition, in what particulars has the conference committee changed the two propositions?

Mr. CULLOM. That is shown in the bill which the Senator has before him.

Mr. BACON. I understand that thoroughly.

Mr. CULLOM. Then why do you ask the question?

Mr. BACON. I am not asking the question. I am stating what is the issue we have to make. I say there are two things upon which we are to be informed when we come to pass upon this question. We have the amendments proposed by the conference committee to the House substitute, but there is nothing there

to show how far the conference committee has adopted what was originally the Senate provision or how far it has adopted that which was the House provision.

Mr. TILLMAN. I suggest to the Senator from Georgia and the Senator from Illinois that the usual course has been to number the amendments to any bill which the Senate has sent to the House of Representatives and to point out just what changes or substitutions have been made. If that were done in respect to this bill, we could very easily keep track of it.

Mr. LODGE. There was but one amendment made to this bill.

Mr. CULLOM. By the House.

Mr. LODGE. It is impossible to number the amendments, as the Senator from South Carolina suggests, as there was but one amendment, to strike out all after the enacting clause and insert the House bill. All that the conferees could do under that circumstance was to report back the amendment with amendments. There was no other way of doing it. We followed that method, which is the only one open to us. The House bill is in the main the Senate bill, and there is no way of getting at the changes except by laying the Senate bill alongside the conference report and comparing them line by line.

Mr. BACON. Could not that comparison, after it was made, be put in writing, so that it could be printed and brought to us?

Mr. LODGE. It is here on your desk. You can not do anything except to put the two bills together.

Mr. BACON. I am speaking of the comparison being put in writing. Take section 3 of the bill; if it is identical, it would be perfectly competent by marginal notes to say "no change." Take section 4; if that has been stricken out and another substituted, it would be perfectly competent to put the stricken lines through Senate section No. 4, and to put adjacent thereto the House section No. 4 which has been substituted therefor. As it is, we have the bill in its entirety as it left the Senate stricken through, and we have the bill in its entirety as it came back from the House put in italics, but there is nothing by which we can contrast one section with another.

Mr. LODGE. The great mass of the two bills is the same, and the great mass of the amendments are perfectly trivial amendments, chiefly verbal. The important amendments can be compared by any Senator by laying the Senate bill alongside the conference report. There is no other way to compare them. If we printed what the Senator from Georgia asks for, it would be simply printing the Senate bill alongside of the conference report. He would have to make the comparison just the same when they were printed together.

Mr. BACON. It would not be the same if each section which was not amended was so stated, and if each section which was amended should be expressed as amended and the amendment printed in full by the side of it, so that we could see what it is.

Mr. LODGE. There are a great mass of amendments. I am not sure that I understand just what kind of a reprint the Senator from Georgia wants; but if I do understand, it would be a very great labor to reprint all those small amendments; to take the Senate bill, compare it line by line, word by word, with the House substitute and show every change, small and large, and then all the amendments made in the conference report, which are the only important ones.

Mr. BACON. Let me ask the Senator from Massachusetts a question, because we are both after practical results. The Senator says the amendments are of two classes; that there are some material amendments and some trivial ones, but there are very few material amendments and many trivial ones. Suppose the House, instead of sending us back an entire substitute which expressed all of its changes, had taken up the Senate bill and had expressed each as a separate amendment, would it not have been perfectly practicable for the Senate to have printed its bill with the amendments as thus expressed by the House; and if so, is it not now practicable?

Mr. LODGE. The Senate bill would have come back with the House amendments, but the House did not amend it in that way.

Mr. BACON. The Senator does not let me finish my question.

Mr. LODGE. I beg pardon. I thought the Senator had finished.

Mr. BACON. Is it not now equally practicable to take the Senate bill and show as to each provision in what way it has been amended by the House substitute? Then we could compare it with the conference report.

Mr. CULLOM. Let me make an inquiry, to find out, if I can, what would satisfy the Senator. I hold in my hand a Senate bill with the amendments agreed to by the House incorporated in it. Subsequent to the House bill as a substitute coming here we had, as the Senator from Massachusetts and I have both stated, to consider the substitute instead of the Senate bill as it would be amended if the substitute were all in it. If that would be satisfactory to the Senator, I can prepare a Senate bill with every provision of the House bill as it passed the House in it. Would that satisfy him?

Mr. BACON. Showing what was the Senate bill and what was changed?

Mr. CULLOM. Showing what the Senate did with the House bill.

Mr. BACON. The Senator means what the House did with the Senate bill.

Mr. CULLOM. Showing what amendments the House bill makes to the Senate bill.

Mr. BACON. That is all I want.

Mr. CULLOM. We could not consider it in that way in conference, because the bill before us was the Senate bill with the number and title only and the House bill in place of all after the enacting clause. But if it will satisfy the Senator, I am willing to postpone the further consideration of this matter to-day and to prepare a Senate bill with every amendment in it made by the House.

Mr. BACON. That is everything I could possibly ask.

Mr. CULLOM. And then that will have to be compared with the substitute bill as amended by the conferees.

Mr. BACON. As amended by the conferees. The substitute bill, in other words, will correspond with the bill which the Senator proposes to prepare.

Mr. CULLOM. What does the Senator want; the Senate bill with the House amendments as it passed the House or the Senate bill with the House amendments as amended by the conferees?

Mr. BACON. That is shown now, Mr. President. The amendments of the conferees are shown.

Mr. CULLOM. But it would not be on the same paper.

Mr. BACON. So far as the amendments of the conferees are concerned there is no trouble about them.

Mr. CULLOM. No.

Mr. BACON. But the trouble is that the Senate conferees agreed to the House bill with certain changes; and we are unable to see what changes have been made in the Senate bill by the House bill, and if the Senator will prepare that which will show in what particulars the House bill as it came back from the House and before it went to the conferees changed the Senate bill, that is all that is necessary.

Mr. CULLOM. I will undertake to do that to satisfy the Senator from Georgia and Senators generally. I will prepare a Senate bill with all the amendments made to it by the House and have it printed and before the Senate as soon as I can get it ready. It may be a day or two, as it involves considerable work.

Mr. TILLMAN. Do I understand that the Senate conferees agreed absolutely to the changes of the House? Are there no changes in the House bill?

Mr. CULLOM. If the Senator from South Carolina will look at his bill he will see that there are a great many changes.

Mr. TILLMAN. Unless you point out the changes which the House made to the Senate bill and also the changes which the conferees made in the House bill, we will still be at sea.

Mr. CULLOM. The bill I reported shows the amendments made by the conferees. So I do not need to go over that any more, I should think.

Mr. CLAY. I desire to ask the Senator from Illinois whether it is not a fact now that we have before us the bill as it passed the Senate and went to the House, and that which the House reported and passed as a substitute, and then the conference report inserting certain amendments to that substitute?

Mr. CULLOM. Certainly.

Mr. CLAY. We have the two bills printed in one. If you take up section 1 of the Senate bill and section 2 of the House bill can you not compare them and thoroughly understand them?

Mr. CULLOM. Certainly.

Mr. CLAY. And then simply see the amendments inserted by the conference committee?

Mr. CULLOM. Certainly; it is all there.

Mr. CLAY. It strikes me we have the bills before us now.

Mr. CULLOM. The lines are marked out, according to the Printer's rule, but you can read it easily enough. But if it is insisted that I shall prepare the bill as the senior Senator from Georgia suggests I am willing to do it, so that it shall be perfectly plain.

Mr. BACON. I hope the Senator will do that.

Mr. CULLOM. I withdraw the report for the time being, and will comply with the wishes of the Senate as nearly as possible as regards the printing.

PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

Mr. MASON. Mr. President——

The PRESIDENT pro tempore. The Senator from Michigan [Mr. McMILLAN] is entitled to the floor.

Mr. MASON. I merely wish to give a notice on a matter somewhat personal, to which I have had my attention called.

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. MASON. It will not take over five minutes.

Mr. McMILLAN. I yield.

Mr. MASON. Mr. President, I have had my attention called lately to an amendment to the regular appropriation bill for the District of Columbia, in regard to the public schools, and I desire simply to give notice, so that those who are pressing the amendment will understand, that I intend, unless I have further information on the subject, to object to the amendment, and if the matter goes into conference, and it is not too late, I shall make the point of order that it is new legislation upon an appropriation bill.

As a reason for that course of conduct, I desire to state that I regard the amendment, from what little opportunity I have had to read it, while the situation in which it leaves the schools of the District may possibly be fair condition, and the whole course of the investigation, and the report particularly, as rather an unwarranted attack upon the schools of the District of Columbia. I have had personal acquaintance with the schools of the District for perhaps twelve or fifteen years. I have had occasion myself, by reason of members of my own family being in the public schools, to visit every department, particularly within the last three years. I think I can speak advisedly from personal observation that the public schools of Washington are the best public schools, certainly as good as any in the world, and the best I ever visited, and I never saw better discipline and I never saw more faithful attention to duty on the part of the teachers and the students than here.

The report is remarkable in that it goes after the boys and girls of Washington and asks them questions about which they have had no training and expects them to define the different branches of the Government, to separate the executive, the legislative, and the judiciary.

The learned Senator who has been conducting the examination knows that some of the best writers of law in the United States disagree upon the very question asked our school children.

Upon the matter of spelling, I find that the average that they missed according to his own report is less than 3 per cent in a hundred words—two and a fraction per cent. I suppose if the boys and the girls of the High School were to come into the Senate and put us in a class our general average would be about 5 or 6 per cent lower than is found in the High School in the city of Washington.

It is true that there have been some very queer answers given to questions as to the formation of the Government, as to what were the four great countries that have contributed to the settlement of this nation; it is true that many queer and strange answers have come from these young minds, which have not been trained; but I regard this whole thing, this attempt to change the organic law of the schools of the District of Columbia——

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Nevada?

Mr. MASON. Certainly.

Mr. STEWART. Is this matter before the Senate for discussion now? Whenever it is before the Senate, I shall have something to say, but I do not want to take up the time of the Senate now.

Mr. MASON. There is no doubt about the Senator having something to say when it comes before the Senate. I simply say that I want to give notice. The matter was put through on an appropriation bill. I supposed there was some legislation pending in regard to the schools in the District of Columbia. It was my misfortune. Possibly the Senator thinks I ought to have been observing every movement of appropriation bills, but the Senator is well aware that a man here has many other duties to perform, many constituents to serve, and I was not in the Senate Chamber at the time this amendment was discussed.

Mr. President, I will say further that I intend to make the point of order unless I can see some benefit to be derived. I can see no possible benefit to be derived by changing the present school system and having committees of examination to report the list of misspelled words. I regard that as unfair. I do not believe any Senator would want to have submitted to him a list of a hundred words and then have published to the world the number he misspelled. I think it would be more fair if you would report the ninety-seven words and a fraction that they spelled correctly. I think that would be more fair and better treatment of the public schools, because the public schools in Washington are for the boys and girls, the youth of the city of Washington.

I do not know the superintendent very well. I have not spoken with him for years. I have no interest in it, for it is one of the rules of my life to let the millionaires and the taxpayers build schoolhouses, and I endeavor to furnish my fair share of the occupants. I have always had six or seven in school in Washington, and I make it my business to see that they are getting the very best that this country can give them. The schools of Washington are, in my opinion, the best graded, the most cleanly. They have adopted an excellent system here in all the departments, for I have children in all of the departments of the schools, from the primary grade to the High School. I have tried to leave no branch of the public schools unattended to, so far as my family is concerned.

I shall object, if it is not too late, to legislation going on an appropriation bill that seems to change the whole plan of the schools, and especially when it is based upon a report of answers made by young people of this town on subjects in which they have had no training.

Mr. GALLINGER. The Senator will perceive that this report is part 2. Perhaps he has not read part 1 of the report. Two reports have been made.

Mr. MASON. I do not know how this is marked. I think I have seen two reports. Is there a minority report on the matter?

Mr. GALLINGER. There is not. Mr. President, I will say to the Senator that the report is made in two parts. It is not a minority report in either instance.

The PRESIDENT pro tempore. This discussion is proceeding by unanimous consent.

Mr. MASON. I so understood it. I had the consent of the Senator who was entitled to the floor, and that is all I have to say. However, before I sit down, I have not said that I should oppose this proposition if it can be shown that it will benefit the schools of Washington, and I am exceedingly sorry that I can not have the attention, or at least be permitted to make my own personal statement upon the floor, without so much——

Mr. STEWART. I desire to give the Senator notice that when this measure comes up properly for discussion, if objection is made to the proposed legislation, I shall give additional reasons why it should be had, which will be satisfactory, no doubt, to the Senator. It will be satisfactory to all sober-minded, thoughtful people at all events. There is no time to do it now.

The PRESIDENT pro tempore. Has the Senator from Illinois concluded?

Mr. MASON. No; I have not finished yet upon this subject. I want the Senator to understand that if he has some concealed weapons about him by which he intends to attack the public-school system and change it here, I am perfectly willing to hear them, and if they are fair and if there is any reason for this amendment I am open to conviction.

Mr. STEWART. I assure the Senator that the arsenal is full, but there has been no opposition that called forth or created the necessity for bringing out and pointing all the guns. It will be done if there is sufficient opposition to justify it.

Mr. MASON. I give the Senator notice that I am here prepared to receive whatever he has in the arsenal against the public-school system.

Mr. STEWART. Whenever there is any disposition to defend that system, then the artillery will be brought out. The arsenal is full.

Mr. MASON. I am prepared and ready now; and if the Senator has any facts he should not conceal them and attempt to pass this legislation through on an appropriation bill.

Mr. STEWART. We furnished sufficient to satisfy everybody else but the Senator from Illinois.

Mr. MASON. Why, Mr. President——

Mr. LODGE. I call for the regular order.

Mr. MASON. That is a statement of the Senator, a mere statement.

The PRESIDENT pro tempore. The Senator from Massachusetts demands the regular order.

BALTIMORE AND POTOMAC GRADE CROSSINGS.

The PRESIDENT pro tempore. The bill called up by the Senator from Michigan has been read to the Senate by title. It will be read for the information of the Senate. The Senator from Michigan asks unanimous consent for the present consideration of a bill which will be read.

The Secretary proceeded to read the bill (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein.

Mr. PETTIGREW. I should like to know what bill is being considered, and how it comes here at this time.

Mr. McMILLAN. I asked unanimous consent to take up the bill a half hour ago, and the Secretary is now reading it. It is to eliminate the grade crossings of the Baltimore and Potomac Railroad.

Mr. PETTIGREW. That is the road that goes across the Mall?

Mr. McMILLAN. Yes; it goes across the Mall.

Mr. PETTIGREW. I object to the present consideration of the bill.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). Objection is made to the present consideration of the bill.

Mr. McMILLAN. Will not the Senator consent to have the bill read?

Mr. PETTIGREW. No; that is just what I want to avoid,

because the next time it will be brought up and passed in a half minute on the ground that it has heretofore been read. I want to examine it more fully. I may not object later on; but it seems to me that Congress ought to get the railroad off from the Mall entirely and leave that entire space clear. The road would be quite near enough to the city if it were a block or two farther south. I object to the present consideration of the bill.

The PRESIDING OFFICER. Objection is made.

Mr. CARTER. I ask unanimous consent——

Mr. STEWART. I hope the Senator from Montana will allow me to present a conference report.

Mr. CARTER. I will yield for that purpose.

Mr. STEWART. It will take but a moment.

The PRESIDING OFFICER. The Senator from Nevada presents a conference report.

NAVAJO INDIAN RESERVATION, ARIZ.

Mr. STEWART submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In line 1 of the Senate amendment strike out all after the word "*Provided*" and insert in lieu thereof the following: "That all that portion of the Navajo Indian Reservation in Arizona lying north of 36° 30′ north latitude, and west of the one hundred and eleventh meridian, be, and the same is hereby, opened for mining purposes only and subjected to the mining laws of the United States;" and the Senate agree to the same.

WILLIAM M. STEWART,
GEORGE L. SHOUP,
JOHN L. McLAURIN,
Managers on the part of the Senate.

JOHN F. LACEY,
JOHN H. STEPHENS,
CHARLES CURTIS,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. COCKRELL. I should like to hear an explanation of it. What is the effect of the report?

Mr. STEWART. The bill provides for the extension of an Executive order to take in some woodland that the Indians want, and it provides for buying the settlers off. That was the original bill which passed the House. This amendment allows mining only upon a portion of the reservation upon which there are lava beds, and where the Indians do not go at all. It is for the benefit of the Indians, and at the same time allows miners to work only in the lava-bed country where it does no harm. The House objected to it because the language might be construed to open it for other purposes, and so the conferees have confined it to mining only. It is open only to mining.

Mr. COCKRELL. And nothing else?

Mr. STEWART. Nothing else. That was the provision of the House. They limited it as it passed the Senate.

The report was agreed to.

INTERNAL-REVENUE STAMPS.

Mr. CARTER. I ask unanimous consent that the Senate now proceed to the consideration of Senate bill 3419, known as the Alaska bill.

Mr. HOAR. I suggest that the unfinished business be laid before the Senate and laid aside. It is only two minutes of 2.

Mr. CARTER. The hour for laying the unfinished business before the Senate has not arrived, and the resolution relating to the Pennsylvania case went over by unanimous consent, I think, until to-morrow.

Mr. LODGE. Yes; until to-morrow.

Mr. CARTER. I yield to the Senator from Connecticut, who desires to call up a bill.

Mr. PLATT of Connecticut. I am obliged to the Senator from Montana for yielding to me. I desire to have Senate bill 2559 passed, which has been reported by the Committee on Finance, and which it is important that it should pass in order to facilitate business at the Treasury Department.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill (S. 2559) authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Finance with an amendment, in line 2, page 3, section 2, after the word "calculation," to insert "when approved by the Secretary of the Treasury."

Mr. PLATT of Connecticut. I wish that amendment may be disagreed to. I propose to insert another amendment in the bill in lieu of it.

The PRESIDING OFFICER. The Senator will suspend until the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in and to the government of the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. LODGE. I ask that that may be temporarily laid aside that the Senator from Connecticut may proceed with his bill.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the regular order may be laid aside. That will be the order if there is no objection. The question is on agreeing to the amendments reported by the committee.

Mr. PLATT of Connecticut. I ask that that may be disagreed to, and I propose the following amendment: In line 3, page 1, of the bill, after the words "Internal Revenue," to insert:

Subject to regulations prescribed by the Secretary of the Treasury.

The PRESIDING OFFICER. The Senator from Connecticut asks that the committee amendment be disagreed to.

Mr. COCKRELL. What committee amendment is it that you want disagreed to?

Mr. PLATT of Connecticut. I will explain. The amendment provides that the conclusions of the Commissioner of Internal Revenue shall, when approved by the Secretary of the Treasury, be final, so that they shall not be upset by accounting officers and auditors. It was thought on consultation at the Treasury Department that it would make too much trouble, that the Secretary should be obliged to sign and approve every order, and the language which I propose, that it shall all be done under rules and regulations prescribed by the Secretary of the Treasury, was thought to be sufficient.

Mr. COCKRELL. I have no objection to that.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

Mr. PLATT of Connecticut. Now I propose the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 3, page 1, after the word "Revenue," amend by inserting the following:

Subject to regulations prescribed by the Secretary of the Treasury.

The amendment was agreed to.

Mr. COCKRELL. I should like to know whether this provision would cover a case of a bill which was referred to the Committee on Finance, introduced by myself, in regard to a book of stamps that was supposed to have been destroyed by the collector of internal revenue at Kansas City, Mo.

Mr. PLATT of Connecticut. I think it would. It allows the Commissioner of Internal Revenue, where stamps have been destroyed or lost or spoiled, to refund upon proper proof being made to him. There are a great many of these cases, and I will state the necessity for passing the bill. It is a reenactment of the old law, but the old law has become obsolete as to some portions of the stamps. The only new thing in it is that the action of the Commissioner of Internal Revenue shall be final and, under the amendment, when made, according to rules and regulations prescribed by the Secretary. The difficulty is that the auditor sets up to determine questions of fact as well as law, and holds up the conclusions of the Commissioner of Internal Revenue, who is in possession of all the facts.

Mr. COCKRELL. The reason why I ask about the matter is that I asked the Commissioner of Internal Revenue prior to the assembling of Congress to prepare a bill such as would afford relief in this case, and I was advised by him that a general bill was being prepared. Now, was this bill prepared in his office?

Mr. PLATT of Connecticut. I think this is the bill; and I think it affords relief in the matter which the Senator refers to.

Mr. HOAR. Mr. President, I hope this bill will pass, and I wish the Finance Committee, or some other committee, might at some time bring in a bill which would apply to correcting such mistakes throughout the entire fiscal service of the country. Every little mistake, or injustice, or accident in a large portion of the public service has no remedy except by coming to Congress for legislation. It ought not to take up the time of Congress, and the petitioners have sometimes to come again and again, and a generation is wasted before a man will get redress for some little thing.

Now, the United States ought to be in the position of an ordinary well-managed business concern, and somebody ought to be trusted. Although there may occasionally be mistakes and possibly sometimes be wrongdoing, it is much better that there should be officers who have this power than that Congress should be the place of resort, where there is quite likely to be mistakes, if not wrongdoing.

Mr. PLATT of Connecticut. I think there is great force in what the Senator from Massachusetts says.

Mr. HOAR. I say this not as a criticism of the Senator's bill, but in laudation of it.

Mr. PLATT of Connecticut. If the Senator will prepare such

a bill, I know the Finance Committee will be very glad to consider it. The Secretaries, however, are, to a certain extent, now authorized to correct those matters. The Post-Office Department can correct them to a limited amount; the Secretary of the Treasury can issue duplicate checks to the amount of $2,500; and there are other instances. But I have no doubt there might be a bill applying to all the operations of the Government, which would facilitate the business which people have with the Departments and which would relieve them from a great many annoyances that they are now subjected to. I hope the bill will pass.

Mr. PETTIGREW. I should like to know what the bill is. I should like to have it explained. What is the particular reason why it comes here?

Mr. PLATT of Connecticut. Mr. President, the Senator was not in when I called up the bill. The old law—that is, the law which was passed when we had the stamp duties formerly—authorized the Commissioner of Internal Revenue to make allowance for stamps which had been lost or destroyed or spoiled, and to refund the money. That law is not applicable to all cases of stamps which are authorized by the new law. This is a reenactment of the old law so as to include all the stamps and allow the Commissioner of Internal Revenue to hear the facts, see whether they were lost or spoiled, or not used, and to make allowance for them; and it makes him a final judge as to whether an allowance ought to be made, subject to regulations prescribed by the Secretary of the Treasury.

Mr. PETTIGREW. That is all there is about it?

Mr. PLATT of Connecticut. That is all there is in it.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORCORAN ART GALLERY.

Mr. WARREN. I desire to call up the bill (S. 2610) to authorize the purchase of the property known as the Corcoran Art Gallery, in the City of Washington, D. C. It is a short bill and will take no time, I think.

Mr. CARTER. I will yield to the Senator, providing the bill does not lead to discussion.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent for the consideration of a bill which will be read at length for the information of the Senate.

The Secretary read the bill.

Mr. WARREN. There are certain amendments offered by the committee——

Mr. COCKRELL. I wish to offer some, to come in before them, in line 5, on the first page.

Mr. WARREN. Very well.

The PRESIDING OFFICER. The Senator from Missouri will suspend until the Chair ascertains if there is objection to the present consideration of the bill. Is there objection?

Mr. PETTIGREW. I reserve the right to object to the extent of not having the bill read until I know more about it. I should like to hear the Senator's amendment.

Mr. COCKRELL. The bill has been read.

The PRESIDING OFFICER. The bill has been read for the information of the Senate.

Mr. WARREN. But the committee amendments have not been read.

Mr. PETTIGREW. By that I mean that I do not desire hereafter that the bill shall be called up and a statement made that it has been read, and then passed without any consideration. I suppose I have the right to object and that it would have to be read over again in full if it were considered hereafter, the bill having been simply read for the information of the Senate.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole.

Mr. JONES of Arkansas. Does the Chair hold that there is no objection? It seems to me the right reserved by the Senator from South Dakota was an objection to the bill, in case he has the right to object.

Mr. PETTIGREW. I object until I know more about it. I will object finally now if there is any question about it.

Mr. SPOONER. The Senator has a right to object at any time.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Objection is made.

Mr. WARREN. I did not understand the Senator from South Dakota to object to the bill at this stage, but he reserved the right to object to it after it had been fully read if he should choose to do it. The bill has only been partly read. The amendments have not yet been stated.

Mr. JONES of Arkansas. I understood that was the intention of the Senator from South Dakota, but I understood the Chair's ruling to be that that was not an objection and that the bill is before the Senate.

The PRESIDING OFFICER. The Senator from South Dakota reserved the right to object, the Chair understands, later in the consideration of the bill. There was no objection to its present consideration.

Mr. JONES of Arkansas. I do not know about it. I supposed the Senator from South Dakota did not object to it.

Mr. WARREN. I hope the Senator will withdraw his present objection.

Mr. PETTIGREW. I have no objection to hearing the amendment, and I presume that I may object later on. With that understanding, I will withdraw my definite objection.

The PRESIDING OFFICER. The bill is before the Senate in Committee of the Whole.

Mr. PLATT of Connecticut. Now let the amendments of the committee be first read, so that we may know what they are.

Mr. COCKRELL. Yes; let the amendments of the committee be read.

Mr. PLATT of Connecticut. Let them be reported and not acted on now.

The PRESIDING OFFICER. The amendments of the Committee on Public Buildings and Grounds will be stated.

The SECRETARY. In section 1, page 2, line 5, after the word "Claims," insert "or for such other purposes as may be determined;" so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, empowered and directed to acquire for and in the name of the United States, for the purpose and in the manner hereinafter provided, the following-described real estate, with the improvements thereon, known and designated as original lots Nos. 5, 6, 7, and 8 in square 167, in the city of Washington, D. C., and containing 17,733 square feet, lying and being at the corner of Pennsylvania avenue and Seventeenth street NW., fronting on Pennsylvania avenue 100 feet and on Seventeenth street 160 feet, and being the property of the Corcoran Gallery of Art. Said property to be used by the Court of Claims, or for such other purposes as may be determined.

In section 2, page 2, line 9, before the word "thousand," strike out "fifty" and insert "thirty-two," and in line 10, before the word "dollars," strike out "five hundred;" so as to made the section read:

SEC. 2. That the said Secretary is authorized and directed to acquire said property by purchase from the owners at and for a sum not exceeding $332,500, or by condemnation proceedings conducted in accordance with the terms of an act approved June 25, 1890, to provide for an eligible site for a city post-office in the city of Washington, D. C., with amendments thereto, approved August 30, 1890.

Section 3, page 2, line 16, before the word "thousand," strike out "fifty" and insert "thirty-two;" and in line 17, before the word "dollars," insert "fifty;" so as to make the section read:

SEC. 3. That the sum of $332,500 is hereby appropriated for the purpose of carrying out the provisions of this act.

On page 2, after line 18, insert the following new section:

SEC. 4. That so much of the act entitled "An act to provide for the erection of a building for the Department of Justice," approved March 3, 1879, as provides "that said building shall be constructed so as to provide a court room and necessary accommodations for the Court of Claims," be, and the same is hereby, repealed.

Mr. COCKRELL. In other words, this simply makes a purchase of the old Corcoran Art Building for the use of the Court of Claims, now located in it, and the bill, as amended, proposes to appropriate not exceeding $332,500, but leaves it subject to condemnation. My amendment is in section 1, line 5, to strike out the words "and in the manner," so that it will read "for the purpose hereinafter provided;" then at the end of line 6 to insert "or for other purposes, as may be determined: *Provided*, That the same can be secured for a sum not exceeding $332,500;" and then to strike out the whole of the section authorizing condemnation proceedings; so that if they will sell the building for a sum not greater than $332,500, the purchase can be made; but if they do not, that there shall be no condemnation proceedings. I think that is a fair price for the building, and that it is sufficient. I believe the Court of Claims ought to have a separate building.

Mr. WARREN. I am willing to accept the amendment offered by the Senator from Missouri.

Mr. PETTIGREW. I should like to inquire where this bill comes from, what is the necessity for it, and who owns the real estate?

Mr. WARREN. The real estate is owned by the Corcoran Art Gallery Association, and it is desired by the Department of Justice for the use of the Court of Claims, now occupying it.

Mr. PETTIGREW. Is the bill recommended by the Department of Justice?

Mr. WARREN. It is.

Mr. PETTIGREW. It seems to me we ought to have some plan in regard to the construction of additional public buildings in this city for the accommodation of the Government offices, and that plan ought to involve the beautifying of the city as well as the construction of suitable buildings. In other words, I do not think we ought to buy a corner here and a corner there, without reference to any definite plan as to the improvement or the development of the city. We ought to have some systematic plan which would result, as I very much hope, in some steps being taken to secure the south side of Pennsylvania avenue for the purpose of

erecting there public buildings with proper space between them, so that they will be examples of art as well as of utility. We ought to profit by the example of some of the other cities of the world who have pursued such a policy, and have thereby contributed something to art as well as to the necessary conveniences for carrying on the business of government.

It seems to me that the purchase of the ground for the location of the Attorney-General's Office was a mistake. The area is too small, and it is surrounded by other tall buildings, so that we can not construct a building there that will be a thing of beauty.

It seems to me the Post-Office building which we have constructed on Pennsylvania avenue was a mistake for the same reason. We ought to have had more space about it, with parking and trees surrounding it. Such things would add to the appearance of the building and would beautify Pennsylvania avenue. Instead of doing this we have built a barn, a sort of barracks, for the Post-Office Department. It seems to me the building ought not to have been constructed so as to cover the entire space.

Without following any well-developed plan, we are continually buying such real estate as people want to sell to the Government, thus ultimately making the city ugly, and making it so that we shall at some time want to remove the capital from it, if such a policy shall be continued.

That is why I object to this bill. I do not think there is any reason why this particular locality should be purchased. Perhaps it may contribute to the success of the Corcoran Art Gallery, and that is the only possible consideration I can see for it. It seems to me the space desired is too small. We ought not to construct these public buildings and expend vast sums of money upon them, upon spaces smaller than perhaps a whole block; and we ought not perhaps to erect public buildings on a space as small as a whole block where we can not secure proper surroundings.

Mr. WARREN. I agree to very much, in fact about all, the Senator has said. But this is the situation as to this proposed purchase: We are in possession of the ground and have heretofore made an appropriation to erect a building for the use of the Department of Justice. Neither the piece of ground nor the proposed building are large enough to accommodate the Department of Justice, including the Court of Claims. It is true, as the Senator has said, that the spaces are not always large enough, and it is to relieve us from that situation in this particular Department that it is proposed to buy the old Corcoran Art Gallery for the use of the Court of Claims, so that we may not be compelled to add, at far greater expense, more ground and a larger building in that particular block, which has been heretofore secured for the Department of Justice. I agree with the Senator about securing full blocks and about improving the south side of Pennsylvania avenue, and I am ready to join with him in the building up of the city in such a proper way as he suggests.

It used to be said to us when we were children, "You can not eat your gingerbread and sell it, too." This, however, is an opportunity to accomplish just that thing. The Government buys this building and ground at a less figure than we could get similar property for in any other part of the city. And then the public—the Government, I may say—gets the benefit of every dollar of the money so paid out, because it is to be expended in enlarging and perpetuating the Corcoran Art Gallery School, which is kept open as a day and night school to everybody who desires to attend, as well as in purchasing additional works of art to add to the present magnificent collection which is a pride to the city and to the country.

As I said before, the lots upon which we are to erect a building for the Department of Justice will furnish room enough to take care of that Department if we provide for the Court of Claims as proposed in this bill. Then we can go on in the line the Senator has indicated in any further buildings to be erected.

Mr. PETTIGREW. The ground which we have secured for the Department of Justice is admittedly not sufficient, and therefore we must add another piece admittedly not sufficient in order to make two bad jobs instead of one. I object to the consideration of the bill.

The PRESIDING OFFICER. Objection is made to the consideration of the bill, and it goes over.

NEW YORK PRINTING EXPOSITION.

Mr. CARTER. Mr. President——

Mr. TELLER. I ask leave to make a report at this time.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. CARTER. I will yield to the bill of the Senator from Colorado, which I hope will be the last.

Mr. TELLER. A joint resolution came from the House of Representatives authorizing the exhibit of Government relics at the New York Printing Exposition, from May 2 to June 2, 1900. It has passed the other House. The people connected with that printing exposition are exceedingly anxious to have the joint resolution passed at an early date, because the time is short. It has been referred to the Committee on Appropriations, and I am directed by that committee to report it back favorably without amendment. I ask unanimous consent that it may now be considered and put upon its passage. The whole matter is in the discretion of the executive department.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent for the present consideration of the joint resolution reported by him, which will be read in full for the information of the Senate.

The Secretary read the joint resolution (H. J. Res. 235) authorizing the exhibit of Government relics at the New York Printing Exposition, from May 2 to June 2, 1900; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

Mr. CARTER. Mr. President, it was not my purpose to further address the Senate with reference to the controverted matter proposed by the amendment of the Senator from North Dakota [Mr. HANSBROUGH]. The course of the discussion upon yesterday afternoon, however, seems to render necessary the placing in logical sequence and in regular order of the various facts and circumstances leading up to the present controversy.

To begin with, the preparation of the Alaskan code has been a work of continuous and heavy labor. The Committee on Territories devoted much time to the preparation of this code, consisting of three titles, over 600 pages, and in the neighborhood of 2,000 sections.

Numerous persons appeared before the committee from time to time, claiming to have been in Alaska or to be interested in Alaskan affairs. Persons representing the interests which the Senator from Colorado [Mr. TELLER] so fervently urges here today were before the committee and in almost constant attendance, and appeared by attorney and in person. I can not perceive any impropriety in that, nor do I mention the fact that the interest which opposes this amendment was represented before the committee by attorneys. It is eminently proper that persons having interests in Alaska should appear before the committee having in charge the legislation relating to that district.

The bill was finally reported to the Senate, read, and placed before the Senate for amendment. The Senator from North Dakota challenged the wisdom and justice of section 73 of Title III of the bill. I am free to say that at the time he drew attention to that section it had not challenged my attention as calculated to confirm shady or doubtful titles or to give rights where none existed under the law. It seemed to me when he drew attention to the section, however, that it should be stricken out, and, further still, that section 72 had no place in the bill.

Mr. TELLER. What section did the Senator say?

Mr. CARTER. Sections 72 and 73, Title III, of the bill.

Mr. TELLER. On what page of the bill are they?

Mr. CARTER. On page 469. The two sections objected to, which appeared in the bill as reported to the Senate, read as follows:

SEC. 72. Any alien may acquire and hold lands, or any right thereto or interest therein, by purchase, devise, or descent, and he may convey, mortgage, and devise the same, and if he shall die intestate the same shall descend to his heirs; and in all cases such lands shall be held, conveyed, mortgaged, or devised, or shall descend in like manner and with like effect, as if such alien were a native citizen of the district or of the United States; and any corporation incorporated under the laws of any State in the United States or of any foreign country not prohibited by law from carrying on business in the district may acquire, hold, use, and dispose of, in the corporate name, all real estate necessary or convenient to carry into effect the object of the incorporation and the transaction of its business, and also any interest in real estate, by mortgage or otherwise, as security for moneys due to or loaned by such corporation.

SEC. 73. The title to any lands heretofore conveyed shall not be questioned nor in any manner affected by reason of the alienage of any person from or through whom such title may have been derived.

In conjunction with this objection the Senator from North Dakota presented me a communication dated May 25, 1899, addressed to the President of the United States, which has been printed in part, but not entirely. I wish to have that read as a part of my remarks.

Mr. SPOONER. What is that?

Mr. CARTER. It is a communication addressed to the President of the United States, which will explain itself, and which has been, as I have said, partly printed.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary proceeded to read the paper.

Mr. TILLMAN. I inquire what is the document which the Senator is having read?

Mr. CARTER. This is a petition which the Senator from North

Dakota presented to me at the time he made his objection to section 73, to which I have referred.

Mr. TILLMAN. How comes it that it was sent to the President of the United States; and if it was, why did it not get to him?

Mr. CARTER. I presume that the President of the United States referred it, as such matters are generally referred, to the appropriate Department. Just how it was referred I do not know; but it is a matter which ought to have received the attention of the President, and I suppose has received his attention in so far as the Executive action could reach the situation.

Mr. TELLER. It was referred to a committee here for legislative action?

Mr. CARTER. It was handed to me by the Senator from North Dakota in conjunction with his objection to section 73, to which I have referred.

Mr. TILLMAN. I just wanted to know how it got here.

Mr. NELSON. If the Senator will allow me, I will state as a fact that this statement was printed as a part of Senate Document 272.

Mr. CARTER. As I have already stated, the paper was printed only in part; and I desire, if there be no objection, to have it read in full.

Mr. STEWART. I hope close attention will be paid to it, as I think it will be shown that none of the people who signed it speak of their own knowledge.

Mr. CARTER. I trust it may be received for what it is worth, at any rate.

Mr. STEWART. I should like to inquire of the Senator if he knows the distance of that locality, Council City, from Cape Nome by the ordinary route of travel?

Mr. CARTER. I am not able to answer the Senator's question.

Mr. STEWART. I understand it is between 150 and 200 miles.

Mr. CARTER. The paper, I think, is self-explanatory.

The PRESIDING OFFICER. The reading of the paper will be proceeded with, if there be no objection.

The Secretary resumed and concluded the reading. The paper is as follows:

COUNCIL CITY, ALASKA, *May 25, 1899.*

To His Excellency the President of the United States.

SIR: Your relator would respectfully represent and show to Your Excellency the following, upon the information and belief of the members of this association and upon the information and belief gained from the statements of other reliable and reputable citizens, viz:

First. That we are located and residing on the banks of the Neukluk River, a tributary of Fish River, about 50 miles north from Golovin Bay, on the north shore of Norton Sound, Territory of Alaska.

Second. About the 25th of April, 1898, gold was discovered in this section by a party of four men, consisting of A. P. Mandaunt, H. L. Blake, D. B. Libby, and L. F. Melsing. The report of such discovery was not fully circulated until late in the summer of 1898, and during that fall about 100 people came in and are wintering here. Since then rich discoveries of gold have been made in the surrounding country, notably in what is now known as the Cape Nome mining district, on the eastern shore of the Bering Sea. We believe these discoveries will attract from 5,000 to 10,000 people, and probably more, to this section between this and the 1st of the coming October.

Third. That five mining districts have been organized, viz, El Dorado, Discovery, Bonanza, Blake, and Cape Nome districts. In these districts some 2,000 mining claims have been located by the original 100 and other people who have come in from the Yukon and other places during the winter—probably 300 altogether.

Fourth. That the aforesaid H. L. Blake and one N. O. Holtberg made the first discovery of gold during the summer of 1898, in what is now known as Cape Nome mining district, and afterwards imparted the information of such discoveries to their supposed friends, H. P. Anderson and H. E. Carlson, the Swedish missionaries, respectively, at Golovin Bay and Unalaklet, and it was agreed between them that they would return to said district together at a later date and organize a mining district. The aforesaid missionaries, disregarding their promise, secretly and clandestinely and unknown to the said Blake, organized a party consisting of E. Lindbloom, E. Linderberg (who is employed by the United States Government in the care of the reindeer station at Eaton), W. C. Price, and E. N. Kittelsen, and 12 Laplanders (whose names are unknown) in the United States Government employ, and sent them to Cape Nome to locate mining claims in the aforesaid Cape Nome mining district and organize the same, and they did so locate many claims and organize said district. That at such meeting to so organize said district there were present 4 white men and 2 Laplanders, or "half-breeds," who were not citizens. That at such meeting a by-law (so called) was passed allowing one person to locate placer-mining land and lode claims as agent for another by power of attorney, and since then hundreds of claims have been located by power of attorney for persons absent; and such powers of attorney have been recorded, together with the notice of the locations made thereunder, and the persons making such locations are now claiming said lands as bona fide locations.

Fifth. That a large number of the so-called powers of attorney under which the aforesaid locations have been made and so recorded are fraudulent, the same never having been signed by the persons by whom they are purported to be signed, but were written out and the names of the principal and witnesses thereto forged to such powers of attorney. In many instances locations would be made during the day and the powers of attorney written out and the signatures forged thereto to fit and correspond with the locations made during the day. That the greater part of the powers of attorney so used in locating are signed by the principal and two witnesses, but such signatures were never acknowledged before any officer competent to take and certify acknowledgments, and were never stamped with United States internal-revenue stamps, as required by law. Your relator believes that all so-called powers of attorney are illegal and incompetent, and any locations made thereunder of the United States mineral lands illegal and void and are fraud. Your relator also believes that it is the intention of many of the persons so making such illegal locations under fraudulent and incompetent powers of attorney to hold possession of the land and mine the gold therefrom without paying the United States Government therefor in good faith, as provided and intended by law.

Sixth. That it is the belief of many persons that the law does not give the right to locate and claim the public mineral lands of the United States to an individual acting through or by an agent by power of attorney, and they are desirous of contesting such right in a court of competent jurisdiction. And your relator further believes that the only court of competent jurisdiction in Alaska to try and adjudicate such question and the question of land and mineral rights therewith under the law of May 17, 1884, is the United States district court at Sitka, which is some 1,500 to 1,700 miles distant from this location and is, by reason of the rigorous climate, wholly inaccessible for the nine winter months and almost so during the three summer months, by reason of the distance and poor and irregular means of communication with Sitka, where said district court is held.

Seventh. That one Lieut. E. S. Walker, of Company —, Eighth Regiment, is in command of the military forces of the United States at St. Michaels, in said Territory, and of the military reservation under control thereof. That the said E. S. Walker has actively engaged in locating mining claims himself and by having agents locate the same for him by powers of attorney, and he now owns and claims and is interested in a large number of locations of claims so located (nearly all of them being located by agents), a list of which claims he owns or is interested in in El Dorado and Discovery mining districts is attached hereto and made a part hereof. Relator is informed and believes that he is also largely interested in many claims in other districts, the title to which is in question, and are of the same nature.

Eighth. That one L. B. Sheppard is the United States commissioner for the Territory of Alaska and for the district of St. Michaels, and as such is also ex officio justice of the peace, with the jurisdiction and powers conferred by the Oregon statutes where not in conflict with the United States law, and the said Sheppard has also actively engaged in locating mining claims by agents, by powers of attorney, and now owns and claims and is interested in a large number of claims so located; that the said Sheppard is also interested in a large number of claims located by Laplanders, who are in the employ of the United States Government, caring for its reindeer, and are under contract to be returned to Lapland at the expiration of five years from the date of said contract; that Laplanders are of the Mongolian race and are prohibited from claiming and locating the public mineral lands of the United States. A list of the claims in which the said Sheppard owns or is interested in El Dorado and Discovery mining districts is hereto attached and made a part hereof. The said Sheppard is also interested in a large number of claims in the other districts, the title to which almost wholly rests upon the question of the validity of locations by powers of attorney.

Ninth. That persons believing such locations, in many instances, to be illegal and void, and in other cases fraudulent, and being desirous of contesting the same in a court of competent jurisdiction have, in several instances, relocated the ground so attempted to be located fraudulently.

Tenth. That the said E. S. Walker and L. B. Sheppard, upon learning of such action, as your relator is informed, became fearful of losing a large number of their claims, and knowing of the isolation, the difficulty of the people here to reach Sitka, where the district court is held, conspired together and agreed between themselves and a certain number of the claimants whose supposed rights were to be contested, that the said Sheppard, acting as a justice of the peace under the Oregon statutes, would assume to have jurisdiction to try and pass upon the question of the right of an individual to locate the public mineral lands of the United States by an agent by power of attorney and to try the questions of land and of mining rights mixed therewith, and that a number of suits were to be commenced by said claimants involving such questions, and that he (Sheppard) would, as judge in such cases, decide that locations so made were legal, and thereupon give judgment for the plaintiffs, and that if defendants in any way disobey the judgment of said court so given, then the military forces of the United States under command of the said E. S. Walker would arrest and imprison any person so disobeying the action or judgment of said court; that under pretense of accommodating the litigants in such actions the said court was to be held at Golovin Bay, about 200 miles from St. Michaels at which place some of the "to be" plaintiffs resided. As an excuse that the United States military forces should appear at that place, it was arranged that a petition should be circulated and signed.

Accordingly such petition was prepared by those interested and secretly circulated and signed. But some six or seven persons signing knew of it in Council City (where there were about 125 people), the other signers residing at Golovin Bay and other places distant from the mine. In response to said petition so prepared as agreed among themselves, court was to be held at Golovin Bay. And during the latter part of January or the first part of February, 1899, the said E. S. Walker caused to be posted throughout the different districts notices announcing that L. B. Sheppard would hold court at Golovin Bay on or about March 5, 1899. And about that day he did so appear at that place, accompanied by a squad of seven soldiers under command of Lieut. O. L. Spaulding, jr., and on March 7, 1899, suits were commenced at that place in Sheppard's court by H. P. Anderson *vs.* O. J. Comtois, N. O. Holtburg *vs.* A. P. Mordaunt, J. L. Hagelin *vs.* J. L. Wilson, and the appearance of said defendants was fixed for March 20, 1899.

Different questions of law and fact were at issue in said actions, and the question of the right to locate public mineral land of the United States by agent and by power of attorney, and rights to land and of mining rights were involved in all said actions. The trial thereof lasted from March 20 to March 23, and all three actions were at once decided by said Sheppard in favor of the plaintiffs aforesaid. Defendants requested a jury to try said actions, which was denied by the court. And during said trials every motion or objection made by plaintiffs' counsel was granted or sustained, and every motion or objection made by defendants was overruled or denied. It was remarked by all present, except those interested with plaintiffs, that the trials were a "farce."

The following will illustrate the general proceedings on said trials: Defendants filed an affidavit setting forth that the judge (Sheppard) was interested and disqualified to try issues involved, on the ground that he was personally and largely interested in the result of the trials by reason of his holding a large number of mining claims, the titles to which would be affected by his decision on the questions involved in the case before him, and attached as "exhibits" powers of attorney given by himself and his stepdaughter; that he held a large number of mining claims located thereunder, etc., the titles to which would be made good if his decision in said actions was given to plaintiffs, etc. He was slow, or did not seem to know what form of order to make. When plaintiff's attorney spoke up and said, "Judge, you want to make an order overruling that motion or objection," the judge responded by saying, "Yes; I overrule this motion."

While the said Sheppard was in Cape Nome mining district, a few days previous to said trial, he informed a gentleman there that he would decide the case of Anderson *vs.* Comtois in favor of plaintiff, Anderson; and also previous to said trials, and while at Golovin Bay, he said to another gentleman that "he had come over to stop claim jumping," as he called it. Immediately upon the conclusion of said trials Lieut. O. L. Spaulding, jr., called all the aforesaid defendants and one L. F. Melsing into his private room and informed them that if they or any of them did not respect and obey the decision and judgment of the court in said actions he would arrest and confine

them in the guardhouse and that he would arrest and confine any person hereafter who "jumped" a claim, and shortly afterwards, on the same day, to wit, on March 23, 1899, did arrest and confine one L. F. Melsing, and next morning, on March 24, 1899, he arrested and confined one "Jack" Watterson, and conveyed them to St. Michael, where they are still under arrest and confinement, so relator is informed.

Both of said persons are respectable and law-abiding citizens and large property owners, and were, at the time of their arrest, quietly attending to their own affairs at Golovin Bay and had in no way committed any crime nor in any way broken the peace. Such arrests were made without any charges being placed against them, and relator is informed that no charges have been placed against them. Each had before located a piece of land that had been attempted to be located by a Laplander, and which they believed was fraudulent, and they desired to contest his location thereof in the civil courts. At the time of arresting said Melsing, Lieut. O. L. Spaulding, jr., said to him: "If you will see Sheppard and arrange that matter with him, and either give him a bill of sale or abandon your claim to that land, I will release you; otherwise I will keep you under arrest." Mr. Melsing declined to do this. That was the only reason given for his arrest. The arrest of both of these parties was wholly without cause and without charges being preferred against them, and such arrest and detention by an officer of the United States Army was an outrage upon the rights of law-abiding citizens.

Eleventh. That during the time that the said L. B. Sheppard was at Golovin Bay he and one N. T. R. Hatch, attorney for the aforesaid plaintiffs, lived at the house of Plaintiff H. P. Anderson (and slept in the same bed), where the other plaintiffs were also, and they, together with Lieut. O. L. Spaulding, jr., and other friends of plaintiffs, were in almost constant consultation.

Twelfth. That to the trial of said actions it was common rumor in the community, and defendants were informed by different persons who were in a position to know the facts that it was arranged that they were to be "railroaded" by the court and judgment given against them, and they then to be arrested by the soldiers if they in any way disobeyed the said court.

Thirteenth. That we believe the aforesaid proceedings were had by said officers to prevent citizens from contesting the questions in the proper courts by which the said officers as aforesaid and said plaintiffs are holding many and valuable tracts of Government mineral lands, they knowing full well the difficulties which citizens would have to encounter in reaching the proper courts, and hoping thereby that no contest would be made and they would thereby be enabled to hold their lands.

Fourteenth. That on or about the 15th of October, 1898, the aforesaid A. N. Kittelsen commenced an action against one Harry Campbell before said L. B. Sheppard, acting as a justice of the peace, and in such action the said Sheppard, contrary to law, issued a writ of injunction prohibiting the said Campbell from working his mining claims, and the said Campbell having no means of defending said action, and being ignorant of the law himself, was unable to defend the same and thereby caused great damage.

Fifteenth. That the said L. B. Sheppard is in the employ of the North American Trading and Transportation Company at St. Michael, and has at various times sold intoxicating liquors to the Eskimo and white men in violation of the law, and while so holding the office of United States commissioner and justice of the peace.

Wherefore your relator would respectfully ask that the said L. B. Sheppard be removed from the office of United States commissioner as aforesaid, and that such legal proceedings be instituted against him as provided by law; also,

That the said E. S. Walker be removed from the office of captain in the United States Army, and such other proceedings be instituted against him as the law and Army Regulations provide in such cases; and that Lieut. O. L. Spaulding, jr., be removed from office, etc.

That a United States land district be created for this section or portion of the district of Alaska, and that a register and receiver be appointed therefor, with their office at Anvil City, Alaska.

That your excellency recommend to Congress the passage of a code of laws for the district of Alaska; also providing for the creation of a judicial district for this section or portion of the district of Alaska, and the appointment therefor of a United States district judge to hold court and reside at Anvil City, Alaska.

J. L. WILSON,
President Law and Order League.
A. P. MORDAUNT,
Secretary.

EXHIBIT A.

Mining claims belonging to Capt. E. S. Walker, or in which he is interested, viz:

In El Dorado district, on Ophir Creek.—No. 19, above E. S. Walker; No. 1, below Sandallius; No. 2, below J. Kennedy; No. 3, below ——— Rielly.

In Discovery district, on Melsing Creek.—Rielly, Sandallius, Atchison, E. S. Walker.

We had an original list made in the handwriting of Capt. E. S. Walker, showing the above 4 claims on Ophir Creek, and 12 claims in Discovery, making 16 claims altogether. The original list has been lost, and this has been made up from memory to partially substitute it. He is also interested in many claims in the adjoining districts.

EXHIBIT B.

List of claims in El Dorado and Discovery mining districts, which L. B. Sheppard owns, controls, or is interested in, viz:

Claims on Melsing Creek.—Harry Buggee, Jim Dodson, D. H. Hall, J. H. Bush, J. G. Barrett, E. E. McGavacks, Ed. Fallon.

Claims on Ophir Creek.—Ed. Fallon, E. McDavick, J. H. Bush, J. H. Bouse, Joseph Domes, J. G. Barrett, J. H. Hall, Harry Buggee, L. B. Sheppard, S. Ivanhoff, S. L. Hansbrough.

Claim on Neukluk River.—S. L. Hansbrough.

The following claims on Proxy Creek (but by some oversight the location notices were not presented to the recorder in time): B. B. Earle, E. S. Echols, H. Buggee, J. G. Barrett, E. E. McGavack, J. P. Agnew, E. H. Hanson, Joseph Domes, J. H. Bush, J. H. Hall, J. W. Wilson, Ed. Fallon, W. S. Lane, L. B. Sheppard, W. M. Kidston, J. A. Greeham, Ed. Josle, E. Maynard, Harry Shalman, J. H. Buise.

At the foot of the list Mr. Sheppard makes the following note:

"Also some claims located by Mr. Hansbrough. Mr. Libby knows about this. L. B. S."

LAW AND ORDER LEAGUE, *Council City, April 10, 1899.*

We, the undersigned signers, being residents of Council City, Alaska, do associate ourselves together under the name of the Law and Order League.

The purposes and objects of the formation of this league are the enforcement and support of the law by all lawful and regular means; to prevent crime and preserve peace and good order in the community; protect the rights of its members and all law-abiding citizens.

A. P. Mordaunt, M. J. McDonald, W. T. Waters, H. Nitoch, Max Godette, D. F. Lane, H. Smieding, Geo. W. Bennett, F. Neustadt, R. L. Rice, E. F. Schumacher, M. Enright, N. L. Schmidt, J. B. Hart, Carl Tuhl, J. J. Frazen, Chas. Cook, A. Richter, J. H. Whitney, M. Myers, August Schultz, W. J. Jones, Wm. Page, A. Peterson, J. T. Victor, A. Schneider, J. L. Wilson, Dr. Kercher, C. Eiles, O. J. Comtois, Geo. Bunn, Harry Green, Julius Follett, J. C. Nelson, C. O. Russell, A. Wruck, H. Meinn, W. J. Dick, W. Neirsback, J. Fontaine, F. Osborn, C. L. Porter, D. E. Lepine, F. Heidrich, Louis Fiemeyer, John McDonald, N. R. Barge, W. E. Dean, C. F. Rydell, S. P. Bengtson, G. A. Diamond, S. B. Gleine, et al.

Mr. CARTER. Mr. President, it has been suggested in the course of the debate that the gentlemen, fifty in number, who signed this protest or who constitute this law and order league, are disreputable, and that the only really reputable people in that country are the few Laplanders and aliens who have not declared their intention to become citizens of the United States. The Senator from North Dakota [Mr. HANSBROUGH] urged that action by Congress confirming the title to the public domain in persons who had sought to acquire the title in the manner outlined in this protest or petition was not in accordance with fair dealing or good public policy.

These petitioners merely requested the privilege of being allowed to go into a court of justice. They requested that a court be established: they requested that a land office be established, to the end that their rights might be legally and regularly asserted. I do not pretend to say—indeed, I am loath to believe—that an officer of the United States Army, in collusion with Mr. Sheppard, the commissioner, proceeded, as outlined in this protest, to hold a court, deny a trial by jury, and adjudge the rights of these persons according to the interest of the court and the interest of the Army officer. There was, of course, no jurisdiction in the justice of the peace to try the title to the land. There was no right in common decency for this justice of the peace to entertain jurisdiction for a moment longer than was necessary to transfer the cause when these defendants set up the fact that he was directly and largely interested in the outcome of the suit. But it seems that notwithstanding the protest of the defendants, notwithstanding the denial of the right of trial of the issue by a jury, the Army officer is said, after the judgment had been rendered in this farcical proceeding, to have sent out for these poor men and said to them, "Unless you obey this judgment and submit to it now, I will arrest you and bring you down and put you in the guardhouse."

Later on it was said that the officer, having made the arrest, said to the persons arrested, "If you will now go to Sheppard"—the court, the commissioner, the Pooh-Bah of the district—"and give him a bill of sale of this property, I will release you." Of course these were high-handed proceedings, but, as I have said, I am loath to believe that any officer wearing the uniform of the United States became a party to such proceeding. But the memorial proceeds to say, and the statement is vouched for by 50 men, that this Army officer and his superior were themselves interested in the subject-matter of the litigation.

Mr. STEWART. I should like to inquire of the Senator from Montana, if it will not interrupt him, whether he believes any Army officer was ever guilty of the transaction that the relator states on information and belief.

Mr. CARTER. Army officers have sometimes under circumstances proven recreant to duty.

Mr. STEWART. Do you believe it? I do not believe a word of it.

Mr. CARTER. I am, as I have stated, loath to believe that this officer was guilty of the charge here preferred; but the truth or the falsity of the charge is so easy of demonstration that it is scarcely to be believed that these men would make the statement unless they were prepared to support it by the proof.

Mr. RAWLINS. Mr. President——

Mr. STEWART. I should like to inquire further of the Senator what on earth that has to do with the legislation proposed, if an Army officer or somebody else committed outrages, which I do not believe—this rigmarole? What has that to do with a bill to take one man's property and give it to another?

Mr. CARTER. I yield to the Senator from Utah.

Mr. RAWLINS. I should like to ask the Senator from Montana if it be not true that a regularly called meeting of the miners at Cape Nome, while they were in session, was dispersed at the point of the bayonet by the soldiers of the United States under the command of one of these officers, and that after they had been driven out of the meeting and were upon the shore they were still pursued and dispersed? I have this from very reliable sources, and I ask the Senator if he has not information to that effect?

Mr. CARTER. Information has reached me similar to that which the Senator from Utah refers to.

This matter, so far as the Army of the United States is concerned, must be subjected to a most searching and thorough investigation. It will not answer any good purpose to palliate or cover up such gross misuse of the Army power in remote parts of

our country. I can not believe that there will be a disposition anywhere to limit or defeat the purposes of an investigation looking to an ascertainment of the facts as the facts were brought into being from day to day in connection with this phenomenal find of gold.

The Senator from Nevada has suggested that he does not believe that an Army officer could have been guilty as charged by these memorialists. I sincerely hope that his unbelief may be verified by an investigation. That investigation will follow there need be no doubt, and the investigation will bring to these Army officers that just punishment which this outrageous conduct merits, if it is found that they are guilty as charged in this memorial.

Mr. NELSON. Will the Senator from Montana allow me to ask him a question right here? I will be very brief.

Mr. CARTER. Certainly.

Mr. NELSON. I see this memorial or petition is dated the 25th of May last. Has it ever been presented to the President? Is it addressed to him?

Mr. CARTER. I presume it has been.

Mr. NELSON. What action has the President taken in the matter?

Mr. CARTER. I understand that the officer who was there has been recalled, but what action is to be taken relative to proceedings by the War Department I am not advised. That proceedings should be taken either by the War Department or by Congress, to ascertain the truth of these charges, goes without saying.

Mr. PETTIGREW. I should like to ask the Senator if, after the soldiers had broken up a meeting of the miners, they did not prohibit the organization of a miners' union among the miners at Cape Nome?

Mr. CARTER. I understand from numerous sources, and have been advised by persons in whose veracity I have the utmost confidence, that the soldiers of the United States, under the charge of this same captain, did at Cape Nome disperse an orderly meeting of American citizens convened for the purpose of enacting wholesome and needed rules and regulations for the government of that camp.

Further still, certain members of this union or meeting were subsequently taken to St. Michaels, a distance of one or two hundred miles, and there lodged in jail, without warrant or color of law, and detained there for an indefinite period of time. If, as a fact, this officer in his own person by and through the troops of the United States on duty there engaged in the work of locating mining claims, of making powers of attorney, of grasping all the surface of that country he possibly could, then it follows as the night the day that the unprincipled officer who would engage in the business would do anything necessary to bring about the success of his operation. I do not pretend to make the charge, but the facts will out in time, and if guilt exists the guilty man may now begin to tremble.

It seemed only fair, Mr. President, that these people thus outraged under alleged forms of law, thus beset by the authority of the Army, thus abused by an alleged court of justice, should appeal to the President, and that their petition, when it reached the Senator, should appeal to his sympathy and his sense of right and justice. It will not answer now to say these men are entitled to no hearing because they are blackmailers, they are scalawags, they are jumpers. They are American citizens, so they state, and it will be a dark and evil day for this country when the badge of American citizenship will not be at least as good a cloak for protection as the ancient citizenship of Rome was in the days of that republic. An American citizen must not be thrown into prison ruthlessly by the Army officers of the United States and then denied a hearing in the American Senate upon the theory that he is a scalawag, without a hearing of any kind or character,

Mr. President, in order to give these poor men an opening into the courts of justice, the Senator from North Dakota [Mr. HANSBROUGH], to his credit be it said, moved by a high sense of duty to a distant body of his fellow-countrymen, men on an ice-bound coast 8,000 miles away, introduced the amendment which I will ask the Secretary to read.

The Secretary read as follows:

SEC. 73. That persons who are not citizens of the United States, or who prior to making location had not legally declared their intention to become such, shall not be permitted to locate, hold, or convey mining claims in said district of Alaska, nor shall any title to a mining claim acquired by location or purchase through any such person or persons be legal. In any civil action, suit, or proceeding to recover the possession of a mining claim, or for the appointment of a receiver, or for an injunction to restrain the working and operation of a mining claim, it shall be the duty of the court to inquire into and determine the question of the citizenship of the locator: *Provided*, That no location of a mining claim shall hereafter be made in the district of Alaska by any person or persons through an agent or attorney in fact, and all locations heretofore made by any person or persons through an agent or attorney in fact upon which $100 worth of labor or improvements had not been expended or made within ninety days first succeeding the date of such location are hereby declared to be null and void.

Mr. CARTER. Upon the presentation of that amendment to the Senate I felt called upon to say that in my opinion it went too far; that it proposed by legislation to affect conditions in existence and to declare null and void certain transactions which, if found in the court to be as stated, would be declared null and void by the court. But it did seem to me that one portion of the amendment was necessary to a fair determination of the rights of these miners and American citizens in Alaska—that is, to give unto them the right to go into the courts of justice and raise the question as the rights of the other parties to the suit. The reason for that position I will again briefly state.

Section 2319 of the Revised Statutes of the United States, adopted as a part of the mining bill in 1872, prescribes the qualifications of persons who may locate mining claims on the public domain. It reads as follows:

All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

In the Cape Nome mining country they could have no rules and regulations because it is alleged the Army of the United States dispersed the meeting. Now, under that statute a large number of cases were adjudicated, and these cases in the States and Territories held—

Mr. STEWART. I should like to inquire of the Senator whether they did not adopt rules and regulations and locate their claims long before the alleged controversy about miners' meetings arose?

Mr. CARTER. I will be thankful to the Senator if, while citing these legal authorities, he will permit me to proceed in a somewhat logical order.

The PRESIDING OFFICER. The Senator from Montana declines to yield.

Mr. CARTER. A long line of adjudications followed the enactment of this law. The Senator from Colorado [Mr. TELLER] claims that it was never held in Colorado that an alien who had not declared his intention could not locate a mining claim.

Mr. TELLER. I will say to the Senator I did not say that. I said there was a very important case in the United States court that held that, but that the court of appeals overruled it, and subsequently the Supreme Court of the United States overruled it.

Mr. CARTER. That being conceded——

Mr. TELLER. I do not mean to say there may not have been such an adjudication in the State. I mean to say, and he admits, that that is not the law now and has not been for many years.

Mr. CARTER. The Senator's statement relieves me from the necessity of reading from the Colorado authorities, and indeed——

Mr. TELLER. I should like to say to the Senator that I suppose it was considered the rule of law between the time the United States court decided it and the time the court of appeals upset it, because that really was the court that tried our mining claims, and that was the court to which we looked for the law. For a time undoubtedly that may have been the rule.

Mr. CARTER. Certainly.

Mr. PETTUS. Will the Senator from Montana allow me?

Mr. CARTER. With pleasure.

Mr. PETTUS. I will be greatly obliged to the Senator if he will read his authorities. It may be satisfactory to the Senator from Colorado, but we would like to hear them.

Mr. CARTER. I will read, then, from the case of The Golden Fleece *vs.* Cable Consolidated Company, found in 12 Nevada, 312. It was held:

An alien who has never declared his intention to become a citizen is not a qualified locator of mining ground, and he can not hold a mining claim, whether by actual possession or by location, against one who connects himself with the Government title by compliance with the mining law.

In the case of The North Noon Day Mining Company *vs.* Orient Mining Company, in 1 Federal Reporter, page 522, it was held that—

Under the act of Congress of May 10, 1872, relating to the public mineral lands, none but citizens of the United States and those who have declared their intention to become such can acquire any interest to such lands by location.

In the case of Tibbets et al. *vs.* Ah Tong et al., found in 4 Montana, page 536, the supreme court of Montana held, in an opinion delivered by Wade, who was chief justice and one of the ablest jurists that ever presided on a bench in this country, as follows:

That the right to locate and the right to possess a mining claim go together; that they are part of the same grant, and neither can exist without the other. If, therefore, the grant by assignment or conveyance falls upon an alien incapable of making a location, his possession is of no consequence, the possession being transferred to one who under the statutes is capable of becoming a purchaser from the Government. Such possession, being part and parcel of the purchase, is illegal and is equivalent to an abandonment, and opens the ground to location and possession by any qualified person.

In the case of Bohanon *vs.* Howe (17 Pac. Rep., 583) the supreme court of Idaho held that—

Under the act of Congress of May 10, 1872, only citizens of the United States and persons who have declared their intention to become such can acquire any right of possession, by location or otherwise, of mineral lands on the public domain.

In Lee Doon *vs.* Tesh (8 Pac. Rep., 621) this doctrine is announced:

> Persons who are not citizens of the United States or have not declared their intention to become such, can not acquire any vested right to the possession of a mining claim on United States public lands.

In Morrison's Mining Rights, ninth edition, a text-book published by an eminent member of the Colorado bar, I find, on page 245, under the subtitle of "Ownership of possessory title," the following:

> The terms of the mining acts (A. C., section 2319) throw open the public domain for mineral location only to citizens of the United States and persons who have declared their intention to become such. An alien, therefore, can not locate a mining claim.

Numerous authorities are cited. But these authorities, as I have heretofore stated, extend through the whole jurisprudence of the mining States and Territories until this point was reached, to wit——

Mr. STEWART. Will the Senator allow me a question right there?

Mr. CARTER. Certainly.

Mr. STEWART. If it is the law now that an alien acquires no rights, why does the Senator want this amendment?

Mr. CARTER. Mr. President, that question, in the light of what I am about to remark, will be fully answered.

Mr. STEWART. Why does the Senator want this amendment?

Mr. CARTER. In the course of time, after all these States had laid a solid foundation for their jurisprudence upon these established authorities, the Supreme Court of the United States reversed the rule—did not change the principle, but affected the remedy in this, to wit, it held that while an alien was not a qualified locator no power could raise the question of his right to possession except the sovereignty itself, the United States Government.

This rule of law laid down by the Supreme Court of the United States operates in practice to repeal the statutory provision of the act of 1872, which provides that none but citizens or persons who have declared their intention to become such may locate mining claims, the Government not being in position, with its multifarious business relations, with the numerous cases that are constantly arising, to institute inquest of office to ascertain who the trespassers on the public domain are. So that relegating the right to the Government defeats the purposes of the statute.

The amendment which I propose contemplates reaching this point, and I send it to the Secretary's desk to be read as a part of my remarks.

The PRESIDING OFFICER. The Secretary will read the amendment.

Mr. STEWART. Before that is read, I should like to ask——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nevada?

Mr. CARTER. I desire to have the amendment read, if the Senator will permit me.

Mr. STEWART. I should like to say——

Mr. CARTER. I would be glad if the Senator later would reply. We only want light.

The SECRETARY. On page 469 strike out sections 72 and 73 and insert:

> That nothing in this act contained shall be construed as changing the existing mining laws of the United States, but in any suit, action, or proceeding hereafter commenced involving the validity of an unpatented mining location on the public domain any party alleging an interest in the subject-matter may put the competency of the locator in issue, and the court shall determine whether the locator was a citizen or had declared his intention to become a citizen of the United States at the time the location was made.

Mr. STEWART. Will the Senator from Montana now allow me?

Mr. CARTER. I will conclude in a few moments, and I presume that I can get through more rapidly——

Mr. STEWART. I wish to call attention to a point as we are going along; that is all.

Mr. CARTER. I yield this time, with the understanding that the Senator will not do so any more.

Mr. STEWART. Very well. The Senator, as I understand, tells us that the Supreme Court hold that nobody can take advantage of the location of an alien but the Government; it must be office-found. It further holds, I would inform him, that if the alien declares intention it avoids forfeiture at any time. Now, upon that basis, that being law—and it has been the law for some years—when these investments have been made there is it fair to pass a retroactive law divesting title that is acquired under and in pursuance of the decision of the Supreme Court of the United States? Would that be fair? His amendment is certainly retroactive. Is it not? It will apply to all cases wherever they are brought before the court. It will apply to the question arising in any cases, and I ask him if it will not disturb many titles in that country. Does he know that aliens have not located many of the claims that are now being worked all along in southern Alaska? I am told they have sold them, and it will be impossible to ascertain whether they were aliens or not.

Mr. CARTER. Has the Senator concluded his question?

Mr. STEWART. Yes; I have concluded the question, but I may have to make some remarks about it and explain it before the Senator will understand it. I shall do that after he gets through.

Mr. CARTER. I shall expect it and would be glad to have the remarks made.

Mr. TELLER. Later?

Mr. STEWART. Yes; later.

Mr. CARTER. Now, Mr. President, with reference to the Senator's question, somewhat well drawn out, but still intelligible, notwithstanding the wilderness of words surrounding it, we do not take from any person any right under this amendment that he now enjoys. We put the statute of the United States into active operation so that it may be invoked by anyone who is injuriously affected by a transgression of the terms of the statute.

It will be seen from the authorities I have cited (and these authorities might be supplemented by the score) that up to a recent date it was uniformly held in the mining States and Territories that a party to a mining suit could put the citizenship of the opposite party in issue and have the issue determined. I have tried, I will not say hundreds, but certainly many cases under the mining statutes of the United States, and up to the time the Supreme Court reversed this rule (the first time it was squarely reversed was in the case of Manuel against Wulff, which I originally tried, which was taken on appeal to the Supreme Court from the State of Montana, where we raised the question) it had been generally accepted as the settled law that any party to an action might put the citizenship question in issue and require that the party claiming a right under a location should show that he was qualified primarily to make the location. In contemplation of law that requirement exists now.

I realize that the Senator from Wisconsin [Mr. SPOONER], as likewise the Senator from Colorado [Mr. TELLER], will invoke on terms of what is known as the alien land act of 1897. The provisions of that act so far as they might affect a mining location by an alien have never been construed, as far as I know. There is no doubt that under the terms of the statute of 1897 if a title was originally acquired by a qualified person making a location, as was the case in the Manuel *vs.* Wulff case, and then a conveyance was made to an alien, the title would not lapse or the land become abandoned because it passed to the alien. The Supreme Court held that distinctly, and held further that in that case the alien having appeared on the day of the trial of the issue in open court to declare his intention to become a citizen of the United States the right would relate back to the date of the making a delivery of the deed or the location, if location had been made.

This amendment would only affect those persons who would refuse, when challenged, to come into court and declare their intention. It would not deprive any human being of a right now possessed. It would change the remedy by extending it to the citizenship of the country instead of confining it to the sovereignty itself, which is equivalent to a repeal of the alien part of the statute of 1872.

Now, Mr. President, the Senator from Colorado meets this by saying these men who memorialize the President and whose memorial has become a part of the public records of Congress can not be heard in any court because he elects in a moment of temporary excitement to denominate them scalawags, claim jumpers, blackmailers. Grant it all for the sake of this argument, I say to the Senator from California [Mr. PERKINS], unjust and cruel toward these men as this language may prove, what is he to do with the vast army of American citizens who are now bound toward Alaska from all parts of the United States, going there hoping, with the mantle of their citizenship about them, to enjoy their birthright on the public domain.

Deny them the right to put in issue the capacity of a Laplander, or a Chinaman, of a Japanese, or a Korean, to hold a part of the mineral land of the United States? Yes; the Senator from Colorado would send them out there to meet all of Asia in open competition on land for which we paid money out of the Treasury of the United States, which is the common heritage of all the people of this country.

Mr. President, it will not answer for the Senator from Minnesota [Mr. NELSON] to come forward with a pitiful plea concerning the Laplanders from the ice-bound coast of Lapland, nor does it add much to say that their predecessors fought under Gustavus Adolphus, and that they are good Protestants, and therefore we ought to relax the laws.

Mr. PLATT of Connecticut. Good Republicans.

Mr. CARTER. And good Republicans as well. I suppose they are sure of the here and hereafter in consequence of that combination. But, Mr. President, we have good Republicans and good Protestants who are American citizens or who have declared their intention to become such, and for their rights I insist just attention shall be given.

To the Senator from Minnesota I have freely said, if as a fact, in the absence of fraud, with good and honest intent, these Norwegians and Laplanders, with a mistaken sense of official power,

went before the United States commissioner and declared their intention to become American citizens, we will cheerfully cure the defect which exists because of the incapacity of the officer before whom they appeared to receive the declaration. But in this demand for mere remedial legislation to affect a few there is no legitimate justification for throwing open the entire domain of Alaska to all the people of all the countries in the world without challenging their right, or giving anybody the power to challenge their right, to go in and contest the ground with our own people.

This is not retroactive legislation. From the day the alien made the location he knew that he was making it in violation of the statute of the United States, and the only question of concern to him is who shall raise the question of his right to hold it. He has no right.

But this amendment is made to operate as to actions commenced in the future. It does not relate to actions pending. The amendment is fair, it is just, and it leaves but one question for the Senate to determine: Will we, in the future, with the judgment of the Supreme Court in practical operation nullifying the terms of the statute by leaving the power in the Government alone to raise the question of citizenship, now meet the situation by providing that litigants in the future shall, as they have in nearly all the history of the past, raise the question of citizenship in the trial of their suits? It seems to me that this is a remedy of the right to assert a defense extended; it is not creating a new defense.

I do not wish to comment at length upon the remarks of the Senator from Colorado [Mr. TELLER] yesterday evening: I have heard it said that sitting down the Senator is one of the mildest mannered gentlemen in the world; standing up he is one of the most ferocious. He had one of his ferocious streaks on hand yesterday evening. His better and calmer judgment, I am very happy to say, led him to eliminate from the RECORD some statements which I am glad I did not reply to yesterday evening. The position of the Senator from Colorado in this Chamber at this time is a position which any Senator may take without tarnishing him or justifying any man in questioning his motive. I will not proceed to name the men who have importuned me to take the same position. Speaking of lobbies, these poor fellows, bound in by the snow in Alaska, held by the ice of Bering Sea, are voiceless in this Capitol. They are just plain American citizens out on the frontier. The opposition to this amendment, and the demand for a ratification of these spurious and questionable titles, proceeds from the speculator who went into Alaska, rounded up these questionable claims, and now comes down here and wants us to turn them into ready cash. I for one do not believe in doing that. Let us have fair play for all hands.

The mineral treasures of this continent were discovered by a hardy, splendid, high-minded, worthy body of men. The Senator from Colorado can not for one moment outdo me in paying a tribute of respect to the men who on lonely mountain sides and down in the deep, dark recesses of caverns and canyons of the mountains have uncovered the wealth that has been pouring into the Treasury of the United States and to its people since 1849. They were the trail blazers. They penetrated the Rocky Mountains. The Senator from Alabama [Mr. PETTUS] knows the class of men they were. He was of them. They were not aliens. Those prospectors are not here asking that we shield them from question.

The Senator from Colorado speaks of the splendid camp at Cripple Creek, and I will guarantee him to-night that not a single alien ever located a claim at Cripple Creek, and no alien would be permitted to locate a claim in that mining camp. No Chinaman can locate a claim there and maintain himself. There is something in the imperial power of regulated public opinion which sometimes transcends the judgment of court and the written law itself.

But out in this icebound country of Alaska that splendid public opinion has not yet crystallized into such form as to make it effective. We, therefore, must put into the hands of our citizens the right to question the Chinaman and the Japanese and the Laplander who seeks to deprive them of their birthright, the right to explore and locate claims on the public domain of the United States.

I am for the American miner, Mr. President, whether he be a citizen or a person who has declared his intention to become such. As between these two classes and all the world I believe our duty is plain. We have nothing to give away to those people who think not enough of us or our institutions to declare their intentions to become citizens and to support the Government in the hour of its peril.

Not long ago the people of this country were given a lesson as to these vampires who come into and attempt to draw sustenance from the body of our people and the productiveness of the country. Along in the dark days of the war, both North and South, we found these fellows sneaking out, claiming that they were British subjects, or subjects of Russia, or some other country. After coming up and enjoying the splendid prosperity of the country until the day of trial came, they left us then to our fate, and took their goods away.

The man who will not declare his intention to become a citizen of the United States is not entitled to locate a mining claim on the public domain under the statute, and we should give every citizen of the country whose interest is injuriously affected by him the right to raise the question. That is all there is in this amendment.

Mr. SPOONER obtained the floor.

Mr. STEWART. Mr. President, I wish to call attention——

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. SPOONER] is entitled to the floor.

Mr. SPOONER. I yield to the Senator from Nevada.

Mr. STEWART. I wish to call the attention of the Senator from Montana to the pleadings in this case. He has been trying so many cases outside of the pleadings that it seems very proper that we should take a little view of where we stand. In the first place, we have the affidavit of the recorder, Mr. Kittelsen, who is vouched for by Senators here as a gentleman of undoubted veracity. He makes a short affidavit as to the inception of these claims. He was not a hundred miles or two hundred miles away. He does not appear here as a relator; he does not tell a lot of sensational stories, for which nobody can vouch. He does not implicate Army officers or anything of that kind. There is no scandal in his affidavit. It is as follows:

DISTRICT OF COLUMBIA, *City of Washington, ss:*

Albert N. Kittelsen, M. D., being first duly sworn, on oath says that he is a citizen of the United States, and has been a resident of the Territory of Alaska since 1896; that he arrived at Cape Nome, Alaska, about October, 1898; that prior to that time there were three men located at Cape Nome; two of them were Swedes by birth, but had been in the United States some ten to fifteen years; the third was a Norwegian. Two other persons went there with me; one of them a Laplander and one an American citizen.

The Laplander had declared his intention to become an American citizen in the early spring of that year, and his declaration was filed before L. B. Shepherd, who was a United States commissioner at St. Michaels. The six persons who were then at Cape Nome located claims; some of them had located previous to our arrival. We then formed a mining district and adopted rules and regulations under the laws of the United States. I was elected recorder.

A few weeks after that miners from the surrounding country commenced coming in, and during the following winter the number rose to between 200 and 300. I recorded all their claims, and in every sense was recognized and acted as mining recorder. The first Laplander located three good claims—one for himself, one for his brother, and one for an associate, who arrived soon after and took possession and worked the claims. These Laplanders worked their claims during the working season of 1899, and sold out to Mr. Lane in the fall of 1899.

One Norwegian located claims on about six different streams and has been in possession of them ever since. The claims of these Laplanders, while they were in possession and working them, were located by other persons called "jumpers."

Later on the claims of the Norwegian were relocated by "jumpers" and recorded by me, because it was my duty to record all claims presented for recordation. I was so instructed by the judge of the district court.

In the summer of 1899 three lawyers located themselves at Cape Nome, whose names were Hubbard, Beeman, and Hume. These relocators, although they did not take possession or work upon the claims they relocated or "jumped," employed Hubbard, Beeman & Hume as their attorneys. Mr. Hubbard, of the firm of Hubbard, Beeman & Hume, an attorney for the relocators, is in the city of Washington. I met him on the 5th of this month in the committee room of Senator HANSBROUGH.

I have no interest whatever in any of the "jumped" or relocated claims, either as original locator or relocator, and no private interest that would be affected by any of the proposed legislation.

ALBERT N. KITTELSEN.

Sworn to and subscribed before me this 6th day of April, 1900, at Washington, D. C.

[SEAL.] ELKANAH N. WATERS, *Notary Public.*

That is the truth from a man on the ground. He does not tell a lot of roundabout stories about military officers and such sensational stuff. He is not pleading in the interest of jumpers. I want to call attention to these pleadings. The Senator from North Dakota [Mr. HANSBROUGH] presented an affidavit here of a man by the name of Hubbard, of the legal firm of Hubbard, Beeman & Hume. He is one of the men who made up these pleadings. I read from the affidavit made by him:

DISTRICT OF COLUMBIA, *City of Washington, ss:*

Oliver P. Hubbard, being duly sworn, on oath says that he is a citizen of the United States, an attorney at law, engaged in the practice of his profession at Nome City, in the Cape Nome mining district, district of Alaska, United States of America; that he first went to Alaska in the spring of 1898; that he is a member of the law firm of Hubbard, Beeman & Hume, of Nome City, Alaska; that the members of the firm are Edwin R. Beeman, formerly a practicing attorney of Minneapolis, Minn., and William I. Hume, formerly a practicing attorney at Portland, Oreg., and this affiant, formerly a practicing attorney at Chicago, Ill.

Affiant says that the firm of Hubbard, Beeman & Hume are attorneys in a number of mining suits now pending in the United States district court for the district of Alaska; that among others are suits brought to recover the possession of certain mining claims alleged to have been staked by alien Laplanders; that these claims were located by American citizens in the months of November and December, 1898; that all of the alleged Laplander and alien locations were located by American miners in the fall of 1898 and the winter of 1898 and 1899; that among the miners who made such locations were Louis Melsing and John Waterson; that these two miners located claims on Anvil Creek, in said Cape Nome mining district, which, it is alleged, were theretofore located by Laplanders; that, on or about the month of March, 1899, Melsing and Waterson were arrested at Chenik, a point on Golvin Bay, and carried to St. Michael under arrest, the arrest having been made by the military authority, the troops being under command of Lieutenant Spaulding, who was acting under instruction from Capt. E. S. Walker, in command at Fort Get, etc.

Those are the men who located. Their affidavits will show that Mr. Lane bought some of these locations, and it was sought by

lawsuits to take Mr. Lane's title, which was perfect. He had a right to buy them. Everybody understands that. A large amount of money had been expended, and the people who are represented here by Mr. Hubbard merely had their claims recorded. They have expended no money upon them; they discovered no mines. They could wait until after mines were worth millions of dollars, then have their pick of them, lie about mining camps, pick out the good claims, and try to find defects in the titles. They belong to a breed of jumpers who have infested every mining camp for the last fifty years. They would not relocate a poor claim. The Laplander, or whoever it was who found it, developed it and proved it to be valuable, and then they could record a notice; and their attorney comes here and claims that original locators were not American citizens.

Every one of them had attempted to declare his intention to become an American citizen, and this proceeding is to take advantage of the defect in the declaration of the Laplander, who went before the commissioner in good faith and supposed he had complied with the requirements of the law. That Laplander, even if he had not declared his intention to become a citizen, under the decisions of the Supreme Court of the United States could now declare his intention and it would relate back. It is the law that an alien shall not be disturbed of his bona fide possession of real estate until office-found. That is not only national law but it is international law. Courts will not allow an alien to be robbed of his property. It is the universal law, as laid down by the Supreme Court and decided over and over again, that after suit is brought a party may declare his intention to become a citizen and the suit will abate. That was before the act of 1897, passed for Alaska, which in so many words declared that an alien might locate mining claims having title in that way.

Now it is proposed that if suit is brought, the question shall be presented to the court whether the original locator had a right to locate. That question can not now be raised. It ought not to be raised, and his citizenship ought not to be put in issue.

You can hardly imagine how far this will go. There are thousands of claims in Alaska. Undoubtedly aliens have located and sold their claims, and there are thousands of lawsuits that could be readily manufactured as to such cases. When a suit is brought a witness will come forward who will swear that he knew the man in Italy, and that he was an Italian; or he knew him in Germany, and he was a German; or he knew him somewhere else. Such a course would open all the titles in Alaska. The courts have never allowed such a thing to be done in all history, and no civilized country has ever allowed such a rule to prevail with regard to real estate. When the Government has sold the property of an alien the proceeds are awarded to the alien. The courts never disturb an alien in his property in any civilized country without returning him the proceeds or giving him an opportunity to sell.

Such harsh laws are against the spirit of the age; they are in direct conflict with the laws of the United States and the decisions of the Supreme Court of the United States. If the policy now proposed should prevail in this case, it may be that a few hundred thousand dollars will be taken from those who have honestly bought the claims and are now working them.

I say the law should protect the men who discover claims. The gang who go around and file on them and record them are a pestiferous gang. They are not regarded in any community as good citizens, never have been, and never will be. The language of the Senator from Colorado [Mr. TELLER] was not strong enough in regard to that class of men. The community frowns on them; they are regarded as the worst of men. They go about and pick flaws in titles, make locations, and get up pestiferous litigation.

This is what Mr. Hubbard is here doing; and this roundabout story of the military officers and all that is gotten up by a man who is a relator and who makes his statement on information and belief. Who he is and what his responsibility is nobody knows. He does not state one word on his own knowledge. He states simply that he was there; that these claims were recorded, worked on, relocated, and records made. Such men, who never do any work upon the claims, now come here and ask Congress to change the law and to give them rights to which they are not entitled. I say we should not take the property of these men away from them.

Mr. SPOONER. Mr. President, the Senator from Montana [Mr. CARTER] made, as is his wont, a very eloquent speech. It sounded well in the Senate, and it will read well in Montana and in the Western country. But I hope the Senator will not think me wanting in due deference to him if I say that the greater portion of that speech has little, if anything, to do, in my judgment, with the question before the Senate.

If any officer of the United States Army has perpetrated an outrage upon the miners in Alaska or elsewhere, I agree with the Senator from Montana that he should be dismissed the service. I am not ready, however—and I take it the Senate is not—to pass judgment of condemnation upon any officer of the United States Army without giving him a hearing. The men who sign this so-called relation or narrative or petition—there are but two who sign it—indict too many people, Mr. President. They charge upon one captain in the Regular Army a course of procedure which, if true, would put him not only out of the Army, but beyond the pale of decent association. They charge not simply that officer with fraud and oppression, but they charge another officer of the Regular Army with conspiracy and participation in the outrages which they recite.

That officer is a son of the Assistant Secretary of the Treasury, Mr. Spaulding, of Michigan. I met him once. He looked like a gentleman and a soldier; and I have been told during this session of Congress and before this question arose in the Senate that he is a gentleman, as most officers of our Army are gentlemen. It will not do to ask the Senate to pass a condemnatory judgment on officers of the Army upon any such statement as this. These officers, however, can be investigated. I am in favor of an investigation; and if they have violated the law, if they have oppressed men in Alaska, they will be punished for it. That, however, has nothing to do with the question whether the Senate should adopt the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH], or the amendment, almost equally vicious, in my judgment, proposed now as a substitute for it by the Senator from Montana.

They charge also in that memorial, or relation, a large number of locations by fraud and through forgery. Mr. President, that statement may be true or it may be false. I think the Senator from Montana will agree with me that, if it be false, the remedy of the men who suffer from it is not to be sought in retroactive legislation by Congress, but can be found easily under the provisions of this bill in the courts to be established in that Territory. This bill provides for several courts in that Territory—not justices' courts, not courts held by commissioners, but courts held by judges appointed by the President and confirmed by the Senate, with all the jurisdiction requisite to enable them to make proper investigation, all of the parties being in court, and to render appropriate judgment, with the right of appeal to the losing party. I suppose the Senator from Montana will agree with me that if citizens of the United States attempt to locate claims fraudulently upon mineral lands, the parties litigating the validity of those claims have a right in any court to attack the validity upon that ground.

This question of the right of the individual to challenge the validity of location and title does not go at all to the question pending before the Senate. We give them courts; they are open to them, and if forged location papers have been made up there they will be set aside; if locations fraudulent in any way have been made they will be set aside, because fraudulent locations made by American citizens are not protected by the law any more than would be fraudulent locations made by aliens, if they are permitted by the law. It is not necessary in order to protect men in Alaska against forged powers of attorney, against fraudulent mining locations, that the Congress of the United States should change the law, and make it retroactive in a way not only to give undue advantage to litigants in such cases, but to deprive honest men, who have acted in good faith, of rights which ought to be protected. So that has nothing to do with the question before the Senate.

Nor was it necessary, although in its language it was eloquent, for the Senator to defend so warmly the motive of the Senator from North Dakota in proposing his amendment. I have heard no impeachment of his motive. It certainly never has entered my mind to doubt for a moment that he acted in perfect good faith. In what I have had to say and shall have to say against the amendment, I direct myself entirely to the merits of the proposition which he presents here, without in any way whatever suggesting or dreaming of any want of good faith upon his part in offering it.

Mr. President, the Senator from Montana says he is for the American miner. He wishes to confine the power of location of mining claims to the American miner. That is a question of policy. It is a question certainly open to debate. It is a very large question, and the mere jingling of words about citizenship does not solve it or help to solve it. All American miners are not digging for gold in American territory by any means. Thousands of them have gone into Canada, into British Columbia; thousands of them are mining now in British Columbia, permitted there to mine as freely, and under the same conditions, as I understand, as the subjects of Great Britain are permitted to mine there; and it is a question, I think, which the Senate ought to consider—Canada being divided from us only by an imaginary line, thousands of our people having sought the gold fields there, and being permitted freely the same rights under their mining laws as are permitted to British subjects—whether we should enact now a law excluding all miners, including subjects of the British Empire resident in Canada, from locating and holding mining claims in the United States.

Millions upon millions of dollars have been invested by Americans in Canadian mines, which are being worked by them now. Senators ought not to forget that we can not expect the Dominion

parliament or the governing body of any country to treat Americans with any greater liberality in respect to mining than we treat their subjects. We invite, by such a proposition as this, retaliation. It is hardly to be supposed for a moment, if we refuse permission by an act of Congress to Canadians to come into our territory and mine for gold, that they will leave open the door for American miners to go into Canada, into British Columbia, and mine for gold. It is too much to expect. The American miners interested in Canada are entitled to some protection, and I think there is danger that the Senator's proposition, if enacted into law, may very greatly injure American miners who are at work beyond our border. At any rate, it is worth considering.

We might limit this right, if we chose to do it, to the Canadians; we might exclude the subjects of other governments if we chose; but the proposition made by the Senator from Montana is at least worthy of consideration and worthy of some question in the minds of Senators.

But, Mr. President, what is this proposition? It is a proposition which, if I read it aright, is abhorrent to every fair-minded man and one not called for by anything in the situation so far as I have listened to the debate upon this bill. It is a proposition to enact retroactive legislation, which will affect the rights of men far away and unheard in this tribunal. Civilized legislatures are not in the habit of enacting such legislation.

The Senator from Montana says that his amendment takes away no right in any miner which now exists. I think the Senator is mistaken. I think his amendment does declare a new rule and does affect rights which it seems to me do exist. It provides—

That nothing in this act contained shall be construed as changing the existing mining laws of the United States—

I care nothing for that. I do not criticise that—

but in any suit, action, or proceeding hereafter commenced—

The Senator from Nevada [Mr. STEWART] read an affidavit or statement showing that a number of suits are now pending in which, under the law as it now stands, the complainant or the plaintiff, whatever the designation may be, is not permitted to challenge the title of a defendant upon the ground of alienage, that right under the decisions of the Supreme Court, and that right under the act of 1897, belonging solely to the Government. It was the common law of England. No one but the King had the right to challenge the alien's right or power to hold land. How easy it would be, changing the rule which now exists under the decisions of the Supreme Court and which now exist under the statute, even as to the controversies now pending, to withdraw those suits and bring them again, in which event they would be "hereafter commenced;" and we would in effect have enacted legislation, without looking into the merits of the pending causes, changing the rule of law as to pending cases, and perhaps, Mr. President, depriving men of rights which it certainly was not the purpose of Congress to deprive them of.

Nor is that all there is in the Senator's amendment. The Senator's amendment, as I understand it, takes away rights, if it be possible for Congress to do it, which now exist in more respects than one—

in any suit, action, or proceeding hereafter commenced involving the validity of an unpatented mining location on the public domain, any party alleging an interest in the subject-matter may put the competency of the locator in issue, and the court shall determine whether the locator was a citizen or had declared his intention to become a citizen of the United States at the time the location was made.

As I understand the law now, the alien ownership can only be challenged by the Government. That, I believe, is admitted by the Senator from Montana. That is repealed by this proposed amendment. As I understand the law now, and I think I can not be mistaken about it, if the Government in a suit to escheat upon the ground of alienage brings the claimant into court and it shall appear that the locator of the claim or the owner of the claim is an alien, there is not, of course, judgment of escheat, but the statute provides that the alien may declare his intention to become a citizen of the United States pendente lite; and if he shall declare his intention to become a citizen, it relates back and validates his claim and gives him an express statutory right to perfect his title even to patent. I think that is taken away by the Senator's amendment. I think it would be regarded as a repeal of that part of the act of 1897 which confers this right upon the alien owner of mining lands or of other lands in the Territories of the United States.

If this be a good rule to adopt, I ask the Senator from Montana why does he limit it to Alaska? Why is it proposed to leave the common-law rule declared by the Supreme Court of the United States and crystallized into the act of 1897 as to the alien ownership of land in force in all the Territories of the United States except Alaska?

Mr. CARTER. I call the Senator's attention to the fact that the amendment is applicable to the public domain, whether in Alaska or elsewhere.

Mr. SPOONER. If the amendment is applicable to the public domain, what business has it in a bill providing a civil code for Alaska?

Mr. CARTER. It meets the Senator's objection.

Mr. SPOONER. If a proposition revolutionizing the law of the United States, well considered, well safeguarded, liberal, and just, is to be enacted, why not bring it in here as an independent bill and let it be discussed upon its merits, freed from the environment which seems to surround the proposition which we consider here as an amendment to the Alaska bill? It has no business here, and no reason has been given why Congress should enact a rule upon this subject peculiar to Alaska or why Congress in the Alaska civil code should enact a change in the mining law applicable throughout all the Territories of the United States. I do not understand this attempt to legislate for all the Territories of the country in this civil code of Alaska.

That is not all there is to it. The act of 1897 provides that where the Attorney-General brings escheat proceedings challenging the right of an alien to hold land—mining or agricultural lands—as I said, he may perfect his title; he may qualify himself to hold, pending the suit, by declaring his intention to become a citizen of the United States. But that is not all. The act of 1897 provides that if he failed to declare his intention to become a citizen of the United States; if he preferred to maintain his allegiance to the Queen of Great Britain, if you please; if he was not willing to part with that allegiance in order to continue to hold the mining claim, it could be sold at public auction, not turned over to some jumper, not turned over to some adverse locator, but it should be sold at public sale and the proceeds of that sale, after deducting the expenses, should be paid over to the alien.

So, if he had discovered a mine, and if he had invested his money in it, if he had expended his labor upon it, if he had developed it so that it was of value, it should not be taken away from him at the suit of the Government of the United States simply upon the ground of alienage, but that if he were not willing to change his allegiance, he should cease to hold it; it should be sold under a judgment of escheat, and the money should go to him less the expenses. That is repealed by this proposed amendment, artistically drawn and simple apparently; and I know the Senator is perfectly sincere in his proposition about it.

There is another thing about this amendment. It says:

Had declared his intention to become a citizen of the United States at the time the location was made.

That either means this or it means nothing: If, in the case it shall be determined that he has not declared his intention to become a citizen of the United States before he made the location, his location is void, taking away from him, as I have said before, this right to declare his intention subsequently and qualify himself to hold the land.

Mr. NELSON. Will the Senator from Wisconsin allow me to call his attention to the fact that while the amendment purports to relate to suits commenced in the future, those suits may involve any location?

Mr. SPOONER. I was about to speak of that. It refers to suits hereafter commenced. I have already called attention to the fact that the suits now pending may be dismissed and hereafter commenced even in another form, and in that way entirely evade that part of the Senator's amendment.

Why should it apply to suits hereafter commenced to test the validity on this ground of locations made before the passage of the act?

Mr. CARTER. Will the Senator from Wisconsin permit me?

Mr. SPOONER. Certainly.

Mr. CARTER. The first proposition, the one made by him just prior to his last, is strictly correct. The language was intended to provide without quibble or question that a locator must, as a prerequisite to his right to locate a mining claim on the public domain of the United States, declare his intention to become a citizen, if an alien at the time, to give him a legal qualification to act.

With reference to the last proposition presented by the Senator relative to suits, unquestionably in suits hereafter commenced, locations heretofore made could be assailed under that amendment; but it must be borne in mind that two legal propositions exist. First, that the Government can now question the right. We extend the right to raise the question of citizenship. Second, that an alien locator can not, after another right has intervened, cure his location by declaration of intention.

Mr. SPOONER. If the act of 1897 ought to be repealed; if the decision of the Supreme Court of the United States in the Wulff case ought to be overridden by statute——

Mr. CARTER. I will call the Senator's attention, if he will permit—I am thoroughly familiar with the Wulff case—to the fact that the Wulff case did not touch a location at all. In that case the locator was an American citizen. He conveyed his title to an alien; so that the location was properly made and initiated a title. The Supreme Court held that the fact of conveying to an alien would not be equivalent to an abandonment of the land,

but in that case the grantee, admitted to be an alien, at the time of the trial in open court declared his intention to become a citizen, and the court held that he had a right to do so if no intervening right had occurred.

Mr. SPOONER. That does not change the situation at all. Does the Senator claim that to-day anyone other than the United States can challenge the validity of a location upon the ground of alienage?

Mr. CARTER. I think to-day it is a question whether it can be done by a citizen. The Wulff case did not clearly decide that point. It did decide that the conveyance to an alien was not an abandonment.

Mr. SPOONER. That I understand; but I understood the Senator to admit that in the present state of the law no one but the United States can challenge the validity of a location or an alien's right to hold land except the Government. If that were not true, this amendment authorizing anybody to challenge it would be a work of supererogation. That is true.

Now, what I complain of in connection with this amendment is this: If that ought to be the rule, if the decision of the Supreme Court ought to be overridden, if the act of 1897 ought in that particular to be repealed, let it be prospective and not retroactive. It is not fair where men, on the faith of that decision and on the faith of the invitation given by the act of 1897, have gone into the frozen regions of Alaska and located claims, faced dangers, and endured hardships, to repeal the law in that respect and take away from them the right they now have under the act of 1897 to save their claim and their labor and their money by declaring their allegiance to the United States. And yet that is what this amendment proposes to do. Make it prospective. Everyone is bound then to take notice of it, and no man can be misled. He may be mistaken, but he must take his chances on that. He can not be wronged. He will not have a fraud and an outrage perpetrated upon him by the Congress of the United States certainly.

The Senator read decisions as to the right of any alien to locate mining claims and to hold mining claims. I am not a mining lawyer, but I call the attention of the Senate again to the act of 1897, which is very clear:

That no alien or person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States in the manner provided by law shall acquire title to or own any land in any of the Territories of the United States except as hereinafter provided.

It is "hereinafter provided" as follows:

That this act shall not apply to land now owned in any of the Territories of the United States by aliens, which was acquired on or before March 3, 1887, so long as it is held by the then owners, their heirs or legal representatives, nor to any alien who shall become—

Not who shall become a citizen of the United States, but who shall become—

a bona fide resident of the United States.

This is affirmative:

And any alien who shall become a bona fide resident of the United States, or shall have declared his intention to become a citizen of the United States in the manner provided by law, shall have the right to acquire and hold lands in either of the Territories of the United States upon the same terms as citizens of the United States.

But that is not all. There is something more "hereinafter provided." Here it is:

This act shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim, in any of the Territories of the United States.

Could anything be plainer than that?

Mr. RAWLINS. Will the Senator permit a question?

Mr. SPOONER. Yes, sir.

Mr. RAWLINS. That language is that nothing in that act shall be so construed as to prevent the persons indicated from holding mining claims. It does not say that nothing in other acts shall be so construed, does it?

Mr. SPOONER. No; it does not.

Mr. RAWLINS. If by other acts it is forbidden, then that would not give the right, would it?

Mr. SPOONER. Nothing of the kind intimated by the Senator from Utah is said in this act; and if anything of the kind was said in this act, it would, in my judgment, be an instance of unusual Congressional stupidity. If there was an act prior to the passage of this act of 1897 declaring that no alien should hold a mining claim in the United States, and Congress provides in a later act—

This act shall not be construed to prevent any persons not citizens of the United States from acquiring or holding * * * any mine or mining claim in any of the Territories of the United States.

That ought to be enough. It either means something or it means nothing.

Mr. RAWLINS. I submit this to the Senator: That phrase only imports, in every case in which it is used, that it is thereby not intended by the proposed special act under consideration to affect the general law as it then exists, and that clause would leave the rights referred to in that regard just as if the act had not been passed.

Mr. SPOONER. I do not so understand the law. In the first place it is an amendment of another act. In the next place it expressly says that an alien who shall become a bona fide resident may acquire and hold land under this act, and then it provides:

This act shall not be construed to prevent any persons not citizens of the United States from acquiring or holding * * * any mine or mining claim in any of the Territories of the United States.

And then it says:

SEC. 8. That all acts and parts of acts so far as they conflict with the provisions of this act are hereby repealed.

It is either what it seems to be or it is a trap for the unwary. No man could read it without treating it as an invitation, so far as mining claims were concerned, so far as town lots and city lots were concerned, to aliens to acquire and hold them if they chose.

Mr. RAWLINS. If the Senator will permit one other interruption, the general mining law throws open the mineral lands of the United States to exploration and location only to citizens of the United States, or those who have declared their intention to become such. That is a privilege limited to that class. Subsequently Congress deals with the rights generally of locating or acquiring and holding, and it says in respect to that act that nothing in it shall be so construed as to prevent the acquiring and holding of mining claims by certain classes of persons. It seems to me very clear that there is nothing in this latter act which is inconsistent with the limitation to the right of exploration. I understand the rule to be that this limitation in the general mining law is a condition precedent to the right to acquire any interest in mineral lands by original location.

Mr. SPOONER. When the alien land law was first passed, it was passed sufficiently broad in terms to exclude aliens altogether, and our friends from the mining States did not like that. They thought aliens ought not to be excluded. They wished aliens to be permitted to purchase, to bring their money here, to invest it here, to buy locations, to develop mines, to furnish work for men who wanted work, to increase the wealth of the country; and it was on their request, as I understand it to be historically true, that the alien land law was amended so as to provide that alien bona fide residents might hold lands and that they might acquire and hold mines.

Mr. RAWLINS. If the Senator will permit me in that line, the original mining act was in the nature of a bounty, of course based upon the diligence and industry of citizens of the United States in making discoveries of valuable mines. It was a bounty to the persons named in that act—to citizens or those who had declared their intention to become citizens. The United States adopted a policy different from that which had been pursued by other countries, which usually reserved the mineral lands for the use of the Government itself. The United States gave it to the citizens upon these conditions. They did not intend that bounty for aliens, but after a location had been made by a person as described, a citizen of the United States or a person who had declared his intention to become such, then this subsequent act authorized him to dispose of it for a consideration to an alien, and did not debar aliens from buying and paying for it.

Mr. SPOONER. That is the Senator's opinion about the language of this act; that is all; and I concede, of course, that his opinion is entitled to deference. It is not the way I read the act. I think the word "acquiring" is a generic word, used in the generic sense. The alien land law was aimed at holding; and they said that this act shall not be construed to prevent any persons not citizens from acquiring and holding.

That any alien who shall hereafter hold lands in any of the Territories of the United States in contravention of the provisions of this act—

Even in violation of it—

may nevertheless convey his title thereto at any time before the institution of escheat proceedings as hereinafter provided.

But, if the Senator is right, what follows? These locations are void. There is no proposition here in the interest of the men who made them to validate them, but there is a proposition here to invalidate them.

The proposition I made the other day, and I make it again, is that whatever the rights of these men are, they should be settled in the courts of the country under the law as it stood when those rights were acquired, and that Congress should enact, upon the demand of no one law and order league or whatever else the association may be called, a retroactive law changing their rights, if it be possible for Congress to do it.

Then I think, after putting upon the statute book such language as this, whatever we may choose to do as to the future, we ought, during its existence as a statute, to deal generously and fairly with the men who read it as authorizing them to locate and hold mining claims. It is almost nonsense to say that it was intended by this act that an alien could buy a mining claim of the Senator from Nevada, put hundreds of thousands of dollars in its devel-

opment, own it, manage it, take the gold from it, and when his right was challenged, and it could only be challenged by the United States, he could do one of two things: He could save it to himself, as its owner, by declaring his intention to become a citizen, or, if he chose not to declare his intention, he could save it, so far as its value was concerned, by receiving the money it brought at a sale on judgment of escheat.

Now, why change the law as to past transactions? Congress never intended, I think, to make those safeguards, to authorize an alien to acquire mining claims, to hold mining claims, and when called on by proceedings of escheat to qualify himself to become an owner even to patent, by declaring his intention, or to take the value of it out of the registry of the court when sold, and yet not permit him to locate it.

It was the policy of Congress to invite aliens to invest in mines, or that section would not have been put upon our books. We ought to keep the pledge and we ought to keep it fairly and generously, whatever we may choose to do as to the future. If it is thought wise by Congress to provide that no alien hereafter shall acquire or hold a mining claim, well and good. That is one thing; this is another.

That is not all there is to it. Of course this is general in its application. It puts a cloud upon the title to mining claims by the thousand all over Alaska. It is not directed simply to these claims located by Laplanders, most of whom declared their intention to become citizens, and all of whom tried to, and who obtained certificates from the court commissioner, who thought he had the right to issue them, and who paid for the certificates, and supposed they had declared lawfully their intention to become citizens of the United States. But it applies to other portions of Alaska. I am told that there are thousands of claims in Alaska outside of the Cape Nome region worth from fifteen to twenty million dollars, which have been owned and worked some fifteen years or more, the owners of which could not possibly prove that the original locator had declared his intention to become a citizen of the United States. As it stands now they can not be divested; they can not be deprived. With this amendment adopted, I think they could be; at least it would put a cloud upon the title and interfere greatly with the mineral development of that region.

Neither is this a controversy simply between Laplanders and aliens and American citizens. A great many of these alien locators have assigned for value their locations. There are citizens in my own State, and that is what called my attention to this subject, who purchased those claims, purchased them in good faith; some of them have improved them, and they will be deprived, under this legislation, of the ownership of those claims. And the legislation is retroactive. I think we ought to leave the law as it is, and leave these people to assert their rights as they are under existing laws, so far as past transactions are concerned. If the Senator from Montana and other Senators here think we ought to change the rule as to alien ownership, change the rule as to the right to challenge the validity of alien titles, let us do it, but let us do it making it prospective in its operation and not retroactive. That is all I wish to say.

Mr. TILLMAN. Mr. President, I wish briefly to call attention to one phase of the subject which has interested me in connection with immigration for permanent inhabitants of Alaska. We are only coming to know and to realize what a valuable addition to our territory the purchase of that region is, and we also know that it is so far to the north and so far out of touch with any civilization which we have that it is altogether improbable that there will be any permanent settlers there in the way of development from among our own citizens; that after this harvest of gold has been reaped it will be returned to the solitude of the northern winter, the same as it has always been.

But the experiment with the reindeer and the introduction into that Territory of these Laplanders and Finns has opened up a new phase to my mind which has some bearing on this question, and that is that with the present treatment of the Finns by Russia, the outrageous tyranny (I say outrageous because I feel that there has been no action of any government within my knowledge dealing with its own subjects that is more tyrannical and outrageous than the treatment of the Finns by the Russian Government), there are large numbers of those people who are emigrating, and there is a threat and a very great probability that possibly half or two-thirds of those people will expatriate themselves rather than submit to the abominable Government and the loss of their liberties and their old institutions, and even their being robbed of the right to teach their children their own language. If those people choose to cross the ocean and come to this country, it is more than likely that they will drift into a similar latitude where they will have, as we all know, the kind of climate to which they are accustomed.

Mr. HOAR. Has the Senator any information as to the number of that people?

Mr. TILLMAN. There are over a million of them, possibly 2,000,000. The Senator from Minnesota [Mr. NELSON] can give us the statistics.

Mr. NELSON. There are about a million and a half.

Mr. TILLMAN. I knew there were over a million. They inhabit a similar territory to this very region of which we are now speaking, and as some pioneers have been brought over here by our Government for a different purpose and they have gone in there, if we start out to treat those people as outlaws and outcasts; in other words, if we undertake to change our laws now in regard to mines for the benefit of the jumpers of mining claims and blackmailers the Senator from Colorado [Mr. TELLER] spoke of yesterday, we at once throw a damper on the willingness of that people to come into our country and add to our citizenship.

Mr. HOAR. If the Senator will pardon me, I do not wish to interrupt him, but in that connection I happen to know through some English friends that there is a very great effort being made by——

Mr. TILLMAN. England.

Mr. HOAR. By humane societies in England to get this emigration to Canada.

Mr. TILLMAN. Undoubtedly. It is as desirable a class of emigrants as have ever come to this country. They are a very high type of the Caucasian race. They are a kindly, industrious, religious people, worthy of our respect and admiration, and I think we ought to be very careful about any action here which would in any degree cause a damper or a sense of distrust to arise in the minds of those few already here, who might send back word as to the advantages of this new country, and thereby we might indirectly do a great injury to the development of Alaska.

Mr. BATE. Mr. President——

Mr. STEWART. Does the Senator desire to go on this evening?

Mr. BATE. I do not.

Mr. TILLMAN. I should like to have an executive session.

Mr. STEWART. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

WORCESTER, MASS., A PORT OF DELIVERY.

Mr. HOAR. I desire to ask the Senate before going into executive session to place on its passage a bill which will take but a moment. It is Senate bill 3296.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the consideration of a bill.

Mr. HOAR. It is a bill recommended by the Secretary of the Treasury and recommended by the Committee on Commerce. It provides for a port of delivery in the city where I live.

Mr. COCKRELL. We can not transact legislative business after the Senate has gone into executive session.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I ask if we can under the rule of the Senate transact business while the doors are being closed?

Mr. HOAR. If the Senator will pardon me, my attention was diverted one moment. I intended to bring the bill up. It is a matter about which there can be no possible question. It is to make the city of Worcester, where I myself reside, a city of over a hundred thousand inhabitants, a port of delivery. It is recommended by the collector of the port of Boston, in whose jurisdiction it will come, by the Secretary of the Treasury, and by the Committee on Commerce; and I should like, for some reasons of personal convenience, to get the measure through to-day if I can.

Mr. COCKRELL. Is the Senate in executive session?

The PRESIDENT pro tempore. It has not been announced that the doors shall be closed.

Mr. COCKRELL. Nothing can be done, in my judgment, when the order is made except to close the doors and until after it has been announced that the Senate is in executive session.

Mr. HOAR. That has not been announced.

Mr. TELLER. It can not be done before.

Mr. COCKRELL. By unanimous consent, after the Senate is in executive session, we can consider the bill as in legislative session, but we can not transact business, under the rules of the Senate, while the doors are being closed.

Mr. TELLER. I think the Senator is right.

Mr. COCKRELL. I know I am right. I am going to protest against taking up a bill while the doors are being closed.

Mr. HOAR. Very well.

Mr. COCKRELL. Now let the bill be taken up and passed in executive session as in legislative session.

Mr. HOAR. I ask unanimous consent that as in legislative session this bill may be considered.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill (S. 3296) to provide for the establishment of a port of delivery at Worcester, Mass.; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, in line 5, after the word "that," to strike out:

There shall be appointed at said port a surveyor of customs with a salary of not exceeding $1,800 per annum, to be determined by the Secretary of the Treasury, for the payment of which compensation an appropriation is hereby made out of any money in the Treasury not otherwise appropriated.

And to insert:

The privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement be, and they are hereby, extended to that port.

So as to make the bill read:

Be it enacted by the Senate, etc., That Worcester, in the State of Massachusetts, be, and hereby is, established as a port of delivery, in the customs collection district of Boston and Cambridge, and that the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement be, and they are hereby, extended to that port.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 20, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 19, 1900.

POSTMASTERS.

Ollie McKellar, to be postmaster at Corning, in the county of Tehama and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

David James, to be postmaster at Loveland, in the county of Larimer and State of Colorado, in the place of Oswald Allen, whose commission expires May 29, 1900.

Hiram Jelliffe, to be postmaster at Saugatuck, in the county of Fairfield and State of Connecticut, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

John Holliday, to be postmaster at Kirkwood, in the county of Warren and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

George E. Sisley, to be postmaster at Genoa, in the county of Dekalb and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Ralph M. Potter, to be postmaster at Rockford, in the county of Floyd and State of Iowa, in the place of D. G. Campbell, whose commission expires May 6, 1900.

Leander N. Turner, to be postmaster at Wall Lake, in the county of Sac and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Henry Wood, to be postmaster at Loogootee, in the county of Martin and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Willis A. Pitre, to be postmaster at Westlake, in the county of Calcasieu and State of Louisiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Frederic E. C. Robbins, to be postmaster at Woodfords, in the county of Cumberland and State of Maine, in the place of A. R. Huston, whose commission expired January 9, 1900.

Orick H. Kelley, to be postmaster at North Plymouth, in the county of Plymouth and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Caleb D. Kinner, to be postmaster at Merrick, in the county of Hampden and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Frank E. Nichols, to be postmaster at Warren, in the county of Worcester and State of Massachusetts, in the place of Frank E. Nichols, whose commission expired May 2, 1898. (Reappointed.)

Frederic Robbins, to be postmaster at Watertown, in the county of Middlesex and State of Massachusetts, in the place of M. J. Green, whose commission expired March 9, 1900.

Edwin Smith, to be postmaster at Mittineague, in the county of Hampden and State of Massachusetts, in the place of E. H. Gates, whose commission expired March 25, 1900.

Martin E. Stockbridge, to be postmaster at Dalton, in the county of Berkshire and State of Massachusetts, in the place of A. E. Chamberlin, whose commission expired April 6, 1900.

Willis M. Wellington, to be postmaster at Oxford, in the county of Worcester and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Milton W. Newkirk, to be postmaster at Central Lake, in the county of Antrim and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Ralph Taylor, to be postmaster at Clayton, in the county of Lenawee and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Louis H. Tovatt, to be postmaster at Standish, in the county of Arenac and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Henry S. Wickware, to be postmaster at Cass City, in the county of Tuscola and State of Michigan, in the place of A. H. Ale, whose commission expired April 16, 1900.

George W. Buswell, to be postmaster at Blue Earth, in the county of Faribault and State of Minnesota, in the place of George W. Buswell, the name of this office having been changed from Blue Earth City.

Godfrey Haldiman, to be postmaster at California, in the county of Moniteau and State of Missouri, in the place of H. E. Blakeman, whose commission expires May 29, 1900.

Theodore R. Hofer, jr., to be postmaster at Carson City, in the county of Ormsby and State of Nevada, in the place of S. H. Day, whose commission expires May 29, 1900.

Frank M. Rhomberg, to be postmaster at Alamogordo, in the county of Otero and Territory of New Mexico, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Clarence M. Alvord, to be postmaster at Livonia, in the county of Livingston and State of New York, in the place of Clarence M. Alvord, the name of this office having been changed from Livonia Station.

Edward A. Cowles, to be postmaster at Patchogue, in the county of Suffolk and State of New York, in the place of C. E. Rose, whose commission expires May 14, 1900.

John H. McGrath, to be postmaster at New Lebanon, in the county of Columbia and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

James S. Merritt, to be postmaster at Port Chester, in the county of Westchester and State of New York, in the place of John Leonard, whose commission expired April 16, 1900.

Anna V. T. Smith, to be postmaster at Bronxville, in the county of Westchester and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Oliver Howard Tuthill, to be postmaster at Rockville Center, in the county of Nassau and State of New York, in the place of James McCarty, whose commission expired April 16, 1900

Francis Worden, to be postmaster at Coxsackie, in the county of Greene and State of New York, in the place of S. H. Van Dyck, whose commission expired March 3, 1900.

Peter Housel, to be postmaster at Shreve, in the county of Wayne and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Thomas G. Moore, to be postmaster at Barnesville, in the county of Belmont and State of Ohio, in the place of Samuel Hilles, deceased.

Fred Schanzle, jr., to be postmaster at Elmwood Place, in the county of Hamilton and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

John W. Rice, to be postmaster at Weatherford, in the county of Custer and Territory of Oklahoma, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

John H. Brubaker, to be postmaster at Elizabethtown, in the county of Lancaster and State of Pennsylvania, in the place of J. G. Hoffman, whose commission expired February 24, 1900.

James E. Rupert, to be postmaster at Conneautville, in the county of Crawford and State of Pennsylvania, in the place of E. C. McKay, whose commission expired April 2, 1900.

Samuel A. Smith, to be postmaster at Indiana, in the county of Indiana and State of Pennsylvania, in the place of Franklin Sansom, whose commission expires April 25, 1900.

Hulda J. Fessenden, to be postmaster at Saylesville, in the county of Providence and State of Rhode Island, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Joseph Kubler, to be postmaster at Custer, in the county of Custer and State of South Dakota, in the place of W. G. Cubberly, resigned.

Senorita V. Alexander, to be postmaster at Elizabethton, in the county of Carter and State of Tennessee, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Prince A. Hazzard, to be postmaster at Colorado, in the county of Mitchell and State of Texas, in the place of Lou Hazzard, resigned.

William E. Homme, to be postmaster at Wittenberg, in the county of Shawano and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 19, 1900.

COMMISSIONER FOR ALASKA.

Hiram H. Folsom, of Alaska, to be a commissioner in and for the district of Alaska, to reside at Juneau.

COLLECTOR OF CUSTOMS.

Robert M. Wallace, of South Carolina, to be collector of customs in and for the district of Charleston, in the State of South Carolina.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 19, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CORRECTION OF JOURNAL AND RECORD.

Mr. CANNON. Mr. Speaker, I want to ask a correction of the Journal as well as of the RECORD. I ask unanimous consent that both be corrected as indicated in the paper I send to the Clerk's desk.

The SPEAKER. The Clerk will read the request of the gentleman from Illinois.

The Clerk read as follows:

That the Journal and RECORD be corrected so as to show the action yesterday on Senate amendments to H. R. 10449 to have been as follows:
That the House agreed to Senate amendments 1, 2, 5, 6, 7, and 8.
And agreed, with amendments, to Senate amendments 3 and 4.

The SPEAKER. Without objection, the correction as suggested by the gentleman from Illinois will be made as indicated.

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8466. An act to amend an act entitled "An act in relation to taxes and sales in the District of Columbia;" and

H. R. 5485. An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the further consideration of the naval appropriation bill.

At the time the committee rose last evening a point of order was pending on the paragraph of the bill in reference to the appropriation for the construction of buildings at the Annapolis Naval Academy.

Mr. CANNON. Mr. Chairman, under the agreement of yesterday I think the first business in order this morning, on the resumption of the consideration of this bill, is the recurrence to page 16 of the bill, under the agreement heretofore made. The Chair will recollect that it was agreed, by unanimous consent, that page 16 would be recurred to this morning, with the privilege, if desired, of an hour's debate on each side on the general topic therein presented.

The CHAIRMAN. That is correct.

Mr. FOSS. That was the understanding.

The CHAIRMAN. That order was made by unanimous consent; and if the gentleman from Illinois desires to press it now, the Chair thinks it would be first in order.

Mr. CANNON. I would prefer its consideration now, because it may take some little time to dispose of the other item under consideration last evening.

The CHAIRMAN. The committee will then recur to the paragraph beginning at the top of page 16, "For ocean and lake surveys;" and if there is no objection, the Clerk had better read the paragraph again.

The Clerk proceeded to read the paragraph beginning at page 16.

Mr. UNDERWOOD. Mr. Chairman, before entering upon that paragraph——

The CHAIRMAN. A point of order was reserved, the Chair will state, against the paragraph at the time it was reached in the consideration of the bill.

Mr. UNDERWOOD. Before proceeding with or entering upon the consideration, I would like to rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. UNDERWOOD. When the committee rose last night the Chair had under advisement a decision as to a point of order raised with regard to appropriations for the Naval School at Annapolis.

The CHAIRMAN. The Chair has so stated and is ready to make the decision, but the gentleman from Illinois [Mr. CANNON] has suggested that it was agreed, by unanimous consent, that immediately upon the resumption of the consideration of the bill to-day the paragraph beginning at the top of page 16 should be considered, as he has stated, for an hour on each side. Under the agreement heretofore made that provision of the bill will now be before the committee for consideration, by the unanimous consent then arrived at.

Mr. CANNON. Mr. Chairman, I will yield, out of my time, to the gentleman from Massachusetts [Mr. MOODY] twenty minutes.

Mr. FOSS. Before the gentleman proceeds, I wish to suggest that if I understand the situation, it is this:

The point of order was reserved upon the paragraph in question. Under that reservation are we to go on and have general debate for two hours, one hour on a side? Does the gentleman understand that to be the agreement?

Mr. CANNON. I understand that we are to go on and have an hour on a side, and then let the matter be disposed of subsequently under the five-minute rule.

Mr. FOSS. Of course; but I was under the impression that the gentleman wanted a discussion on the merits of the proposition.

Mr. CANNON. That is the merits.

Mr. FOSS. Of course; but if it should be decided that it is subject to the point of order, then the discussion for two hours, one hour on a side, would be simply a waste of time.

Mr. CANNON. I will state to my friend from Illinois that so far as I am concerned, I do not desire to press the point of order, and I apprehend the gentleman from Massachusetts will not. I am quite content, while it is subject no doubt to the point of order, to dispose of the matter on the merits. It evidently has to be done at some time.

The CHAIRMAN. The Chair would suggest that the point of order was reserved; and it was agreed that it should be reserved; but it can be renewed at this moment by any gentleman who desires to do so.

Mr. FOSS. That is undoubtedly true; but if the gentleman is willing to withdraw his point of order and have the discussion straight and fairly upon the merits of the proposition, then well and good, and so much the better.

Mr. CANNON. Well, general debate on this subject, when it is subject to amendment, is dispensing with the point of order, as I understand it.

The CHAIRMAN. The gentleman from Illinois, chairman of the Committee on Appropriations, is in order if he desires to take the floor in opposition to the proposition.

Mr. MOODY of Massachusetts. Mr. Chairman——

Mr. WHEELER of Kentucky rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WHEELER of Kentucky. On the point of order.

The CHAIRMAN. The gentleman from Massachusetts has the floor.

Mr. WHEELER of Kentucky. I desire to make a suggestion, if the gentleman will allow me a moment.

Mr. MOODY of Massachusetts. This will not come out of my time.

Mr. WHEELER of Kentucky. I just want to make one suggestion in the line suggested. If you intend to press the point of order, let us have a ruling on it.

Mr. CANNON. I send the following amendment up, if the gentleman will allow me. I suppose we can set gentlemen at rest by offering an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will read.

The Clerk read as follows:

Page 16, strike out all of lines 1 to 23 and insert in lieu thereof the following:

"Ocean survey for special general service and the publication thereof, $10,000."

Mr. MOODY of Massachusetts. Mr. Chairman, I understand that my time now begins.

The CHAIRMAN. How much time does the gentleman yield?

Mr. CANNON. Twenty minutes, or such portion as he may desire.

Mr. MOODY of Massachusetts. I withdraw the point of order which I reserved, and debate this question upon the merits.

Mr. DAYTON. Pardon me just one moment. I want to know whether that withdraws the point of order made by the gentleman from Ohio [Mr. BROMWELL]?

Mr. BROMWELL. I will take just a moment of the gentleman from Massachusetts to say that after discussing this question with the chairman of the Committee on Appropriations [Mr. CANNON] and the gentleman from Massachusetts [Mr. MOODY] we decided that this question should be discussed upon its merits; the point of order reserved by the gentleman from Massachusetts should be withdrawn, and I therefore ask permission to withdraw the point of order that I made.

The CHAIRMAN. The point of order is withdrawn.

Mr. MOODY of Massachusetts. Mr. Chairman, very rarely a provision in an appropriation bill contains a proposition of as much importance as the one under discussion. It is very easy to conceal great changes which are enveloped in the language of an appropriation bill. Without attempting to recite the language of the paragraph I will state its effect. We have now a Coast Survey, which has been in existence almost a century. The proposition contained in this bill is to establish another and a parallel coast survey which shall be not under civilian but under military control. It is proposed, upon a debate of one hour on either side, to change a great department of the Government service from civilian to military control and to reverse the deliberate policy of Congress which has prevailed for nearly sixty years.

In order to understand the precise question it becomes necessary for me, with the utmost brevity, to state the history of the Coast Survey. It was established as a civilian department in the year 1807, and remained such until 1818, when it was transferred by law to the Navy Department, and there remained, with very unsatisfactory results, until the year 1832. Then, upon the recommendation of the Secretary of the Navy himself, who pointed out that, while the work of the naval establishment had been useful, it had "been very expensive in proportion to its usefulness." It was again transferred to the control of the Treasury Department. In 1834, two years afterwards, it was turned over to the control of the Navy Department, and remained there but two years, when it was transferred back again to the control of the Treasury.

Believing that it was necessary to settle for all time this long-vexed question, Congress appointed a commission, consisting of three naval officers, three Army officers, and three civilians, and in 1843 they agreed unanimously upon a report that the subject of the survey of our coasts was a proper subject for civilian activity and should no longer be under the control of the Navy Department. Accordingly, from that day to this the work of the survey of our coasts has been under the control of the Treasuay Department and in the hands of civilians, with the aid of such officers of the Navy as from time to time have been detailed. Attempt after attempt has been made to change the system. Congress has been appealed to time after time and has invariably refused.

In 1884 a commission was appointed—a Congressional commission was appointed—headed, I believe, by the present senior Senator from Iowa [Mr. ALLISON], and after considering the subject for two years they reported to Congress that it was unwise and inexpedient to transfer this department from the control, the civilian control, of the Treasury to the military control of the Navy Department; and so it has remained. Now, when we obtained control over the islands which are now under the jurisdiction of the United States, just as we have done in the past, the appropriations were made for the Coast Survey to survey their coasts. They have gone on and done it. They have completed the survey of Porto Rico. They have completed the survey of the Hawaiian Islands with the aid, and important aid, of the Navy Department.

They have not begun the surveys of the Philippine Islands. In this section of the bill it is proposed to establish, side by side with our civilian coast survey, a coast survey under military rule.

Now, for one, I want to begin to resist these attempts, because they are coming to us from all sides—to resist them at the very threshold and resist them to the very end. The danger of militarism does not come from an increase of the Army or an increase of the Navy, if they are confined to their proper uses, but it comes from an increase of the sphere of their activities. When you extend the dead hand of militarism over the sphere that is appropriate to civilian action, then you begin to incur the dangers of militarism, which have been dreaded from the beginning of the Republic.

Now, because my time is limited, I am going to state very briefly the reasons why I think it is unwise to make this change. Everybody agrees that we ought not to have two coast surveys. If we establish this military coast survey we ought to abolish the civilian coast survey. We do not want one coast survey for the coast of the continental United States and another coast survey for our insular possessions. It would be expensive; it would be unwise in every respect. We must have one or the other, and if we establish this military coast survey to-day we must abolish the civilian coast survey to-morrow upon the sundry civil bill, and we ought to do it. We all agree there ought not to be two, and the choice presented to this House is whether you will continue the civilian scientific coast survey or put it in the hands of a military arm of the Government.

We ought not to do this, in the first place, because we are doing it upon an appropriation bill. We are changing the policy of a century, although our own commission only a few years ago, after two years' deliberation, reported against it. We ought not to do any such indecent thing as that. I say again that the Navy has neither the ships nor the men to do this work. Why, I hold in my hand a letter, written yesterday to me by the Secretary of the Navy, in which he says that in order to man the ships we already have now under repair and construction and those in the Government service he wants 1,447 new officers. He wants almost to double the force of officers of the American Navy.

Is it not a strange thing, Mr. Chairman, that when he comes and tells us that the Navy to-day, for its own duties, is 1,447 officers short, we should extend the activities of the Navy over a proper civilian sphere?

The Navy has not the ships. You can not do it with the cruisers, you can not do it with the battle ships. You must have small boats, sometimes sailing vessels, vessels that are adapted only to the service of the coast survey, and the Navy has not got them. All over the world the survey of the coasts is done by vessels that are appropriated to that work and done by men who are experienced in that work. The Navy has neither the ships, nor the men, nor the officers with which efficiently and economically to perform this work.

I say they can not do it with economy. Bear with me while I give you two or three instances of the economy of the Navy Department when they strike civilian life. I yield to no man in admiration for the splendid men and officers of our Navy. Where they are they are unsurpassed—nay, more, they are unequaled—by the men or officers of any navy in the word. Let them stay there where they shine. Let them leave civil affairs to be administered by civilians.

Now, let us see something about the economy. The *Blake* has been surveying Porto Rico. The *Eagle* and the *Yankton* have been surveying the coast of Cuba under naval control. We can not exactly compare the expense, but taking the coal and personnel we find that the *Eagle* and *Yankton* cost per year $46,000 apiece, while the *Blake*, the civilian vessel, costs only $25,000, only a little more than half as much as one of those vessels, and they do three times the work in the same period of time, according to the testimony which comes to us.

Then, again, under the Navy they have to hire the seamen for four years. What the Coast Survey wants is a man for a month, a week, perhaps three months—a man that they can hire upon the spot and discharge when the work is done. For instance, in Porto Rico, hire men who are familiar with the coast, and when they get through with them discharge them, instead of employing seamen for four years; because under the Navy personnel bill he can not be enlisted for any shorter time.

When the Spanish war began, our naval officers who had been detailed to act in the Coast Survey all left it. They all went to their appropriate duties. Their places were taken by civilian officers, who are performing the work to-day better than the naval officers were in their time. The pay and allowances of the naval officers were $89,000, and their places were supplied from the civilian establishment by men who receive only annual salaries and allowances of $27,500.

Let us go again here to the Naval Observatory, right at our doors, and see how the Navy is administering that. Compare it with two great naval observatories, one in this country and one in Great Britain. At the observatory at Greenwich the scientific salaries are $33,000, and the clerical, skilled, and unskilled salaries are $6,000. At the Harvard Observatory the scientific salaries are $39,500, the clerical, skilled, and unskilled labor $2,500. When we go over here to our Naval Observatory we find that the scientific personnel costs $28,000, and the clerical, skilled, and unskilled labor costs $34,720.

What sort of an administration is that in the sense of economy?

In the meantime the administration and results of that establishment are the laughingstock of the scientific world. Why, gentlemen, we must not expect these naval officers to devote their hours of retirement from active duty to work in which they have no interest and work for which they have no special fitness, but only the fitness that is possessed by well-educated, cultivated men.

Now, Mr. Chairman, there is but one other observation, and then I am going to stop, because I am not going to multiply words about this. The naval officers are not as efficient as trained civilians in this work. Many of the best hydrographers we have had in the history of the country have been naval officers. But that is the exception, not the rule. They are detailed for two years and two months on an average, as shown by the records since the civil war. Many know nothing about the work when they begin; they have aptitude for learning, but they have no interest; they are to go somewhere else next year, and by the time they become familiar with the work they are transferred and a new man is put in. They can not do the work as well as men trained specifically for it, and it is not to their discredit at all that they can not do it. Every man to his own trade.

I echo heartily the words of my friend from West Virginia [Mr. DAYTON] the other day when, speaking of the naval constructors endeavoring to build ships in the shipyards, he said, "I want the sailor on the deck of the vessel at sea." Our officers are taken as boys, trained especially for one end in view. They are educated not for civil life, but away from civil life, and it will be one of the greatest mistakes, one of the most threatening steps, if this Congress undertakes to abolish a great civilian department and substitute for it one that is under military control.

Mr. GAINES. I would like to ask the gentleman a question before he sits down.

Mr. MOODY of Massachusetts. Well, a very brief question.

Mr. GAINES. I was not here at the beginning of the gentleman's remarks, as I was in the committee room, and I did not hear his objections to the provisions of the bill. I would be glad if he would summarize them briefly.

Mr. MOODY of Massachusetts. My time has so nearly expired that I will leave that to somebody else. It will be better done than I can do it, and I yield back my time to the gentleman from Illinois.

Mr. CANNON. Mr. Chairman, I will reserve the remainder of my time.

Mr. FOSS. Mr. Chairman, I do not quite understand the question as the gentleman from Massachusetts has put it.

Mr. DAYTON. Mr. Chairman, let us have order.

The CHAIRMAN. The House will be in order.

Mr. CANNON. Mr. Chairman, if the gentleman from Illinois will yield to me for a suggestion, I want to say to the members of the committee that many gentlemen are asking me to yield a part of my hour. I have promised to yield in some instances, and I want to call attention of the committee to the fact that when the two hours' debate is over, this whole proposition is under the five-minute rule as long as the majority of the committee want to discuss it.

Mr. FOSS. Mr. Chairman, I do not understand the question as the gentleman from Massachusetts has stated it. We are not seeking to abolish the Coast and Geodetic Survey. All we are seeking to do is to hold the Coast and Geodetic Survey to the original jurisdiction which was given it under the revised Statutes at Large. This Survey was established in 1807. There has never been any question between the Navy Department and the Treasury Department as to the ocean and lake service until when? Until March 3, 1899, when the Appropriations Committee brought in a provision in the sundry civil bill extending the original jurisdiction of the Coast and Geodetic Survey, which was originally confined to the coast of the United States and later to the coast of Alaska.

They brought in the sundry civil bill, which became a law, a provision providing for the extension of the jurisdiction of the Coast and Geodetic Survey until it should include the coast of Cuba, Porto Rico, and of the Philippine Islands—"all islands," quoting the language of that bill, "under the jurisdiction of the United States." The only question here is whether or not the American Navy shall have the right to make ocean and lake surveys which it has done for years. In fact, this provision substantially has been in the appropriation bill for a great many years; ever since the American Navy was established they have always made the ocean surveys. Ever since the days of Old Jack Barry and Essex Hopkins and John Paul Jones, the American Navy, charged with the responsibility of conducting these ships over the ocean, have claimed the right to make the ocean surveys and of the isles in the ocean.

Now, what is the question? The question is simply as it stands to-day by reason of this amendment that was brought in last year and became a law on the sundry civil bill, extending the jurisdiction of the Coast and Geodetic Survey so two Departments of Government have concurrent jurisdiction of the same subject.

The Secretary of the Navy, in a letter addressed to the chairman of the Committee on Appropriations, stated some facts in connection with this matter. He says, in substance, Why do you not permit the Coast and Geodetic Survey to resume its original jurisdiction? He says, Let the Navy have its original jurisdiction, and there will be no question between the two conflicting elements.

What we are contending for is the coast surveys of the islands of Cuba, Porto Rico, and the Philippine Islands—not for the coast survey of our own country. This is the Navy's jurisdiction.

Why, Mr. Chairman, twenty-five years ago, under this general provision of law, we surveyed the Midway Islands in the Pacific Ocean. What do we claim? That it is more economical for the Navy to do it than for any other body. What has the Navy been doing during the last few years in this regard—I mean with reference to the surveys of the islands? Why, they have surveyed the principal harbor in the island of Guam. They did not send a vessel there for this purpose. They had one there, doing other duty—a naval vessel manned by American officers and seamen, patrolling the coast—and they were directed to make a survey of the principal harbor of that island while on this other duty.

Manifestly it was a saving to the Government to have it done in that manner. What did it cost? Simply $1,000 more for the purchase of a few surveying instruments, because let me tell you that every vessel in the American Navy carries a great many surveying instruments wherever they go, for use in special surveying works; but in this case it was necessary to spend a small additional sum for extra instruments. Would any gentleman claim that it would have cost less to have sent a vessel out there for that purpose? Every officer of the Navy is educated to a certain extent in this work, and every vessel that leaves our ports carries surveying instruments and is able to do ordinary surveying. Well, we surveyed that harbor and the only cost was the sum I have stated.

Again, down in Cuba during the last year we had two vessels officered and manned by American seamen—men who were paid out of the naval appropriation. It makes no difference whether they were employed on the surveying of the islands or otherwise, they would still be paid out of the naval appropriation bill.

Now, what have we done in Porto Rico? We have had a vessel there, the *Vixen*, which has done some work of surveying; and in the Philippines we are rigging out six vessels, a part of a fleet—small vessels, yachts and tugs—to be used for the same purpose at a nominal cost to the Government. They are all there now on the ground ready for the work, patrolling the coast, and they can be employed without additional cost to the Government for this service. Now, shall we build up another naval corps to do the same work when our own officers and our own men on the ground can conduct these operations without any large additional expense to the Government whatever?

Mr. MORRIS. Will the gentleman allow me to interrupt him for a question?

Mr. FOSS. Certainly.

Mr. MORRIS. Will the gentleman state by what body the surveys of the Great Lakes are made, whether by the Coast and Geodetic Survey or by the Navy Department?

Mr. SOUTHARD. There are three surveys made there.

Mr. S. A. DAVENPORT. Only two, I think.

Mr. FOSS. The work is done by the Navy Department and the War Department.

Mr. MORRIS. Is it not done by the Coast and Geodetic Survey?

Mr. FOSS. I will state to the gentleman——

Mr. CORLISS. If the gentleman will permit me, I would ask if it is not true that the surveys and charts of the lakes have been duplicated for years by the Army and Navy surveys?

Mr. FOSS. I do not so understand. I dare say that so far as these Departments are concerned I think they have worked in unison, and neither of the Departments has duplicated the work of the other.

Mr. CORLISS. I will state to the chairman of the committee that I have a communication from a member of the Deep Waterway Commission who informs me that the work is being duplicated, and consequently the survey by the Navy is unnecessary on the Great Lakes and involves an unnecessary expense.

Mr. FOSS. I want to suggest, in answer to the gentleman from Michigan, that there has not been a duplication of this work, so I am informed.

Mr. CORLISS. Let me state to the gentleman that not only the main survey, but the published charts, which are simply a duplication of the work, have been made by the Army.

Mr. HOPKINS. Do I understand the gentleman from Ohio to say that the work on the lakes is the work of the War Department entirely?

Mr. DAYTON. I understand that the chairman of the Committee on Rivers and Harbors [Mr. BURTON], who will speak after a while, is prepared to give the facts showing that for eighty years the survey of all the waters of the Great Lakes, including the rivers and the harbors opening into them, has been under the

control of the War Department and has been made by the Engineer Corps of the Army.

Mr. FOSS. The work which the Navy Department has been doing on the Great Lakes, as I understand, has been that they have used the *Michigan*, when it was not used by the Naval Militia, in finding out the shoals and obstructions to navigation. They have never, so far as I have been able to find out, duplicated the work of the War Department.

Mr. BURTON. Will the gentleman allow me a question?

Mr. FOSS. Certainly.

Mr. BURTON. I call the gentleman's attention to the language of this bill on page 16:

Continuing the investigation and charting of reported obstructions to navigation in the United States waters of the Great Lakes.

Now, does not that provision contemplate the doing of work by the Hydrographic Bureau of the Navy Department which it has not done heretofore?

Mr. FOSS. I do not understand that it does. That language is purely explanatory of what the Navy has been doing, as I understand, from the chief of the Bureau.

Mr. BURTON. Then why is that language used which does not appear in any previous bill?

Mr. FOSS. It is simply explanatory of the work of the Navy.

Mr. BROMWELL. And why is provision made for hiring vessels if the *Michigan* is going to do the work? Why hire additional vessels if the *Michigan* is going to continue the work which you say it has done?

Mr. BURTON. Allow me a further question.

Mr. FOSS. Certainly.

Mr. BURTON. This work is already done by another bureau of this Government, and has been for nearly sixty years past, at an expenditure of nearly $3,000,000. Now, is it a safe experiment to make an appropriation which looks to the duplication of this work by the Navy Department? Is it not true that charts have been made, some seventy in number, of the Great Lakes—very complete charts?

Mr. FOSS. Yes, there has been a number of charts made. Those are made simply for the mariner; they are pilots' charts, made purely for the mariner.

Mr. BURTON. What other use have you for such charts except for mariners?

Mr. FOSS. That is all.

Mr. BURTON. Why, then, should the Navy Department make other charts?

Mr. FOSS. I do not understand that it makes any charts except those necessary to guide the mariners over the lakes.

Mr. BURTON. Is it not true that there are already systems of charts for the guidance of the mariner—charts made by the War Department, on which, as I say, that Department has been at work since 1841—charts which have been made at very great cost?

Mr. FOSS. There are charts which have been made by the War Department, but you can not find very many mariners upon the sea, or upon the lakes either, who are willing to use them.

Mr. BURTON. My question did not refer to the sea.

Mr. FOSS. I say "upon the lakes."

Mr. BURTON. They have been used in building up one of the largest traffics in the world.

Mr. DAYTON. Those charts have been so used after they have been prepared and revised by the Naval Hydrographic Office—not before.

Mr. FOSS. I can not yield longer, as I wish to proceed with my argument.

I am more anxious in regard to the survey of the waters of Porto Rico and Manila and other places where our battle ships and our protected cruisers go. Our sailors are charged with the responsibility of taking these mighty engines of warfare and safely conducting them over the ocean. I take it gentlemen here are not willing to take away from the American naval officer the right to make those surveys on whatever seas may be to-day uncharted. I say that out of common decency, out of common honesty, out of common fairness, if you hold the naval officers responsible for the safe conduct of our ships in foreign ports, you will not refuse to them the right to make the surveys of the uncharted seas. [Applause.]

One thing more: The Coast and Geodetic Survey has never till during the last year made a chart that was pleasing to the naval officer or to the mariner, so far as I have been able to find out. They use the polyconic section. That is not used by any navy, by any merchant marine, that I know of or have ever heard of. Take the merchant marine, for instance, that sail the ships across the Atlantic. They all move on the Mercator section. The Mercator section is a straight line, and they move on a straight line. The polyconic section is a curved line, and one has to sail on a curved line; and nine months or so ago, after protests had been made repeatedly before the Coast and Geodetic Survey against this section, they adopted the Mercator section.

Mr. MOODY of Massachusetts. Will the gentleman permit a correction?

The CHAIRMAN. Does the gentleman yield?

Mr. FOSS. Oh, certainly.

Mr. MOODY of Massachusetts. The gentleman stated that the merchant marine nowhere use the polyconic charts.

Mr. FOSS. I mean the merchant marine of foreign countries.

Mr. MOODY of Massachusetts. Let me state that a letter was sent to all those interested in the merchant marine in the United States, and the majority replied in favor of the polyconic, although that is not of importance, because the Coast Survey furnishes both. They can take their choice.

Mr. FOSS. Every foreign navy in the world makes its own coast surveys, with the exception of the little navy of Portugal, and our own. Here I have a Navy List which I bought in England this summer. What do we find here? We find under the hydrographic office that the coast survey is under the head of Rear-Admiral Sir William Wharton. We find that all his chief assistants are naval officers. Here are men who are navigating or surveying engineers. In France they have hydrographic engineers. In Germany they have a corps of professors. In Denmark and in Sweden and in every country in the world except Portugal surveying is under the administration of the navy department.

My friend says they have a special corps. Yes; they must have a special corps abroad. Why? Because they do not educate a naval officer as we educate him. The naval officer in England or in France or in Germany receives a differentiated education on certain particular lines. They have navigating engineers; they have gunnery engineers; they go into differentiation and specialization; but in our Navy we train our men in gunnery, in navigation, in surveying. Yes, by the operation of the personnel law of last year we train them in engineering. We give them a broad and general education.

The foreign sailor knows one thing. When unforeseen circumstances come upon him, when great emergencies arise, he stands there and knows not what to do. He is only trained for one thing. But when our American officer is called upon to meet emergencies, when he is called upon to meet unforeseen circumstances, he, by reason of the completeness of his education, does not stand there helpless. He becomes the master of obstacles and emergencies and makes them the stepping-stones to fame, to reputation, and to glory.

So, I say to you, that the same principle that applies to foreign navies does not apply to ours, because our officers are trained in surveying, and they can do this work while we are at peace with the world without any expense to the Government, comparatively speaking.

Now, I am not trying to take away from the Coast and Geodetic Survey any of their original jurisdiction. They can go on and survey the coasts of this country, if they want to. And let me say to you that up to the beginning of the war practically all of the coast surveying under the head of the Coast and Geodetic Survey was done by officers and men detailed from the American Navy. Now, we have the ships. We have eighty-five auxiliary cruisers—little boats, converted yachts, tugboats—just the things to make a survey with. We have the men. We have the officers. If the Coast and Geodetic Survey go into it, they have got to hire the men, they have got to buy ships, they have got to hire the officers, at great expense to the Government. Here in the Book of Estimates they are asking for an increase in appropriations this year of $350,000.

Mr. LITTLEFIELD. Will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. LITTLEFIELD. Does that include the additional expense of the survey of the Philippine Archipelago on the part of the Coast and Geodetic Survey?

Mr. FOSS. I am not informed as to what the cost of that would be.

Mr. LITTLEFIELD. What, in your judgment, would be the increase in expense if the Coast and Geodetic Survey take up the survey of the Philippine Archipelago?

Mr. FOSS. Well, I do not know exactly. I believe they state somewhere about $2,000,000.

Mr. MOODY of Massachusetts. Who states that?

Mr. FOSS. My impression is that Mr. Pritchett states that somewhere; that if you will give him $2,000,000 he can make a survey of the Philippine Islands. In our Navy we have our ships over there; we have our men over there; we have our converted yachts and tugboats and everything of that sort; we have the sailors and officers over there, everything to go on with the work.

Mr. LITTLEFIELD. And it can be done by the Navy without additional expense.

Mr. FOSS. Done by the Navy for a trifling expense; and at the same time we are doing this we are asking for this because the American Navy has always done the ocean survey—always done the ocean surveys; and they always considered the islands in the

oceans belonged to the ocean and properly a part of ocean surveys. Now, here is another point. We do not want to abolish the Coast and Geodetic Survey. We think they should confine themselves to their original jurisdiction—the coasts of the United States and the coast of Alaska, 20 leagues from the shore and 5 miles inland.

Let me tell you that they have got all the work they can do. They started in 1807 and they have just completed the first survey of the Atlantic, Gulf, and Pacific coasts, and they have not started on Alaska yet. Now, the Alaska coast line is nearly twice as long as the Atlantic, Gulf, and Pacific coast lines, and I say to you that with the present rate of rapidity of that Bureau a century after you and I are dead and gone they will still be working on Alaska.

Mr. DAYTON. They have been nearly a century on the Atlantic coast.

Mr. FOSS. Now, there have been investigations had upon this. The gentleman has pointed back to an investigation in 1848. There was an investigation also that he has referred to by a Congressional committee of which Mr. ALLISON was a member, but I do not remember that Mr. ALLISON stated that he was opposed to turning over the Coast and Geodetic Survey to the Navy Department. Here is the opinion of that commission:

The members of the commission, finding this survey under the control of the Treasury Department continuously for a period of fifty-four years (with the exception of two years, from 1834 to 1836), with men at the head of the survey confessedly of the highest scientific attainments during all this period, do not feel justified in proposing a change in the organization and method of the survey unless the most urgent reasons therefor can be given, especially in view of the fact that those best qualified to judge who have testified before the commission, not including some eminent officers of the Navy, uniformly agree that, at least until the survey of the coast shall be completed, the work should be continued under the present organization. The commission submitted this question, among others, to the National Academy of Sciences, a committee of which reported that, for the present at least, or until the original survey is completed, no change should be made.

And again:

Without considering the question of the resurvey of portions of the coast made necessary by changes which are constantly taking place in the shores and channels, partly from natural and partly from artificial causes, it is estimated by those in charge of the survey that with the present scale of appropriations five years will complete the Atlantic coast and nine years will complete the Pacific coast. A majority of the commission concur with the view expressed by the Academy of Sciences that when the original survey shall have been completed it will be time enough to raise the question whether or not the hydrographic work involved in these resurveys may not be transferred to the Navy Department; but until that time the undersigned believe that question should not be seriously considered.

That, I understand, was the recommendation of that committee, and then, Mr. Chairman, we have had other investigations. Now, I want to read you something that President Cleveland said in his message of the work of the Coast and Geodetic Survey:

The work of the Coast and Geodetic Survey was during the last fiscal year carried on within the boundaries and off the coasts of thirty-two States, two Territories, and the District of Columbia.

Then he goes on and says:

In July last certain irregularities were found to exist in the management of this Bureau which led to a prompt investigation of its methods. The abuses were brought to light by its examination, and the reckless disregard of duty and the interests of the Government developed on the part of some of those connected with the service made a change of superintendency and a few of its other officers necessary. Since the Bureau has been in new hands an introduction of economies and the application of business methods have produced an important saving to the Government and a promise of more useful results.

Right there let me tell you I am not in favor of allowing the Coast Survey to make this survey for the reason that it is a political department. Every four years there is a change in the head. There have been changes during the last twelve years three or four times, I am informed. This is too important a work to leave to a political bureau, so to speak. Now, what more does President Cleveland say? He says, speaking of the Coast and Geodetic Survey:

This service has never been regulated by anything but the most indefinite legal enactments and the most unsatisfactory rules. It was many years ago sanctioned, apparently for a purpose regarded as temporary, and related to a survey of our coast. Having gained a place in the appropriations made by Congress, it has gradually taken to itself powers and objects not contemplated in its creation and extended its operations until it sadly needs legislative attention.

So far as the further survey of our coast is concerned, there seems to be a propriety in transferring that work to the Navy Department. The other duties now in charge of this establishment, if they can not be profitably attached to some existing department or other bureau, should be prosecuted under inquiries which may properly be assumed by the Government and those which should be undertaken by State authority or by individual enterprise.

It is hoped that the report of the Congressional committee heretofore appointed to investigate this and other like matters will aid in the accomplishment of proper legislation on this subject.

Now, in the last Administration, Secretary Carlisle, Secretary of the Treasury, and Secretary Herbert, Secretary of the Navy, got together and recommended this: They recommended that the geodetic part of the coast survey be transferred to the United States Geological Survey, and they recommended that the coast survey part of it be transferred to the American Navy.

Mr. FLEMING. Will the gentleman allow me a question there?

Mr. FOSS. Not just yet. Wait until I get through, please.

Now, Mr. Chairman, I do not ask that the Coast and Geodetic Survey be divided up, although that has been the recommendation of the last Administration. I do not ask that one part of it be transferred to the Navy and one part to the Geological Survey. We have nothing to do in this bill with the Coast and Geodetic Survey. Secretary Long said, in his letter to the chairman of the Committee on Appropriations:

Let the Coast and Geodetic Survey stand by its original jurisdiction, the coasts of this country and of Alaska, which will afford it work for a century to come, and let the American Navy do the ocean survey. Let it do this survey, which it has always done ever since the American Navy was established.

[Loud applause.]

I reserve the balance of my time.

Mr. CANNON. To whom does the gentleman yield? Mr. Chairman, how much time have I left and how much time has the gentleman left?

The CHAIRMAN. The gentleman has forty-four minutes remaining, and the gentleman from Illinois, chairman of the committee, has thirty-one.

Mr. CANNON. I will yield five minutes to the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Mr. Chairman, I can not discuss this matter as I would like in five minutes, but I want to call attention to some of the statements made by the gentleman from Illinois and the gentleman from West Virginia, who advocate the extension of the jurisdiction of the Navy Department so as to duplicate the work of the Coast and Geodetic Survey. One of the reasons urged by the gentleman from Illinois is that this work has heretofore been done by naval officers. This is not true except in part. Some of the naval officers who have been detailed to do survey work were at the beginning qualified to do it, but nearly all of them have had to have more or less training for survey work after they went upon duty. This is no reflection upon these officers, for this work requires special training and experience. But, sir, we can not longer use these officers even to assist in such work, because we need in the Navy as many more officers as we have now to officer the ships we now have in commission and those authorized.

Mr. FOSS. May I interrupt the gentleman?

Mr. MCRAE. Certainly.

Mr. FOSS. I want to state that these officers and men will have to be aboard the ships and be aboard naval vessels, and they can do surveying to a large extent. While these naval officers are aboard of their own vessels they can do this duty in time of peace as well as not.

Mr. MCRAE. The gentleman thinks so, but in my opinion they can not; the history of this service shows that they have not suitable naval vessels to do such work and for half of the time the naval officers are on shore duty. When they are at sea they are deep-sea sailors with many vessels that can enter but few of our harbors. We spend thousands of dollars to dredge out harbors before our large vessels can enter for docking or other purposes. They can not do surveying with anything like a reasonable expense, and the experience of the past shows it.

The Navy Department had control of these matters at one time, and I have here the statement of the Secretary of the Navy during that time, Mr. Southard, that the surveys made under the Navy Department "do not afford materials for an accurate chart of the harbors and the approaches to them, and assist but little toward a perfect knowedge of our coast, which can only be acquired by that scientific survey of the whole." He said that to a certain extent the surveys made by the Navy had "been useful, but they have also been very expensive." It was turned over to the Treasury Department at the request of the Navy Department, because the maps and charts that were made were unsafe and not satisfactory to the navigators of the country nor to the Navy Department itself.

Mr. DAYTON. Will the gentleman allow me a question?

Mr. MCRAE. I have only five minuies, but will yield.

Mr. DAYTON. Does not the gentleman recognize the fact that the Coast and Geodetic Survey since its institution has had to depend upon naval officers to do this work——

Mr. MCRAE. No; I do not.

Mr. DAYTON (continuing). And that over 2,000 officers have been engaged in the work?

Mr. MCRAE. Yes; and nearly all of them had to be trained to it after they went there. But, even if trained for this work, you can not use them any longer, because you have not the officers to spare from the Navy. We have other and equally important work for them to do.

It is said that the civilians have been engaged in adding unnecessary details of topography. It is a question of judgment, to be determined by the circumstances in each case, but no hydrographer of reputation will deny the necessity for topographic information on coast charts. Rear-Admiral Belknap said in 1897 that "topographic features of coasts and harbors are as necessary to know as hydrographic conditions of the waters." The Coast

Survey do both at the same time. Gentlemen say that this is unnecessary work; that it is useless. I say it is useless to think or talk about making a complete and perfect survey without taking the necessary information as to topography, and which the Coast Survey does. The naval officers, as I understand, pay no attention to topography. The water and land surveys must be connected and the triangulations and topography be on a par with the soundings.

Gentlemen say that naval officers are the only people qualified to judge of the hydrography. This I deny. We have 225 commissioned ships of the Navy, and we have over 3,000 ocean-going ships engaged in carrying the commerce from and to our country. Now, the Treasury Department and this Coast Survey under it represent this expanding commerce, and the Navy Department represents the increasing Navy. The civil bureau can and does furnish the necessary information to the Navy as well as to the merchant marine for at least one-half of the cost that the Navy can. Why not let them continue to do it?

Gentlemen say the Coast Survey has been sixty years surveying the coast of the United States. Now, that is a most remarkable statement to be made by those who insist that the Navy itself have done this work for the Coast Survey. Those who make such inconsistent statements can take the two propositions and reconcile them if they can. Gentlemen forget that much of the work of the Coast Survey consists of resurveys, which our increased commerce and the changes in our harbors make necessary.

Then they say that naval officers aboard these United States naval vessels in our waters can do this survey work as an incident to their regular cruising and save expense to the Government. This statement would appear to be fair, but the idea has been rejected by all nations that make maritime surveying. None of them use the regular naval vessels for their work, and we know that deep-draft vessels like those in our Navy can not make the surveys of our coasts, and particularly of many of our harbors on the Atlantic and Pacific coasts. We have in the Coast Survey a fleet of small ships specially adapted for survey work, and should keep them. We might as well understand at the beginning that in this controversy there is something more than that which is boasted of by the gentleman from Illinois—the piloting of our war vessels across the oceans. The Navy is one thing and American commerce is another of equal importance. Our merchant marine carrying the products of the farm and factory must not be overlooked or belittled. These vessels must know where to start from, where to go to, and what they can rely upon on their voyage for trade. We have heard no complaints from this class of navigators against the Coast Survey work.

The gentleman from Illinois makes the objection that the charts used by the Coast Survey are on the polyconic projection and are not as well adapted to mariners as those published by the Navy on the Mercator projection.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McRAE. I would like about two minutes more.

Mr. CANNON. I yield two minutes more to the gentleman.

Mr. McRAE. They say that the chart advocated by the naval officers is superior to that generally used by the Coast Survey. I will say that both of these charts were invented by civilians and both are used by the Coast Survey. I am informed that the polyconic projection, when used in a chart, affords substantially the same information given on a Mercator chart, and much more. I am informed that the Mercator projection is used in the small scale charts which cover wide area. On all other charts the polyconic is used. It is not true that all naval officers are and have been opposed to the polyconic projection. Its ablest defenders have been naval officers.

I want to call attention to what two naval officers have said about it. Commander Pillsbury, in his work on Charts and Chart Making, at page 198 of volume 10, says:

> There are many objections named to the polyconic projection, and some of them I will mention. Recently a commanding officer in the Gulf of Mexico noticed, I suppose for the first time, a chart on the polyconic projection. He was bound to New Orleans, and, calling his navigator, he asked how it was that the chart makers could have made such a mistake as to curve the parallels. Another objected because he could not lay out a course on it with confidence, fearing every time that his landfall would be miles away from his port. Another said he could not plot a bearing to a distant peak because the projection was curved and his bearing would be straight, forgetting that his line of vision was a straight line and following in the plane of a great circle, and that on Mercator's projection all lines except the meridians and equator, represent small circles of the earth.
>
> Another objected to this unwelcome innovation because he could not plot a position with a parallel ruler from the margin of the chart; and another because he was accustomed to Mercator's projection. I suppose I have heard scores more of as reasonable objections, and probably you have heard similar ones. If we are always to adhere to what is old, out of respect to the wisdom of our fathers, we shall never improve; but, perhaps, in future generations, when pounds, shillings, and pence, and ounces and pounds, are things of the past, eleven and a quarter degrees to a point of the compass will have gone, too; and men who go to sea will not be afraid to use a chart simply because it is on the polyconic projection.

One of the best-known hydrographers of the Navy said:

> As a rule the advocate of the Mercator projection, or rather the would-be wreckers of the polyconic, do not understand the subject, and, grasping a few superficial facts, condemn the latter without reason.

As a matter of fact, the Coast Survey is making both kinds of charts, at the request of and for the use of the Navy Department. Some officers may use one and others the other chart.

In conclusion, Mr. Chairman, I want to repeat that the expense of using the Navy Department for the purpose of making coast surveys so far exceeds that of making them through the present efficient civil Bureau now organized and in operation that it ought to be at once conclusive to every Democrat, and to every other man who wants an economical expenditure of public money. So far as I am concerned, I love the Navy for the great battles it has won, for the splendid gallantry and the superb courage of its personnel, and the glory it has shed upon the American flag, but it should be confined to the purpose for which it was created; for the purpose for which we have recently used it—to protect, not survey, our coasts, and to repel foreign foes. The officers of our Navy are educated to fight, not to make coast surveys. In every naval battle in which they have participated they have shown their capacity to fight. They would, if required, even distinguish themselves as surveyors, but it is not necessary for them to do such work. We have a civil department able and competent to do it. Let us confine the Navy to its original, patriotic purpose, and extend, if necessary, the jurisdiction of the Coast Survey, one of the best-equipped and best-managed bureaus of the Government. Let us at every step resist the encroachments of the military upon civil jurisdiction. This is a question of the soldier against the civilian. [Applause.]

Mr. CANNON. I yield five minutes to the gentleman from Ohio [Mr. BROMWELL].

Mr. BROMWELL. Mr. Chairman, while I fully agree with all that has been said by gentlemen who have spoken against this provision of the bill, I wish to call the attention of the committee more particularly to the lines of the bill to which I referred yesterday, commencing with line 13 and ending with line 18, and which read as follows:

> And continuing the investigations and charting of reported obstructions to navigation in the United States waters of the Great Lakes, including the hire of vessels, and the compensation, not otherwise appropriated for, of persons employed in the field work, under the authority of the Secretary of the Navy.

Now, gentlemen are all aware of the fact that under the provisions of the treaty with Great Britain we can not maintain a navy upon the Great Lakes. We have one vessel there, the *Michigan*, one of the light-draft, small vessels of the Navy. But the Great Lakes are the highways of probably the greatest commerce in the world. The surveys of the harbors of those Great Lakes and of the rivers that connect them have been made by the Engineer Corps of the Army. The soundings have been made by the same corps and charted. Every improvement that has taken place has been under the Engineer Corps—the rivers have been deepened, the harbors have been improved, all by the engineers of the Army.

Now, why this work of surveying and charting the Great Lakes should be given to the Navy Department is a question that seems to me difficult to answer. The work has been done for sixty years by the War Department. That Department has the material; it has the men; it has the vessels. They are prepared to go ahead with the work. They have charted these Great Lakes, and the charts have been used through all these years for navigation purposes. As I am informed, all that the Navy has done in the past has been to adopt the surveys made by the Engineer Corps of the Army, republish them as hydrographic charts, and issue them under the authority of the Navy Department. It is proposed in this bill to extend their work—to investigate obstructions; to locate shoals; to sound the Great Lakes, and chart these soundings.

Mr. Chairman, it does seem to me, as has been stated by other gentlemen, that when we have a deficiency in the number of our naval officers—when the number is insufficient to man the ships we now have and are building—it is a piece of the greatest folly to take these men whom we enlist in our service for manning and fighting our vessels and put them upon this work which is already in charge of another branch of the service.

I shall vote to strike out all this new matter in the bill; but more particularly am I opposed to this clause which takes away from the great Corps of Army Engineers the work they are doing on the Great Lakes and which the Navy under no circumstances can find any real reason or excuse for taking.

Mr. FOSS. I yield five minutes to the gentleman from Kentucky [Mr. BERRY].

Mr. BERRY. Mr. Chairman, I heartily concur in the provisions of this bill; and while there seems to be some differences in the Naval Committee this year, they agree absolutely on this question, though they disagree upon some other matters. In 1896, when Mr. Carlisle was Secretary of the Treasury and Mr. Herbert Secretary of the Navy, they agreed upon the policy laid down in the section now under discussion. They agreed that those things pertaining to the ocean belonged naturally to the Navy. The Geodetic Survey, in taking charge of these matters foreign to its real function, reminds me somewhat of an old hen that hatched about a dozen duck eggs. She stood upon the shore yelling to the

little ducks floating out upon the water, much to the distress of the supposed mother.

The Navy is prepared with ships; her place is upon the ocean. Two or three hundred of our vessels are now scattered all over the world. We are contemplating the laying of a submarine telegraph system from here to the Philippines by way of Hawaii. How natural it is that all of those subjects should be under the control of the Navy, that is constantly upon the water and knows the conditions there.

I would not wish this bill to interfere with the War Department, that has control of the harbors and the rivers, as it naturally should. That Department is furnishing some very valuable charts, though the work could be much better done by the Navy than even by the War Department. But the more appropriate function of that Department is to remove obstructions from our rivers and harbors, a work which is now being very well done by that Department.

But, Mr. Chairman, for all the purposes of the many islands which have fallen into our possession by reason of the late war with Spain—Porto Rico, Cuba, and the Philippines—with 10,000 or more miles, perhaps, of coast about them to be surveyed, to be investigated and charted, I repeat, and I assert without fear of contradiction, that it can do the work better than any other branch of the public service. It seems to me that this omnivorous Treasury Department wants to absorb and control everything. Here are a number of subjects that manifestly belong elsewhere in the public service, but, in pursuance of the policy of the first gentleman who had control of the Treasury Department, Alexander Hamilton, who proposed to make that *the* Department of the Government and superior to all others, we find this demand made upon us now to leave everything to that Department, even those matters with which it has no possible connection.

Why, Mr. Chairman, look, for instance, at the catalogue of a few of them. Here we have the Life-Saving Service. Is that a matter that should be within the control of the Treasury? What has the Treasury Department to do with it? Why not submit it to the control of the Navy Department, where men have their lives in jeopardy every day that they are on the ocean; where they recognize the necessity of a proper support of this service?

Take the Light-House Service. Why should the Treasury Department control that? It manifestly and properly belongs to the Navy. Who are the most directly interested in the Light-House Service?

Here is another item—the inspectors of steam vessels. Whose work should that properly be? Should that be the work of the men who are engaged in this service, or the men in the Treasury Department, who know nothing about it? Should the men who go around and gather the taxes and pay the expenses of the Government have the control of it, and are they in a better position to understand the inspection of steam vessels than the men whose life is spent on the steam vessels? Put it under the control of men, as it should be, whom you have scientifically educated for that purpose. Would it not be manifestly better that the Government should turn over the whole service to them than to leave it under the control of the Treasury Department?

Here, again, we find the Coast and Geodetic Survey and the Marine-Hospital Service and subjects of that kind should exclusively belong to the Navy and ought to be put under their control. Why not place them in the hands of the men who are the most conversant with their requirements, who have the most use for them, and know best what ought to be done with them to make them perfect?

A few years ago, when we had no Navy, practically, we had hundreds of men who were put out of the Navy because the Navy had a "great hump in it," and we had to make provision for a modification of existing conditions. Now we have a Navy—gathered mainly in the Philippines and Porto Rico and around Cuba—and I ask why it is not proper to put that Navy in control of these different items of expenditure? There is no excuse for the conditions that prevailed a few years ago. Take the different conditions now prevailing.

Mr. Chairman, if the Navy were to be rebuilt, if new conditions confronted us, and this controversy about the matter now in contention should be presented to the House, it would be found that the unanimous sentiment of the members of this body and of the people throughout the country would be to place these affairs under the control and disposition of the Navy Department, where they properly belong. It seems to me that these matters to which I have referred should properly and of right belong to the Navy Department. And I should not only give my warm support to their transfer to that Department, but would advocate it as far as I am capable of advocating it on the floor of this House. For that reason I am in favor of the provision of the bill under consideration.

Mr. BROMWELL. Will the gentleman permit an interruption?

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BROMWELL. I would like to ask the gentleman a question—as to whether the gentleman is in favor of the lake-surveying works being placed under the Navy Department?

Mr. FOSS. Does the gentleman from Kentucky desire additional time?

Mr. BERRY. I would like to have one or two minutes to answer the gentleman from Ohio.

Mr. FOSS. I yield two minutes to the gentleman from Kentucky

Mr. BERRY. As to the suggestion of the gentleman from Ohio with regard to the lake surveys, I will state that I have traveled over the Great Lakes myself and have had occasion to look into the matter to some extent. Last summer I took occasion to go from Conneaut, near Cleveland, to Duluth over the Great Lakes, passing through Lake Superior, a great interior ocean, whose shores and general condition are well understood by the Navy Department by the long experience of the officers there with reference to it.

We have a little steamer, the *Michigan*, going from one end to the other with a body of seamen and marines all the time, who are expert and qualified for the work of the Department, educated at the Naval School at Annapolis, and these men so educated are entirely competent to take charge of the reports and the surveys on this vast inland sea of ours.

Mr. BURTON. Will the gentleman permit me to interrupt him for a question?

Mr. BERRY. Well, I have but a moment, but I will yield to the gentleman.

Mr. BURTON. How long, in the judgment of the gentleman, would it require the men on the little steamer *Michigan* to make the surveys necessary for full information and safe navigation on the Great Lakes?

Mr. BERRY. I believe the United States Government, under the law, is limited to one armed vessel upon the lakes; but I have no doubt that the Canadian government would not object at all if we sent additional vessels there, without arms and under the control of the Navy Department, with suitable men to survey these whole lakes, so that maps could be made upon which the Navy could rely as to where the ships would be safe and where they could go without danger.

Mr. BURTON. Will my friend permit another question?

Mr. BERRY. Yes.

Mr. BURTON. Did the gentleman in his trip on the lakes see any indication that that survey had not already been made?

Mr. BERRY. I think the survey is pretty well made, only I do not think that people who are not engaged in seafaring matters know as much about it as an arm of the service which is engaged in travel on the water.

[Here the hammer fell.]

Mr. FOSS. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has twenty-four minutes.

Mr. FOSS. I yield to the gentleman from New York [Mr. CUMMINGS] five minutes.

Mr. CUMMINGS. Mr. Chairman, referring to the lakes, the remarks of the two gentlemen from Ohio answer themselves. The reason that the Army made the survey on the lakes is because under the treaty with our good, kind old mother England, we are allowed to keep only one naval vessel on our Great American Lakes.

Mr. HEPBURN. Only one armed vessel.

Mr. CUMMINGS. And as regards the Army and the Navy on the lakes, let me tell the gentlemen from Ohio that they are the last men in the world who ought to cast any stigma on the Navy in connection with that matter. Hull surrendered an American army to the British at Detroit; Commodore Perry protected your coast in Ohio by sinking the British fleet. That shows that the Navy, if it can not make a survey of the lakes, is of some service on the lakes when the vital interests of the country are at stake.

Now, Mr. Chairman, the impression is sought to be created here that this section is an aggression upon the Coast and Geodetic Survey. Oh, no, Mr. Chairman; it is an aggression of the Coast and Geodetic Survey over the Hydrographic Bureau of the Navy. The bill simply carries out a policy that has already been established.

In the Fifty-third Congress I had the honor of serving as the chairman of a committee of investigation concerning the Coast and Geodetic Survey. Both the Secretary of the Treasury and the Secretary of the Navy had agreed that the Coast and Geodetic Survey should be swallowed by the Hydrographic Office in the Navy. I have not time to refer any further to the details of the investigation, but it was agreed that the situation as it was then should be maintained, despite the agreement of the Secretary of the Navy and the Secretary of the Treasury.

Ever since then the Coast and Geodetic Survey, like its sponsor, the Committee on Appropriations to-day, has been seeking for more power, grasping it here, grasping it there—in the air, on the

land, on the sea. It got into Alaska; it went to Porto Rico; it has gone to the Philippines and wants to grasp the work there.

Now, how are they situated with regard to the Philippine Islands? Why, they have only one vessel fit to go to the Philippines to make surveys, whereas the Navy has already there to-day from fifteen to twenty gunboats captured from and bought from Spain, already equipped, only wanting a few surveying instruments to go on with the surveys in those islands.

And you here attempt to take these surveys that have always been made by the Hydrographic Office and turn them over to a political bureau, the superintendent of which is liable to be removed with every change of Administration. It is a political bureau. The officers of the bureau have no license.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. I yield to the gentleman three minutes.

Mr. CUMMINGS. It is a navy within a navy. The present superintendent has adopted a flag, used while he is afloat, which resembles very much the flag used by Admiral Dewey. [Laughter.] The officers are arrayed in a uniform more gorgeous than any uniform worn at the battle of Manila. I had a letter from an old boatswain in the Navy, now employed in the Coast and Geodetic Survey. I have mislaid it. He is employed in the Coast and Geodetic Survey, but he has served twenty years in the United States Navy. He wrote me saying: "CUMMINGS, it is pie. Nobody here knows anything about naval matters but me, and I have been appointed commander of the vessel, although I was nothing but a boatswain in the Navy." [Laughter.]

Now, the hydrographic work in every country is done by the navy. The reputation of our hydrographic work is the finest in the world. At every branch hydrographic office mariners rendezvous, and engineering and marine subjects are discussed. The captains of vessels can buy charts made by the Hydrographic Office, and they want no others. Do you propose to abolish these offices?

Every surveying ship of the Navy is an armed ship. It serves two purposes. A ship is often detached from survey duty to quell riots and other disturbances in foreign countries. The magazines of these ships are always full and ready for any emergency. The *Viren* was stationed at Bluefield last winter, and did preserve order as well as doing surveying.

The *Yosemite* has made a new survey of the island of Guam, and she is now on her way to the Philippines.

The number of retired officers of the Navy employed by the Hydrographic Office is 4—2 in Washington, 1 in New York, and 1 at Sault Ste. Marie, Mich. They are employed in accordance with section 1763, Revised Statutes. They are termed nautical experts and have passed the examination before the Civil Service Commission and were appointed upon its recommendation.

On September 14, 1899, announcements were made by the Civil Service Commission, through all the leading papers of the United States, including trade and nautical or marine journals, and a copy of the notice was also given to every newspaper correspondent in Washington, that an examination would be held by the Commission on October 17, 1899, for nautical experts. Only 4 candidates presented themselves. The examination was then postponed to November 14, 1899, and the widest publicity was given to the notice. Seven applications were received from this second notice, making 11 in all.

Of these 11, 4 were retired officers, 2 graduates of the Naval Academy not in the service, 1 an ex-volunteer ensign who served during the Spanish war. Of the 11 candidates, 7 passed the examination—4 retired officers, 2 graduates not in the service, and 1 ex-ensign. This statement proves how well adapted for surveying are officers of the Navy.

Relative to the survey of the island of Porto Rico, it seems that the Coast Survey took upon itself to issue a chart of that island in October, 1898, months before the signing of the treaty of peace with Spain. This chart, I am assured, was an exact reproduction of the Hydrographic Office chart. It is an indication of the manner in which the Coast and Geodetic Survey is extending its jurisdiction.

It seems that the commanding officers are landsmen not qualified or licensed to have charge of vessels at sea.

Previous to the Spanish war the accuracy of all charts issued by the Coast Survey for maritime purposes was vouched for by the hydrographic inspector of the Survey, an officer of the Navy. These charts also bore the names of the surveyor. Recently the charts issued by the Survey bear the name only of the Superintendent, who is neither a surveyor nor a seaman.

The value of a chart depends upon the reliability of the survey from which it is made. The charts from the Coast Survey are made by employees who hold their positions purely by the favor of the Bureau, and the average length of service of the Chief of the Bureau is about four years.

Now, Mr. Chairman, I submit that matters should be allowed to remain as they are to-day in regard to the Hydrographic Bureau and the Coast Survey and that this aggression on the powers of the Hydrographic Bureau cease.

Mr. FOSS. How much time have I remaining?

The CHAIRMAN. The gentleman has fourteen minutes remaining.

Mr. FOSS. I suggest that my colleague, the gentleman from Illinois, use some of his time.

Mr. CANNON. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, the gentleman from New York is mistaken when he talks about aggressions that have been made by the Coast Survey upon the rights of other branches of the Government. The aggression in this particular matter, I want to tell the gentleman, comes from the Navy Department. The first time that this appropriation appeared or any appropriation of a similar character since 1843 was in 1884, where there was an appropriation for special ocean surveys of $10,000. That appropriation was omitted next year. Thus it continued——

Mr. CUMMINGS. The gentleman will allow me right there. Was it aggression on the part of the Navy Department when Secretary Carlisle asked to turn the Bureau over to the Navy Department?

Mr. HEPBURN. I am not discussing that branch of the matter. This appropriation was omitted in 1885. It was resumed and continued at $10,000 until 1891. Then it jumped to $14,000 and continued until 1899, and then for the first time was this large appropriation, including these other duties, and if there was any aggression being used, it can not be evidenced by the fact that the duties of the Coast Survey were extended to Florida, to the California coast, to Oregon, and to Alaska. Its expansion came to them—expansion of the duties because of the expansion of the coast, not because of special legislation. But the gentleman says that the reason why the lake surveys were included was because after the treaty of 1814 the Government was prohibited from having naval vessels on the Great Lakes. He is mistaken about that. It was "armed vessels;" and armed vessels, I take it, are not necessary for the coast survey upon the Great Lakes.

Mr. CUMMINGS. I say "armed vessels."

Mr. HEPBURN. But, Mr. Chairman, the gentleman from Illinois, in the admirable speech that he has just made, has shown that this is an extravagant waste of the public money; that there is no necessity for it. He has said, and the gentleman from New York has reiterated, that the Navy is provided with accomplished scientists to do this work; that it has all the men; that it is amply supplied with ships—just the kind of ships that are needed for this work.

And here, at the very time, it seems to me, that they would enter into the performance of this duty, do you understand why they used over $122,000 last year; and why are you asking for $100,000 now? If you have the men, if you have the ships, if you have the scientists, if you have all of these elements that are necessary for the labor, why do you want $100,000 now? Why do you ask that you may expend it in the hire of ships and the employment of scientists? It seems to me, Mr. Chairman, that the gentleman has made the argument of all arguments disproving the rightfulness of placing this appropriation upon this bill. There is no reason for it, if the gentleman is accurate in his statement.

Mr. FOSS. May I ask the gentleman a question?

Mr. HEPBURN. Yes.

Mr. FOSS. Has the gentleman read this provision which provides for the publication and sale of the results of ocean and lake surveys?

Mr. HEPBURN. Yes; and that was covered in the appropriation, and never exceeded $14,000 for fifteen years of time.

Mr. FOSS. Yes; and the more the surveys the greater the publications.

Mr. HEPBURN. But the gentleman does not mean to say, nor will he say, that $100,000 this year and $122,000 last year were necessary for the publication of the results of the labor of these gentlemen?

Mr. DAYTON. Will the gentleman say that, with a regular authorized bureau having control of the whole expense and in charge of it in doing this work——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. I yield ten minutes to the gentleman from Maine.

Mr. LITTLEFIELD. Mr. Chairman, this question now pending seems to be a controversy as to jurisdiction. The first proposition is whether the Committee on Appropriations shall have jurisdiction of this subject-matter or whether the Committee on Naval Affairs shall have it. The second proposition is whether the Coast and Geodetic Survey shall have jurisdiction over this subject-matter or the Navy Department.

Inasmuch as I am not a member of either of these great committees, I can look upon the first question of jurisdiction with some degree of disinterestedness. No gentleman on this floor will make any complaint as to any member of either of these great committees in their laudable desire to increase the importance

and dignity of their several committees. It is proper; it is defensible.

When it comes to these other two departments—the Naval Department and the Coast and Geodetic Survey—I have no attack or criticism to make upon any of the gentlemen responsible for or connected with the Coast and Geodetic Survey. I presume that they are now discharging a useful and important service to the Government, and I deprecate, Mr. Chairman, the necessity upon the part of the gentlemen representing the Appropriations Committee or the Coast and Geodetic Survey of standing and making an attack upon the personnel of the Navy.

If there is any Department connected with the United States Government that during the last two years has demonstrated the integrity, the capacity, and the ability of its personnel, it is the Navy. It came through two years of war without a breath of scandal or any stain upon the name of any man who served in it; and it ill becomes the gentleman representing this other branch of the Government to assail its character, its efficiency, its integrity, here and now upon this floor, just for the purpose of transferring the jurisdiction upon this subject.

Mr. MOODY of Massachusetts. Will the gentleman be good enough to say who has assailed the Navy?

Mr. LITTLEFIELD. I understood the gentleman from Massachusetts to say that in connection with the Naval Observatory the Navy had so conducted itself as to make that institution a laughingstock in the eyes of the world.

Mr. MOODY of Massachusetts. The scientific world, and I repeat that statement.

Mr. LITTLEFIELD. I submit that the personnel of the Navy needs no defense from me upon this floor. It is recognized in all Christendom, and stands to-day, as the result of its education and experience, without a peer. It has no parallel anywhere. Magnificent as are our ships of war, more magnificent and glorious are the men that command and man them. [Applause.]

I say I deprecate, in the attempt to transfer the jurisdiction, this attack upon the Navy. I know nothing about the details connected with the suggestions of the gentleman from Massachusetts, and for that reason I can not attempt to reply to them. Now, just a word as to this proposition.

Mr. MOODY of Massachusetts. The gentleman from Maine having given me credit for one quotation, ought to give me credit for the other——

Mr. LITTLEFIELD. Yes; in the same speech the gentleman eulogized and criticised the Navy.

Mr. MOODY of Massachusetts. And has not a representative of the people a right to do that on this floor?

Mr. LITTLEFIELD. Certainly he has.

Mr. MOODY of Massachusetts. If he has not, it is time that we should know it.

Mr. LITTLEFIELD. I do not find any fault with the gentleman, but I say it is not necessarily involved in this proposition here, and I do not think the Navy will especially appreciate the championship which in the same speech eulogizes and criticises and ridicules it. The gentleman has a right to do it if he wants to, and I have the right also to refer to it on this floor.

Gentlemen have discussed the question of the lakes, but the great question involved here is, what bureau of this Government shall survey the Philippine Archipelago, with its thousands of islands, its thousands of miles of coast, around which our Navy, with magnificent ships, must patrol for years to come? I understand it not to be denied here that the Navy, with its existing ships and its existing personnel, can make these surveys with practically no additional expense.

Mr. SOUTHARD. Oh, yes; that is denied.

Mr. LITTLEFIELD. This hundred thousand dollars that is appropriated here is for details of expenditure and all the expenses involved in carrying on this Bureau.

Mr. CANNON. I will state to my friend that I do deny it. One hundred thousand dollars may be the expense just here, but a million will be the amount elsewhere in the appropriations, not mentioned here.

Mr. LITTLEFIELD. Let the gentleman point it out; let him show the place.

Mr. CANNON. There must be money for coal, and the pay of the Navy, the pay of seamen, the cost of ship's equipment, and many other things—"the whole shooting match." [Laughter.]

Mr. LITTLEFIELD. Very well; it is because we want the "shooting match" efficient that we want to leave this matter in the hands of the Navy. I read a statement from a rear-admiral of the Navy, who says:

> We have the ships, officers, and men. Survey work may be combined with ordinary police duties of small ships.

We have the vessels all over there in that archipelago. How many of them? There are 17 captured from Spain, with additional ships that we sent there. They are now patrolling and policing that coast; and with this expenditure of $100,000 they could go on with this hydrographic survey.

Mr. MOODY of Massachusetts. I know the gentleman wants the truth about this or any other question.

Mr. LITTLEFIELD. Certainly; always.

Mr. MOODY of Massachusetts. Therefore he will allow me to call his attention to what the Chief of the Bureau of Navigation in the Navy Department said officially in 1890:

> "In these localities and in many others the state of our commerce demands trustworthy charts, but the information on hand is not fit to make them (referring to the Spanish main, south coast of Cuba, and the mouth of the Orinoco River, etc.). In all these cases after vessels had been detailed the plans have to be laid aside, as it was found that the exigencies of the service required these vessels for other missions, and among them the *Thetis* and the *Ranger*, looked upon as surveying vessels.
>
> "From the experience of the past year and of previous years it is clear that naval vessels regularly commissioned for service can not be spared from the larger demands of the general service long enough to render effective assistance in carrying out this work."
>
> That is, survey work.
>
> "Therefore I recommend, as my predecessors have done, that special vessels of the Navy be equipped for this service and permanently assigned to it."

Mr. LITTLEFIELD. That is in relation to the Coast and Geodetic Survey.

Mr. MOODY of Massachusetts. It has relation to the survey of any coast.

Mr. LITTLEFIELD. That refers to the question of the transfer of the work of the Coast and Geodetic Survey. It is dated in 1890, as the gentleman has stated. I have read the statement of a rear-admiral, written April 14, 1900, a good deal nearer to the present time than the gentleman's citation.

Mr. MOODY of Massachusetts. What I read does not refer to the Coast and Geodetic Survey; it is in reference to the question of surveys by the Navy Department.

Mr. LITTLEFIELD. I will read a little further on what the Navy Department says on this subject.

To recur to what I was saying, that substantially is the proposition. I am so informed by a rear-admiral of the Navy. I assume—because I have found these gentlemen to be truthful—that he states the fact. I have no doubt you can get contrary statements from representatives of these different bureaus.

Let me state the whole proposition. Briefly, it is this: That the Navy, while it is patrolling and policing that archipelago, can carry on this hydrographic survey. It is conceded that the Coast and Geodetic Survey, if it takes upon its hands the survey of the archipelago, must increase its personnel, must increase its vessels. Of course they have some vessels now; but are there a lot lying around now which are not in use? If there are none such, if all their vessels are now in use, then they have none to spare. Their vessels used for this purpose are not over there now in that archipelago.

The chairman of this committee says that this proposition will involve on the part of the Government an expense of about $2,000,000. I have heard the expense variously estimated—from $500,000 to a million dollars and $2,000,000.

What the proposition means is to transfer this subject from the Naval Committee to the Appropriation Committee, from the Navy Department to the Coast and Geodetic Survey, and the respective expenditure involved is $100,000, perhaps, for the Navy, and in the end $500,000 or $2,000,000 for the Coast Survey. That is the economical proposition.

I call the attention of the gentleman from Iowa to his suggestion in regard to the extravagant waste of the public money. I am ready to go on record on the proposition that $100,000 for the Navy Department is not so extravagant an expenditure of public money as a probable expenditure of $1,000,000 or $2,000,000 for the Coast and Geodetic Survey.

Now, just a word as to the work of these two bureaus. What does the Coast and Geodetic Survey do?

[Here the hammer fell].

Mr. FOSS. I yield the gentleman the balance of my time.

The CHAIRMAN. The gentleman has four minutes.

Mr. LITTLEFIELD. I have no time to make any quotation, but the Coast and Geodetic Survey until within six months has done what with its charts? I make no criticism of this Bureau, because it is doing its work according to its ideas of its special province and purpose. It has made these charts upon the polyconic section plan. The Navy Department has done what? It has made its charts upon the plan of Mercator's Projection.

What does that mean? Mercator's Projection is the law of the sea. If there are any men on this floor who are familiar with navigation, familiar with the men who sail the ocean, they know that Bowditch's Navigator is to the seaman, the master mariner, what the Bible is to the Christian religion or the Revised Statutes to the lawyer. It is the law of the sea. That great book, which has been used by maritime nations for a century, is the law of the sea to-day, so far as navigation is concerned. Upon what plan? Mercator's Projection.

That is the plan on which the Navy Department does its surveying. All who sail the water, who have occasion to approach our coasts, who realize the dangers which they must meet, who

appreciate the difficulties they must encounter, are obliged to rely upon these charts for their safety.

Mr. Chairman, the Coast and Geodetic Survey, within their province, in the performance of the duties assigned to them, have never made a chart on Mercator's Projection until within a very few years past, although in a communication from Commodore C. H. Davis, a member of the National Academy of Sciences and Chief of the Bureau of Navigation, we find the following language, to which I ask your attention:

> You can not be surprised that I should insist, as a practical navigator, upon the use of the Mercator Projection. The Mercator Projection belongs to the sea just as the modern compass does, and I may say that it finds its proper and peculiar value only on the ocean. So also the compass and Mercator's Projection belong to each other.
>
> Let me say it is only on the sea that people direct their way by the compass both for the moment and prospect. It is only on the sea that they have occasion to project a compass course as a guide, and it is only on Mercator's chart that such a course or rhumb line can be projected and inspected without calculation. All this is familiar to you, as it is to me in principle.

It is no reflection, therefore, on the Coast and Geodetic Survey to call attention to the fact to which I have directed your attention, but it is a recommendation of the Navy, and it seems to me that when they do the work themselves, so that it will be of use not only to the Navy, but for all maritime people on every occasion when they have to traverse our own coasts and this archipelago, consideration should be given to the recommendation of this committee. The same method is employed by the greatest maritime nation in the world, Great Britain.

Now a word as to what the Navy has been doing in this regard. The Hydrographic Office has prepared and issued annually about 1,000 charts for the use of navigators. The Coast and Geodetic Survey have issued how many? About 300; and, Mr. Chairman, these 1,000 charts are issued in accordance with the customs and practices in use amongst navigators, in use amongst the men who sail the ocean. This illustration briefly indicates the work of the two departments and the amount possibly which was expended in the work performed by them.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, I would ask how much time I have remaining?

The CHAIRMAN. Twenty-seven minutes.

Mr. CANNON. I will crave the attention of the committee, Mr. Chairman, for that twenty-seven minutes, and will state as briefly as I can what I understand is to be done by the proposed naval bill that we are now considering and what will be done on the amendment I have offered if it shall be adopted.

First, let us clear away the underbrush and get rid of the various loose statements which have been made—the declamation, the firecrackers—get rid of the pyrotechnics which have been presented in this debate, and get right down to the clean, clear, and absolute facts. That is a business proposition. It does not abound in declamation or glory or anything else but common sense.

Now, my colleague from Massachusetts on the Committee on Appropriations [Mr. MOODY] has briefly and clearly stated what the history of the surveys of the coasts of the United States has been. I wish I could take it up and deal with it more in detail and more fully. But he stated it correctly as far as the time at his disposal permitted him to state it. Let me say, however, that this effort on the part of the Naval Committee and certain officers in the Navy—not all the Navy, not a majority of the Navy—but of certain officers in the Navy—notably the one the gentleman from Maine [Mr. LITTLEFIELD] referred to as a rear-admiral, has been trying to do, while in charge, just as his predecessors have been trying to do for almost a century.

This is not a new contention. For almost a century this survey of the coasts of the United States has been with the Coast Survey substantially, under civil domination and administration. Along in the late 20's it was transferred for a few years to the Navy Department, and the Navy Department, as I have the documents here to show, after six years of survey by that Department, reported the fact that their surveys, as a connected survey, were necessarily imperfect and substantially worthless. Now, without speaking disrespectfully of that, there was a reason for it to which I will refer a little later on.

The work was then retransferred to the Coast Survey, under the Treasury, where it has remained from that time to this. It was supposed it was finally settled in a contest in the early 40's, but up came certain officers in the Navy Department who wanted to absorb civil duties, and made the contest again in 1850. I have not time to read it, but it is a very interesting discussion. Mr. Jefferson Davis, then a Senator of the United States, led in the contest against transferring this service to the Navy in an exceedingly able speech, in which he told the truth about the Navy—that it was created to fight, educated to fight, to command the ships of battle in war, and that it was not educated for civil duties.

And finally, when four-fifths of that Congress for the second time turned down the effort to establish a coast survey in the Navy Department, Mr. Davis expressed the hope that that would finally settle the contention; but it did not. It came again and again. It came in 1884. A joint commission of the two Houses for two years investigated, and under their report the surveys of the coast remained as the law then and now provides, with the Coast Survey.

So much for that. The Navy is not equipped to do this work——

Mr. LITTLEFIELD. Will the gentleman yield for a minute?

Mr. CANNON. I have but little time, but I will yield.

Mr. LITTLEFIELD. I do not know but I may have possibly misapprehended. Do I understand the gentleman to say that the education which naval officers get at the Academy would not qualify them for this work?

Mr. CANNON. That is substantially true, unless they receive further qualifications.

Mr. LITTLEFIELD. What do you mean by that?

Mr. CANNON. Well, I will explain in a moment. In the first place, the Navy of the United States, like the Army, represents the arm of force of the Government. They are a little knot of people set off to one side. They do not deal in decrees and judgments of courts. They are called into the service of the country for the purpose of accomplishing the objects of their country as an arm of force when everything else has failed, and they are educated from that standpoint.

Mr. LITTLEFIELD. Just one moment, please. Is it not a fact, if the gentleman will excuse me, that they have a thorough education in engineering?

Mr. CANNON. Oh, certainly.

Mr. LITTLEFIELD. And in navigation?

Mr. CANNON. Oh, certainly.

Mr. LITTLEFIELD. Does not that involve this precise proposition of surveying?

Mr. CANNON. Oh, yes; but this precise matter of surveying involves something more than that, as I will explain, if the gentleman will listen to me. When he asked the question a moment ago touching the equipment of these people, he wished to know if they were not liberally educated? Yes; at the expense of the Government. For their benefit? Oh, no. This magnificent twelve-million-dollar establishment that we are now constructing to educate these naval cadets at Annapolis is not for their benefit, God bless you. It is for our benefit. We pay them. They are devoted to that service; and, as I said before, it is a service that represents the arm of force.

Now, I must jump from one thing to another. I can not speak of this matter consecutively. The argument was made that the Navy has the ships; that it has the men; that it has the seamen; and therefore, as the ships of the Navy and the men of the Navy are scattered all over the world, that the Navy can do the coast-survey work cheaper and better than anybody else. Well, now, just mark how plain a tale shall put that down. One example is better than an hour of talk. Take the report of Admiral Bradford of the Bureau of Equipment. In the current year there was slipped into the naval bill, without notice in the rush, an appropriation to the Navy to survey Porto Rico, Cuba, Guam, and the Philippines. There was no law for it, but it abounded in appropriation only.

In pursuing that survey they sent the *Bennington* to the island of Guam. What did the *Bennington* do? It is a long way to Guam. The *Bennington* steamed over there to that island, and spent about two weeks in taking a general observation and putting up signals. What happened then? Presto, change! The necessities of the naval service caused an order to be served upon the *Bennington* to move on; and it went on to the Philippines, and that coast survey work stopped. The trip to Guam was lost. Two or three weeks' work in putting up signals was lost. What next happened? Why, another naval vessel was order to Guam. Has it ever got there? The Lord knows; I do not.

Mr. FOSS. May I ask the gentleman a question?

Mr. CANNON. Certainly.

Mr. FOSS. Is not Guam on the route to the Philippines?

Mr. CANNON. Well, whether the *Bennington* was sent from the Philippines to Guam, or to Guam from somewhere else, I do not know. Does the gentleman? But it does not make any difference, nor is it material. The practical way to survey the coast of Guam is to survey it by a man who is competent to do it, with a crew of native sailors, if they can be hired, on a 200-ton sloop, a sailing vessel, or the smallest kind of a steam vessel, to go in there and put up the signals and survey it and to do the land work at the same time.

That is inexpensive, and brings rapid results. It would have been finished in a short time, comparatively speaking. Now, I give that as an example. Now, the claim is made that here is all this vast Navy that we have got that can be utilized in this service. I have just shown you one reason why they can not do it. Now let me show you another: 20, 25, 27, or 28 feet of water the ships of the Navy draw; they are wonderfully expensive engines of war, the vessels of our Navy in these latter days, officered by men that are trained to the service, manned by seamen that are enlisted for four years. Now, I would like to see you run the battle

ship *Indiana* or the battle ship *Oregon* into 6, 8, 10, or 12 feet of water to survey these coasts!

Mr. FOSS. Have you ever heard of a battle ship being used for that purpose?

Mr. CANNON. The argument is that the ships of the Navy can be used wherever they are all over the world.

Mr. FOSS. Small vessels, converted yachts, and little cruisers.

Mr. LITTLEFIELD. Do you understand that the survey is made from the deck of a battle ship?

Mr. CANNON. No, sir; I do not. Somebody has said that a child can ask more questions in a minute than a wise man can answer in a lifetime.

Mr. LITTLEFIELD. A man can be childish in not undertaking to answer.

Mr. CANNON. Oh, if the gentleman will rise and address the Chair, he will find that he will always be treated with courtesy by me.

Mr. LITTLEFIELD rose.

Mr. CUMMINGS. Will the gentleman allow me to ask him a question right there?

Mr. CANNON. If my time can be extended, I will answer.

Mr. CUMMINGS. Do you not know that we have 19 gunboats in the Philippines, some of which are not larger than canal boats on the Erie Canal?

Mr. CANNON. I suppose there are. Why did you not get some of those gunboats instead of expending $45,000 to expensively fit out two vessels for the coast survey of Cuba?

Mr. CUMMINGS. Because the Government paid for it with appropriations that you made.

Mr. CANNON. Why do you not use them instead of fitting out these new ones?

Now, I want to call attention to what the law is. Sections 4681 and 4682 of the Revised Statutes create the Coast Survey; that they shall survey the coast of the United States and 20 leagues at sea; that they shall also survey the land coast as well as the water and the harbors. Let me make one other observation. There is no other law, and never has been since 1834 or 1836, for survey of the coasts, when the Coast Survey was transferred from the Navy Department to the Treasury Department, until this year, and then only in an appropriation on the naval bill for this year, and it is the only appropriation that authorized the Navy Department to survey the coast anywhere. No man can find it, and yet the gentleman from Illinois, my colleague, complains because he says we are trying to take something away from the Navy. Not at all.

Mr. FOSS. Does the gentleman mean to say that we did not, under an appropriation made twenty-five years ago, under the provision for ocean and lake surveys, survey Midway Islands in the Pacific?

Mr. CANNON. I undertake to say, except in appropriations for ocean surveys, there is no law and has not been since early in the thirties authorizing the Navy to make surveys of the United States coasts until 1890, when you—I will not say surreptitiously, but without notice to the House—for the first time, without attention being called to it, inserted it in the appropriation bill for ocean "and lake" surveys. You broadened it by adding the lakes, and this has remained the law from 1890 up to the present time, except the law that is contained in the present appropriation bill for the Navy for the current year, which extends this service for this year, and for this year only, to Cuba and Porto Rico, Guam, and the Philippines.

Mr. FOSS. I would ask the gentleman when there is a general law as to ocean and lake surveys without any specific provision or limitation on it, if that does not mean surveys wherever there are oceans and wherever there are lakes?

Mr. CANNON. Where is the law?

Mr. FOSS. It has always been on an appropriation bill.

Mr. CANNON. I say again there has been no legislation except in appropriation bills, and up to 1890 it was for ocean surveys, as they went about the world, that they could take observations. Now, then, you propose in this section 16—I have no time to read it, but I make myself responsible for what I say; in section 16 you establish a full-fledged coast survey of the coast of the United States, of the newly acquired possessions, having just as much power and authority as long as this appropriation lasts, and the Coast Survey Service has to make these surveys. In other words, it creates a second coast survey under the Navy Department.

Mr. WM. ALDEN SMITH. Mr. Chairman, I would like to ask the gentleman a question: Whether in his judgment it is impracticable to do this work in the Navy Department?

Mr. CANNON. Oh, certainly; and I am trying to show it.

Mr. WM. ALDEN SMITH. Is it more expensive?

Mr. CANNON. Oh, yes.

Mr. WM. ALDEN SMITH. You have not demonstrated it.

Mr. CANNON. But I have not had time. Why, I only had twenty-seven minutes, and there is an hour and a half's talk. But you can not cover it. I have not the time to do so; but I have given attention and study to this question, and I feel that I can say with more certainty than I can ordinarily about public questions that I know about this service, and I am here to state in twenty-seven minutes what it has cost me months if not years of time to investigate. It is impossible. The gentleman wants some information. I will give him a little bit. It is a fair sample of the whole thing. I have it right here.

I spoke a moment ago of the *Yankton* and the *Eagle*. One would have supposed, with three or four hundred vessels which we had scattered all over the world, that it would not have been necessary to fit up two coast-survey steamers. You would have supposed they were little yachts and gunboats belonging to the Navy to hear the gentleman from New York and my colleague from Illinois talk about them, and that all you had to do was to jump on the little yachts and go and survey by the Navy. What happened this year? This is the first year they have had this coast survey and that only in part. Why, the first thing they did was to fit up at an expense of over $45,000 the *Yankton* and *Eagle*—to do what? To survey down on the coast of Cuba and possibly a little bit in Porto Rico, commanded by naval officials.

Now, the *Blake*, a smaller coast-survey vessel, was engaged in surveying the coast of Porto Rico under law and under the Coast Survey. Let me make a comparison, and that will answer the question of my friend from Michigan. I have it right here.

The *Blake* made 70,400 soundings at a cost of 35 cents a sounding, and in addition to that the *Blake* triangulated and surveyed the coast or land and joined the two surveys, land and water, together.

Now, what did the *Eagle* and *Yankton* do? In the same time both of these ships, under the command of the Navy, made 25,000 soundings, just a little over one-third of what the *Blake* did in the same time, and while each sounding of the *Blake* cost 35 cents, each sounding of the *Yankton* and the *Eagle* cost $1.08.

Mr. DAYTON. Will the gentleman pardon me right there?

Mr. CANNON. Yes.

Mr. DAYTON. The gentleman does not want to make an unfair statement.

Mr. CANNON. Well, if I can have a little more time, I will answer the gentleman; it is only a question of time.

Mr. DAYTON. Were these surveys over the same territory and involving the same difficulty in soundings? Does not the gentleman know that one piece of coast may be a thousand times more difficult to sound and survey than another?

Mr. CANNON. Yes, it may be; but it was not. [Laughter.]

Mr. DAYTON. How do you know it was not?

Mr. CANNON. Now, then, if I can have the attention of the House——

Mr. WM. ALDEN SMITH. Were these soundings made the same year?

Mr. CANNON. Both the same year.

Mr. WM. ALDEN SMITH. Work done at the same time?

Mr. CANNON. Yes; substantially. Now, some may say that I am abusing the Navy. I am not. The Navy fighting the battles of the Republic aboard ship and behind the guns, doing what they are educated to do, is the grandest body of men on earth. [Applause.] The Navy in civil life, in the performance of civil duties, with their training and education, are thoroughly incompetent when you get them there, and very expensive until they learn the work, and when they learn it the time comes for them to move on, to be detailed to other duty. [Laughter and applause.]

A MEMBER. That settles Dewey's canvass. [Laughter.]

Mr. CANNON. I am not talking politics, I am talking business. Now, then, I hope I can have the attention of the House, for I come to a very important matter that goes to the very bed rock of this whole matter. Take the law creating the Coast Survey.

Mr. LITTLEFIELD. Mr. Chairman, will the gentleman allow an interruption?

Mr. CANNON. I have but little time remaining.

Mr. LITTLEFIELD. Does the gentleman feel like making that broad charge against the Navy in connection with surveys?

Mr. CANNON. I said in civil life, the performance of civil duties.

Mr. LITTLEFIELD. Does the gentleman——

Mr. CANNON. Oh, I know better than the gentleman himself what he is going to say. I have but little time, but I will answer what he is going to say.

Mr. LITTLEFIELD. It is not often that we meet with omniscience, but once in a while we strike it. [Laughter.]

Mr. CANNON. When I bring my X-ray on the gentleman it comes pretty near going through.

Mr. LITTLEFIELD. The gentleman had better not do it, for he does not know what he may find.

Mr. CANNON. Well, out of regard to my friend from Maine I will listen to him.

Mr. LITTLEFIELD. Does the gentleman seriously make this charge of incompetency against the officers of the Navy in connection with the survey for the purposes of navigation?

Mr. CANNON. I said incompetency in civil pursuits. I will tell my friend——

The CHAIRMAN. The time of the gentleman from Illinois has expired. [Laughter.]

Mr. CUMMINGS. I ask unanimous consent that the gentleman's time may be extended.

Mr. CANNON. I would be glad, Mr. Chairman, to have thirty minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended thirty minutes.

Mr. FOSS. I suggest, if that is done, that we have an equal time on this side.

Mr. CANNON. I have no objection to that—not the slightest.

The CHAIRMAN. Unanimous consent is asked that the time for debate on this question be extended for one hour—one-half hour for the gentleman from Illinois [Mr. CANNON] and the other half to be at the disposal of the gentleman from Illinois [Mr. Foss]. Is there objection? The Chair hears none.

Mr. CANNON. Now I will answer the question of the gentleman from Maine [Mr. LITTLEFIELD], and I will answer it in about two minutes, if the gentleman will give his attention.

I hold in my hand the Revised Statutes creating the Coast Survey, one provision of which is to this effect:

> The President shall carry into effect the plans of the board as agreed upon by a majority of its members, and shall cause to be employed as many officers of the Army and Navy of the United States as will be compatible with the successful prosecution of the work.

That is the law organizing the Coast Survey. Under that law there have been transferred from time to time since its enactment in 1843 nine or ten hundred officers. The average service of those officers in the Coast Survey has been a little over two years, and the facts show on examination that this wonderfully intelligent class of men, when taken from their legitimate profession, did not in the main do much more than get ready to begin the survey before the time had arrived for them to go to other duty, and they were so transferred.

Mr. TALBERT. I want to suggest that one evidence of the incompetency of naval officers in matters of civil life is that Dewey wants to be President! [Laughter.]

Mr. CANNON. I have a great, a high admiration for Admiral Dewey.

Mr. TALBERT. So have I; but I do not want to see him seated in the Presidential chair, because he is not competent to fill it, although he is a great and efficient naval officer, deserving the admiration not only of our nation, but of the world.

Mr. CANNON. I have a high admiration for every officer and man who fought in the Spanish war or in any of our wars heretofore. I have so great an admiration and respect for these officers that when I see somebody trying to set them at work upon something that they can not economically do and can not sustain themselves in doing, I love them so well as to call a halt. [Laughter.]

Mr. LITTLEFIELD. At this point I would like to ask the gentleman a question.

Mr. CANNON. If I do not in five minutes answer my friend, I will then yield.

Mr. LITTLEFIELD. Perhaps this might facilitate the gentleman's answer a little.

Mr. CANNON. I have the answer right here.

I have just read the provision of law for the President detailing officers of the Navy to the Coast Survey. When did he stop doing so? He first stopped in 1860. Why? Because during that great war, which lasted for five years, and also for some time afterwards, every officer of the Navy who had been doing coast-survey work or who was thought of as suitable for doing that work was transferred aboard his ship, under the flag, behind his guns, doing that for which he was educated and paid and that which brought glory upon him and his country.

Now, when did such officers come back into the Coast Survey? In the late sixties and early seventies. When did they resume their regular duties? When the Spanish war broke out; and they have been thus employed ever since.

There can not be any detail now. A week or two ago my colleague [Mr. Foss] wrote me a letter in which he informed me that the naval bill would not carry one cent of appropriation for officers of the Navy to be detailed to the Coast Survey. Why? Because the Department had not the officers to spare. And that is what the Secretary says; he has not the officers to spare. Now, in the name of all that is good, if the Department has not these officers to spare when the law says they shall be detailed, how can it have them to spare under the appropriation in the naval appropriation bill for this year, providing that such officers shall go on these two Coast Survey steamers the coming year to shoulder up the whole survey of all the coasts of our newly acquired territory?

Mr. FOSS. I will answer the question of the gentleman.

Mr. CANNON. My friend has thirty minutes of his own. [Laughter.]

Mr. WILLIAMS of Mississippi. Is it not a fact that the Navy Department can not get men now for the new men-of-war?

Mr. CANNON. Yes; I am going to refer to that. I am going to astonish this House in some respects, unless members have studied this question of the size of the Navy more thoroughly than I think some of them have.

Mr. LITTLEFIELD. Is the gentleman ready for me now to ask my question?

Mr. CANNON. Yes; I yield.

Mr. LITTLEFIELD. I would like to make this inquiry of the gentleman from Illinois: If, according to his impression, the officers of the Navy are not qualified to do this water survey, how happens it that the Coast and Geodetic Survey has made repeated applications to the Navy Department for men to do this work under their jurisdiction?

Mr. CANNON. I have just answered that question. My friend must have gone to sleep between the time he thought of that question and the time he asked it. [Laughter.]

Mr. LITTLEFIELD. Is that all of the gentleman's answer?

Mr. CANNON. The law—your law, my law, the law of the Navy Department and naval officers—says it shall be the duty of the President in his discretion or of the Secretary of the Navy to detail officers of the Navy to this work. He has not been performing that duty. Why? Because he has not the officers to spare.

Mr. LITTLEFIELD. Now, will the gentleman from Illinois be kind enough to answer the question—I mean the question of qualification?

Mr. CANNON. Oh! Oh! Oh! [Laughter and applause.]

Mr. LITTLEFIELD. Well, I would be glad to have an answer to that.

Mr. CANNON. Now, my friend from Maine, elegant and eloquent as he is ornate, as he always is [laughter], splendid in ability and personal appearance, wants an answer to a question that has been answered far back in the course of the discussion. Why, I have no doubt, Mr. Chairman, that in two or three years, after careful instruction, he would become competent to command one of these Coast Survey steamers himself. [Laughter.]

Mr. LITTLEFIELD. I assume that that is intended as a very high compliment. [Laughter.]

Mr. CANNON. But, Mr. Chairman, I can not yield further. I want to get into the merits of this proposition.

Now, then, let us come to the matter of cost. That is the essential matter in the discussion of this proposition. Naval officers detailed prior to the Spanish war—the last year of that war—what do you suppose they cost the Government? What was the amount required to pay those who did the Coast Survey service? And I ask special attention of members of the committee to this suggestion: what did it cost to pay them for their entire service in the Coast Survey, rations and everything else? It costs $89,000 per annum. Now, what do you suppose it cost to do the same service by the employment of civil engineers—men employed from civil life—that are more competent to do this special work than were or are the naval officers on the average? I will tell you. The total cost was just $27,000. That is, the employment of men from civil life at the cost of that sum; that is to say, having a man at work when he is needed and dispensing with his services when he is not needed. Twenty-seven thousand dollars is paid for the work in one instance and $89,000 in the other; this is the difference of cost in the two systems.

I do not speak, Mr. Chairman, with any purpose of in any manner aspersing the Navy. I call attention to the fact that in the condition of our service we can not afford to detail expensive officers of the Navy to do the work of this character when we can get it done just as well, and sometimes better, and done for one-third of the money otherwise expended.

Now I am coming to the question of whether we have the officers to spare. I have got the data here, and they are official. Send to the document room and get Executive Document (Senate document) No. 168, and you will find it all worked out for your information.

We find officers on the active list in the Navy, 1,751; aggregate pay, $4,000,000 and over; 224 naval cadets, aggregate pay, $142,000 and over; 17,500 petty officers, seamen, and enlisted men, the aggregate pay being $6,300,000; 2,500 apprentice boys, $450,000, and so on and so on; in all, officers, enlisted men, boys, cadets, and so on, 21,995, the total pay of officers and men being $11,000,000.

Now, what else does the Secretary say? He says that on last February 19 there was at that time on the vessels of the United States Navy a total of 1,032 officers. That left 689 officers on land duty or somewhere else than on the sea. Now, they have land and sea service in the Navy. I inquired whether it is a matter of Department regulation or law; whether it is necessary to have six hundred and odd officers on land or not. I do not know. But they have them, and they have only 1,062 at sea on our vessels.

Now, then, the Secretary of the Navy says that there is needed

to-day—that is, on February 19—to complete the complement of officers on these vessels that are at sea 210 more officers.

But, Mr. Chairman, that is not all. Mind you, he is estimating 210 more for those vessels that are at sea, while to command vessels that could be put in commission within thirty days. For that purpose he wants 900 additional officers, while as this table shows, for ships under construction or in repair, it will take 867 officers more, so that it seems 3,048 officers are required to man the Navy; yet we have only 1,751 officers on the active list—in other words, we are short on officers just 1,397, and this would not leave a single officer for shore duty.

I say again, we have only 1,751 officers all told.

Mr. WILLIAMS of Mississippi. And need nearly twice as many.

Mr. CANNON. And need nearly twice as many to command the ships of this magnificent Navy, that my illustrious colleague is so zealous in wanting to build up. I agree with him. I hold up his hands. But, oh, my dear friend and colleague, in the light of these facts, and the shortness of officers here to man the vessels that are now in commission and that could be put in commission in thirty days, why, oh why, do you agonize to put on them this civil duty that somebody else is doing better? [Applause and laughter.]

Mr. FOSS. May I ask the gentleman a question?

Mr. CANNON. Well——

Mr. FOSS. Does he mean to say that the officers and men on board our ships, using our ships in the Philippines, these smaller cruisers, these smaller vessels——

Mr. CANNON. Make it short, please, my friend.

Mr. FOSS (continuing). Can not, while they are doing their naval duty, patrolling the coast, for instance, to some extent spend the larger part of their time in making these surveys?

Mr. CANNON. After a careful study that has lasted off and on through months and years, I answer that they can not, do not, and never have.

Mr. WILLIAMS of Mississippi. On the average.

Mr. CANNON. Yes, I mean on the average.

Mr. FOSS. Is it not true——

Mr. CANNON. Oh!

Mr. FOSS. Well, if the gentleman objects——

Mr. CANNON. I want to be courteous always to my colleague, and I will yield.

Mr. FOSS. That is all right.

Mr. CANNON. Now, this is not all. How many men do you want to man this Navy? Speak again, Mr. Secretary of the Navy. We have now 17,500 petty officers and seamen, and, without counting the vessels for coast survey work, it will be required that we should have 17,000 additional seamen. Now, how are you going to man these coast survey vessels under the Navy? With seamen enlisted for four years. How much of the time can you spend in coast survey? Why, about a third of the year, up in Alaska. How much elsewhere? Very rarely more than from six to eight months, anywhere.

Now, the rule of the Coast Survey is that when the season is over their contracts with the sailors are up. Two or three weeks ago they were required down at Pensacola to make a survey, and instead of sending an expensive ocean steamer around there they went by rail and hired a little sailing vessel and hired the sailors then and there, and did that job in about ten days and discharged the force. With the red tape and bureaunism of our friends of the Navy, in the performance of this civil duty, they would not have got started in two or three months yet. I speak respectfully. They have to work by rule, by regulation, and have their discipline and their traditions.

Now, I want to come to this question of their competency to make charts, and I want the attention of this committee while I speak of it.

Much misinformation abounds in declamation. There is a Hydrographic Bureau, separate from this Coast Survey, under the Navy Department. It has been there for a great many years, and it is a very proper service, if they would confine themselves to the hydrographic work as the law creates it. The law does create it. I hold it in my hand here. Very briefly, the law is that this Hydrographic Bureau in the Navy Department shall make charts and issue sailing directions and all that kind of thing. It does not provide that they shall make surveys, but that they shall make charts, issue sailing directions, and so on.

Well, now, what have they done in the chart-making line? Much that is praiseworthy, much that is unnecessary. I was diverted when the gentleman from Maine [Mr. LITTLEFIELD] said that the Hydrographic Office each year made 1,182 charts. Why, Lord bless you, in all the years that it has done duty, it never has printed but 1,182 charts. Do you want to know where they come from? Nine hundred and fifty-eight of these 1,100 charts were but reprints of foreign charts, which could have been bought in the foreign markets or in New York, as printed from the original plates, for less money than the Hydrographic Office could make the plates and print them. But they just reprinted them. I am not grumbling about that. It is well enough. Let the Hydrographic Office mark go on the 958 charts. But they are simply reprints of English, German, and French charts.

Well, now, that leaves some more to be accounted for. Seventeen are compiled from engineers' surveys of the lakes. What engineers' surveys of the lakes? Why, you understand how the engineers come up there on the lakes? Since 1840 the engineers have been in charge of the lakes. Why? Because there are your river and harbor improvements, changing the channels, and it was thought by Congress away back nearly sixty years ago that the Engineer Corps of the Army doing that work could make a survey of the lakes and make the charts. They have made 75 of them, and they are printed in the War Department and they are on sale. Anybody can buy them at cost, and they are amongst the best charts that were ever made on earth.

Now, then, what does your Hydrographic Bureau do? It goes to work and reprints its charts—repeats them. So to-day you can step into any engineer's office in Detroit or elsewhere and buy a lake chart, issued by the engineers of the War Department for the cost of printing; and you can step right across to the next door or the next building and buy the same chart, no better, at the cost of printing, printed by the Hydrographic Bureau. Now, we are not proposing to interfere with it. Yes; my amendment strikes the lake out and leaves it with the Army engineers. Now, with all the surveys that have been made from exploring parties and all that kind of thing, only a little over a hundred original charts have been printed and made by the Hydrographic Bureau.

Now, again the Hydrographic Bureau on the legislative bill, not on the naval bill, finds its appropriations. It has 14 branches, one at New York, one at Chicago, one at Detroit, and every dollar that will maintain the efficiency of the force of these various branch offices is there appropriated for, and every dollar asked for; yet you have been deviled to death by telegrams and letters from chambers of commerce and eminent citizens asking us to stand by the Hydrographic Office. Nobody has ever proposed to do anything else.

I do not propose to abolish the branch offices. They have got all the money that is asked for in the legislative bill. The truth is they might well be changed over. There is no use in the Hydrographic Office to sell charts under the law, for a mere clerk, at a salary of $100 a month, can keep these branch offices and sell these charts. There is no use for it; but we do not interfere with it. There is a naval officer at the head of every one, sometimes there are two, and sometimes a retired officer getting retired pay and civil pay. There is considerable of that kind of thing. I do not think it ought to exist. When a man goes on the retired list, at the age of 62 or 72 years, after having served his Government, being educated by his Government, and retired on three-fourths pay, as a mark of the esteem of a grateful country for that, it ought to be the end of his active duties so far as the Government is concerned; and some time or other I think it would be well to legislate that retired officers of the Navy, or of the Army either, should not draw that pay and in addition draw the pay of a civilian officer performing civilian duties.

Mr. Chairman, there are many other matters I would be glad to refer to, but my time has almost expired. I will refer to one or two.

The Weather Bureau, under the Agricultural Department, costs $1,000,000 annually. It is charged by law with meteorological work, and giving warning of storms, and observing the weather, issuing daily, weekly, and monthly bulletins to mariners and others. It has a thorough organization; it can reach every harbor on the Atlantic and lake coasts in forty-five minutes. Yet an investigation shows that the Navy Department is duplicating its work largely, taking its maps and bulletins by the score of pages without giving credit, and embodying them in its reports, a most expensive duplication and the duplication not as good as the original work. This should cease.

The investigations show and this debate shows that some of these Navy people also want to absorb the Life-Saving Service, the Light-House Service, the Marine-Hospital Service, the Revenue-Cutter Service—all the time not having more than half enough officers for naval service proper; and on this very bill they seek to duplicate the coast survey service. Some of them "would the whole world embrace." I say, again, it is time to call a halt and save the Navy—protect the Navy—from these wild schemes which would destroy it.

Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has four minutes remaining.

Mr. CANNON. Well, if I may, I will reserve that four minutes.

The CHAIRMAN. The gentleman reserves the balance of his time.

Mr. CANNON. I will state, however, before doing that, that there are many other things I would be glad to state here, but there is no time, and under the five-minute rule, when it comes up sentence by sentence and paragraph by paragraph, I may

avail myself of the opportunity to speak further on this matter. [Loud applause on the Republican side.]

Mr. WHEELER of Kentucky. I make the point that the gentleman can not reserve the four minutes and use it under the five-minute rule.

The CHAIRMAN. The gentleman reserves his four minutes.

Mr. FOSS. I will yield to my colleague from West Virginia such time as he desires.

Mr. DAYTON. Mr. Chairman, if I may have the attention of the House, I first want to call attention to the fact that this is not a contest so much between the different branches of this Government as it is an attempt—and I say it meaning what I say—an attempt, in my judgment, upon the part of the Committee on Appropriations to carry on the same fight that has constantly been carried on against the Navy Department since the consideration of its appropriations have been made separate and apart from that of the general Appropriations Committee. In support of this, I want to call your attention to a statement made by Secretary Gage himself in regard to this work.

I want to emphasize the fact that he himself, the head of the Department under which the Coast and Geodetic Survey is made, is not asking that that which is being done by the Navy Department shall be cut off in this summary manner, as demanded by the gentleman who represents the Appropriations Committee. There is no division on the part of the Committee on Naval Affairs. The Committee on Appropriations—representing this Coast and Geodetic Survey, not the Navy—so far as I know, has heard but one side of it. On the other hand, the Committee on Naval Affairs has heard both sides of it, and has extended the same fair and honorable consideration to the views expressed by the Superintendent of the Coast and Geodetic Survey as to those other arguments that have been brought in behalf of the Navy's jurisdiction of it.

Mr. VANDIVER. Will the gentleman allow me to ask him a question?

Mr. DAYTON. Certainly.

Mr. VANDIVER. I only ask for information. Inasmuch as the gentleman from West Virginia has stated that both sides were heard, referring to the statement made by the Superintendent of the Coast and Geodetic Survey, I would like to ask if he has been before the committee?

Mr. DAYTON. I understand so; his hearing is here. Why, certainly.

Mr. VANDIVER. At what time?

Mr. DAYTON. I am not prepared to state the date just now.

Mr. VANDIVER. I think the gentleman from West Virginia is mistaken.

Mr. DAYTON. Look at the hearings and you will find it there.

Mr. VANDIVER. Who was the gentleman who appeared before the committee?

Mr. DAYTON. Mr. Pritchett. If the gentleman will simply turn to his book of hearings and look to it he will see that he appeared. Now, I want the House's attention to what the Secretary of the Treasury said in a letter under date of November 11, 1899, to the Secretary of the Navy about this work, from which I read this:

> In time the Coast and Geodetic Survey will doubtless publish charts of all those islands, but the Treasury Department realizes that the survey of the extended coast line of the Philippines, Cuba, Porto Rico, and the Hawaiian Islands involves an enormous work, and gladly welcomes any survey work that the Navy Department may find it possible to do.

I throw his challenge back to the chairman of the Committee on Appropriations. Here stands the Secretary of the Treasury, the head of the Coast and Geodetic Survey Bureau, asking the Navy Department to do this work. Here stands the Navy Department, that has done this work for half a century, the Navy Department, seeking to perform its function, and yet the chairman of the Committee on Appropriations demands that this shall not be done, and casts reflections on the officers of the Navy, who have always done it.

Now, another thing. I wish the gentleman would listen to this further statement. Up to the last few years not one particle of the survey of the sea has been done except by a naval officer, and he talks about the expense of it and has sought to draw a comparison as to that expense. Let me tell him further that the only reason why the expense has been reduced is simply because the vessels have been manned by naval officers and by naval seamen; and their pay has come out of what? Out of the pay and the expenses of the Navy and nothing else.

Mr. CANNON. Will my friend allow me?

Mr. DAYTON. The gentleman was not very courteous to me, but I will yield to him.

Mr. CANNON. If I was discourteous to the gentleman, he will understand it was not in my inner heart to be discourteous.

Mr. DAYTON. I will yield to the gentleman.

Mr. CANNON. No; I will take time in my own right.

Mr. DAYTON. The gentleman from Illinois speaks with assurance of long knowledge and seeks to impress on this House that it must be true because he has studied these matters. I want to say to him that others have given the best thought that they are capable of in the study of these questions. I want to call members' attention to the fact that the Coast and Geodetic Survey, from its inception in 1807, ninety-three years ago, was organized, and under its organic law it was provided that so far as possible the hydrographic part of the work must be done by naval officers. And it has been so done, not by the three or four hundred naval officers that the gentleman speaks of, but by a detail of over 1,200 naval officers since 1832, and up to last year not one particle of the survey of the sea itself was done by any other than a naval officer. Here is the act. Gentlemen need not take my statement of it.

Mr. SOUTHARD. Is not that the kind of work that the Secretary means to welcome and not the coast survey?

Mr. DAYTON. The very terms of the act limited the coast survey to the United States coast, and the language of the Secretary is clear that he recognizes that the work in Porto Rico and Hawaii and the Philippine Islands will be so enormous that he would gladly welcome any work that could be done there by the Navy Department.

Mr. SOUTHARD. Has the Navy undertaken any topographical work?

Mr. DAYTON. No; it has been doing the hydrographic work; doing it under a bureau constituted by law. Why, the distinguished gentleman from Illinois places himself in direct contradiction to Webster's Dictionary; he has forgotten the definition and the meaning of the word. In 1866 Congress established a Hydrographic Bureau.

Now, he says that was for the sole purpose of publishing maps and charts and sending them out, and not for the survey of the sea, notwithstanding the very definition of hydrography is that it is a survey of the sea. I have the definition here: "The act of measuring and describing the sea, lakes, rivers, and other waters with their phenomena; second, that branch of surveying which embraces the determination of the contour of the bottom of a harbor or other sheet of water, the depth of soundings, the position of channels and shoals, with the construction of charts exhibiting these phenomena."

That bureau was established as a Bureau of Hydrography in connection with the Navy Department, and has been doing this work since 1866; and this Congress, without a word of objection, appropriated last year this same sum of money—$100,000—because the gentleman from Illinois up to that time was not in the position that he is now of being able to extend the jurisdiction of the Coast and Geodetic Survey, which by the act that created it in 1807 was limited to the United States coast, 20 leagues at sea and 5 miles inland. But they gave us an appropriation bill last year that by new legislation did extend it, and now he wants to throw out his tentacles and gather in all in sight, as he usually does when it comes to a question of controlling legislation on the floor of this House.

Gentlemen, I want to call your attention to the fact that as members of the Naval Committee we stand here and simply ask for what has been done over and over again. We have made one mistake, and only one. That mistake was in not having the chairman of the Naval Committee standing here last year with all his material, supervising and seeking to direct and control the legislation coming from the Appropriations Committee. Because of that oversight the jurisdiction of this Coast and Geodetic Survey was permitted to be extended in that way.

It has taken this Bureau ninety-three years to furnish us—what? A survey of the Atlantic coast and the Gulf and the Pacific coast. Now, when you remember that they have got Alaska before them, tell me, in the name of justice and right—tell me, in the name of common sense, how long will it take them to survey these islands of the sea?

In the meantime, gentlemen, I want to call your attention to the fact that our vessels are over there; a very large part of our fleet is over there. Charts have been handed down to us from Spain—charts false, defective, and in many cases entirely unreliable. As a result of this we have already lost the *Charleston*, which cost us, in round numbers, $1,600,000; and if we wait a century longer for the chairman of the Appropriations Committee and his Coast and Geodetic Survey, how many more vessels will we lose there?

You can see the reason why the Secretary of the Navy and the head of the Bureau of Equipment and the Secretary of the Treasury all gladly welcome additional work to be done here. You can see why it is necessary; you can see why it is called for.

Ah, but gentlemen say that the Navy Department is ineffective, incompetent to do this work. If that is true—and I hope I may have the attention of gentlemen while I read the facts from a statement made from official sources—if that is true, why has it always done this work? I want to read this because when the gentleman denies it I want to be able to say that my statements of facts come from the RECORD and not from my own faulty recollection. When it comes to recollecting things and when it comes

to stating personal knowledge, I want to say that the gentleman can outdistance anybody on this floor:

There is a well-defined line between the hydrographic work and the topographical and shore work of the Bureau. No work is done by the civil officers of the Coast and Geodetic Survey so far as the survey of the water goes. The Coast and Geodetic Survey was at one time under the charge of an officer of the Navy Department.

Now, as to the question of cost. The gentleman made jest of my question and, as usual, when it comes to answering a question that answers him so completely that he has no answer to make, he, with his long experience, turns off the question with a wave of his hand. I say this, my friends—and you will find it out as you go along seeking to break up this Navy of ours—you will find that some of us, if we remain here, are determined that the Navy shall not be dismembered into a parcel of little, paltry, petty navies, but that it shall be one grand Navy, worthy of the American people.

Here is where your item of expense is concerned. You went on and referred to the different soundings of the different vessels. You wanted to show that the coast and geodetic work was the greater. You knew at the time, or ought to have known, that the soundings depended upon the character of the particular piece of water or coast that was being surveyed; that one piece of water or coast would take sometimes five times as long for the survey as another.

But you speak about lack of men. We can get men in the Navy. But what do you lack? I make the statement, and I challenge you to deny it, that you have in connection with the Coast and Geodetic Survey but a single poor, pitiful vessel that is capable of doing this work to-day; and I say to you that unless you come to the Navy for assistance you have nothing to do this work with. You have not the vessels to put the men on to do the work. On this point I read from the report of the Secretary of the Treasury what the head of your Bureau says:

The condition of the vessels on the Atlantic coast, owing to their age and hard service, has already been reported to the Secretary of the Treasury, and recognized by him in certain recommendations to Congress; that the steamer *A. D. Bassett* be rebuilt, and that a small additional steamer for the use of the coast pilot be provided. At present the *G. S. Blake* is the only seaworthy steamer on the Atlantic coast. The rehabilitation of this small fleet is urgently required in the interest of economy.

You may have a vessel or two over in the Philippines. I understand, however, that you have none. Now, then, gentlemen, let me ask you, is it better for us to go out and employ our men regularly through the Navy Department, have them regularly trained as landsmen and put on board the vessels of the United States—is it better for us to do that than for us to go to work and build up another navy for the Coast and Geodetic Survey? That is what this question means. That will come along next year, and my friend will then have the pleasure of asking for the construction of vessels for the Coast Survey.

We are building up too many little side navies, Mr. Chairman. We have one, or rather a part of one, which is used for the Coast and Geodetic Survey. We are told that we want another for the Fish Commission. There is still another desired for the revenue service, and still another for the transport service. All these establishments and branches of the naval service are to be supported from the main body of the service and to be independent of it, and to be placed under the control of the Treasury Department, if you please, which comes under the jurisdiction of the Committee on Appropriations.

But, Mr. Chairman, I have already consumed more time than I intended to. I simply will epitomize the facts: First, that nobody makes this fight here. The Secretary of the Treasury does not make it, but by his own word gladly welcomes the appropriation and asks for it. The Secretary of the Navy welcomes the appropriation and asks for it. The united Committee on Naval Affairs, having gone through it all, from one end to the other, recommends it. My friend from Illinois [Mr. CANNON] stands here against the judgment of all these.

I believe, Mr. Chairman, that neither he nor anyone else can control a matter of so much importance as this. I believe that nothing that he or anyone else can say against the American Navy can stand in the nature of an assault upon that establishment. It is competent on land or on sea. His very argument in support of the position he takes is condemned by the statement I have read, from the facts and the records showing that the work that he says they are incompetent to do has been done by it for years. And with this statement of the facts in the case I submit this matter for the consideration of the committee, and trust that it will not be misled by these constant assaults upon the recommendation, of the Committee on Naval Affairs, that has gone to the very bottom of this whole matter and has studied it carefully, thoroughly, and fully, and has stated as earnestly as any other set of men could state what they believe to be the best interests of the service in this connection. They have given you in their report in regard to this bill their best information and judgment. [Applause.]

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MAHON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed a joint resolution of the following title; in which the concurrence of the House of Representatives was requested:

S. R. 115. Joint resolution authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain, and for other purposes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3436) entitled "An act granting a pension to Catharine Weinheimer."

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the Senate concurrent resolution No. 19, "to print and bind 2,000 copies of the message of the President transmitting the treaty of peace with Spain," etc.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the Senate concurrent resolution No. 18, "to print 5,000 copies of the report of Capt. W. R. Abercrombie on the Copper River exploration expedition to Alaska," etc.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.

The message also announced that the Senate had passed without amendment joint resolution (H. J. Res. 235) authorizing the exhibit of Government relics at the New York Printing Exposition, from May 2 to June 2, 1900.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. FOSS. Mr. Chairman, I would ask how much time there is remaining?

The CHAIRMAN. The gentleman has four minutes.

Mr. DINSMORE. If the gentleman from Illinois will permit me, I desire to submit some brief observations on this question, and I wish to suggest, if he does not desire to use the remaining time, that he would yield to me at least a portion of it.

Mr. FOSS. I have but four minutes remaining.

Mr. DINSMORE. I wish to put the House in possession of one or two matters that I thought were of importance in this connection.

Mr. FOSS. I yield to the gentleman such time as I may have remaining.

Mr. DINSMORE. Mr. Chairman, I am reluctant to use the balance of the time remaining to the gentleman from Illinois.

Mr. FOSS. I yield with pleasure to the gentleman from Arkansas.

Mr. DINSMORE. Mr. Chairman, I have so much respect for the judgment and earnestness of the three gentlemen of the Appropriations Committee—the chairman [Mr. CANNON], my colleague from Arkansas [Mr. MCRAE], and the gentleman from Massachusetts [Mr. MOODY]—that I have listened with a great deal of care to the arguments which they have made to-day in support of their contentions. I know they are earnest; and I had believed that if I followed their argument I might receive some information which might perhaps change the view which I already entertained with reference to this question, but I have listened in vain. I think this work should be done by the Navy. I think so because the naval officers are more competent to do it, rather than incompetent, as contended by the gentlemen, and that it can be done more cheaply by the naval branch of the service; that it should be so done because the law to which the gentleman from Illinois [Mr. CANNON] referred a while ago itself says so. The language of the law itself is that the hydrographic work is to be done by the Navy and the topography by the Army.

Mr. Chairman, I wanted to put the House in possession of this fact: There is not a book upon the subject of hydrography that has not been written by a naval officer, neither in the English language nor in any other language. Every book which is used in the service was prepared by a naval officer; all the books used by the Coast and Geodetic Survey were written by naval officers. The officers were selected by the law because they were thought to be more competent; and I think, Mr. Chairman, that the gentleman from Illinois has but a poor conception of the naval officer of the United States if he regards him as a mere gladiator, trained for the purpose of contest in war. He is given a high degree of education and fitted for scientific work. This is a part of his work. It is one of the best courses known to any of the scientific schools, and these men are especially and specifically qualified for it by their educational training. Not only so, Mr. Chairman, but

naval officers have done the best part of the hydrographic work that has been done for this country.

Mr. BALL. Will the gentleman yield?

Mr. DINSMORE. I have only a few moments, and I would rather not be interrupted. They have done the work, and they are qualified for it by their education. Gentlemen say that they are fine in war. They have great respect for the naval officer, they say, but he is a mere fighting machine. On the contrary, sir, in these modern times of progress and civilization, science enters into warfare, and he is made to use his intellect more than his arms. Even upon his ship his intellect is that which gives force to his country's cause more than his arms. This work should be kept where it properly belongs, and that is in the Navy, for the reason, moreover, that it can be done with less expense, as I humbly believe, contrary to the opinion expressed by these gentlemen who are members of the Committee on Appropriations.

We do have the ships—but they say now that a short time ago they were not available for use—but it is to be hoped, Mr. Chairman, that we may not always be engaged in war. In time of peace these ships can be assigned to this work, and can do it with less expense than new fleets can be fitted out and new officers created and commissioned and put into service. Mr. Chairman, there is behind this—I do not mean to impute this to any gentlemen who advocate the cause of the Coast and Geodetic Survey—there is behind it a desire to promote this Bureau, to give it more standing and recognition in the law, looking ultimately to permanent rank and retired pay. [Applause.]

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, in the three or four minutes I have I can only say to my very good friend from West Virginia [Mr. DAYTON] that he resorts in his contention not to the merits of this provision, but he seeks to make this a question of committees. I never yet heard that because a man was on a committee he ceased to be a member of the House. Must I bow and beg pardon when I speak to a bill that affects my constituency, a bill reported by the Committee on Naval Affairs? Must I stop my judgment and not perform my duty as a member of the House? Clearly not. Now, much has been said about the glory of the Navy by my friend from West Virginia [Mr. DAYTON], and I really felt very small when he said that I was trying to break up this Navy. Who constituted him the sole defender of the Navy? [Laughter and applause.] It comes with ill grace.

Now, here is a great public service. They say that there never has been a yard of the water surveyed that the work was not done by naval officers. Yet for nearly ten years, during the civil war and after the civil war, no naval officer was upon this work, and yet the Coast Survey never did so much work as during those ten years. No naval officer is on this work now, or has been since the war with Spain broke out; and since the war closed the Secretary of the Navy has refused, and to-day refuses, to comply with the law and detail an officer of the Navy—not one. He says he has not got them to spare, and proves that he needs fifteen hundred more officers to properly care for the ships in commission and that could be put in commission in thirty days.

And yet they have organized a partial coast survey for this year by an appropriation in the naval bill for this year and they come now with this proposition and propose—and I speak advisedly, after having studied this provision—to organize a coast-survey service in the Navy that is a duplicate of the coast-survey service under the Treasury, not only as to the newly acquired Territories but as to every mile of our coast of the United States proper, and they say that we are interfering. Oh, I am interfering, so far as my voice and my vote goes, and my commission from my constituency reads exactly the same as the gentleman's commission from his constituency. They say we have been nearly a hundred years in making survey of our coast. Yes, and a hundred years more and twice a hundred years will cease before this work is done.

Why, they have a civil establishment under the Admiralty, under the naval establishment, and have had in Great Britain for one hundred and twenty years, and they are doing more surveying of the coast to-day than they did at any other time. The tides are constantly changing, the water changes, the channel changes; and I will talk about that, if necessary, a little later on. [Applause.]

Mr. NEWLANDS. An effort has been made, Mr. Chairman, by some gentlemen who have participated in this debate to make it appear that this is a mere contention as to jurisdiction between the Committee on Appropriations on the one hand and the Naval Committee on the other; a contest for control between the Navy Department on the one hand and the Treasury Department on the other. I take it for granted that so far as the members of this House are concerned it is of little importance to them under which Department this branch of the service is placed. What we are concerned in is an effort to secure an economical administration of the work belonging to this Bureau. We do not wish a duplication of bureaus; we do not wish a duplication of work. We think that efficiency of work and economy of administration demand that work should be conducted by one bureau, under one control.

The question then arises as to whether we shall in this bill sanction a provision which creates an additional bureau where one already exists having jurisdiction of this work, and which necessarily creates a duplication of work and embarrassment of administration. So far as the contention between the Departments is concerned, that contention is as old as the Government. The Coast and Geodetic Survey was first placed under the control of the Treasury Department, and remained there for twenty or twenty-five years. It was then placed by Congress under the Navy Department, and the administration of it was so unsatisfactory there that, upon the recommendation of the Secretary of the Navy, it was retransferred to the Treasury Department.

Again, by Executive order, by order of the President of the United States, this Bureau was put under the control of the Navy Department, and by the same President, upon the transfer of the Secretary of the Navy to the Secretaryship of the Treasury, this Bureau was again retransferred to the Treasury Department. Commissions have sat upon this question and have refused to change the administration from the Treasury Department to the Navy Department. The matter has been thoroughly sifted by repeated Congresses, by repeated commissions, by repeated joint action of joint committees. We have this capable and efficient Coast and Geodetic Survey authorized under the law to call upon the Navy when it has officers to spare for a detail of those officers to hydrographic work, a survey not devoted solely to the hydrographic work of the coast, but also in the geodetic survey of the shore, and I claim that there can be no intelligent administration of the hydrographic work of the coast unless the control of the survey of the shore itself is in the same hands.

The Committee on Naval Affairs propose now to separate these practically and to transfer the water work to the Navy, leaving the shore work to the Coast Survey. They say that in every other country in the world, except Portugal and Belgium, the hydrographic work is done under the control of the navy. That may be true. It is true so far as England is concerned.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWLANDS. I ask an extension of five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWLANDS. It is true so far as England is concerned. But if you propose to inquire further, you will find that the Bureau, whilst under the Navy Department and under the control of an admiral of the Navy, is really a civil bureau; that the officers in the Hydrographic Bureau are not men who are detailed to sea service, but are devoted for life to hydrographic work. Gentlemen here propose that the naval officers shall have dual duties, their duties as officers to command ships, part of the great machinery of war, being their primary duties, and their secondary duties being the duties of this work, which can be discharged by civilians, by trained civilians, of less capacity than the officers of the Navy, men who, by reason of training in a specialty, are better prepared to do this work than are the naval officers by spasmodic and interrupted effort.

They have a civil bureau under the control of the Navy Department; and I contend that if you intend to make a change, the logical thing to do is to take the Coast and Geodetic Survey from the Treasury Department and place it under the Navy Department, and then you will have no duplication of work and a practical concentration of control and administration. But I should be opposed to that. I am opposed to the absorption of civil duties by the military. No one surpasses me in admiration for the great achievements of our Navy and of our Army, but I believe in confining both to military duties.

I do not believe in allowing them to absorb duties that belong to civil bureaus. If you say that this belongs to the Navy, why does not the revenue marine belong to the Navy; why does not the Light-House Board belong to the Navy? There are three or four hundred ships of the Navy and there are three or four thousand ships that belong to the merchant marine. I believe that the marine board, the Coast and Geodetic Survey, the Light-House Board, all belong to the civil administration of the Government, and should remain under the control of the Treasury Department until the department of commerce is organized to relieve the Department of its superabundance of work and of duty.

Now, what do I claim? I claim that this work can be run more economically by the civil administration. They speak of the Bureau not having ships enough at command. Why, they do not have to buy ships or build ships for this purpose; they can employ temporarily small vessels, steam or sailing vessels, and then, the work being accomplished, dismiss them; they can employ men temporarily and dismiss them. Besides, recollect that we are called upon to transfer the Bureau to the Navy Department at a time when the fighting men of our naval machinery are unequal to the task imposed upon them. Sixteen vessels have gone

out of commission because the Secretary of the Navy does not have officers to assign to them.

In a letter from the Secretary of the Navy, which I have seen, the statement is made that there are about 1,600 officers now in the Navy, and that for the ships now in contemplation a force of 3,000 officers will be required. So that to-day, judging by the present requirements and the requirements of the immediate future, there is a deficiency of 1,400 officers in the naval service. Now, what I insist upon is either that one Department or the other should control this work—either the Navy or the Treasury Department; that you should not split the work now; that if it is the sentiment of the House that this Bureau should be transferred to the Navy Department, let it be by a bill specially brought to the House for the purpose, so that the efficiency of the civil part of the Government shall not be impeded by a duplicate bureau that will create friction and embarrassment between the two Departments of the Government.

Mr. FOSS. Mr. Chairman, I have only a few words I want to say, and first I want to reply to the chairman of the Committee on Appropriations, who referred to a letter I had written to him with reference to detailing men for the Coast Survey. I desire to state that the Navy Department has said that it has no more men for detail to the Coast and Geodetic Survey, but while that is true, the gentleman will recognize that there is a difference between detailing men and officers of the Navy for another department to do surveying work and using the men and officers upon their own ships, in their own department, to do the survey work. Now, Mr. Chairman——

Mr. SOUTHARD. If the gentleman will allow me, is that done anywhere, by anybody in any part of the Navy?

Mr. FOSS. By any other country?

Mr. SOUTHARD. Is that method pursued in making surveys by any other country?

Mr. FOSS. Yes.

Mr. SOUTHARD. Where?

Mr. FOSS. England.

Mr. SOUTHARD. Oh, no.

Mr. FOSS. Every foreign country except Portugal has a distinct survey under the head of the navy department.

Mr. SOUTHARD. Yes; but their bureau there is entirely civilian in personnel.

Mr. FOSS. Entirely civilian; the gentleman is correct. But does the gentleman understand the difference between the education of a naval officer in this country and the education of a naval officer abroad? We educate our naval officers upon the broad plan of seamanship, of gunnery, of navigation, of surveying, and all those things which enter into the profession of a naval officer. England specializes, and, consequently, she has navigating engineers. She has her hydrographic engineers. Germany in her navy has a corps of professors, but that is due to the specialization of the education on the part of the naval officers. Our naval officers are especially fitted to do this work; and because of the fact that they have been doing it in the Coast and Geodetic Survey up to the time of the war demonstrates that they are able to do it.

Now, Mr. Chairman, we are not trying to abolish the Coast and Geodetic Survey.

Mr. BARTHOLDT. Will the gentleman pardon me for a suggestion? The gentleman is undoubtedly aware that our Coast and Geodetic Survey enjoys the very highest reputation abroad among the scientists of Europe, of all civilized countries in Europe, who regard that survey as of so high a value as to render it, in my judgment, the pride of every American citizen.

Mr. FOSS. I will say that the Hydrographic Bureau of the Navy Department is infinitely higher in the estimation of the foreign navies than the Coast and Geodetic Survey. Why? Because the Coast and Geodetic Survey has been doing their service upon the polyconic system, which is not recognized in any foreign navy or in any foreign merchant marine.

Now, gentlemen, we are not seeking to abolish the Coast and Geodetic Survey. Here are two great Departments having concurrent jurisdiction in this matter. Under the original act providing for the Coast and Geodetic Survey, their services were to be confined to the coast of the Atlantic, the Gulf, and Alaska, and until that provision of law was put in here on the sundry civil bill by the Committee on Appropriations there was smooth sailing, and everything went along all right just like "a painted ship upon a painted ocean." But when they put that provision in there they extended the jurisdiction of the Coast and Geodetic Survey and took away what has always been the undisputed right of the American Navy—the right to make the surveys of the ocean and of the islands in the ocean.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. I ask unanimous consent that I may have two minutes more?

The CHAIRMAN. Is there objection to extending the time of the gentleman for two minutes? The Chair hears none.

Mr. FOSS. I say to you, gentlemen, that every consideration of justice, every principle of common decency, every consideration of humanity demands that when you intrust these armed cruisers and these battle ships and all the ships of our Navy to the hands of naval officers and seamen and hold them responsible for the safe conduct of the ships over the ocean—when you expect them to know every rock, and every reef, and every shoal—in the name of common justice you ought to give them the right to make the surveys for the uncharted seas. [Applause.]

Mr. SHAFROTH. Mr. Chairman, the gentleman who has just taken his seat [Mr. FOSS] has said that because the ships of the Navy are in the hands of the naval officers therefore they ought to be given the work of the surveys. There is no more analogy in such an argument than there would be if one should say that the engineer on the train ought to construct the track. These are works of distinct characters, and there is no more reason why an officer whose duty it is to sail a vessel should make the surveys than to say that it should be his duty to make the ship itself.

Mr. FOSS. Do you not think the officer would be a better navigator if he made the surveys?

Mr. SHAFROTH. He can not do everything in the world; he can not have the most perfect knowledge upon all subjects; he is not omnipotent and omniscient; and for that reason special knowledge upon these matters, obtained by a lifetime devoted to them, must of necessity, according to human experience, produce better results.

Mr. FOSS. Does the gentleman mean to say that the officer does not get at the Naval Academy an education fitting him for this kind of work?

Mr. SHAFROTH. Yes; he gets an education, just as we get an education in our colleges—a very proficient education. But what is the aspiration of an officer in the Navy? Is it to do surveying? No. If we had in the Navy officers with that kind of ambition, they would not be worth anything. The officer of a naval vessel, if he is the right kind of a man, has ambition to take command of a ship, a large ship, a fleet, to be ultimately an admiral; that is what makes a good naval officer, and that is the reason he can not devote his time to this special technical work; that is the reason the specialist, the man who is skilled in this kind of work, ought to do better work.

Now, Mr. Chairman, as I understand it, we have a law which authorizes the Coast and Geodetic Survey to survey the coast of Porto Rico, Cuba, the Philippine Islands, and Hawaii. We find in this bill a provision for the Navy Department to undertake the same surveys. If you adopt that provision and it becomes law, you are bound to have some duplication of work. There is in this section a provision that part of this appropriation can be spent by the Navy Department in making surveys in the Hawaiian Islands and in Porto Rico; and at the same time I find by the report of the Superintendent of the Coast and Geodetic Survey that that work has been nearly completed by his department, and will be completed in less than four weeks from this time. When you have two distinct departments and confer concurrent jurisdiction upon each, you are necessarily bound to have conflicts. Consequently it is bad policy thus to duplicate the jurisdiction of two different departments of the Government. One or the other ought to fall. There ought not to be such a thing as two bureaus having jurisdiction over the same subject-matter.

Now, Mr. Chairman, which is the better system of surveys—is the naval process better or is the system of the Coast and Geodetic Survey superior? The Navy Department makes what it calls hydrographic surveys only—that is, surveys of the surface of bodies of water and the contour of the bottoms thereof. The Coast and Geodetic Survey makes not only hydrographic but also topographic surveys. Which is best for the nation? Why, Mr. Chairman, although we have a great regard for the safety of our Navy, we must also have regard for our merchant marine. We must remember that there are 3,000 merchant-marine vessels plying to and from our ports, many of which are in coastwise trade, landing at insignificant harbors, while the Navy has but 225 vessels, many of them spending the most time in foreign waters. We must remember that when this Coast and Geodetic Survey makes a survey it does it not only for our naval vessels, but also for our merchant marine.

It must be taken into consideration that if naval officers should make exclusively the surveys under the Navy Department, they would naturally put more stress and give more importance to the large ports, where their vessels are likely to go, and would consequently slight the other ports where small merchant vessels would land. I do not say this by way of disparagement of our naval officers. Such a thing is natural; it is a condition that exists in human nature. Whatever we regard as most important will receive the most attention, and we always regard the things we are most interested in as the most important. That is true with us, and equally true with officers of the Navy. For that reason I do not think under the management of the Navy Department the coast and harbors visited only by the merchant marine would receive as much attention as they do now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHAFROTH. I should like to have five minutes more.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Colorado for five minutes? The Chair hears none.

Mr. SHAFROTH. Now, Mr. Chairman, what is the difference between the work of these two branches of the service? As I said before, the Navy undertakes the hydrographic surveys only. The Coast and Geodetic Survey undertakes both hydrographic and topographic work, doing the two classes of work concurrently. They use vessels which are not such as our naval vessels. They do not take vessels of great tonnage. The tonnage of their vessels is small—between 20 tons and 400 tons. They take a party of men and land them on shore, for instance, on the Porto Rican coast. Then they keep a certain number of the men on the vessel. In order to get the location of their soundings, they must reckon from points or signals on the land, and while the men on the vessels are making soundings the men on shore are making topographic surveys. They—the two forces—thus go all around the island making a complete topographic and hydrographic survey as they go. These topographic surveys are of great service to both the Army and the Navy. The indication on a map that a certain section of the land is marshy or contains deep ravines often becomes of vital importance in military operations. From the maps furnished by the Coast and Geodetic Survey which gave accurate distances and elevations relative to Fort Jackson, Admiral Porter was able to bombard that fort with complete effect, although a forest rendered his view of the fort impossible.

Mr. FOSS. May I ask the gentleman a question? Does he think that we are attempting to abolish the Coast and Geodetic Survey?

Mr. SHAFROTH. No; but I say that, in my judgment, one or the other ought to fall in order to have the most efficient service.

Mr. FOSS. Can not the work of the Coast and Geodetic Survey go on on the coast of this country, and can not the Navy look after the surveys of our insular possessions?

Mr. SHAFROTH. The law is that each one has jurisdiction, and consequently we can not control where the Coast and Geodetic Survey shall work and where the Navy Department shall work.

Mr. FOSS. How did they get jurisdiction—on the last sundry civil bill?

Mr. SHAFROTH. One may say it was done surreptitiously, and the other that in the naval bill of last year the appropriation for the Navy to do such work was overlooked; but the law now is that the Coast and Geodetic Survey have jurisdiction to survey those islands, as to both topography and hydrography, and that being the case, you are bound to have a conflict of surveys if you are going to authorize this provision.

Mr. LITTLEFIELD. Will the gentleman allow me?

Mr. SHAFROTH. My time is limited, but I will yield.

Mr. LITTLEFIELD. You can get a little more time. You say the law now authorizes the Coast and Geodetic Survey to go over this territory. Will you be kind enough to point out to the House the provision of the statute that authorizes them to survey the Philippine Archipelago?

Mr. SHAFROTH. Why, it has been stated by the gentleman from Illinois——.

Mr. LITTLEFIELD. Will the gentleman please point us to the provision of the statute.

Mr. SHAFROTH. The gentleman from Illinois [Mr. FOSS] has stated that it was contained in the last general appropriation bill; that it was authorized under the sundry civil bill of last year.

Mr. LITTLEFIELD. That was the first time.

Mr. SHAFROTH. It makes no difference when was the first time. It is the law now. That is the point, and consequently this Coast and Geodetic Survey has the power to do the work, unless you cripple it. It would be far better that the Coast and Geodetic Survey should be abolished, and that the whole work should be in the hands of the Navy Department, than that we should have two bureaus, independent of each other, with concurrent jurisdiction and each having the right to do the work of the other.

Mr. LITTLEFIELD. Have they done anything under that appropriation in the Philippines?

Mr. SHAFROTH. I do not know. I think some preparation has been made, but whether it has done anything or not, the law authorizes it, and we can not change it in this bill.

Now, Mr. Chairman, they are continually saying that the Navy has got the ships and that they can do it without any extra cost. It is true the Navy has a great many ships, but they are not the kind of ships that are used in coast surveys. The ships that are used in surveys by the Coast and Geodetic Survey are from 20 to 400 tons only, and half of them are sailing vessels. I should like to see where you would get a contented officer of the Navy with any ambition in him who would want to spend a year or two on a sailing vessel of 20 to 400 tons. Mr. Chairman, it is not natural for them to do it. But when you take a man who is skilled in this work, who makes it his life work, his ambition, he will do a great deal more efficient work than a man will whose ambition is something else and whose ambition ought to be something else.

Now, Mr. Chairman, there are two propositions that present themselves with respect to this matter on which I would like to be heard. First, can you get more efficient service under the Coast and Geodetic Survey? If you can, then we ought to have it. Second, are the surveys more economical under the Coast and Geodetic Survey than under the Navy? Those are the two propositions that ought to control us, and if we can convince the House upon those two points, then the amendment proposed by the gentleman from Illinois ought to be agreed to.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHAFROTH. I should like to have a little more time.

Mr. FOSS. I move that debate upon this paragraph and the amendment be closed. We have been debating it all day long, and I should like to have a vote.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

Mr. FOSS. I ask that the amendment be read.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

On page 16 strike out all of lines 1 to 23 and insert in lieu thereof the following:

"Ocean surveys: For special ocean surveys and the publication thereof, $10,000."

Mr. FOSS. I should like to state that this is the amendment introduced by the chairman of the Committee on Appropriations.

Mr. CANNON. That is my amendment that I hope will be adopted.

The question being taken, the Chairman announced that the ayes seemed to have it.

On a division (demanded by Mr. FOSS) there were—ayes 111, noes 40.

So the amendment of Mr. CANNON was agreed to.

The CHAIRMAN. When the committee rose last evening a point of order was pending against the paragraph at the close of page 33, making an appropriation for a building suitable for use as cadet quarters at the Annapolis Academy. The point of order raised against this proposition was that it was new legislation, and it was stated that in former appropriation bills provision had been made for the building of new buildings at Annapolis, including this one, and that a limit of cost had been fixed amounting to $1,200,000; that Congress had appropriated at one time $500,000 and at another time $700,000, or the full limit of the appropriation.

The Chair has examined the former appropriation bills, on which appropriations were made, and finds that those appropriations and that limit were for specific buildings, none of which included cadet quarters or quarters suitable for cadets, which is the only item appropriated for or included in this particular portion of this bill. So that the Chair concludes that there is nothing in that previous legislation to limit the amount of the appropriation for this particular item in the bill.

The point is also made that this is new legislation and is not in continuance of a public work already in progress. The Chair finds that there have been several rulings upon similar propositions. There was one made in the Fiftieth Congress on a proposition to appropriate for a building at the West Point Military Academy. It was held there by the then presiding officer and acquiesced in without any appeal from any member of the committee at that time that the appropriation was in order, the decision of the Chairman, Mr. Cox, of New York, being in the following words:

The Chair decides that within the meaning of the provision just read the building proposed to be erected—"fireproof building on site of public grounds at West Point"—is within the purview of the rule. The construction of a building is an incident to the maintenance of the Academy itself, the object being already in progress—the main object contemplated not only by the bill, but by the very institution of the Academy itself.

Two years ago when a proposition was made in the naval appropriation bill to build some other buildings at Annapolis, the same point of order was raised, and the gentleman who was then in the chair, Mr. SHERMAN of New York, ruled as follows:

The Chair, following the precedent cited, the decision of Chairman Cox, will overrule the point of order.

So that there are these two decisions that were acquiesced in by the House at the time, no one appealing from the decision of the Chair.

The Chair finds that there are other decisions, one on an item in the Indian appropriation bill only a short time ago, in 1897, the Chair thinks. It was proposed to build a manual training school at one of the Indian reservations, and that was proposed as a part of a work in progress, namely, the educating of the Indians. But that particular proposition was ruled out on a point of order.

Of course there are the familiar illustrations of propositions to build dry docks, which have been held to be not in order where

they required the purchase of the land, and where the work was not in progress in any sense of the word. If this was an original proposition before the House, the Chair then would not be in accord with the former rulings, which he has cited above. The Chair is inclined to think that those points were not fully discussed before the committee; in neither of these cases was there much discussion before the committee and in the presence of the Chair. It is a case of breaking over the rules. Precedents have been established.

The Chair would not, if called upon to rule in the case of a public building—of a post-office, for instance, tearing down a post-office at a given city and building another one on the same lot—the Chair would not rule that such a proposition was in order. If this were a new proposition, the Chair would hesitate to declare it in order, but the Chair feels bound to follow the precedents that have been set and acquiesced in by Congress, and therefore overrules the point of order.

Mr. CANNON. Mr. Chairman, what is the page?

The CHAIRMAN. It is at the bottom of page 33, and down to line 5, on page 34.

Mr. CANNON. I desire to offer an amendment, following after line 5.

The Clerk read as follows:

Insert after the word "dollars" in line 5, page 34, the following:

"*Provided*, That this sum shall be so expended as not to involve a total greater expenditure than $6,000,000, including the sums herein appropriated and the sum of $1,220,000 heretofore appropriated, for all new buildings and improvements at the Naval Academy."

Mr. MUDD. I reserve the point of order upon that.

Mr. CANNON. I think it is not subject to the point of order, but I will speak to the merits. It limits the expenditure of this money, and the necessity for it is as follows—and I crave the attention of this committee: This provision as it is in the bill provides for a building suitable for use as cadet quarters, at a cost not to exceed $2,500,000. That is cadet quarters. They have already had $1,200,000. Now, this has to be followed by an armory, officers' quarters, and so on, and so on; and I am informed, by men that claim to know, that the whole plan as drawn by the architect so far as constructed—and it is pursuance of the plan—will make the improvement at Annapolis for the Naval Academy when complete cost $12,000,000.

Now, then, in other words, they escaped the point of order. They call it "a public work in progress." They get an architect, who lays out $12,000,000 worth of work in buildings and improvements for our Naval Academy, and then they come in and appropriate building by building. Already $1,200,000 has gone. Now, I undertake to say that while this Naval Academy should be sufficient in every respect for the comfort and utility of that great school, there is no excuse for going beyond a sufficient plan. Why, stop and think a minute. Two millions and a half for cadet quarters! Built of what? Finished how? Fancy! This great library, the Library of Congress, over here only cost, in round numbers, $6,000,000, nearly half as much as it is proposed to provide for cadet barracks that house in the barracks how many men? Two hundred and forty-five. That is the number. You know one-third of them are at sea and there are only 245 there at any one time.

Now, how much per cadet in the barracks? Ten thousand dollars for each of the 245 cadets to house him in the barracks! Well, now, of the $12,000,000, when expended, how much per cadet to house all the people? Forty-nine thousand dollars is the exact cost to accommodate each naval cadet! Now, then, I will say to you, Mr. Chairman and gentlemen of this House, that your constituency and my constituency, while they are proud of the Navy and wants sufficient buildings, they are not in favor of that kind of expenditure.

Now, what does my amendment do? It provides that in constructing these barracks they shall be so constructed as not to involve an expenditure of over six million dollars instead of twelve; and I am going to follow that with an amendment, if it is adopted, to cut down the cadet barracks from two millions and a half, which is authorized, to one million; and that is enough. [Applause.] I will just modify my amendment by striking out two and a half millions and inserting one million, and then putting on this proviso. Ah, gentlemen, it is grand and splendid to follow the flag——

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will report the amendment as modified.

The Clerk read as follows:

In line 2, page 34, strike out the words "two million five hundred thousand" and insert in lieu thereof the words "one million;" and also insert after the word "dollars," in line 5, page 34:

"*Provided*, That this sum shall be so expended as not to involve a total greater expenditure than $6,000,000, including the sums herein appropriated and the sum of $1,220,000 heretofore appropriated, for all new buildings and improvements at the Naval Academy."

Mr. NEWLANDS. Mr. Chairman, I quite concur in the views of the gentleman from Illinois regarding the amount of this appropriation. When this measure was before the House in a former Congress I voted for it when it was a matter of much contention, although I thought then that the amount, $1,200,000, provided for the building then in contemplation was too large; but I was desirous of seeing the Naval Academy started, and at that time the contention was as to whether it should be started or not, and for that reason I voted for the amendment to the bill offered by the gentleman from Maryland, an amendment which was carried in the House.

Now, this measure proposes to appropriate $2,500,000 for cadet buildings. I think that amount is too much. When I recall the simplicity of my college days, I can not but deplore the luxury of life that has crept into the lives of our students throughout the country, largely as the result of the mistaken generosity of people making large benefactions. I think a life of almost Spartan simplicity is better suited to the health of the youth of this country than a life of luxury, and I believe that the best training for a man who is to enter either the Army or the Navy is a life of Spartan simplicity. Such simplicity of life develops the very qualities that are needed in the men who are to fight our battles—the heroic qualities, qualities of strength and endurance.

Now, here it is proposed to erect a palace for about 300 cadets, and the bill involves and practically appropriates $80,000 for a house for each cadet. Of course we want these buildings constructed in such a way that they will be a credit to the country from an architectural point of view. We wish them to have every convenience, to be perfect in sanitation, but we do not wish them to be palaces leading to luxury of life, leading to dissatisfaction with the harsh conditions which will come upon the young men later on when they enter upon their career. I think the limitation of six millions for all the buildings is an ample appropriation, and a million dollars for the cadet quarters, aggregating $30,000 for a house for each cadet, is certainly a most generous allowance for this purpose.

[Mr. MUDD addressed the committee. See Appendix.]

Mr. HILL. Mr. Chairman, I desire very much to vote with this committee on all of its propositions; but I want to say frankly to them that it seems to me that this is extravagance run mad. I have just consulted my colleague from Connecticut [Mr. SPERRY] who, more than any other one man, has been connected with the construction of the buildings of Yale University and is perfectly familiar with them.

Gentlemen speak of the Academy buildings being of brick or stone. There is no university in this country with more elegant buildings than those which stand on the campus at New Haven. They are constructed of stone, and we both agree that the total cost of all these dormitories of Yale University, giving a capacity of 1,800 to 2,000 students, will not equal the cost of this grand building which you propose to construct for 350 cadets at Annapolis. I even include the $1,000,000 given by Mr. Vanderbilt for the Vanderbilt Hall at Yale College.

It seems to me that it is extravagance run mad; and it is unwise, injudicious, and unsafe for the United States to go into a proposition of this kind and pay two million and a half dollars for a dormitory that is to accommodate 350 students. Mr. Chairman, I am opposed to it. The gentleman speaks of the magnificent work done by the Navy.

He knows as well as I do that if these boys had come out of two and a half million dollar buildings, with all the extravagance which that means, that this work would not have been done; but it has been done by boys out of farmhouses and out of merchants' houses. They have gone there, and their work has been study and study; and the result came to us in the war of the rebellion and in the Spanish war.

But you put a boy to study in such a structure as that, and accustom the cadets of the United States to such sort of surroundings, and you cultivate a habit of living which, in my opinion, will prove very detrimental to the Navy in years to come. I hope that all the money that is needed to give comfortable and pleasant surroundings to the cadets may be furnished, but in my judgment the construction of a two million and a half structure for 350 cadets at Annapolis will prove fatal to the efficiency of the Navy in the future.

Mr. DAYTON. Mr. Chairman, in view of the statements and criticisms upon the Naval Committee made by the gentleman who has just taken his seat, I desire to say very reluctantly a few words in regard to this matter, and especially in defense of the committee. I want to call the attention of this House to the fact that if we are in a difficulty in regard to this Naval Academy matter this House is solely and wholly responsible for it. When the last naval appropriation bill was considered, by reference to the RECORD you will see that certain gentlemen, including the chairman of the committee, myself, and the gentleman from Ohio [Mr. SOUTHARD], whom I see before me, and who was then a member of the committee, earnestly urged Congress not to embark upon this work until it was ready and until the plans had been adopted in their entirety.

The simple fact that confronts you now is this: That you overruled the committee's ideas, and you started upon a complete rehabilitation of the Naval Academy and its grounds according to plans that will take, in my humble judgment, as it is admitted in some hearings, eleven millions and may take eventually $15,000,000. But you are in this dilemma: You have already provided for two buildings according to this plan—this extraordinary and excessive plan that this House determined and embarked upon in the last Congress. Now, you can not carry out this plan unless you carry this appropriation through.

Mr. LITTLEFIELD. Are those buildings already contracted for and in progress of construction?

Mr. DAYTON. These buildings on which Congress overruled the committee in the last Congress have already been contracted for and are under construction and the money appropriated. You will have a magnificent armory, a magnificent boathouse, in granite, that will be things of beauty; and if you cut down this appropriation, as proposed, you will have a cadet quarters that will be in no comparison, and will be a thing to be ashamed of, made out of brick.

Mr. LITTLEFIELD. The armory is being built out of granite?

Mr. DAYTON. The armory is now being built out of granite, according to this plan that was furnished by a private architect, without any authority on the part of Congress or anybody else, and which this House headlong adopted in the last Congress against the protest of this committee and the members upon the committee.

Mr. DOLLIVER. Who pays for this plan?

Mr. DAYTON. The architect will get 5 per cent, and in my judgment his bill will amount to five or six hundred thousand dollars.

Mr. LACEY. And the more expensive the building the better it will be for the architect?

Mr. DAYTON. And the more expended the more the architect will get out of it.

Mr. LACEY. And the architect's fees will exceed the ordinary endowment of many of the colleges that graduate more than they do at Annapolis?

Mr. DAYTON. I am simply stating the facts, and I am doing it in defense of the committee. That which the committee is doing is nothing more nor less than following your instructions, given in the strongest possible way, given in the last session, when you overruled the committee, when we thought that the matter ought to be presented in a businesslike way by plan.

Mr. JONES of Washington. Did Congress contract for the construction of these buildings?

Mr. DAYTON. Congress picked out two buildings and gave the appropriation necessary to build them, increased the cost of them, and provided that they should be of granite, and not of brick. You can not possibly carry out that plan without appropriating the sums that are called for, and in the amounts called for.

Mr. MUDD. I will ask my colleague if he favors the committee report or is against it?

Mr. DAYTON. I have stood by in the hearings in the committee room, and I have sought to solve this proposition and this trouble. It has been beyond my ability to do so. Congress, which is supreme, has embarked upon this plan which we have adopted, and I stand by the action of the committee, and will vote for it with the explanation I have made. I do not see what else you can do, but I do not want to be charged with extravagance in allowing an extravagant appropriation to go through without explaining to the House that the House is responsible for it and nobody else.

Mr. CANNON. Will my friend allow me right there? My friend says, if I understand him, that we have already appropriated $1,200,000 to build an armory and a boathouse.

Mr. MUDD. A power house.

Mr. CANNON. One million two hundred thousand dollars to build two or three houses and that that contract has been made within that limitation.

Mr. DAYTON. Yes; and according to this plan.

Mr. CANNON. And if we work out this plan and get all of it to suit the boathouse and the armory, that it will cost, as the hearing says, eleven millions, and, as my friend says, possibly fifteen millions.

Mr. DAYTON. I do. It shows that it is eight million and some dollars without the purchase of additional ground required, and that runs it up to eleven millions, but these estimates are not accurate.

Mr. CANNON. Now, these estimates were made when prices were at low tide.

Mr. DAYTON. Yes.

Mr. CANNON. Since that time there has been an appreciation in material and prices from 33 to 50 per cent, so the estimates ought to be, at present prices, from eleven to twelve million dollars. Now, I want to ask my friend if he does not think it wise to let the other buildings not correspond with the granite boathouse and the armory? Or if it is absolutely necessary that they should, let us authorize them to tear down the $1,200,000 worth and make new plans within the six-million limit, rather than go on to the fifteen millions. [Applause.]

Mr. DAYTON. Mr. Chairman, I will answer the gentleman as best I may. I have learned to regard the will of Congress as supreme. This matter was all explained as earnestly and as fully as we possibly could explain it last year, and your committee fought against it. They thought, and I stated then, as I state now, that there was not a man on the floor who more honestly desired to see a reasonable establishment made there at Annapolis than myself, but the whole matter was explained, the plans were brought in here, and the whole thing was shown to the House of Representatives, and you adopted that plan; and that is the reason why we have reported this additional building in accordance with it. I do not see how you can stop now without retracting what you did two years ago.

Mr. HILL. Have these other buildings been built?

Mr. DAYTON. They are under contract.

Mr. HILL. Is there a single block of granite laid there?

Mr. DAYTON. Oh, yes.

Mr. HILL. There is nothing but the foundation.

Mr. MUDD. I would like to read from the hearing before the Committee on Naval Affairs, from the testimony of Mr. Flagg, the architect, in order to show that the statement I have made is correct and that all statements undertaking to show that the reconstruction of this Academy will cost from ten to sixteen millions of dollars, or anything like such a sum, are absolutely false and a bold misrepresentation of the facts:

Mr. DAYTON. Your estimate was for the grounds, building the sea wall, dredging the basin, and the tearing down of all these quarters, and you estimated it would be $10,000,000?

Mr. FLAGG. That is a rough estimate. I made as careful an estimate as I could, and it was $6,000,000, and the granite $2,000,000; and if you allow for the rise in the price of material, it would be $1,000,000 more. That would be for everything.

Mr. DAYTON. I want to know whether that includes the foundation, and does it include the grounds as well as removing the old buildings?

Mr. FLAGG. It is everything.

That accords entirely with my statement. It was $6,000,000 originally, as estimated by the "Matthews board," to which I have referred. If you construct all of the buildings, which Congress need not do, and construct them all of granite, which Congress may or may not do, as it sees fit, it would be $8,000,000.

If the enhanced price of materials, as I have above stated, is to continue, it would be one million more, making nine millions in all, providing we construct the cadets' quarters on the original estimate of $3,536,000, which Mr. Flagg, in his estimate and in his statement above, had in view and contemplated. But we have already reduced this estimate $1,036,000, bringing the whole matter, even if, I repeat, we construct all the buildings of granite, still within the estimate of $8,000,000.

In conclusion, I want to say that if my friend from West Virginia [Mr. DAYTON], a member of this committee, who, in response to my question, declared himself to be one of the friends of this institution—if he is to be considered its friend after his speech and his statements, then, I say, God save us from our friends!

Mr. DAYTON. I am a friend of the institution, but at the same time I want to discharge my duty to this House and to the country. I want to say that in the hearings there are other estimates which anybody can refer to if he desires that will sustain my proposition.

Mr. MUDD. In response to a hostile cross-examination you can get out almost anything you desire.

Now, if I may be indulged a moment further, I wish to say that the architect's fees as included in these estimates are regulated by the American Institute of Architects. So far as he has gone (and there has been no contract made with him for anything further) he gets exactly what architects employed under the authority of the Treasury Department get—what is given to the architect of the New York custom-house and the Baltimore custom-house and public buildings put up in different parts of this country, the same fees also that are paid for private work—exactly what architects get all over the country.

The gentleman from West Virginia knows this to be the fact. The architect offered to exhibit books which would show satisfactorily to members of this House, as has been shown to the satisfaction of the Secretary of the Navy, that after the payment of employees and other expenses the fees of the architect would amount to only $1.36 per cent. All I want is that the facts of this case be shown to the House, and I think it will then be seen that the committee in reporting this provision has acted wisely and in exact accord with what is the custom with reference to similar fees for buildings constructed under the Treasury Department and other Departments of the Government that may be intrusted with the construction of Government buildings.

Mr. SOUTHARD. Mr. Chairman, I do not want to be considered an enemy of this institution simply because I object to

the expenditure of ten or fifteen million dollars for its rehabilitation. I have no criticism to make of the committee. We stood here last year and opposed what we knew would commit Congress, or practically commit it, to a scheme which we thought ought not to prevail.

A few years ago a Board of Visitors was appointed to visit the Annapolis Academy. The result of a recommendation of that Board of Visitors was the appointment of what is known as the Matthews board. That board employed an architect, as I recollect, to devise plans for the reconstruction of this institution; and he evolved a magnificent scheme for that purpose. It provided for the making of new grounds and the purchase of additional grounds. It provided for an armory here, and a boathouse there, with a magnificent structure in the center, and other buildings located elsewhere.

As we believed then and believe now, the total cost of carrying out the scheme proposed would not be less than $10,000,000, and might amount to $15,000,000. Nobody can tell what the total cost will be when this scheme is finally consummated. Why, sir, the architect's fee—I admit it is the usual architect's fee; nobody is complaining of the architect who may put up this building—but the architect's fee alone will be more than the endowment of a good many colleges in this country that turn out annually double the number of students that are turned out at Annapolis.

When the appropriations were proposed for the building we pointed out to this House that these buildings to be provided for were buildings which would be located and built according to the plan proposed by the Matthews board and would involve this enormous expenditure of money. Why, sir, under this plan the education of every cadet turned out from the Annapolis Academy will cost twenty or thirty thousand dollars or more.

I have not the slightest doubt that such will be the cost if this expenditure is made, to say nothing of the expenditure of a couple of hundred thousand dollars to be appropriated annually to maintain this institution. Taking the interest upon the amount of money proposed to be invested in these improvements, I venture to repeat the statement that the education of every cadet turned out from the Annapolis Academy would cost $20,000.

These things were all stated to Congress two years ago. Unhappily, there were very few members present when this matter was discussed, but it was gone into fully. It was pointed out what we were doing; that we were entering upon a scheme which would involve this Government to the extent pointed out to-day.

I say it is better that we should retrace our steps here and now, or begin to do so, than attempt to carry out this extravagant scheme, which is attempted to be foisted upon Congress in the way I have endeavored briefly to indicate.

[Here the hammer fell.]

Mr. PEARRE. Mr. Chairman, I will not detain the House more than a few minutes in stating my views upon the proposition which this Committee of the Whole is now considering.

I have listened with a great deal of interested attention to this discussion on both sides; and to my mind the controversy seems to have resolved itself into this question: Whether the United States Government shall return to the pristine "simplicity of the fathers," which has been expatiated upon so eloquently by the gentleman from Nevada [Mr. NEWLANDS], or whether this nation, the greatest on the earth, entered now upon a career of world power, shall build almost beneath the shadow of this magnificent building, the Capitol of the United States, a sufficient and decent home for the future officers of the Navy of the United States.

If we are to be governed in this matter by considerations of absolute necessity and the most rigid economy, I agree with the gentleman from Nevada, and say, tear down the old buildings which now disgrace the campus at Annapolis and house the boys in little dog tents. Let them get down to the "simplicity" of Valley Forge.

But, sir, if this Congress is to authorize appropriations to comport with the dignity of this nation's power, then it seems to me there can not be a question as to what is the proper course to be pursued upon the amendment suggested by the gentleman from Illinois. It is quite true that, if necessity alone be considered, $50,000, $75,000, or $100,000 may be all that are needed. It is quite true that you may go even lower than that and provide no barracks and no sufficient comfort or sanitary protection for the future officers of the Navy.

Mr. Chairman, this Government has not been influenced by that penny-wise pound-foolish policy in the construction of any of its public buildings. It will not be denied that the operations of the War Department could be successfully and properly conducted in a building of much less pretensions than the magnificent piece of architecture which graces the southern side of the avenue in this city.

It will not be contended that the wisdom of representatives of the United States Government, both in this end and the other end of this Capitol, could fail to find proper expression in much humbler quarters than we now occupy. If necessity and economy are to be the guide of our conduct, then, sir, apply them not only to the home of the boys who are to protect the flag on the high seas against the attack of other nations, but apply them everywhere. We construct magnificent steamships. We arrange the officers' quarters with an eye not only to their comfort, but the luxurious entertainment of the occupant.

I have never heard it said, sir, that the prowess and courage, the audacious valor of the officers of the United States Navy have been affected by the luxury of their staterooms, and I should hesitate to believe that the capacity, fidelity, and efficiency of an officer of the United States Navy should be in any wise controlled by his environment.

[Here the hammer fell.]

Mr. FOSS. Mr. Chairman, I move to close the debate in five minutes.

The motion was agreed to.

Mr. CUMMINGS. Mr. Chairman, this undertaking is not an undertaking of the Committee on Naval Affairs. The Committee on Naval Affairs came here with a proposition that the whole matter should be submitted to five of the leading architects of the country, without specifying the five.

The proposal to rebuild the Naval Academy has been before the Naval Committee ever since I have been a member of the committee, and that is over ten years. The House of Representatives in the year that the Spanish war began turned the Naval Committee down and took the matter into its own hands. It was understood that a beginning for the reconstruction of the Naval Academy was to be made under the appropriations made at that session. It was understood that the plans and everything else should be left to John D. Long, Secretary of the Navy, and the debate at that time, if you will refer to it, will prove it.

Now, in the last Congress we made another addition to the appropriation, and the work is being carried on in accordance with the plans and specifications selected by the Secretary of the Navy. The main argument for the beginning of the work was the condition of the cadets' quarters. They were in buildings condemned eight years ago. You have been spending thousands and thousands of dollars upon them to make them healthy and safe, and they are as unhealthy to-day and in as tumble-down a condition as they were when you made the first appropriation. Now that the committee have carried out the wishes of the House and have themselves cut down over a million of dollars the estimates sent to them by the Navy Department, you propose to destroy the whole plan and to erect some kind of a horse shed—at least, a building entirely out of proportion to the other buildings—and to turn down this appropriation.

Mr. Chairman, this appropriation was not made alone for quarters for the cadets. The library is to be removed there. The museum is to be stationed there. It is to be a historical building. It is to be a building calculated to stand the storms of a thousand years. We have in the Naval Committee cut down the original plans for that building, taking $500,000 off the estimates. The original plan provided for a wing on each end of the building. We have agreed to discard them. The building is to be constructed in accordance with the general plans; and if you reduce the appropriation, you will have a granite boathouse, a brick building for the cadets, a slab building for something else, and all sorts of buildings, like Joseph's coat of many colors, on exhibition as the great American Naval Academy, for the inspection of the nations of the world. I submit that common sense requires that we should give the appropriation which the unwilling Naval Committee has allowed, in accord with the dictum of the last House. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I desire to withdraw that amendment and to offer the following——

The CHAIRMAN. Without objection, the gentleman can withdraw his amendment and substitute another.

Mr. WHEELER of Kentucky. I shall object to the withdrawal of the original amendment.

Mr. MUDD. I want to hear it read before I consent, Mr. Chairman.

The CHAIRMAN. Objection is made.

Mr. CANNON. Then I offer this amendment as a substitute for the section.

The CHAIRMAN. The gentleman offers the following as a substitute for the section.

Mr. CANNON. As a substitute for the paragraph.

The Clerk read as follows:

On page 33, in line 24, strike out the word "for" and insert the word "toward;" and on page 34 strike out all after the word "quarters," in line 1, down to and including line 5, and insert:

"Three hundred and fifty thousand dollars: *Provided*, That before any

part of this sum is expended plans shall be prepared and approved by the Secretary of the Navy, covering all contemplated new buildings and improvements at the Naval Academy, which plans shall not involve a total expenditure of more than $6,000,000, including the sum of one million two and twenty thousand dollars heretofore appropriated, and the sum herein appropriated for said buildings and improvements."

Mr. MUDD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The Chair will call attention to the fact that this is not a substitute for the paragraph, but an amendment to the paragraph.

Mr. CANNON. It is hastily drawn, and I will withdraw the former amendment and offer this as an amendment to the paragraph.

Mr. WHEELER of Kentucky. I object to the withdrawal of the former amendment.

The CHAIRMAN. It requires unanimous consent to withdraw the amendment.

Mr. MAHON. Vote it down.

Mr. KITCHIN. A parliamentary inquiry. After it has been agreed by the committee, as I understand, that debate upon that section and all amendments should be closed at the end of five minutes, the five minutes having passed, would it be in order then to substitute another amendment?

The CHAIRMAN. Certainly; that motion only closes debate.

Mr. MUDD. A parliamentary inquiry. Were there not two amendments already pending? Did not the gentleman from Illinois offer to modify his first proposition?

Mr. CANNON. I did modify it.

The CHAIRMAN. He did modify his first proposition.

Mr. MUDD. The gentleman offered the first amendment, limiting the cost of the whole construction to $6,000,000, and he offered a subsequent one, a modification of that, referring to the cadets' quarters.

Mr. WACHTER. No; he suggested that he would do that.

Mr. CANNON. Now, if I may have unanimous consent——

Mr. MUDD. Not for debate.

Mr. CANNON. Not for debate, but simply to explain the amendment.

Mr. MUDD. I think we ought to vote.

Mr. CANNON. Very well, I will withdraw my amendment and offer this amendment in the place of it.

Mr. WHEELER of Kentucky. I object to his withdrawing it, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Illinois refer to his first amendment?

Mr. CANNON. Then I will treat this last amendment as a substitute for the first, if I can get at it.

The CHAIRMAN. The difficulty is that the gentleman first offered an amendment to the text of the paragraph.

Mr. CANNON. Yes.

The CHAIRMAN. Then he offered an amendment to that amendment, adding certain words to the paragraph as well as amending the text of the paragraph, so that there are two amendments now pending, and nothing is in order except a substitute for the entire paragraph.

Mr. CANNON. I intended the two to be one. I modified my first amendment.

The CHAIRMAN. It was not so stated to the committee.

Mr. CANNON. Then there is an amendment to the amendment. Now, a substitute for the amendment is in order.

The CHAIRMAN. No, a substitute for the paragraph is in order.

Mr. McRAE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McRAE. If we vote down the first amendment proposed by the gentleman from Illinois, will not the other one be in order?

The CHAIRMAN. Certainly.

Mr. CANNON. Then I will ask that it be voted down.

Mr. KLUTTZ. Would it be in order to offer that as a substitute?

The CHAIRMAN. It would be in order to offer it as a substitute for the whole paragraph.

Mr. CANNON. Then I will offer it as a substitute for the whole paragraph. [Cries of "Regular order!"]

The CHAIRMAN. The Chair would be glad for the gentleman to put it in form so that the Clerk can report it.

The Clerk read as follows:

Insert as substitute for the paragraph in line 24, page 33, and in line 5, page 34, the following:

"Buildings and grounds, Naval Academy: Toward the construction at the Naval Academy, Annapolis, Md., of a building suitable for use as cadets' quarters, $350,000: *Provided*, That before any part of this sum is expended plans shall be prepared and approved by the Secretary of the Navy covering all contemplated new buildings and improvements at the Naval Academy, which plans shall involve a total expenditure of not more than $6,000,000, including the sum of $1,200,000 heretofore appropriated and the sum herein appropriated for said buildings and improvements."

Mr. WHEELER of Kentucky. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WHEELER of Kentucky. I would like the Clerk to read the contents of the paper which he has in his hand. I think the Clerk is reading something from the bill and something that the gentleman has sent to the desk.

Mr. DALZELL. He has a right to do that.

Mr. WHEELER of Kentucky. He has not a right to do that.

The CHAIRMAN. The gentleman will state to the gentleman from Kentucky that an amendment may be stated verbally by a member or read from the Clerk's desk or stated by the Chair. If it is not in accordance with the understanding of the gentleman from Illinois, of course it will be for him to say so.

Mr. WHEELER of Kentucky. But the Clerk is reading a part of the paragraph and a part of an amendment sent up as substitute, and I submit that that is not proper.

The CHAIRMAN. The Chair thinks it is proper. Now, the question is upon perfecting the original paragraph, and of course it will come on the original amendment offered by the gentleman from Illinois, and the amendment to that amendment offered by himself.

Mr. CANNON. I want that amendment that I offered voted down; and I will ask the committee, if such is its will, to adopt the substitute after the other amendments are voted down.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the original amendment to the paragraph.

Mr. UNDERWOOD. I ask to have that read.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Illinois and read by the Clerk.

Mr. UNDERWOOD. I ask that the substitute be reported again. There have been so many amendments offered that we do not know what we are called to vote on.

The CHAIRMAN. Without objection, the substitute will be again reported.

The Clerk read as follows:

Insert as a substitute for the paragraph beginning line 24, page 33, and in line 5, page 34, the following:

"Buildings and grounds, Naval Academy: Toward the construction at the Naval Academy, Annapolis, Md., of a suitable building for use as cadet quarters, $350,000: *Provided*, That before any part of this sum is expended plans shall be prepared and approved by the Secretary of the Navy covering all contemplated new buildings and improvements at the Naval Academy, which plans shall involve a total expenditure of not more than $6,000,000, including the sum of $1,200,000 heretofore appropriated and the sum herein appropriated for said buildings and improvements."

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MUDD. Division.

The committee divided; and there were—ayes 76, noes 44.

So the amendment was agreed to.

Mr. MUDD. I give notice that I will ask for a yea-and-nay vote in the House.

The Clerk read as follows:

Provided, furthermore, That the Secretary of the Navy is authorized to remove or tear down all buildings at the Naval Academy that interfere with the improvements and rebuilding of that institution.

Mr. CANNON. I appeal to the gentleman from Illinois that he move that the committee now rise. I want to examine, as well as some other members, the remaining paragraph there. I believe, in view of the action of the House, they ought to be stricken out. It is now a quarter past 5 o'clock, and I appeal to the gentleman that he move that the committee rise.

Mr. FOSS. I have no objection, Mr. Chairman, and I move that the committee rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10450 and had come to no resolution thereon.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. R. 115. Joint resolution authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain, and for other purposes—to the Committee on Naval Affairs.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 6959. An act to extend the provisions of an act entitled "An act granting increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893; and

H. R. 4001. An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. R. 114. Joint resolution for the relief of Garfield Hospital; and

S. 2942. An act granting an increase of pension to William Padgett.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LANE, for one week, on account of important business.

To Mr. HAUGEN, indefinitely, on account of illness.

To Mr. GREENE of Massachusetts, for five days, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. ALEXANDER, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of N. Ward Cady, Fifty-fifth Congress, no adverse report having been made thereon.

CONCORD AND LEXINGTON.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, to-day is the one hundred and twenty-fifth anniversary of the battle of Concord and Lexington. The State of Massachusetts celebrates this day a public holiday, and I think it is proper that this House should not adjourn until the resolution which I have sent to the Clerk's desk may be read and its contents made part of the official proceedings of this day.

Washington is noted for its monuments to the statesmen and patriots of this country. The public squares of the city will continue to be adorned year after year with the products of the sculptor's art, commemorating the deeds of some of America's greatest sons. What worthier subject to call out the skill and excellence of one of our great sculptors than the story of the embattled farmer, who on the field of Lexington and Concord, on the 19th of April, 1775, fired the shot which was heard around the world. These were the first American patriots, and here in the nation's capital, the seat of government of this great Republic, it seems to me fitting that a monument of New England granite should be reared that the present and future generations may be greeted with concrete evidence of the love and admiration that the nation bears these heroes.

The SPEAKER. Without objection, the resolution will be read, after which it will be referred to the Committee on the Library.

The Clerk read as follows:

Resolved, That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000 to erect a monument in one of the public squares of Washington to commemorate the virtues and the bravery of the embattled farmer whose shot, fired in the field of Concord and Lexington one hundred and twenty-five years ago to-day, heard around the world, blazed the way for American freedom and made possible the independence of the thirteen States.

THE TWELFTH CENSUS.

Mr. HOPKINS. Mr. Speaker, I have been directed by the Committee on the Census to report back House bill 10696, with a favorable recommendation.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 10696) relating to the Twelfth and subsequent censuses, and giving the Director thereof additional power and authority in certain cases, and for other purposes.

The SPEAKER. Ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the schooner *Orange*, John Holman, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the schooner *Little Will*, William Tallman, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas S. Thrasher, administrator of the estate of Robert K. Thrasher, against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9886) to restore certain widows to the pension roll, reported the same with amendment, accompanied by a report (No. 1087); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OTEY, from the Committee on the District of Columbia, to which was referred the resolution of the House (H. Res. 224) relative to guards and watchmen at the male workhouse in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1089); which said resolution and report were referred to the House Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6876) providing for the transfer to Post 39, Grand Army of the Republic, of certain guns now in possession of Battery C, Massachusetts Volunteer Militia, reported the same with amendment, accompanied by a report (No. 1090); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOPKINS, from the Select Committee on the Census, to which was referred the bill of the House (H. R. 10696) relating to the Twelfth and subsequent censuses, and giving the Director thereof additional power and authority in certain cases, and for other purposes, reported the same with amendment, accompanied by a report (No. 1091); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 383) for the relief of the Globe Works, of Boston, Mass., reported the same without amendment, accompanied by a report (No. 1088); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2259) for the relief of Jeronemus S. Underhill, reported the same without amendment, accompanied by a report (No. 1086); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MIERS of Indiana: A bill (H. R. 10838) granting pensions to soldiers, sailors, and marines who have reached the age of 62 years—to the Committee on Invalid Pensions.

By Mr. TERRY: A bill (H. R. 10839) to provide for a macadamized approach and roadway to the national cemetery at Little Rock, Ark., and for a suitable wall or iron fence around said cemetery, and other improvements therein—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 10840) providing compensation to United States commissioners in Chinese deportation cases—to the Committee on the Judiciary.

By Mr. McLAIN: A bill (H. R. 10841) for the survey of the pass leading from the Gulf of Mexico into Horn Island Harbor, Mississippi, and a survey of said harbor and of the channel leading to and from said pass—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 10842) for a survey of the Pascagoula River, Mississippi, commencing at a point in the Mississippi Sound where the depth of water exceeds 17 feet, thence to the mouth and up said river to the intersection of Dog River, thence up Dog River 3 miles—to the Committee on Rivers and Harbors.

By Mr. WILSON of Arizona: A bill (H. R. 10843) to amend an act entitled "An act to amend an act to prohibit the passage of local or special laws in the Territories, to limit Territorial indebtedness, and so forth"—to the Committee on the Territories.

By Mr. LEVY: A bill (H. R. 10844) to reduce revenue, and for other purposes—to the Committee on Ways and Means.

By Mr. MORRIS: A bill (H. R. 10845) to provide for the relief of certain settlers upon Wisconsin railroad lands forfeited under

the act of September 29, 1890, which lands were treated by the Interior Department erroneously as Chicago, St. Paul, Minneapolis and Omaha indemnity lands—to the Committee on the Public Lands.

By Mr. VANDIVER: A bill (H. R. 10846) to authorize the construction of a bridge across the Mississippi River at or near Cape Girardeau, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: A joint resolution (H. J. Res. 241) to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for the island of Porto Rico, and for other purposes"—to the Committee on Insular Affairs.

By Mr. McCLEARY (by request): A resolution (H. Res. 232) requesting certain papers on file in the Attorney-General's Office—to the Committee on the Judiciary.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 233) in relation to erecting a monument to commemorate the virtues and the bravery of the embattled farmer, whose shot, fired in the field of Concord and Lexington, etc.—to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 10847) granting a pension to Betsey A. Summers—to the Committee on Pensions.

By Mr. BRENNER: A bill (H. R. 10848) granting a pension to Mary A. Miller—to the Committee on Invalid Pensions.

By Mr. COONEY: A bill (H. R. 10849) granting an increase of pension to Elias J. Kenaday—to the Committee on Invalid Pensions.

By Mr. DRIGGS (by request): A bill (H. R. 10850) to pension John W. Smoot—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 10851) authorizing the Secretary of the Interior to issue patent to the city of Woodward, Okla., for cemetery purposes—to the Committee on the Public Lands.

By Mr. HAMILTON: A bill (H. R. 10852) for the relief of Joseph Staley—to the Committee on Military Affairs.

Also, a bill (H. R. 10853) granting a pension to Lovinia Parker—to the Committee on Invalid Pensions.

By Mr. JACK: A bill (H. R. 10854) granting an increase of pension to Samuel Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10855) granting an increase of pension to Mary L. Dryden—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 10856) to increase the pension of Sarah A. Robinson—to the Committee on Pensions.

By Mr. McCALL: A bill (H. R. 10857) granting an increase of pension to Theophile A. Dauphin—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 10858) for the relief of Catharine A. Talburtt, administratrix—to the Committee on War Claims.

By Mr. PRINCE: A bill (H. R. 10859) granting a pension to Harriet Osgood Clendenin—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 10860) granting a pension to Charlotte M. Barnum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10861) granting an increase of pension to Edward H. Dickerman—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 10862) for the relief of the heirs of Mrs. Louisa Ragsdale, late of Tate County, Miss.—to the Committee on War Claims.

By Mr. TAYLOR of Alabama: A bill (H. R. 10863) to confer jurisdiction upon the Court of Claims to adjudicate the claim of Thomas W. McDonald, as administrator of the estates of James M. and Timothy Meaher, and to remove the bar of the statute of limitations therefrom—to the Committee on Claims.

By Mr. VANDIVER: A bill (H. R. 10864) for the relief of Polly Old, widow of William E. R. Old, deceased—to the Committee on War Claims.

By Mr. CALDERHEAD: A bill (H. R. 10865) for the relief of Jane Boller—to the Committee on Claims.

By Mr. MESICK: A bill (H. R. 10866) granting an increase of pension to Henry H. Ancliff—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Aug. Happenworth and 56 other citizens of Bremer County, Iowa, and Jacob Kerper and 43 citizens of New Vienna, Iowa, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. ADAMS: Petition of the Philadelphia Board of Trade, favorable to the passage of House bill No. 10035, amending the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Chamber of Commerce Association of Kansas City, Kans., in relation to the site selected for the erection of a Federal building in Kansas City, Kans.—to the Committee on Public Buildings and Grounds.

By Mr. BINGHAM: Petition of the Philadelphia Board of Trade, opposing the purchase of the Erie Canal by the United States Government—to the Committee on Railways and Canals.

Also, resolutions of the Philadelphia Board of Trade, favoring the enactment of House bill No. 10035, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BULL: Petitions of Building Trades Council and the Central Labor Council of Cincinnati, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

Also, resolutions of the Civil War Veterans' Association, Customs Service, Port of New York, in favor of giving preference in appointments to soldiers of civil and Spanish-American wars—to the Committee on Reform in the Civil Service.

Also, petition of Rodman Post, No. 12, of Providence, R. I., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BURKE of South Dakota: Sundry petitions of farmers in the State of South Dakota, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. BUTLER (by request): Petition of the Chester Union, No. 207, Carpenters and Joiners of America, State of Pennsylvania, for the building of one or more new war ships in Government navy-yards—to the Committee on Naval Affairs.

By Mr. CAPRON: Resolutions of the Building Trades Council and the Central Labor Council of Cincinnati, Ohio, opposing the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of citizens of Norwood, R. I., urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of Joseph H. McCarthy and 13 other substitute letter carriers of Providence, R. I., in favor of House bill No. 1051, relating to grading of substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Woman's Christian Temperance Union of Westerly, R. I.; Christian Endeavor Society of the Roger Williams Baptist Church, of Providence, R. I., and R. D. Frost and F. J. Nash, of Chepachet, R. I., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. ELLIOTT: Petitions of S. B. King and others and A. H Dupre and other citizens of South Carolina, in behalf of the extension of Estherville Minim Canal southwardly—to the Committee on Rivers and Harbors.

By Mr. EMERSON: Petition of C. D. Hammond Post, of Crownpoint, N. Y., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. ESCH: Petition of citizens of Ettrick, Wis., in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of John Flynn Post, No. 77, of La Crosse, Wis., and Peter Weber Post, No. 257, of Fountain City, Wis., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GLYNN: Papers to accompany House bill No 10815, granting a pension to Lucius K. Smalling—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 10817, relating to the claim of Walter F. Robinson—to the Committee on War Claims.

Also, petition of P. J. Fitzpatrick and others, of Albany, N. Y., to accompany House bill No. 5654, for the relief of Thomas E. Wilson and others—to the Committee on Claims.

Also, petitions of William A. Jackson Post, No. 644, of Albany, N. Y., and Walter A. Jones Post, No. 371, of Watervliet, N. Y., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of the Chamber of Commerce Association of Kansas City, Kans., in relation to the site selected for the erection of a public building in Kansas City, Kans.—to the Committee on Public Buildings and Grounds.

By Mr. GREENE of Massachusetts: Petition of fourth-class postmasters of Barnstable County, Mass., praying for the passage of the Cummings bill increasing the compensation of postmasters

of the fourth-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON: Petition of Wadsworth Post, No. 49, of Lawrence, Mich., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. KERR: Petition of Miller Moody Post, No. 314, Grand Army of the Republic, of Belleville, Ohio, in regard to pension legislation—to the Committee on Invalid Pensions.

By Mr. LITTAUER: Petition of Col. Hiram Anderson Post, No. 425, of Massena, N. Y., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: Petitions of citizens of Wales and South Waterford, Me., in favor of the bill to increase the tax on oleomargarine—to the Committee on Agriculture.

By Mr. McCALL: Petition of Willard C. Kinsley Post, No. 139, of Somerville, Mass., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, papers to accompany House bill to increase the pension of Theophile A. Dauphin—to the Committee on Invalid Pensions.

By Mr. McCLEARY (by request): Petition of George L. Houghton and affidavits to accompany House bill relative to certain matters in the Department of Justice—to the Committee on the Judiciary.

By Mr. McDOWELL. Petitions of Typographical Union No. 69, American Flint Glass Workers' Union No. 30, Iron Molders' Union No. 152, Cigar Makers' Union No. 176, United Brewery Workmen's Union No. 162, all of Newark, Ohio, for the passage of a bill for the equalization of the salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Mount Hope, Ohio, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. NAPHEN: Resolutions of the Omaha (Nebr.) Commercial Exchange Club, in relation to the reclamation and settlement of arid lands, etc.—to the Committee on the Public Lands.

By Mr. NEVILLE: Resolutions of Omaha (Nebr.) Commercial Club, in relation to the reclamation and settlement of arid lands—to the Committee on the Public Lands.

By Mr. PEARRE: Paper to accompany House bill for the relief of Catherine A. Talburtt, administratrix of the estate of George W. Talburtt, deceased—to the Committee on War Claims.

By Mr. SHERMAN: Petition of J. E. Jenkins Post, No. 526, of Vernon, N. Y., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SPERRY: Petition of E. C. Seward and other vessel owners on Long Island Sound, praying for the building of a breakwater and harbor of refuge at Sachems Head, Conn.—to the Committee on Rivers and Harbors.

By Mr. STEPHENS of Texas: Petition of Canby Post, No. 48, of Jacksboro, Tex., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SULLOWAY: Petition of Joe Hooker Post, No. 51, of Raymond, N. H., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union of Manchester, N. H., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. TOMPKINS: Resolutions of Post No. 598, of Highland Falls, N. Y., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. VANDIVER: Petition of Polly Old, of Missouri, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. VREELAND: Petition of citizens of Friendship, N. Y., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, resolution of Cottage Grange, No. 829, State of New York, in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

Also, resolutions of Rossburg Post, Allegheny Post, Ischua Post, and Standards Post, Department of New York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WILSON of Idaho: Seven petitions of citizens of Nez Perce County, Idaho, favoring the passage of House bill No. 996, providing for free homesteads—to the Committee on the Public Lands.

SENATE.

FRIDAY, *April 20, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

VESSEL SLOOP ALMENA.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Almena*, John Smith, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

VESSEL SCHOONER ADAMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Adams*, Stephen Brown, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had agreed to the amendments of the Senate numbered 1, 2, 5, 6, 7, and 8 to the bill (H. R. 10449) making appropriations to supply additional urgent deficiencies in the deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes; agrees to the amendments of the Senate numbered 3 and 4, each with an amendment; in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (S. 3436) granting a pension to Caroline Weinhimer.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore.

A bill (S. 2942) granting an increase of pension to William Padgett;

A bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona;

A bill (H. R. 6959) to extend the provisions of an act entitled "An act granting increase of pension to soldiers of the Mexican war in certain cases," approved January, 1893;

A joint resolution (S. R. 114) for relief of Garfield Hospital; and

A joint resolution (H. J. Res. 235) authorizing the exhibit of Government relics at the New York Printing Exposition from May 2 to June 2, 1900.

ALLOWANCE OF EXCEPTIONS.

Mr. HOAR. Before the morning business, I ask unanimous consent to correct an omission I made yesterday. When the bill (H. R. 8366) to amend section 953 of the Revised Statutes, relating to the allowance of exceptions, was passed, I stated that it was my purpose to ask for a conference. I forgot after the bill had passed to make the request. The bill has not gone to the House; the Secretary has retained it; and I now move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HOAR, Mr. PLATT of Connecticut, and Mr. BACON were appointed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Postal Clerks' Association of New York, praying for the enactment of legislation to promote the commerce and increase the foreign trade of the United States; which was ordered to lie on the table.

Mr. WELLINGTON presented a petition of 74 citizens of Maryland, praying that an appropriation be made to pay the depositors of the failed Freedman's Savings Bank and Trust Company; which was referred to the Committee on Finance.

Mr. DAVIS presented a petition of the Department of Minnesota, Grand Army of the Republic, praying for the establishment of a national park at Fort Ridgely, in that State; which was referred to the Committee on Public Lands.

He also presented a petition of the Woman's Christian Temperance Union of Brown Valley, Minn., and a petition of the Epworth League of Brown Valley, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

Mr. FAIRBANKS presented the petition of Frank E. Ross and sundry other citizens of Noblesville, Ind., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. ELKINS presented a petition of West Virginia State Grange, No. 76, praying for the adoption of certain amendments to the interstate-commerce law, and also to give to the States control of the sale of imitation dairy products; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Federal Labor Union No. 7588, American Federation of Labor, of Keyser, W. Va., praying for the enactment of legislation to increase the salaries of machinists employed at the Government Printing Office; which was referred to the Committee on Printing.

Mr. BURROWS presented a memorial of the Council of Trades and Labor Unions of Detroit, Mich., remonstrating against the enactment of legislation to abolish the use of internal-revenue stamps on sixths and eighths beer kegs; which was referred to the Committee on Finance.

He also presented the petition of Burnet Landreth, of Bristol, Pa., praying for the enactment of legislation recognizing the military service of the First Union League Regiment, Pennsylvania Volunteers, or Forty-fifth Pennsylvania Militia; which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Club of Omaha, Nebr., praying for the enactment of legislation to construct the irrigation works required for the reclamation and settlement of the arid public lands, and also that all the public lands be held for the benefit of the whole people, and that no grants of title to any of these lands be given to any but actual settlers and home builders thereon; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented the memorial of F. H. Vennet, of South Bend, Ind., remonstrating against the enactment of legislation providing for the reclassification of the Railway Mail Service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation providing for the acquirement and enlargement by the United States of the Erie Canal, in the State of New York; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the adoption of certain amendments to the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Confectionery Association of Pittsburg, Pa., remonstrating against the further coinage of copper pennies; which was referred to the Committee on Finance.

He also presented a petition of the Young Men's Christian Association of Allentown, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the new island possessions of the United States and also in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of the Pennsylvania Forestry Association of Philadelphia, Pa., praying for the enactment of legislation authorizing the purchase by the United States of the Calaveras Grove in California; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1008) granting a pension to Margaret M. Badger, widow of the late Commodore Oscar C. Badger, United States Navy;

A bill (S. 3107) granting a pension to Arthur I. Nicklin; and

A bill (S. 91) granting a pension to J. J. Groff.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 7599) granting an increase of pension to John F. Crawford, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4209) granting an increase of pension to James Longstreet, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Commerce, to whom was referred the bill (S. 3943) to provide for the sale or leasing of water power created by public works, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 9070) granting an increase of pension to Daniel H. Kent; and

A bill (H. R. 8405) granting a pension to Sophronia Seeley.

Mr. RAWLINS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4206) to provide for the purchase of a site and for the erection of a public building thereon at Ogden, in the State of Utah, reported it with an amendment.

Mr. TALIAFERRO, from the Committee on Claims, to whom was referred the bill (S. 2887) for the relief of H. B. Matteosian, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Claims; which was agreed to:

A bill (S. 29) for the relief of Corinne Strickland; and

A bill (S. 383) for payment of balance unpaid on Oregon and Washington Territory Indian war claims for suppression of Indian hostilities in 1855 and 1856, as found due by commission appointed by Secretary of War, consisting of Gen. Rufus Ingalls, Capt. A. J. Smith, and Hon. L. F. Grover, pursuant to act of Congress, and disallowed by Third Auditor of the Treasury, as per his report of February 7, 1860.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 2019) reorganizing the Naval Observatory and providing for a board of visitors, reported it with amendments, and submitted a report thereon.

APPEALS IN PENSION CASES.

Mr. GALLINGER. From the Committee on Pensions I report back favorably, without amendment, the bill (S. 4251) providing for the adjudication by the Court of Claims and Supreme Court of pension claims involving difficult or important questions of law as a means of establishing judicial precedents for the guidance of the Secretary of the Interior and the Commissioner of Pensions, and I submit a report thereon.

Mr. President, I desire to say that this is a bill which, in my judgment, solves the problem to a very considerable extent of pension adjudication. It was drafted by the Secretary of the Interior, and it provides that the Secretary of the Interior may submit to the Court of Claims during any one calendar year not exceeding five pension claims that relate to a class that involve difficult or important questions of law. It proposes to enact further that an appeal may be taken to the Supreme Court of the United States by either party, and the necessary machinery is provided.

I should like very much to have the bill passed, as I am to be absent from the city for a week, and I venture to ask unanimous consent that it be put on its passage.

The PRESIDENT pro tempore. The bill will be read in full to the Senate for its information.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. TILLMAN. Mr. President, I should like to ask the Senator from New Hampshire to explain the scope of this proposed legislation. If I got the drift of it in the reading I listened to, it is a provision by which the Government provides for the suit of the Government by itself, and it takes from the Commissioner of Pensions the adjudication of questions of law which have hitherto been decided by him alone. Am I correct?

Mr. GALLINGER. Mr. President, I did briefly explain the scope of this proposed legislation. The bill I will say was drafted by the Secretary of the Interior.

Ever since I have been in public life we have been endeavoring to meet the demand, the agitation, of the soldiers that they should have some way of appealing their cases from the Commissioner of Pensions. I have myself introduced two bills creating a court of appeals; but when I came to look the matter over I saw that it was not practicable to have a court of that kind, for the reason that every rejected claim would be sent to the court, and the court would soon be burdened with thousands and thousands of cases which could not be attended to.

Now, this bill simply provides that the Secretary of the Interior may, during any one calendar year, select five claims—claims that belong to a class or that involve difficult or important questions of law—and he may submit them to the Court of Claims for trial and adjudication. The finding of the Court of Claims may be appealed by either side to the Supreme Court of the United States. I have believed it to be a very important and desirable piece of legislation. I may be wrong about it, but that is my judgment. There are to-day hundreds of cases belonging to classes held up in the Pension Bureau, and the Senator, I think——

Mr. TILLMAN. Right there, is it not true that those cases are not pensionable under existing laws, and the reason why they are

held up is because the Commissioner of Pensions and those under him who have decided the question of law at issue have determined that those cases are exceptions, and that therefore the applicants were not pensionable?

Mr. GALLINGER. No; not at all. The question is whether or not they are pensionable——

Mr. TILLMAN. I say——

Mr. GALLINGER. That is the very question involved.

Mr. TILLMAN. The Commissioner has decided that they are not; otherwise he would have given them the pension.

Mr. GALLINGER. He has not so decided. He simply has suspended those cases, and they are now pending in the Bureau. The Senator from Missouri [Mr. COCKRELL] will, I am sure, confirm what I say.

Mr. COCKRELL. In one class of cases there are a hundred pending on appeal. The appeals have been pending before the Secretary for, I suppose, six months. Here are minors applying for pensions for the time during which they were under 16 years of age, and they were 16 years of age at the time they made their application. It is a question of legal construction as to whether they are entitled to apply after they have become 16 years of age for the pension that was due them while they were under 16 years of age. It is a knotty legal question, and I know I have at least a dozen letters from the Secretary of the Interior or the Assistant Secretary and the Commissioner of Pensions stating that that question of law is pending before the Secretary on appeal.

Now, I think that some provision like this, where a few cases of certain classes could be taken to the court and a decision rendered, would in all probability save a construction by one Commissioner of Pensions and reversing it by his successor, where it is a close question as to what the law is. I think it would be in the interest of the pensioners and in the interest of uniformity of action to have another tribunal where these knotty questions could be settled.

Mr. HOAR. Mr. President, I move to strike out of the——

The PRESIDENT pro tempore. The bill is not yet before the Senate, if the Senator pleases. Is there objection to the present consideration of the bill?

Mr. DAVIS. I object.

Mr. TILLMAN. I ask the Senator from New Hampshire if this bill has been considered by the Committee on Pensions?

Mr. GALLINGER. It has been, and I was authorized——

Mr. TILLMAN. And it is reported from that committee?

The PRESIDENT pro tempore. Does the Chair understand the Senator from Minnesota to object?

Mr. DAVIS. I object.

Mr. GALLINGER. Let the bill go over.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. McLAURIN introduced a bill (S. 4281) for the relief of T. B. Stackhouse; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS introduced a bill (S. 4282) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4283) authorizing P. A. Surg. William C. Braisted, United States Navy, and Luther C. Ellsworth, United States consul at Puerto Cabello, to accept decorations and orders tendered to them by the Government of Venezuela; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 4284) to authorize Capt. N. M. Brooks, Superintendent of Foreign Mails, Post-Office Department, to accept a decoration tendered to him by the Emperor of Germany; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. COCKRELL introduced a bill (S. 4285) to authorize the construction of a bridge across the Mississippi River at or near Cape Girardeau, Mo.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PENROSE introduced a bill (S. 4286) authorizing and directing the Secretary of War to issue medals of honor to 60 surviving members of the Worth Infantry and York Rifles, of Pennsylvania; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4287) granting an increase of pension to Richard P. Nishuals; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4288) granting an increase of pension to Elizabeth Brooks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 4289) for the relief of Hatcher and Hiram Short; which was read twice by its title, and referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 4290) to provide for the acquirement by the United States of lands and rights therein necessary to the establishment of a naval station in Pearl Harbor, island of Oahu, Hawaii, and for the dredging of approaches to said harbor; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. DAVIS submitted an amendment proposing to appropriate $1,750 for repairs and improvements to buildings used by the legation of the United States at Seoul, Korea, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for expenses of delegation of the United States to the proposed international conference of American states, to be held in the City of Mexico, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate the sum of $1,000 to be expended by the Joint Committee on the Library for the purchase of the Ingalls portraits in oil of the late Senators Allen G. Thurman and Simon Cameron, now owned by Dr. E. A. Duncan, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

MILITARY OFFICERS IN CUBA AND PORTO RICO.

Mr. BACON. I offer a resolution which I ask may be read and have present consideration.

The resolution was read, as follows:

Resolved by the Senate, That the Secretary of War is hereby directed to report to the Senate the following information:

First. Whether any officer of the Army of the United States who is now, or who has been, on duty either in Cuba or Porto Rico since the date of the declaration of war by the United States against Spain has received any compensation for any service of any kind whatsoever other than the compensation to which such officer of the Army is, as such, entitled by law to receive as his salary and allowances.

Second. If any officer of the United States Army has during said period, while on duty in either Cuba or Porto Rico, received from any source any compensation other than that which he is, as such officer, entitled by law to receive as his salary and allowances, what is the name and rank of each such officer, and what the amount or amounts received by him, the date or dates on which each of said amounts was so received, on what account the said amount or amounts were paid, by whom said payment or payments were authorized, and out of what fund or funds said payments were made.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SEWELL. Let it go over.

The PRESIDENT pro tempore. The resolution will go over under the rule.

Mr. BACON. I offer another resolution of kindred character, which I ask may be read and that it may have present consideration. I will state, however, in making this request, that I have no objection, if the Senator from New Jersey desires that it shall be laid over, to have it go over.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The resolution was read, as follows:

Resolved by the Senate, That the Secretary of War is hereby directed to report to the Senate the following information:

First. Whether any officer of the Army of the United States who is now, or who has been, on duty either in Cuba or Porto Rico since the date of the declaration of war by the United States against Spain has had furnished to him by any person or authority any quarters other than such quarters as such officer is entitled under the law to receive. If so, what is the name and rank of each officer so furnished with such quarters and what quarters in each such instance have been so furnished.

Second. What rent has been paid in each instance for quarters thus furnished to officers of the Army during said period either in Cuba or in Porto Rico.

Third. What amounts have been expended in each instance in repairing, refitting, or improving any quarters occupied by any officer of the United States Army on duty in Cuba or Porto Rico during said period, and for which officer in each instance was such quarters thus repaired, refitted, and improved.

Fourth. What amounts have been expended in each instance in furnishing or decorating any quarters occupied by any officer of the United States Army in Cuba or Porto Rico during said period, what was the character of such furnishings and decorations, and for which officer, in each instance, were the quarters thus furnished and decorated.

Fifth. What amounts have been expended for horses or mules, harness, vehicles or equipages of any kind to be used by any officer of the United States Army on duty in Cuba or Porto Rico during said period, and for which officer, in each instance, were the horses, mules, harness, vehicles, or other equipages furnished.

Sixth. What amounts have been paid for the hire of servants, or as compensation for services rendered in and about the quarters of any officer of the United States Army during said period in Cuba or Porto Rico, and in each instance who was the officer occupying said quarters in and about which said servants were employed or said services were rendered.

Seventh. What amounts have been paid for supplies of any kind furnished to any officer of the United States Army during said period in Cuba or Porto Rico other than the allowances to which such officer is entitled under the law, and in each instance who is the officer thus receiving such supplies.

Eighth. In each of the expenditures concerning which inquiry is made, out of what fund was said amount paid.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SEWELL. I do not know what——

The PRESIDENT pro tempore. Is there objection?

Mr. SEWELL. Allow me to interrogate the Senator from Georgia for a moment. I do not object.

Mr. BACON. I can not hear the Senator from New Jersey.

Mr. SEWELL. I do not object. I wish merely to say that it is well known, of course, that our officers, particularly our commanding officers in Cuba and Porto Rico, took possession, naturally, of the palaces that their predecessors had occupied, and it may be that they have had allowances, but everything of that kind has come from the insular receipts. I do not object to the inquiry.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

Mr. BACON. I beg the Chair's pardon; I desire to say a word.

The PRESIDENT pro tempore. The Senator from Georgia will proceed.

Mr. BACON. Mr. President, I desire to say with reference to the other resolution that I do not understand why one should go over and the other not. Still I have no objection to any direction the Senator from New Jersey may desire to give in that regard.

I wish to say, although the first resolution is not to be now acted upon, that that resolution, with reference to the pay of officers, was introduced by me not as an original motion on my part, but in response to the suggestion and invitation and, I might say, the challenge of the Senator from New Hampshire [Mr. CHANDLER].

I do not desire to be understood in any inquiry made in either one of these resolutions as making any assertion that I have information of a definite character that the things inquired about exist or have occurred. On the contrary, as I said yesterday concerning the pay of officers, I have no information except that which is general to the public, and about the correctness of which I have no certainty whatever.

Since the first resolution with reference to the pay of officers was drafted I have had assurances, which I deem to be entitled to full credit, that there has been no such extra pay received by any officer in Porto Rico, and, as I said on yesterday, I am very glad to know that such is the fact, and I would be equally glad if the answer of the Secretary of War shall show that there has been nothing of the kind in Cuba.

Nothing is further from my intention than in any manner to reflect upon any officer of the Army, and no member of the Senate would be more gratified than I if I find that the law, as I understand it to have been stated by the Senator from Ohio [Mr. FORAKER] yesterday, has been strictly followed and observed.

Now, Mr. President, with reference to the second resolution, which makes a certain inquiry as to what amounts have been expended for the accommodation, and enjoyment, if you please, of officers of the Army in Cuba and Porto Rico, I will state my reason for introducing it. In that case, as in the other, I do not wish to be understood as making any charge that there have been these expenditures. I wish to disclaim any definite knowledge upon that subject. But I think it is due to the officers of the Army that this information should be given to the Senate from an authoritative source. There are very prejudicial rumors and statements being made with reference to these expenditures. I repeat, I do not know whether they are correct or not. I have no doubt many of them are largely exaggerated; but it is being repeated throughout the community with the utmost confidence that there has been the most lavish expenditure in Cuba in the way of the fitting up of quarters, in the providing of equipages and the decorating of quarters, and in providing not only the comforts but the luxuries of quarters, and that, as has been stated in my hearing, there has been an expenditure which has absolutely surpassed anything which has ever been expended by any one of the Spanish governors when there in a viceregal position.

I hope, Mr. President, that none of this is true. If it is true, however, it should be known in order that the corrective may be applied. If it is not true, it is due to the officers about whom these statements are being made that there should be an authoritative denial of them.

I thought it due to myself, Mr. President, that I should make this statement, and I will make the further statement that while this matter has been upon my mind for some time, I have refrained from introducing any resolution of inquiry, and I would not have done so now but for the invitation of the Senator from New Hampshire. It is true the inquiry in the second resolution is one which was not suggested by him, but it is one which is cognate with it, and if one piece of information is to be given the other ought also to be given.

While these matters have been talked about, I have felt that if the inquiry were presented by one from this side of the Chamber it might possibly present something in the nature of a partisan proceeding, and I preferred that the resolutions of inquiry should come from the other side of the Chamber. I repeat that I now offer these resolutions simply because on yesterday, as the outcome of a short colloquy which we were having, there was a distinct invitation and challenge on the part of the Senator from New Hampshire that this inquiry should be made through a resolution to be introduced by myself.

Mr. CHANDLER. Mr. President, I intended no challenge. My suggestion to the Senator was in good faith.

Mr. BACON. I so understand it.

Mr. CHANDLER. I think if he had not offered the first resolution I should have offered it myself. I preferred, however, that the Senator should draw them, because I knew he would draw them more concisely, more briefly, than I would be likely to do.

Now, Mr. President, as the first resolution is going over upon the objection of the Senator from New Jersey, I will object to to the consideration of the second resolution, the language of which I wish to examine. But I have no doubt that to-morrow I shall be in favor of the passage of both the resolutions. I beg to assure the Senator that I had no intention of challenging him. I said I did not believe that any Army officer had received any money as compensation for his services outside the pay allowed by law. I believe that now. If the fact is otherwise, I shall be glad to be informed of it.

As to the fitting up and the decoration of quarters I have no knowledge whatever; but the resolution is an extremely proper one. I am very glad the Senator has introduced it, and I certainly acquit him of being, at this time and in this thing, possessed by any intense partisan feeling.

Mr. BACON. I am very much obliged to the Senator, Mr. President.

The PRESIDENT pro tempore. The resolution goes over under the rule.

URGENT DEFICIENCY APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the amendments of the Senate to the bill (H. R. 10449) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes, numbered 1, 2, 5, 6, 7, and 8, and agreeing to amendments numbered 3 and 4 with amendments as follows:

At the end of each amendment insert:

, except in so far as such printing may be necessary in executing the requirements of the act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900.

Mr. HALE. I move that the Senate concur in the amendments of the House of Representatives to the amendments of the Senate numbered 3 and 4. If the motion prevails, it will pass the bill.

The motion was agreed to.

ASSISTANT CLERK TO COMMITTEE.

Mr. HOAR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the assistant clerk to the Committee on the Judiciary be paid from the contingent fund of the Senate, at the rate of $1,800 per annum, until otherwise provided by law.

WAR-REVENUE RECEIPTS.

Mr. NELSON. I ask unanimous consent for the present consideration of House bill 9824.

Mr. GALLINGER. There is a resolution on the table coming over that I should like to have laid before the Senate.

The PRESIDENT pro tempore. The Senator from Minnesota will suspend one moment while the Chair lays before the Senate a resolution coming over from a former day.

The Secretary read the resolution submitted on the 18th instant by Mr. GALLINGER, as modified, as follows:

Resolved, That the Secretary of the Treasury is hereby directed to communicate to the Senate, at the earliest practicable day, a statement showing the aggregate amount of revenue, since the war-revenue law went into operation, derived from stamps on notes, bank checks, insurance policies, deeds, leases, mortgages, telegrams, express shipments, successions of estates, and medicinal preparations, and beer, each item to be stated separately.

Mr. GALLINGER. I offer a substitute for that resolution.

The Secretary read as follows:

Resolved, That the Secretary of the Treasury is hereby directed to communicate to the Senate, at the earliest practicable day, a statement showing the amount of revenue derived from the so-called war-revenue law, the items to be stated separately, so far as it is practicable to do so, in regard to each subject of taxation.

The PRESIDENT pro tempore. The Senator withdraws his original resolution?

Mr. GALLINGER. I withdraw the original resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution offered as a substitute.

The resolution was agreed to.

FLOATING LOOSE TIMBER, RAFTS, ETC., ON CERTAIN RIVERS.

Mr. NELSON. I ask unanimous consent for the immediate consideration of the bill (H. R. 9824) authorizing the Secretary of

War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams.

Mr. CULLOM. I hope the Senator will delay taking action upon that bill until I can submit a conference report.

Mr. NELSON. This will take but a few minutes.

Mr. CULLOM. It seems to be a pretty long bill.

Mr. NELSON. No, it is not long. There is a substitute reported.

Mr. COCKRELL. When was the bill reported?

Mr. NELSON. Yesterday, from the Committee on Commerce. The bill was recommended by the Secretary of War.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary read the substitute reported from the Committee on Commerce.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HALE. Let the first part of the bill be read again.

Mr. NELSON. I wish to say to the Senator from Maine——

The PRESIDENT pro tempore. The Senator from Maine asks for the reading of the first section of the amendment.

Mr. HALE. The first one or two sections.

The Secretary read as requested.

Mr. HALE. I have heard enough to justify me in objecting to the consideration of the bill?

The PRESIDENT pro tempore. The Senator from Maine objects.

TERRITORY OF HAWAII.

Mr. WARREN. I ask leave to call up Senate bill 2610.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate the following resolution.

The Secretary read the resolution reported by Mr. TURLEY from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. CULLOM. Mr. President, I made a conference report the day before yesterday, which was withdrawn. I now present it again, and ask for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Illinois presents a conference report on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 222) to provide a government for the Territory of Hawaii, which has heretofore been read to the Senate. The question is on agreeing to the report.

Mr. PETTIGREW. Mr. President, it seems to me that this report ought to be rejected and sent back to the conference committee, and for this reason: On page 27 of the bill, paragraph 5, under "Qualifications of voters for representatives," occurs this provision:

Prior to such registration have paid, on or before the 31st day of March next preceding the date of registration, all taxes due by him to the government.

This provision practically disfranchises most of the people who are citizens of the United States and citizens of Hawaii, for the reason that the Hawaiian government imposes a poll tax of $5 upon every voter—that is, they impose a tax of $1, which they call a poll tax; $2 as a road tax, and $2 as a school tax; making a poll tax, in all, of $5. This provision is that every person must have paid this tax before the 31st day of March next preceding the date of registration.

There were only 2,600 voters in Hawaii according to the last election, and this provides that those who wish to vote at the next election for members of the legislature shall have paid their tax previous to the 31st day of last March. Of course, that is previous to the passage of this bill, and it therefore disfranchises everybody who has not paid this five-dollar tax.

The people of Hawaii——

Mr. SPOONER. Will the Senator be kind enough to read that again? I did not hear it.

Mr. PETTIGREW. I will complete my remarks, and in the meantime the Senator can look at the provision in the bill.

Mr. SPOONER. I want to understand what the Senator is stating; that is all.

Mr. PETTIGREW. The provision is that—

Prior to such registration have paid, on or before the 31st day of March next preceding the date of registration, all taxes due by him to the government.

He must have paid this poll tax of $5 before the 31st day of last March or he is disfranchised from voting for members of the next legislature. The next legislature will have the power to impose a tax of $15 if they choose, or a tax of any other sum, and thus forever exclude nearly all the voters of that country from participation in the government.

It is no defense to say that this was a provision in the bill as it passed the Senate; for the bill as it came from the Committee on Foreign Relations contained so many iniquities that the Senate overlooked this one, and it is not strange that they did overlook it, because no one told us that the tax law of Hawaii imposes a poll tax of $5 per capita. It was simply overlooked. The House amended this provision by providing for the payment of "a poll tax of $1 for the current year due by him to the government."

That left the voter a chance to qualify under this bill; but the Senate conferees, it appears, have insisted upon the Senate provision, and insisted, therefore, upon disfranchising everybody but the sugar planters of Hawaii and their employees.

Who owns the wealth of Hawaii? The men who have received the $80,000,000 bonus paid to the sugar raisers of that country by the people of the United States. Who can pay the taxes? These men interested in their own affairs. Who, then, can qualify? No one but those whom they may desire to have qualify and for whom they will put up the money.

Are we going to have this thing, Mr. President? It seems to me this bill, for that provision alone, should be sent back to the conference committee and amended. I do not desire to disfranchise all the people of that country. I do not believe that a man because he is not able to pay this five-dollar tax should be deprived of the right of voting at the next election. If such a restriction as that were imposed in this country, it would disfranchise millions of voters all over the North.

The Ohio coal miner earned, according to the chief mining inspector's report for 1897, $192 annually; and if he had a family of five, that would be less than $39 per capita, with which to educate, feed, clothe, and house an American citizen. In 1898 the report shows that the coal miners in Ohio earned $241 each, which, if there were five in a family, would be $48 per capita; and this was the average wage in the whole State. These figures are official. If you should impose a tax of $5 upon them they could not vote.

Are we going to spread this system from our dependencies to the rest of our country? Is this a precedent to be established by the Senate of the United States, by the Republican party, for the future government of this country? I hope not. Therefore, Mr. President, I hope the report will be rejected and this correction made.

Mr. CULLOM. Mr. President, I am inclined to do what I hesitate somewhat to do, and yet perhaps I ought to do it; and that is to take up each of the sections of this bill, with the changes which have been made, and point them out briefly, so that Senators may know what the bill contains somewhat easier and more quickly, at least, than they would be able to do if the discussion should go on without anything of that kind being done.

There are comparatively few amendments to the bill that are of very great importance and consequence. The first amendment which is found in the substitute is in section 4. That section provided:

SEC. 4. That all persons who were citizens of the Republic of Hawaii on August 12, 1898, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

The amendment made to that section by the House, to which the conferees agreed, provides:

And all citizens of the United States who were resident in the Hawaiian Islands on or since August 12, 1898, and all the citizens of the United States who shall hereafter reside in the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii.

The last provision was added by the House and agreed to by the conferees. It will be found in the print of the bill which has been furnished to the Senate to-day.

Before I go further, I desire to state that the amendments as they appear in the bill which was printed for the use of the Senate to-day only take in the amendments made by the House of Representatives, and not as they were finally agreed to by the conferees of the two Houses.

Mr. COCKRELL. I did not understand that last expression.

Mr. CULLOM. I will state it again. On yesterday the Senator from Georgia [Mr. BACON], and others very properly raised a question of how they could tell what portion of the substitute bill which was reported to the Senate and which was passed by the House was originally passed by the Senate; and hence I made the statement yesterday, and I have tried to comply with it, that the Senate bill was taken up and every amendment made to it by the House has been incorporated in the print of the bill that is now before the Senate, so that Senators can see just what changes the House made in the bill as it passed the Senate; but I am stating now that this bill does not show the amendments or changes made by the conferees to the substitute bill, because Senators had that before them yesterday, and can have it before them to-day. It would have been impossible, without printing almost a book, to get all of the subject before the Senate, so that one could see at a glance exactly what changes have been made. Hence, I have taken this course; and I am calling the attention of the Senate to the amendments to the Senate bill made by the House, and as agreed to by the conferees; so that Senators get it all practically, though I do not propose to go into the details of the amendments in the remarks I am making.

Mr. COCKRELL. What change is made in section 4 as to citizenship?

Mr. CULLOM. I have just stated; but I will state it again, so that it may be understood.

Section 4, as passed by the Senate, provided—

That all persons who were citizens of the republic of Hawaii on August 12, 1898, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

The House amended it, and the conferees agreed to the amendment by adding this provision:

And all citizens of the United States who were resident in the Hawaiian Islands on or since August 12, 1898, and all citizens of the United States who shall hereafter reside in the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii.

Mr. BACON. Will the Senator right there permit me to ask a question for information?

Mr. CULLOM. Yes.

Mr. BACON. I desire to ask the Senator—I probably knew, but have forgotten the provision of the constitution of Hawaii on the subject—as to the extent of citizenship under the republic. Were all the inhabitants made citizens?

Mr. CULLOM. No, sir. There are a class of citizens existing under the republic who declined to take the oath of allegiance.

Mr. BACON. And they were in consequence not citizens?

Mr. CULLOM. They were in consequence not entitled to vote.

Mr. BACON. But were they citizens of the republic?

Mr. CULLOM. I suppose they might be regarded as citizens of the republic.

Mr. BACON. The Senator will see the pertinency of that inquiry when that part of the section is taken in connection with the amendment to which the conferees have agreed, because if they were not citizens of Hawaii on August 12, 1898, they are not now under this bill made either citizens of the United States or citizens of the Territory of Hawaii.

Mr. SPOONER. And they could not become citizens of the United States except by naturalization, and I do not know that they could by naturalization under the existing law.

Mr. BACON. Yes.

Mr. CULLOM. I think the Senate will find that there is scarcely anybody over there who is not entitled to vote, except the Chinese and Japanese.

Mr. BACON. The Senator will pardon me for interrupting him. I am not speaking of the right to vote. A man can be a citizen and not have the right to vote. I am speaking of whether or not on the 12th day of August, 1898, all the inhabitants were citizens, because those of them who were then not citizens are excluded by this bill from being now made citizens. I suggest to the Senator that is a matter of such vital importance that we ought to have definite and absolutely accurate knowledge upon it. It ought not to be a matter of doubt.

Mr. TILLMAN. Has the Senator from Illinois got the Hawaiian code before him at his desk?

Mr. CULLOM. I was just going to say that after I get through with my remarks, I will get the Hawaiian code and give the exact state of the case in reference to that question.

Mr. TILLMAN. If the Senator will send for it now, I can be looking it up whilst he is speaking.

Mr. CULLOM. I do not know whether or not it is in my committee room. It has been carried off, I think, but I shall look it up.

The fifth section was changed by the conferees so that it might be more certain that the Constitution of the United States was extended over the Territory by the act. That is the chief purpose of the amendment to section 5 by the House of Representatives as agreed to by the conferees.

Mr. BACON. What I wanted to know was whether or not the Senator was prepared to say that, under the constitution of the republic of Hawaii, all residents, all bona fide inhabitants—I do not mean visitors, but those who are residents and bona fide inhabitants of the islands—were on that date, under the constitution of the republic of Hawaii, citizens of the republic?

Mr. CULLOM. I understand the Senator's question, and I will state that later on I will get the statutes of the Hawaiian republic and see exactly how they are in that respect.

Mr. BACON. I suppose the Senator desires that we should, as he takes these sections up, ask him such questions as may suggest themselves. I think we shall save time by following that course.

Mr. CULLOM. I have no objection to that.

Sections 6, 7, 8, and 9 were not at all changed after the bill passed the Senate, but they remain in the bill just as it was passed.

Section 10 was amended by the House, but all the amendments made by the House were receded from except the last paragraph, which was added to the bill by the House and agreed to by the conferees. The Senate will remember that the first line of section 10 referred to obligations and contracts. The Senate struck those words out, and then added a section or two with reference to the attitude of contract laborers over there, which was agreed upon by the Senate, I think, as substantially if not absolutely right. Those sections remain in the bill exactly as they were, except that there was a provision added to the section to which I will call the attention of the Senate.

The last paragraph of section 10 provides:

That the act approved February 26, 1885, "To prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," and the acts amendatory thereof and supplemental thereto, be, and the same are hereby, extended to and made applicable to the Territory of Hawaii.

It was thought that that was not necessary to be in the bill, but it did not hurt anything and made it certain that the provision touching that subject would be recognized as applicable and in force in those islands. So, with that addition to section 10, as the Senate passed it, the bill stands to-day as it is before the Senate in the conference report.

Section 11, providing for the style of process, was amended by the conferees so as to insert the word "hereafter." That is all that amounted to. Some of us did not think it was necessary, but one of the conferees thought it was, and so the word was inserted.

Sections 13, 14, 15, 16, and 17, as they passed the Senate, have not been changed.

The eighteenth section, providing that every citizen entitled to vote shall take an oath to support the Constitution, was stricken out, and only that portion retained relating to idiots, insane persons, persons receiving bribes, etc.

Mr. BACON. That has been retained.

Mr. CULLOM. The latter clause in relation to idiots, insane persons, persons receiving bribes, etc., remains in the bill, but the first part of the section is stricken out.

Mr. BACON. I notice that the clause to which the Senator refers, beginning on page 11, at line 24, in the copy I have, is stricken through. I understand that was stricken out in the House and has been restored by the conferees. Is that so?

Mr. CULLOM. What clause is that?

Mr. BACON. On page 11 of the reprint, the last clause to which the Senator has just referred.

Mr. CULLOM. That which I read is retained.

Mr. BACON. It has a line stricken through it.

Mr. CULLOM. But it was reinstated by the conferees.

Mr. BACON. That was the question I asked.

Mr. CULLOM. Sections 19, 20, 21, 22, 23, and 24 were not interfered with by the House, and no changes were made in those sections as passed by the Senate.

The twenty-fifth section was amended so as to punish persons for disorderly or contemptuous behavior in committee, as well as in the house of representatives, to which the conferees agreed; in other words, we inserted the House provision on that subject instead of the Senate provision, which seemed to be a little more satisfactory. I do not think there was much difference in the two sections; but the Senate yielded on that score.

There was no change made in the Senate bill in the twenty-sixth section, but in the twenty-seventh section the provision of the Senate was stricken out and in lieu of it the following was inserted:

SEC. 27. That each house may punish its own members for disorderly behavior or neglect of duty, by censure, or by a two-thirds vote suspend or expel a member.

That is the provision I referred to.

There was no change made by the House or by the conferees in sections 28, 29, 30, 31, 32, and 33, and they remain in the bill as it was passed by the Senate.

In the thirty-fourth section, relating to the qualifications of senators, an amendment was made requiring senators to have attained the age of 30 years instead of 25 years.

There was no change made in sections 35 and 36. In section 37, after the word "vacancies," the words "in the office of representative" were inserted.

Mr. BACON. The Senator will pardon me a moment. The Senator will recognize that section 34 may be very materially dependent for its construction upon the section to which I first called the attention of the Senator, which relates to the question as to whether or not all inhabitants were citizens on the 12th of August, 1898; because if it should be found to be, as has been suggested, that there was a large part of the then inhabitants not citizens, they would be made ineligible, of course, under this language inserted in section 34, to any office, because they could not vote.

Mr. CULLOM. I was going to say that this section provides that a person, in order to be eligible to the office of senator, shall be a male citizen of the United States and shall have attained the age of 30 years, instead of 25 years, and—

have resided in the Hawaiian Islands not less than three years, and shall be qualified to vote for senators in the district from which he is elected.

Mr. BACON. I understand; but I was simply calling the attention of the Senator to the fact that it may be necessary to recur to that section if it is found necessary to amend section 34.

Mr. CULLOM. The purpose of the committees of both Houses

was finally that, barring Asiatics, every other man in the Territory should have the right to vote.

Mr. SPOONER. I should like to ask the Senator from Illinois a question, if he will recur to section 28 of the Senate bill. Upon what theory was it that the clause there giving to each house the power to determine the rules of its proceedings was stricken out? What objection was there to that?

Mr. CULLOM. It is section 27.

Mr. SPOONER. It was section 28 in the Senate bill, and provided—

That each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Upon what theory was the phrase "That each house may determine the rules of its proceedings" stricken out? Do you think we can improve much upon the Constitution of the United States and all the State constitutions on that subject?

Mr. CULLOM. The supposition is that they have that right. Each house is to determine the rules of its own proceedings.

Mr. SPOONER. The framers of the Constitution of the United States did not proceed upon that theory, nor did the framers of the constitutions of the various States.

Mr. CULLOM. That may be.

Mr. SPOONER. That is true.

Mr. CULLOM. The truth is that each house the world over determines the rules by which it governs its own proceedings; but the provision put in here that each house may punish its own members for disorderly behavior, neglect of duty, etc., seemed to be necessary. The House conferees insisted upon it, and we consented to it.

Mr. BACON. May I ask the Senator how are the qualifications of the members of the two houses to be determined if this conference report shall be adopted and the bill becomes a law?

Mr. SPOONER. If the provision is left in that each house shall have the power to determine the elections and qualifications of its own members——

Mr. CULLOM. There was no change there, I think. I was referring to the thirty-fourth section, as to the qualifications of senators; that the age for a senator should be fixed at 30 years instead of at 25 years.

There is no change made in the thirty-fifth and thirty-sixth sections.

In section 37, after the word "vacancies," the words "in the office of representative" were inserted. As the bill stood it was somewhat indefinite, and so those words were put in by the conferees.

There is no change made in section 38 of the Senate bill, and there is no change in section 39.

At the end of section 40 the words "in the district from which he was elected" were inserted, and the conferees agreed to that. The suggestion was that without those words a member of the senate might be elected from a district in which he did not reside.

There were no changes in sections 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51, except the last clause of section 51 was stricken out of the Senate bill and in lieu of it a paragraph was inserted by the House, which stated the law more clearly, but which is substantially the same thing, as I construe it.

Mr. JONES of Arkansas. What change does the Senator say has been made in section 40?

Mr. CULLOM. At the end of the section the words "in the district from which he was elected" were inserted.

Mr. JONES of Arkansas. I do not see anything in the print of the bill I have to indicate any change of that kind.

Mr. SPOONER. That is section 34, on page 16 of the reprinted bill.

Mr. JONES of Arkansas. The Senator from Illinois said section 40.

Mr. CULLOM. I did; and I have an impression, though I am not sure of it——

Mr. JONES of Arkansas. These amendments ought to appear at the places indicated.

Mr. CULLOM. The provision as to residence is made applicable, as I think, to the whole of the section referring to senators and representatives.

Mr. SPOONER. There is no reason why it should refer to one and not to the other.

Mr. CULLOM. No; I think not; but I say I thought when I prepared this statement that we had actually made the amendment applicable to senators and representatives alike.

Mr. JONES of Arkansas. Then why should not the print of the bill show it?

Mr. CULLOM. The bill does not show that as to the house of representatives, but I take it it will be so construed, at any rate.

Mr. SPOONER. Mr. President, I should hardly think so. If the law provides that the senator shall be a resident of the district from which he is elected, but makes no provision whatever on the subject as to the representative, the inference would be very clear that that restriction was not intended to be placed upon the representative.

Mr. CULLOM. I find that the House bill as amended by the conferees does have the provision in it, and it reads:

And shall be qualified to vote for representatives in the district from which he is elected.

Mr. JONES of Arkansas. What section?

Mr. CULLOM. That is section 40.

Mr. JONES of Arkansas. Then it is a mistake in the print we have on our desks.

Mr. CULLOM. That has been dropped out by my clerk.

Mr. JONES of Arkansas. It is in the official copy—the conference report?

Mr. CULLOM. It is in the copy before the Senate.

Mr. JONES of Arkansas. In the conference report, signed?

Mr. CULLOM. The report is signed.

Mr. JONES of Arkansas. Are those words added?

Mr. CULLOM. The words are added in red ink in this copy?

Mr. JONES of Arkansas. In this copy there is nothing to show there is an amendment of that kind, but if it is in the conference report, of course it is all right.

Mr. CULLOM. I will read it. The original provision as it passed the House simply read as follows:

And shall be qualified to vote for representatives.

The conferees then added the words:

In the district from which he is elected.

Mr. BACON. It is in the reprint which we had on yesterday, which shows——

Mr. CULLOM. It was left out of it by mistake. There is no possible doubt about it being in the bill to be adopted.

Mr. SPOONER. That is all right.

Mr. CULLOM. Is that satisfactory to the Senator from Arkansas?

Mr. JONES of Arkansas. Entirely so. If it is in the official copy, it makes no difference whether it is in this copy or not; it will be all right.

Mr. CULLOM. It is. I ran over the numbers of the sections of the Senate bill wherein no changes are made, being sections 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51, except the last clause of section 51, which was stricken out of the Senate bill, and in lieu of it a paragraph was inserted by the House which stated the law more clearly, but which, I think, is substantially the same thing.

Mr. JONES of Arkansas. Is there not a change in section 47? The word "chairman" is stricken out and the words "presiding officer" inserted in italics. I do not know what this print means exactly.

Mr. CULLOM. That is in the bill. It is pretty difficult in handling so many bills to state the facts offhand. To what section does the Senator refer now?

Mr. JONES of Arkansas. Section 47. The word "chairman" is stricken out and the words "presiding officer" inserted. It is a very small matter.

Mr. CULLOM. That is in the bill before the Senate. I recollect it very well.

I wish to say that some of the sections I regarded as of very little consequence, and I did not incorporate them in this statement, because I did not have the time, and it would have required a good deal of work to do it so as to have what I state in my remarks accord exactly with the facts in the bill.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. CULLOM. Certainly.

Mr. SPOONER. I see that in section 46 of this reprint, with respect to the reading of bills, it is provided—

That a bill, in order to become a law, shall, except as herein provided, pass three readings in each house on separate days.

The words "on separate days" are in italics, and of course that is an amendment. Was that agreed to by the conferees?

Mr. CULLOM. I would rather read it, so as to be sure. What section is that?

Mr. SPOONER. Section 46.

Mr. CULLOM. This is the way the bill reads as reported:

That a bill, in order to become a law, shall, except as herein provided, pass three readings in each house, on separate days, the final passage of which in each house shall be by a majority vote of all the members to which such house is entitled, taken by yeas and nays and entered upon its journal.

That is the section as it appears in the conference report. Is that satisfactory?

In section 52, as will be seen by the Senate, the word "Hawaii" was stricken out and the words "Territory of Hawaii" substituted, to make it more clear and so that it should be more properly stated. That is the only change from the Senate section. I think I would rather use the conference report for the next item.

In section 53 there was no change made in the Senate section. I now come to section 54, and here is a provision about which I

have no doubt there will be difference of opinion in the Senate, and I will read the whole of the section:

That in case of failure of the legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the government and meeting its legal obligations as the same are provided for by the then existing laws, the governor shall, upon the adjournment of the legislature, call it in extra session for the consideration of appropriation bills—

Down to and including that word it reads exactly as does the Senate bill. I call attention to the remainder of the section. The Senate struck out the remainder of the section, the House restored it, and finally the conferees agreed to it. It reads as follows:

and until the legislature shall have acted the treasurer may, with the advice of the governor, make such payments, for which purpose the sums appropriated in the last appropriation bill shall be deemed to have been reappropriated. And all legislative and other appropriations made prior to the date when this act shall take effect shall be available to the government of the Territory of Hawaii.

That provision was not in the Senate bill; it was in the House bill, and the Senate conferees finally agreed to it.

Mr. BACON. I think that is a question about which there was a great deal of discussion when the bill was before the Senate.

Mr. SPOONER. The Senate struck it out.

Mr. BACON. I understand that. The Senate struck it out after elaborate debate. It is true it is limited to current expenses; and if there were a provision there which limited the time within which the governor should call the extra session of the legislature, I do not know that there would be any very great objection to it. But there is no limitation of time; and if the governor—of course we will not presume that he will fail to do his duty——

Mr. SPOONER. If the Senator will pardon me, it says the governor shall, upon the adjournment of the legislature, call an extra session.

Mr. BACON. I understand, but it does not state within what time it shall be convened. He might put it off ten months.

Mr. JONES of Arkansas. Upon the adjournment of the legislature, I should think, means immediately.

Mr. SPOONER. Yes.

Mr. TILLMAN. What about the situation in Pennsylvania?

Mr. BACON. Very well, if it will be so construed.

Mr. CULLOM. While that is not a usual provision in legislation, yet after considerable contest and controversy and discussion the Senate conferees agreed to it, believing that if it did not turn out to be satisfactory and work well it could be repealed hereafter.

Section 55 contains an amendment made by the House and agreed to by the conferees, which is to strike out the word "or" and insert "and;" so that it will read:

That no corporation, domestic or foreign, shall acquire and hold real estate, etc.

I have not quoted the whole section, but Senators can see the provision in the bill. The purpose of it is to limit the holding of real estate by corporations to a thousand acres.

Mr. BACON. It seems to me that this is an exceedingly drastic amendment. I think the limitation of the number of acres a corporation may hold is all right. We have a similar law in my own State; but for it to go on and prescribe that whenever such title shall pass to a corporation it shall immediately escheat to the Government of the United States, it seems to me, is an extremely rigid provision. There ought to be rather than that some provision by which the court could distribute the property or administer the property in the interest of those justly entitled to it. But it ought not to say that if, by any means, title shall vest in a corporation——

Mr. SPOONER. It may take it in payment of debts.

Mr. BACON. Certainly. There are a number of ways in which a corporation may come into title, legal or equitable, to property, and to say that it shall be immediately forfeited—I do not know that there is any parallel to such a provision in any law, State or Federal. I certainly have never heard of one.

Mr. CULLOM. The Senate knows and the country knows that the tendency in those islands—and we are not entirely free from it anywhere else in this country—is for corporations to accumulate immense tracts of land and prevent the ordinary citizen or newcomer from getting a footing at all in real estate; and the purpose of this was to stop that if we could.

Mr. BACON. I think that is entirely proper.

Mr. CULLOM. And let the people get homesteads and tracts of land to cultivate, and for other purposes.

Mr. BACON. I think it is entirely proper to stop it, but the question is whether the remedy is a proper one. It would be very well to prohibit it, and then leave it to the courts to say what shall become of the property. Of course, if this last provision were not in it, and legal proceedings were not had to prevent a corporation from holding it, the courts would distribute the property necessarily to those who are entitled to it. They would administer it in the interest of those who are entitled to it. But here is an express provision that if a corporation ever does acquire such title, it shall immediately, without any possibility of appeal or redress of any kind, be forfeited, and escheat to the Government of the United States. I think, if there is no other thing, that that single provision ought to be sufficient to induce the Senate to send the report back to the conference committee in order that it may be corrected.

Mr. CULLOM. My judgment is that it is a tolerably salutory provision for that Territory for a while, if not always, and I hope it will remain in the bill.

Mr. TILLMAN. I notice that accompanying the same provision there is no interference with existing or vested rights, and therefore the question arises at once whether or not there are not now corporations which hold in excess, and a good many of them, and that these existing corporations, the sugar companies of which we have heard so much, will thereby, under this provision, have a monopoly, so to speak, of the right of having enough capital, for instance, to organize a sugar factory. We know that unless there is something like a thousand acres or more than that tributary to a large sugar mill it can not run; and would not the existing sugar mills force all the balance of the country capable of being planted in sugar to be tributary to them by reason of the fact that no other corporations could organize? There must be some hidden purpose here. I am not now insinuating that the Senator from Illinois is cognizant of it or in any way mixed up in it, but I should like to know why this provision is put in here.

Mr. CULLOM. If the Senator wants to find out how it got in here, he will have to go to the House of Representatives.

Mr. TILLMAN. It was put in in the House, and the Senator said he thought possibly it was a salutory one. I threw out the idea which occurred to me, and I should like to have the Senator explain it, if he knows anything about it.

Mr. CULLOM. The Senator knows, and he has already stated, that there are very large corporations there——

Mr. TILLMAN. And they are not interfered with.

Mr. CULLOM. How are you going to interfere with them? You can not interfere with them by law.

Mr. TILLMAN. If one corporation is good——

Mr. CULLOM. How can you do it? You can pass a law that will prevent a continuation of the grasping spirit of these people and restrict their power to get possession of all the land.

Mr. JONES of Arkansas. Does the Senator from Illinois admit that corporations now holding more than a thousand acres would not be limited by this provision?

Mr. CULLOM. They will be limited as to buying any more, but we can not interfere with what they have if they have a deed to it.

Mr. JONES of Arkansas. I should think the Government has power to limit their right to hold real estate. In this paragraph the language is to acquire or to hold.

Mr. PETTIGREW. The Senator will see in the latter part of the paragraph a provision for the protection of corporations now in existence.

Mr. SPOONER. It is prospective in its operation.

Mr. CULLOM. It is prospective entirely.

Mr. PETTIGREW. The paragraph will be entirely harmless for the reason that any body of men can organize just as many corporations as they please, each holding a thousand acres, and run them all under one management. Further than that, the land is all taken up anyway. There remain nothing but volcanic fields of lava and a few thousand acres of high ground between the two great mountains of the island of Hawaii, which is adapted to grazing purposes. The missionaries have captured it all and organized corporations, and got the control of everything worth having.

Mr. TILLMAN. Then why put in this provision prohibiting them invading that beautiful paradise any more?

Mr. CULLOM. I do not know whether or not the Senator from South Carolina is answering the Senator from South Dakota, but the provision is in there, and on its face it is for the future; to prevent hereafter the accumulation of these immense estates as against the masses of the people who may want to go there and get homes, if they can. That is all there is of it.

Mr. BACON. You allow corporations which have land in excess of the limitation to retain it?

Mr. CULLOM. Will the Senator tell me how he is going to get rid of the ownership of land by the corporations or individuals, either, to which they have title under the law?

Mr. JONES of Arkansas. I think the Government has the right to limit the power of these corporations to hold real estate.

Mr. CULLOM. Certainly it has.

Mr. JONES of Arkansas. They are under the control of the Government, and the Government can do what it pleases with them.

Mr. CULLOM. That is the purpose of this provision.

Mr. JONES of Arkansas. No.

Mr. CULLOM. Are you going to take away from them what they already have?

Mr. JONES of Arkansas. Why not say that no corporation in the islands shall hold more than 1,000 acres of real estate?

Mr. CULLOM. You may do that, and compel them to sell; but it seems to me there is no occasion for it.

Mr. JONES of Arkansas. Then there is no occasion for preventing any other corporations from holding any more than that hereafter.

Mr. CULLOM. Let me say that most of the corporations existing there have already acquired large tracts of land. In the interest of the production of sugar, they have been compelled to expend very large amounts of money, and if they had not done so the sugar plantations which they have established would not have been made at all, because otherwise they could not do it. I know the situation there. The sugar lands and sugar cultivation begin at the foot of the hills, and they go up the hill as far as they can get water on the land—on the island of Hawaii, for instance.

At one time they supposed that they had got as high up the hills as they could go, because they could not get water, but it turned out finally that they could erect pumping works, which cost hundreds and hundreds of thousands of dollars, and I do not know but that some of them cost millions of dollars, by which they throw the water up the hill say 500 feet more, and that makes an additional amount of land which becomes good sugar land. Such corporations exist there where they had to have water, and I do not think it would be fair to them to——

Mr. TILLMAN. I agree with the Senator from Illinois that it would not be fair to try to take those vested rights away, but I do not see why we should limit it and prevent new capital from going in and pumping water up other slopes elsewhere, unless the present occupants of the country want a monopoly of the growth and manufacture of sugar and desire to force all future enterprises to submit to their dictation as to toll.

Mr. CULLOM. The House passed the bill, and it seems to me it is plain what was desired. The Senate conferees believed that it was in the interest of the masses of the people, and finally agreed to the House amendment. That is all I can say about it, and I think it will work to the advantage of the people out there, stopping the abuse as well as we can under the general law.

The remark of the Senator from South Dakota that the lands are all gone already, and so on, I do not think is exactly true.

Mr. PETTIGREW. It is practically true.

Mr. CULLOM. If it is true, as he says, this does not amount to anything?

Mr. PETTIGREW. No.

Mr. TILLMAN. If it had not been true, this provision would not have been put in by the House.

Mr. CULLOM. I suppose not.

Mr. JONES of Arkansas. It does seem to me that this sort of legislation is absolutely indefensible. I do not see why you should undertake to make a rule applicable to people who may enter into this business that is not applicable to those already engaged in it.

Mr. CULLOM. The next is section 56. There is a slight amendment in it.

Mr. PETTUS. Before the Senator passes from this section, I wish to ask him a question. I see an amendment in this section—

Nor shall saloons for the sale of intoxicating drinks be allowed.

I do not believe in the idea of regulating the morals of other people until we get so that we do not have any such thing here. I do not see why the Congress of the United should prohibit it to other people.

Mr. CULLOM. If the Senator will allow me, I will read just what the amendment to that provision is. The words "nor shall saloons for the sale of intoxicating drinks be allowed" are stricken out, and words inserted as follows:

Nor shall spirituous or intoxicating liquors be sold except under such regulations and restrictions as the Territorial legislature shall provide.

Mr. PETTUS. That does not appear in this copy.

Mr. CULLOM. It is in the conference report. No amendment made by the conferees appears in the bill which the Senator has. Is that satisfactory to the Senator?

Mr. PETTUS. If that is to be the law, it is.

Mr. CULLOM. That is in the bill reported by the conferees.

Sections 57 and 58 were not amended.

Mr. SPOONER. Will the Senator allow me? There is an amendment marked here at the end of section 55—

No retrospective law shall be enacted.

Mr. CULLOM. That was stricken out.

In section 59 the minority provision with respect to voting for representative was stricken out by the House and agreed to by the conferees. The Senate had a provision in the bill which provided for what we call minority representation. They had it out there, and it being in Illinois, so far as I was concerned, I was willing that it should stay in the bill. The House struck it out, and I was entirely satisfied to let it go. I suppose the Senate is.

Mr. TILLMAN. Will the Senator tell us why he changed the mandatory provision in regard to the creation of counties? It was "shall" in the Senate bill and is "may" in the conference report.

Mr. JONES of Arkansas. What section is that?

Mr. TILLMAN. Section 56 in the conference report.

Mr. CULLOM. We have gone by that. The conferees regarded the word "may" as all that was necessary.

Mr. JONES of Arkansas. The Senator stated that there was no change in section 56.

Mr. CULLOM. It is left in the discretion of the legislature to do as it thinks best.

Mr. SPOONER. I think that is an improvement.

Mr. TILLMAN. It depends upon whether they propose to have an oligarchy in Honolulu and to run the whole business and make everybody come over there, or allow the people to have some local self-government.

Mr. CULLOM. This is in the direction of local self-government in that respect. The power remains in Congress to change it if it turns out not to be satisfactory. If any portion of the people get possession of the government by appointment to office or otherwise and abuse the people, the power will be in the hands of Congress to change it whenever it chooses.

Section 60 was amended by the House and subsequently amended by the conferees, so that the provision will read as I will read it. I think I had better read it from the substitute bill reported by the conferees, so that we may know exactly what it is. The fifth subdivision of section 60, as agreed to by the conferees, reads as follows:

Fifth. Prior to such registration have paid on or before the 31st day of March next preceding the date of registration all taxes due by him to the government.

That is the provision which was discussed by the Senator from South Dakota before I took the floor. That is as it appears in the conference report.

Mr. BACON. I think slight consideration will show that to be a very great injustice to the people of Hawaii, because the 31st day of March is already passed, and these people have not heretofore been recognized as having taken advantage of the conditions prescribed by the law; and with this remaining as it is, it will limit the voters in the next election to those who voted in the former election, which, I understand, is less than 3,000 people in the whole islands. I may be mistaken about that, but if so, I hope the Senator from Illinois will point out in what way I am mistaken, because if that is the truth it certainly ought not to be approved by the Congress or made the law by the Congress. We should not put in the organic law a provision in which there is a date fixed which absolutely and irrevocably determines that in the original organization of this Territory nobody shall vote except those who voted in the last election. That is practically the effect of it. If it is not the effect of it, I hope the Senator from Illinois will point it out.

Mr. TILLMAN. There is another phase of this question. I think this is the most important matter in the whole bill. The per capita taxes in Hawaii are $5—$1 for poll tax and $2 for schools and $2 for roads. It is in this bill, and the Senate provision, which they have left in, simply provides that those $5 must have been paid before the 31st day of March or no person can register for the next election. I am speaking now about those who do not pay anything but the capitation taxes, the poor men. Therefore we will limit the suffrage to those who have paid their poll taxes of $5 prior to the 31st day of March, just gone. Under that provision as it stands, as the Senator from Georgia just pointed out, the suffrage will be limited to that extent that the electors in the next election will have it in their power to elect a legislature which may double or treble the poll tax, and these poor devils never will get the franchise.

Mr. PETTIGREW. That is unquestionably the purpose of the bill. As the bill was first brought into the Senate it was clearly the purpose to limit the franchise simply to sugar planters and the men in their employ. That provision we corrected in a measure in the Senate. But we left in this provision. Now, the House corrected it by providing for a poll tax of $1, but the conferees on the part of the Senate appear to have insisted upon this provision, which disqualifies practically everyone from voting except those whom the sugar planters want to have vote. Under this provision a graduate of Yale or Harvard College, if he failed to pay the poll tax on the 31st day of last March, is disqualified from voting for members of the legislature, and then the next legislature can impose conditions which would shut him out forever. It does not seem to me that this ought to be tolerated.

There are other taxes. The law provides that an annual tax of $1 shall be paid by every male inhabitant of the Territory between the ages of 20 and 60 years, unless exempted by law. It also provides that an annual tax of $2 for the support of public schools shall be paid by every male inhabitant of the Territory between the ages of 20 and 60 years, unless exempted by law.

The next paragraph provides that an annual road tax of $2 shall be paid by every male inhabitant of this Territory between the ages of 20 and 60 years, unless exempted by law.

Then there is a tax on personal property, and then there is this provision:

SEC. 814. All male animals of the dog kind shall be subject to an annual tax of $1 each, and all female animals of the dog kind shall be subject to an annual tax of $3 each, to be paid by the owner thereof.

So if a man has a dog or two dogs, there is an additional tax of $4. Then there is this further provision:

SEC. 832. If any property taxes shall remain unpaid after the 15th day of November in any year, 10 per cent of the amount of such taxes shall be added by the assessor to the amount of such taxes at said date, and shall become and be collected as part of such taxes.

SEC. 833. If any personal taxes or dog tax shall remain unpaid after the 31st day of March, 10 per cent of such taxes shall be added to the amount of such taxes at said date by the assessor, and shall be collected as part of such taxes.

Therefore if those people have failed to pay for two or three years, the tax runs up to many dollars. The probabilities are that there is an exceedingly small number of people who will be able to vote under this provision. At the last election in Hawaii I understand that there were about 2,200 votes cast. Under this provision I believe the number must certainly sink far below that figure. Yet at the last election held under the monarchy, before they established a republic in that country, there were between 13,000 and 14,000 voters in Hawaii, and that excluded all the Asiatics.

I wish to ask a question of the Senator from Illinois, who is more familiar with this subject than I am. I want to know whether this provision has been repealed?

Mr. CULLOM. Which provision is that?

Mr. PETTIGREW. It is paragraph 864 of the laws of Hawaii.

Mr. CULLOM. I would not be able to answer that unless I took the time to go through all the sections, paragraphs, chapters, etc., which have been repealed.

Mr. PETTIGREW. I wish to call the attention of the Senator——

Mr. CULLOM. But I can answer in a general way that all the laws of Hawaii not inconsistent with the Constitution or the laws of the United States or with the provisions of this act shall continue in force, subject to repeal or amendment by the legislature of Hawaii.

Mr. PETTIGREW. Now, here is this provision:

SEC. 863. In case of personal taxes due and unpaid on the 1st day of January in each year, if no personal property can be found whereon to distrain, the assessor may cause the arrest and detention of the person of such taxpayer by and under a warrant issued and signed by the assessor or his deputy, in substance in the form following, viz:

Territory of Hawaii, island of ——, district of ——:

To ——, chief sheriff, or any constable or police officer of the district of ——, island of —— of ——, in the island of ——, having failed and neglected to pay the sum of —— dollars assessed upon him for personal taxes for the year — —, now due and unpaid, and no property being found belonging to the said —— whereon to levy by distress:

Therefore, by virtue of the authority in me vested by law, I hereby order and command you to forthwith arrest and take said —— before ——, district magistrate of ——, island of ——, to show cause, if any he has, why he, the said — —, should not be sentenced by said magistrate to be imprisoned at hard labor until he discharge the amount of said tax and costs as by law provided.

Hereof fail not, but of this order, with your proceedings thereon, make due return. Given under my hand this —— day of ——, A. D. ——.

——, ——,

Assessor of —— Division, Island of ——.

SEC. 864. The officer receiving such warrant shall forthwith arrest the person therein named and take him before the district magistrate named in the warrant. Such magistrate shall, if no legal cause be shown for the nonpayment of said personal taxes, sentence such person to be imprisoned at hard labor until he discharge the amount of such taxes and the costs of arrest and hearing at the rate of 50 cents per day.

Costs shall be the usual costs of district courts.

The payment at any time of the amount of taxes and costs due shall release the person arrested.

I have seen the Republican papers of the North protesting very loudly that some of the Southern States had enacted a provision like this.

Mr. TILLMAN. What is the number of the section that the Senator from South Dakota has read?

Mr. PETTIGREW. I am reading from the laws of Hawaii, page 121, sections 863 and 864. As I understand it, this provision is not repealed. In other words, we reenact it, and that, along with the disfranchisement of these people, it seems to me will leave the Republican party where it can no longer complain, no matter what conditions are imposed by any State or any locality to disfranchise the inhabitants of any State or locality.

Mr. CULLOM. Mr. President, I am not able to get my eye on all of the sections that bear upon this question. Of course at the regular election that provision could be enforced. My belief is, however, that at the first election, if an election should be called by the governor before the regular session, there would be no requirement on the part of the governor and no rule by which he could be governed as to the registration at all, and he could register everybody if he wanted to do so.

Mr. PETTIGREW. It does not say so.

Mr. CULLOM. I think there are sections which result in that conclusion. Of course it applies to regular elections; but if it applies to regular elections, perhaps it will be said it might as well apply to all.

Mr. JONES of Arkansas. If the Senator's construction of that is correct, why do you put in the words "prior to such registration?"

Mr. PETTIGREW. Why did you not agree to the House provision?

Mr. JONES of Arkansas. Yes. It is "prior to such registration" that this tax has to be paid. So when the registration comes to be made, the question whether he has paid this tax will be raised.

Mr. CULLOM. The provision reads "prior to each regular election;" not special but regular election.

Mr. JONES of Arkansas. I am reading it, which is the best that I can do. It says "prior to such registration."

Mr. CULLOM. I understand. From what section is the Senator reading?

Mr. JONES of Arkansas. I am reading paragraph 5 of section 60, the one which contains the language the Senator read a few minutes ago.

Mr. CULLOM. Let us see how it reads in the bill. Section 60 reads as follows:

SEC. 60. That in order to be qualified to vote for representatives a person shall—

First. Be a male citizen of the United States.

Second. Have resided in the Territory not less than one year preceding and in the representative district in which he offers to register not less than three months immediately preceding the time at which he offers to register.

Third. Have attained the age of 21 years.

Fourth. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for representatives for his district.

Fifth. Prior to such registration have paid, on or before the 31st day of March next preceding the date of registration, all taxes due by him to the government.

All that refers to the regular election.

Mr. JONES of Arkansas. But the language of the law that you propose distinctly says that "prior to such registration" this tax must be paid.

Mr. CULLOM. Yes.

Mr. JONES of Arkansas. The person can not be registered unless the taxes are paid.

Mr. CULLOM. That is true.

Mr. JONES of Arkansas. Then the purpose of it is to cut him out. That is exactly the complaint made by the Senator from South Dakota.

Mr. PETTIGREW. He can not vote at any election.

Mr. CULLOM. That connects with the fourth paragraph, referring to the regular election.

Mr. PETTIGREW. If the person is not registered, he can not vote at any election.

Mr. CULLOM. I think he can; but whether he can or not, in the first place, the people who I suppose the Senator would think were affected most by that paragraph are the native Hawaiians. The truth is that they have never had any trouble with the native Hawaiians on the question of preparing themselves for voting.

Mr. TELLER. Why?

Mr. CULLOM. Because they are always ready to pay their tax.

Mr. JONES of Arkansas. There will be trouble after this.

Mr. PETTIGREW. If the Senator will allow me, it is well known to the commission who visited the islands and to everybody else that the native Hawaiians did not register and did not vote because they protested against the overthrowing of their government by these people.

Mr. CULLOM. Of course many of them did not vote.

Mr. PETTIGREW. They are not registered, and they have not voted.

Mr. CULLOM. But it was not because they did not pay their taxes. It was because they did not know what was going on and did not feel satisfied at first to vote under the republic. That is the meaning of that.

Mr. JONES of Arkansas. Does the Senator from Illinois admit as correct the fact stated by the Senator from South Carolina [Mr. TILLMAN], as he understands it, that the present poll tax in the Hawaiian Islands is $3 per head?

Mr. CULLOM. I do not know what it is.

Mr. PETTIGREW. I have just read the law.

Mr. TILLMAN. Here is the law of Hawaii, with the section providing for a capitation tax.

Mr. JONES of Arkansas. If that is the case, aside from every other fact presented in connection with this matter in the Senate, the Senate ought to reject the conference report for that reason. Here is the provision that went to conference:

Prior to such registration have paid a poll tax of $1 for the current year.

The Senate conferees agreed to strike that out, and the House put in the provision that "on or before the 31st day of March next preceding the date of registration all taxes due by him to the Government" shall be paid. To leave that poll tax of $3 per head in force against the poor people of that island is a shame, as it seems to me, and it ought not to be tolerated.

I believe that for that reason, and that alone, the Senate ought to send this conference report back to the conference committee and let them bring back a provision for a tax of not more than a dollar a head. The truth is, that with the wealth that has been accumulated in this great country of ours I have begun to believe and to feel that to collect a tax from a man who has no property, simply because he breathes the air of this free Republic—a tax of even $1 a head—is wrong; that it ought not to be tolerated. None of our States, so far as I know, collect more than a dollar a head of poll tax, and that is enough in all conscience. That is one which has been sanctioned a long time, and I would make no special objection to it, though I would very much prefer to have none. When the proposition is that we shall pass a law here that shall impose a collection of $5 per head of poll tax, I for one am not willing to submit to it under any conceivable circumstances.

Mr. CULLOM. The Senator gets very much excited about a small thing.

Mr. JONES of Arkansas. Five dollars a head is no small thing for a poor man.

Mr. CULLOM. I never thought much of a poll tax; and when that poll-tax provision was stricken out, I supposed, as a matter of fact, that the people there who are entitled to vote would probably have no tax to pay at all; that if they do not own anything they would not have to pay a tax; and if they do own anything on which they should pay a tax, they ought to pay it. That is all there is of that.

Mr. JONES of Arkansas. Yet the Senator admits that there is a poll tax of $5 a head on all those people, as was read from the law here. This is a proposition to keep that in force.

Mr. CULLOM. But it remains for the legislature to wipe that poll tax out, and any other tax that is burdensome to the people.

Mr. JONES of Arkansas. When you allow a handful of men who own the property and are interested in making the poor people pay a poll tax to select a legislature, it is something like submitting the lamb to the tender mercies of the wolf.

Mr. CULLOM. The Senator goes on the theory that if a man owns anything, he is bound to oppress somebody. I do not believe in that doctrine myself.

Mr. TELLER. I wish to ask the Senator from Illinois, if it is agreed that this principle shall be applied only to taxes on property, what is the objection to letting the report go back and have the poll-tax provision stricken out?

Mr. CULLOM. I would abolish the poll tax if I did anything with it. I do not believe in it.

Mr. TELLER. I do not, either. I do not believe that anybody ought to be compelled to pay a tax before he votes. I do not think anybody ought to buy his suffrage in that way.

Mr. CULLOM. The Senator is aware that in some of the States they have a poll tax, and probably the Senator knows how it works. The politicians or candidates run around and try to find everybody who is not able to pay the poll tax to vote for them, and they offer to pay the poll tax.

Mr. TELLER. I want to say to the Senator that is the only objection I have to a poll tax. Since I have been a member of the Senate I was told by a man in public life, holding a high office, that he had bought $40,000 worth of poll taxes in his State. Now, that is an indirect way of purchasing votes.

Mr. CULLOM. Exactly.

Mr. SPOONER. It is not so very indirect, either.

Mr. TELLER. Well, it is just about as direct as when a candidate pays any indebtedness. If a man owes $5 and some candidate desires his vote and pays it and gets his vote, that is a purchase of that vote. I say it is absolutely inconsistent with the principle of good government to make the suffrage conditioned upon paying taxes. I am in favor of striking out all that provision, and I think the Senate would be in favor of it if we could get a vote on that proposition. It certainly is not a wise thing to do. A man may have but little property and not be able to pay the tax. Should he be deprived of his citizenship?

Mr. SPOONER. If the Senator will allow me, we struck out the property qualification.

Mr. TELLER. Certainly; we intended to give free suffrage there, and we did not intend to give it after this legislature had given it to them. We intended to give it to them ourselves, so that they might be able to vote in the next election.

Mr. CULLOM. As a matter of fact, when we struck out the poll tax, if I may be allowed to state the fact——

Mr. TELLER. Certainly.

Mr. CULLOM. It was largely on my motion. I did not believe in it.

Mr. TILLMAN. You mean the property qualification?

Mr. CULLOM. No; I mean in conference. When it was suggested that a voter before registering should pay his taxes, it occurred to me that the poor man did not have any to pay if he did not own property; that the great mass of the poor people not owning much, if anything, would not have any tax to pay at all, and therefore it would be much easier for him to pay a little tax, if he had anything to pay it on, than to be constrained to pay a poll tax.

Mr. JONES of Arkansas. Now, as the Senator finds there is a tax of $5 a head, I suppose he will be perfectly willing to have the report go back to the conference committee and let that be stricken out.

Mr. CULLOM. If it should go back, I would be in favor of striking it out; of course I would.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in and to the government of the Philippine Islands ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. SPOONER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside for the further consideration of the conference report. Is there objection? The Chair hears none.

Mr. CHANDLER. Before that is agreed to, I wish to say that there were one or two Senators who intended to speak upon the Pennsylvania resolution to-day. This conference report has occupied so much time that they will not speak to-day, and that resolution may go over until to-morrow if it has not already gone over until to-morrow.

I also wish to say that to-morrow there must be debate upon the Pennsylvania resolution. There is only to-morrow and Monday and until 3 or 4 o'clock on Tuesday for debate, and Senators in charge of this measure and in charge of the Alaska code bill must take notice that to-morrow will be given to debate upon the Pennsylvania resolution. I see the Senator from Arkansas rising. He secured an understanding that anyone wishing to speak upon the Pennsylvania resolution should have preference, as I understood, over all other speakers and all other business.

Mr. JONES of Arkansas. My understanding of that unanimous-consent agreement was that the Quay case was to be taken up and considered up to a certain time, giving preference to conference reports and appropriation bills, and that they had the right of way above every other consideration.

Now, I suppose there will be no difficulty about a general agreement to the proposition suggested by the Senator from New Hampshire that the resolution shall go on to-morrow, but I do not think he has a right to say to Senators that they must lay aside conference reports for the purpose of taking that case up to-morrow.

Mr. CHANDLER. I was only doing it because I wanted to carry out the new understanding which the Senator from Arkansas secured when the agreement was made, that in addition to the continuous consideration there should be a vote on next Tuesday. I certainly was cooperating with him; I thought I was.

Mr. JONES of Arkansas. There was no new unanimous-consent agreement proposed by the Senator from Arkansas. I have always insisted that the Senate should observe the agreement they made, and I was simply calling the attention of the Senator from New Hampshire to what the agreement was rather than finding fault with what he proposed.

Mr. CHANDLER. But certainly the Senator from Arkansas himself secured an understanding that up to next Tuesday at 3 or 4 o'clock—I forget what hour—at which the vote is to be taken——

The PRESIDENT pro tempore. At 4 o'clock.

Mr. CHANDLER. At 4 o'clock if anyone wished to speak upon the Pennsylvania resolution, he should have preference over all other speakers.

Mr. JONES of Arkansas. I stated he should have that right. But the Pennsylvania resolution was to be considered subject to the prior rights of appropriation bills and conference reports.

Mr. CHANDLER. Then I did not understand the Senator from Arkansas aright. I do not think there will be any trouble about it, because I consent that the Pennsylvania resolution shall go over until to-morrow.

The PRESIDENT pro tempore. Without objection, the resolution will go over until to-morrow.

Mr. CHANDLER. I will ask the Senator from Illinois whether he will have concluded his remarks upon the conference report before the close of the routine morning business to-morrow?

Mr. CULLOM. It looks a little bit uncertain as to when I shall get through. But I am trying as best I can to give all the information that the Senate wants with reference to this bill.

Mr. STEWART. Will the Senator allow me to make a suggestion right here in regard to that point?

Mr. CULLOM. Yes.

Mr. STEWART. I am so unalterably opposed to making the payment of a poll tax a condition precedent to voting, and I am so unalterably opposed to a property qualification for voting, that I think it is a matter that should not be left in doubt in this case. I advise the Senator by all means to withdraw his report if there is any uncertainty about it and have it made certain. If we adopt

an educational qualification, that I think is all right, and I agree to it. I agree that suffrage will be sufficiently exclusive in those islands with that qualification, but it ought not to go any further.

I have seen some of the operations of a poll tax. We had it in Nevada as a condition of voting, and it was a very demoralizing element in politics and led to abuses, and the people grew sick of it and repealed it. There is a general sentiment against it in the country where it has been tried. Any man who wants the vote will pay the tax, and the rich man will have it all in his hands. The poor man can not pay the tax, and it is just like buying his vote when another pays the tax for him. I hope the report will be returned and that that will be made certain. I could not vote for a conference report where there was any doubt on that question.

Mr. CULLOM. As the Senator from New Hampshire has made inquiry whether I am likely to get through with my remarks before Tuesday, I should like to be let alone until I can make them and see whether there is anything seriously in the way of the adoption of the conference report.

Mr. JONES of Arkansas. The Senator does not object to the Senate having information given as he goes along?

Mr. CULLOM. I certainly have not shown any disposition not to give all the information I could.

Mr. JONES of Arkansas. I thought the Senator said he did not want to be interrupted.

Mr. CULLOM. I have adopted this course, referring to each section and calling the attention of the Senators to each provision, so that when they come to vote they may have, so far as I am able to give it, the exact information in reference to the action of the conferees.

Mr. STEWART. Has the Senator any objection, when he calls up a particular subject, to have us make some remarks in regard to it with a view of having it understood? If we wait until he gets clear through and then take it up, we would have to make long speeches before we would get to understand it.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from South Carolina?

Mr. CULLOM. I do.

Mr. TILLMAN. I wish to direct the attention of Senators to the parliamentary status. If I am correct, it is that the Senate passed a bill and sent it to the House and the House amended it. Now, I understand that the conferees can not bring in anything that is outside of both bills unless it is germane to the subject under consideration. Can they bring in anything outside and not germane?

Mr. CULLOM. No, sir; after it has been disposed of by both Houses. This provision, however——

Mr. TILLMAN. The conferees must either take the House provision or the Senate provision or some compromise that is germane to both.

Mr. CULLOM. So far as the provision under discussion is concerned, it is clearly within the control of the Senate as to what it shall do with the provision.

Mr. TILLMAN. You mean that you could strike out all taxes?

Mr. CULLOM. I mean to say that if it was referred back to the conferees they would have jurisdiction of it so that they could do as they chose about striking out the provision requiring that the voter shall pay his taxes, or leaving in the poll tax, or striking both provisions out. There is no question about that, I think.

Mr. TILLMAN. It is possible that the Senator is correct; but if I understand the powers of a conference committee, he is absolutely wrong. The provision as passed by the Senate was that—

> Prior to such registration have paid, on or before the 31st day of March next preceding the date of registration, all taxes due by him to the government.

Mr. CULLOM. But the Senator does not seem to understand that that very provision was taken cognizance of by the conferees, and that the conferees can reconsider it.

Mr. PLATT of Connecticut. Mr. President——

Mr. TILLMAN. Let me get through.

Mr. CULLOM. There is no doubt about the fact that the subject is open to consideration by the conferees. The House added the poll tax. The Senate took hold of the provision and struck that out and put in another. The conferees can strike them both out if they reconvene.

Mr. TILLMAN. They can strike the whole provision out?

Mr. CULLOM. The whole provision as to taxes.

Mr. TILLMAN. Very well, if that is within your power. I just wanted to find out whether you could do it or not.

Mr. CULLOM. There can not be any doubt about that, I think.

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Connecticut?

Mr. CULLOM. Yes, sir.

Mr. PLATT of Connecticut. As I understand the parliamentary situation, it is that the Senate passed a bill for the establishment of a government in Hawaii. It went over to the House and the House struck out the entire Senate bill and passed another bill.

Mr. CULLOM. It passed another bill.

Mr. PLATT of Connecticut. The two bills are in disagreement between the Senate and the House, and the conferees in their report could bring in any bill that they chose, and an entirely new one if they chose to do so.

Mr. CULLOM. Of course they could; but confining the conference to this particular paragraph, we can agree to either the poll tax or to the property tax.

Mr. PETTIGREW. Or to no tax?

Mr. CULLOM. Or to no tax, just as we choose.

Mr. PETTIGREW. The power is unlimited in that respect.

Mr. JONES of Arkansas. If the Senator will allow me to make a suggestion in regard to what the Senator from Connecticut just now said, while I believe that what he said is technically true, I think it is a violation of all reasonable parliamentary precedent. I do not believe it was ever intended that the whole of a bill should be stricken out and another bill brought in, similar in terms, so as to leave the whole matter open. For instance, as I understand this paragraph, as it went first from the Senate there was a provision that—

> Prior to such registration have paid a poll tax of $1 for the current year, due by him to the government.

That is printed in roman and the words "a poll tax of $1 for the current year" are stricken out. I do not understand how that was done.

Mr. CULLOM. That is the House amendment. The conferees struck it out.

Mr. JONES of Arkansas. The conferees struck that out?

Mr. CULLOM. The conferees struck it out.

Mr. JONES of Arkansas. It was in the bill then as it was passed by the House?

Mr. CULLOM. Yes.

Mr. JONES of Arkansas. Then the Senate conferees would have a right to agree to that House amendment and leave that in?

Mr. CULLOM. Yes.

Mr. JONES of Arkansas. They would have a right to disagree to it and to leave the whole out?

Mr. CULLOM. Or substitute anything else.

Mr. JONES of Arkansas. I think that is true as to that paragraph, but I do not believe that it is a fair parliamentary practice to strike out a whole bill, and without reference to what was passed in the Senate and to what was passed in the House, say that the entire subject is open for legislation in conference committee.

Mr. CULLOM. We have no right to criticise what the House has done.

Mr. PLATT of Connecticut. It has been ruled so over and over again. It may not be good practice, but it is in the parliamentary power of the conferees.

Mr. JONES of Arkansas. I do not dispute that, but I say it is bad practice.

Mr. CULLOM. I thought myself when it was done that it was not exactly the right thing to do in dealing with the bill, especially as the greater part of the bill was retained by the House. So it embarrassed the whole situation as to the conduct of the proceeding. But still we are trying to deal with it the best we can.

Mr. SPOONER. We do that every day.

Mr. CULLOM. We do it almost every day between the two Houses, but it is not usually done on a bill so large and so important, I think.

If I may be allowed to go on—I do not know exactly where I quit.

Mr. JONES of Arkansas. You were on page 27 of the bill.

Mr. CULLOM. The sixth paragraph of the section was stricken out by the House and the conferees agreed to the same. That refers to this same subject we have been discussing.

Mr. JONES of Arkansas. Does the Senator say that was stricken out?

Mr. CULLOM. The sixth paragraph.

Mr. JONES of Arkansas. Then I do not understand——

Mr. CULLOM. I believe that is the section we were discussing.

Mr. JONES of Arkansas. I have in my hands the print of the 18th, which is said to be——

Mr. CULLOM. You have the wrong bill. The 19th is the last print.

Mr. JONES of Arkansas. I know the 19th is the last print, but the 18th——

Mr. CULLOM. The 19th has the House amendments in it.

Mr. JONES of Arkansas. Certainly; but I wanted to get the proposition of the conferees.

Mr. CULLOM. Well, I shall have to read the conference report to show that. What section is the Senator on?

Mr. JONES of Arkansas. I was trying to find the section the Senator was reading. I understood he was reading the sixth paragraph of section 60.

Mr. CULLOM. The last paragraph I read was in reference to the registration of voters, which we have been discussing.

Mr. JONES of Arkansas. The fifth paragraph.

Mr. CULLOM. Yes; the fifth paragraph. Now I come to section 61.

Mr. JONES of Arkansas. I thought the Senator said the sixth paragraph of section 60 was stricken out. This bill does not show that.

Mr. CULLOM. I did. That refers to some other section, I think.

Mr. PETTIGREW. A portion of it is stricken out, probably. The gist of it remains.

Mr. CULLOM. Yes; I was referring to the sixth paragraph of section 60, which reads:

Sixth. Be able to speak, read, and write the English and the Hawaiian language.

Mr. PETTIGREW. Did the Senator say that was stricken out?

Mr. CULLOM. No.

Mr. SPOONER. The proviso is stricken out.

Mr. CULLOM. The proviso is stricken out, and that reads as follows:

Provided, however, That the legislature of the Territory of Hawaii may, at any time after January 1, 1903, submit to the lawfully qualified voters of such Territory such changes and modifications in the qualifications for electors as they shall see fit; and the same being adopted by a majority vote, taken in the mode prescribed by the legislature, shall be valid and binding as law.

That was stricken out, as it was not deemed necessary.

Mr. SPOONER. They have the power without it.

Mr. CULLOM. They have the power without it.

There was no change in section 61. Section 62 was amended so as to read:

SEC. 62. That in order to be qualified to vote for senators and for voting in all other elections in the Territory of Hawaii a person must possess all the qualifications and be subject to all the conditions required by this act of voters for representatives.

That was agreed to.

Section 63 provides:

SEC. 63. That no person shall be allowed to vote who is in the Territory by reason of being in the Army or Navy or by reason of being attached to troops in the service of the United States.

In section 64 there is a slight change from the Senate bill.

Mr. PETTIGREW. I think the Senator has skipped the provision in section 63, for instance, with regard to the board of registration. The bill as the Senate passed it, I think, provided——

Mr. CULLOM. The provision was stricken out which required them to be of different parties.

Mr. PETTIGREW. Yes; and the House passed this provision: "No more than two of whom shall be of the same political party." Why was that stricken out by the conferees?

Mr. CULLOM. That was stricken out by the conferees on the theory that there were no parties in Hawaii.

Mr. JONES of Arkansas. In what section is that?

Mr. CULLOM. In lines 17 and 18, on page 29 of the bill, "no more than two of whom shall be of the same political party." There was some discussion on that subject, which did not amount to much, but the suggestion was made that there were no parties in Hawaii; we did not want to suggest any, and did not think it was necessary to insert such a provision in the bill.

There is no change in section 65, and there is no change in section 66 except that the House adopted an amendment that the governor shall be a citizen of the Territory, and so on, which was agreed to by the conferees.

In section 67 a provision was added, and agreed to by the conferees, that martial law or the suspension of the writ of habeas corpus should not continue longer than until communication could be had with the President and his decision thereon made known. That was added to the bill.

There is no change made in section 68.

Mr. PETTIGREW. Unless the Senator objects to being interrupted, I should like to ask why an exception was made in the case of Hawaii, which requires that the governor shall be a resident of that Territory?

Mr. CULLOM. Be a citizen of Hawaii.

Mr. PETTIGREW. Be a citizen, yes. None of the other Territories of the United States have any such provision. A man may be selected from anywhere to be governor of Arizona or New Mexico or Alaska or Porto Rico, for that matter. Why should an exception be made in Hawaii?

Mr. CULLOM. Mr. President, I think the Senator himself has been a stickler for what is called home rule in Territorial appointments; but not in that regard. The people of Hawaii, however, are in a large degree a different class of people from those in the United States; they are of mixed races and from different countries. It was the opinion of all the conferees, I may say, except myself, that the provision requiring the appointee to be a citizen of the Territory ought to be retained in the bill.

Mr. PETTIGREW. Was that because of their incompetence?

Mr. CULLOM. No, sir; it was because of their competence; and I desire to say, so far as that remark goes, that there are just as able lawyers in Hawaii, just as good merchants and business men, as you can find in any State of the Union at the present time.

Mr. PETTIGREW. But that is true also of Porto Rico; it was true of the Territory of Dakota; it is true of Arizona and New Mexico to-day, and it is true of Alaska, and yet there has never been any such provision as that.

Mr. CULLOM. I understand that.

Mr. PETTIGREW. In all our Territories the governor can be appointed from any part of the United States. Therefore the reason the Senator has given for this exception certainly can not be good.

Mr. CULLOM. But that does not furnish any reason why it should not be made, and therefore the conferees agreed to it.

Mr. TILLMAN. That is right, and the action in Porto Rico was wrong.

Mr. CULLOM. I am not running Porto Rico now.

As to section 73, with reference to public lands, the House amendment, on page 35, was stricken out and the Senate provision reinstated with a slight amendment, which I think makes it more definite as to the dates between which land transactions were carried on, which were afterwards suspended by the President. The Senate knows the history of that matter, and it is not necessary for me to take up time in discussing it. We put the provision back substantially, if not exactly, as it was passed by the Senate.

Mr. JONES of Arkansas. That is the proviso in section 73 which you put back—"That all sales, grants, leases," etc.

Mr. CULLOM. Yes; and ratifying the sale subject to the approval of the President. That is the substance of the provision.

In section 74 there was no change.

Section 75 of the bill relating to the appropriation of $15,000 was stricken out, and that was agreed to by the conferees. The Senate section of the bill in relation to the superintendent of public works was not changed.

In section 76 there was no change as to the provision relating to public instruction alone; but there was an amendment which the House passed providing for a commissioner of labor. The conferees rejected a part of that amendment and provided that the Commissioner of Labor of the United States should do all the work that was proposed by the provision as put in by the House. I think myself that was very wise action on the part of the conferees, because there is no man who can do such work better than can Mr. Wright, who has charge of all these matters.

Mr. JONES of Arkansas. The print of the bill is confusing. I can not understand everything in it; but I understand from the two prints together that a provision in the print of the 19th which was stricken out, marked section 76, went out of the bill in conference.

Mr. CULLOM. The $15,000 provision?

Mr. JONES of Arkansas. Yes.

Mr. CULLOM. All of that section goes out.

As I have stated, in section 76, relating to public instruction, there was no change from the section in the way it passed the Senate; but the House added to it a paragraph providing for a commissioner of labor to be appointed, who should report to the legislature, etc. The Senate conferees thought that was an unnecessary expenditure, and re-formed the section so that the work could be carried out by the Commissioner of Labor of the United States.

No changes are made in sections 77, 78, and 79.

In section 80 there were no changes except to strike out the words "commissioner of labor" where they were put in by the House. Section 80 was also amended by the House, and that was agreed to by the conferees, so as to provide that all officers appointed under the provisions of that section should be citizens of the Territory, and further, that all persons holding office, except as otherwise provided, should continue to hold their offices respectively until their successors should be appointed and qualified, but not beyond the first session of the senate of the Territory.

Mr. PLATT of Connecticut. What section is that?

Mr. CULLOM. Section 80, at the end of the section. The provision placed in the bill by the House, providing that it should be the duty of the surveyor to report annually to the Department of Labor, was deemed by the conferees as unnecessary, and that provision was stricken out.

Mr. PLATT of Connecticut. I do not suppose it will make any difference in the acceptance of this report, but I think it is a very great mistake to provide that all the officers to be appointed in that Territory, or the officers provided for in this section, shall be citizens of the Territory. I think we ought to reserve that power in the hands of the President. I do not think we ought to limit him in his exercise of the appointing power. It may work well, and it may work badly. There may a condition of things arise in that Territory where it will be almost imperatively necessary, to

establish and to maintain order and secure good government, that persons other than citizens of that Territory shall be appointed to official positions there. I confess that I am a little tired of having the Congress of the United States dictated to by the people of Hawaii in this and other respects. I think we ought to legislate from this end and not from that end.

Mr. CULLOM. Well, Mr. President, that has been discussed more or less heretofore. All I can say in reply is that I have not the least idea that it will work badly in that Territory; but, on the contrary, I am very sure it will do no damage, but will probably work for the welfare of those people.

Mr. PETTIGREW. Mr. President, unless the Senator desires not to be interrupted, I wish to say someting in this connection.

Mr. CULLOM. I have no objection. I want this talked out, so that we shall get a vote at some time.

Mr. PETTIGREW. As to all the other Territories of the United States, we do not require that the appointees shall be citizens and residents at the time of their appointment in order to hold the positions of judges, governors, etc. Why, then, should we make an exception as to Hawaii? I perceive no reason why this should be done.

The character of the population of Hawaii is certainly not a reason, because there are only 3,000 people of American descent or American blood upon the islands, and of those about 1,900 are males of all ages. Therefore, the field from which to select these officers is exceedingly small, unless we appoint them from among the Hawaiians; and of the native Hawaiians there are about 40,000; of the Chinese and Japanese between sixty and seventy thousand, and they are coming in constantly. There are about 16,000 Portuguese there. Is that the kind of a population which entitles Hawaii to be specially favored over Arizona and over New Mexico, where there are 100,000 Americans, and of the very best blood of America also?

The fact of the matter is that these men—about 19 Americans out of 1,900 males—have established an oligarchy. They control the sugar plantations and the sugar industry. They are men of enormous wealth. They are the recipients of the $80,000,000 we have remitted in duties; and they want to control and manage the government. There has been a steady effort from the start to fix this bill so that they may be able to manage the government. The bill that came in here put it absolutely in their hands, and now it is proposed to perpetuate it in their hands. The bill as amended by the Senate released their grasp. They have their lobbyists here to look after their interests. They have succeeded in getting provisions in the bill that they think most essential, so far as they could get them in, for a limitation of the suffrage, requiring that from their number shall be selected the officeholders of that country, so that they can get control of the governor, of the courts, and of the enormous veto power, so as to require two-thirds of the members of the legislature to overturn the veto, and so that they can use the courts for other purposes.

In the bill also we have provided that a man may be imprisoned and put at labor under a taskmaster if he fails to pay his tax, even his poll tax; and so far as possible we are undertaking to perpetuate this oligarchical government of a handful of enormously rich men, made rich by the taxation of the people of the United States in turning over to them the remitted duties. We have been trying to hedge their power around, but now it is proposed that the judges and the governor shall be selected from their ranks. Then we are told what great men they are and what enormous ability they have. It is simply a sample of the tendencies of this Government at the present time toward a plutocracy. We make one thing for Porto Rico, another thing for Hawaii, and something else for the Philippines. I fail to find any reason why this should be done.

Mr. CULLOM. Mr. President, the Senator knows just as well as anybody else, when he compares the qualifications of the people of Porto Rico as equal to those of Hawaii, that it is not true. A large portion of the people of Hawaii are well qualified for self-government; and the Senator knows that the Porto Ricans, so far as we have any information about them, are not particularly well qualified for self-government.

Mr. PETTIGREW. Who is it in Hawaii that is particularly well qualified, except simply the Americans?

Mr. CULLOM. The Americans, the Englishmen, the Germans, the Portuguese, and many of the natives as well.

Mr. PETTIGREW. Mr. President——

Mr. CULLOM. I do not want to yield any longer.

Mr. PETTIGREW. I only want to answer one statement made by the Senator. He says I know——

Mr. CULLOM. I think you do.

Mr. PETTIGREW. I am on the Committee on Pacific Islands and Porto Rico, and before the committee came men from Porto Rico equal in intellect and ability to these Hawaiians, and I believe far exceeding them in character.

Mr. CULLOM. The Senator knows, I think, that the great body of the people of Porto Rico can neither read nor write.

Mr. PETTIGREW. About 20 per cent of them.

Mr. CULLOM. He knows, I think, that nearly every man in Hawaii can read and write.

Mr. PETTIGREW. That is true; but this bill as it now stands excludes them, even if they can read and write, from any participation in the Hawaiian government.

Mr. CULLOM. That is very easily said.

Mr. SPOONER. I should like to ask the Senator from South Dakota—I ask him only for information—what warrant he has when he makes the statement that under this bill or under the law a man in Hawaii can be imprisoned for failure to pay his taxes? It may be true, but I have not noticed it.

Mr. PETTIGREW. We have not repealed this law of Hawaii:

SEC. 863. In case of personal taxes due and unpaid on the 1st day of January in each year, if no personal property can be found whereon to distrain, the assessor may cause the arrest and detention of the person of such taxpayer by and under a warrant issued and signed by the assessor or his deputy, in substance in the form following, viz.

Then it gives the form of the warrant.

The next section provides that the officer receiving such warrant——

Mr. HOAR. Read the form of the warrant. That is a very important part of it.

Mr. SPOONER. What is the warrant?

Mr. PETTIGREW. I will read the form of the warrant. I did not think it was important. I thought what I read had covered the case pretty well, but I will read the last paragraph of section 863 of the laws of Hawaii, giving the form of the warrant:

Territory of Hawaii, island of ——, district of ——:

To ——, chief sheriff, or any constable or police officer of the district of ——, island of —— of ——, in the island of ——, having failed and neglected to pay the sum of —— dollars assessed upon him for personal taxes for the year ——, now due and unpaid, and no property being found belonging to the said —— whereon to levy by distress:

Therefore, by virtue of the authority in me vested by law, I hereby order and command you to forthwith arrest and take said —— before ——, district magistrate of ——, island of ——, to show cause, if any he has, why he, the said ——, should not be sentenced by said magistrate to be imprisoned at hard labor until he discharge the amount of said tax and costs as by law provided.

Hereof fail not, but of this order, with your proceedings thereon, make due return. Given under my hand this —— day of ——, A. D. ——.

——, ——,

Assessor of —— Division, Island of ——.

Then the law provides that a man shall be imprisoned at hard labor until that tax is worked out.

Mr. SPOONER. Is that left in force?

Mr. PETTIGREW. That is left in force.

Mr. CULLOM. Are you sure about that?

Mr. PETTIGREW. I can not find it in the list of repealed sections, and I have examined in order to find it.

Mr. CULLOM. We have a provision in this bill which repeals all laws in conflict with the bill we are considering.

Mr. PETTIGREW. I can not find that this law of Hawaii is repealed. I may be mistaken, but I can not find any such repeal, and I have been examining the matter very diligently.

Mr. HOAR. Before we pass from that, I should like to ask the Senator if he understands it was the intention to repeal that portion of the Hawaiian law, because I think if it should happen that there is any doubt about the matter, such a declaration as the Senator now makes would be very important.

Mr. CULLOM. The purpose of the commission, in the first place, and then of the Committee on Foreign Relations of the Senate, and it certainly has been my purpose, was to repeal all provisions of the Hawaiian law which imprisoned any man for debt, whatever the character of the debt might be.

Mr. PETTIGREW. There is no doubt but what that law is left in existence, so far as I can see.

Mr. CULLOM. If I may be allowed now, I want to go on. I believe I have got through with section 80.

Mr. TILLMAN. I have made a very careful examination of the bill and the chapters of the law on pages 3, 4, 5, and 6, where you have repealed certain of the Hawaiian statutes, and I do not find that these two are repealed.

Mr. PETTIGREW. I can not find them.

Mr. CULLOM. I suppose the provisions of the bill repeal them.

Mr. SPOONER. What provisions?

Mr. TILLMAN. What provision of the bill could possibly repeal them? This is a legal process for collecting taxes. It is not an imprisonment for debt, although it actually amounts to that.

Mr. CULLOM. I have not had time to look up the statutes to see exactly as to that.

Mr. TILLMAN. I have not been able to find it in the section of the bill in which those two sections of the Hawaiian law have been repealed.

Mr. CULLOM. I understand that.

In section 81 the House inserted the words "circuit courts" in addition to the supreme court, struck out the provision in regard

to bills of exceptions, etc., and added at the end of the section the following:

And until the legislature shall otherwise provide, the laws of Hawaii heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided.

That section, perhaps, would be better understood if I should read it. There is nothing in section 81, however, except to restore the words "circuit courts" in the section. The Senate, I believe, had only provided that the President should appoint the judges of the supreme court. The House provided that the President should appoint both the supreme court and circuit court judges, and in conference the Senate conferees consented to the President appointing the circuit judges as well as the supreme court judges, and the conferees agreed accordingly on the section.

Mr. JONES of Arkansas. Is that section 80?

Mr. CULLOM. No; section 81.

Mr. SPOONER. If the Senator will allow me, does that section leave in all cases the decisions of the supreme court of the Territory final, without any right of appeal in any case to the Supreme Court of the United States?

Mr. CULLOM. I think the section did not apply to that.

Mr. SPOONER. Yes; it did. There was a provision in the Senate bill for an appeal from the supreme court of Hawaii to the circuit court of appeals of the Ninth judicial circuit, and an appeal on writ of error to the Supreme Court of the United States upon any writ of habeas corpus involving a question of personal freedom. Is that all stricken out of the bill?

Mr. JONES of Arkansas. From where was the Senator reading?

Mr. SPOONER. I was reading from page 43, section 81, of the print of April 19.

Mr. CULLOM. I think, if the Senate will allow me to go on until we get entirely through with the court business. Senators will probably be better able to understand what is in and what is out of the bill.

Mr. JONES of Arkansas. I wanted to ask the Senator a question about something that has been passed; but if the Senator prefers to conclude before I ask the question, I shall wait.

Mr. CULLOM. I am getting a little tired of standing so long.

Mr. JONES of Arkansas. There are some questions that I want to ask the Senator, but I will ask them after he gets rested.

Mr. CULLOM. In section 81, as I stated, the House inserted a provision that—

The laws of Hawaii heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided.

Section 82 is amended so as to require that the judges of the supreme court shall be citizens of the Territory of Hawaii; that they shall be appointed by the President of the United States and confirmed by the Senate, and they may be removed by the President.

Section 83 is amended by the insertion, in line 21, on page 44, of the word "male," and also the words "and 21 years of age" are inserted; so as to make the provision that no person shall be a qualified juror unless he is a male citizen of the United States and 21 years of age, etc.

In line 24 there is an amendment which provides that "no person shall be convicted in any criminal case except by unanimous verdict of the jury."

Mr. JONES of Arkansas. Where is that?

Mr. CULLOM. In section 83. That, of course, is making the law conform to the laws of the United States.

Mr. SPOONER. It will be found in lines 1 and 2, on page 45 of the last print.

Mr. CULLOM. I will say that the laws of the Territory allowed a verdict by two-thirds of the jury, I think, instead of unanimously.

On page 45 of the Senate bill there is an amendment referring to grand jurors which was agreed to by the conferees, is now in the conference bill, and included in the last part of section 83.

There is no amendment to section 84 of the Senate bill.

Referring to the Delegate in Congress, section 85 of the Senate bill is amended so as to require that the Delegate shall possess the qualifications necessary for membership of the house of representatives of the legislature of Hawaii, and he is also to have a seat in the House of Representatives with the right to debate, but not to vote, the same as a Delegate from any of the other Territories who comes to Congress.

Section 86 was amended by the House, but the amendment was receded from in conference, and the section stands in the conference bill as it was passed by the Senate.

Sections 87, 88, 89, and 90 were not changed.

Section 91 was amended by the House, and the conferees agreed to the amendment, the purport of which is that all moneys in the Hawaiian treasury, all the revenues and other property acquired by the government of Hawaii since the cession, shall be and remain the property of the Territory of Hawaii.

Section 92 provides for the salaries of certain officers appointed by the President, namely, the governor, $5,000, and so on, giving the salaries of the respective officers provided for in the bill.

As to the chief justice, I have forgotten whether the Senate bill provided for a salary of $5,500 or $5,000, but I think it was only $5,000. That is increased to $5,500. The salary of the associate justices is $5,000 each and that of the secretary of the Territory $3,000.

Section 92, providing for the payment of salaries to the governor, the secretary, the chief justice, and the associate justices, is amended as I have stated.

The House provided for the salaries of the circuit judges to be paid by the Territory of Hawaii, but as we finally agreed that those judges should be appointed by the President, the conferees report the bill providing that they shall be paid their salaries by the Government of the United States.

Mr. JONES of Arkansas. They are Territorial judges?

Mr. BATE. Territorial circuit judges.

Mr. JONES of Arkansas. Is that the practice in the Territories of the United States?

Mr. CULLOM. I think we pay all the officers in our Territories where we provide for their appointment by the President. In such cases I think they are paid from the United States Treasury.

Mr. JONES of Arkansas. These are simply temporary appointments until such time as the local government there shall be able to administer affairs in its own way, is it not?

Mr. CULLOM. No, sir; the President is to continue to appoint the judges.

Mr. JONES of Arkansas. The President is to continue to appoint all of them?

Mr. CULLOM. Yes, sir.

Mr. TILLMAN. If the Senator will permit me, I understand we are compelled, under the conference report, if adopted, and if the bill becomes a law, to select all of these officers from citizens of Hawaii, and we are given the great privilege of paying them their salaries out of our own Treasury. Why does not Hawaii support her own government?

Mr. CULLOM. That is what the commission started in to require them to do; but under the direction in part of Congress, as it has been manifested here, the judges are all to be appointed by the President; and if they are appointed by the President, I think their salaries ought to be paid out of the Treasury of the United States, as is the case with all of our other Territories.

Mr. TILLMAN. Why not let the President select them, just as he does for all other Territories—wherever he can find the best talent?

Mr. CULLOM. That is a question I do not care to discuss any further now.

The section as reported by the conference also provides for the salary of the United States district judge at $5,000; the United States marshal, two thousand five hundred; United States district attorney, three thousand. And the governor shall receive annually, in addition to his salary, the sum of $500 for stationery, postage, and incidentals, and also his traveling expenses while absent from the capitol on official business, and the sum of $2,000 annually for his private secretary.

Section 93 of the Senate bill was not amended.

Section 94 refers to the Commissioner of Fish and Fisheries, requiring a report, etc., the House striking out the last four lines, beginning after the word "fit," on page 51, line 18, of the Senate bill, being an appropriation of $5,000 for the purpose of examining into the subject of fisheries surrounding that Territory.

Section 95 remains in the bill reported by the conferees as it passed the Senate.

Section 96 was amended by the House striking out "shall" and inserting "may," and inserting "such" between "in" and "manner," and inserting after the word "manner" the words "as may be." The intention was to make it read more smoothly, as the conferees thought.

Mr. JONES of Arkansas. What section is that?

Mr. CULLOM. Section 96.

Mr. JONES of Arkansas. Some of these prints have no section 96 in them.

Mr. CULLOM. You have got hold of the wrong bill, I reckon.

Mr. JONES of Arkansas. I have both.

Mr. CULLOM. It will now read as follows:

That if such fishing right be established, the attorney-general of the Territory of Hawaii may proceed, in such manner as may be provided by law, etc.

Section 97 was amended by striking out all the latter portion of the section, requiring the United States to pay in part all the expenses of the leper settlement on the island of Molokai and the leper hospital at Kalihi, and the homes at which the children of lepers are received, etc,

The people of the Territory, so far as I could learn, prefer to pay the expenses of those settlements, and I thought it better to allow them to do so, and so did the conferees and the commission.

Section 98 was amended by the House striking out "on the 12th day of August" and inserting "permanent or temporary, on

August 12," and also inserting the words "together with the following-named vessels claiming Hawaiian register." That refers to the registration of a certain number of vessels which were incorporated in the bill, which are named and the names of which I presented to the Senate when we considered the bill; but there seemed to be some confusion as to what ought to go in, and I asked to withdraw the amendment, and it was done. The House put it in and the conferees agreed to it.

Mr. BACON. In this connectton the Senator will remember that that was a provision which elicited considerable debate in the Senate, and after that debate it was the judgment of the Senate that the ships should not be named as entitled to registration. In other words, the judgment of the Senate was that the question of registration should be determined by the class to which a vessel belonged, and it should not be designated and taken out of a class and given this special favor. The judgment of the Senate was that the registration of those vessels should be limited to those which at a certain date were in the class named.

Now, what I desire to ask the Senator is this: The Senator, of course, is familiar with the reasons which were given in the Senate why the designation of particular ships as entitled to registration was not favored by the Senate and why the Senate decided against it; and in order that I may be informed as to whether the change should be made, I should like the Senator to inform us as to the reasons——

Mr. CULLOM. The Senator does not recollect the exact facts with reference to the matter as it occurred in the Senate. I myself introduced the amendment.

Mr. BACON. Yes; I remember.

Mr. CULLOM. It was given to me by a Senator, I think, and I supposed there would be no objection to it. I introduced it in the Senate, and we had scarcely began to consider it before, I think, my distinguished friend the Senator from South Dakota [Mr. PETTIGREW] proposed to insert the names of a large number of vessels about which nobody seemed to know anything except, perhaps, the Senator himself. Rather than delay and indulge in a long discussion about it I withdrew the amendment. That is the literal truth about it. The Senate really did not consider this subject, except for a very few moments.

Mr. BACON. Is the Senator prepared to state now—my recollection having been refreshed—why these vessels named, which are admitted by this amendment to registration, should be admitted rather than other vessels?

Mr. CULLOM. The only reason I know is that as to these particular vessels everyone said that while there was a little question about their being legally registered in Hawaii, because of the change of government in the meantime, yet they were in fact entitled to registration, provided the government over there had had such an existence as to give registration at all; and so far as I was concerned as one of the conferees I allowed the provision to go in as it is reported.

Mr. PETTIGREW. The Senator from Illinois made a remark a few moments ago, saying I wanted to add the names of a lot of other vessels.

Mr. CULLOM. I think the Senator did have a list of eight or ten, he said.

Mr. PETTIGREW. I objected to adding the names of any vessels, and I read a list of those which had received Hawaiian register since our flag went up. I protested against adding the names of any ships, and the Senator decidedly misrepresents me by any such statement.

Mr. CULLOM. I certainly did not mean to do so, if the Senator objected.

Mr. PETTIGREW. I objected to any being put in.

Mr. CULLOM. I remember the Senator had a list of ten vessels.

Mr. PETTIGREW. I had a list from the records of Hawaii, showing that they had registered eight or ten ships, perhaps, after our flag went up there, as I believe, in violation of law, and I did not think it ought to be ratified by our act. It was a lawless act on their part, and it ought not to be ratified on our part. I objected to adding any names and giving registration in this manner. I want that distinctly understood.

Mr. CULLOM. I did not remember that the Senator made any objection, but thought that he wanted more ships added.

Mr. PETTIGREW. I did object to those that were in and to the adding of any more. A year ago I defeated a separate bill brought in here to give those ships a register by refusing to consent to its consideration. I do not believe this amendment ought to be ratified to give an American register to any such vessels.

Mr. CULLOM. Of course I do not desire to misrepresent the Senator from South Dakota. I was merely stating in his presence what my recollection was. If he says that he first objected to all of them, I withdraw it, of course.

Mr. PETTIGREW. I do not say I first objected to all of them. I say I objected at all times to all of them, and I simply read an additional list to show what they were doing over there.

Mr. CULLOM. I remember when the Senator began to read the long list I concluded to withdraw the amendment, and did so in order to get rid of the subject.

Mr. PETTIGREW. And they are all put back in conference?

Mr. CULLOM. The list of five are put back in conference.

Mr. PETTIGREW. So my protest, by showing an additional list, succeeded in knocking it out in the Senate and preventing a discussion of this question; and then they are put back in conference.

Mr. CULLOM. I withdrew the amendment without any reference to the question of the merits of the case, because I did not want at that time to delay the bill by a long discussion as to what vessels were entitled to registration and what were not.

Section 99 remains in the bill reported by the conferees substantially as in the Senate bill, except a different use of language meaning the same thing.

Mr. TILLMAN. Before we pass from section 99, I see there is an amendment here which limits or rather puts off for a year our coasting laws. Why is that?

Mr. CULLOM. That was put in in the House and withdrawn by the conferees.

Mr. TILLMAN. But it is in yet.

Mr. CULLOM. No; it is not. I have said to the Senator several times that the amendments of the conferees to the House bill are not in this print, because the Senators desired to see just what the difference was between the House and the Senate, and not between the Senate and the conferees.

Mr. TILLMAN. I have the wrong bill. It is pretty hard to keep these babies from getting mixed up. It is very difficult to tell what is the conference report and what was passed by the House.

Mr. CULLOM. If the Senator would follow it closely he would find out.

Mr. TILLMAN. I am trying to follow it closely.

Mr. CULLOM. Section 101 was amended by the insertion of an amendment providing that "all Chinese and other Asiatics who came or were brought into Hawaii since August 12, 1898, under contract, etc., shall depart therefrom and from the United States within one year from the date of the taking effect of this act." That amendment was stricken out down to the proviso after the word "acts," in the last part of the paragraph, and the balance of the section remains in the bill reported by the conferees.

Sections 101 and 102 were not amended by the House.

One hundred and four, the last section of the bill, was amended by striking out "thirty" and inserting "sixty" by the House, but the conferees struck out "sixty" and inserted "forty-five." In the second line of the section as appears in the conference bill the words "excepting only as to section 52, relating to appropriations, which shall take effect upon such approval," were inserted and agreed to by the conferees. There was a mistake in the first conference report. It referred to a section of the bill as 53 when it ought to have been 52. That is all there was of that.

Mr. President, I desire to make a few general remarks, and then I propose to take my seat.

Mr. BACON. If the Senator will pardon me before he begins the general discussion, I was unavoidably out of the Chamber when one amendment was passed about which I wished to ask some questions. It may have been stated by the Senator, but I notice that there is an amendment here by which Hawaii is made a separate district and attached to the Ninth judicial circuit.

Mr. CULLOM. That is the bill verbatim et literatim as it passed the Senate, I think.

Mr. BACON. It is in italics here.

Mr. CULLOM. Yes, but it is——

Mr. BACON. If I recollect aright, the Senator from Wisconsin succeeded when that was before the Senate in having it changed. The Senator from Wisconsin took the position and argued it with great earnestness upon authority that it would be an unconstitutional court; that we had no right to establish a constitutional court outside of the organized territory of States.

Mr. CULLOM. The Senator will remember that after quite a discussion by himself and several other Senators, the provision as it was in the original Senate bill was amended so as to make it a legislative court in the estimation of the Senator from Wisconsin and the Senator from Colorado and the Senator himself, as well as the Senator from Connecticut. The House bill had the original provision in it as it was reported to the Senate, and it passed in that way, but the conferees insisted upon restoring the provision as it passed the Senate of the United States, and that was done.

Mr. BACON. I beg the Senator's pardon. I was misled by the printed copy of the bill as it came from the House.

Mr. CULLOM. I understand.

Mr. BACON. I supposed that was the status of the bill, but the statement of the Senator, of course, shows I am in error.

Mr. CULLOM. The Senator will find by looking at the conference report that the Senate provision was restored.

Mr. BACON. The Senator will see how it was that I made the mistake.

Mr. CULLOM. Certainly.

Mr. BACON. I got hold of the wrong copy.

Mr. CULLOM. It only verifies what has been often stated, that the action of the House in striking out all of the Senate bill in the first place makes it very embarrassing and difficult for any Senator to follow it.

Mr. President, I should be unfaithful to my conception of duty if I should fail to give to the Senate of the United States my views in regard to the annexation of the Hawaiian Islands.

The incorporation of these provinces of the sea into our political system, under the provisions of this bill, is the final great step taken in fulfillment of our duty in extending the salutary influences of the American Republic over a people who have for years offered to us a standing invitation to take them under our control.

It is true, Mr. President, that the events of a score of years have tended toward this result, as a culmination which was certain to come and which has been constantly foreseen. It is true, also, Mr. President, that the nations and peoples which have inhabited or controlled in large degree the oceanic provinces in both the Atlantic and Pacific have, by the logic of the situation, become rivals for the control and ownership of the wonderful commerce of this portion of the semitropical world. This rivalry has been a matter of growth, and not of choice, with the United States. The extent and the ramification of this rivalry came naturally and logically, and it was not initiated by the United States, as in a race for territory or for spoils. We all remember when the eyes of the civilized world were directed to the movements of the *Oregon* in her memorable trip half around the world. We all remember Santiago and San Juan, and we quickly recall Manila, and the rest, where the fortunes of war gave victory to our arms.

But, Mr. President, we have acquired Hawaii in the peaceful and proper way, as the logical and certain conclusion of great principles which underlie our civilization, our growth. In the early days of the century the American spirit of expansion carried our ships and our commerce and our whalers and our missionaries, as explorers and advance agents of civilization, into the far Pacific, and established agencies for the humanizing of the native peoples. Now they are coming back to us, bringing golden rewards to their mother country. They come back to us with a wealth of education and prosperity and intelligence and ask us confidently to be allowed to join us as citizens of the United States. They do not come as beggars or paupers, but as a people who have not buried their talents in a napkin.

Mr. President, what do they bring? What have they got? What will the United States realize as the return for the extension of sovereignty over Hawaii?

As preliminary to a general answer to these queries, I wish to allude to the visible commerce on the part of Honolulu in December last past, the latest showing available. I learn from official and reliable sources that in December, 1899, the largest amount of imports ever recorded in a single month was received. Sixteen foreign steamers and 48 sailing vessels arrived with cargoes. This did not include the large number of United States transports laden with stock or with quartermaster supplies. There were 40 general cargoes, with a total of 45,000 tons; 11 cargoes of coal, with 23,000 tons, and 13 lumber vessels, carrying nearly 10,000,000 feet of lumber. The revenue from import duties alone in 1899 was $400,000 in excess of that of 1898.

This little statement shows in some degree what is now following the evolution of the policy of expansion as applied only to the Hawaiian Islands in part.

I append here a few extracts from the report of the collector-general of customs for the year 1899. These show an aggregate commerce in that year amounting to nearly $42,000,000. Of this amount, over $19,000,000 was imported from the United States and twenty-two and one-half millions exported to the United States.

The value of the exports show an increase in 1899 over 1898 of five and one-half million dollars in value.

COMMERCE OF HAWAII.

I take from the report of the collector-general of customs of Honolulu for the year ended December 31, 1899, the following figures:

Trade of Hawaii, by countries, in 1899.

Country.	Imports.	Exports.
United States	$15,020,830	$22,517,758
Great Britain	1,774,655	.....
Germany	384,102	.....
China	384,522	54,053
Japan	673,410	
Australia and New Zealand	267,388	39,863
Canada	113,480	17,067
Isles of the Pacific	1,035	.....
France	64,133	.....
Other countries	386,050	.....
Total	19,059,605	22,628,741

Trade of Hawaii, by articles, in 1899, with increase or decrease as compared with 1898.

IMPORTS.

Articles.	Value.	Increase.	Decrease.
Ale, beer, cider, and porter	$149,629	$31,760	.....
Animals and birds	234,170	108,871	.....
Building materials	547,177	228,852	.....
Clothing, boots, and hats	639,828	164,714	.....
Coal and coke	343,286	.....	$265,431
Crockery, glassware, lamps, etc	100,538	30,930	.....
Drugs, surgical instruments, and dental material	118,606	28,950	.....
Dry goods:			
Cottons	480,046	32,573	.....
Linens	43,518	.....	7,164
Silks	63,071	14,868	.....
Woolens	106,640	.....	41,389
Mixtures	45,054	15,149	.....
Fancy goods	186,781	39,373	.....
Fertilizer, bone meal, etc	957,361	648,945	.....
Fish, dry and salt	120,374	23,704	.....
Flour	293,272	.....	10,108
Fruits, fresh	35,721	13,504	.....
Grain and feed	586,860	144,929	.....
Groceries and provisions	1,284,080	507,858	.....
Guns, gun materials, and powder	48,272	20,738	.....
Hardware, agricultural implements, and tools	940,577	449,017	.....
House furnishings	235,518	79,177	.....
Iron, steel, etc	289,187	187,042	.....
Jewelry, plate, and clocks	60,424	25,489	.....
Leather	60,604	21,812	.....
Lumber	630,898	294,368	.....
Machinery	2,089,278	1,220,148	.....
Matches	32,055	9,230	.....
Musical instruments	45,952	13,571	.....
Naval stores	140,625	66,364	.....
Oils (cocoanut, kerosene, etc.)	196,881	68,753	.....
Paints, paint oil, and turpentine	97,942	46,134	.....
Perfumery and toilet articles	36,889	9,318	.....
Railroad material (rails, cars, etc.)	282,326	100,654	.....
Saddlery, carriages, and material	220,314	75,886	.....
Sheathing metal	19,129	14,508	.....
Shooks, bags, and containers	405,933	112,734	.....
Spirits	102,338	25,457	.....
Stationery and books	104,984	50,955	.....
Tea	49,894	.....	3,265
Tin, tinware, and materials	21,358	5,304	.....
Tobacco, cigars, etc	335,361	71,884	.....
Wines, light	193,863	61,565	.....
Sundry personal and household effects	76,671	18,884	.....
Sundry merchandise, not included in above	479,500	174,150	.....

Forty-six articles of import.

EXPORTS.

Sugar	$21,898,190	$5,283,568	.....
Rice	42,562	.....	$106,716
Coffee	132,347	16,402	.....
Bananas	84,268	17,687	.....
Wool	26,678	26,413	.....
Hides	95,073	.....	19,873
Pineapples	10,781	2,111	.....
Goatskins	2,568	.....	1,187
Deerskins	534	.....	.....
Sheepskins	4,849	2,491	.....
Tallow	1,259	.....	6,699
Molasses	358	.....	599
Betel leaves	505	.....	6
Taro flour	252	229	.....
Plants and seeds	3,919	938	.....
Sundry fruits	493	21	.....
Awa	900	490	.....
Bones and horns	421	.....	1,931
Curios	195	.....	676
Canned pines	3,848	.....	1,967
Honey	9,948	6,635	.....
Specie	157,658	19,238	.....
Hide trimmings	185	145	.....
Beeswax	1,200	1,200	.....
Pelts	10	10	.....
Vegetables	412	412	.....
Glue stock	39	39	.....
Sundries	3,066	73	.....
Foreign goods	146,219	43,436	.....
Total	22,628,741	5,421,606	139,669

Twenty-nine articles of export.

Mr. Sewall, United States special agent at Honolulu, incloses a clipping from a local paper, which says, in part:

During the month of December, 1899, the largest amount of imports ever recorded for one month in Honolulu was received.

Sixteen foreign steamers and 48 sailing vessels arrived in port with cargoes. This does not include the large number of United States transports that entered the harbor bringing stock and quartermaster supplies.

There were 40 general cargoes, amounting to a total of 45,000 tons; 11 cargoes of coal, the total being 22,850 tons; and 13 vessels brought in lumber with a total of 9,198,530 feet.

The acquisition of these islands by the United States has given an impetus to Honolulu that has attracted the commercial interest of the world. The carrying and shipping to this port has grown with such rapidity that the increase of trade in December, 1899, compared with December of a year ago, is something phenomenal.

In evidence of the prosperity of the port, a walk along the water front will show every available dock and berth occupied by vessels unloading cargoes

of every description, and a large number anchored in the stream compelled to wait for days before being able to discharge, on account of the small accommodations.

The revenue from import duties in 1899, adds Mr. Sewall, was $400,000 in excess of that of 1898.

The second column in the tables of "Trade by articles" gives the increases in both imports and exports of Hawaii for 1899 over 1898, which reach nearly all of the articles of trade.

It must be remembered that the duties collected upon this commerce have all gone into the Hawaiian treasury. So it has been with all moneys accumulating in the Hawaiian postal service up to this time. But both the customs and the postal receipts will, after the passage of this bill, come to the United States Treasury.

Now let us look a little at the geographical situation of Hawaii as related to other parts of the world, and especially to this country. I quote from the reports of the Hawaiian commission made to the President and published by the Fifty-fifth Congress:

The Hawaiian Islands are located in the Pacific Ocean, about 2,100 miles southwest from San Francisco, and are between 18° and 23° north latitude and 154° and 161° west longitude. The latitude or distance from the equator is about the same as that of Cuba. The climate would probably be the same as that of Cuba were it not modified and equalized by the northeast trade winds, which prevail for about nine months of the year, coming over thousands of miles of ocean uncontaminated by impurities. The Japanese gulf stream is a broad current of cool water, flowing like a river across the Pacific Ocean, which lowers the temperature within its vicinity materially.

There are other somewhat permanent currents and winds which affect temperature, and these great natural agencies tend constantly to neutralize the tropical heat, which would otherwise seriously affect the temperature of the islands. The annual average of temperature at Honolulu is 72° or 73° F., while the lowest is 55° and the highest 88°. During the warmest month of the year, September, the temperature, except for about two hours at midday, stands at about 78°. There is never any frost or snow, except upon the high mountain peaks, where at the altitude of nearly 14,000 feet there are at times considerable snowfalls.

AREA AND POPULATION.

The Hawaiian group numbers seven inhabited islands and eleven or twelve small rocky or sandy shoals or reefs, with a total area of 6,740 square miles. They are described as follows:

	Population, 1896.
Hawaii, area 4,210 square miles	33,285
Maui, 760 square miles	17,726
Oahu, 600 square miles	40,205
Kauai, 590 square miles (rich farming and grazing lands)	15,228
Molokai, 270 square miles (agricultural and grazing)	2,307
Lanai, 150 square miles (devoted to sheep raising)	105
Niihau, 97 square miles (leased to sheep raisers)	164

Kahoolawe, 63 square miles.
Molokini, small size.
Lehua, small size.
Nihoa, 500 acres (about), precipitous rock, 400 feet high (244 miles northwest from Honolulu).
Layasn, 2,000 acres (about), guano island, low and sandy, 30 feet high (800 miles northwest from Honolulu).
Gardeners Island, two inaccessible rocks, 200 feet high, about 1,000 feet long (667 miles northwest of Honolulu).
Liscansky Island, 500 acres (about), low and sandy, 25 to 50 feet high (920 miles northwest from Honolulu).
Ocean Island, 500 acres (about), low and sandy (1,800 miles northwest from Honolulu).
Necker Island, 400 acres (about), a precipitous rock, 300 feet high (400 miles northwest from Honolulu).
Palmyra Island, a cluster of low islets, about 10 miles in circumference, with lagoon in center; has a few cocoanut trees (1,100 miles southwest of Honolulu).
Kaula, small, rocky island, a few miles southwest of Niihau.
French Frigate Shoal, scattered shoals or reefs.

THE INHABITANTS.

An important subject of our investigation was that of the adaptability of the several races of the people who inhabit the islands for American citizenship and their ability to sustain the obligations which attach to the right of suffrage. The American idea of universal suffrage presupposes that the body of citizens who are to exercise it in a free and independent manner have, by inheritance or education, such knowledge and appreciation of the responsibilities of free suffrage and of a full participation in the sovereignty of the country as to be able to maintain a republican government.

The following different races and nationalities of people now occupy the Hawaiian Islands:

Hawaiians and mixed blood	39,000
Japanese	25,000
Chinese	21,500
Portuguese	15,000
Americans	4,000
British	2,250
Germans and other Europeans	2,000
Polynesians and miscellaneous	1,250
Total	110,000

The native Hawaiians are a kindly, affectionate people, confiding, friendly, and liberal, many of them childlike and easy in habits and manners, willing to associate and intermarry with the European or other races, obedient to law and governmental authority. Many of the Japanese are contract laborers, who are engaged upon the sugar plantations. Others are employed as day laborers. There are some, however, who have become merchants and mechanics, who conduct business for themselves, and who exhibit the national characteristics of skill, thrift, and ability.

There are about 700 Chinese who have been naturalized into the Hawaiian republic. Many of the Chinese and Japanese on the islands are, or have been, brought there under permits by that government, and contracts under which they are bound to work for a term of years, and to return at the expiration of the contract term of service. At the expiration of their terms they are either returned to their native country, or renew their labor contracts, or become day laborers.

Nearly all Chinese laborers desire and expect to go back to China at death, if not before. The Japanese are not so particular as to returning; but with their accumulative habits they frequently attain a position and standing in business which makes it desirable to them to remain in the islands.

The Americans, although in such a small minority, practically dominate the governmental affairs of the country, and, with the British and Germans, and part-blood Hawaiian-Americans together, constitute the controlling element in business. The Chinese and Japanese do not now possess political power, nor have they any important relation to the body politic, except as laborers. The Portuguese are largely immigrants from the islands and colonies of Portugal in the Atlantic, and have never been very closely tied to their mother country. With the certain attrition which is bound to exist between them and the Americans in Hawaii, and under the influence of the existing public-school system, which makes the study of the English language compulsory, they promise to become a good class of people for the growth of republican ideas.

It will, of course, be observed that this entire population of 110,000 is dominated, politically, financially, and commercially, by the American element.

HAWAII.

Hawaii, the largest of the islands and from which the group takes its name, contains nearly 2,500,000 acres of land, and has a population of nearly 34,000. Its principal town is Hilo, situated on Hilo Bay, at the mouth of the Wailuku River. Hilo possesses several churches, a good hotel, and several business houses. There are three lofty mountains on the island of Hawaii, viz, Mauna Kea, Mauna Loa, and Hualalai. The two first are nearly 14,000 feet high and the other 8,000. Upon Mauna Loa are two great volcanoes, Kilauea, upon the side of the mountain, at an elevation of 4,000 feet, and the other, Mokuaweoweo, at the top, or at about 13,500 feet elevation. These two great volcanoes are still alive, but not now in eruption.

We visited Kilauea and crossed its broad lava fields within the walls of its original crater, and now about 500 feet below the rim or edge of the wall. On the southerly portion of this broad lava bed is a still deeper pit, or live crater, apparently some 800 feet below the surface of the broad lava field before mentioned, from the very bottom of which arises a whitish sulphurous smoke so dense as to hide from full view the surface of the burning, seething liquid far below. This is what is called "Halemauman," "the house of fire," when the volcano is active and in eruption, but it is now very quiet and smoky. Yet even now numerous crevices are found, some of them 2 or 3 miles from this pit or lake, from which smoke or steam constantly arises, and in which sticks thrust down a few inches by us readily took fire. Around some of these crevices an efflorescence of sulphur was noticed, and on examination we found deposits of pure native sulphur so hot from the subterranean fountain, perhaps 3 miles away, that it could not be handled. It must be remembered that this description refers only to Kilauea, and not at all to the great volcano itself at the top of the mountain, and called "Mokuaweoweo," which during the ages and ages past has poured the lava over the island many times.

The magnitude of this mountain is hardly believed at first sight, but the distance is not less than 60 miles from the base on one side to the other. And from the crater of Kilauea, on the side of Mauna Loa, to the crater of Mokuaweoweo, at the top of the same mountain, is about 25 miles. The side slopes of these great mountains comprise practically all the agricultural land upon this island. This can nearly all be cultivated after it is cleared from its luxuriant vegetation. Some of it, however, has such a rank growth of tree ferns, wild bananas, and all sorts of tropical trees and vines as to require a cost of from $30 to $60 per acre to clear it. There are great fields of sugar cane on this island, the best of which yields under favorable conditions from 5 to 6 or more tons of sugar per acre.

MAUI.

Maui is believed to be one of the oldest volcanic islands. Much of the lava of which it is composed has become decomposed and available for easy cultivation, while the use of artesian water for irrigation has made the sugar lands the most profitable known. This island has upon it the great volcano of Haleakala, now and for centuries entirely quiet, but which is the largest extinct volcano in the world. This crater is half a mile deep and 20 miles in circumference.

On this island artesian water is pumped in quantities of 6,000,000 gallons daily to the height of 400 feet, for sugar irrigation. The lands on the south and west sides of the island are mostly cattle ranches and pasture lands, while on the north and east the numerous streams furnish abundance of water for prosperous plantations of sugar and coffee. This island was once a kingdom. The town of Lahaina was its capital and contained the palaces of the king. Some of the plantations on this island were visited by us and were truly places of beauty. They evidenced great enterprise, and yield large profits from the great crops of sugar.

KAUAI.

Kauai, the most northwesterly of the group, is nearly circular in form and about 25 miles in diameter, having an area of about 590 square miles. It is believed to be one of the oldest of the Hawaiian Islands; has a deeper soil and a greater proportion of naturally arable land. It seems to have been originally formed by eruptions of Mount Waialeale, the great central peak 6,000 feet in height, a volcano which has been extinct from time immemorial. There are several mountain streams flowing from an elevated natural reservoir, or lake, in the central plateau.

The valleys between the mountain ranges, which radiate from the interior, are broad and deep, having large areas of rich bottom lands, very productive under the influence of irrigation, which is largely in use for the sugar plantations. Kauai was, in the remote past, a kingdom by itself, and the stories of kings and chiefs and warriors of Kauai are the traditional histories of the island. Lihue, the chief settlement, has about 3,500 inhabitants. The Falls of Wailua are romantically situated in the midst of a luxuriant forest, the river falling 180 feet in one unbroken sheet. Coffee, sugar, rice, and some other products are grown with profit. The inhabitants of Kauai take much pride in their fertile lands.

OAHU.

Oahu, upon which is situated Honolulu, the capital city, is the most populous of the islands, having over 40,000 inhabitants. It is devoted largely to pasturage and agriculture. Several very profitable sugar plantations are now operated on this island, and the full development of the artesian water supply for the irrigation of growing sugar cane is here exhibited. During the past two years the yield of sugar upon one of the favorably situated plantations has exceeded expectation, amounting to from 9½ to 10½ tons of sugar per acre. Honolulu Harbor, although not large enough to accommodate a rapidly growing commerce, is a deep-water opening through the coral reefs at the mouth of the Nuuanu Valley, in front of the city of Honolulu.

PEARL HARBOR.

A few miles away is Pearl Harbor, a naturally excavated harbor, covering 8 or 10 square miles of water surface and ranging from 20 to 90 feet deep.

It is expected that by a small appropriation a coral reef, which bars the entrance from the ocean for large vessels, will be removed by the Government of the United States, whereupon this will furnish the best harbor on the Pacific. Some of the most beautiful and enchanting residence sites to be found are at Honolulu. A railway 55 miles in length connects Honolulu with Waialua and several intervening points. Several very prosperous business enterprises are established at Honolulu, and, altogether, the location, for many reasons, is a most desirable one for commercial and shipping facilities.

MOLOKAI.

Molokai is a long, narrow island, about 40 miles in length and less than 10 miles in width. The eastern half of Molokai has some very wild mountain scenery and in some places a luxuriant vegetation. Recently much attention has been given to irrigation from artesian water, and a large area is expected soon to be brought under profitable culture. Still, most of the island is devoted to pasturage. Quite a large number of deer have their haunts on this island.

NIIHAU.

Niihau is an island of nearly 100 square miles, the most of the land upon which has been leased to sheep raisers. There are about 100 native inhabitants, who adhere in manners and style of living to the customs of their earlier ancestors. The handiwork of the natives in the making of a kind of mats is known all over the islands. They are called "Niihau mats," and bring large prices from the collectors of curios. A part of this island consists of a coral reef, uplifted by some convulsion of nature, but now largely covered by volcanic material washed down from the mountains.

LANAI.

Lanai comprises about 100,000 acres, devoted almost wholly to sheep raising and the production of wool. It has only about 100 inhabitants, and is rarely visited except by persons interested in the sheep-raising or wool-growing industry.

RAINFALL.

There is a great diversity in the amount of rainfall in different localities, but it is thought that about 50 inches per annum is the average over the group. On the windward (northeast) side of some of the islands at certain low altitudes the rainfall reaches 150 inches, as at Hilo, or even 200 inches, as at the volcano of Kilauea, while on the leeward side, at the sea level, very little rain falls, but up the mountain sides there is usually abundant moisture. The climate is particularly healthy, both in the dry or wet localities, it being claimed even that the frequent showers in some places do not saturate the air with moisture. There is very seldom much humidity in the atmosphere, and even in damp or marshy districts there is seldom any malaria or fever germs.

Temperature and rainfall at Honolulu for the twelve months from July, 1896, to June, 1897, inclusive.

Month.	Highest.	Lowest.	6 a.m.	2 p.m.	9 p.m.	General average.	Rainfall.
	°	°	°	°	°	°	*Inches.*
July	87	69	74	82	77	77	3.55
August	88	68	75	83	78	78	3.71
September	88	68	73	82	77	77	.64
October	86	68	71	81	76	76	3.57
November	85	65	69	80	75	75	3.46
December	83	64	66	77	73	72	6.70
January	81	55	69	76	70	70	2.90
February	82	62	69	77	72	72	2.15
March	81	63	73	78	72	72	1.92
April	82	64	70	79	73	73	1.46
May	84	67	70	80	74	74	1.95
June	84	68	72	81	75	75	1.74
For the year	88	55	71	80	72	74	30.75
Average for past seven years	90	54	71	80	73	74	38.80

FOR THE YEAR 1897.

On the island of Hawaii the rainfall at two stations, Kaumana and Olaa, was, respectively, 136 and 146 inches. For the entire island the average rainfall was 65 inches. On the island of Maui the average was 27½ inches. On Kauai the average was 46 inches.

NEWSPAPERS AND PERIODICALS.

The following daily papers are printed in Honolulu: Pacific Commercial Advertiser, English; Daily Bulletin, English; Hawaiian Star, English; Independent, English; Aloha Aina, native; Ka Loea Kalaiaina, native; Hawaiian Shimpo, Japanese.

Also the following semiweeklies: Hawaiian Gazette, English; Shim Nipon, Japanese; Yamato Shimbun, Japanese.

Also the following weeklies: Weekly Hawaiian Star, English; The Kuokoa, native; O Luso, Portuguese; O Directo, Portuguese; Hawaiian Chinese News, Chinese; Chinese Times, Chinese; Chinese Chronicle, Chinese; Ka Makaainana, native.

And the following monthlies: Al Boas Novas, Portuguese (sectarian); The Paradise of the Pacific, English; The Planters' Monthly, English; The Friend, English; Anglican Church Chronicle, English.

And the following quarterlies: The Honolulu Diocesan Magazine, English; The Young Men's Christian Association Review, English.

The Hilo Tribune, weekly, and the Hawaii Herald, weekly, are published in English at Hilo, on the island of Hawaii.

CHURCHES IN HONOLULU.

Central Union Church (Congregational).
Methodist Episcopal Church.
The Christian Church.
The Christian Chinese Church.
The Salvation Army.
St. Andrew's Cathedral (Episcopal); first and second congregations and Chinese congregation.
Roman Catholic Church.
Protestant Mission, Portuguese.
Japanese Union Church, connected with Hawaiian Board of Missions.
Japanese Church.
Kawaihao Church, Congregational, native.
Kaumahapili Church, Congregational, native.

THE PUBLIC HEALTH.

The Hawaiian government has devoted its most earnest efforts to the protection of the inhabitants against the introduction of dangerous contagious and infectious diseases, and a strict quarantine is maintained at points where ships from infected ports might call.

The board of health is one of the most important agencies in the islands for the preservation and promotion of the public health, and is given almost plenary powers under the law. Ordinary malarial fevers are quite rare. There are, however, occasional cases of typhoid fever, especially among the United States troops recently stationed at Honolulu. There have been occasional epidemics of various diseases at times during the past one hundred years.

Under present health regulations, with the experience gained, the government can, it is thought, cope with epidemic diseases better than that of almost any other country.

Live stock, including cattle, sheep, and swine, are raised to some extent. It is stated that the value of live stock produced ranks third in amount of all the agricultural products of the islands.

THE PRISON SYSTEM.

The Hawaiian Islands maintain a prison system, the principal penal institution corresponding to the State prisons of the various States of the Union, while on each of the larger islands a prison for the use of their respective local offenders is provided. In addition there is in each district a lockup or detention calaboose, in some of which are detained small gangs held for minor offenses and sentenced for short terms to perform street or road labor. Where possible the plan of placing but one prisoner to a cell is adhered to. The Honolulu prison is under the charge of a jailor and several prison guards, the whole system subject to the supervision of the marshal of the islands, who is responsible to the board of prison inspectors appointed by the minister of the interior.

The foregoing gives briefly a description of the principal features of the country. It is now about eighteen months since the Stars and Stripes were formally raised over the country, and during that period, although the extension of the laws of the United States has been held in abeyance until the further action of Congress, yet the business of Hawaii has experienced the greatest prosperity, and every material interest of the people and the country has participated in the general welfare.

Mr. President, I am more than pleased that the labors of the Hawaiian Commission, in which I had the honor of participating, now bid fair to result in the establishment of Territorial government as a part of the United States. I am highly gratified to think that the new Territory of Hawaii, which has come to us willingly and peacefully in the progress of the nation's evolution, will doubtless stand as a bright monument marking almost the starting point of American expansion over the island provinces of the Pacific. No citizen of the United States need ever feel any doubt as to the intellectual, moral, or financial standing of the people who inhabit Hawaii. They bring to us a splendid educational system, a prosperous and profitable agricultural establishment, yielding large profits to the sugar planters and the coffee and rice growers.

Mr. President, it has been suggested to me and to the Senate that there are one or two provisions in the bill which are not satisfactory to the Senate. I do not know whether a majority of the Senate are for the provisions that have been controverted, but I desire to say that at the present moment the Senator from Massachusetts [Mr. LODGE] and the Senator from Alabama [Mr. MORGAN], conferees on the bill, are absent. The Senator from Alabama, I understand, is ill. He has not been out for two or three days, at least. So if the bill should go back to the conferees, there could be nothing done with it until one or the other of the conferees of the Senate, both of whom are absent, can be secured to give attention to the subject.

Mr. HOAR. Put on other conferees.

Mr. CULLOM. The Senator from Alabama is in town, but he has been ill for several days. The Senator from Massachusetts has been called to New York or somewhere East. I should like very much to get the report ratified and out of the way, but I want to be entirely fair and frank, as I think I have been in connection with the subject to-day in trying to uncover every fact connected with it, so that Senators would not be misled.

Mr. BACON. I should like to ask the Senator a question, in view of his expressed desire that the report shall be ratified. In the bill as agreed upon by the conference committee, the fifth subdivision of section 60 reads as follows:

Fifth. Prior to such registration having paid, on or before the 31st day of March next preceding the date of registration, all taxes due by him to the government.

I wish to inquire of the Senator whether he agrees with the statement that if the conference report is agreed to and this becomes a law that that date, being fixed, necessarily will limit the persons who can be this year registered and this year participate in the election which will select the officers for this Territory to those who have heretofore been on the registration list, because the date has passed. That number, I understand, is less than 3,000. So, instead 14,000 men, which it was stated when the bill was in the Senate before would be the number of those who would be enfranchised and entitled to participate in this election, there will be less than 3,000. I want to ask the Senator if he recognizes the correctness of that, and if he does so recognize it, if he himself would personally favor the enactment of a bill into a law which would have that effect?

Mr. CULLOM. I would not.

Mr. BACON. Does not the Senator agree that that must necessarily be the effect of it?

Mr. CULLOM. I have been in doubt about it. I was going to suggest that I would ask the Senate to postpone the further consideration of the report to-day, so that I may learn whether the Senator from Alabama, one of the conferees, can be present to-morrow.

Mr. BACON. If the Senator will pardon me, the course which

I should like to have pursued is this: If the conference report can be disagreed to, the Senate could then accept the House amendment without more, which I believe is a proper amendment.

Mr. CULLOM. The Senator is mistaken, I think, as to the regular order.

Mr. BACON. Possibly.

Mr. CULLOM. The conference report, as I understand parliamentary law, must either be rejected as a whole or ratified or confirmed as a whole.

Mr. BACON. Certainly; the Senator is undoubtedly correct; but he does not understand what I said.

Mr. CULLOM. It is not in the power of the Senate to make any amendment to it, and naturally it would have to go back to the conferees.

Mr. BACON. The Senator is correct in part. We of course can not amend the conference report, but when we reject the conference report it is perfectly competent for the Senate to adopt the House amendment, which was in conference.

Mr. PLATT of Connecticut. I think not.

Mr. BACON. We are not obliged to send it back to the conference committee at all. We may accept the entire House amendment after that and agree to it.

Mr. SPOONER. We have to agree to it or reject it and send it back.

Mr. BACON. Rejecting it is not sending it back; it is failing to agree to it.

Mr. CULLOM. I should like to hear the Presiding Officer on that point.

Mr. PLATT of Connecticut. The matter in disagreement between the Senate and the House is upon one amendment of the House, which is an entire bill. That is what is in disagreement between the Senate and the House. It is the Senate bill as it left the Senate; it is the House amendment as the House adopted it; and that is one amendment, and covers the whole ground.

Mr. BACON. I admit that the Senator from Connecticut is correct. That view of it had not suggested itself to me.

Mr. PLATT of Connecticut. Now, one other word. If we reject it, we are at liberty then, I think, though I am not sure about that, to accept the entire House amendment, but we can not change it in one particular.

Mr. BACON. The Senator is wrong in that, I respectfully submit. Whenever a bill passes the Senate and goes to the House and comes back to the Senate with an amendment, while we can not amend any part of the bill which we sent to them, we can amend any of their amendments, and we could amend the entire bill, which is an amendment, in any one particular that we saw proper, upon the general proposition that we can always amend an amendment of the House. Of course that would presuppose the fact that the conference committee reports the other way.

Mr. PLATT of Connecticut. That is true, until the matter has gone to a conference. This has been to a conference. It comes back here. The question and the only question is, Will the Senate agree to the report of the conference committee? Then, as I understand it, the only question after that is whether we will agree to the entire amendment of the House, or whether we will insist upon our disagreement and send the entire amendment back to the conference committee. I have never understood that we could, after rejecting the report of a conference committee, proceed to make amendments to the House amendment.

Mr. HOAR. I ask the Senator from Connecticut if we can not recede now from our disagreement to the House amendment?

Mr. PLATT of Connecticut. Yes.

Mr. HOAR. Or disagree to the amendment of the House and agree to it with an amendment?

Mr. PLATT of Connecticut. I think not, Mr. President.

Mr. HOAR. I supposed we could.

Mr. BACON. Oh, yes; undoubtedly.

Mr. PETTIGREW. The conference report is still in our possession. I think we can.

Mr. CULLOM. I do not think so.

The PRESIDENT pro tempore. Will the Senate agree to the report of the committee of conference?

Mr. TILLMAN. Mr. President——

Mr. CULLOM. I began to state that I myself was inclined to postpone the further consideration of the conference report to-day, so that the conferees on the part of the Senate might have time to consult. If the conference report is likely to be rejected, I would rather withdraw it and make such amendments to it by another conference as would be necessary to fairly satisfy the Senate, if we could do it.

Mr. TELLER. I suggest to the Senator whether he can withdraw it?

Mr. CULLOM. I do not know whether I can or not. If I can not, there is only one thing to do, and that is to agree to it or reject it.

Mr. TELLER. We can dispose of it either by accepting it or rejecting it. If we want a further conference, we will reject it.

Mr. JONES of Arkansas. It seems to me also that this matter can only go back to a conference by the action of the Senate. The conferees have met, the report is made and signed, and it can not go back to conference except by order of the Senate. Besides, the conferees ought to have the action of the Senate when they go into conference again to show the state of mind of the Senate, the objections that are made to the different amendments, and the reasons why the Senate will not agree to the conference report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. CULLOM. Mr. President, it seems to me, if the Senate consents, that I have a right to ask that the report be postponed for the time being.

Mr. TELLER. What is the use of postponing it?

Mr. CULLOM. Because I want to consult the other conferees before taking action.

Mr. TILLMAN. Will the Senator's consultation amount to anything if he has not the power to change it, and can not change it until he gets it out of the Senate?

Mr. CULLOM. Of course we may consent to take the vote and let the report be agreed to or rejected. But I do not think it is exactly fair to press a disposition of it at this moment unless I consent to it.

Mr. TELLER. It seems to me we might just as well dispose of it. I do not think under the parliamentary law the Senator can gain anything by taking a recess and consulting his colleagues on the conference committee. We must either accept the report or reject it. Now, if we are ready, if debate has gone on as far as it need to go, why not vote on it? I do not know whether any Senator desires to speak on it further, but I will say to the Senator I do not believe the Senate is very likely to accept the report with that provision in it. The Senator himself says that he does not think it ought to be in there.

Mr. CULLOM. I agree——

Mr. TELLER. He says that it may have been an oversight on the part of the conference committee. The orderly way is for us to reject the report and let the Senator take it back into conference. There may be other things in it that are objectionable. I do not know whether other Senators may not have other objections, but that is certainly a fatal objection.

Mr. PETTIGREW. I want to call attention to another objection.

Mr. CULLOM. I simply made the suggestion in perfect good faith that I should like to have the report go over for to day so that I could consult with the Senator from Alabama [Mr. MORGAN], who is interested in it and who is present in town, but not able to be here to-day. I think it is not unreasonable for me to ask that privilege.

Mr. JONES of Arkansas. I see no reason why the Senator from Illinois should not be gratified in this matter.

Mr. CULLOM. I have been perfectly square with the Senate.

Mr. JONES of Arkansas. The report is in the hands of the Senate. The Senate can do with it what it chooses.

Mr. CULLOM. Certainly.

Mr. JONES of Arkansas. If the Senator from Illinois wants the report to go over to another day for consideration or for any reason, he has charge of it, and it seems to me perfectly reasonable that he should have his request complied with.

Mr. CULLOM. I want to make one more remark before it goes over, if it does, and that is that since I sat down I have this note, which answers the first question that was made:

> All the subjects of the monarchy were made citizens of the republic by express provision of the constitution of the republic. Those who wished to vote under the republic were required to take the oath.

Mr. BACON. That is all right, then.

Mr. SPOONER. I wish, if this matter is to go over, that the Senator from Illinois, who is more familiar with this subject than I am and than most of us are, would give attention to the question whether under the bill as it would stand if it passes the law of Hawaii punishing a man by imprisonment and hard labor for failing to pay his poll tax would remain in force.

Mr. CULLOM. I shall certainly do so.

Mr. TILLMAN. That is a special objection.

Mr. SPOONER. I myself would not vote for any such provision.

Mr. TILLMAN. Sections 863 and 864 of the Hawaiian code are the points we want absolute certainty on, as to whether those statutes are repealed or not.

Mr. CULLOM. Very well.

Mr. PETTIGREW. Mr. President, I want to call the attention of the Senator from Illinois to the provision on page 9. We provide with regard to contract laborers—

> That no suit or proceedings shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except in a civil suit or proceeding instituted solely to recover damages for such breach.

Then we provide further—

That the provisions of this section shall not apply to merchant seamen.

Mr. SPOONER. That was not in the Senate bill.

Mr. JONES of Arkansas. Where is the Senator reading?

Mr. PETTIGREW. On page 9 of the last print.

Mr. JONES of Arkansas. Of what print—the 19th?

Mr. PETTIGREW. Yes; the print of the 19th of April. I do not know whether they have a law with regard to seamen or not in Hawaii. I have looked at the code or this print of the laws of Hawaii, and I can not find it, but I have had only a brief time to examine it. However, under our law the Supreme Court have held that seamen can be imprisoned and returned to the ship and compelled to complete their contract. But in 1890 we amended the law so that the provisions with regard to enforced service did not apply to seamen who had contracted for service in the domestic trade, the coast trade.

Now, it seems to me that we ought not to do more in Hawaii than extend the provisions of our own laws. I do not believe that in the foreign service a man should be compelled to finish his contract if he did not want to do it. I think there should be some other remedy besides enforced service. But I do object to extending to Hawaii the provisions of any law that are more stringent than ours. Therefore I am desirous of knowing whether they have a law with regard to enforcing contracts with seamen for service, and what it is, and where it is.

Mr. CULLOM. I do not care to take up time now in discussing the bill any further, except to say that one of my reasons for asking for the postponement of the consideration of the report until to-morrow, or some other day, is for the purpose of seeing in the RECORD the exact points of criticism of the bill, so that if it has to go back to conference we will know what has been said about it and be more ready to dispose of it.

Mr. JONES of Arkansas. I want to say that the Senator, in going over the bill in a hasty sort of way, referring to sections and saying they had been or had not been amended, etc., a number of times saying to the Senate that he was fatigued and intimating he did not want to be interrupted, has prevented a number of us from asking questions and getting an explanation about matters in the conference report that are not satisfactory to me as they are now. I regret that all these provisions have not been gone over and understood. I should like to ask the Senator one question that I wanted to ask while he was going through with the report; and that is the parliamentary condition as to two lines on page 42 of the print of the 19th, lines 8 and 9, that—

All officers appointed under the provisions of this section shall be citizens of the Territory of Hawaii.

This print is in italics in the print of the 19th, and, as I understand, that was agreed to in the conference; it was proposed as an amendment in conference.

Mr. CULLOM. On page 44?

Mr. JONES of Arkansas. On page 42, lines 8 and 9.

Mr. CULLOM. "All persons appointed under the provisions of this section shall be citizens of the Territory of Hawaii."

Mr. JONES of Arkansas. Yes; I want to know the parliamentary status of that provision.

Mr. CULLOM. That was in the conference report.

Mr. JONES of Arkansas. That was agreed to in conference?

Mr. CULLOM. It was agreed to in conference.

Mr. JONES of Arkansas. Was it a conference amendment?

Mr. CULLOM. No; it was a House amendment.

Mr. JONES of Arkansas. And the Senate conferees receded from the disagreement of the Senate?

Mr. CULLOM. The Senate receded from its disagreement and agreed to it.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the further consideration of the report may be postponed? Is there objection?

Mr. PETTIGREW. Mr. President, I want to call the attention of the Senator to one other provision, and that is with regard to the income tax. I notice that there is an amendment in the bill, apparently made in conference, which seems not to repeal the income tax heretofore in force in Hawaii.

Mr. CULLOM. I do not recollect certainly whether that is in or out of the conference bill. Where does the Senator find it?

Mr. PETTIGREW. I merely wish to call the Senator's attention to it. I do not care to——

Mr. CULLOM. I think it appears in some other class.

Mr. PETTIGREW. I think you will find it on page 4 of the bill.

Mr. CULLOM. I see it. My impression is that it is in again.

Mr. PETTIGREW. Somewhere else?

Mr. CULLOM. Somewhere else.

Mr. PETTIGREW. I just wished to call attention to that fact now.

The PRESIDENT pro tempore. Is there objection to postponing the further consideration of the conference report? The Chair hears none, and it is postponed.

Mr. HOAR. Until when?

Mr. CULLOM. Until——

The PRESIDENT pro tempore. The request was that it should be postponed.

Mr. CULLOM. I said until to-morrow.

The PRESIDENT pro tempore. Notice has been given that——

Mr. HOAR. I do not want to interfere with the order of business by a mere trifling suggestion, but I remember once, in the other House, making a point that a conference report could not be indefinitely postponed under the peculiar rules that apply to that order of business, and it was sustained by Mr. Speaker Blaine, who held that it must be postponed to a fixed time.

Mr. CULLOM. I think it should be postponed until to-morrow.

The PRESIDENT pro tempore. It certainly can not be postponed indefinitely.

Mr. HOAR. I suggest, therefore, that it be postponed until to-morrow.

Mr. CULLOM. I simply ask that it be postponed until to-morrow or to suit the convenience largely of the Senate before we take it up.

The PRESIDENT pro tempore. Without objection, the report is postponed until to-morrow.

PROPOSED CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Mr. President, the Senator from Tennessee [Mr. BATE] proposes to address himself to, I think, the Alaska bill, and I find that there is a special order for 4.30. I rise to request that if there be any time remaining after the Senator from Tennessee concludes his remarks, before the special order is taken up, that we may proceed to the Pension Calendar and consider unobjected cases for fifteen or twenty minutes.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the Senate proceed to the consideration of unobjected pension cases after the Senator from Tennessee has concluded his remarks, not interfering, however, with the special order at half past 4. Is there objection? The Chair hears none.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside and that the Alaska bill be taken up for consideration.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside and that the bill known as the Alaska bill be laid before the Senate. Without objection, it is before the Senate.

CAROLINE WEINHEIMER.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (S. 3436) granting a pension to Catharine Weinheimer, returned to the Senate in compliance with its request.

Mr. COCKRELL. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. GALLINGER. I think the word "Catharine" is to be stricken out and "Caroline" inserted in the bill.

Mr. COCKRELL. Yes; I move to strike out "Catharine," in line 11, and insert "Caroline."

The PRESIDENT pro tempore. Wherever it occurs in the bill? It occurs in another place.

Mr. COCKRELL. No. This is the case where the dependent and helpless child of a pensioned mother is to be pensioned, and this gives to the mother the additional pension.

The PRESIDENT pro tempore. The Senator from Missouri proposes an amendment, which will be stated.

The SECRETARY. In line 11, after the word "of," strike out the word "Catharine" and insert "Caroline."

The amendment was agreed to.

The PRESIDENT pro tempore. Is there any further amendment to be proposed?

Mr. COCKRELL. That is all.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VISITORS TO WEST POINT.

The PRESIDENT pro tempore appointed Mr. CARTER and Mr. HARRIS members of the Board of Visitors on the part of the Senate to attend the annual examination of the cadets at the United States Military Academy at West Point, N. Y.

CIVIL GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for the civil government of Alaska, and for other purposes.

Mr. BATE. The Senator from Nevada has a short paper which he wishes to have read.

Mr. STEWART. The Senator from Tennessee, who is about to speak, gives way that I may ask to have the paper which I send to the desk read. It is an affidavit in connection with this matter.

The PRESIDENT pro tempore. If there be no objection, the paper will be read.

The Secretary read as follows:

DISTRICT OF COLUMBIA, *City of Washington, ss:*

John A. Dexter, being duly sworn, deposes and says: That I am an American citizen; 45 years of age; and was born in Richmond, Va. I have resided in Alaska for the past ten years. This is the first time I have left there during that time. My business in Alaska has been merchandising, having stations along the coast of Bering Sea, at St. Michael, Unalaklik, Norton Sound, Golofnin Bay, Cape Nome, and Fort Clarence. I established trading posts at these places with the Indians to buy furs. I have native agents at each of these places. I visited all of these points five or six times each winter in the course of my business. It was known from the first that there was gold along the shores of Bering Sea at various points, but it was not known that it was in sufficient quantities to pay for working until within the last two years.

There were several parties of prospectors fitted out at my store who went up and down the coast, but none of them found mines which they located previous to the fall of 1898. The first locators were Eric O. Lindblom, —— Hagaline, and Jaf Lindenburg. They got their supplies at my store and they told me they were going up the coast prospecting. After these three men went there first and made their locations they returned for more supplies. They shortly afterwards went back, taking with them Dr. A. N. Kittelsen, Gabriel W. Price, and a Laplander, Jo Hahn, who had declared his intention in April, 1898, before United States Commissioner Shepherd, to become an American citizen. These six men organized a miners' district and made rules and regulations in compliance with the laws of the United States. I knew them all well. They were all citizens of the United States except the Laplander, who had in good faith declared his intention to become such before a United States commissioner. They all made my stations their headquarters, and I knew all the Laplanders well. They were industrious, sober men, and said that they had come to make that country their home.

I went to Nome in November, 1898, and made some locations myself. Everything was proceeding orderly, and Dr. Kittelsen was the duly elected recorder. A large number of people came there during that winter and located claims. Mr. Price, one of the original locators and organizers of the district, who went there with the first party, notified the people of Council City, about 80 miles from Nome, that good diggings had been struck at Nome. Large numbers of people soon came over from Council City. Some of the emigration during the winter located claims for themselves and some jumped claims that had been located by the original parties who discovered the mines, on all sorts of pretexts, viz, that the notices were defective, the claims were not in proper shape or size, etc. There was nothing said for a long time about any of the original locators being aliens. Nearly all the jumpers were men who had been dealing with me for some time. Many who came to Alaska represented English and other foreign companies.

George Gardner was the agent of the English company, and as such grubstaked many of the jumpers at Cape Nome. The jumpers did no work on the claims because the original locators were in possession and would not allow them to enter on the claims. They simply recorded them in the recorder's office. I have seen the petition or memorial of the so-called "Law and Order League" of Council City. Nearly all the signers are Council City men, and most of them belong to companies sent out from London, Chicago, San Francisco, and other places to locate claims. I know that some of the signers of the so-called memorial belong to the English company represented by Gardner, and that many of them were foreigners who had declared their intention to become American citizens before the United States commissioner, Judge Shepherd, the same officer before whom some of the Laplanders made their declarations. I know these facts of my own knowledge, and have seen the grub-stake contracts between Gardner, agent of the alien company or syndicate, and the jumpers. A large number of the signers of the memorial or petition are aliens. If there was a "law and order league" in existence at Council City, Alaska, I never heard of it before I came to this city.

I do know that no such league ever existed at Cape Nome or ever assisted in maintaining the laws in Alaska. When navigation opened in the spring, about the last of June or the 1st of July, about two or three thousand people came into Nome. They declared that everything that had been done was illegal. They were a turbulent set of men, not miners, but many had the reputation of being professional agitators. They called a meeting to change the mining laws, after they had stationed men all over the district to relocate the claims after the meeting had abrogated existing locations. After the meeting assembled and its purpose was made known, Lieutenant Spaulding, of the Army, dispersed it to avoid what would necessarily have led to bloodshed if persisted in, because it was well known that the miners would not give up their claims without a fight. Lieutenant Spaulding told them that they must wait until the courts decided in their favor before they took possession of claims which other people had located.

JOHN A. DEXTER.

Subscribed and sworn to before me this 20th day of April, 1900.

[SEAL] HARVEY T. WINFIELD,
Notary Public.

Mr. BATE. Mr. President, I thought I would have nothing to say in regard to the pending amendment because others who belong to the Committee on Territories, one of our largest committees, from which it has come, would address the Senate in regard to it and make such criticism upon this dangerous and forceful amendment as it deserves at the hands of one of our committee. I was particularly anxious that my friend the Senator from Vermont [Mr. ROSS], who had, by assignment, immediate charge of these sections, would discuss it. But it seems in the progress of the discussion that not a single member of this Committee on Territories, to which I belong, has seen fit to say a word about this matter except the Senator from Montana [Mr. CARTER], who has the bill in charge and who now advocates this amendment.

Not a word has been said by any other member of the committee in regard to it. I apprehend that some Senators who are to vote upon this vital amendment may take up the idea that we approve and acquiesce in what has been said and done touching it by the Senator who has it in charge. Therefore it is that I am induced, at the request of some of my fellow-members of the committee, to say something of our course in the committee room touching the consideration of these two sections, 72 and 73, as well as others in the Alaska code bill.

I differ in toto with the Senator from Montana in regard to this amendment. I deem it those of us who differ with him as to this amendment to speak of our course in the committee room. While in the committee all these matters were freely discussed, as were all matters pertaining to this bill. I heard nothing whatever—and I do not know whether any of the others of the committee heard anything—adverse to the rights of aliens as embodied in sections 72 and 73 relating to the mining laws. Sections 72 and 73 of the bill were commented upon, no doubt, as other sections were, in our committee, and those sections were under the immediate supervision, correction, and direction of the able and distinguished lawyer and Senator from Vermont [Mr. ROSS].

After undergoing his special attention and criticism, they, as the other sections, were taken up by the committee seriatim and examined very thoroughly and criticised. There was no objection whatever, as I can now recall, made to them, and I was as much surprised as other members of the committee when an amendment came in the Senate doing away with sections 72 and 73 for the purpose alleged in the amendments now under consideration.

In order to understand it properly, Mr. President, let me tell you in a few words that this Alaska code bill was composed of more than 600 typewritten pages. It seems that it had been prepared by the commission for codifying the penal laws of the United States, composed of Messrs. Botkin, Watson, and Culberson, and was understood to have been taken, as far as practicable, from the code of the State of Oregon. When before the committee it was divided into four parts. The first to Senator CARTER, who now has it in charge; the second 150 pages to me; the third to Senator BEVERIDGE; the fourth, in which are these sections 72 and 73, was assigned to Senator ROSS.

As I said, if there was any objection raised to these sections, I can not recall it. The first attempt to amend this mining-law provision was by the Senator from North Dakota [Mr. HANSBROUGH], and it applied only to section 73; but, by way of further security against alien miners, the Senator from Montana, who had charge of the bill in the committee room, as he has here, offered an amendment and then substituted for it the one now under consideration, including both sections 72 and 73.

This amendment proposed as a substitute to the sections by the Senator from Montana is very comprehensively and adroitly written and presents a very attractive and innocent look; but when penetrated and read between the lines, ugly and dangerous features appear. There is, Mr. President, a serpent coiled beneath that rose; a dagger behind that smile. We ought to vote down these amendments and not encourage that unhappy influence which is calculated to destroy the rights of these interested parties, and not only of these parties, but the rights of other parties over this country.

It is true that in one sense this does not apply to the general domain of this country, but only to Alaska; but it is the principle involved in it which is so dangerous. The United States Congress has passed an act which gives all the rights that might be required by any miner in locating his claim or by any person in locating land; but in the law passed in 1897—and there is the rub—as late as 1897 this Congress has taken action, and it has given all the rights required by any party, native or alien. I will read that act first, and then I will read the amendment or substitute to show why we ought not to make this change.

In 1897, on March 3, Congress passed in regard to these mining claims a law of this kind:

> This act shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of land in any incorporated or platted city, town, or village, or in any mine or mining claim in any of the Territories of the United States.

That act has been referred to very frequently in this discussion. It is an act limiting the power to enter these lands. There is an expression there that it shall not apply to mining districts. Therefore, as the matter stands, many of us believe that these two sections of the bill ought to remain intact, and we are perfectly satisfied with them as they are. But this is an attempt to repeal that law; not only to render it nugatory, but to repeal it absolutely in terms, and it is in substance, at least, proposed to be repealed by this amendment. What does this amendment say? I will first read section 72 as it stands in the bill and agreed to by the committee:

> SEC. 72. Any alien may acquire and hold lands, or any right thereto or interest therein, by purchase, devise, or descent, and he may convey, mortgage, and devise the same, and if he shall die intestate the same shall descend to his heirs; and in all cases such lands shall be held, conveyed, mortgaged, or devised, or shall descend in like manner and with like effect, as if such alien were a native citizen of the district or of the United States, etc.

That is section 72, and that in conjunction with the other section is now sought to be repealed by this amendment. This amendment has evidently been drafted by some fine Italian hand. It comes in here for consideration, and at first blush seems to be all right, but when you go to the bottom of it you find how destructive it would be to the rights of these miners.

Section 73, which is the one sought to be disposed of by the amendment of the Senator from North Dakota, and which was approved by the whole committee, including the Senator from Montana, reads:

SEC. 73. The title to any lands heretofore conveyed shall not be questioned nor in any manner affected by reason of the alienage of any person from or through whom such title may have been derived.

Mr. President, those are the sections that passed our committee without objection and without other than favorable criticism, so far as I know. We all assumed that they were correct and we relied upon their containing nothing contrary to the statute of the United States and the interest of the country generally, and we heard nothing to the contrary until the proposition to amend was introduced. I suppose the Senator from North Dakota will tell us when he comes to speak on the amendment the reasons for its introduction. But it seems some influence has been at work seeking to have these statutes repealed and to establish this substitute in lieu thereof that was unknown to the Committee on Territories.

Mr. HANSBROUGH. Mr. President——

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Tennessee yield to the Senator from North Dakota?

Mr. BATE. Certainly, sir.

Mr. HANSBROUGH. What is the information the Senator from Tennessee desires?

Mr. BATE. The Senator can tell exactly how this came about. He presented it; it is his own bantling.

Mr. HANSBROUGH. The Senator seems to be naming it, however.

Mr. BATE. I have named it in a certain way as your bantling, and I think it deserves the characterization I have given it; but I know the Senator will make an explanation here, which no doubt will be satisfactory to him if not to the Senate. I assume so, at least, from the character and ability of the Senator; and I will give way now to the Senator if he wishes to explain how this came about, for it reverses in toto the unanimous action of the committee.

Mr. HANSBROUGH. I think the Senator will be satisfied with my explanation when I make it.

Mr. BATE. I hope I may be, because I am not satisfied with the situation now, and I am opposed to this attempt to reverse the unanimous action of the committee upon what I regard the most vital point in the bill touching the interest of Alaska.

Here is an amendment, written, as I have said, by some fine Italian hand, which comes in here for the purpose of destroying these two sections. This is the second or third one that has come in. The one now pending is an amendment to the amendment of the Senator from North Dakota, as I understand it, in lieu of the one formerly presented by the Senator from Montana. It provides—

That nothing in this act contained shall be construed as changing the existing mining laws of the United States—

That is very good and satisfactory. Then it proceeds:

but in any suit, action, or proceeding hereafter commenced involving the validity of an unpatented mining location on the public domain any party alleging an interest in the subject-matter may put the competency of the locator in issue, and the court shall determine whether the locator was a citizen or had declared his intention to become a citizen of the United States at the time the location was made.

Mr. President, that amendment, were it to become law, would take away the property from any man who has come to this country and not declared his intention to become a citizen of the United States, although he might have lived here twenty-five or thirty years of his life. His rights are to be disregarded and his property confiscated. That is what this means the disregard of rights and the confiscation of the property of foreigners.

It has been stated here, and truly stated, that, as the law now is, no one but the Government can interpose in these matters. This invites suits by any and every one. Where a foreigner has sold his claim, as I understand it, not only by the statutes but also by the decisions of the courts, he has the right to transfer title. It seems to have been the policy of the Government, and a wise one, to encourage alien miners to come here—men who are of a hardy, adventurous spirit—that they might find these mines, locate them, delve in them, and bring out the yellow and white metals.

That seems to have been the policy of the Government, and we have legislated to that effect and sought to do so in this bill. In 1897 there was a culmination of that progressive legislation favorable to miners in the statute which I read a few moments since. That statute shows that any foreigner can come here and locate and work mines without molestation. Let me say in this connection, that if this amendment is passed it will take right away and destroy the privileges of the miner, not only in the future, but also divest him of those rights which have already accrued.

I assume, Mr. President, that under existing laws when miners, native or alien, locate and work their claims they become vested rights and should not be disturbed by legislation. The effect, if not the design, of these amendments will be to disturb, if not destroy, all such holdings and rights under them as have been shown by testimony in certain cases referred to in this discussion. Through the court, under order of the Government, is the only way to interfere with these rights already accrued and in possession of these parties, and that is done by directing the Attorney-General to proceed to bring his suit in the name and by the authority of the Government against the parties, and when that is done it opens up the question of title and forces the man who either was a locator or the occupant or holder to deraign his title, and in doing so go back to the original locator. This the Government does not do, and hence the locator and worker of a mining claim is safe in his holding and title as the law is now. As I have said, this amendment, then, is intended to allow any person to sue and put the holder to the test of title, and if the holder of the claim in its beginning or subsequent was an alien it would void the title.

This amendment is, Mr. President [Mr. PETTUS in the chair], what you, as a lawyer, know is in the nature of a demurrer, a general fault-finder, and reaches back even to the original defect. It is a kind of pleading which takes away the rights of the original locator of the mine and destroys them. That is one of the objections to this amendment. If you propose to pass a provision on this subject, it should be prospective, and not retrospective and retroactive—not looking to the past, but to the future.

In that case, it would meet with some approbation, perhaps, and then the Senator from Montana [Mr. CARTER] might sustain himself more consistently and with better reasons in the very inflammatory and enthusiastic speech he made here yesterday evening in a tirade against foreigners. There might then be some plausibility in it. Not while it is in its present form, retroactive, is it entitled to earnest consideration, and, I think, should be promptly defeated by the Senate. These rights are vested rights, and this amendment is a mere demurrer, seeking to reach back, and disturbs titles instead of quieting them. We should knock it out of Senatorial court, so to speak, and let the law remain as it is and as it has been indorsed and reported by this committee.

Of course there are some inducements—honorable inducements, I mean to say—that have been brought to bear in this Senate to have these amendments made, but it was not a question that was discussed or even thought of in the committee, and it has sprung up since the bill was reported. At any rate, it is here before us and we have to deal with it, and, in doing so, in my judgment, reviewing this case as briefly as I shall, is to let the bill remain as it was reported by the committee, as it was approved by the committee, and as it was approved by the Senator in charge of the bill who is now fighting it. He was instructed by the committee, so far as I know—I believe I was not present on that particular occasion—but I understand he was instructed to return the bill as the sense of the committee, and it has been so returned, and these two sections are in it, and I want to maintain them. I think it is right that we should.

Mr. CARTER. Mr. President, the very section under consideration—section 73—was, I believe, a part of the work assigned to the Senator from Tennessee.

Mr. BATE. No, sir.

Mr. CARTER. It was not?

Mr. BATE. No; as I stated a while ago, it was assigned to the Senator from Vermont [Mr. ROSS].

Mr. CARTER. I will ask the Senator from Tennessee, then, since the matter was not discussed in committee and attention was not called to it, if he believes that Congress should affirmatively ratify all the questionable titles in Alaska?

Mr. BATE. I do not think so.

Mr. CARTER. Section 73 does that very thing.

Mr. BATE. I do not think it could possibly have that effect, and could not have then been so regarded without attracting the attention of the committee.

Mr. SPOONER. The Senator from Montana does not mean to say that that section would confirm all questionable titles in Alaska, does he?

Mr. CARTER. As to the alienage of the party holding the title?

Mr. SPOONER. Yes.

Mr. BATE. Well, Mr. President, this is an omnium gatherum. It was so covertly written and so plausibly presented that I do not know exactly what it does contain. It seems to sweep all around, but, anyway, it strikes at these rights and strikes them down. So much, Mr. President, for the amendments.

A remarkable protest was presented here yesterday evening or the day before—it is not very long since, but I get mixed in these dates—it was rather surprising, and I must say it rather shocked

me. It shows a condition up there that ought not to be permitted. I thought it was bringing a very severe criticism upon the commanding officer who was there, Lieutenant Spaulding.

There has been handed to me, however, by the Senator from Nevada, a paper which has just been read, which contains the statement of a Richmond gentleman, as I understand, who has been in business and is still engaged in business in Alaska; but he has been in Richmond recently, and came here yesterday and heard of the proceedings in regard to this matter. Being right from Cape Nome, he made the facts known. He knew some of these parties. He came to a Senator here, and hence this document was shown to me and read by the Clerk. He, Mr. Dexter, being vouched for as a reliable gentleman, his statement has rebuked into silence that remarkable protest.

We have heard talk about lobbyists here, Mr. President. I have seen none myself, and I assume that there have been none, except the men who have come here on business, and who had a right to do so, and we have had their assistance in the framing of this bill and in the correction of it. In this work we have had the assistance of two or three gentlemen of high character who live in Alaska. One of them, Mr. R. L. Lewis, I remember distinctly, and there were others here for the purpose of giving information as to the condition of things in their country, and they did so in a very lucid and very conclusive manner, and in many instances we have adopted their suggestions. I know I did myself in the part of the bill assigned to me.

That you may know the history of the bill I will say that it consists of over 600 pages of printed matter. That was divided, as I have said, by the chairman into four parts. There were four lawyers who happened to be upon that committee, and it was divided among them. I had a part, the Senator from Vermont [Mr. ROSS] had a part; the Senator from Indiana [Mr. BEVERIDGE], who is not now present, had a part, and the Senator from Montana [Mr. CARTER] had the first part. In that way the bill was divided amongst us. We entered upon the work, and we thought we had corrected and rearranged the bill as well as it could be done. We had no lobbyists about the committee. The governor of Alaska was there by our invitation, and the other gentlemen to whom I have referred were also there upon our invitation, and they gave us a good deal of valuable information which we used to advantage.

I beg to further state, in regard to the memorial which was presented here yesterday, that it is a remarkable document signed by many men——

Mr. SPOONER. It was only signed by two men.

Mr. BATE. Of course at first blush we would say there was something wrong there and that these men, not knowing anything about them, were all right and that we should respect their utterances; but the gentleman to whom I have referred was here this morning, and he gives an explanation as to that. Those memorialists do not pretend to state anything upon their own knowledge, as I understand it. Here is the conclusion of what Mr. Dexter says, this gentleman who has made affidavits since some of these matters have been stated in the Senate. He says:

I have seen the petition or memorial of the so-called "Law and Order League" of Council City.

That is the one read yesterday.

Nearly all the signers are Council City men, and most of them belong to companies sent out from London, Chicago, San Francisco, and other places to locate claims. I know that some of the signers of the so-called memorial belong to the English company represented by Gardner, and that many of them were foreigners who had declared their intention to become American citizens before the United States commissioner, Judge Shepherd, the same officer before whom some of the Laplanders made their declarations. I know these facts of my own knowledge, and have seen the grub-stake contracts—

That is a new term to me. Grub-stake contracts—

between Gardner, agent of the alien company or syndicate, and the jumpers.

I understand what "claim jumper" means. He had seen the contract between the jumpers and these men.

A large number of the signers of the memorial or petition are aliens. If there was a "law and order league" in existence at Council City, Alaska, I never heard of it before I came to this city.

I do know that no such league ever existed at Cape Nome or ever assisted in maintaining the laws in Alaska. When navigation opened in the spring, about the last of June or the 1st of July, about two or three thousand people came into Nome. They declared that everything that had been done was illegal. They were a turbulent set of men, not miners, but many had the reputation of being professional agitators. They called a meeting to change the mining laws, after they had stationed men all over the district to relocate the claims after the meeting had abrogated existing locations.

They had their men out ready to locate claims at once, as I understand it.

After the meeting assembled and its purpose was made known Lieutenant Spaulding, of the Army, dispersed it to avoid what would necessarily have led to bloodshed if persisted in, because it was well known that the miners would not give up their claims without a fight. Lieutenant Spaulding told them that they must wait until the courts decided in their favor before they took possession of claims which other people had located.

Mr. President, that is a very clear exposition of this matter, and it seems to me it thoroughly and effectively contradicts the memorial which was read here yesterday. I was myself very much surprised when the memorial was introduced. I was demoralized a little, so far as my prior convictions were concerned; but when I came to look at it, and see who were the people who had signed it, and found that they did not profess to state any of these things upon their own knowledge, I saw that it did not amount to much, and I came to the conclusion that we ought not to regard it.

But it was very shrewd upon the part of my fellow-Senators, with all respect to them, in managing their case, when they saw how the law had been presented here by the Senator from Colorado [Mr. TELLER] and the Senator from Nevada [Mr. STEWART], both old miners and familiar with the mining laws, as well as with the miners' customs and how they get along generally under such circumstances; when that had been explained they should have allowed the matter to drop, for it put their case out of court. They seem to have felt that it was time to throw out a tub to the whale; and this memorial was sprung here yesterday as a tub to the whale to divert the attention of the Senate from the fact that retroactive legislation was here being urged. We have destroyed that tub by this affidavit of Mr. Dexter, if by nothing else.

Now, they say that these foreigners did not discover this gold. This man, whose affidavit has just been read here, states that these men were doing business with him. He had five or six stations, where he kept merchandise supplies along Bering Sea, and, among others, one at Cape Nome and at other places. He said that some men came to one of his trading stations and made known the fact that gold had been discovered in the Cape Nome district, when there was organized a force of six men, who went down there for the purpose of locating, and he gives the names of those; and without, I suppose, knowing anything about this memorial as it came here yesterday, the names he gives correspond exactly with the names of those given by Dr. Kittelsen, whose affidavit was read yesterday by the Senator from Nevada and who gives a clear exposition of this whole matter and gives the names of all the parties.

He, Dr. Kittelsen, is the man who was chosen in that camp as their recorder, and he did record all the claims of all these parties and those of the jumpers also. When those men came there, he was required to record their claims, and he did it.

This shows that six men went there, and Dr. Kittelsen, in his statement which was read here, also shows that six men went there. I believe two were Norwegians and one was a Laplander. They had all filed their intentions to become citizens of the United States, with one exception, before the same man, Sheppard, who was the commissioner who has been alluded to in this discussion, and before whom these applications were made at Council City. These foreigners had all applied to him, believing he had the right to take their declarations of intention to become citizens. Those Laplanders believed they had the right to go before him and take the oath of allegiance, and were so informed.

These men went there, made application, and took the preliminary steps to be made citizens of this country. That was the condition of the men who went there when they made locations. Before that they organized what is known as a miners' camp, of which you have heard much here, and if I understand it, practically the way they locate these claims—I do not know that I am correct in this, but such is my belief—one of them wants to locate a claim, whether a citizen or a foreigner, goes and drives down a stake at this and that corner, unless he has had it surveyed, and in the center sometimes a stake is driven down, and to that a piece of wood is attached, upon which he writes his name, and lets it be known that that is his location.

That was the condition of things there, and these, Mr. President, are the men who did this and whose claims were recorded. Even after two or three hundred more came there during the winter, there was no interference with or disturbance of what had been done, and there was no disturbance at all until long after, when two or three thousand more came in and wanted to regulate matters. Then this emeute sprang up, when this officer came in and suppressed it. So everything had been going on there in a quiet, lawful, and orderly way to secure the titles of these men.

Their locations had been worked according to the laws of the country. Some of them had turned out to be very fine locations, and two, three, or four had yielded an immense amount of gold; one, I understand, got as much as thirty or forty thousand dollars in one season, and another got a little more than $40,000. So it went on until presently the mine became so valuable that two or three men who had money to invest in such things, who led that character of life and were good judges of mines and mining claims, staked their money on their judgment, proposed to buy, and finally did buy up a part of these claims at a very high price.

A letter was read here at the opening of this discussion by the Senator from Nevada from one of the parties in interest, which

shows that there has been about $90,000 paid there by one individual; and now a hundred thousand dollars or more is being used to carry machinery for the purpose of getting water over to the mines on the creeks. So you see what a hardship the adoption of these amendments would be to these men, and they would apply alike to all such in Alaska.

Meantime, Mr. President, Mr. A comes along as a locator; he is a foreigner, if you please; he locates some of these claims. There, then, is the recorder, Mr. B, and he records them. So far it is all right. Then, another man comes along, Mr. C, who has money, and he wants to buy. He proposes to purchase. He makes terms with Mr. A to buy at quite an advanced rate. That man then holds the title. That man is an old miner and he knows very well, as well as these other old miners here do, that no one but the Government can touch the claim of a foreigner, and the Government has never yet done it, so far as I have heard, and the statements here are all to that effect.

Therefore the purchaser felt secure in his title, even though a foreigner had located it, for he explicitly relied upon the law as it then existed and the decisions of the courts being carried out. He had no anticipation that there would be an effort made by anyone to come into the Congress of the United States and ask legislation which would upturn his rights and deprive him of his claim.

This man, Mr. C, purchased the property, and meanwhile this crowd of men came in. Then three lawyers appeared, one, I believe, of the name of Hubbard, of the firm of Hubbard, Beeman & Hume. They went there, and it seems as soon as they got there trouble began. They began to look into titles. They claimed that the locations of the foreigners were invalid, and then the jumpers proceeded to pounce upon those claims and attempted to sell them to somebody else. They are a character of people justly amenable to criticism and censure. They are aiders and abettors of jumpers and are as bad as the jumpers themselves.

Who are these jumpers? "Jumpers" is a bad term anyhow. You know how we all despise men of that character. My friends on the other side know how they despised the bounty jumpers during the war between the States. The word "jumpers" is associated with advantage taking and disreputable acts.

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Utah?

Mr. BATE. Certainly.

Mr. RAWLINS. The Senator has evidently given much consideration to this question. He alludes to the question of jumpers. I desire to put a question to the Senator. Assuming that the laws of the United States make it a condition to a valid location of a mining claim that the locator be a citizen of the United States, or that he have declared his intention to become a citizen; if he does not comply with that condition his location is invalid and the land is the same as if it had not been located. Any citizen of the United States or person having declared his intention to become a citizen is, therefore, under the laws of the United States, entitled to make a valid location, because the first is wholly invalid. Now, does the Senator mean to characterize a person in the last situation I have mentioned as a jumper?

Mr. BATE. In the first place, I think the Senator's assumption is wrong, and I differ with him in regard to that title. I think the alien gets a temporary title, and it can be made a permanent title. This has been shown in this discussion where suits have been brought against foreigners to escheat their lands or mining claims, the Government declining to disturb the title and giving the alien the right to file his intention to become a citizen after suit is brought, and at any time before final decree, and upon such filing the proceedings are dismissed. The statute opens the courts to the foreigner and gives him the privilege, up to the last hour before the money is paid, of declaring his intention and making permanent his title.

Mr. STEWART. Let me answer that.

Mr. BATE. Let me get through. I will answer it further in a moment. I understand a jumper is a man who seeks to interfere with the title of the man with the pick and spade who has been there in the dust and cold, under the blasts of winter, in order to establish a claim. He is a man who has done no work whatever and goes there for the purpose of jumping a claim. That is the way I understand it.

Mr. RAWLINS. If the Senator will allow me, having lived all my life in the midst of a mining country, I will give him what I understand to be the definition of a jumper accepted among miners. A man has made a valid location; he is entitled to make it under the law, and he is doing what he can to maintain it; he is complying with the law. A corporation or a combination of men enter upon possession of his mining claim by force, dispossess him of it, drive him away from it, proceed to operate it as if they had a right to it, contrary to law. Those are jumpers; but a man who enters lawfully—makes a location—never is a jumper.

I desire, further, to state that I understood the Senator from Nevada, and I did not quite understand the Senator from Colorado, to maintain that an alien could make a valid mining location. I have found no case in which it has been held that an alien can make a valid location. I called upon the Senator from Nevada to give me such a case, as I understood him to make such a statement. He referred me to a case in my own State. I want to call attention to the nature of the case in my own State.

Mr. STEWART. I simply want to say what a jumper is.

The PRESIDING OFFICER. The Senator from Nevada is out of order.

Mr. BATE. I yield to the Senator from Nevada to define a jumper.

The PRESIDING OFFICER. The Senator from Nevada is out of order. He can not speak without the recognition of the Chair.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Nevada?

Mr. BATE. I yield for him to define a jumper.

Mr. STEWART. A jumper is a man who enters upon a claim of another in his possession. I do not care whether he is a foreigner or whether he is an American. If he has located a claim and is working it and is in possession of it, the man who enters upon it to take it from him is a jumper, and is treated as such. Nobody has a right to take it from him, if he is a foreigner, except the Government of the United States, and according to the affidavit of Mr. Hubbard his clients are jumpers. He says that they went there and located these claims which had previously been located, and brought suit. Of course they were jumpers.

Mr. BATE. Mr. President, the Senators who are familiar with mining and mining operations can better define jumpers than a layman like myself, but I will give my definition of it, the common-sense view of it. I look upon a jumper as a man trying to get something for nothing, who wants to interfere with the rights of the man with the pick and spade amidst the dust and blasts up there in the Arctic Circle, who is trying to make a living.

A jumper is a man who tries to oust him by coming in there and saying, "Your title is no good. Pay me so much money or I will bring suit against you and you will jump out." He is trying to get something for nothing by a species of blackmailing. Sir, in the animal kingdom we see that very frequently, and I think these jumpers might well be likened to the jackal. The jackal follows in the wake of the lion to get his prey. The lion destroys the game and the jackal comes along for the purpose of devouring it. That jackal is a jumper.

See an illustration that is perhaps more forcible, afforded in ornithology. Look at the cuckoo bird. Did anybody ever hear of the cuckoo making its own nest? No, sir. But whenever another bird makes a nest, the cuckoo bird comes along, takes the nest, lays its eggs, and hatches its young. That is an illustration of it, and that cuckoo is a jumper.

Mr. STEWART. That is good.

Mr. BATE. I have not very much time, and there are some things I wish to say. I shall have to yield the floor at half past 4 by prearrangement. This question of jumping has gotten to be a very serious one. They have a jumper on the side of this amendment, as the Senator from Nevada just told you. This man has jumped four or five thousand miles, all the way from Cape Nome, and lit down into the committee room of my friend the Senator from North Dakota, for the purpose of doing what? Why, of helping those jumpers who are at Cape Nome to take that which does not belong to them and put out the man with the pick and the spade and set up for themselves there and make a fortune out of his interest. That is a long jump and an adroit one.

Mr. HANSBROUGH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from North Dakota?

Mr. BATE. Certainly.

Mr. HANSBROUGH. I understood the Senator a while ago to say that he had an interview with a gentleman by the name of Lewis.

Mr. BATE. Yes, in the committee room, sir; and Senator Ross——

Mr. HANSBROUGH. Mr. Lewis informed me that he himself had prepared most of this civil-code bill, and that he was here in the interest of the parties who had taken an option on the claims alleged to have been located by these parties. Mr. Lewis is an attorney, and he is here on behalf of the other interest.

Mr. BATE. Yes, sir. He is here, and is an attorney by profession.

Mr. HANSBROUGH. I do not dispute his right to be here.

Mr. BATE. Nor I.

Mr. HANSBROUGH. Or to talk with the Senator.

Mr. BATE. Nor do I dispute the right of Mr. Hubbard to talk with you, but nevertheless I say he is a jumper, a good jumper, because he jumped four or five thousand miles in an incredibly short time and found himself in the committee room of a United States

Senator. But Mr. Lewis is a good man. He is a good lawyer. He submitted a brief, and sent it to me the second day of this discussion, and that brief contains everything in the way of legal reference I have heard in regard to mining. He did it in two or three short pages.

Two or three of the leading cases referred to and analyzed with the facts. He is a fine lawyer and a modest, cultivated gentleman. We all were glad to have his suggestions in the committee room, which were given only when invited.

These foreigners are the parties who first found the gold there. They were the adventurers. What was the condition of things at Cape Nome when gold was discovered there? We knew nothing about it.

It is said here in a part of the proof touching this matter that a few months before they learned of this discovery it had been told somebody in confidence, and they had made it known; had violated their confidence. It was, however, lost and forgotten; at least, no effort had been made to develop it. This was in the spring when, as Mr. Dexter states, the company was to go and organize a camp in the fall, and up to that time nothing had been done to establish a camp or make a location. It stood just in that relation. And these six men organized the first camp and made the first location of mining claims there. If ever claimed by anyone else, the claims had been abandoned.

Mr. President, I believe that it is said that the Norsemen discovered America before Columbus did; but Columbus really discovered it. He is the man to whom we are indebted for it. His discovery brought practical benefit with it. The Norsemen may have seen it first on the coast of Iceland, but it was not followed up, and was lost and forgotten. So these people may have heard of Cape Nome and the gold, yet they paid no attention to it; but months after that here comes these men with the pick and spade, and they go over and find it and they locate and develop it. It belongs to them, and it would be an outrage upon the part of the Government of the United States to take it away from them or from those who hold under them.

I have gone somewhat over this matter. There are a great many more points in it, but I do not intend to detain the Senate to-day after half past 4. I desire the ceremonies to begin then as we have agreed. But I want to say that as a member of this committee I have looked at this a little more narrowly, perhaps, than if I had not been a member of the committee, for I felt a pride naturally that our committee should do what is right, and I know, furthermore, that Senators rely upon committeemen for information coming under their investigation more than upon their own observation and their own examination in matters that come before the Senate. I felt that there was a moral obligation resting upon me as a member of the Committee on Territories to give my ideas about this and to do the best I could touching this bill.

This is a large bill, a very remarkable bill, and it has been conducted on this floor by the manager who has had it in charge with very marked ability and success. He has not only shown astuteness and adroitness in this matter, but he has shown eloquence when it was necessary to denounce foreigners. I think I could afford to do it as an ex-Confederate—you and I, Mr. President [Mr. PETTUS in the chair]. But when one-third of the men shooting us down in our late war were foreigners, I do not think those who enlisted them to do it ought to abuse them. I think they ought to take care of those who fought with them to sustain the Federal Government and to overcome us Confederates in the fight. I think the Senator from Montana should not indulge his bitter tirade upon them to such an extent.

Mr. President, this amendment destroys the rights of those who have gone to Cape Nome in good faith, made their locations according to law, and have sold the locations in good faith; and others have invested a large amount of money there, and when you pass this amendment, destroying these two sections, you destroy their property; you take it away from them. It amounts to nothing but confiscation upon the part of the Government of the United States, and I am against that kind of a proceeding.

I am against it in morals as well as in law. The law is on the side of our contention. The morals are upon that side. The man who located it sold it. Another man bought it in good faith. Now he holds it and is trying to better it, and to carry money there to add to it and help this country, and he is doing it on a liberal scale.

The foreigners found the gold at Cape Nome. What was the condition of things? To me it looks almost like an apparition, a wonderful thing in itself. Two years ago there was a cold, bleak, barren, uninhabited, and unattractive country at Cape Nome. Not a sail fluttered in its borean blasts; not a steam stack belched forth its cloud of smoke. No commerce, no trade; naught to be seen but a shipless sea and the rock-ribbed mountains frowning upon it. Now we see thrift and trade in season, and active, thrifty, stirring population, with pick and spade, digging, even in the sands of the sea, for gold. How comes this gold in the ocean? I have been racking my brain to see what is the most plausible theory.

How come these gold nuggets in the ocean, down in the sands, where the water has been washing over them for centuries? It is said, I believe, that the most plausible idea is that the intense internal fires have made the gold of some coarser material and cast it up along with the rock, the upheaval of which makes the mountains.

We must look at time not as we have it in the Bible—I do not dispute the Bible—but as of thousands and perhaps millions of years. This abrasion, the beating of the sea against this gold-bearing mountain, has been going on and on. These waters have been beating against these rock-ribbed hills, now and then washing out these little particles of gold, and they have dropped into the sands, where the miners find them. That was the condition when these foreigners went there, these enterprising men from Lapland.

I think that was fortunate, and it is the first time I ever thought it a good investment for the Government to send for the Laplanders and pay the amount of money we had to pay. They have come, and with their energy they have gone to Cape Nome and they have discovered these mines, and now you see how it is working, and the amount of gold it is bringing forth. They came with their reindeer. They are adapted to that climate. So is the reindeer. Nature is beautiful in its adaptability. The reindeer is adapted to that cold, unproductive climate. He feeds and fattens upon the native moss. His skin is thicker, his hair is longer and softer, and there is a little fine wool next to his skin to keep him warm. They use his skin for garments to keep warm the inhabitants of that bleak and uncongenial climate.

Another thing occurs to me in this connection. The finest and most costly material known to the Gobelin looms or to handmade product comes from the arctic regions. It is the down of the eider duck. Nature is adaptable, and it prepares these things to suit the necessity. So those Lapps came to Alaska, promising, before they came, to become citizens of the United States. They came and did the very best they could to become citizens. Twenty-seven of them filed their affidavits of first intention in Port Townsend. The others made application when they went up there before authorities whom they thought were authorized to give certificates of citizenship.

Now, I am glad those men came with their reindeer. They may develop a useful industry up there; I do not know; but one thing is certain, that these Laplanders can live there and live there successfully, where our people could not survive—a place where the sun is never vertical, but gives its horizontal rays in long days and cold and darkness in long and dreary nights. No warmth to melt the ice-bound brook and the snow-covered vale or to bring forth fresh and green vegetation or to give blush to the rose.

These Laplanders, Swedes, and Norwegians are peculiarly adapted to that country, and they can bring it into a rich development. They can make a useful country of it when we could not. Our people go there merely to stay three months, and are as migratory as the cranes who fly over us, going forward and backward with the seasons. That is the character of our people who go there.

They would go there in the summer time for three months, while these Lapps can stay there all the time and they can develop the resources of the country and pour any amount of gold into the pockets of our people. Therefore, we ought to encourage them instead of turning them out upon a cold technicality of law. We ought to let them have their equities; and this case is full of equities. It would be unfair, unjust, illiberal, and, I think, inequitable for us to put this amendment in lieu of the two sections which I have read and which have been agreed upon by the committee.

The PRESIDING OFFICER (Mr. PETTUS in the chair). The hour of half past 4 o'clock has arrived.

Mr. BATE. I am not through, but I will quit.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE DANFORD.

Mr. FORAKER. Mr. President, I ask that the resolutions from the House of Representatives on the death of the late Representative DANFORD may now be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *January 20, 1900.*

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of the Hon. LORENZO DANFORD, late a member of the House of Representatives from the State of Ohio.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That a copy of these resolutions be transmitted to the family of the deceased.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. FORAKER. Mr. President, I offer the resolutions which I send to the desk and ask for their present consideration.

The PRESIDING OFFICER. The resolutions will be read.

The resolutions were read, as follows:

Resolved, That the Senate has heard with deep and profound sorrow of the death of Hon. LORENZO DANFORD, late a Representative from the State of Ohio.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to his eminent public services and high personal character.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Mr. FORAKER. Mr. President, it is the custom to take formal note of the decease of our colleagues, and it is usual in such connection to speak only words of eulogy.

The circumstances of death and the proprieties of such occasions are calculated to restrain and qualify all that may be said.

For this reason our tributes too frequently have less weight and make less impression than they should. It is not necessary to have any such thoughts in this instance. The unrestrained truth is in this case the highest eulogy; and if it were not so, he whom we honor to-day would, if able to have a wish, infinitely prefer it to any false compliments.

LORENZO DANFORD was born on a farm in Belmont County, Ohio, October 18, 1829. At the age of 25 years he had attended the common schools, spent two years at college, graduated in the law, and been admitted to its practice, where his advancement was rapid.

In the six years following he had acquired a clientage, attracted the favorable attention of the public, been twice chosen prosecuting attorney of his county, and had turned his back on all the bright prospects that thus attended him to enlist as a private soldier in the Union Army.

His service was at the front, where he made a record for gallantry in battle that brought its reward in one promotion after another, until finally he was made a commissioned officer, and later attained to the rank of captain.

At the close of the war he resumed the practice of his profession, in which he soon became so distinguished that he was tendered employment in almost every case of importance in his judicial district. His great success was due to the fact that, in addition to being well grounded in the law and having great power as an advocate, he had preeminent good common sense and a familiar knowledge of human nature. He seemed to comprehend intuitively the motives of men, and thus was able to unravel transactions and discover and establish the truth.

He lived in a Congressional district that had given to the public service such men as Edwin M. Stanton and John A. Bingham. Mr. Bingham was then representing that district in Congress. He was popular with his constituency not only because of the distinction he has conferred upon them by his conspicuous public services, but also because he was one of the most affable and lovable of men. Only a strong man intellectually, morally, and in a popular sense could succeed such a man to such an honor. But this distinction fell to Captain DANFORD when, in 1872, he was first elected to the House of Representatives. He was soon recognized in that body and throughout the country as worthy to follow his distinguished predecessor.

His habits of thorough study, his sound judgment, and his long and varied experience at the bar made him ready and forceful in debate, and at once, almost, he took his place as one of the strong men of the House. After three terms of service he voluntarily quit public life, that he might devote himself to the practice of his profession, in which he again had the most brilliant success. He was reelected to the House in 1894 and reelected in 1896 and 1898, but died at his home in the county of his birth in 1899, before the Fifty-sixth Congress had convened.

His whole life was a struggle. As a boy with poverty and to acquire an education; later to qualify himself for the practice of the law; as a soldier in the civil war to contribute his full share to the preservation of the Union; as a man to discharge with fidelity the duties of the high positions to which he was called.

He was strong and rugged, both physically and mentally. He was an earnest and constant exemplification of truth and sincerity. He was in all his conduct plain, practical, and straightforward. He relied on his own powers, his own efforts, his own judgment, his own abilities, his own sense of right and justice. In person he was tall and graceful, with a handsome face, a frank, manly countenance, and a polite and attractive address. He had the genius of common sense, and the brilliance of sound judgment and sincere purposes. He was not an orator who dealt in imagery, but he was an easy, logical, eloquent, and forceful speaker, who marshalled facts and presented them with commanding power.

He surmounted all difficulties and attained a high measure of success in all the fields of his labors and efforts.

He was a faithful friend, a devoted husband, a loving father, a splendid type of the American citizen, and an inspiring example for the American youth. His work is done. In the House, where he served so long and so ably, fitting testimony has been given by his colleagues of the uprightness of his life and worth of his services. They have spoken admiringly, tenderly, beautifully, but in it all there has been no insincerity or exaggeration. He was worthy of all that has been said. I can speak no higher praise.

Mr. President, I ask for the adoption of the resolutions.

The PRESIDING OFFICER. The question is, Shall the resolutions submitted by the Senator from Ohio be adopted?

The resolutions were unanimously agreed to.

Mr. FORAKER. Mr. President, as a further mark of esteem to the deceased, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 21, 1900, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 20, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

NICARAGUAN CANAL.

Mr. SHACKLEFORD. Mr. Speaker, some time ago the majority of the Committee on Interstate and Foreign Commerce filed a report upon the subject of the Nicaraguan Canal, and the committee agreed that I might file on behalf of the minority a report, which I now ask to file by unanimous consent and have it considered as pending with the majority report.

The SPEAKER. The gentleman from Missouri asks unanimous consent to file a minority report on what is known as the Nicaraguan Canal bill, and that the same may be printed. Is there objection? [After a pause.] The Chair hears none, and that order is accordingly made.

ORDER OF BUSINESS.

Mr. FOSS. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

Mr. MAHON. Mr. Speaker, I ask for the regular order.

The SPEAKER. This is the regular order. The gentleman from Illinois moves that the House resolve itself——

Mr. MAHON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will wait until the Chair puts the motion. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill. The Chair will now hear the parliamentary inquiry of the gentleman from Pennsylvania.

Mr. MAHON. Before that motion can be put, Mr. Speaker, Rule XXIV, which provides for order of business, says that the daily order of business shall be as follows: First, prayer by the Chaplain; second, reading and approval of the Journal; third, corrections of reference of public bills; fourth, disposal of business on the Speaker's table; fifth, unfinished business; sixth, the morning hour for the consideration of bills called up by committees. I want to ask if this order of business must not be finished before a motion to go into Committee of the Whole House on the state of the Union is in order?

The SPEAKER. The Chair will state that under the rules this motion is in order at all times; it is highly privileged, and the question as between the two committees on Claims and War Claims does not come up at this time. When that question comes up, the Chair will pass upon it.

Mr. MAHON. Then, Mr. Speaker, I would like to ask the House to give us another day in place of this.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois to go into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

Mr. MAHON. I ask the House to vote this motion down. It is in your power to do it if you want to consider bills.

The question was taken; and on a division (demanded by Mr. MAHON) there were—51 ayes and 53 noes.

Mr. FOSS. I call for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 96, answered "present" 16, not voting 134; as follows:

YEAS—104.

Adams,	Cummings,	Hopkins,	O'Grady,
Alexander,	Curtis,	Jenkins,	Olmsted,
Allen, Me.	Cushman,	Jones, Wash.	Payne,
Baker,	Dalzell,	Kerr,	Ray,
Barber,	Davidson,	Kitchin,	Reeder,
Barham,	Dayton,	Knox,	Roberts,
Bingham,	Dick,	Lacey,	Rodenberg,
Bishop,	Dolliver,	Lawrence,	Smith, H. C.
Boreing,	Driggs,	Linney,	Smith, Samuel W.
Boutell, Ill.	Eddy,	Littlefield,	Smith, Wm. Alden
Brick,	Faris,	Long,	Southard,
Bromwell,	Fletcher,	Loudenslager,	Sperry,
Brosius,	Fordney,	Lybrand,	Steele,
Brown,	Foss,	McCleary,	Sulloway,
Bull,	Gardner, N. J.	McPherson,	Tate,
Burke, S. Dak.	Gill,	McRae,	Tawney,
Burleigh,	Graham,	Marsh,	Tayler, Ohio
Burton,	Greene, Mass.	Mercer,	Vandiver,
Butler,	Grosvenor,	Mesick,	Van Voorhis,
Calderhead,	Grout,	Meyer, La.	Wadsworth,
Cannon,	Hamilton,	Miller,	Wanger,
Capron,	Heatwole,	Moody, Mass.	Warner,
Clarke, N. H.	Hepburn,	Morris,	Waters,
Corliss,	Hill,	Mudd,	Weeks,
Cousins,	Hitt,	Needham,	Wheeler, Ky.
Crumpacker,	Hoffecker,	Norton, Ohio	Wise.

NAYS—96.

Adamson,	Elliott,	Maddox,	Small,
Allen, Ky.	Emerson,	Mahon,	Snodgrass,
Atwater,	Finley,	Mann,	Spalding,
Ball,	Fitzgerald, N. Y.	Meekison,	Sparkman,
Bell,	Fitzpatrick,	Mondell,	Spight,
Berry,	Gaston,	Moon,	Stark,
Brantley,	Glynn,	Neville,	Stephens, Tex.
Breazeale,	Green, Pa.	Newlands,	Stokes,
Burleson,	Griggs,	Otey,	Sulzer,
Caldwell,	Hedge,	Pierce, Tenn.	Sutherland,
Clark, Mo.	Henry, Miss.	Pearre,	Swanson,
Clayton, Ala.	Jack,	Rhea, Ky.	Talbert,
Clayton, N. Y.	Johnston,	Richardson,	Terry,
Connell,	Jones, Va.	Riordan,	Thomas, N. C.
Cooney,	Kleberg,	Robinson, Ind.	Underwood,
Cox,	Kluttz,	Rucker,	Wachter,
Davenport, S. A.	Lamb,	Ryan, N. Y.	Williams, J. R.
Davenport, S. W.	Lanham,	Shafroth,	Williams, W. E.
Davis,	Latimer,	Shelden,	Williams, Miss.
De Graffenreid,	Lewis,	Sheppard,	Wilson, Idaho
De Vries,	Little,	Sherman,	Wilson, N. Y.
Denny,	Livingston,	Showalter,	Wilson, S. C.
Dinsmore,	McAleer,	Sims,	Zenor.
Dougherty,	McDowell.	Slayden,	Ziegler.

ANSWERED "PRESENT"—16.

Allen, Miss.	Carmack,	Graff,	Norton, S. C.
Bartlett,	Esch,	Hull,	Ransdell,
Burkett,	Gaines,	Miers, Ind.	Rixey,
Burnett,	Gillet, N. Y.	Muller.	Shackleford.

NOT VOTING—134.

Acheson,	Davey,	Lentz,	Robertson, La.
Aldrich,	De Armond,	Lester,	Robinson, Nebr.
Babcock,	Dovener,	Levy,	Ruppert,
Bailey, Kans.	Driscoll,	Littauer,	Russell,
Bailey, Tex.	Fitzgerald, Mass.	Lloyd,	Ryan, Pa.
Bankhead,	Fleming,	Lorimer,	Salmon,
Barney,	Foster,	Loud,	Scudder,
Bartholdt,	Fowler,	Lovering,	Shattuc,
Bellamy,	Fox,	McCall,	Sibley,
Benton,	Freer,	McClellan,	Smith, Ill.
Boutelle, Me.	Gamble,	McCulloch,	Smith, Ky.
Bowersock,	Gardner, Mich.	McLain,	Sprague,
Bradley,	Gayle,	May,	Stallings,
Brenner,	Gibson,	Metcalf,	Stevens, Minn.
Brewer,	Gilbert,	Minor,	Stewart, N. J.
Broussard,	Gillett, Mass.	Moody, Oreg.	Stewart, N. Y.
Brownlow,	Gordon,	Morgan,	Stewart, Wis.
Brundidge,	Griffith,	Naphen,	Taylor, Ala.
Burke, Tex.	Grow,	Noonan,	Thayer,
Campbell,	Hall,	Otjen,	Thomas, Iowa
Catchings,	Haugen,	Overstreet,	Thropp,
Chanler,	Hawley,	Packer, Pa.	Tompkins,
Cochran, Mo.	Hay,	Parker, N. J.	Tongue,
Cochrane, N. Y.	Hemenway,	Pearce, Mo.	Turner,
Cooper, Tex.	Henry, Conn.	Phillips,	Underhill,
Cooper, Wis.	Henry, Tex.	Polk,	Vreeland,
Cowherd,	Howard,	Powers,	Watson,
Crawford,	Howell,	Prince,	Weaver,
Cromer,	Jett,	Pugh,	Weymouth,
Crowley,	Joy,	Quarles,	White,
Crump,	Kahn,	Reeves,	Wright,
Cusack,	Ketcham,	Rhea, Va.	Young.
Dahle, Wis.	Landis,	Ridgely,	
Daly, N. J.	Lane,	Robb,	

So the motion to go into Committee of the Whole for the further consideration of the naval appropriation bill was agreed to.

Before the result of the vote was stated the following announcements were made:

Mr. COONEY. Mr. Speaker, I would like to change my vote. I answered "present" when my name was called, but I wish to vote "no."

The name of Mr. COONEY was again called, and he answered in the negative.

Mr. MIERS of Indiana. I am paired with my colleague, Mr. HEMENWAY. I wish to withdraw my vote and be recorded present.

The name of Mr. MIERS of Indiana being again called, he answered, "Present."

Mr. GAINES. I am paired with the gentleman from Massachusetts, Mr. MCCALL. I wish, therefore, to withdraw my vote, which was cast in the negative, and answer, "Present."

The name of Mr. GAINES was again called, and he answered, "Present."

Mr. HULL. I am paired with the gentleman from Virginia, Mr. HAY. As he did not vote, I desire to withdraw my vote and to be recorded "present."

The name of Mr. HULL was again called, and he answered, "Present."

Mr. BARTLETT. On this question I have voted "no," but I wish to withdraw my vote on account of being paired with the gentleman from New Jersey, Mr. FOWLER, who has not answered on the roll call.

Mr. JOHNSTON. Mr. Speaker, I voted in the affirmative, but I desire to change my vote and be recorded in the negative.

The name of Mr. JOHNSTON was again called, and he answered in the negative.

Mr. ROBERTS. Mr. Speaker, I rise to a parliamentary inquiry. If the House refuses to go into Committee of the Whole for the further consideration of the naval bill, which of the Committees on Claims will be entitled to the day?

The SPEAKER. That question is not properly at issue at this time, but the Chair will say to the gentleman that it will be the Committee on Claims.

Mr. ROBERTS. Then I desire to change my vote from "no" to "aye."

The name of Mr. ROBERTS was again called, and he answered in the affirmative.

Mr. GILLET of New York. Mr. Speaker, I wish to withdraw my vote, as I am paired with the gentleman from Kentucky, Mr. GAYLE.

Mr. RANSDELL. I am paired with the gentleman from Indiana, Mr. STEELE. I wish to inquire whether I am recorded as present?

The SPEAKER. The gentleman is so recorded.

Mr. RANSDELL. That is right.

Mr. ADAMS. I wish to change my vote from "no" to "aye."

The name of Mr. ADAMS was again called, and he voted in the affirmative.

Mr. TATE. Mr. Speaker, I wish to vote.

The SPEAKER. Was the gentleman present and listening for his name when it was called?

Mr. TATE. I was on the last roll call. I think the Clerk will bear me out that he did not call my name. If he did, I could not hear it.

The name of Mr. TATE was again called, and he voted in the affirmative.

Mr. WHEELER of Kentucky. I am paired with the gentleman from California, Mr. METCALF, my colleague on the committee. But I shall permit my vote to stand, as I am quite sure that if he were present he would vote as I have done, in the affirmative.

The following pairs were announced:

For this session:

Mr. WRIGHT with Mr. HALL.

Mr. METCALF with Mr. WHEELER of Kentucky.

Mr. HULL with Mr. HAY.

Mr. PACKER of Pennsylvania with Mr. POLK.

Until further notice:

Mr. DOVENER with Mr. CATCHINGS.

Mr. GRAFF with Mr. BRUNDIDGE.

Mr. BAILEY of Kansas with Mr. HOWARD.

Mr. FOWLER with Mr. BARTLETT.

Mr. BARNEY with Mr. ALLEN of Mississippi.

Mr. KAHN with Mr. RUPPERT.

Mr. TAYLER of Ohio with Mr. FOX.

Mr. BOUTELLE of Maine with Mr. COCHRAN of Missouri.

Mr. GILLETT of Massachusetts with Mr. THAYER.

Mr. HAWLEY with Mr. COOPER of Texas.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. BURKETT with Mr. BURKE of Texas.

Mr. PRINCE with Mr. GRIFFITH.

Mr. JOY with Mr. SHACKLEFORD.

Mr. MINOR with Mr. RIXEY.

Mr. ESCH with Mr. BAILEY of Texas.

Mr. COCHRANE of New York with Mr. CROWLEY.

Mr. GROW with Mr. LLOYD.

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. MAHON with Mr. OTEY.

Mr. GILLET of New York with Mr. GAYLE.

Mr. BROWNLOW with Mr. CARMACK, for one week, from April 14.

Mr. OVERSTREET with Mr. STALLINGS, for one week, from April 19.

Mr. GAMBLE with Mr. ROBERTSON of Louisiana, for one week, from April 19.
Mr. SHATTUC with Mr. BREWER, for one week, from April 19.
Mr. LANE with Mr. SPIGHT, for one week, from April 20.
Mr. MCCALL with Mr. GAINES, for one week, from April 12.
Mr. GIBSON with Mr. TATE, for one week, from April 16.
Mr. LORIMER with Mr. CUSACK, for two weeks from April 14.
Mr. YOUNG of Pennsylvania with Mr. BENTON, from April 14 to April 26.
Mr. POWERS with Mr. BANKHEAD, from April 14 to April 28.
Mr. RANSDELL with Mr. STEVENS of Minnesota, from April 14 to May 1 (on all questions except contested-election cases).
Mr. STEWART of New York with Mr. MAY, for two weeks from April 5.
Mr. OTJEN with Mr. BRENNER, until April 30, inclusive.
Mr. ALDRICH with Mr. BURNETT, until April 29.
Mr. STEWART of Wisconsin with Mr. NORTON of South Carolina, until Saturday week.
Mr. KETCHAM with Mr. MULLER, until April 24.
Mr. HOWELL with Mr. DALY of New Jersey, until Tuesday next.
Mr. LOVERING with Mr. FITZGERALD of Massachusetts, until Tuesday next.
Mr. HENRY of Connecticut with Mr. GORDON, until April 29.
Mr. MIERS of Indiana with Mr. HEMENWAY, until May 1.
Mr. SPRAGUE with Mr. HENRY of Texas, until Monday next.
For this day:
Mr. LITTAUER with Mr. CHANLER.
Mr. WATSON with Mr. MCCULLOCH.
Mr. ACHESON with Mr. LENTZ.
Mr. WEAVER with Mr. NAPHEN.
Mr. REEVES with Mr. JETT.
Mr. TONGUE with Mr. DAVEY.
Mr. LOUD with Mr. NOONAN.
Mr. COOPER of Wisconsin with Mr. SCUDDER.
Mr. BABCOCK with Mr. COWHERD.
Mr. STEWART of New Jersey with Mr. DE ARMOND.
Mr. PARKER of New Jersey with Mr. BRADLEY.

Mr. TATE. Mr. Speaker, I am paired with the gentleman from Tennessee, Mr. GIBSON. I understand that if he were present he would vote "aye," and therefore I have taken the liberty to vote "aye."

Mr. BURKETT. Mr. Speaker, I see by the announcement of the pairs that I am paired with the gentleman from Texas, Mr. BURKE. I did not know that, and not knowing of the arrangement of that pair I voted "aye." If the gentleman from Texas [Mr. BURKE] did not vote, I wish to withdraw my vote.

The SPEAKER. The gentleman from Texas [Mr. BURKE] did not vote.

Mr. BURKETT. Then I will withdraw my vote.

The SPEAKER. Without objection, that will be done.

Mr. ESCH. I notice that I am paired with the gentleman from Texas, Mr. BAILEY. He is not present, and therefore I wish to withdraw my vote.

The SPEAKER. Without objection, the gentleman's vote will be withdrawn.

Mr. GRAFF. I voted, but I find that I am paired with the gentleman from Arkansas, Mr. BRUNDIDGE. So I ask leave to withdraw my vote.

The SPEAKER. Without objection, the gentleman's vote will be withdrawn.

Mr. SHACKLEFORD. I am paired with the gentleman from Missouri, Mr. JOY. I voted in the negative on this question, but I desire to withdraw my vote, as Mr. JOY is not present.

The SPEAKER. Without objection, the gentleman's vote will be withdrawn.

The result of the vote was announced as above recorded.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. PAYNE in the chair.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. VAN VOORHIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

S. 4197. An act to provide for the construction of a revenue cutter for use at Philadelphia, Pa.

S. 4051. An act to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky.

S. R. 116. Joint resolution to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

S. 3296. An act to provide for the establishment of a port of delivery at Worcester, Mass.; and

S. 2559. An act authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps.

The message also announced that the Senate had passed with amendments the bill (H. R. 8366) to amend section 953 of the Revised Statutes, had asked a conference with the House of Representatives on said bill and amendments, and had ordered that Mr. HOAR, Mr. PLATT of Connecticut, and Mr. BACON act as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate numbered 3 and 4 to the bill (H. R. 10449) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

Mr. CANNON. Before the Clerk proceeds with the reading of the bill, I ask unanimous consent to adopt the following amendment in lieu of the substitute that was adopted yesterday touching the Naval Academy, and to take the place of all the provisions for the Naval Academy down to and including line 13, on page 35.

The CHAIRMAN. The Clerk will read the proposed substitute, after which the Chair will ask unanimous consent.

The Clerk read as follows:

Buildings and grounds, Naval Academy: Toward the construction of buildings and for other necessary improvements at the Naval Academy, Annapolis, Md., $350,000: *Provided*, That before any part of this sum is expended complete plans shall be prepared and approved by the Secretary of the Navy covering all contemplated new buildings and improvements at the Naval Academy and for each and every purpose connected therewith; which plans shall involve a total expenditure of not more than $6,000,000, including the sum of $1,220,000 heretofore appropriated and the sum herein appropriated for said buildings and improvements: *Provided further*, That after the preparation and approval of the plans herein provided for, the Secretary of the Navy is authorized to enter into contract or contracts for any part or all of the improvements and buildings herein authorized, within the said limit of cost, to be paid for as appropriations may from time to time be made by law.

The CHAIRMAN. Unanimous consent is asked that this be substituted for the substitute adopted yesterday, and also for the language of the bill from line 24, on page 33, down to and including line 9, on page 34. Is there objection?

Mr. MUDD. Mr. Chairman——

Mr. TALBERT. Mr. Chairman, reserving the right to object, as this is a time when considerable stress is put upon the matter of changing minds so suddenly, or having them changed by somebody else, I should just like to know from the gentleman from Illinois what is his reason for wanting this change? He made a noble fight yesterday in which I stood by him, as did other gentlemen here, and he was successful. I should like to know whether the gentleman is giving up any of the fruits of his victory.

Mr. CANNON. I will say to the gentleman from South Carolina that there is no change in my mind nor is there any change in this proposition. It is in complete harmony with the amendment, or the substitute that was adopted to the first paragraph under the head of the Naval Academy. Now, unanimous consent is asked that this provision just read shall be in lieu of what the committee did yesterday and in lieu of all other provisions for the Naval Academy, and in substance it limits the cost of all the improvements there to $6,000,000, and provides that no money shall be expended until the plans are perfected within that limit of cost, and then it gives power to the Secretary of the Navy to contract for any or all of the buildings after the plans are approved within the limit. In other words, it applies the contract provision, the same as is done on other large buildings, river and harbor works, and so forth. It is very desirable from the standpoint of economy, and results in harmonious and systematic work.

Mr. TALBERT. It does not increase the appropriation over your other amendment?

Mr. CANNON. Oh, no.

Mr. TALBERT. That is what I wanted to know. If it does not increase the appropriation, I have no objection.

Mr. FITZGERALD of New York. Does that interfere with the contract that has already been made for the building of the sea wall and the piling, dredging, and filling in which are already contracted for and in progress?

Mr. CANNON. If any contracts have been made, I suppose they would be lawful and would proceed.

Mr. FITZGERALD of New York. I understand that at present such work is in progress under a contract made for that purpose, and you are eliminating the appropriation to continue that work. If it has that effect, I shall have to object.

Mr. CANNON. Oh, I do not eliminate any appropriation.

Mr. FITZGERALD of New York. Why, yes; the gentleman

substitutes in the place of an appropriation of $200,000 to continue that work a proposition——

Mr. CANNON. Oh, no; this $350,000 is in addition to all that has been appropriated, and gives authority to contract for the whole thing besides as soon as the plans are completed within the $6,000,000 limit.

Mr. FITZGERALD of New York. Yes; but the gentleman's substitute must certainly eliminate this provision for the continuing of the work which is now under construction.

Mr. MOODY of Massachusetts. The substitute offered by the gentleman from Illinois, as I understand it, as stated by the Chairman, only goes down to line 9. It does not touch that subsequent matter.

Mr. FITZGERALD of New York. Oh, yes; it takes in all that.

The CHAIRMAN. The Chair stated that it only included line 9, page 34; but he is corrected by the Clerk, who states that it goes down to and includes line 13, page 35.

Mr. CANNON. That is correct—line 13, page 35. In other words——

The CHAIRMAN. Unanimous consent is asked that this language be substituted for the bill as amended yesterday, from line 24 on page 33 down to and including line 13 on page 35.

Mr. CANNON. That is right. In other words, if this provision is made under this substitute, nothing further will be done toward the erection of any additional buildings or making additional improvements until the plans are made for all the buildings and all the improvements in addition to those that have been made, where contracts have been let, so that all the buildings and improvements will not cost to exceed $6,000,000.

Mr. FITZGERALD of New York. Well, I call the attention of the gentleman to the fact that there is work under way there now under contract for the building of the sea wall and the piling, dredging, and filling in. There is an appropriation made in the bill as it now stands to continue that work.

Mr. CANNON. Well, I will say to my friend now that there can not be any work under way there that is in excess of $1,200,000, because there was no power to contract except for money appropriated; so that there is no contract in existence in excess of money that is already appropriated, and could not be under the law.

Mr. FITZGERALD of New York. I understand that while a contract for a certain amount has been authorized and made, the money to carry out the contract has not been appropriated.

Mr. CANNON. Oh, no; that could not be the case.

Mr. LOUDENSLAGER. I think I can explain this provision to the satisfaction of the gentlemen. This $200,000 is not for the purpose of carrying out any contract already made. There is no contract made for that.

Mr. CANNON. That is right.

Mr. LOUDENSLAGER. It is simply to carry out a plan, not a contract.

Mr. BERRY. May I ask the gentleman from Illinois a question?

Mr. CANNON. Yes.

Mr. BERRY. Has the Secretary of the Navy approved of the plans furnished by Mr. Flagg which have heretofore been presented to this House?

Mr. CANNON. Under no law has he approved the plans.

Mr. BERRY. This House of Representatives has approved the plans and has appropriated money under them.

Mr. CANNON. Not at all.

Mr. BERRY. I think the United States is committed to Mr. Flagg for the 5 per cent, whether he does the work or not.

Mr. CANNON. Not at all.

Mr. BERRY. I think the gentleman will find that to be the case when the time comes.

Mr. CANNON. I have examined the case, and he has no claim.

The CHAIRMAN. Is there objection?

Mr. MUDD. Reserving the right to object, I would like to be heard for two or three minutes.

The CHAIRMAN. Without objection, the gentleman from Maryland will proceed for three minutes.

There was no objection.

Mr. MUDD. Mr. Chairman, if this proposition is the whole of the damage that is contemplated by the gentleman from Illinois, I am not sure that, in view of the amendment adopted by the House yesterday evening, I would object. I would like to have some assurance from the gentleman from Illinois that this is all the damage that he contemplates to inflict on the State of Maryland.

Mr. CANNON. I will say to my excellent friend that this is a provision, if adopted, that will be written into the law, so far as the House is concerned, covering the Naval Academy and its complete construction and to complete all the constructions, if this should be enacted into law, just as soon as the plans can be made and the Secretary will construct them. Not only is all the money that has been appropriated available for that construction, but I am so desirous of seeing this work done that this provision provides for a contract up to $6,000,000, less what has been appropriated. Now, then, I have no desire to do any harm to Maryland. Maryland is not concerned any more in this than is Illinois.

Mr. MUDD. That is all right.

Mr. WM. ALDEN SMITH. She is in the Union.

Mr. CANNON. So is Illinois in the Union.

Mr. MUDD. Mr. Chairman, I think I have the floor.

Mr. BARTLETT. I want to ask the gentleman this question.

The CHAIRMAN. The Chair will state that the gentleman from Maryland has the floor.

Mr. BARTLETT. I know, and I ask permission of the Chair to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Georgia?

Mr. MUDD. I will yield always to Georgia, because I think Georgia is generally with Maryland.

Mr. BARTLETT. I am with the gentleman from Maryland in this case. I want to know of the gentleman from Maryland, if the House puts this proposition in the bill by unanimous consent, if that will not prevent the House, when we go into the House from the Committee of the Whole, from having a separate vote on the amendment; in other words, if he by unanimous consent lets this amendment be ingrafted on this bill which is offered as a substitute by the gentleman from Illinois for that which had already been agreed to, if the gentleman from Maryland will be permitted when we go back into the House to have a separate vote, as he gave notice on yesterday evening?

Mr. MUDD. That will not prevent us from getting a vote. This is a small expiation in the morning or atonement of the gentleman from Illinois for the damage inflicted in the evening [laughter]; and if I can understand that this will be the limit of the damage the gentleman from Illinois purposes to do, I should not make any objection here.

Mr. CANNON. This represents the opinion of the gentleman from Illinois that there should not be to exceed $6,000,000 spent in rebuilding the Naval Academy at Annapolis. That is my judgment, that is my voice, and that was the action substantially of the committee.

Mr. MUDD. I have the floor. I have heard that voice and that judgment before.

Mr. CANNON. Certainly; and that is all.

Mr. MUDD. And if I can be heard I will be heard here.

The CHAIRMAN. The gentleman can be heard if there is no objection to it. His time has expired.

Mr. MUDD. I would like to hear from the gentleman from Illinois if this will represent all the voice and all the harm which Illinois proposes to inflict on the State of Maryland and the Naval Academy?

Mr. CANNON. This represents, if adopted, in my opinion, all the money that should go from the United States Treasury into a great public improvement.

Mr. MUDD. Then this is all that the gentleman from Illinois wants?

Mr. CANNON. I believe that this is ample and sufficient, and I believe any more would be extravagance.

Mr. MUDD. Will the gentleman give bond and security that he will not go any further after this amendment shall have been accepted? I would like to know that. I apprehend, however, from the extent to which the gentleman from Illinois has already gone, that this will perhaps be the extent and limit of the damage that he purposes to inflict upon the State of Maryland and the country, and if that be the fact, as his purpose this morning is no worse than he has already inflicted, I should not make objection, though, of course, I will contend against the proposition in any form and in any shape and any place that I shall have an opportunity to do so.

But I take it for granted, Mr. Chairman, that is about the limit to which the gentleman from Illinois purposes to go. I take it for granted from his expression that this brings the proposition of the rebuilding of the Naval Academy down to about the level of parsimony of the gentleman from Illinois; and if the gentleman from Illinois is to be regarded as the exponent of the views and wishes of the House up to the present time and in the committee, I shall not make objection against his proposition, if I could have any sort of assurance that this is the limit to which he proposes to go.

The CHAIRMAN. The gentleman's time has expired. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. CANNON. Did that consent adopt the amendment?

The CHAIRMAN. It does.

Mr. CANNON. All right.

The Clerk, proceeding with the reading of the bill, read as follows:

The active list of surgeons shall hereafter consist of 55, and that of passed assistant and assistant surgeons of 110. Assistant surgeons shall rank with assistant surgeons in the Army: *Provided*, That the assistant surgeons appointed for temporary service during the war with Spain, having creditable records, who are now in the Navy may be given permanent commissions as

such without limitation as to age: *And provided further*, That section 13 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," be, and the same is hereby, so amended as to provide that nothing therein contained shall operate to reduce the pay which, but for the passage of said act, would have been received by any commissioned officer at the time of its passage or thereafter.

Mr. DINSMORE. Mr. Chairman, a point of order on this paragraph. This is manifestly new legislation, and I think the point of order ought to be made on the paragraph. I will reserve it to hear from the chairman of the committee in reference to it. I do not want to do anything which shall cripple the service, but I see no reason why the assistant surgeons, provided for by this paragraph, should come into the service as junior lieutenants. I do not see why they should not go through the first grade and rank as other officers are required to do, as do officers of the line. If there is any reason why it should be done, I would be glad to hear it. I do not think it ought to be done myself.

Mr. FOSS. In reply to the gentleman from Arkansas, I beg leave to read what Surgeon-General Van Reypen says, on page 3 of the hearing before the committee:

Mr. LOUDENSLAGER. If you increase your number, how do you expect to get the places filled?

Surgeon-General VAN REYPEN. By putting the assistant surgeons in the Navy upon the same footing as those in the Army. That is not the case now. The Army has no trouble whatever in filling their corps. We can hardly get any. And I have asked the question very often, "Why is it that we can not get men to go into the Navy, when the Army has no trouble in getting as many as they want?" The answer is, they will not come into the Navy because they have better pay and better rank in the Army, and because in the Navy they go in the steerage. They get better rank and better pay in the Army, as they have more independent positions, and our assistant surgeons at the present time are the only staff officers that have to go in the steerage.

For that reason it is impossible to get the young men, doctors and surgeons, to enter the Navy, because they have to go in the steerage. Now, by giving them a relative rank of those in the Army, they will not go into the steerage, but into the wardroom or mess room with other officers. That is the only reason given by the Surgeon-General before the committee, and he regards it as a very important one for this provision.

Mr. DINSMORE. It is important that the service should have doctors; but it seems to me, and perhaps I should not put my opinion against the opinion of the Surgeon-General, that with the great number of young men who are anxious to get into public service, particularly in the Army and Navy, there should not be any difficulty in getting young doctors to enter the service.

There is a disposition on the part of each one of the different corps of the service to advance themselves as much in rank as possible. Of course that is the natural desire; every man likes to get as much position and every man is pleased to obtain as much rank as he can. I can not understand why the members of the Medical Corps should not be willing to go through the lower grades of rank as other officers do. They are relieved from the rank of ensigns, who have to take their time in the steerage. I have known officers of the Medical and Pay Corps take theirs in the steerage, and I can not see why they should object to it.

Mr. MUDD. There is no grade of ensign in the surgeons' corps.

Mr. DINSMORE. They have the relative grade. He is not an ensign, of course. He is an assistant surgeon. I understand that. Now, there has been for many years a conflict going on in the different branches of the naval service, a bitter controversy between the staff and the line. It was thought by the line that the staff had acquired more rank than they were entitled to, relatively—that they had advantages over the line. The line had to come in from the beginning, go through the Academy, be prepared for the service. Well, they did get some advantages, but in the last Congress we passed the personnel bill, with a view to increasing the efficiency of the service, and we were gratified at the opportunity to settle an old controversy between the line and the staff. We balanced matters up, and they all seemed comparatively contented.

Now, here is manifested again a disposition for one corps to creep along at the expense of some other corps. I do not mean to deprive the other corps of any advantage it now has, except they obtain for themselves the right of precedence on board ship when living in confined quarters. These assistant surgeons will take precedence of the ensigns in the service. It seems to me it is unwarranted and unjustified by the reasons assigned by the Surgeon-General. I believe there are plenty of ambitious young men who will be glad to receive a commission in the naval service and take their course as other officers have done.

Mr. MEYER of Louisiana. Mr. Chairman, there is a much stronger reason than any which has been suggested why this proposition should be adopted by the committee. The comparison suggested by my friend from Arkansas [Mr. DINSMORE] between the position of a medical officer of the Navy and that of a paymaster or junior officer of the line is not altogether logical. An assistant paymaster upon entering his corps does so with the rank of ensign; but he is not eligible if more than 26 years of age. His education need not be of the highest academic order. He must be a good accountant, a man of good intelligence and fair attainments only. An ensign of the line, coming in from the Naval Academy, is appointed to the Academy at an age ranging from 16 to 20, and graduates at the age of 20 to 24. He becomes an ensign at about 22 to 25. But an assistant surgeon in the Navy, with the same rank, may be 30 years of age when appointed. He is subject to a strict professional examination and a careful examination as to his general education before admission; and unless he shall have passed through a thorough academic course and subsequently graduated at some first-class medical college he can not become a medical officer of the Navy.

Now, I take issue with my friend when he states that there are numerous aspiring young surgeons who would be delighted to get into the Medical Corps of the Navy. The experience of the Department indicates otherwise. I know that in my own city, New Orleans, where we have a fine medical school, graduating yearly a large number of young men, I have been unable to induce any of the graduates to enter the naval service, although I have solicited them time and again to do so. They know that if they enter the service they do so at a disadvantage as compared with their brethren who go into the Army, both as to pay, work, and position.

The Surgeon-General of the Navy, in his statement before the Naval Committee, explains the situation explicitly.

He informs us that it is impracticable to fill the vacancies existing in the corps because of the conditions I have stated, and also because junior medical officers in the Navy must go into the steerage. Our assistant surgeons at the present time are the only staff officers that have to go in the steerage. The change proposed would give them the privilege of the wardroom.

By giving them the same rank as the assistant surgeons in the Army, we can get good men to come into the corps; now there is the utmost difficulty in attracting capable and desirable material.

The warrant for the proposed legislation is more fully explained in the following letter, addressed to the Secretary of the Navy:

WASHINGTON, D. C., *January 10, 1900.*

SIR: I have the honor to transmit herewith a proposition for the improvement of the condition of the Medical Corps of the Navy, with a request that it be transmitted to the naval committees of Congress to be incorporated in the naval appropriation bill or otherwise enacted.

It is proposed to add 5 surgeons to the list, making the number 55 instead of 50, as now allowed by law. This would give promotion, without, however, any present increase of rank or pay, to 5 of the senior passed assistants, and accord somewhat to the increase of rank of officers in the line, caused by the personnel bill.

It is also proposed to transfer to the regular service the 15 remaining volunteer assistant surgeons who were in service during the war with Spain and who still remain in service by authority of the act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, approved May 4, 1898. All of the other volunteer medical officers, 46 in number, have been mustered out of service. The 15 who remain are desirous of being transferred to the regular service, but 9 of them are beyond the age limit prescribed by the present law, which limits the age of admission to 30. The eldest of the 15 is 37, and the youngest 24; 9 of them are now at sea. None of them can ever be promoted if they retain their present status, whereas if they were transferred to the regular service they would be in the line of promotion, which they deserve for their intelligent service and honorable record during and since the war with Spain.

The transfer of these officers would partly fill the increase asked for, which is 5 surgeons and 20 passed assistant and assistant surgeons. There are now 5 vacancies in the regular service, which, with the 10 additional vacancies made by the proposed increase of the corps, would make 15 vacancies in the list of assistant surgeons.

The Bureau would despair of ever filling these vacancies unless the assistant surgeons in the Navy were put on the same footing as assistant surgeons in the Army, as provided for in the accompanying proposition. Assistant surgeons are now the only staff officers assigned to the junior officers' quarters. Assistant paymasters are always alone on board ship, and, as the head of a department, occupy quarters in the ward room. Assistant engineers have been transferred to the line by the personnel bill. I have made repeated inquiry of medical students and civil practitioners as to the reason why we can not get candidates to appear for examination for appointment as assistant surgeons in the Navy, and the almost universal reply is, "Because they have to go in the steerage." If assistant surgeons in the Navy were given the rank of junior lieutenant, corresponding to the rank of first lieutenant in the Army, the rank given to assistant surgeons in the Army on entrance, this marked inequality and disparagement would not exist, and we would stand an equal chance with the Army of getting well qualified men to fill the lower grade.

The increase of numbers in the lower grades asked for is imperatively necessary in view of the large addition to the enlisted force of the Navy and the establishment of hospitals and sick quarters in the Philippines, Porto Rico, Guam, and Habana. It is simply impossible with the present force to provide adequate medical attendance. Ships and stations are left without assistant surgeons, and the Medical Department of the Navy can not be conducted in the efficient condition that it is the desire of the Bureau to maintain.

Very respectfully, W. K. VAN REYPEN,
Surgeon-General.

The SECRETARY OF THE NAVY.

The act also proposes opportunity to embrace the 15 remaining volunteer surgeons who served patriotically and efficiently in the war with Spain in the permanent service. These are now well trained and competent and are much needed.

The health of the personnel, so vital to the efficiency of our Navy, is dependent upon a thoroughgoing, accomplished, and capable corps of surgeons, and I trust that the gentleman from Arkansas [Mr. DINSMORE], whose zeal for the welfare of the Navy is well known and whose services for its progress and efficiency are not surpassed by any member of this House, will not insist upon his

point of order, but allow the House to consider the matters involved upon their merits.

Mr. DINSMORE. Mr. Chairman, I have no desire to cripple any branch of the service; but it would seem by the statement of my friend from Louisiana [Mr. MEYER] that the object of the provision in the bill is to offer an inducement to these officers to enter the naval service. Sir, the time will never come when officers of the line and staff will not be not only willing but anxious to get promotion. We all know that persons in the Government service are looking out for this all the time. I am willing that these officers should be promoted when they deserve it; but I do not think it right, by a general provision in an appropriation bill, to provide that a particular corps of the service shall be filled by men in advance of the rank at which they have hitherto come in. As stated by my friend from Louisiana, the inducement is rank and pay. My friend says that young men can not be induced to enter this service. I should like to have the opportunity to furnish some from my district.

Mr. FOSS. Does the gentleman from Arkansas insist on the point of order?

Mr. DINSMORE. I think I shall have to do so.

Mr. FOSS. I will state that this is a new provision of law.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. DINSMORE. These gentlemen are members of the committee and more familiar with this matter than I am. If they will tell me that the service will be crippled if this point of order be insisted upon—that it will prevent this corps from being filled up—I am willing to defer to their judgment.

Mr. DAYTON. Unquestionably we can not build up this service unless some provision be made that will place the surgeons on the same rank as officers of corresponding rank in the Army.

Mr. DINSMORE. Although I am apprehensive that we may have as a result of this action a repetition of the same experience that we had prior to the personnel bill, I withdraw the point of order. I warn gentlemen that other corps will be here making a similar demand.

Mr. MAHON. I move to amend by inserting after the word "surgeons," in line 2, page 38, the words "under the age of 50 years;" and also by striking out after the word "commissions," in line 4 of the same page, the words "as such without limitation as to age;" so that the clause will read:

Provided, That the assistant surgeons under the age of 50 years, appointed for temporary service during the war with Spain, having creditable records, who are now in the Navy, may be given permanent commissions.

Mr. FOSS. I reserve a point of order on that.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the amendment is not subject to a point of order. It is germane to the pending paragraph.

Mr. MAHON. My reason for offering the amendment is this: In my view no man now in the service who is over 50 years of age should be given a permanent position whereby he may very soon be placed on the retired list. I do not know that it is a fact, but it strikes me that the provision as it now stands has been worded so as to cover some gentleman who has reached that age.

Now, in the act passed in the last Congress we limit the appointment to 50 years. That is to say, that no man who has passed 50 years is eligible and could be put into the permanent service so as to allow a year or two of service and then get on the retired list.

I make the amendment, Mr. Chairman, because we must watch this retired list carefully and not allow it to grow too long. It is a liberal amendment and ought to prevail.

Mr. FOSS. Mr. Chairman, on behalf of the committee, we accept the amendment.

The amendment was agreed to.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes in cases of death or desertion, upon orders of the commanding officer, commuted rations for officers on sea duty (other than commissioned officers of the line, medical and pay corps and chief warrant officers) and naval cadets, and commuted rations stopped on account of sick in hospital and credited to the naval hospital fund, subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given), labor in general storehouses and paymasters' offices in navy-yards, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased under the naval-supply fund; one chemist, at $2,500 per annum, and two chemists, at $2,000 each per annum, $2,500,000.

Mr. BUTLER. Mr. Chairman, I desire to move an amendment to the paragraph just read. On conference with the chairman of the Committee on Naval Affairs, I think the suggestion I make is acceptable to him.

I move, on page 38, line 20, to strike out the words "warrant officers" in that line and substitute therefor the words "chief boatswains, chief gunners, chief sailmakers, chief carpenters;" so that that provision of the bill included within the parenthesis points may read:

Other than commissioned officers of the line, medical and pay corps and chief boatswains, chief gunners, chief sailmakers, chief carpenters.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Pennsylvania.

The amendment was again read as stated by Mr. BUTLER.

Mr. FOSS. I accept the amendment.

Mr. CUMMINGS. I would like some explanation of the necessity for the amendment. What difference would it make? These are warrant officers now.

Mr. BUTLER. The amendment applies only the rank given to these officers by the Navy Department.

Mr. SOUTHARD. They are not commissioned officers.

Mr. CUMMINGS. All right; I see no objection to it.

The amendment was considered and agreed to.

The Clerk read as follows:

Contingent, Bureau of Supplies and Accounts: For freight and express charges, fuel, books and blanks, stationery, advertising, furniture for general storehouses and pay offices in navy-yards, expenses of naval clothing factory and machinery for same, postage, telegrams, telephones, tolls, ferriages, yeoman's stores, iron safes, newspapers, ice, transportation of stores purchased under the naval-supply fund, and other incidental expenses, $150,000.

Mr. GAINES. Mr. Chairman, I move to strike out the last word.

This provision makes an appropriation for the expenses of a naval clothing factory and machinery for the same. We find the Government going into the business of making naval clothing, of course for our naval officers, and from what I have read as to the enterprise it has proven to be successful so far.

Without taking up the time of the committee for a statement on that subject, I desire the privilege, without reading it, to insert in the RECORD a short article I have in my hand, on the subject of the manufacture of armor plate.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to continue his remarks in the RECORD by inserting a certain document relating to the manufacture of armor plate. Is there objection?

Mr. MERCER. We could not hear the request, Mr. Chairman.

Mr. MUDD. Will the Chair please state it again?

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by inserting an article relative to armor-plate manufacture which he presents. Is there objection?

Mr. MILLER. Mr. Chairman, I object.

Mr. GAINES. Then, Mr. Chairman, while I did not desire to take up the time of the committee, I will read the article myself.

During the reading the following proceedings took place:

Mr. MILLER. Mr. Chairman, I desire to withdraw the objection I have made to print the document referred to by the gentleman from Tennessee.

The CHAIRMAN. Is there further objection? The Chair hears none.

Mr. MAHON. I object.

The CHAIRMAN. The gentleman from Pennsylvania objects.

Mr. GAINES. Mr. Chairman, the gentleman from Pennsylvania is too late. Consent has been given.

The CHAIRMAN. The Chair thinks the gentleman had a right to object.

Mr. GAINES. Very well, Mr. Chairman, I will continue the reading. I was going to read it, and the gentleman might just as well allow its insertion in the RECORD. My only desire was to save time.

Mr. BUTLER. We can not hear what the gentleman is reading.

Mr. GAINES. I can state to the gentleman that it is evident they do not desire to hear what I am reading, but, Mr. Chairman, I will proceed with the reading.

Mr. MILLER. Will the gentleman from Tennessee yield for a question?

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. GAINES. Mr. Chairman, I decline to yield.

Mr. MILLER. Then I desire to raise the point of order——

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES. Then I move to strike out the last word.

The CHAIRMAN. That is the pending amendment.

Mr. GAINES. Then I move to strike out the next two words.

Mr. MILLER. Now, Mr. Chairman, I desire to raise the point of order——

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] will suspend. The gentleman from Kansas rises to a point of order.

Mr. MILLER. My point of order is that the article which the gentleman from Tennessee is reading is not germane to the paragraph under consideration.

The CHAIRMAN. The point of order is well taken.

Mr. GAINES. I say it is germane, for the simple reason——

The CHAIRMAN. It is not germane to this paragraph.

Mr. GAINES. It is germane for the simple reason that we are appropriating money here to establish a Government factory——

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] is cut of order. The Chair has already ruled.

Mr. GAINES. Very well.

The CHAIRMAN. Is the formal amendment withdrawn?

Mr. GAINES. I withdraw it.

The Clerk read the next paragraph of the bill.

Mr. GAINES. I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last word.

Mr. GAINES then proceeded with the reading of the article, which is given in full below.

Mr. MAHON. I make the point of order that the gentleman is not addressing himself to the paragraph of the bill under consideration.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that the article is not germane to the paragraph. The Chair sustains the point of order.

Mr. GAINES. Will the Chair let me finish this paragraph?

The CHAIRMAN. It is not within the power of the Chair so to do, the gentleman from Pennsylvania having made the point of order.

Mr. GAINES. I hope the House will let me finish this paragraph.

The CHAIRMAN. The point of order has already been decided, and it is not in the power of the gentleman from Pennsylvania so to do.

Mr. GAINES. Mr. Chairman, I ask unanimous consent that I may insert this whole article in the RECORD for the information of the House. It is a very able article, written on the subject of the making of armor plate and the building of ships by the Government. The author of it is well known to me, and deserves great credit for what he has accomplished.

I have known him from boyhood, and there was never a prize offered in any class from the time he left the common schools in my city until he graduated at Annapolis, and still later in Europe in a like school, that he did not take first prize. He is now one of the most distinguished members connected with our Navy.

I ask that this be inserted in the RECORD, not only for its merit but in compliment to this young author, a man who differs with me in politics, but who is distinguished in his profession—a credit to himself and an honor to his country. I withhold his name.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to insert this article in the RECORD. Is there objection? There was no objection.

The article is as follows:

MANUFACTURE OF ARMOR.

The United States Government has at present no shops nor appliances for the manufacture of armor.

When an armored ship is appropriated for the contract for the ship proper is let to some shipbuilding firm, and the contract for the armor proper is let to some armor-making firm. The result is the builder of the ship has no authority over the question of the method of manufacture or of the time of delivery of the armor.

The ship contractor furnishes drawings and models to the armor contractor, who in turn manufactures the armor subject to Government inspection, and ships the same to the ship contractor, who fits the armor in place on the ship. The manufacture of armor, being rather a limited industry, is practically in the hands of a few concerns, and the Government is practically at their mercy as regards time of delivery and cost.

Moreover, there always have been, and probably always will be under this system, cases where the ship contractor blames the armor contractor for slowness in delivery of armor, and the armor contractor blames the ship contractor for slowness in furnishing such data as is necessary to complete the armor. The Government acts as a sort of go-between in such cases, and invariably so far has suffered from long delays in the completion of the ships, and has been put to great expense for the claims of the ship contractors that they are entitled to fees for the care and preservation of ships because the ships are ready and the armor is not.

This could be obviated in either of two ways: First, the contract to be let for the ship and armor as a whole, the ship contractor being therefore made responsible for the prompt delivery and completion of both ship and armor. Second, the Government to establish its own armor plant and build its own ships in its navy-yards.

The existence of a Government armor plant would be advisable for the following reasons:

Whatever haste might be considered necessary in the completion of armor could be obtained, as there would be no work other than that of making armor, while in the present armor plants there is always a good deal of work besides Government work going on, and it may safely be said that Government work is always put to one side and outside work given preference, the contractor depending on political influence to avoid any penalty that might be imposed by his contract with the Government.

The initial cost of an armor plant would not be excessive in view of the large saving in the price of the armor to be effected; in view of the fact that officers, in any case on the pay roll, would superintend such plant; in view of the decreased cost of vessels and the decrease in time required before they are ready for sea; in view of the fact that the existence of such armor plant would give employment to a large number of men thoroughly familiar with the work, who would form a standing force for any other work of a similar nature that might be required, the blacksmiths, forgers, and machinists employed in an armor plant being men capable of doing almost any kind of ship work, and in view of the fact that in cases of emergency the Government is not at the mercy of contractors who may have other work on hand that they prefer to finish, but that the Government with its own armor plant could expedite its work as might be found desirable.

SHIPBUILDING.

When a ship is appropriated for by Congress, advertisements for bids for the construction of such ship are issued by the Navy Department, and the contract for the ship is awarded to the lowest bidder. Such contract usually includes the ship and engines complete, other contracts being let for the armor, while the armament, ship's miscellaneous fittings, small boats, etc., are made by the Government.

It is necessary at each of the works where Government ships are being built to detail a number of officers with large office forces composed of draftsmen, special mechanics, etc., to interpret the specifications for the contractors, see that the work is done properly, to work out details, and to make finished plans and calculations for the ships, it often happening that the naval officers so detailed virtually get up all the details for the construction of the ship.

In the case of a large shipbuilding programme it is advisable for the general interest of the Government that certain of the work go to private firms, but it is also essential that in all cases certain of the ships should be built in the Government navy-yards.

The plants of the various navy-yards are to-day not in the condition and efficiency of a first-class shipbuilding yard, but with comparatively slight expenditure, each one of the important yards could readily be fitted to build as efficiently a ship as any shipyard in the country. The cost of building the ship would be no greater than the amount paid by the Government to the contractors, as in contract prices there is always a certain profit; any changes that the Government might desire to make after the contract has once been let have to be paid for, and a large amount has to be spent for superintendence and inspection.

Moreover, in case each of the important navy-yards had a certain number of ships building, there would always be at work in the yard a large number of skillful, competent mechanics, forming a steady navy-yard force; and whenever it became necessary to make urgent repairs to ships forming the fleet, these steady employees would be available for such work.

Repairs of necessity have to be made in a navy-yard where the people are familia, with the fittings and details of men-of-war and with the requirements of the service, and it is often a serious question to obtain good men for this work, as under present conditions no large number of men can be employed continuously, as repair work does not last long, and men are not willing to take employment where it may only be for a few weeks or at most for a few months. With a steady force that would be employed on new ships, men could be drafted therefrom as occasion demanded for repair work, and when such repair work was completed these men could be returned to the new work.

Also, the Government doing its own work, much of the present difficulty in making any slight change that might be found desirable would be avoided, and the Government would be sure of good results.

The tendency of a contractor of any kind is to do his work as cheaply as possible, although, of course, many, in fact most, of them are desirous of doing good work. With work done in a navy-yard it would be to the interest of everyone concerned to have the work done as well as possible.

Navy-yards are a necessity, as the navy-yard is the base of a fleet, where supplies are kept and repairs are made. The Navy has also a skilled corps of officers, who have been educated at great expense in the various branches necessary for a successful shipbuilder. The efficiency of the Navy in this respect is shown by the efficient condition of all of its vessels during the late war, all of which were built under the supervision of the Navy and repaired and fitted out in the navy-yards.

All the sea powers of Europe maintain large naval stations where, in addition to the furnishing of supplies and the repairing of ships, the building of new ships is done. The United States alone has allowed its navy-yards to be practically deserted as far as new construction is concerned.

The Clerk read as follows:

In all, civil establishment, Bureau of Steam Engineering, $13,200; and no other fund appropriated by this act shall be used in payment for such service.

Mr. FOSS. Mr. Chairman, I desire to offer an amendment as a separate paragraph to come in after line 13, page 50.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert after line 13, page 50, the following:

"That section 422 of the Revised Statutes is hereby amended so as to read as follows:

"'The Chief of the Bureau of Engineering shall be appointed from the line of officers of the Navy, not below the grade of lieutenant-commander, and shall be a skilled engineer.'"

The amendment was agreed to.

Mr. RIXEY. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert as a separate paragraph, after line 13, page 50, the following:

"That the Secretary of the Navy is hereby authorized to consolidate the three Bureaus of Construction and Repair, Steam Engineering, and Equipment into one bureau, to be known as the bureau of ships, the consolidation to take effect at such time as the Secretary of the Navy shall designate."

Mr. FOSS. I reserve the point of order.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. RIXEY. The reasons for that amendment are so well stated——

Mr. MAHON. I make the point direct that this is new legislation.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that this is new legislation.

Mr. RIXEY. Will not the gentleman withhold the point of order until I can state some of the reasons——

Mr. MAHON. I insist on the point of order.

The CHAIRMAN. The gentleman insists on the point of order, and the Chair sustains the point of order. The Chair has no doubt that it is new legislation. The Clerk will read.

The Clerk read as follows:

NAVAL ACADEMY.

Pay of professors and others, Naval Academy: For 1 professor of mathematics, 1 of chemistry, 1 of physics, and 1 of English, at $2,500 each; 7 professors, namely, 1 of English, 1 of French and Spanish, 3 of French, 1 of Spanish, and 1 of drawing, at $2,200 each; 1 sword master, at $1,500, and 2 assistants, at $1,000 each; 1 instructor in gymnastics, at $1,200; 1 assistant librarian, at $1,800; 1 secretary to the Naval Academy, at $1,800; 2 clerks to the Superintendent, at $1,200 each; 1 clerk to the commandant of cadets, at $1,200; 1 clerk to the paymaster, at $1,200; 1 dentist, at $1,600; 1 baker, at $900; 1 mechanic in department of physics, at $730; 1 cook, at $525.50; 1 messenger to the Superintendent, at $900; 1 armorer, at $649.50; 1 chief gunner's mate, at $529.50; 1 quarter gunner, at $469.50; 1 cockswain, at $469.50; 1 seaman in the department of seamanship, at $397.50; 1 attendant in the department of navigation and 1 in the department of physics, at $300 each; 6 attendants at recitation rooms, library, store, chapel, and offices, at $900 each; 1 bandmaster, at $1,080; 21 first-class musicians, at $420 each; 7 second-class musicians, at $360 each; services of organist at chapel, $300; in all, $59,991.

Mr. FOSS. Mr. Chairman, I desire to offer an amendment. I will say that this amendment reduces the number of professors and is in accord with the wishes of the new Superintendent, Captain Wainwright.

The Clerk read as follows:

On page 50 strike out all in line 18, after the word "each" and all in line 19 to the word "and," at the end of the line, and insert in lieu thereof the following: "four professors, namely, one of English, two of French:" and insert after the word "each," in line 20, "one assistant professor of Spanish at $1,800."

The amendment was agreed to.

The Clerk read as follows:

INCREASE OF THE NAVY.

That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract two seagoing battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of about 13,500 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $3,600,000 each; three armored cruisers of about 13,000 tons trial displacement, carrying the heaviest armor and most powerful ordnance for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,250,000 each; and three protected cruisers of about 8,000 tons trial displacement, carrying the most powerful ordnance for vessels of their class and to have the highest speed compatible with good cruising qualities, and great radius of action, and to cost, exclusive of armament, not exceeding $2,800,000 each; and the contract for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and not more than two of the vessels herein provided for shall be built in one yard or by one contracting party; and in the construction of all said vessels all the provisions of the act of March 3, 1899, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1900, and for other purposes," shall be observed and followed; and subject to the provisions hereinafter made two and not more than two of the aforesaid vessels shall be built on or near the coast of the Pacific Ocean, or in the waters connecting therewith: *Provided*, That if it shall appear to the satisfaction of the President from the biddings for such contracts, when the same are opened and examined by him, that said vessels, or any of them, can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding 4 per cent above the lowest accepted bid for the other vessels provided for in this act, he shall authorize the construction of said vessels, or either of them, elsewhere in the United States, subject to the limitations as to cost hereinbefore provided.

Mr. CUMMINGS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 63, line 4, after the word "each," insert "and six light-draft composite gunboats of about 900 tons displacement, to be fixed by the Secretary of the Navy, and no one of which shall cost more than $230,000, or in all for said six gunboats $1,380,000, exclusive of armament, and no more than two of said gunboats shall be built in one yard or by one contracting party, and in each case the contract shall be awarded by the Secretary of the Navy to the lowest and best responsible bidder."

Mr. CUMMINGS. The Secretary of the Navy in his report asked for the construction of 12 of these small gunboats. It does seem to me that his recommendation ought to have been recognized by the committee to the extent of authorizing the construction of at least half that number, and as the committee has not seen fit to recommend the construction of any, that the House should take the matter into its own hands and add to the Navy at least six more of these composite gunboats.

Mr. SNODGRASS. Mr. Chairman, I desire to ask the gentleman, does not your amendment limit the competition, inasmuch as you say that the Secretary of the Navy shall not permit more than two of these ships to be constructed in any one yard?

Mr. CUMMINGS. I take the language proposed in the provision that was submitted to the Committee on Naval Affairs and voted down.

Mr. SNODGRASS. But when one of them gets a contract, then that eliminates him from competing with any other firm.

Mr. CUMMINGS. We provide that no more than two can be constructed in any one yard. When the Secretary came before the committee and was questioned in regard to the construction of these gunboats, Mr. DAYTON said:

I do not like the idea of building small crafts until we get thoroughly equipped vessels of the cruiser and battle-ship class. Do you think those are preferable to the battle ships?

Secretary LONG. I should think that at present these gunboats of 900 and 1,000 tons are perhaps the most useful vessels we could have. In the Philippines at the present time a battle ship has very little to do; the work is done by the smaller boats.

Mr. DAYTON. We have a good many of those small boats on hand now, have we not? Understand I am not speaking of the cruisers, but the question was in regard to these small gunboats.

Secretary LONG. They are very useful to us. Take the torpedo boats; we have a very good showing of those, but torpedo boats are not useful in peace. A torpedo boat is not useful in ordinary times; it is only a fighting boat.

He was questioned further, and the Secretary referred the committee to Admiral Dewey. Admiral Dewey, in reply to questions put to him concerning the gunboats, said that we had acquired by purchase twelve or thirteen Spanish gunboats, including those that had been wrecked and raised from the bottom after the battle of Manila Bay. Further along he said, in reply to a question of Mr. Metcalf:

Admiral DEWEY. I think the Secretary of the Navy could answer you; he knows the condition perhaps of these gunboats, and although perhaps we may have a large number on the list, many of them may count for nothing, so I am not prepared to speak.

Mr. MUDD. Did I understand you would recommend gunboats as an alternative proposition?

Admiral DEWEY. No; that is another thing. We have just bought 14 gunboats.

Mr. DAYTON. I just simply took the Naval Register on page 170 there, if I may be pardoned——

Admiral DEWEY. Does not that include some auxiliary vessels we bought?

Mr. DAYTON. Now, under the third rate, here is the *Bennington*, the *Concord*, the *Yorktown*—those are larger. Coming down here are the *Machias*, the *Don Juan de Austria*, the *Isla de Luzon*.

Secretary LONG. We captured those.

Mr. DAYTON. Then we have the *Alert*, the *Ranger*, the *Annapolis*, the *Vicksburg*, the *Wheeling*, the *Marietta*, the *Newport*, and *Princeton*, of 1,000 tons.

Secretary LONG. Those are new boats.

Mr. DAYTON. Then we go down to the *Petrel*, which is 892 tons, which is about the size you are asking for, and the *Scorpion*, the *Fern*, and the *Bancroft*.

Secretary LONG. Then you are getting to vessels which are auxiliary vessels.

Mr. DAYTON. Then comes the *Vixen* and the *Gloucester*.

Secretary LONG. Those are the converted yachts which we purchased during the war.

Mr. DAYTON. Then comes the *Wasp*, the *Frolic*, the *Dorothea*, the *El Cano*, the *Pinta*, the *Stranger*, the *Peoria*, the *Hist*, the *Eagle*, the *Hornet*, etc.

Secretary LONG. A great many of those are big tugboats and yachts.

Mr. DAYTON. I could not tell anything about them, but I noted them under the head of gunboats, and that we had sixty and something.

Secretary LONG. Many of them have been turned over to the States for their naval reserves.

Mr. DAYTON. I hope you will not misunderstand me. I do not oppose the building of small vessels where necessary, but I am very anxious to get this larger and stronger and more substantial part of the Navy built up.

Mr. LOUDENSLAGER. Have you now any gunboats building?

Secretary LONG. No; the gunboats are all finished. They are very useful for patrolling, etc.

Now, Mr. Chairman, Admiral Dewey acknowledged that the Secretary knew more about the necessity of these gunboats than he did, and as the Secretary, in his examination before the committee, did not see fit to withdraw his request for the building of 12 new gunboats, I think that justice requires that we should give him at least one-half of what he asked for.

Mr. KITCHIN. Mr. Chairman, is it the desire of the committee to dispose of this particular amendment before we enter into consideration of any other item there?

Mr. FOSS. I think that it will be better to dispose of this item first.

Mr. KITCHIN. I will then speak to this item. It seems to me, from Admiral Dewey's testimony in the statement that my friend from New York has just read and the immense amount of money that we are already expending for the Navy, that we can well do without these gunboats.

If the members of the Naval Committee will remember, the recommendations of the Secretary of the Navy were made some time in the fall, and Admiral Dewey was before the committee on February 28, probably three or four months after the Navy Department had made out their estimates. Admiral Dewey said in that hearing that General Otis had just recently—a few days before, as I understood—turned over 3 gunboats to our Navy in the Philippines; and Admiral Dewey told us also that we had recently bought 14 Spanish gunboats that were in good condition in the Philippine Islands. I understand, therefore, there are 17 more gunboats now in the Navy than were in the Navy when the Secretary of the Navy made his report asking for 12, this being the number, as I recall, first recommended.

Mr. FOSS. That is it.

Mr. KITCHIN. The Secretary of the Navy asked for 12 in the fall, and since that time we have acquired 17—14 and 3. So we now have more than the Secretary asked. Another thing. I think Admiral Dewey expressed the opinion—I will not take time to read his testimony, although I have it in my hand—that the kind of ships we want in war are cruisers and battle ships, and that we can make out very well at present without the gunboats.

While the gunboats themselves are not very expensive, every gentleman in this House is aware that the Navy is expensive, and wherever we can save the money of the Treasury without harming the American Navy I think we ought to make that saving. I feel that every member of the House would be fully justified in voting against this amendment.

Mr. CUMMINGS. Let me call the gentleman's attention to the words of Admiral Dewey:

Mr. METCALF. The question I asked was, if the committee of the House would authorize the construction of three additional battle ships at this particular time, would you then recommend the construction of gunboats; that is, supposing we could get both?

Admiral DEWEY. I think the Secretary of the Navy could answer you; he knows the condition, perhaps, of these gunboats, and although, perhaps, we may have a large number on the list, many of them may count for nothing, so I am not prepared to speak.

Mr. KITCHIN. From what page is the gentleman reading?

Mr. CUMMINGS. The Secretary of the Navy maintained his attitude——

Mr. KITCHIN. I think that Admiral Dewey thinks the gunboats purchased from Spain are first-class.

Mr. CUMMINGS. Oh, no.

Mr. PEARCE of Missouri. No.

Mr. KITCHIN. Let us see. I read from the testimony before the committee:

Mr. METCALF. Suppose the committee should authorize the construction of three battle ships in addition to the construction of the armored cruisers, etc., do you then recommend the construction of the 12 gunboats also?

Admiral DEWEY. No. That is to say, I would not. I, however, would not want to give an opinion upon that because I am not familiar with the workings of the Department; but in view of what Mr. DAYTON says that we having something over 50 and the purchases we have recently made—I see General Otis has just turned over three more of the Spanish gunboats—I think the gunboats had better wait for the fighting ships.

Mr. DAYTON. That is, you would build them, but after the battle ships?

Admiral DEWEY. Yes.

Mr. METCALF. The question I asked was if the committee of the House would authorize the construction of three additional battle ships at this particular time would you then recommend the construction of gunboats; that is, supposing we could get both?

Admiral DEWEY. I think the Secretary of the Navy could answer you; he knows the condition, perhaps, of these gunboats, and although perhaps we may have a large number on the list many of them may count for nothing, so I am not prepared to speak.

Mr. MUDD. Did I understand you would recommend gunboats as an alternative proposition?

Admiral DEWEY. No; that is another thing. We have just bought 14 gunboats.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. CUMMINGS. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CUMMINGS. Now, right there. I find a list of the gunboats, with those captured from the Spanish Government. On page 42 of the report on the naval bill I find this. Instead of being first-class boats of 900 tons, as the Secretary asked for, I find that three of them are of 106 tons displacement, steel; three, 208 tons, steel; three of 151 tons, iron; six of 83 tons, wood. Now, some of them are not as large as an Erie Canal boat.

Mr. KITCHIN. What was the date of that report?

Mr. CUMMINGS. That is on page 42 of the report on the naval appropriation bill.

Mr. KITCHIN. Does that include the boats that Admiral Dewey referred to?

Mr. CUMMINGS. It says "boats purchased by the War Department."

Mr. KITCHIN. How many of them?

Mr. CUMMINGS. Nineteen.

Mr. KITCHIN. The gentleman will remember we bought other gunboats; I think many others.

Mr. CUMMINGS. Six of them were captured from Spain, and that leaves 13 purchased.

Mr. KITCHIN. Now, let me read further from Admiral Dewey's testimony. He says, on pages 8 and 9 of the hearings:

Mr. RIXEY. I would like to ask the Secretary, in view of the statement made by the Admiral that we have recently purchased quite a number of gunboats through General Otis to be turned over to the Government, does he think in view of that fact it would be necessary to build these dozen gunboats recommended?

Secretary LONG. I can not answer you very clearly about that, because I do not know much about these gunboats which have been turned over, in what condition they are in. Have you any information on that, Admiral?

Admiral DEWEY. I know these last ones which have been turned over in the last week. One of them—the *Alava*—is about 600 tons and is a fine ship. They are very good in the Philippines.

Secretary LONG. I should certainly think if we get the three additional ships from the Army which the Army has given to us, that would certainly modify the necessity of increasing the gunboats in your bill; I should certainly think so; but I can not answer very definitely, because I do not know what the ships are and what condition they are in.

Mr. RIXEY. You would utilize those three gunboats?

Secretary LONG. I should be glad to. You gentlemen must bear in mind in making the recommendation it never occurred to me that Congress would give us three battle ships, costing $3,000,000 or $4,000,000 apiece, and also three cruisers costing a great deal of money, and three protected cruisers of 8,000 tons, also costing a great deal.

Secretary Long says that if we get three additional ships that would remove the necessity of increasing the gunboats. That refers to the three that General Otis had just turned over.

Mr. CUMMINGS. But those three are only 106 tons burden.

Mr. KITCHIN. What page is the gentleman reading from?

Mr. CUMMINGS. Page 42 of the report.

Mr. KITCHIN. Is that ship, the *Alava*, that Admiral Dewey mentions in your list?

Mr. CUMMINGS. The *Alvarado* is in this list, but not the *Alava*.

Mr. KITCHIN. No; the *Alava* is a 600-ton ship, and Admiral Dewey says she is a fine ship.

Mr. PEARCE of Missouri. What kind of a ship is it—iron, steel, or wood?

Mr. KITCHIN. He does not state.

Mr. CUMMINGS. Six of these ships captured from the Spaniards are practically Erie Canal boats—only 93 tons.

Mr. KITCHIN. I do not think we bought any ships of that kind; we might have captured some.

Mr. RIXEY. I want to call the gentleman's attention to page 8 of this hearing, where Secretary Long says:

There are about 35 of those which are vessels of 500 tons or less; some less than 100.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I send an amendment to the Clerk's desk as an amendment to that offered by the gentleman from New York.

Mr. KITCHIN. Mr. Chairman, are we through with the debate on this amendment?

Mr. FOSS. Oh, no; we are not.

Mr. KITCHIN. I asked if it was proper to offer another amendment to this section, and the chairman of the committee said he would prefer to get through with this amendment before another was offered.

Mr. FOSS. I would prefer to have this settled first.

Mr. FITZGERALD of Massachusetts. I believe I have the floor. After I have occupied my five minutes I will cheerfully give way to gentlemen on either side to make any agreement that they may think proper.

Mr. KITCHIN. I would like to offer my amendment before any other amendment is offered.

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] was entitled to the floor. His time expired, and he sat down. The Chair then recognized the gentleman from Massachusetts.

Mr. KITCHIN. I thought the Chair understood what passed between the chairman of the committee [Mr. Foss] and myself; and, understanding that, I did not think he would recognize another gentleman to offer an amendment until the settlement of the first amendment, as we understood.

The CHAIRMAN. The Chair could not presume that the gentleman from North Carolina was holding the floor without the consent of the gentleman from Massachusetts.

Mr. FITZGERALD of Massachusetts. I am entitled to my rights on the floor. There is no objection to the gentleman from North Carolina offering an amendment after I get through.

Mr. KITCHIN. Very well; go ahead. I will not insist on anything.

The CHAIRMAN. The Clerk will read the amendment sent to the desk by the gentleman from Massachusetts.

The Clerk read as follows:

Strike out all of the amendment proposed by the gentleman from New York [Mr. CUMMINGS] after the words "exclusive of armament" and insert in lieu thereof the following: "these gunboats to be built under the direction and supervision of the Secretary of the Navy in such Government navy-yards as are best suited for this purpose, the selection to be made by the Secretary of the Navy.

Mr. LOUDENSLAGER. I make a point of order against that amendment that it changes existing law.

Mr. FOSS. I also make a point of order against the amendment.

Mr. FITZGERALD of Massachusetts. Will the gentlemen be kind enough to reserve the point of order until I have spoken? I have not occupied any time on this bill. I wish they would reserve the point of order until I have occupied my five minutes.

Mr. FOSS. I reserve the point of order until the gentleman has spoken.

The CHAIRMAN. The gentleman from Massachusetts will proceed.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I have listened very carefully to the arguments which have been made by those opposed to the building of some of our war ships in Government yards, and I am still strongly of the opinion that it is the duty of the Government to give this matter a trial at least, and if this is done I feel confident that in a short time it will be shown that ships can be built more cheaply and better constructed than in private yards. The Charlestown Navy-Yard is situated in my district. I am fully acquainted with its possibilities in this direction, and I think it is only fair that Congress should afford an opportunity for the construction of one or more war ships in this yard.

Within the last three or four years millions of dollars have been spent to put this yard in proper shape, so as to enable it to repair and reconstruct almost every kind of ship in the United States

Navy. At the present time a dry dock, to cost more than a million dollars, is being completed, and Government buildings containing the most modern shipbuilding machinery are being built. Within a radius of 10 miles of the Charlestown Navy-Yard live more than 1,000,000 people, and amongst this vast number may be found the best mechanics in the world. It is inconceivable to me that the United States Government should spend millions of dollars in fitting up Government plants at this and other navy-yards and not at the same time undertake to build as well as repair Government vessels.

Arguments have been adduced on this floor citing the case of the four vessels built in the Government yards, viz, the battle ships *Texas* and *Maine* and the cruisers *Raleigh* and *Cincinnati*, and it has been pointed out that these vessels cost a much larger sum than that for which they could have been built in private yards. This statement has, however, been disputed, and I think it was Constructor Bowles who made the statement at one of the hearings before the Naval Committee that a great deal of this additional cost was due to the delay of the Government in providing plans, armor, and armament, and that Messrs. Cramp & Co., who were building vessels about the same time, have a claim now before Congress amounting to over $400,000, which, if allowed, would make this vessel, the *Indiana*, I believe, cost as much as the *Texas*.

The figures which I submit below show the difference between contract and actual cost and give a fair idea of conditions prevailing when these vessels were built years ago.

Name.	Date of laying keel.	Date of first commission.	Hull and machinery.			Ship without stores, ammunition, or water in boilers.		
			Cost of hull and machinery.	Weight of hull and machinery.	Cost per ton of hull and machinery.	Final cost of finished vessel.	Weight without stores, ammunition, or water in boilers.	Cost per ton of finished vessel.
				Tons.			*Tons.*	
Maine	Oct. 17, 1888	Sept. 17, 1895	* $3,305,409.87	3,836,920	$861.47	$4,677,788.75	5,436.35	$860.46
Texas	June 1, 1889	Aug. 15, 1895	* 2,949,549.12	3,595,690	820.30	4,202,121.49	5,124.69	819.91
Cincinnati	Jan. —, 1890	June 16, 1894	* 1,995,773.30	2,358,183	846.31	2,371,904.52	2,675.92	886.38
Raleigh	Dec. —, 1889	Apr. 17, 1894	* 1,839,965.23	2,358,183	780.24	2,199,729.80	2,691.00	817.43
Minneapolis	Dec. 16, 1891	Dec. 13, 1894	† 2,690,000.00	5,816,760	462.45	3,849,986.44	6,161.20	624.87
Indiana	May 7, 1891	Nov. 20, 1895	† 3,053,000.00	5,691,100	536.20	5,983,571.98	8,943.30	669.03
Detroit	Feb. —, 1890	July 20, 1893	† 612,500.00	1,449,650	412.52	1,233,039.90	1,660.00	740.11

* Amount expended in navy-yards. † Contract price.

Comparison of contract price with total cost of certain ships.

	Monterey.	Olympia.	San Francisco.	Oregon.	Massachusetts.	Indiana.
Payments on account of contract	$1,647,728.64	$1,796,000.00	$1,423,231.50	$3,272,403.99	$3,045,576.48	$3,055,272.39
Extra to contractors for authorized changes	107,093.02	103,831.30	47,739.94	265,862.69	171,111.12	149,960.42
Work done by Government, plans, inspection, etc	73,588.03	70,878.67	141,840.06	248,165.75	209,203.32	257,032.19
Hull armor	237,790.23			828,468.34	828,929.74	837,884.62
Armor for gun protection	190,534.38	141,522.62		1,029,591.42	1,030,051.58	977,134.02
Speed premiums		300,000.00	100,000.00	175,000.00	100,000.00	38,500.00
Trial-trip expenses	11,547.42	39,269.09	25,446.32	22,913.99	16,882.73	17,924.41
Care and preservation, insurance, etc		32,525.86		71,615.72		
Total cost	2,268,281.75	2,484,027.54	1,738,257.82	5,914,021.90	5,401,844.97	5,333,708.05
Contract price	1,674,839.60	1,796,000.00	1,428,000.00	3,301,510.00	3,090,000.00	3,090,000.00
Excess of total cost over contract price	593,442.15	688,027.54	310,257.82	2,612,511.90	2,311,844.97	2,243,708.05

Every member of Congress knows the condition in which the Norfolk and Brooklyn navy-yards were at the time of the building of these vessels. Members of the House must realize that neither of those yards was in a condition to build Government vessels in competition with private yards. Neither yard had tools or machinery at that time compared to what can be found there now, and it is not fair argument to make comparisons in the cost of vessels built at these navy-yards at that time and the cost of doing similar work there now. When members of this House declaim against the building of Government vessels at our navy-yards they make unwarranted charges against the efficiency of our whole system of navy-yard construction and repair now in vogue at the different navy-yards in the country.

Who are the men that recommend the construction of Government vessels in our navy-yards? The chief constructor of the Navy, Admiral Hichborn, and he is sustained, I think, by every naval constructor in the country. These men, or nearly all of them, are graduates of our Annapolis Naval Academy, and are therefore the best fitted and best trained men in the world to-day in this class of work. Under the system of civil service in operation at the navy-yards, mechanics and laborers are given employment and retained in the service in accordance with their fitness for their duties, and it is a well-established fact that during the last seven or eight years the navy-yards of the country have been operated upon as economical a scale as are the private shipyards.

Claim has been made here that while the employees of private shipyards work ten hours a day those engaged in Government work are only compelled to work eight hours a day. This difference in time, however, can not exist long. The sentiment of the country, and I might say the sentiment of the entire world, is, in my opinion, for a working day of eight hours, and I think it is the duty of this Congress in making appropriations for the ships that are to be built in private yards to insist, as can be done in the present bill, that in the construction of all Government vessels in private yards the mechanics and laborers employed on these vessels should not be allowed to work more than eight hours per day.

I am surprised that large shipbuilding concerns should exact any longer service than this, as it is generally admitted that the average mechanic can accomplish as much in eight hours as he can in ten, and inasmuch as a great many of the trades in this country to-day are on an eight-hour basis, and practically all on a nine-hour basis, it seems to me almost criminal on the part of this Government to allow any of the Government vessels to be built in private yards on a ten-hour basis. All the other governments of the world have instituted this practice and find it a profitable one, otherwise the amount of shipbuilding which other countries have given to their own government yards during the last year would never have been authorized.

I will present at this time some of the statements which were made by the different naval constructors who appeared before the committee at the hearings on this matter. Mr. Bowles, speaking generally, said the advantages to be gained by the building of ships in Government yards were as follows:

1. Maintains efficiency of force and plant.
2. Renders repair work economical and rapid.
3. Will reduce the amount of repair work by removing the necessity for maintenance of force.
4. Maintains a standard of workmanship and design on basis of practical experience.
5. Provides training for those who must inspect contractors' work.
6. No profit to be made.
7. The indirect charges in commercial practice which make a large percentage of cost are not included, because they are already provided and are maintained for other purposes, viz: Interest on plant, taxes, insurance, depreciation and care of property, large proportion of office and organization expense.
8. Cost of inspection is saved.
9. Cost of trial trip is saved.

Mr. Bowles also said:

The English Government has shown that a government can build ships in competition with outside shipyards. Nobody can say we can not do it, because we can. It is only a matter of the means, the regulation, and the methods and the men. And it can be done, and it can be done very quickly; if you want to do it very quickly there is no question about it.

There is just one sentence more, and that is, I believe in time gone by, when we had a wooden navy, the greater portion of our ships were built acceptably in the Government yards. At one time ships were built here in the Washington yard.

Mr. Bowles also said, in answer to a question of Mr. DAYTON as to the capability of the navy-yards for doing Government work:

I believe that the principal navy-yards of the United States are capable to-day of beginning the construction of a modern vessel and carrying it on successfully.

Mr. DAYTON. Without detriment to the repair work?

Mr. BOWLES. Not only without detriment, but with great advantage to the repair work.

In answer to the question as to whether by the building of vessels in navy-yards the number of officers on shore duty would not be increased, Mr. Bowles said:

There are more people inspecting the ships building at Newport News than it would take to build the same number of ships in the New York Navy-Yard to day.

Mr. Baxter, the constructor at the Boston Navy-Yard, a man who in my judgment is one of the foremost men in the world in his line of business, summed up the matter admirably when he gave his opinion on this question in the following language:

Mr. BAXTER. When I went to the Mare Island Navy-Yard, nearly six years ago now, to take charge of the work, there was a bare, empty hull there. It is now the monitor *Monadnock*, which has made considerable fame for herself by her trip to Manila. We started in there with practically nothing. With the exception of this empty hull, everything had to be done at the Mare Island yard. That enabled us to get a plant together and to train the men. Then we went along. Congress in its wisdom ordered the rebuilding of the *Hartford*. That went along from year to year. Then there were two tugs built on special appropriations, and each one of these is an absolutely separate, definite appropriation, so I could use my best judgment.

If the current yearly appropriations were running slack, or if there were no ships to be repaired at the yard, I would switch my men off from one thing to another and keep my good men all the time. The result was, when the Spanish war came on us we did a great deal out there, although you did not hear about it in the East. I had at hand there a set of men that knew everything about the plant, and those men worked faithfully fourteen hours a day straight ahead for four or five months. That state of affairs could not have existed, in my opinion, if there had not been this jumping back and forth, if I had not had this continuous work to keep those people going, and the value to the Government of being able to do that work was quickly seen when the war came upon us, because we are very isolated out there in a great many ways, and we can not get men from Baltimore or New York or Philadelphia. We have to take the men we have, and those men have to be trained up to do what we want them to do, and if they can not get work in California they have to come back here; they can not stay there; and the cost of work on the construction work pure and simple was paid for ten times over by the efficiency with which the work for the Spanish war was rendered.

In another portion of his testimony he made the following statement:

Mr. BAXTER. Yes, sir. For instance, in repairs to a ship there are a great many different trades required. It might possibly be that we would be simply repairing—say, the woodwork of the deck or something of that kind—that would be the general line of the work, and therefore most of the men would be that style of mechanics. They would not be ship fitters or iron workers. In case another ship needed to be repaired—a ship that has been in collision, perhaps, and had a hole stove in her—a different set of men would be required, and none of those people working on the first ship mentioned would be needed. Whereas if you are building a ship you have those people there all the time, and it is simply taking a man out of this work and putting him into some other work.

Naval Constructor Stahl, of the Norfolk Navy-Yard, gave equally strong testimony in favor of this Government building one or more of the new vessels in the Government yards, and stated that the work could be done after a little while better and more economically than in the private yards.

Admiral Hichborn, the chief constructor of our Navy, who is recognized throughout the known world as one of the greatest authorities on shipbuilding, in his annual reports has favored this method of constructing war vessels.

Let us see what the practice of foreign governments is in this direction, and I will quote the figures for the year 1899. Before doing this, however, I will give the status of the different navies compiled up to and including 1898:

	Completed.							Under construction.						
	England.	France.	Russia.	Germany.	Italy.	United States.	Japan.	England.	France.	Russia.	Germany.	Italy.	United States.	Japan.
Battle ships	52	27	12	9	15	5	3	12	8	6	5	2	8	3
Armored cruisers	18	9	10	3	3	2	1	8	10	1	2	...	...	6
Protected cruisers	95	30	3	7	15	14	10	24	10	3	3	3	1	6
Unprotected cruisers	16	16	3	21	1	10	8	...	...	...	...	...	...	1
Coast-defense ships	15	14	15	19	...	*20	3	...	...	1	...	...	...	...
Torpedo vessels	35	13	17	2	15	...	1	...	2	...	...	...	...	...
Ships for special purposes	3	1	5	1	2	1	...	...	...	...	...	...	...	...
Torpedo-boat destroyers	50	...	1	...	...	...	...	46	8	28	1	1	20	8
Torpedo boats	98	211	114	113	142	†8	44	...	38	...	9	2	32	12

*Including 6 double turret monitors, 13 old single-turret monitors, and the ram *Katahdin*. The 13 old monitors would hardly be included in computing the strength of the Navy on the usual basis of age, speed, etc. (O. N. I.)

†Torpedo boats completed, 13; under construction, 13. (O. N. I.)

War ships built in United States navy-yards since 1883.

Class.	Number.	Total tonnage.
Second-class battle ship Texas	1	6,315
Second-class battle ship Maine	1	6,648
Protected cruisers Raleigh and Cincinnati	2	6,426
Grand total	4	19,389

War ships building in English dockyards in 1899.

Class.	Number.	Total tonnage.	Total cost.
Battle ships	11	156,850	$55,482,514
Armored cruisers	3	33,700	11,899,464
First-class protected cruisers, sheathed with wood and copper	2	22,000	5,820,807
Second-class protected cruisers	2	11,500	2,921,948
Third-class protected cruisers	3	6,535	2,322,283
Sloops sheathed with wood and copper	6	6,060	2,216,763
Royal yacht	1	4,700	2,112,068
Grand total	28	241,345	82,895,847

War ships building in English private yards in 1899.

Class.	Number.	Total tonnage.	Total cost.
Battle ships	7	94,850	$33,273,641
Armored cruisers	5	61,900	21,610,799
Armored cruisers sheathed with wood and copper	6	72,000	22,681,767
First-class protected cruisers, sheathed with wood and copper	2	22,000	5,542,358
Second-class protected cruisers, sheathed with wood and copper	3	16,800	4,391,470
Third-class protected cruisers	3	6,405	2,017,812
Sloops sheathed with wood and copper	2	1,960	669,824
Gunboats	4	2,800	1,048,728
Torpedo-boat destroyers	40	14,000	(*)
Torpedo boats	2	350	(*)
Grand total, exclusive of cost for torpedo-boat destroyers and torpedo boats	74	293,065	91,236,399

*Cost not on record.

Recapitulation of war ships building in England in 1899.

Where building.	Number.	Total tonnage.	Total cost.
In dockyards	28	241,345	$82,895,847
In private yards	74	293,065	91,236,399
Grand total	102	534,410	174,042,257

War ships building in French dockyards in 1899.

Class.	Number.	Total tonnage.	Total cost.
Battle ships	6	67,553	$30,521,358
Battle ship	1	12,728	...
Armored cruisers	8	73,518	30,172,551
Fast cruiser	1	4,000	1,704,198
Third-class protected cruiser	1	2,452	1,011,079
First-class sloop	1	1,243	580,731
Torpedo gunboats	2	1,792	1,181,818
Gunboats	2	1,291	574,461
Submarine boats	8	1,078	1,068,172
Torpedo boats	6	516	601,230
Grand total	35	166,171	67,357,598

War ships building in French private yards in 1899.

Class.	Number.	Total tonnage.	Total cost.
Armored cruisers	6	53,045	$23,705,087
Fast cruisers	3	20,295	7,714,360
Second-class protected cruiser	1	4,055	1,584,048
Third-class protected cruiser	1	2,452	942,106
Torpedo cruisers	10	2,582	3,285,758
Seagoing torpedo boats	11	1,772	2,222,964
First-class torpedo boats	22	1,344	1,836,744
Torpedo boats	11	990	965,186
Small torpedo boats	6	900	143,583
Grand total	71	87,435	42,399,836

Recapitulation of war ships building in France in 1899.

Where building.	Number.	Total tonnage.	Total cost.
In dockyards	35	166,171	$67,357,598
In private yards	71	87,435	42,399,836
Grand total	106	253,606	109,757,434

War ships building in German dockyards in 1899.
[Total cost not on record.]

Class.	Number.	Total tonnage.
Battle ships	4	43,660
Cruisers	4	8,582
Grand total	8	52,242

War ships building in German private yards in 1899.

Class.	Number.	Total tonnage.
Battle ships	2	22,360
Cruisers	6	20,495
Torpedo-boat destroyers	16	2,780
Grand total	24	45,635

Recapitulation of war ships building in Germany in 1899.

Where building.	Number.	Total tonnage.
In dockyards	8	52,242
In private yards	24	45,635
Grand total	32	97,877

War ships building in Russian dockyards in 1899.

[Total cost not on record.]

Class.	Number.	Total tonnage.
Battle ships	5	50,772
Coast defense	1	4,126
Cruisers	6	33,020
Grand total	12	87,918

War ships building in Russian private yards in 1899.

Class.	Number.	Total tonnage.
Battle ships	4	65,616
Armored cruiser	1	7,800
Cruisers	4	22,500
Grand total	9	95,916

Recapitulation of war ships building in Russia in 1899.

Where building.	Number.	Total tonnage.
In dockyards	12	87,918
In private yards	9	95,916
Torpedo-boat destroyers distributed among dockyards and private yards	42	14,066
Torpedo boats distributed among dockyards and private yards	16	2,500
Grand total	79	200,400

War ships building in Italian dockyards in 1899.

[Total cost not on record.]

Class.	Number.	Total tonnage.
Battle ships	2	26,265
Armored cruiser	1	7,308
Cruisers	2	2,700
Torpedo boats	12	1,020
Grand total	17	37,383

War ships building in Italian private yards in 1899.

Class.	Number.	Total tonnage.
Battle ship	1	12,765
Armored cruisers	3	23,196
Torpedo-boat destroyers	8	2,680
Torpedo boat	1	147
Grand total	13	38,788

Recapitulation of war ships building in Italy in 1899.

Where building.	Number.	Total tonnage.
In dockyards	17	37,383
In private yards	13	38,788
Grand total	30	76,171

These figures conclusively show that other governments have found it profitable to build a portion of their war fleet in their own yards, and I can not see any reason why this House should fail to go on record in favor of making this innovation at the present time.

In order that the members of this House may realize the vast expenses that the Government is assuming in connection with the upbuilding of our Navy, and in order to draw the attention of the House to the vast payments that are being made for public works in the navy-yards where vessels are to be repaired, not constructed, I quote the following statements from the Naval Affairs Committee report of the present year:

Comparative statement of present cost of Navy.

	Supplemental estimates as per H. Doc. 398.	Total Department estimates, 1901.	Proposed appropriations, 1901.	Appropriated, 1900.
Pay of the Navy	$5,600.00	$12,810,897.00	$12,810,897.00	$13,500,171.09
Pay, miscellaneous		500,000.00	500,000.00	500,000.00
Contingent, including emergency	500,000.00	510,000.00	520,000.00	10,000.00
Bureau of Navigation	9,550.00	493,925.00	506,425.00	505,125.00
Bureau of Ordnance		2,503,124.00	2,388,124.00	3,143,124.00
Bureau of Equipment	321,577.52	3,564,032.52	3,464,032.52	2,765,455.10
Bureau of Yards and Docks	220,000.00	753,322.83	608,439.83	453,442.23
Public works, yards and docks		13,768,674.32	7,797,467.32	5,465,286.50
Public works, Naval Academy and Observatory		2,051,500.00	690,000.00	730,000.00
Bureau of Medicine and Surgery	40,000.00	220,000.00	220,000.00	192,500.00
Bureau of Supplies and Accounts	10,800.00	3,231,232.03	2,731,232.03	3,220,432.03
Bureau of Construction and Repair	500,000.00	6,795,824.25	6,235,824.25	3,273,407.00
Bureau of Steam Engineering		2,774,200.00	2,774,200.00	1,209,200.00
Naval Academy		207,813.45	199,685.45	195,153.45
Marine Corps	25,000.00	2,740,370.27	2,712,870.27	2,544,271.27
Increase of the Navy		16,990,699.00	16,990,699.00	10,392,402.00
Total	1,632,527.52	69,885,634.67	61,209,916.67	48,099,969.58

PUBLIC WORKS.

	Estimates, 1901.	Carried by bill.	Appropriated, 1900.
Portsmouth	$902,000.00	$361,000.00	$306,000.00
Boston	1,798,300.00	865,300.00	379,000.00
New London, Conn.	50,000.00		25,000.00
New York	1,977,000.00	1,300,200.00	612,932.00
League Island	1,963,092.00	939,500.00	800,767.00
Washington	875,017.32	414,102.32	205,000.00
Norfolk	1,649,000.60	466,500.00	645,687.50
Port Royal	882,000.00	227,000.00	145,000.00
Key West	117,000.00	97,000.00	112,520.00
San Juan	52,000.00	52,000.00	
Pensacola	29,500.00	9,500.00	
Algiers	145,000.00	145,000.00	
Mare Island	1,152,700.00	563,200.00	935,750.00
Puget Sound	226,065.00	206,165.00	48,500.00
Dredging, Dry Tortugas	200,000.00	100,000.00	
Habana, naval station	50,000.00		
Dry dock, Algiers	650,000.00	650,000.00	
Four dry docks	900,000.00	900,000.00	800,000.00
Repairs and preservation	450,000.00	500,000.00	450,000.00
Total	13,768,674.32	7,797,467.32	5,465,286.50

The necessity for increased appropriations in this important branch of the naval establishment has been set forth in the able report of the Secretary of the Navy, on page 41, in which he says:

"The operations of the various bureaus at the yards during the war show that in very many respects the public works were not adequately equipped for the prompt and proper conduct of the work of repairing and fitting out vessels of war. Even in such navy-yards as New York, Norfolk, and Mare Island, the best equipped in the country, many deficiencies were found to exist. This was the experience of every bureau, and the importance of modernizing the navy-yard plants, erecting new storehouses and shops, providing adequate docking facilities, and thereby enabling the yards to meet the great increased requirements of the Navy was strongly impressed upon the Department."

The following table shows the value of the real estate, chattels, and machinery plants at the varicus yards and stations June 30, 1899:

Statement showing the value of real estate and chattels and machinery plant at the several yards and stations June 30, 1899, as per appraisal under Department's circular No. 94.

Navy-yards and stations.	Real estate and chattels.	Machinery plant.
Navy-yard, Portsmouth, N. H.	$2,684,627.32	$243,063.00
Navy-yard, Boston, Mass	12,295,181.10	539,180.28
Naval War College, Newport, R. I.	100,422.00	
Naval training station, Newport, R. I.	313,005.00	7,315.00
Naval torpedo station, Newport, R. I.	239,576.38	45,000.00
Naval station, New London, Conn.	151,146.52	900.00
Navy-yard, New York, N. Y.	19,165,023.79	543,277.68
Navy-yard, League Island, Pa.	2,523,566.27	126,349.60
Naval Home, Philadelphia, Pa.	901,944.45	
Naval Academy, Annapolis, Md.	569,268.40	21,432.50

Statement showing the value of real estate and chattels, etc.—Continued.

Navy-yards and stations.	Real estate and chattels.	Machinery plant.
Naval Observatory, Washington, D. C	$869,948.77	
Navy-yard, Washington, D. C	4,375,091.61	$1,746,562.57
Marine headquarters, Washington, D. C	220,263.50	
Navy-yard, Norfolk, Va	5,649,554.37	560,544.70
Naval proving ground, Md	272,084.00	5,500.00
Naval station, Port Royal, S. C	906,630.75	55,226.63
Naval station, Key West, Fla	497,857.31	37,474.48
Navy-yard, Pensacola, Fla	1,710,821.00	51,754.00
Navy yard, Mare Island, Cal	4,127,611.48	435,420.00
Naval training station, Cal	578,023.50	
Naval station, Puget Sound, Wash	798,550.55	
Naval station, San Juan, P. R	193,143.83	6,000.00
Naval station, Honolulu, H. I	595,762.32	
Total	59,719,004.82	4,425,061.34

The above indicates the magnitude of these yards and stations. It is here that the ships are taken for repair and fully equipped for further service, and as the number of ships increases a corresponding improvement in our yards and stations follows as a necessary sequence in order that they may be able to meet the requirements of a growing navy. The two must go hand in hand. While the committee has not seen fit to recommend what has been asked for to the full extent, yet they have made provision for that amount of public works which can be judiciously carried on during the coming fiscal year. Under the head of public works is that of the completion of the dry docks which are now being built at Portsmouth, Boston, League Island, Mare Island, and the floating dock at Algiers, La., requiring an appropriation of $1,550,000. There has already been appropriated for these docks $1,800,000, making a total of $3,250,000, and $1,800,000 more will be required to complete them.

This bill also provides for the beginning of construction of two more stone dry docks, one at New York and the other at Norfolk, Va. These are urgently demanded by the Department in view of the importance of these two yards, that of New York being the largest and most important and that of Norfolk next. At the present time we have no docks at either place large enough to take in our largest battle ships with safety.

Let us consider for a moment, Mr. Chairman, the false economy we are practicing when the Government, with navy-yard property to the value of $65,000,000, refuses to build part of its own fleet in these yards.

Statistics are available which prove that in the matter of the construction of battle ships and some other kinds of government vessels the work is done more cheaply at the government yards in England than in the private yards. In France the case is about the same. When one considers that there is no charge against the Government for taxes, for interest, for insurance, for plant depreciation in the building of vessels in the navy-yards, and no profits expected, it is simply incomprehensible to me, under the excellent system of labor employment now in vogue in the navy-yards of the country, that the work of building vessels can not be done more cheaply there than in private yards.

The Charlestown Navy-Yard for years, in its equipment department, has been manufacturing the cordage for the Navy, both hemp and wire, and it has held its own with private corporations. The smaller boats of the Navy are being built now at this yard, and the price compares favorably with that demanded by outside contractors.

The navy-yard at Charlestown is unequaled in the matter of water and rail transportation. Boston Harbor, where the yard is located, is one of the best, if not the best, harbor on the Atlantic Ocean. It has a magnificent system of fortifications, and, being the wealthiest and most populous city in New England, the National Government can always be depended upon to furnish proper protection to the port and therefore to the navy-yard. The harbor is accessible at all stages of the tide to Government vessels of the heaviest draft. Skilled labor in iron-ship building and marine engineering is to be found in ample supply, and if, therefore, a selection is to be made among the different navy-yards for the initiation of this work, the advantages of the Charlestown Navy-Yard must not be overlooked.

The maintenance of our naval establishments in proper manner is the best guaranty we have for peace. Two ends are accomplished by this practice.

First and most important is the preservation of peace without the sacrifice of honor and principle, and the second is that we may be prepared for war. Our ability to attain the first end is in proportion to our readiness to maintain our rights; hence it is necessary that we should at all times be independent of private shipbuilding establishments in the matter of ship construction. This work can not be carried forward any too soon.

We should have a settled policy. It will be wise economy to authorize the building of one or more ships in every navy-yard. There will be no pulling and hauling then for different appropriations for different classes of work at different navy-yards. All yards will be fitted up with the most modern tools and appliances, a system of construction and repair will be inaugurated in all of them, thousands of mechanics will be employed with living hours and living wages, and the Government will have embarked on a career of profound wisdom and economy in the building of its war ships. [Applause.]

Mr. KITCHIN. I hope the gentleman from Massachusetts will withdraw his amendment and allow another to be offered.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I desire to withdraw the amendment which I have presented, so that the point of order may not be made against it now, my object being that another amendment may be presented upon another portion of the bill for the construction of some of the protected cruisers at the Government navy-yards.

Mr. JONES of Washington. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from New York, which I send to the desk.

The Clerk read as follows:

Amend the amendment proposed by Mr. CUMMINGS, of New York, by adding thereto the following: "*Provided further*, That two of such gunboats shall be constructed on or near the coast of the Pacific Ocean, or in the waters connected therewith."

Mr. JONES of Washington. Mr. Chairman——

Mr. FOSS. I understand the amendment of the gentleman from Massachusetts [Mr. FITZGERALD] to have been withdrawn.

The CHAIRMAN. It has been withdrawn for the present.

Mr. JONES of Washington. Now, Mr. Chairman, if the gunboats provided for here are to be constructed at all, it seems to me that they should be constructed in as many different yards as possible, not only giving encouragement to the development of the yards themselves, throughout the country, but also allowing these boats, when constructed, to be in a position where they are most likely to be needed. Many of these vessels would probably be needed in the Philippine Islands, and the nearest point to the Philippines where we could build them is on the Pacific coast; and if constructed there, we would save considerable expense in taking them around for service in the Philippines.

Furthermore, we have about three yards on the Pacific coast that are able to construct naval ships of the various kinds, and the finest vessel we have in the Navy to-day, the *Oregon*, was constructed at San Francisco, as well as several torpedo boats, while others have been constructed, one at Seattle and one at Portland, Oreg. Under the amendment of the gentleman from New York all of these must be constructed, or all of these may be constructed at least, in one yard if the bids are low enough, unless we adopt a provision of this kind.

Mr. CUMMINGS. Oh, no; it provides that not more than two shall be constructed in one yard.

Mr. JONES of Washington. Then in three yards you would be able to construct the whole of them on the Atlantic coast. In other words, three yards will alone be available for the construction of them if the amendment is adopted, and it seems to me that anything that tends to encourage the building up of the yards all over the country, diversifying the construction of our vessels and adding new facilities to such construction, is a great benefit to the people at large, and hence I ask the adoption of the amendment that I have proposed.

A MEMBER. What is the amendment?

Mr. JONES of Washington. If the gunboats are provided for, that two of them shall be constructed in the waters of the Pacific coast.

Mr. LOUDENSLAGER. Do you limit the extra cost of the two which you propose to construct there?

Mr. JONES of Washington. I have not done so in this amendment——

Mr. LOUDENSLAGER. Because if these vessels were required to be constructed on that coast, and no limit as to cost were made, there is no knowing how much the Government might have to pay.

Mr. JONES of Washington. But there will be at least three competitors for their construction.

Mr. LOUDENSLAGER. Do you not think it better to ask that the amendment be withdrawn and the question of competitive construction be determined hereafter?

Mr. JONES of Washington. I am entirely willing that the competition be extended to the shipyards on our coast.

Mr. LOUDENSLAGER. Because your amendment applies to the gunboats, and not only to the gunboats but to the cruisers and battle ships as well.

Mr. JONES of Washington. You have provided already that two of the cruisers and battle ships may be constructed on or near the coast of the Pacific Ocean under a differential of 4 per cent.

Mr. LOUDENSLAGER. But it provides that the cost shall not exceed 4 per cent above the lowest bids for vessels provided for in this act.

Mr. JONES of Washington. Yes; but if the amendment of the gentleman from New York should prevail, only two vessels would be constructed, and these two might be gunboats, while all of the battle ships and cruisers might be constructed on the Atlantic coast.

Mr. LOUDENSLAGER. The amendment of the gentleman from New York is a provision made after the word "each," in line 4, as the gentleman will find, and adds a proviso according to which two of these vessels may be constructed on the Pacific coast if the bids are satisfactory. That will apply to the gunboats, if they are put in, as well as to the battle ships. So the amendment is unnecessary.

Mr. JONES of Washington. Yes; but it will not provide for the building of two gunboats as well as two of the other ships.

Mr. LOUDENSLAGER. Yes; there is no limit as to the number.

Mr. JONES of Washington. I beg the gentleman's pardon. Only two are to be constructed on the Pacific coast.

Mr. LOUDENSLAGER. Not more than two in one yard.

Mr. JONES of Washington. The gentleman will see that, beginning in line 15, it says:

And subject to the provisions hereinafter made two and not more than two of the aforesaid vessels shall be built on or near the coast of the Pacific Ocean, or in the waters connecting therewith.

Mr. LOUDENSLAGER. I beg your pardon. That is correct. I was mistaken.

Mr. DAYTON. I suggest that the gentleman withdraw his amendment, and if the gunboats are provided for then line 16 can be amended so as to provide that two of the battle ships and two of the gunboats may be constructed on the Pacific coast. That will accomplish what the gentleman desires.

Mr. JONES of Washington. That will be satisfactory to me.

Mr. DAYTON. I suggest that as the better thing to do.

Mr. JONES of Washington. That would be all right. I withdraw my amendment, Mr. Chairman, with the understanding that I may reach the subject in the other way.

Mr. FOSS. Mr. Chairman, as I understand it, the proposition which is pending before the House is the amendment of the gentleman from New York [Mr. CUMMINGS], authorizing the Secretary of the Navy to contract for 6 gunboats.

In the Secretary's report to Congress this year he recommended a naval programme consisting of 3 armored cruisers, 3 protected cruisers, and 12 gunboats; but when we had the Secretary before the committee, Admiral Dewey being there at the same time, it was discovered that General Otis had purchased, I think, 14 gunboats of just about the size which the Secretary had recommended in his report; and not only that, but we had raised 3 of the Spanish gunboats and added those to the Navy, making in all 17 gunboats; and it was decided by the committee that it would be wise to leave out the gunboats this year, in consequence of that fact, and in their place to build 2 battle ships. That seemed to meet with the approval of the Admiral and the Secretary of the Navy at that time, and that is the recommendation of the committee in this bill.

Mr. PEARCE of Missouri. Mr. Chairman, there is no proposition in this whole bill which I more heartily support than I do the proposition contained in the amendment of the gentleman from New York [Mr. CUMMINGS]. These gunboats are of the most useful type of boat in the United States Navy. We have but 6 of them in the entire Navy to-day.

Mr. CUMMINGS. And they are all at Manila, too.

Mr. PEARCE of Missouri. Yes. I find on examination of the roster of the English navy that Great Britain has two and a half of these boats for every battle ship in the English navy. These boats will pay for themselves in two years' time in the saving of maintenance and cost of the larger vessels, which have to be used if they are not constructed.

They are useful for a great many purposes, for ordinary cruising and for patrol duty, and their complement is comparatively small. If we had had them during the Spanish war in cruising the waters of the West Indies, we should have saved hundreds and hundreds of thousands of dollars. The boats purchased by General Otis in the Philippine Islands are of exceedingly light draft and entirely unseaworthy. Not one of those would have been obtainable by the United States if they could have crossed the ocean. They are good for nothing except the navigation of the quiet waters surrounding those islands, and are of comparatively little use for the general purposes of the United States Navy. I hope, Mr. Chairman, that this amendment will be adopted by the unanimous voice of the committee.

Mr. FOSS. I call for a vote, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York [Mr. CUMMINGS].

The question being taken, on a division (demanded by Mr. CUMMINGS) there were—ayes 28, noes 52.

Mr. CUMMINGS. I ask for tellers.

Tellers were refused, 19 members, not a sufficient number, rising in support of the demand therefor.

Accordingly the amendment was rejected.

Mr. LOUDENSLAGER. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After the word "*Provided*," in line 2, page 64, insert:

"That the contracts for the construction of the said battle ships and of each class of cruisers shall contain provisions to the effect that the contractors guarantee that when completed and tested for speed under conditions to be prescribed by the Navy Department the battle ships shall exhibit a speed of at least 19 knots an hour under natural draft and that the cruisers of both classes shall exhibit a speed of at least 23 knots an hour under natural draft. And of the two battle ships hereby authorized to be constructed the Secretary of the Navy is hereby authorized to pay to the contractor of the one that shall develop the greatest speed the sum of $50,000 for every one-half knot in excess of the speed of the other.

"And the Secretary of the Navy is hereby authorized to pay to the contractor for the building of any cruiser in each class authorized to be built by this act that shall exhibit a speed greater than either of the other two in the same class the sum of $50,000 for every one-fourth knot in excess of the greatest speed exhibited by either of the other two in the same class."

Mr. FOSS. I make the point of order against that amendment that it is new legislation.

The CHAIRMAN. The Chair has no doubt that it is new legislation, and accordingly sustains the point of order.

Mr. MAHON. I offer the following amendment:

The Clerk read as follows:

Amend by striking out, on page 62, line 10, the word "two" and insert the word "one;" strike out, in line 16, the word "three" and insert instead the word "two;" strike out, in line 22, the word "three" and insert the word "two."

Mr. KITCHIN. I would like to offer an amendment to that amendment, beginning at the word "two," in line 10, striking out lines 11, 12, 13, 14, 15, and down to the word "three," in line 16, and that will leave his amendment applying to just the two battle ships.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

Mr. KITCHIN. My amendment is to amend the amendment of the gentleman from Pennsylvania, so that his amendment shall read as follows: Strike out on page 62, beginning at the word "two," in line 10, and then lines 11, 12, 13, 14, 15, and down to the word "three," in line 16, and the effect of that will be to strike out only after the two battle ships.

The CHAIRMAN. The Clerk will first report the amendment of the gentleman from North Carolina.

The Clerk read as follows:

Strike out all after the word "contract," in line 10, page 62, down to and including the word "each," in line 16 of the same page.

The CHAIRMAN. The Chair will state that the amendment proposed by the gentleman from Pennsylvania changes the original text, and therefore will first be in order, because it will be an amendment to the original text.

Mr. MAHON. Mr. Chairman, I have no disposition to interfere with the committee's bill. We have three ships now on the docks, and they have been waiting for armor for a considerable length of time, and through the action of this Congress, if this bill is passed, allowing $545 a ton—and it can not be had for less—will result in a net loss to this Government of nearly $400,000, and the contractors and owners of these shipyards who have them in their docks will be found in the Court of Claims, and properly there, claiming heavy damages for delay in the finishing of these ships. If I understand correctly, the other day we were short in naval officers—and I want to be corrected if I am wrong—some 1,400 officers. We have not the men to man the ships that we have, and this bill makes no provision to provide for the officers and the men for the great ships that we have already built, and the Secretary of the Navy was compelled for lack of men to take them out of service and to put them in your League Island anchorage or some other place.

Now, Mr. Chairman, if we build, according to my amendment, 1 battle ship, 2 armored cruisers, and 2 protected cruisers, we would have appropriated, if this bill passes, $17,700,000, and if this amendment of mine prevails and is adopted by the House, we will reduce this bill $10,680,000. I am satisfied from the condition——

Mr. FOSS. If the gentleman will permit me to interrupt him a moment, he does not mean that we will reduce this bill $10,000,000, because the gentleman must know that if these ships are authorized it takes about a year to thrash out the plans before the ships can be put under contract.

Mr. MAHON. We had better not thrash out too much.

Mr. WM. ALDEN SMITH. We must get the thing in shape to thrash first.

Mr. MAHON. I am satisfied, Mr. Chairman, that 1 battle ship and 4 cruisers are sufficient for each Congress to provide for. Now, you see how much this bill will carry over, from $58,000,000 to $61,000,000; and when you count the cost of these ships, I believe this House ought to make this reduction. It is a reasonable reduction, and 1 battle ship, 2 armored cruisers, and 2 protected cruisers will be provided for.

Another thing, Mr. Chairman: The material and labor have gone away up to about double the price; and if you go on and put these vessels under contract, there is no telling what the Government will have to pay for them with the prices of iron as high as they are at present. Now, the question is, Do we need them? The Navy is not provided with a sufficient number of officers and men for the ships already in the service and going into the service. I believe there are some five or six battle ships and cruisers that will be ready for the service that have never been in it before, and therefore I ask the adoption of this amendment.

Mr. LOUDENSLAGER. Mr. Chairman, I am certainly surprised at the remarks of the gentleman from Pennsylvania. I am sure he does not voice the sentiment either of Congress or of the people of this country. I am of the opinion that they are almost a

unit in their desire to increase the efficiency of our Navy. All the maritime powers of the world are increasing in all directions, and it has been but a short time since we were called upon in this Hall to vote an emergency fund of $50,000,000 to make more efficient our Navy.

I do not believe that the American Congress or the American people want to repeat that action. These vessels, if authorized in this bill, can not be contracted for at this time. The plans for them must be prepared, and it will take from six to nine months for the Department to prepare these plans; and if we delay action in this matter of authorization, we must certainly delay the ultimate finishing of these vessels, and we must also delay having them as vessels of war to defend us.

I am of the opinion, Mr. Chairman, that this House and this country will approve of the action of the committee in regard to the increase of the Navy, and I sincerely hope the amendment of the gentleman from Pennsylvania will not prevail, but that the action of this Congress at this session and at all future sessions will be to gradually build up the Navy each and every year, so that at all times we may have in our squadron the highest efficiency that man can produce.

Mr. WACHTER. Will the gentleman allow me a question?

Mr. LOUDENSLAGER. Yes.

Mr. WACHTER. How long will it take to build a ship after the plan has been made?

Mr. LOUDENSLAGER. Three or four years.

Mr. KITCHIN. Mr. Chairman, I want to say a few words on the amendment I offered, to strike out the two battle ships, which is pending and is to come up later for a vote. I believe it will meet the desires of the gentleman from Pennsylvania. I have no doubt that he has already read the reports, and after thoroughly hearing the facts we hope he will be with us on this matter. The minority report says nothing about these battle ships. One member of the minority favors this section as it stands, as we understand. The others agree that the two battle ships ought to be omitted.

Another thing I call the attention of the chairman of the committee to, and the attention of the committee, is that when the Secretary of the Navy made his annual report, as the gentleman from New Jersey knows, he did not recommend the building of any battle ships, but he recommended the building of 3 armored cruisers and 3 protected cruisers, for which this bill provides.

Mr. LOUDENSLAGER. May I interrupt the gentleman?

Mr. KITCHIN. You may.

Mr. LOUDENSLAGER. Did not the Secretary of the Navy in his testimony before the committee say that he desired the battle ships, and did he not give a reason for omitting them in his report?

Mr. KITCHIN. Yes; I will read it, and I think the reasons he gave are the strongest reasons in the world why we should stand by his first report. He said that the board had thought about recommending more than they did recommend—that is, the 6 cruisers—and that there were 3 battle ships considered, but they were omitted for fear they were asking too much. In view of the fact that there are 3 battle ships authorized and not begun, and this, too, is well known to the gentleman from New Jersey, that we have 3 battle ships authorized for which no contract has been made, the Secretary of the Navy himself, knowing the extravagance of this Congress, said the reason he did not recommend some battle ships was because he thought it would be asking too much and he could not get it.

Now, on page 9, the Secretary said this, in response to a question by Mr. RIXEY:

> Mr. RIXEY. You would utilize those 3 gunboats?
> Secretary LONG. I should be glad to. You gentlemen must bear in mind in making the recommendation, it never occurred to me that Congress would give us 3 battle ships, costing three millions or four millions apiece, and also 3 cruisers, costing a great deal of money, and 3 protected cruisers of 8,000 tons, also costing a great deal.

And, then, Secretary Long, lower down on the same page, says:

> I think you will come to it, of course, in future years.

And he reiterates it that he had no idea that this Congress would give him, in addition to the 6 cruisers, 3 battle ships.

Mr. CUMMINGS. And no gunboats.

Mr. KITCHIN. He did recommend 12 gunboats. Secretary Long, as I understand, never insisted upon it. Admiral Dewey, who was examined on the same day, as I recollect his testimony, said that he preferred armored cruisers to any other class of ships, and he agreed with Secretary Long about the immense naval programme involved in this bill.

Now, let me say this: I called attention the other day, when the distinguished gentleman from New York [Mr. CUMMINGS] and the distinguished acting chairman of the committee [Mr. FOSS] were flaunting in our faces the great German programme, I called attention to the fact that if we only adopted the German programme we would have to cut our number of proposed war vessels in two, because in sixteen years the German navy will add 422,000 tons to their navy, while at the rate of increase last year and this year we shall add more than 1,400,000 to our Navy in that time. I believe in increasing our Navy, but I believe we should increase it gradually. I believe in putting the best ship to sea whenever one goes to sea, but I believe it is absolutely unnecessary to increase the Navy at the rate of 90,000 tons a year.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. KITCHIN. I should like five minutes more.

The CHAIRMAN. The gentleman from North Carolina asks that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. The tonnage in last year's bill was 91,000 tons, according to my calculation, and I went over it very carefully. The tonnage in this bill is 88,000 tons. Now, if we keep up this rate for sixteen years we shall have a Navy not only equal to Germany, but double that of Germany at that time and equal to that of England now. I will now hear what the gentleman from New Jersey has to ask.

Mr. LOUDENSLAGER. I know the gentleman desires to state the facts in the case.

Mr. KITCHIN. I certainly do.

Mr. LOUDENSLAGER. I want to call the gentleman's attention to Secretary Long's statement, on page 4, in answer to the gentleman's position when he says it was never the intention of the Secretary to build battle ships. In reply to a question by Mr. WHEELER of Kentucky, the Secretary says that it was his original idea to build three battle ships.

Mr. KITCHIN. That is true.

Mr. LOUDENSLAGER. And below that, on the same page, in Admiral Dewey's testimony, the Secretary says he would be very glad if we gave them the battle ships and the cruisers.

Mr. KITCHIN. I have stated nothing contrary to that. I quoted the Admiral's testimony, and stated that the Secretary of the Navy said that he wanted to ask the committee for the battle ships, but he did not do so because he thought that Congress would not authorize them.

Now, let me call attention to the fact that the construction of the battle ships and other ships authorized in this bill will impose upon the United States an obligation of about $50,000,000—$28,000,000 for hulls and machinery; and I estimate it will take at least twenty or twenty-five million dollars to supply the armor, the furniture, and the ordnance, etc. The vessels authorized in the bill of last year, in my opinion, imposed upon the Government an obligation to the amount of forty-five or fifty million dollars.

Sixty-two million dollars of the obligations authorized for ships heretofore have not yet been appropriated, as I understand, but must hereafter be paid by the Government. To-day we have, including the obligations carried by this bill, more than $100,000,000 of obligations imposed upon the United States, none of which is provided for in this bill, but all of which must be met hereafter for naval purposes.

Mr. PEARCE of Missouri. Will it not be ten years before all that money will be required to be expended?

Mr. KITCHIN. That is perhaps true, but what I am objecting to is adding to our obligations at the rate of $50,000,000 a year for the next ten years, making an additional $500,000,000 for the Navy in that time. I am in favor of standing by the recommendations of the Secretary of the Navy and allowing the provision for these six cruisers to stay in this bill; but I think we ought to strike out the provision for the battle ships and proceed to build up our Navy gradually. There is no use of incurring a debt of fifty, sixty, or seventy-five million dollars a year for ships in the building up of this Navy.

Mr. WM. ALDEN SMITH. Does the gentleman believe in that policy because this Government can not afford to buy battle ships?

Mr. KITCHIN. No, sir. But because this Government can if it chooses tax the people to death, that is no reason why we should do so.

Mr. WM. ALDEN SMITH. Does the gentleman believe that it is not necessary to enlarge our Navy, because the German Government is not making similar progress?

Mr. KITCHIN. If the gentleman had been here the other day he would know that that was one of the strongest arguments in the speeches made here at that time for an increase in our Navy.

Mr. WM. ALDEN SMITH. It did not appeal to me in that way. I understood the gentleman from Illinois [Mr. FOSS] to make the comparison for the purpose of strengthening the American Navy and not to limit it.

Mr. KITCHIN. I understood the gentleman to speak in praise of the great German programme, and I have shown that the last two bills of this House indicate three times the increase that Germany proposes.

Mr. WM. ALDEN SMITH. Your argument has no force with me. We are a greater nation than Germany, and should have a Navy large enough to meet all emergencies.

Mr. KITCHIN. No matter about that; I take the position that to-day we have a navy larger than that of Germany, and we have not the same necessity for a vast navy that Germany has. I also

believe we should have a navy sufficient to meet emergencies, and say that we have one that has so far successfully met them.

Mr. WM. ALDEN SMITH. Our Navy is none too large for the United States now, and it takes time to build the new ships, and they should be authorized each year, thus building up the Navy steadily and strongly.

Mr. KITCHIN. The gentleman must have heard me say not more than two or three minutes ago that I was in favor of increasing our Navy, but not at the exorbitant rate that this bill indicates.

As for the position of Germany, she stands in the midst of other powerful nations surrounding her, Italy, Russia, her old enemy, France, and England. Nations so situated, with various colonial possessions throughout the world, require larger navies than the United States. I admit that this Government having, under the present Administration, entered upon a policy of imperialism, will need a larger navy than it would have needed otherwise. This requires an increase of the Navy, although I am not in favor of imperialism or colonialism, and I do not favor such enormous strides annually in authorizing war vessels and entailing such heavy expenditures as this naval increase represents, because I do not believe there is any necessity for it.

Mr. Chairman, we do not need a navy such as Italy, Germany, and such other nations need which stand side by side, with hundreds of thousands of men in arms in time of peace, always expecting war and always standing with swords drawn against their neighbors.

I therefore think we ought to strike out the two battle ships, but leave the cruisers in the bill, thus following the recommendation of the Secretary of the Navy in his report.

[Here the hammer fell.]

Mr. DAYTON. Mr. Chairman, just a word in this connection. This bill provides for two battle ships. When we had our war with Spain we traveled all over the world trying to buy a battle ship and could not purchase one. It is absolutely impossible to obtain by purchase that class of ships, and it is the bulwark of our defense in a naval conflict.

What is the condition of our Navy to-day?

We have and will have only sixteen when all authorized are provided for, or, rather, when all are completed. England has seventy. The Committee on Naval Affairs has year after year gradually added to this class of ships—the most important, the one that constitutes the fighting line—and they have been gradually added to, as I have said, by the committee.

Now, I submit to the judgment of the House on both sides that it is reasonable and right for us to carry out the programme that has been carried on with unanimity for years past by adding two or three battle ships each year until our Navy is commensurate with our importance and requirements.

Mr. FOSS. Mr. Chairman, I move to close debate upon this part of the bill.

Mr. RIXEY. I want five minutes, if the gentleman would allow me.

The CHAIRMAN. The Chair will state that debate upon the pending amendment is exhausted.

Mr. RIXEY. I hope the gentleman from Illinois will not close the debate now. I have stated, if my colleague will permit me, that I desired five minutes at least.

Mr. FOSS. Then I move that debate be closed at the end of ten minutes.

Mr. RIXEY. If the gentleman will pardon me, he will remember the other day that it was generally understood and, I think, agreed upon that when we came to this part of the bill general discussion should be had for at least sixty minutes on a side if it was desired.

Mr. FOSS. There was no understanding or agreement, if the gentleman will remember. Objection was made.

Mr. RIXEY. That is true, but it was the general talk that such would be allowed.

Mr. FOSS. The general talk was that when we came to that part of the bill which provided for the building of the navy-yards the debate might run for a reasonable time.

Several MEMBERS. Regular order, Mr. Chairman!

The CHAIRMAN. The regular order is called for, which is the vote on the amendment proposed by the gentleman from Pennsylvania [Mr. MAHON].

Mr. RIXEY. I understood the motion was to close debate in ten minutes.

The CHAIRMAN. But the regular order was demanded, and that is the vote on the amendment of the gentleman from Pennsylvania.

The question was taken; and the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment proposed by the gentleman from North Carolina.

Mr. RIXEY. Mr. Chairman——

The CHAIRMAN. The Chair will state to the gentleman from Virginia that a motion would now be in order to strike out the last word.

Mr. RIXEY. I accept the suggestion of the Chair, and move to strike out the last word.

Mr. Chairman, I agree with much that was stated by the gentleman from Pennsylvania in regard to the propriety of reducing the number of vessels authorized, and was glad that the motion to reduce the number of ships authorized by the bill came from that side of the House.

So far as I am concerned, sir, I shall vote every dollar that seems necessary to provide a good Navy; but it does seem to me, in matters of this kind, if we follow the recommendation of the Secretary of the Navy it would be sufficient, and we ought not to be expected to go beyond that. The consideration of this matter is largely intrusted to him, and if we follow his recommendation it is sufficient.

In the last bill we authorized the construction of three battle ships and three armored cruisers, which are battle ships in everything except name, none of which have as yet been contracted for. Six battle ships, therefore, have been authorized, but no contract has yet been made for their construction. Admiral O'Neil tells us that it will be six or eight months before the contract is made for them. In view of this condition why should we authorize two more battle ships, when the Secretary of the Navy does not ask for them?

Secretary Long, in his testimony or statement before the committee in response to a question of the utilization of certain gunboats, said:

> You gentlemen must bear in mind in making the recommendation it never occurred to me that Congress would give us three battle ships, costing $3,000,000 or $4,000,000 apiece, and also three cruisers, costing a great deal of money, and three protected cruisers of 8,000 tons, also costing a great deal.
>
> Mr. DAYTON. Looking at the world's naval progress and advance in the face, I want you to state whether you regard an increase of three battle ships and three cruisers as an unwarrantable one?
>
> Secretary LONG. Not at all. I think you will come to it, of course, in future years. If I were on the Naval Committee I should be inclined to say that with three battle ships already authorized and construction not yet begun, if you will give us three big cruisers and three smaller cruisers we will have enough large ships to go to the country with this present year.

I say, therefore, that this proposition to build two battle ships is not in pursuance of the recommendation of the Secretary of the Navy; and it seems to me that with six battle ships already authorized, but not contracted for, we have enough to wait until the assembling of Congress in December. The proposition of the gentleman from North Carolina [Mr. KITCHIN] to strike out the two battle ships should prevail.

Mr. BARTLETT. Mr. Chairman, one of the first votes which I cast in Congress after I became a member of it, in the Fifty-fourth Congress, was a vote for four new battle ships. I think, however we have now arrived at a stage in our history when, for a while at least, we ought to call a halt, until we can see our way clear to have officers enough to man those we already have in commission and expect soon to have in commission. Ships should not be built just to spend the people's money nor to aid in making us appear as a "world power" among the nations of the earth.

Mr. DAYTON. Will my friend allow me?

Mr. BARTLETT. Yes; certainly.

Mr. DAYTON. I want to call the gentleman's attention to the fact that by this bill and the provisions that have already been passed we have provided for the extra officers.

Mr. BARTLETT. The Secretary of the Navy, in Senate Document 168, this session, in reporting to the Senate upon the resolution of inquiry relative to what ships are in commission, or soon would be, and the number of men necessary to officer them, has reported the number of vessels in commission, or which soon will be, and the number of officers required, and has stated that 867 officers will be needed on additional ships under construction and under repair. Experience in the late war has demonstrated that the cruiser, with her 8-inch guns, is more effective than the large battle ship, with her 13-inch guns. The battles of Manila and Santiago Bay were won by the cruisers and the 8-inch guns.

Now, we propose to go on with this bill, the largest naval appropriation bill that we have ever had in the history of this country, in a time of profound peace—and it is even suggested in the report of the majority that it is almost equal to disloyalty to oppose some of the provisions of this bill—and spend $28,000,000 for new ships, exclusive of armor and armament.

For myself, Mr. Chairman, I am ready, whenever this country needs battle ships or needs men in time of war, to give them to the utmost limit of our Treasury and to the furthest limits of taxation; but in the past few years we have progressed, from being the fifteenth nation in the world in sea power to where we stand, fourth, and are able to compete with the other nations of the world certainly in the management of our Navy, in the defense of our own coasts and our own commerce. Therefore I see nothing in the necessities pressing upon this country to demand such an extravagant expenditure of money in increasing the Navy by two battle ships, and these three additional armored cruisers, and the protected cruisers provided for in this bill.

I have a great admiration for the Navy of the United States. I

am ready at all times to vote money to sustain it, but I say this increase of two battle ships, three armored cruisers, and four protected cruisers provided for in this bill is unnecessary at this time. Why should we go on increasing our Navy to such an extent? Are we at war or in prospect of war with anyone? Is it expected that in the near future it will be necessary for us to parade our Navy or our Army in order to incite war? I remember, Mr. Chairman, when it was announced two years ago that Russia had appropriated $70,000,000 to increase her navy, it startled the world, and we all looked upon it as an evidence of the fact that she was preparing herself for an aggressive and an offensive war with her enemies, the other great powers of the earth.

To-day we, who are a people of peace, who have builded this Republic upon the theories and principles of the founders of it, who proposed to establish for all time to come a republican government which should not interfere with the affairs of foreign nations by carrying offensive war into other climes and lands, but to protect our own people and our own coasts; we, a peace-loving people, who have established liberty upon this continent, and who expect all the peoples of the world to look to us as lovers of liberty in a republic to live forever and for aye, are appropriating nearly $70,000,000 to increase our Navy, that we may attract attention as a warlike people, and vie with the other powers of the earth in extravagant expenditures for our military and naval establishments. For one, in the behalf of the taxpayers, I protest, and shall vote to strike out the provision for new battle ships.

[Here the hammer fell.]

Mr. FOSS. Mr. Chairman, I call for a vote upon the pending amendment.

The CHAIRMAN. The question is on the amendment of the gentleman form North Carolina [Mr. KITCHIN].

Mr. FOSS. I call for the reading of the amendment.

The Clerk read as follows:

On page 62 strike out all after the word "contract," in line 10, down to and including the word "each," in line 16, the part proposed to be stricken out being the following:

"Two seagoing battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of about 13,500 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $3,600,000 each."

The question being taken, the Chairman announced that the "noes" appeared to have it.

On a division (demanded by Mr. KITCHIN) there were—ayes 50, noes 68.

Accordingly, the amendment was rejected.

Mr. FITZGERALD of New York. I offer the following amendment,

The Clerk read as follows:

Amend by inserting before the word "three," in line 22, page 62, the following:

"To be constructed under the supervision and direction of the Secretary of the Navy in such of the navy-yards of the United States as are best adapted therefor."

Mr. FOSS. I make the point of order against the amendment.

The CHAIRMAN. The gentleman from Illinois makes the point of order.

Mr. FITZGERALD of New York. It seems to me, Mr. Chairman, very clear that the point of order does not lie. This is a paragraph authorizing the increase of the Navy, and by providing that the vessels shall be built by contract it places a limitation upon the power of the President. This amendment is merely a further limitation on his power or discretion in regard to the construction of certain vessels. It does not change existing law. There is no existing law authorizing the building of these vessels. This bill authorizes the construction of certain vessels, and this amendment proposes the manner in which some of them shall be built.

If the bill merely provided that the President of the United States shall have constructed certain vessels, it would be in order to limit his power and discretion by providing that he must build them by contract, as it is in fact done; and it is equally in order to further limit his discretion by providing that a certain number of these vessels shall be constructed in some other way than by contract. It is proper to provide some other method or means or place where these vessels authorized by the bill shall be constructed. I think it is very clear that the amendment is in order and not obnoxious to the rule.

Mr. FOSS. Mr. Chairman, I beg to state that there is a special act under which ships authorized by each naval appropriation bill, year by year, are contracted for. That act was passed in 1886. Under that act there were some vessels authorized. Section 5 of that act states—

That the Secretary of the Navy shall cause one or more of the new vessels herein provided for to be constructed, by one or more contractors, to be completed in one or more of the navy-yards of the United States, and if he shall be unable to contract with responsible parties—

This is the language which I especially call to the attention of the Chair—

And if he shall be unable to contract with responsible parties to construct and build at reasonable prices all or any of the vessels hereinbefore provided for, he shall cause the same to be constructed or completed in such of the navy-yards of the United States as may be best adapted thereto.

Under this particular act of 1886 it is discretionary with the Secretary of the Navy, in case he should be unable to contract for vessels at reasonable prices, to have them built in the navy-yards of the United States, at such navy-yards as he may designate.

Mr. FITZGERALD of New York. Will the gentleman yield to me?

Mr. FOSS. I do not care to be interrupted when discussing a point of order.

Mr. FITZGERALD of New York. The gentleman has not stated the facts there.

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. FOSS. Now, Mr. Chairman, I desire to connect this bill with the law of 1886. On line 9, page 63, are these words:

And in the construction of all said vessels all the provisions of the act of March 3, 1899, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1900, and for other purposes," shall be observed and followed.

Now, that refers to the naval bill, the naval appropriation act of last year. In the naval appropriation act of last year—that is, for the construction of the vessels authorized last year—"all of the provisions of the act of May 4, 1898, entitled 'An act making appropriations for the naval establishment for the fiscal year ending June 30, 1899, and for other purposes,' shall be observed and followed." That is the act of last year, which refers back to the previous year. In each substantially the same language is used, relating back to the act of the year previous to that. Now, what do we find in the act of March 3, 1897, which was passed March 3, 1897, but to which this act related back from other acts?

And in the construction of said torpedo boats all the provisions of the act of August 3, 1886—

The act, the special act, which to-day is in operation and under which all vessels are built, the section which I read but a few moments ago:

And in the construction of said torpedo boats all the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, except as to premiums, which are not to be offered, the notice of proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic manufacture.

That act, Mr. Chairman, refers back to the special and specific act of 1886, which is the permanent law to-day on the subject of contracting for the construction of these naval vessels. That act, which is the permanent law to-day, leaves it to the discretion of the Secretary of the Navy, in case he should not be able to contract for these ships at a reasonable price, to build them in the navy-yards of our country. But, sir, the amendment of the gentleman from New York makes it mandatory upon the Secretary of the Navy to build these ships in the Government navy-yards, and because that amendment is mandatory, and because the permanent act itself is discretionary, therefore the point of order, in my judgment, should be sustained.

Mr. FITZGERALD of New York. Mr. Chairman, the gentleman from Illinois [Mr. FOSS] has hardly stated the facts correctly in connection with the act of August 3, 1886. If the amendment be not in order, it must be obnoxious to the rule legislating or making a change in existing law upon appropriation bills. The act of August 3, 1886, was an act providing for the building or construction of certain vessels named therein. In that act there was a provision, inserted in the House, providing that certain vessels should be built in the navy-yard and that other vessels should be built by contract, and that those to be built by contract should be built in the navy-yard if favorable contracts could not be made. That act was a law unto itself; it only applied to the vessels that were provided for in that bill.

Mr. WHEELER of Kentucky. An appropriation bill?

Mr. FITZGERALD of New York. No; it was not an appropriation bill. The point was made in the House by Mr. Reed, of Maine, and Mr. BOUTELLE of Maine, that the proper place to provide for the construction of vessels was in the naval appropriation bill. This was a law to construct certain vessels, and it provided in that law for the method of constructing them.

The appropriation bill for this year provides, under the head of "Increase of the Navy," that the President of the United States "shall have constructed by contract" certain vessels; and if this House has the power to limit the construction of vessels by contract, it has the further power to limit the discretion and to provide for the construction of some of them in some other way. It could bring in a bill authorizing the building of vessels alone by the President of the United States, and then he could build them anywhere he liked. It does not do that. It limits his power to build them to contract, and this amendment further limits that power.

There is no existing law which says that every vessel or new ship to be built shall be built by contract. The act of 1886 merely provides that the vessels mentioned in that act shall be built in a certain way, and it does not seem possible to construe that law as

to affect any other authorization for an increase of the Navy. The gentleman from Illinois [Mr. Foss] has not even stated the ground upon which he believes this amendment to be out of order; he has not stated upon which clause of the rule he hangs his objection. He has made a statement about the act of 1886, which merely authorizes certain vessels and provides for the methods and the places in which they should be constructed. It can not affect the provisions of this bill.

Mr. KITCHIN. Mr. Chairman, the argument that was made to the Chair the other day on the "emergency fund" would seem to imply that the point of order in this case would not be sustained; and for this reason I understood it was argued, and met the Chair's approval, that the "emergency fund" was for the maintenance of the Navy, and if enacted for the benefit of the naval establishment then, under several decisions heretofore made on appropriation bills, it would be in order on this bill. I believe the Chairman himself cited instances where they had put new ships upon appropriation bills because it was to maintain the Navy.

Now, what is the purpose of this amendment? In the opinion of those who introduced it, it is for the benefit of the Navy. I take it this is true: That if the Naval Committee had inserted this provision in the bill, and a point of order had been raised against it, and the point of order could not have been sustained, then the point of order can not now lie against this amendment when offered to this bill. If that is true, if you could not strike this provision from the bill on account of its being a change of law, then certainly the amendment itself, when proposed to be put on the bill, could not be resisted on the ground that it is a change of law.

For instance, we put on certain ships here and we insert the words "by contract." The Chair would have no hesitation in holding the words "by contract" were for the purposes of maintaining the Navy, and, following the ruling of the other day, the Chair would hold that the point of order against the words "by contract" could not be sustained.

If the words "by contract" could remain in the bill against the point of order, certainly a provision saying that three ships shall be built in the navy-yards would remain in the bill. If the committee would have the right in the first instance of putting in this bill that three ships were to be built in three different navy-yards, then you can find no precedent for throwing out this amendment on a point of order?

As I said, if it would be sustained if it were now in the bill against a point of order, it certainly should not be rejected, when being offered as an amendment, on the same point of order.

Mr. DRIGGS. Mr. Chairman, I only desire to be heard one moment on the point of order. I would like to ask the Chair to take into consideration the fact that the act of 1886, which provided for an increase of the Navy, was not in the regular appropriation bill. I have read the debate most carefully. I have it before me in volume 81, records of Forty-ninth Congress, in the first session.

At the opening of the day's session Mr. Randall arose and demanded the regular order. There was considerable debate over it, and Mr. Herbert moved that the House go into Committee of the Whole House on the state of the Union for the purpose of considering bill 6664, to increase the naval establishment. There was a great deal of debate over that bill.

The gentleman from Maine [Mr. Boutelle] made an exceedingly strong and partisan speech against the bill, in which he said the Naval Committee itself should have brought that in at the time they reported the naval bill. The gentleman from Maine also, Mr. Reed, as my colleague has stated, also made an exceedingly strong speech, parts of it in opposition to the policy of considering the increase of the Navy in that special bill, contending that it should have been done in the regular bill of the Naval Committee. The bill went along without debate as far as that was concerned, and no point of order was raised. I have looked up the records to ascertain when it was, and how it was, and why it was that the increase of the Navy was placed in the naval appropriation bill.

It was done two Congresses later in order that matters might be facilitated. I believe it was when the Republican party won control of this House. They brought in these appropriations. I can not find that there was any point of order raised upon the proposition for the increase of the Navy under Republican rule or by the minority at that time.

In the report upon that bill, Mr. Herbert, then chairman of the Committee on Naval Affairs, distinctly said:

> I read now another extract from the report, showing that as the responsibility is with the executive department, and as we desire to utilize all the mechanical genius of the country, we have given the Secretary a discretionary power over these contracts.

Now, in consideration of the fact that this was a separate bill at the time the increase in the Navy was started, I insist that the point of order can not hold good against the amendment of the gentleman from New York.

Mr. FITZGERALD of New York. I wish simply to call the attention of the Chair to a part of the recommendation of the Secretary of the Navy for this year. In his report, under the head "Increase of the Navy," I find this language, showing that there can be no existing law in regard to the building of vessels which gives him discretionary power:

> The same board are also of the opinion that if any of the foregoing vessels are authorized the law should provide that in case satisfactory bids can not be obtained for their construction by contract the Department shall have authority to construct the same in the navy-yards.

I submit that this language shows clearly that the Secretary of the Navy, under the law as it stands at present, has no discretionary power to build these vessels where he pleases, notwithstanding the contention of the chairman of the committee.

The CHAIRMAN. It appears to the Chair that the natural interpretation of the language just read by the gentleman from New York [Mr. Fitzgerald] is that under the construction of the present law by the Secretary of the Navy there is no law for building any of these vessels in the navy-yards, but that legislation would be necessary in order to authorize that. This is the interpretation the Chair would put upon the language which the gentleman has just read.

Aside from that, however, the question now before the Committee of the Whole is whether this provision is new legislation or whether it is a limitation of the appropriation. There are several decisions to which the attention of the Chair has been called. One of them reads in this way:

> Provisions that bids for the construction of naval vessels should be limited to bidders having adequate plants and not having over a specified number of vessels under construction were held to be in the nature of legislation and not a limitation.

That decision would seem to throw a good deal of light upon the question of order on this amendment, which provides that the Secretary of the Navy shall construct these vessels "in such navy-yards of the United States as are at present established therefor." This would seem to be a parallel case. The Chair therefore, following the decision made in the Fifty-fifth Congress, sustains the point of order.

Mr. FITZGERALD of New York. I appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee of the Whole?

The question being taken, there were—ayes 80, noes 58.

Mr. UNDERWOOD. I call for tellers.

Tellers were ordered; and Mr. Foss and Mr. Fitzgerald of New York were appointed.

The question was again taken; and the tellers reported—ayes 82, noes 74.

So the decision of the Chair was sustained.

Mr. FITZGERALD of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

> Amend by adding, after the word "each," in line 4, page 63, the following: "The three last-mentioned vessels to be constructed, under the supervision and direction of the Secretary of the Navy, in such of the navy-yards of the United States as are best adapted therefor."

Mr. FOSS. I make a point of order on that amendment.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will continue the reading of the bill.

The Clerk read as follows:

> Construction and machinery: On account of the hulls and outfits of vessels and steam machinery of vessels heretofore authorized, $12,740,669.

Mr. VANDIVER. I offer the amendment which I send to the desk.

The Clerk read as follows:

> After the word "dollars," at the end of line 6, page 64, insert the following: "That the sum of $2,000,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of suitable buildings and the purchase of suitable machinery and other materials necessary for the establishment and maintenance of a plant for furnishing armor plate for the use of the Navy.
>
> "Sec. 2. That the Secretary of the Navy is hereby authorized to appoint a board to consist of three officers of the Navy, who shall examine and report what, in their opinion, is the most suitable site for the erection of the plant provided for in the foregoing section of this act; and no money shall be expended until the point so selected shall have been approved by the Secretary of the Navy."

Mr. DAYTON. Mr. Chairman, I make the point of order that this proposition is not germane to the section, and also that it is new legislation.

Mr. VANDIVER. I want to ask the gentleman from West Virginia if he will not consent to withhold the point of order——

The CHAIRMAN. The point of order is made that the proposition is not germane to the section and that it is new legislation.

Mr. VANDIVER. I would like to ask the gentleman if by the latter part of the point of order he means us to understand also that he will make the point of order if the amendment is offered to the next paragraph?

Mr. DAYTON. Unquestionably.

Mr. VANDIVER. Then I ask the gentleman if he will not consent, in view of the understanding arrived at on Wednesday

afternoon, to withhold the point of order until some discussion can be had upon this part of the bill, or upon the amendments, and that we may have some opportunity of presenting amendments to it? If I understand it, the chairman of the committee on Wednesday afternoon consented that when this paragraph should be reached in the discussion, under the five-minute rule, time would be allowed for the presentation of amendments then to be offered for debate and action upon them; and under that agreement I think the chairman of the committee has consented to allow the matter to be so discussed. I would like to ask, therefore, if the gentleman will not withhold the point of order for that purpose?

Mr. DAYTON. I wish to call the attention of the gentleman to the fact that there is a misunderstanding as to having time for debate on the armor-plate question under the five-minute rule. There was an agreement, which was carried out, that there should be an hour's general debate on both sides touching the question of the Coast and Geodetic Survey.

Mr. VANDIVER. I call the attention of gentlemen to the fact that the other agreement was made at the same time.

Mr. WHEELER of Kentucky. Whether the gentleman from West Virginia was present or not, it was consented to.

Mr. FOSS. There was no agreement.

Mr. WHEELER of Kentucky. But there was a tacit understanding to that effect.

Mr. FOSS. It was understood generally without any agreement that there should be some debate on this portion of the bill when the time came. The fact of the matter is, gentlemen, that we have exhausted now nearly five days in the discussion of this and other propositions connected with the naval appropriation.

Mr. VANDIVER. This proposition has received no attention under the opportunity to amend.

Mr. FOSS. And I am anxious that the bill should be reported out of the committee this evening.

Mr. VANDIVER. I should not undertake to obstruct that.

Mr. FOSS (continuing). Gentlemen know that to-morrow is set apart for eulogies, and I think we ought to be able to fully consider this proposition to-night and close the general debate in a very brief time.

Mr. WHEELER of Kentucky. I would like to ask the gentleman from Missouri what is the use of presenting an amendment that would be likely to be ruled out?

Mr. FOSS. How much time does the gentleman from Missouri want?

Mr. VANDIVER. For myself, only a short time. Of course, I can not speak for other gentlemen.

Mr. DAYTON. Will a half hour be enough? We will not want any time on this side, or very little.

Mr. VANDIVER. Well, I am not prepared to say as to that.

Mr. DAYTON. Well, say twenty minutes on your side and ten on this.

Mr. WHEELER of Kentucky. But what is the use of making a speech on an amendment in view of the remarkable ruling which we have just had?

Mr. VANDIVER. We have no intention on this side of trying to delay the passage of the bill. It would be fair and reasonable to consent to an hour or an hour and a half on this question.

Mr. DAYTON. Will the gentleman state how long he desires to debate the proposition, and we may be able to arrive at some conclusion?

Mr. VANDIVER. I have no disposition to unnecessarily delay the consideration of the bill.

Mr. DAYTON. There is just an hour and ten minutes of the session left of to-day, and we want to get through with the bill this afternoon.

Mr. VANDIVER. Well, there is but one proposition after this likely to lead to any discussion.

Mr. DAYTON. Let us say, then, that we have twenty minutes on a side.

Mr. VANDIVER. Oh, that would be too short a time.

Mr. DAYTON. Then you can take thirty minutes on your side, and we have twenty on this.

Mr. VANDIVER. So far as I am personally concerned, I should not object. But other gentlemen may desire to be heard.

Mr. DAYTON. Then I reserve the point of order for fifty minutes, Mr. Chairman, with the understanding that thirty minutes of the time shall be controlled by the gentleman from Missouri [Mr. VANDIVER] and twenty minutes on this side.

The CHAIRMAN. The gentleman from West Virginia reserves the point of order.

Mr. MAHON. I renew it.

The CHAIRMAN. The gentleman from Pennsylvania renews it.

Mr. VANDIVER. I would like to ask the gentleman from Pennsylvania if he would not be willing for the chairman of the committee to arrive at some understanding?

Mr. MAHON. This question has been thrashed over and over again, and I insist upon the point of order.

Mr. VANDIVER. I would like to ask the gentleman from Pennsylvania if he will not consent that the chairman of the committee may make arrangements by which the bill will be disposed of this afternoon?

Mr. MAHON. No, sir.

Mr. VANDIVER. Well, then, Mr. Chairman——

Mr. MAHON. If we can take a vote on the bill at 5 o'clock, I will withdraw my objection.

Mr. VANDIVER. I shall not undertake to prolong the debate beyond 5 o'clock.

Mr. MAHON. Well, make your agreement.

Mr. UNDERWOOD. I wish to say that any agreement of that kind on a proposition of this sort is absurd. I shall address myself to the proposition of the gentleman from Illinois [Mr. Foss]. Here is a proposition which has involved the whole naval establishment of the United States for the last five years, which has delayed the construction of at least three battle ships, which are now unprovided with armor. It is a question to which this Congress has devoted hours in the past, and which very nearly defeated the last naval bill, because of inability to agree on the proposition in conference. And yet, with this most important item in the entire bill, the item that has brought about more discussion and more difficulty in the passage of the naval appropriation bill than any other item that we have had in it for five years, the gentleman comes before this House and says the House must decide this question without a reasonable discussion.

Now, to say that there shall be twenty minutes in which to discuss a question that involves the facts and figures that this does, and to say that it must be disposed of in twenty minutes, is practically the same as to say that the gentleman proposes to lead this House to the desk there like a bull with a ring in his nose and force the House to vote on party lines, without any due consideration of this great business question.

Mr. DAYTON. In view of that statement, I insist on the point of order now. I have tried to arrange it.

The CHAIRMAN. The point of order is insisted upon, and the Chair is ready to decide.

Mr. UNDERWOOD. Then, Mr. Chairman——

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. UNDERWOOD. I ask to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman for ten minutes on the point of order.

Mr. UNDERWOOD. I wish to state that the Chair has no right to limit a member of this House in that way.

The CHAIRMAN. The Chair will state to the gentleman that discussion on a point of order is entirely within the discretion of the Chair. The Chair may decide it without any discussion.

Mr. UNDERWOOD. Certainly.

The CHAIRMAN. That is the reason the Chair made the limitation.

Mr. UNDERWOOD. Now, Mr. Chairman, in all good temper and in good faith, I wish to say this to the Chair: I desire to be heard on this point of order. I desire to be heard fully. I think that the importance of this matter entitles members on this side to be heard fully; but if the Chair says that he is not willing to give that hearing here, I submit to the power that is vested in the Chair, and I shall then ask for an appeal from the ruling of the Chair, but I am unwilling to take the floor unless I can have a reasonable hearing. If the Chair wishes to strangle debate and prevent a hearing on this——

The CHAIRMAN. The Chair will hear the gentleman on the point, if the gentleman desires to be heard.

Mr. UNDERWOOD. Well, that is all I desire, Mr. Chairman, but I do not consent to start out with the idea that I must make my argument within ten minutes.

The CHAIRMAN. The Chair does not change that statement in the least. If the gentleman desires to discuss the point of order within the ten minutes, the Chair will hear him. The Chair does not wish to hear the gentleman on some other subject.

Mr. UNDERWOOD. Mr. Chairman, it is impossible to argue the question within ten minutes, particularly if the Chair intimates that his mind is made up; and unless I can have a reasonable time in which to make a full statement of the case, I will not accept any such terms, but I ask the Chair to recognize me in the usual way to discuss this question of order, and I ask whether——

The CHAIRMAN. The Chair declines to recognize the gentleman otherwise than he has already recognized him.

Mr. UNDERWOOD. Then the Chair's recognition is with the limitation stated.

The CHAIRMAN. Certainly. The gentleman understands it.

Mr. UNDERWOOD. Then, Mr. Chairman, I appeal from the ruling of the Chair on that proposition.

Mr. STEELE. I submit that the Chair has not decided yet.

The CHAIRMAN. Of course the Chair has not decided.

Mr. UNDERWOOD. I wish to appeal from the authority of the Chair to limit the debate on this.

The CHAIRMAN. The gentleman wishes to appeal from a matter of recognition. The Chair declines to entertain such an appeal.

Mr. VANDIVER. Mr. Chairman, the gentleman from West Virginia [Mr. DAYTON] made his point of order, and after learning from the chairman of the committee [Mr. FOSS] that some agreement had been made or some understanding had, he consented to withhold the point of order. Then the gentleman from Pennsylvania [Mr. MAHON] renewed the point of order and afterwards withdrew it under a statement from me that I had no intention to prolong the debate unreasonably.

Now, Mr. Chairman, subsequent to that statement the gentleman from Pennsylvania withdrew his point of order, and the gentleman from Alabama made a statement which seemed to be somewhat irritating to the gentleman from West Virginia; whereupon he announces that in view of the statement of the gentleman from Alabama, he renews the point of order. Now, I ask him if he is going to allow petulancy like that, coming from any gentleman on the floor, to interfere with the understanding that existed between members of the committee in regard to this matter?

Mr. DAYTON. Why, if the gentleman will pardon me, there is no petulancy, no temper; you and I know we can agree. Unanimous consent was asked, and his remarks indicated that he would not consent to anything of the kind, and there was nothing for me to do but to renew the point of order.

Mr. UNDERWOOD. The gentleman from Illinois indicated the other day that when this question came up we should have two hours' debate on this proposition.

Mr. VANDIVER. It was the general understanding that we would have two hours' debate.

Mr. DAYTON. The gentleman has misunderstood the gentleman from Illinois. The agreement was to have two hours' debate on the Coast and Geodetic Survey. There was no time fixed as to this.

Mr. VANDIVER. I say on my responsibility as a member of this House that the gentleman is mistaken and misstates the facts.

The CHAIRMAN. This discussion is entirely out of order. Any gentleman in the committee has the right to raise the point of order and insist that it shall be finally decided. This discussion is on another matter.

Mr. WHEELER of Kentucky. I would like to make a statement.

Mr. VANDIVER. I yield temporarily to the gentleman from Kentucky.

Mr. WHEELER of Kentucky. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield the floor?

Mr. VANDIVER. I yield the floor, Mr. Chairman, to the gentleman from Kentucky if it is understood that I could be heard upon the point of order also.

The CHAIRMAN. The gentleman has already consumed his time on the point of order.

Mr. VANDIVER. Well, I agreed to yield to him for a short time only. I desire to be heard on the point of order.

The CHAIRMAN. The Chair will be very glad to hear the gentleman on the point of order.

Mr. VANDIVER. Now, Mr. Chairman, the offering of the amendment at this particular point, to this paragraph of the bill, was, I say, frankly premeditated. I think that the amendment is germane to this particular paragraph, perhaps more so than it would be to the succeeding paragraph.

The CHAIRMAN. The Chair will state to the gentleman that if this amendment is in order to the bill, it would be in order as a new paragraph at this point.

Mr. VANDIVER. Well, that is why I have offered it.

The CHAIRMAN. So far as the germaneness of the amendment is concerned, the Chair does not attach much importance to that. The Chair would rather hear the gentleman on the question of whether it is new legislation.

Mr. VANDIVER. The amendment is offered as a new paragraph to the paragraph on construction and machinery. This paragraph on construction and machinery provides "on account of the hulls and outfits of vessels and steam machinery of vessels heretofore authorized, $12,736,099" shall be appropriated. I call the attention of the Chair to the fact that that paragraph opens with the word "construction." This amendment proposes to "construct" a factory for the purpose of manufacturing armor plate, to carry out the provisions of the different parts of this bill. I think it is certainly germane to the paragraph. After providing that we shall construct vessels, we shall then proceed a step further and provide the means by which those vessels shall be constructed.

I think that if it were necessary to go to that point, we might assume that conditions might possibly arise whereby it would be absolutely impossible for the Government to construct these vessels and complete them according to the provisions of this bill without such a factory. Suppose, for instance, that the armor-plate factories of the world have entered into combinations—as I have no doubt they have—by which the price of armor plate is to be fixed by an agreement among them; and suppose, furthermore, that exercising their absolute control over the market price of armor plate, they should put it clearly out of the reach of the Government of the United States; then I want to ask how it would be possible for the Secretary of the Navy to carry out this provision of this bill for the construction of any vessels unless he were authorized to make this armor plate for the Government?

Mr. GAINES. Will the gentleman allow me to make a suggestion?

Mr. VANDIVER. I yield now to the gentleman.

Mr. GAINES. Secretary Herbert in his report found that after the Bethlehem Company and the Carnegie Company had furnished the Russian Government armor plate at $249 a ton, they, together with all the armor-plate manufacturers of this country and Europe, put up the price of plate to $565 a ton.

Mr. VANDIVER. There is no doubt about that. Now, Mr. Chairman, in all fairness and candor and good faith this amendment is offered. And I want to say that it was the understanding of the minority of this committee that they should have time for the offering of this amendment and its consideration at this time. I am sorry as well as surprised that the gentleman from West Virginia at this late hour should undertake to interfere with the understanding by raising the point of order. If the gentleman from West Virginia, Mr. Chairman, had served his country as well as he serves the manufacturing and protected interests, and especially the armor-plate factories, he would certainly be entitled to more credit for his service on this floor.

Mr. BUTLER. I raise the point of order, not as a member of the committee but as a member of the House, that the gentleman is not talking to the point of order.

Mr. VANDIVER. I am talking to the point of order. If the Chair should hold—and I want to call attention to this particular point—if the Chair should hold that this amendment is not in order and thus rule it out, and give this House no opportunity to vote upon it, the result might be, and not unreasonably may be, that the armor-plate factories of this country, holding absolute power over the subject, could hold up this Government worse even than they have done, and put it out of the power of the Secretary of the Navy to increase the Navy and build the battle ships herein provided for.

I think, if the Chairman of the committee will consider for a moment what may be and probably will be the consequences of such a ruling, he will at least hesitate before surrendering this Government to the dictation of the armor trust which now controls the price of armor throughout the world.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VANDIVER. I notify the gentleman from West Virginia [Mr. DAYTON] that if he insists upon his point of order he will gain no time by it, for I shall offer it as a resolution to recommit the bill with instructions to the committee.

The CHAIRMAN. It is the privilege of the Chair to hear discussion upon any point of order; but it is no hardship upon the House or the committee if he declines, because the committee can indulge in debate on an appeal from the decision of the Chair to any extent it wishes. The Chair thinks the rule is a wise one, leaving it in the discretion of the Chair to hear discussion or otherwise. For that reason the Chair enforced the rule in this instance.

Now, the question is——

Mr. WHEELER of Kentucky. Mr. Chairman——

The CHAIRMAN. The Chair is stating a ruling.

Mr. VANDIVER. Mr. Chairman——

The CHAIRMAN. Will the gentleman wait until the Chair finishes his ruling?

Mr. VANDIVER. I beg the Chair's pardon; I understood the Chair to say that he had made the ruling.

The CHAIRMAN. The Chair is making the ruling. The question is whether this amendment authorizing the building of a plant for any purpose in the way of making armor plate is new legislation on an appropriation bill. It is not a question of building new buildings in place of old ones, the replacing of buildings already made; it is not a question like those which were decided in reference to the Naval Academy. There it was held that the Government already had a work in progress, the naval school, in the language of the decision of Mr. Cox in the West Point Academy case, and they could build a new building there for that purpose. This is not that question. The Government has never gone into the armor-plate business; it has always bought what is needed by contract. It has never made any, never had any plant for the construction of armor plate, and therefore it seems to the Chair to be most clearly new legislation. It is in line with all the decisions, even the decisions made in the West Point case and the Annapolis case in former Congresses, and the Chair therefore sustains the point of order.

Mr. UNDERWOOD. Mr. Chairman, I make an appeal from

the ruling of the Chair, and on the appeal I desire to say a word. I find on page 4227 of the RECORD that the chairman, the gentleman from Illinois [Mr. FOSS], when the question was up as to the length of debate on this question, said that he was willing to agree to this, that the understanding when the armor-plate question was reached——

Mr. HEPBURN. Mr. Chairman, I make the point of order that the gentleman is not discussing the appeal.

Mr. UNDERWOOD. I am discussing the appeal. I am stating the ground why it is necessary for us to overrule the decision of the Chair in this instance, and I am stating the parliamentary situation, the agreement that was attempted to be entered into. The understanding was that when we reached the armor-plate——

Mr. HEPBURN. Mr. Chairman, I make the point of order that the gentleman is not discussing the appeal.

The CHAIRMAN. The Chair sustains the point of order.

Mr. UNDERWOOD. I do not see, Mr. Chairman, how, when I have only uttered one sentence, the Chair or the gentleman from Iowa can say that I am not discussing the appeal. I am entitled to state the proposition under discussion. But if the Chair does not want me to go at it in that way, I can probably show wherein the proposition comes in a different way. I will read, when it is more clear to the Chair that this is within the discussion.

Mr. Chairman, when this bill was before the committee two years ago a provision was put in the bill providing that unless armor plate could be purchased at $300 a ton the Secretary of the Navy should purchase no further armor. It also provided that unless he was able to purchase the armor at $300 a ton he should not go on with the construction of the battle ships provided for in that bill.

Now, the situation that presents itself to us on this point of order is not the same as stated by the Chair, not the same conditions that existed when Mr. Sherman two years ago rendered his decision, but we are confronted, as I desired to say to the Chair, but was unable to say—we are confronted by a new condition. We have three battle ships the construction of which are provided for by the law of the land to-day. They are necessary to the completion of our naval establishment. We have made what Congress believes to be a reasonable appropriation for the furnishing of the armor plate for these vessels, and the Secretary of the Navy has offered to purchase this armor at those figures. There is nobody, no armor-plate factory, no contractor, that is willing to furnish armor plate to the United States Government.

Now, that is the condition that confronts us. That is the law of the land to-day. The Government has provided the money and appropriated the money to build these three battle ships, and as a necessary part of building these battle ships we must have armor plate.

Mr. BARBER. Has not the Government already bought 400 tons of armor plate during the past year?

Mr. UNDERWOOD. Yes; but that was for ships of the *Alabama* type.

Mr. BARBER. They can get the same for any other type.

Mr. UNDERWOOD. The gentleman did not understand my argument. I state that the ships of the *Maine* type are unprovided for; the ships of the *Alabama* class are provided for; but we have now three ships that we can not get armor for under the existing law.

Mr. BARBER. Yes, we can, if we take the kind of armor we have been getting heretofore.

Mr. UNDERWOOD. My friend evidently does not go with me in my argument. I am discussing the question from the standpoint of the law as it exists to-day. I say we can not get the armor under existing law; not that we can not get armor if we pay $1,000 a ton for it, or if we change the law; but the proposition, as it confronts this House, is what we can do under existing law, and under existing law we can not buy any armor. There is nobody who would furnish us with any armor, and yet we must build these battle ships.

Mr. MADDOX. What is the existing law? What was it we agreed to pay for this armor?

Mr. UNDERWOOD. We agreed to pay $300 a ton for armor; and the bill provided that unless we could purchase it at $300 a ton no armor should be made for these three ships—that the contract should be delayed until the armor was purchased.

Mr. MADDOX. What does this bill provide?

Mr. UNDERWOOD. This bill, in a subsequent section, attempts to strike out all that and provide for paying a higher price.

Mr. MADDOX. What price?

Mr. UNDERWOOD. Five hundred and forty-five dollars a ton.

Mr. MADDOX. Why is not that a change of existing law?

Mr. UNDERWOOD. It is; and when we reach that section, if the point of order be not made by somebody else, I propose to make it.

Mr. BARBER. One question further: Does not the Secretary of the Navy say that the difficulty is that he can not obtain armor of a suitable quality for $300 a ton; not that he can not obtain armor, but that the quality of the armor obtainable is not what he wants?

Mr. UNDERWOOD. I do not think the Secretary of the Navy says that.

Mr. BARBER. I will refer the gentleman to his letter——

Mr. UNDERWOOD. If the gentleman will allow me a minute, I will answer his question. I shall have to go into some facts and figures on the question.

Mr. BARBER. I simply refer the gentleman——

Mr. UNDERWOOD. I know what the Secretary of the Navy said. I have his report here.

Mr. BARBER. He gives the reason he has not contracted for armor—that he could not obtain it of suitable quality at the price fixed.

Mr. GAINES. That he could not obtain that which they claim to be the best quality—the Krupp armor; but we contend that the harveyized armor is just as good.

Mr. UNDERWOOD. I will say to the gentleman from Pennsylvania that the question is not whether the Secretary of the Navy can get the armor, but whether it can be got at a suitable figure. Now, to answer the gentleman's question fully it is necessary for me to go into some facts and figures in reference to the cost of this armor, and whether it can be gotten in any other way, in order to build these battle ships and carry out existing law.

I find, Mr. Chairman, that the materials consumed in the manufacture of a ton of armor plate cost only $56.75; that the entire labor cost for a ton of armor plate is only $43.65; that the cost of keeping the plant ready for use is $9.80 a ton; that shop expenses are $2.38 a ton; office expenses and contingencies, $3.34 a ton; experimental work, $1.67 a ton; administration and engineering, $21.40 a ton.

Mr. HEPBURN. I make the point that the gentleman is not discussing the question of order.

Mr. UNDERWOOD. The gentleman from Pennsylvania asked me a question——

The CHAIRMAN. The point of order is well taken. The gentleman will confine himself to the question of order.

Mr. UNDERWOOD. Mr. Chairman, I submit that the question of appeal to this House as to whether this is in line with the rules and precedents of the House and as to whether it is necessary to carry out existing law involves the question as to whether there is any other way of providing for this material; and that is just what I am talking about.

The CHAIRMAN. The gentleman will confine himself to the question of order.

Mr. UNDERWOOD. I will endeavor to do so.

Mr. HEPBURN. I make the point that when a gentleman has been called to order and when the Chair has sustained the point of order, it is his duty to take his seat——

The CHAIRMAN. That is correct——

Mr. HEPBURN. And that he can then only proceed by the consent of the House——

A MEMBER. Upon motion.

Mr. HEPBURN. Upon motion. I insist on the rule.

Mr. GAINES. That is a technical rule, which is insisted on now for the first time in this debate.

Mr. BARTLETT. In answer to that point of order, I insist that the Chair did not raise it, but directed the gentleman from Alabama to proceed in order, without a motion; and I submit that it is now too late, after the Chair has directed——

The CHAIRMAN. After the Chair had directed the gentleman from Alabama to proceed in order, the gentleman from Iowa [Mr. HEPBURN] made the point of order that the gentleman from Alabama should take his seat under the rule when the point of order is made and until it is decided.

Mr. BARTLETT. Then, Mr. Chairman, I move that the gentleman from Alabama be permitted to proceed in order.

Mr. HEPBURN. And, Mr. Chairman, prior to that, I insist that the gentleman from Alabama should resume his seat.

Mr. UNDERWOOD resumed his seat.

Mr. HEPBURN. Now, Mr. Chairman, I move to lay the appeal from the decision of the Chair on the table.

Mr. BARTLETT. There is no table in Committee of the Whole. [Laughter and applause.]

The CHAIRMAN. The motion of the gentleman from Iowa is not in order. [Derisive laughter on the Democratic side.]

Mr. DALZELL. I move to close the debate on the appeal.

Mr. MCRAE. Mr. Chairman, is not the only motion before the committee now the motion of the gentleman from Georgia [Mr. BARTLETT], that the gentleman from Alabama proceed under the rule?

Mr. DALZELL. The motion I have made is not debatable.

Mr. WHEELER of Kentucky. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHEELER of Kentucky. Did not the Chair recognize

the gentleman from Georgia and permit him to make his motion before recognizing the gentleman from Pennsylvania [Mr. DALZELL]?

The CHAIRMAN. The gentleman from Georgia made the point of order that the Chair had directed the gentleman to proceed in order——

Mr. BARTLETT. No, Mr. Chairman; not that.

The CHAIRMAN (continuing). The gentleman from Georgia made the point that the Chair had already directed the gentleman from Alabama to proceed in order. The gentleman from Iowa made the point of order that the gentleman from Alabama must first take his seat before any decision could be made on the point of order.

The Chair ruled that the gentleman from Alabama should take his seat. The gentleman from Alabama did not do so, and the gentleman from Iowa then made the point of order that the gentleman from Alabama must take his seat, and the gentleman from Alabama thereupon resumed his seat. The gentleman from Iowa then rose, and the gentleman from Georgia, both standing at the same time, and both making their motions, the gentleman from Georgia moving that the gentleman from Alabama should proceed in order, and the gentleman from Iowa moving that the appeal be laid upon the table. The Chair ruled the latter motion to be out of order; whereupon the gentleman from Pennsylvania [Mr. DALZELL] rose, addressed the Chair, and was recognized to submit his motion.

Mr. BARTLETT. Mr. Chairman, I ask the Chair to permit me just a moment. I know the Chair would not wish to make a misstatement as to what actually occurred.

Mr. DALZELL. Is not the motion that I have made in order, Mr. Chairman, and not debatable?

The CHAIRMAN. The Chair will hear the gentleman from Georgia.

Mr. BARTLETT. The Chair is mistaken, I was about to say, as to the statement of fact; and if necessary, I appeal to the stenographer's notes to show that, before the gentleman from Iowa asked the gentleman from Alabama to take his seat, I had made the motion that the gentleman should be permitted to proceed in order. That was prior to either the recognition of the gentleman from Iowa or the gentleman from Pennsylvania. Now, if that is true, Mr. Chairman, I believe that the Chair does not desire to do any injustice, and I appeal to the Official Reporter's notes to sustain the statement I make with reference to the occurrence in the House.

Mr. DALZELL. Mr. Chairman, the trouble about the statement made by the gentleman from Georgia is that the gentleman made his motion before the gentleman from Alabama [Mr. UNDERWOOD] had taken his seat, and his motion, therefore, when made, was not, under the rule, in order.

Mr. BARTLETT. And yet, Mr. Chairman, I made the motion, and the Chair had recognized me, and up to this time I have never——

The CHAIRMAN. The committee will be in order.

Mr. BARTLETT. Up to this time I have still remained upon my feet for that purpose, and, the Chair having recognized me, I submit to the Chair that it is unfair to me and unfair to the House and unfair to the gentleman from Alabama thus to cut off the motion that I had made and was preparing to make, and there is no rule of the House, except an arbitrary and brutal motion to strangle debate——

The CHAIRMAN. Notwithstanding the last statement of the gentleman from Georgia, the Chair will state that the Chair has no desire to do any injustice to any member of the committee or of the House. The Chair understood the gentleman from Georgia to make the point as stated by the Chair. Now the gentleman from Georgia states that he made the motion that the gentleman from Alabama be permitted to proceed in order. The Chair will entertain that motion, which must be decided without debate.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. BARTLETT demanded a division.

The committee divided; and there were—ayes 81, noes 73.

The CHAIRMAN. The ayes have it, and the gentleman will proceed, under the rule, to explain.

Mr. UNDERWOOD. I hope, Mr. Chairman, that I may have order.

The CHAIRMAN. The committee will be in order.

Mr. UNDERWOOD. Now, Mr. Chairman, the proposition comes to the point where I was interrupted by the gentleman from Pennsylvania, and I sought to answer a question of his when I was called to order.

I will return to the proposition that I was discussing when I was interrupted, and that is that, these battle ships being provided for and there being no way by which we can provide armor under the bill, it is in order for us now to provide a way.

As the Chair has stated, it has been held by previous Congresses that the creation of an entirely new battle ship, where there had been no previous appropriation, is in order and not in contravention of the rule. That has been repeatedly held. It has further been held and decided here, not longer ago than yesterday, that in order to carry on and build up a naval establishment in the United States it was in order to erect an entirely new building at the Academy at Annapolis.

The same thing has been held with reference to the building of a building at West Point in order to maintain and build up the Army of the United States. They have gone further than that. This House has sustained the ruling of the Chair that it is in order, upon a general appropriation bill, to provide for the maintenance and the education of seamen necessary to man the Navy, to pass special legislation with reference to seamen to man the Navy, although there was no general law, and the Chair is familiar with that decision, although there was no law specially authorizing it previously; yet that new legislation providing for it on an appropriation bill was in order, because it was necessary to build up the general naval establishment of the country.

Now, to return to the proposition before the House. Here we have legislation directing the Secretary of the Navy to build three armored war ships of the United States. He is directed to purchase that armor, if he can do it, within a certain figure, but if he can not he is prohibited from purchasing the armor.

That is the law as it stands on the statute books to-day. The Secretary of the Navy has advertised for bids. The armor-plate factories of this country refuse to furnish the armor at the price that the Congress of the United States has said was a reasonable price. Now, we must build up this naval establishment——

Mr. DAYTON. I make the point of order that the gentleman is not discussing the question.

The CHAIRMAN. The point of order is well taken.

Mr. UNDERWOOD. I am discussing the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is well taken.

Mr. UNDERWOOD took his seat.

Mr. DALZELL. I move that debate on the appeal be now closed.

Mr. WILLIAMS of Mississippi. Mr. Chairman, surely the Chair did not hear the gentleman from Alabama.

The CHAIRMAN. The gentleman from Pennsylvania moves that debate be now closed.

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. UNDERWOOD demanded a division.

The committee divided; and there were—ayes 86, noes 79.

Mr. UNDERWOOD. Tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from Alabama [Mr. UNDERWOOD] will act as tellers.

The committee again divided.

Mr. WHEELER of Kentucky. Mr. Chairman, a question of privilege. I request that the pairs be announced before the tellers announce the result of this vote.

The CHAIRMAN. The Chair does not think pairs should be announced in Committee of the Whole. It is an unprecedented thing; and the Chair does not think it can be done.

Mr. WHEELER of Kentucky. I understand that it can be asked for as a matter of privilege at the request of a member, unless there is objection. The pairs will show how gentlemen who are paired are voting on the floor.

The CHAIRMAN. The Chair does not think pairs can be announced. On this question tellers report—ayes 96, noes 82. Debate is therefore closed, and the question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. UNDERWOOD. Division.

The committee divided; and there were—ayes 94, noes 84.

Mr. UNDERWOOD. Tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Pennsylvania [Mr. DALZELL] will please take their places as tellers.

The committee again divided; and tellers reported—ayes 97, noes 83.

The CHAIRMAN. The ayes have it, and the decision of the Chair therefore becomes the judgment of the committee. The Clerk will read.

The Clerk read as follows:

Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by the act of March 2, 1895; for those authorized by the act of June 10, 1896; for those authorized by the act of March 3, 1897; for those authorized by the act of May 4, 1898; for those authorized by the act of March 3, 1899, and for those authorized by this act, $4,000,000: *Provided*, That the Secretary of the Navy is hereby authorized to procure by

contract armor of the best quality for the battle ships *Maine*, *Ohio*, and *Missouri*, authorized by the act of May 4, 1898, at a cost not to exceed $545 a ton of 2,240 pounds, including royalties.

Mr. VANDIVER. I desire, Mr. Chairman——

Mr. KITCHIN. Mr. Chairman, I desire to reserve the point of order before debate begins.

Mr. VANDIVER. That is what I am going to do.

Mr. Chairman, I make the point of order that the words "five hundred and forty-five dollars," contained in the twentieth and twenty-first lines, change existing law, and are therefore out of order.

Mr. FOSS. Mr. Chairman——

Mr. VANDIVER. I desire to be heard upon the point of order, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Illinois first, and afterwards the gentleman from Missouri.

Mr. VANDIVER. All right.

Mr. FOSS. I yield to the gentleman from West Virginia.

Mr. DAYTON. Mr. Chairman, I want simply to say that, in my judgment, that point of order is not well taken, and I refer the Chair to the second session of the Fifty-fifth Congress, page 3482 of the RECORD, where it was held that a distinction existed between a limitation upon the present appropriation bill and a future provision making new law; and in the third session of the Fifty-fifth Congress, on page 2190 of the RECORD, the same identical question came up, and the Chair sustained the point of order against this limitation referring to the future, and when these words were struck out overruled it; so that I refer to two precedents in the past to show that this point of order is not well taken. That was a limitation upon that appropriation bill. I want to call the Chair's attention to the further fact that this limitation is a new provision upon this legislative act.

Mr. VANDIVER. Mr. Chairman, by the act of March 19, I think it was, 1898, the price of armor plate was limited to $400 per ton.

The CHAIRMAN. Has the gentleman that act?

Mr. VANDIVER. I have not it here with me. I am not sure of the exact date, but I know it was in 1898.

Mr. UNDERWOOD. I would suggest to the gentleman from Missouri that that act is contained in the next paragraph.

Mr. VANDIVER. Furthermore, Mr. Chairman, the act of March 3, 1899, limits the price which the Secretary of the Navy may pay for armor plate to $300 per ton. Now, we may suppose at least, Mr. Chairman, that that law of 1899 holds good until it is repealed. It is the law to-day. The Secretary of the Navy has himself stated that he was unable to purchase armor plate because that is the law now. If that be the law, this provision here, which increases the price to $545 per ton, evidently changes existing law, and therefore, according to the precedent that the Chair has just established, and which is a long-standing precedent in fact, this particular paragraph is obnoxious to existing law, and subject to the point of order.

I desire further to call the attention of the Chair to the ruling just a few minutes ago, made on the amendment offered by the gentleman from New York [Mr. FITZGERALD] providing that the three armored cruisers should be constructed in the Government navy-yards. That the Chair ruled was a change of existing law; and now, in a few minutes afterwards, comes in this proposition that the gentleman from West Virginia makes objection to, and tries to show that it is not a change of existing law. Now, I submit, Mr. Chairman, that if the Secretary of the Navy is not now able to purchase this armor plate because this is the law, then this increase of the price does change existing law, and is subject to the point of order.

Furthermore, as I am reminded by my friend from Georgia [Mr. MADDOX], the gentleman in charge of the bill finds it necessary by the next paragraph of the bill to repeal the existing law.

Now, then, perhaps the gentleman will claim that the next paragraph will repeal it, but I want to ask what right has he to assume that it is going to be repealed? That very paragraph itself would be subject to a point of order. The fact that the next paragraph repeals that law is of sufficient evidence that, in the judgment of the committee that framed this bill, this would change existing law.

Now, Mr. Chairman, I do not desire to unnecessarily consume the time of the committee. I think it is certainly clear, and must be clear to the Chair, that this would be a change of existing law.

The CHAIRMAN. The Chair calls the attention of the gentleman from Missouri to the change in the limitation of $545. He calls attention to the fact that the ships provided for in this paragraph are ships constructed under the law of 1898. Now, the language on the following page is:

"*And provided further*, That no contract for the armor for any vessels authorized by this act—

That is, the act of 1899, and not the act of 1898—

shall be made at an average rate exceeding $300 per ton of 2,240 pounds, including royalties, and in no case shall a contract be made for the construction of the hull of any vessel authorized by this act until a contract has been made for the armor of such vessels," is hereby removed.

The gentleman stated that there was some limitation in the act of 1898, and the Chair asked what, and the gentleman from Alabama responded that it was on the following page, and the language on the following page is from the act of 1899.

Mr. VANDIVER. If the Chair will pardon me, the act of 1898 provided for $400 and the law of 1899 provided for $300 a ton.

The CHAIRMAN. The law of 1898 the Chair has before him, and it refers to the battle ships authorized by the law of 1896:

Provided, That the total cost of armor, according to the plans and specifications already approved for the three battle ships authorized by the act of June 10, 1896, shall not exceed $3,210,000, including all costs of nickel, etc.

That is the only limitation the Chair finds.

Mr. VANDIVER. Now, if the Chair will allow me, I call his attention to the fact that in line 10 and in the first part of line 11, of this page 64, these vessels are authorized by the act of June——

The CHAIRMAN. The Chair will call the attention of the gentleman still further to the language:

And no contract for armor plate shall be made at an average rate of not exceeding $400 per ton of 2,240 pounds, including nickel, as aforesaid.

That probably is the language the gentleman refers to.

Mr. VANDIVER. I call the Chair's attention to the fact that the vessels authorized by the act of 1896 are the very ones mentioned in this paragraph and for which the armor is to be purchased at $545 a ton.

The CHAIRMAN. The Chair does not think the vessels provided for in 1896 are spoken of here. It says:

The Secretary of the Navy is authorized to procure armor plate of the best quality for the battle ships *Maine*, *Ohio*, and *Missouri*, authorized by the act of May 4, 1898, at a cost, etc.

Mr. VANDIVER. But just before that in the bill now under consideration——

The CHAIRMAN (continuing). And the proviso only refers to the battle ships authorized under the law of 1898.

Mr. VANDIVER. I beg the Chair's pardon. It applies to both.

Mr. WILLIAMS of Mississippi. It expressly recites the act of 1896.

Mr. VANDIVER. And refers to vessels under that act as well as the other.

The CHAIRMAN. It says:

Toward the armament and armor of domestic manufacture for the vessels authorized by the act of March 2, 1895; for those authorized by the act of June 10, 1896; for those authorized by the act of March 3, 1897; for those authorized by the act of May 4, 1898; for those authorized by the act of March 3, 1899, and for those authorized by this act, $4,000,000: *Provided*, That the Secretary of the Navy is hereby authorized to procure by contract armor of the best quality for the battle ships *Maine*, *Ohio*, and *Missouri*, authorized by the act of May 4, 1898, at a cost not to exceed $545 a ton of 2,240 pounds, including royalties.

Now, this limitation only applies to the three battle ships constructed under the law of 1898.

Mr. VANDIVER. Even on that supposition this very act here increases the price to $545—increases the price of those provided for in the act of 1898, the law of which limited the price to $400.

Mr. UNDERWOOD. Will the gentleman from Missouri allow me to interrupt him?

Mr. VANDIVER. Yes.

Mr. UNDERWOOD. Mr. Chairman, with the consent of the gentleman from Missouri, I desire to make this suggestion to the Chair: The building of the battle ships *Maine*, *Ohio*, and *Missouri* was provided for by the law of 1898. The armor that was provided for these battle ships was provided for by the act of March 3, 1899, which this bill seeks to repeal.

The CHAIRMAN. In a subsequent paragraph.

Mr. UNDERWOOD. In a subsequent paragraph. It repeals it here; repeals the law that authorized the armor for these particular vessels under the act of March 3, 1899. That is the law to-day in reference to the *Maine*, *Ohio*, and *Missouri*.

The CHAIRMAN. That is the question under that construction of that language—whether it is or not——

Mr. UNDERWOOD. The naval appropriation bill of last year carried this provision for those ships, because all other ships of the Navy up to the time of the authorization of these had their armor already provided for.

The CHAIRMAN. In other words, that was the interpretation of the Department at that time.

Mr. UNDERWOOD. It did not involve any interpretation of the Department. The Department reported that those ships needed armor at that time. That will be found to be the fact if the Chair will refer to the report. And the law is based on that fact—that those ships needed this armor.

Mr. VANDIVER. Allow me to suggest that under either ruling of the Department these words change existing law; because if the Department should hold that the armor for these vessels should be purchased under the act of 1898 it would be limited to $400 a ton, and if the armor was to be purchased under the act of 1899 the Department would be limited to $300 a ton. But this provision raises the price which may be paid to $545; so that in either case there is a change of existing law.

Mr. DAYTON. The language fixing the price is a limitation upon that year's appropriation and expired with it.

Mr. WHEELER of Kentucky. Why repeal it, then, by this act?

Mr. DAYTON. We are not proposing to repeal it.

The CHAIRMAN. The Chair will suggest to the gentleman from West Virginia [Mr. DAYTON] that the question is whether that language is limited to that appropriation or whether it is general language covering all armor plate to be purchased. That is the very question, and that depends upon the interpretation of the language. It seems that the Department has held that this limitation applied to armor plate for these very vessels; and still that might have been a limitation on that appropriation of $4,000,000.

Mr. DAYTON. Therefore that appropriation has not been used. But here is a new appropriation. That is the point to which I desire to call the attention of the Chair. This appropriation is under the control of this House. The price of a thing may change. It would be impossible to finish that work already commenced if the Department were to be limited in that way.

The CHAIRMAN. The Chair suggests to the gentleman that one question is whether the previous law has limited the amount for which armor plate should be bought for these vessels, independently of the appropriation. The Chair must say that the language seems to him involved, and there is room for difference of interpretation as to whether the limitation should apply simply to that appropriation or should apply generally to the purchase of armor plate in the future.

Mr. VANDIVER. Does the Chair hold that my point of order is sustained?

The CHAIRMAN. The Chair has not ruled yet on that subject. The Chair is suggesting a doubt as to the interpretation of the language itself—as to whether it applied to that appropriation simply as a limitation, or whether it was a positive and general provision of law that no armor plate should be purchased at a price exceeding that specified.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

The CHAIRMAN. The Chair will suggest to the gentleman from Mississippi [Mr. WILLIAMS] that the further question would then arise as to whether this limitation applied to those vessels.

Mr. WILLIAMS of Mississippi. That is just the point upon which I want to be heard.

Now, Mr. Chairman, the act of 1899 provided armor for those ships that had not had armor provided for them by previous acts. Those ships were the *Maine*, the *Ohio*, and the *Missouri;* and so plain was that construction of the act that the Secretary of the Navy has held that he was not able to furnish armor for the *Maine*, the *Ohio*, and the *Missouri* because——

The CHAIRMAN. May the Chair interrupt the gentleman right there—because under that provision, whether it be taken as a limitation upon the appropriation itself or a general provision of law, the Secretary of the Navy could not use the appropriation. So the holding of the Secretary of the Navy does not seem to throw much light upon the question suggested by the Chair.

Mr. WILLIAMS of Mississippi. What I was going to say was this: The Secretary of the Navy has properly held that he can not go ahead and get the armor for these three ships because, by the existing law of 1899, he is limited to the price of $300 a ton as a matter of law and because, as a matter of fact, he could not buy armor at that price.

The CHAIRMAN. The Chair suggests to the gentleman that there would be the same difficulty on the part of the Secretary of the Navy if the limitation applied only to the appropriation itself, because if he were limited in expending that appropriation to $300 a ton, he could not expend the money; and he had no money available, even if there was no change of law.

Mr. WILLIAMS of Mississippi. But, Mr. Chairman, the very law which limited the Secretary to $300 a ton for this armor was the law with reference to these very vessels. It was not merely a limitation, but was a law declaring that the Secretary of the Navy should pay only a certain price in the purchase of armor; in other words, that he should not buy armor except at the price named or below it—that is to say, that any armor which he had to buy for the purposes then existing should not exceed that sum—and some of the purposes so existing are found embodied in the bill; that is to say, the armor for these very ships.

Mr. WHEELER of Kentucky. Will the gentleman permit a suggestion?

Mr. WILLIAMS of Mississippi. I will yield to the gentleman from Kentucky.

Mr. WHEELER of Kentucky. Can I have the attention of the Chair for a moment?

Mr. WILLIAMS of Mississippi. Mr. Chairman, I yield to a suggestion of the gentleman from Kentucky.

Mr. WHEELER of Kentucky. I desire, Mr. Chairman, to call the attention of the Chair to this fact, in line with the difficulty which seems to be present in his mind in connection with the point of order, that the limitation of the price to $300 a ton for this armor plate did not apply in the act of 1899 to the specific appropriation made in the bill of that year, but was a general limitation.

Mr. WILLIAMS of Mississippi. Yes; it was a general limitation upon the armor to be purchased for any purpose, and not a specific limitation upon the purchases for that particular year.

The CHAIRMAN. The language, the Chair will state, is precisely this:

> That no contract for the armor for any of the vessels authorized by this act.

And so forth.

Now, what does that mean? Does it mean armor for the vessels authorized by the act of 1899, or does it extend to the purchase of all armor for all purposes? In other words, is the question applicable to the armor authorized by the act for all purposes, or only for either or all of the vessels—the three vessels? That is the distinction that occurs to the Chair; and the difficulty is in the interpretation of the language.

Mr. KITCHIN. Mr. Chairman, I think if the Chair would read the entire section he would have no difficulty in arriving at the same understanding of the law that we have reached. It says that armor purchased shall be purchased at a certain price. Read the exact language of the law of March 3, 1899:

> Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by the act of July 26, 1894, of the vessels authorized under the act of March 2, 1895, of those authorized by the act of June 10, 1896, of those authorized by the act of March 3, 1897, of those authorized by the act of May 4, 1898, and of those authorized by this act, $4,000,000: *Provided*, That in procuring armor for the seagoing coast-line battle ships and the harbor defense vessels of the monitor type, authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, approved May 4, 1898, the Secretary of the Navy may contract for suitable armor for said vessels under the limitations as to price for the same as fixed by this act.

Now, as we all well understand, these vessels, the *Maine*, *Ohio*, and *Missouri*, were authorized under the act of May 4, 1898.

> *And provided further*, That no contracts for the armor for any vessels authorized by this act shall be made at an average rate exceeding $300 per ton of 2,240 pounds, including royalties, and in no case shall a contract be made for the construction of the hull of any vessel authorized by this act until a contract has been made for the armor of such vessel.

The Chair will observe that the language used applies to the vessels authorized by the act of 1898. There is no question of that; and it goes on to say that the price for armor plate shall be the price in that act; and in the next proviso of that act the price is fixed at $300 a ton.

That is the construction of the Navy Department itself. They refused to go beyond that given price, and finally refused to act at all in reference to the armor plate for these vessels because by the limitation of price they could not get the best kind of armor for the sum named.

Now, that construction having been presented to the country through the report of the Secretary of the Navy, and having been acted on by the entire Naval Committee, the committee put in this provision in the bill. Unless this construction is correct, why the necessity of this provision that the Secretary is authorized to buy the armor at $545 a ton?

Is that the law now? If so, this provision is an absurdity; and I quote from the majority report here. It says:

> Your committee recommend that this restriction—
>
> Of $300 per ton—
>
> be removed and that contracts be authorized, so that the construction of the hulls of these vessels may go on without further delay.

That shows that they were recognizing the $300-a-ton limitation as law, and if everybody had not so understood it this provision would not have been in here. If it is now the law to pay $545 per ton for this armor, then it is an absurd provision to put in this bill. But, however the Chair may rule upon this (because it seems to me the more I have tried to convince the Chair this week the less I have succeeded), it seems to me it ought to be well known to every one here that there is no law to-day by which you can buy this armor at any price in excess of $300 per ton.

Therefore the Navy Department resorts to the committee and the committee resorts to the House with this bill changing existing law, which limits it to $300 per ton, changes it to apply to these three battle ships. All this was well considered in the committee, I will say. If this does not change existing law, then it is another instance in which I do not understand this rule. But to my judgment it is clear that this provision is contrary to section 2 of Rule XXI, and the point of order made against it should be sustained.

Mr. LACEY. I call the attention of the Chair to clause 2 of Rule XXI. Now, it appears that this is an appropriation of $545 a ton in order to continue a public work. The completion of a naval vessel, although the work has long been interrupted, has been held to be the continuation of a public work. The construction of a new vessel in the Navy is also a continuation of a public work.

Mr. KITCHIN. May I interrupt the gentleman?

Mr. LACEY. In a moment. Now, the provision as to continuing a public work and as to changing existing law is found in the second paragraph of Rule XXI. The limitation of the first part of the paragraph is the one that we are really called upon to meet. Can it be claimed that when an appropriation is made and a price of material fixed, after a building has been authorized, that we can not meet a subsequent rise in the price by an increased appropriation because the original appropriation was based on a lower price? If so, the earlier part of the rule would be entirely inoperative.

Now, take the rule by its four corners and examine it as a whole. Here we have a public work authorized by existing law. The proposition now is to appropriate money. They say if you appropriate the money at more than $300 a ton it changes existing law. That may be true, but it also carries on a work already begun, and therefore the other part of the rule comes in, and a fair construction of the whole rule does not render this House powerless to go on and complete a public building partly constructed or to complete a steel-clad vessel partly constructed. Now, it seems to me, by taking this as a whole——

The CHAIRMAN. What becomes of the last clause of the rule?

Nor shall any provision changing existing law be in order on any general appropriation bill or any amendment thereto.

Mr. LACEY. Now, the existing law applies only to these particular ships, and they are covered in the other part of the rule, which refers to a continuation of public works already in progress. Consequently you can change existing law as to a building or public work already started by an appropriation bill, and that of necessity must be the rule. If that were not the rule we should be powerless, because of a rule of the House, to complete a structure that had been started, where even the national defense was involved in its completion.

Suppose a light-house is contracted for when iron is worth so much a ton, and we put a limitation in the appropriation bill that this light-house shall not cost more than so much a ton. It has already been authorized by existing law. It is partly built. Now, the other part of the rule comes in and provides that you may make appropriations, although not authorized by the terms of existing law, although changing the existing law, if it is to continue a public work already in progress, already in process of execution.

Mr. MOODY of Massachusetts. The ground that the gentleman takes is so much broader than the necessities of the case require, and touches upon matters so general, that I should like to ask the gentleman if he understands the rule to be, in case a public building of any kind is authorized, and a limit is fixed in the act authorizing that public building, that it is in order on a general appropriation bill to appropriate in excess of that limit of cost?

Mr. LACEY. Suppose that it was authorized, and subsequently there is a provision that we shall not pay over $6 a thousand for brick. The work is in process of construction. Subsequent to the provision for that particular work that provision is inserted. I say you may change existing law as to a public work that is already in process of construction.

Mr. MOODY of Massachusetts. This is a matter of the very greatest importance, because almost every public building that was authorized in the last Congress, or a great many of them, can not be constructed within the limit Congress prescribed; and the question comes to the Committee on Appropriations, for instance, and is there to-day, whether without legislative action by Congress appropriations in excess of the limit prescribed by Congress may be made. With all due respect to the gentleman from Iowa, I doubt if we can. I think that the rule limits us. I think that the provision is obnoxious to the other part of Rule XXI, and it must go out on a point of order. If it changes existing law, it must go out on a point of order, even if in continuance of a public work.

Mr. LACEY. An appropriation not authorized by law always changes existing law, because the existing law is that there is no law on the subject. Now, when the rule expressly provides that after a public building is started that then you may make an appropriation, notwithstanding the general law, it is intended to meet such a case as you have already suggested. If you had started a public building that was to cost $50,000, and you find that you can not construct it for that money, you must lose what you have expended or may have to spend $75,000 instead; and having commenced the work, you must go on and complete it, because it is authorized by existing law.

Mr. COWHERD. The question was ruled on by the gentleman from Pennsylvania [Mr. DALZELL] when presiding over the Committee of the Whole this session, and he ruled just contrary to the suggestion of the gentleman.

Mr. LACEY. You will find rulings on every side of every question in Committee of the Whole. I am trying to get a correct ruling on this particular question. [Cries of "Rule!"]

Mr. VANDIVER. Mr. Chairman——

The CHAIRMAN. The Chair is ready to rule.

Mr. VANDIVER. I desire to submit one observation.

The CHAIRMAN. The Chair is ready to rule. The only question here is whether it changes existing law.

Mr. VANDIVER. Certainly, Mr. Chairman.

The CHAIRMAN. This provision——

Mr. VANDIVER. Now let me make a suggestion. [Cries of "Rule!"]

The CHAIRMAN. The gentleman will permit the Chair to rule.

The Chair has been referred to the law of 1899, "armor and armament." The paragraph of that law—the whole paragraph—relates to the armament; to armor and armament of domestic manufacture for the vessels authorized by the different acts from 1894 to 1898, inclusive, with the proviso:

Provided, That in procuring armor for the seagoing coast-line battleships and the harbor-defense vessels of the monitor type, authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes, approved May 4, 1898, the Secretary of the Navy may contract for suitable armor for said vessels under the limitations as to price for the same as fixed by this act: *And provided further*, That no contracts for the armor of any vessel authorized by this act shall be made at an average rate exceeding $300 per ton of 2,240 pounds, including royalties, and in no case shall a contract be made for the construction of the hull of any vessel authorized by this act until a contract has been made for the armor of such vessel.

Now, the Chair thinks, taking the whole paragraph, that the intention of Congress in passing that law, and the intention of the law, was to apply to the armor for all of those vessels, and that it was not a limitation upon the appropriation, but was positively a legislative limit on the price of armor plate of $300 per ton; and, of course, to fix a limit at a greater price in this bill would be a change of existing law. Therefore the Chair sustains the point of order. [Applause on the Democratic side.]

Mr. MAHON. I want to offer an amendment to this section.

The Clerk read as follows:

That the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Navy to have a thorough test made of the McAllister system of built-up armor plating; and the Secretary of the Navy is hereby directed to cause such tests to be made as may, in his opinion, demonstrate its efficiency as compared with the solid armor plating now in use.

Mr. FOSS. I make the point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BINGHAM. Mr. Chairman, I move to strike out the last word, and I make that motion simply to submit to the committee a statement which will take but a minute. In the debate of April 17 the honorable gentleman from Kentucky [Mr. WHEELER] made a statement with reference to a clipping he had made from the New York World, and which he stated he did not know whether it was true or not, but further said it seemed to have some authorization.

Mr. DRIGGS. Mr. Chairman, I make the point of order that the gentleman is not in order.

The CHAIRMAN. The Chair was not paying attention to what the gentleman from Pennsylvania said. If the committee will be in order, the Chair will try to hear what is said.

Mr. WHEELER of Kentucky. I hope the gentleman will be permitted to proceed.

Mr. DRIGGS. I withdraw the point of order, Mr. Chairman.

Mr. BINGHAM. The gentleman from Kentucky said:

I have in my pocket here a little clipping that I got out of a paper a few days ago, and whether true or not I can not say; but here is a statement taken from the New York World, which I will not take up the time of the House to read, but still perhaps I may be permitted to state its contents. It is a declaration, appearing to be authoritative, that the Cramp shipyards and the Carnegie Steel Company have combined, for what purpose will be apparent to the House.

Now, Mr. Chairman, Mr. Cramp is president of the William Cramp & Sons Company of shipbuilders, which is a corporation. He is an esteemed constituent of mine, and inasmuch as this becomes a matter which will go into the permanent RECORD, in view of the gentleman's statement, Mr. Cramp has authorized me to say that a counter statement should be made, and that neither on the part of the Carnegie Company nor the William Cramp & Sons Company has there ever been a proposition for combination with reference to armor plate.

That is all I desire to state; and I know that Mr. Cramp's words will be taken by this House, for he is a truthful man and correct in every particular.

Mr. WHEELER of Kentucky. Mr. Chairman, I have no desire on earth to question the credibility of Mr. Cramp. I know him, and I have no question but that he is an honorable gentleman. I did not charge this fact to be true. I notice that the gentleman qualifies his statement somewhat in this matter. He says that no proposition had been made from the Cramps for a combination.

Mr. BINGHAM. Or from the Carnegie Company. There was none from the Carnegie Company to the Cramps, or from the Cramps to the Carnegie Company.

Mr. WHEELER of Kentucky. And by no person authorized from either side?

Mr. BINGHAM. None whatever. The whole statement in the World is incorrect.

Mr. WHEELER of Kentucky. I did not charge it to be true. I only took my authority from the New York World.

Mr. BINGHAM. My proposition was only to let it run on all fours with the gentleman's statement.

Mr. UNDERWOOD. Mr. Chairman, the hour of 5.30 having arrived, I move that the committee do now rise.

Mr. FOSS. Mr. Chairman, I hope that motion will be voted down.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were 71 ayes and 102 noes.

So the committee refused to rise.

Mr. WHEELER of Kentucky. Mr. Chairman, I move to strike out the last word. I desire to make a statement in order to define the correct position of this side of the House, as I understand it. In regard to the point of order that has just been raised, I wish to say that the minority of the Committee on Naval Affairs and most of this side of the House really have no objection to the section that is stricken out, but we desire to take the sense of the House on the proposition to construct an armor-plate factory.

The acting chairman of the committee [Mr. Foss] will remember that I told him that if an opportunity was given for the House to vote on this question no point of order would be raised, but unless there was an opportunity we would raise the point of order in the hope of being able to test the sense of the representatives of the American people on the question. I say this in deference to the position we occupy on this side of the House. We really are not opposed to the section stricken out, but resort to the point of order because we have been driven to it by what we consider unfair tactics.

Let me qualify my statement a little further. I do not wish, as suggested by my colleague near by, to be understood as committing this side of the House to paying willingly $545 per ton for armor plate; but we would pay that rather than to allow the three battle ships to rust on the stocks. What we desire particularly is that the representatives of the people may have an opportunity to provide for the future supply of armor at reasonable prices.

The Clerk proceeded with the reading of the bill.

Mr. RIDGELY. Mr. Chairman, I move to strike out the entire paragraph.

Mr. LOUDENSLAGER. A parliamentary inquiry, Mr. Chairman. What paragraph does the gentleman allude to?

The CHAIRMAN. The Clerk is reading the paragraph in relation to armor plate.

Mr. LOUDENSLAGER. I thought that was out.

Mr. RIDGELY. Do I understand that all that part from line 15 has been been stricken out on page 64?

The CHAIRMAN. The Chair will inform the gentleman from Kansas that that section has not been read, and the amendment is out of order.

Mr. RIDGELY. Let me ask where the Clerk is reading.

The CHAIRMAN. The Clerk began to read on line 23, page 64, and read two lines when he was interrupted.

The Clerk read as follows:

The following restriction under the heading "Armor and armament" in the act approved March 3, 1899, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1900, and for other purposes," namely: "*And provided further*, That no contract for the armor for any vessels authorized by this act shall be made at an average rate exceeding $300 per ton of 2,240 pounds, including royalties, and in no case shall a contract be made for the construction of the hull of any vessel authorized by this act until a contract has been made for the armor of such vessels," is hereby removed, and the Secretary of the Navy is authorized, upon the passage of this act, to let the contracts for the vessels therein referred to, subject to all other requirements relating to the same as contained in said act of March 3, 1899, except as to sheathing and coppering, which is hereby made discretionary with the Secretary of the Navy.

Mr. VANDIVER. Mr. Chairman, I desire to make a point of order on this paragraph also.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Equipment: Toward the completion of the equipment outfit of the new vessels heretofore authorized, $250,000.

Mr. VANDIVER. Mr. Chairman, I move to amend by striking out the last word. I make this motion for the purpose of giving notice that when this bill shall have been reported to the House, I shall move a resolution to recommit it with instructions to the committee to bring in the following amendment:

That the sum of $2,000,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of suitable buildings and the purchase of suitable machinery and other materials necessary for the establishment and maintenance of a plant for furnishing armor plate for the use of the Navy.

SEC. 2. The Secretary of the Navy is hereby authorized to appoint a board, to consist of three officers of the Navy, who shall examine and report what in their opinion is the most suitable site for the erection of the plant provided for in the foregoing section of this act; and no money shall be expended until the point so selected shall have been approved by the Secretary of the Navy.

Now, Mr. Chairman, just one word. I think I may safely say——

Mr. KITCHIN. Will the gentleman allow an interruption?

Mr. VANDIVER. Certainly.

Mr. KITCHIN. I would ask the gentleman whether the minority has consented to that specific motion of recommittal?

Mr. VANDIVER. No, sir.

Mr. KITCHIN. Well, I hope the gentleman will not undertake to commit us on that point until we have had some consultation.

Mr. VANDIVER. I have an understanding with other gentlemen about that which will be satisfactory to the gentleman from North Carolina.

Mr. KITCHIN. We do not want to be committed to that special amendment.

Mr. VANDIVER. I do not yield for the purpose of discussion.

Mr. KITCHIN. I hope the Chair will recognize me immediately after the gentleman from Missouri has concluded.

Mr. VANDIVER. Now, Mr. Chairman, I desire simply to say that there are three propositions which I think are undisputed and can not be successfully disputed: First. That so far as we have any special information before this committtee, the actual cost of material and labor in a ton of armor plate is not in excess of $250. What amount should be added to that for the maintenance of plant and the profit on investment, I shall not undertake to say except this much: That the committee of Congress which investigated this subject in 1897 reported unanimously that these additions to that cost ought not to bring the price of armor plate above $300 per ton. Secondly, We have the report of a committee appointed by Congress to investigate the question of the cost of establishing an armor-plate factory——

The CHAIRMAN. The time of the gentleman has expired.

Mr. VANDIVER. I ask unanimous consent to occupy just two minutes more.

Mr. FOSS and others objected.

The CHAIRMAN. Objection is made.

Mr. FOSS. I move to close debate upon the pending paragraph.

The motion was agreed to.

Mr. FOSS. Now, Mr. Chairman, I beg to state that at the suggestion of the gentleman from Arkansas [Mr. McRAE] we passed an item with reference to dredging, I think, at the Dry Tortugas.

The CHAIRMAN. The several paragraphs heretofore passed over and reserved will be read.

The Clerk read the paragraph beginning with line 16, on page 24, in relation to depots for coal.

Mr. McRAE. That is not the paragraph.

The CHAIRMAN. The Clerk will read the paragraph beginning at line 24, page 24, which was passed over.

The Clerk read as follows:

Navy-yard, Boston, Mass.: Ship fitters' shop, to cost not more than $200,000, for which contract is hereby authorized, $100,000; rebuilding building 42, $75,000; refitting and improving machine shop No. 1, building 42, to cost not more than $100,000, for which contract is hereby authorized, $50,000; trusses under pattern-shop floor, building 42, $10,000; extension of building 40, equipment shops, $100,000; chain and anchor-storage shed for equipment, $90,000; yards and docks shop building, $90,000; new piers and wharves, $50,000; paving, $25,000; railroad and platform scales, $5,300; crane scow, $20,000; wharf-pillar crane, $6,000; dredging, $30,000; new caisson for stone dry dock, to be immediately available, $40,000, and the unexpended appropriation for swinging gates in the act of March 3, 1897, is hereby reappropriated for caisson; machine tools for yards and docks shops, $5,000; electric elevators, $10,000; smithery for construction and repair, to cost not more than $200,000, for which contract is hereby authorized, $100,000; fire-protection system, $60,000; in all, navy-yard, Boston, $866,300.

Mr. ROBERTS. Mr. Chairman, I understand this paragraph was passed over by unanimous consent upon the request of my colleague. I desire now to offer the amendment which I send to the desk.

The Clerk read as follows:

On page 25, after the word "dollars," in line 3, insert "metal workers' shop, to cost not more than $200,000, for which contract is hereby authorized, $100,000."

On page 26 strike out, in line 2, the word "eight" and insert in lieu thereof the word "nine."

Mr. ROBERTS. Mr. Chairman, I do not purpose to take much of the time of the committee in the presentation of this amendment, but I do desire to present a few facts and one or two reasons in support of the amendment, which I think will be conclusive upon the members of this body.

It must be known to all—it certainly is to the members of the Committee on Naval Affairs and should be to the members of this committee—that the navy-yard at Boston, Mass., is the second yard, in value of its real estate and chattels, in the country. It is only exceeded in that respect by the navy-yard in New York, and has more than double the real estate and chattels of any other yard outside of the one I have mentioned in New York.

I wish to say also that in point of value of machinery it stands third among the repair yards of the country. The great navy-yard at New York has only about $5,000 more of machinery than the Boston yard.

Mr. FOSS. May I interrupt the gentleman from Massachusetts for a suggestion?

Mr. ROBERTS. Certainly.

Mr. FOSS. I will state to the gentleman that the committee have carefully looked over the provision in question, and since the

committee have investigated I have received a letter from the constructor at the Boston yard, who seems very anxious that this shop should be built; and while there has been no action taken by the committee in the preparation and the reporting of this bill on this appropriation, yet if I may in any manner for the committee, I will be pleased to accept the amendment. [Cries of "Vote!" "Vote!"]

Mr. ROBERTS. Then I ask a vote on the amendment.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The Clerk will read the next paragraph of the bill which was passed over by consent.

The Clerk read as follows:

Page 33, line 9:
"Dredging, Dry Tortugas, Florida: Dredging channel $1,000."

Mr. MCRAE. Mr. Chairman, I made the point of order against that when the bill was under consideration. I am now satisfied, from an examination of the papers before the Committee on Appropriations, that the appropriation ought to be made and therefore withdraw the point of order.

The CHAIRMAN. This concludes the reading of the bill.

Mr. FOSS. I move that the committee now rise and report the bill with amendments and with favorable recommendation to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union, having had under consideration the naval appropriation bill, had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be adopted and the bill as amended do pass.

Mr. FOSS. Mr. Speaker, I move the previous question upon the bill and amendments to its final passage.

Mr. VANDIVER. I gave notice, Mr. Speaker, of a motion to recommit the bill. Would it be now in order?

The SPEAKER. It would not.

Mr. VANDIVER. When would it be in order?

The SPEAKER. The Chair will decide the question at the proper time. It is not now in order.

The question now is on the motion of the gentleman from Illinois for the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. Is there a separate vote demanded on any amendment?

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. If there is not, the Chair will submit the question on the amendments in gross.

Mr. UNDERWOOD. Mr. Speaker, I demand a separate vote on each amendment.

The SPEAKER. A separate vote being demanded, the Clerk will report the first amendment.

The Clerk read as follows:

In line 9, page 1, of the bill, after the word "pay," insert the words "and allowances prescribed by law."

The SPEAKER. The question is on the amendment just read.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were—ayes 113, noes 22.

Mr. UNDERWOOD. I make the point of order that there is no quorum present.

The SPEAKER (having counted the House). One hundred and seventy-four gentlemen are present—not a quorum.

Mr. UNDERWOOD. I move that the House do now adjourn.

Mr. FOSS. I make the point of order that that is dilatory.

Mr. UNDERWOOD. Mr. Chairman, this is not dilatory, as it is demonstrated that a quorum is not present in the House.

The SPEAKER. The Chair is not so clear about it not being dilatory, but will submit the motion to the House.

Mr. UNDERWOOD demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 68, nays 105, answered "present" 18, not voting 159, as follows:

YEAS—68.

Adamson,	De Vries,	Little,	Snodgrass,
Allen, Ky.	Dinsmore,	McCulloch,	Spight,
Atwater,	Dougherty,	McDowell,	Stark,
Ball,	Elliott,	McLain,	Stephens, Tex.
Bell,	Finley,	McRae,	Stokes,
Bradley,	Fitzgerald, N. Y.	Maddox,	Sutherland,
Brantley,	Fitzpatrick,	Neville,	Swanson,
Breazeale,	Foster,	Newlands,	Talbert,
Burleson,	Glynn,	Otey,	Terry,
Clark, Mo.	Henry, Miss.	Rhea, Va.	Thomas, N. C.
Clayton, Ala.	Howard,	Richardson,	Turner,
Clayton, N. Y.	Jett,	Robb,	Underwood,
Cooney,	Jones, Va.	Robinson, Nebr.	Vandiver,
Davenport, S. W.	Kitchin,	Rucker,	Williams, J. R.
Davis,	Kleberg,	Ryan, N. Y.	Williams, W. E.
De Armond,	Kluttz,	Sheppard,	Williams, Miss.
De Graffenreid,	Lawrence,	Sims,	Zenor.

NAYS—105.

Adams,	Curtis,	Jenkins,	Pearce, Mo.
Alexander,	Cushman,	Johnston,	Pearre,
Allen, Me.	Dahle, Wis.	Jones, Wash.	Reeder,
Baker,	Dalzell,	Kerr,	Roberts,
Barber,	Davenport, S. A.	Lacey,	Rodenberg,
Bingham,	Davidson,	Levy,	Shelden,
Bowersock,	Dayton,	Littlefield,	Showalter,
Bromwell,	Dick,	Long,	Sibley,
Brosius,	Dolliver,	Loud,	Smith, Ill.
Brown,	Driscoll,	Loudenslager,	Smith, H. C.
Bull,	Eddy,	Lybrand,	Southard,
Burke, S. Dak.	Esch,	McCleary,	Spalding,
Burkett,	Fletcher,	McPherson,	Sperry,
Burleigh,	Foss,	Mahon,	Steele,
Burton,	Gardner, Mich.	Mercer,	Stewart, N. Y.
Butler,	Gardner, N. J.	Mesick,	Tawney,
Calderhead,	Gilbert,	Meyer, La.	Thomas, Iowa
Cannon,	Gill,	Miller,	Van Voorhis,
Capron,	Graham,	Mondell,	Vreeland,
Clarke, N. H.	Grout,	Moody, Mass.	Wachter,
Connell,	Hamilton,	Moody, Oreg.	Wanger,
Cooper, Wis.	Hedge,	Morris,	Warner,
Corliss,	Hepburn,	Needham,	Waters,
Cousins,	Hill,	Norton, Ohio	Wise.
Cromer,	Hoffecker,	O'Grady,	
Crump,	Hopkins,	Olmsted,	
Cummings,	Jack,	Payne,	

ANSWERED "PRESENT"—18.

Bankhead,	Gillett, Mass.	Naphen,	Tate,
Bartlett,	Kahn,	Norton, S. C.	Tayler, Ohio
Burnett,	Lamb,	Rixey,	Wheeler, Ky.
Driggs,	Linney,	Robinson, Ind.	
Gaines,	Mann,	Smith, Wm. Alden	

NOT VOTING—159.

Acheson,	Dovener,	Lentz,	Ruppert,
Aldrich,	Emerson,	Lester,	Russell,
Allen, Miss.	Faris,	Lewis,	Ryan, Pa.
Babcock,	Fitzgerald, Mass.	Littauer,	Salmon,
Bailey, Kans.	Fleming,	Livingston,	Scudder,
Bailey, Tex.	Fordney,	Lloyd,	Shackleford,
Barham,	Fowler,	Lorimer,	Shafroth,
Barney,	Fox,	Lovering,	Shattuc,
Bartholdt,	Freer,	McAleer,	Sherman,
Bellamy,	Gamble,	McCall,	Slayden,
Benton,	Gaston,	McClellan,	Small,
Berry,	Gayle,	Marsh,	Smith, Ky.
Bishop,	Gibson,	May,	Smith, Samuel W.
Boreing,	Gillet, N. Y.	Meekison,	Sparkman,
Boutell, Ill.	Gordon,	Metcalf,	Sprague,
Boutelle, Me.	Graff,	Miers, Ind.	Stallings,
Brenner,	Green, Pa.	Minor,	Stevens, Minn.
Brewer,	Greene, Mass.	Moon,	Stewart, N. J.
Brick,	Griffith,	Morgan,	Stewart, Wis.
Broussard,	Griggs,	Mudd,	Sulloway,
Brownlow,	Grosvenor,	Muller,	Sulzer,
Brundidge,	Grow,	Noonan,	Taylor, Ala.
Burke, Tex.	Hall,	Otjen,	Thayer,
Caldwell,	Haugen,	Overstreet,	Thropp,
Campbell,	Hawley,	Packer, Pa.	Tompkins,
Carmack,	Hay,	Parker, N. J.	Tongue,
Catchings,	Heatwole,	Pierce, Tenn.	Underhill,
Chanler,	Hemenway,	Phillips,	Wadsworth,
Cochran, Mo.	Henry, Conn.	Polk,	Watson,
Cochrane, N. Y.	Henry, Tex.	Powers,	Weaver,
Cooper, Tex.	Hitt,	Prince,	Weeks,
Cowherd,	Howell,	Pugh,	Weymouth,
Cox,	Hull,	Quarles,	White,
Crawford,	Joy,	Ransdell,	Wilson, Idaho
Crowley,	Ketcham,	Ray,	Wilson, N. Y.
Crumpacker,	Knox,	Reeves,	Wilson, S. C.
Cusack,	Landis,	Rhea, Ky.	Wright,
Daly, N. J.	Lane,	Ridgely,	Young,
Davey,	Lanham,	Riordan,	Ziegler.
Denny,	Latimer,	Robertson, La.	

So the motion to adjourn was rejected.

Mr. TAYLER of Ohio. I am paired with the gentleman from Mississippi, Mr. FOX, and desire to be recorded as "present."

Mr. ROBINSON of Indiana. I am paired with the gentlemen from Ohio, Mr. GROSVENOR, and desire to be recorded as "present."

Mr. BARTLETT. I desire to withdraw my vote and to be recorded as "present." I voted "aye."

Mr. ROBB. I ask leave of absence for my colleague, Mr. LLOYD, for five days, on account of serious illness in his family.

The SPEAKER. That can not be done at this stage of the proceedings.

Mr. BANKHEAD. I desire to withdraw my vote. I am paired with the gentleman from Vermont, Mr. POWERS.

Mr. KAHN. I desire to withdraw my vote. I am paired with the gentleman from New York, Mr. RUPPERT.

Mr. NAPHEN. I desire to withdraw my vote. I am paired with the gentleman from Pennsylvania, Mr. WEAVER.

Mr. LAMB. I desire to withdraw my vote. I am paired with the gentleman from Indiana, Mr. LANDIS.

The Clerk announced the following additional pairs:

For the session:

Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.

Until further notice:

Mr. REEVES with Mr. SPARKMAN.

Mr. LANDIS with Mr. LAMB.

Mr. JETT with Mr. MANN.

Mr. PUGH with Mr. TAYLOR of Alabama.

Until April 27:
Mr. GROSVENOR with Mr. ROBINSON of Indiana.
Until Tuesday next:
Mr. GREENE of Massachusetts with Mr. SULZER.
Mr. LOVERING with Mr. FITZGERALD of Massachusetts.
Until next Thursday evening:
Mr. SULLOWAY with Mr. SALMON.
For this day:
Mr. CRUMPACKER with Mr. UNDERHILL.
Mr. HAUGEN with Mr. RIORDAN.
Mr. WATSON with Mr. MCALEER.
Mr. BOUTELL of Illinois with Mr. GRIGGS.
For the remainder of the day:
Mr. MUDD with Mr. WILSON of New York.
Mr. HEATWOLE with Mr. LEWIS.

The result of the vote was then announced as above recorded.

The SPEAKER. The Chair requests the House to be in order, so that business may be transacted.

Mr. FOSS. I demand the regular order, Mr. Speaker.

The SPEAKER. The question is on agreeing to the first amendment.

Mr. VANDIVER. Did the gentleman withdraw the motion to adjourn?

Mr. HOPKINS. We have just voted on that.

The question was taken on agreeing to the amendment; and the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD. Division.

The House divided; and there were—ayes 108, noes 12.

Mr. UNDERWOOD. No quorum, Mr. Speaker.

The SPEAKER. The gentleman from Alabama makes the point of order that no quorum has voted.

Mr. FOSS. I make the point of order that that is dilatory.

Mr. DALZELL. The roll call has just displayed the presence of a quorum.

Mr. RICHARDSON. There has been a vote since that.

The SPEAKER. Although in grave doubt, thinking it ought to be ruled out as dilatory while the last roll call displayed a quorum, gentlemen are very apt to have left at this hour, and therefore the Chair will count. [After counting.] One hundred and sixty-seven gentlemen—not a quorum present.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Pending that, the Chair will submit the following requests:

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4197. An act to provide for the construction of a revenue cutter for use at Philadelphia, Pa.—to the Committee on Interstate and Foreign Commerce.

S. 3296. An act to provide for the establishment of a port of delivery at Worcester, Mass.—to the Committee on Ways and Means.

S. 2559. An act authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps—to the Committee on Ways and Means.

S. R. 116. Joint resolution to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes"—to the Committee on Insular Affairs.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. J. Res. 235) authorizing the exhibit of Government relics at the New York Printing Exposition from May 2 to June 2, 1900; when the Speaker signed the same.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 3534) granting a pension to Helen G. Heiner, and it was referred to the Committee on Pensions.

WITHDRAWAL OF REPORT.

By unanimous consent, Mr. ADAMSON obtained leave to withdraw the report No. 1082 on the bill (H. R. 9924) to authorize the construction of a bridge across the Tallahatchee River, Mississippi.

LEAVE OF ABSENCE.

By unanimsus consent, leave of absence was granted as follows:

To Mr. HOFFECKER, for three days, on account of important business.

To Mr. LLOYD, indefinitely, on account of death and illness in family.

To Mr. MCRAE, balance of day, on account of important business.

To Mr. MAHON, for five days, on account of important business.

To Mr. LANDIS, for one week, on account of important business.

To Mr. WATSON, for two weeks, on account of important business.

To Mr. SALMON, for three days, on account of important business.

To Mr. BRICK, for ten days, on account of important business.

To Mr. TAYLOR of Alabama, indefinitely, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. ROBINSON of Indiana obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of George Alcott, Fifty-fifth Congress, no adverse report having been made thereon.

The motion to adjourn was then agreed to; and accordingly (at 6 o'clock and 27 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the schooner *Adam*, Stephen Brown, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the sloop *Almena*, John Smith, master, against the United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LANHAM, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10840) providing compensation to United States commissioners in Chinese deportation cases, reported the same with amendment, accompanied by a report (No. 1096); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, submitted the views of the minority, accompanied by a report (No. 351, part 2); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 10557) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky., reported the same with amendment, accompanied by a report (No. 1097); which said bill and report were referred to the House Calendar.

Mr. FITZGERALD of New York, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 9083) to authorize the Commissioner of the General Land Office to dispose of Choctaw orphan Indian lands in Mississippi and to make appropriation for executing act of Congress approved June 28, 1898, reported the same without amendment, accompanied by a report (No. 1098); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MERCER, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 5273) to require street railway companies operating electric cars, cable, or other cars propelled by steam, cable, or electricity, in the District of Columbia to protect certain of their employees from the inclemency of the weather during certain months of the year, and providing punishment for violations thereof, reported the same without amendment, accompanied by a report (No. 1100); which said bill and report were referred to the Private Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3924) to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss., reported the same without amendment, accompanied by a report (No. 1101); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RIXEY, from the Committee on Claims, to which was

referred the bill of the House (H. R. 8645) directing the issue of a duplicate of lost check drawn by James B. Quinn, major, Corps of Engineers, United States Army, in favor of Henry L. Breneman, reported the same with amendment, accompanied by a report (No. 1092); which said bill and report were referred to the Private Calendar.

Mr. STANLEY W. DAVENPORT, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5647) granting a pension to Miss Amanda Hurd, reported the same with amendment, accompanied by a report (No. 1093); which said bill and report were referred to the Private Calendar.

Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9740) granting a pension to Sophia A. Lane, reported the same with amendment, accompanied by a report (No. 1094); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10060) granting an increase of pension to Mrs. Winfred M. Goins, of Barnesville, Ga., reported the same with amendment, accompanied by a report (No. 1095); which said bill and report were referred to the Private Calendar.

Mr. PEARCE of Missouri, from the Committee on Claims, to which was referred the bill of the House (H. R. 4059) for the relief of John H. McLaughlin, reported the same with amendment, accompanied by a report (No. 1099); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TATE: A bill (H. R. 10867) to create the northern division of the northern district of Georgia for judicial purposes, and to fix the time and place for holding court therein—to the Committee on the Judiciary.

By Mr. LOUDENSLAGER: A bill (H. R. 10868) for the adjudication by the Court of Claims and Supreme Court of pension claims involving difficult or important questions of law, as a means of establishing judicial precedents for the guidance of the Secretary of the Interior and Commissioner of Pensions—to the Committee on Invalid Pensions.

By Mr. HEATWOLE: A bill (H. R. 10869) for the relief of the Medawakanton band of Sioux Indians, residing in Redwood County, Minn.—to the Committee on Indian Affairs.

By Mr. SNODGRASS: A bill (H. R. 10897) to increase the jurisdiction of United States commissioners in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

By Mr. CORLISS: A bill (H. R. 10899) to restore to the public domain a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona—to the Committee on Indian Affairs.

By Mr. SULZER: A resolution of the legislature of the State of New York, asking amendment of section 25, Schedule A, of an act of Congress approved June 13, 1898, known as the war-revenue law, so that all railroad, steamboat, carrier, express, and every telegraph company, corporation, or person shall assume and pay the stamp duty upon all bills of lading, manifest memorandum, or other evidence of receipt and forwarding—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BAILEY of Kansas: A bill (H. R. 10870) granting a pension to Herbert J. Graff—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 10871) granting a pension to Mary A. Brown, widow of John E. Brown—to the Committee on Invalid Pensions.

By Mr. CLAYTON of New York: A bill (H. R. 10872) granting a pension to Caroline Buehler—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 10873) to increase the pension of Ida J. Peixotto—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 10874) granting an increase of pension to William Markle—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 10875) for the relief of the Presbyterian Church of Woodstock, Shenandoah County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 10876) for the relief of the estate of Samuel Good, deceased, late of Rockingham County, Va.—to the Committee on War Claims.

By Mr. LONG: A bill (H. R. 10877) for the relief of John Wright—to the Committee on Claims.

By Mr. HEATWOLE: A bill (H. R. 10878) for the relief of Alfred E. Haven—to the Committee on Claims.

By Mr. HITT: A bill (H. R. 10879) to authorize William C. Braisted, passed assistant surgeon, United States Navy, and Luther C. Ellsworth, United States consul at Puerto Cabello, Venezuela, to accept testimonials from the Government of Venezuela—to the Committee on Foreign Affairs.

By Mr. McCALL: A bill (H. R. 10880) removing the charge of desertion from the military record of Julius F. Hill, alias Franklin J. Hill—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana (by request): A bill (H. R. 10881) for the relief of James Rainey, New Orleans, La.—to the Committee on War Claims.

By Mr. MULLER: A bill (H. R. 10882) for the relief of Amos D. Le Fevere, the surviving partner—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 10883) to pay the findings of the Court of Claims in the case of Preston E. Miller, executor of Jacob A. Miller, deceased—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 10884) for the relief of William Tavenner, of Loudoun County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 10885) for the relief of Napoleon B. Watkins, of Fairfax County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 10886) for the relief of Ella A. Hall, of Fairfax County, Va.—to the Committee on War Claims.

Also (by request), a bill (H. R. 10887) for the relief of Annie Jane Swort, of Loudoun County, Va.—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 10888) granting an increase of pension to Lizzie C. Long, widow of Capt. Michael P. Long, late of Company E, Third Michigan Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10889) granting a pension to Roxey M. Beach—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 10890) granting a pension to Alta Nina Parsons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10891) granting a pension to Mary J. Bowers—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 10892) granting an increase of pension to Mrs. Phebe Tate—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 10893) to correct the military record of W. R. Cassel—to the Committee on Military Affairs.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 10894) to remove the charge of desertion from the record of Milton P. Young—to the Committee on Military Affairs.

Also, a bill (H. R. 10895) to remove the charge of desertion from the record of Hugh Ferrell—to the Committee on Military Affairs.

Also, a bill (H. R. 10896) granting a pension to John Sheppard—to the Committee on Invalid Pensions.

By Mr. ALLEN of Mississippi: A bill (H. R. 10898) to carry out the findings of the Court of Claims in the case of J. Q. Roberts, administrator of Henry M. Roberts, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of F. M. Zell and 69 others, of Buckcreek, and H. H. Opperman and 71 others, of Buchanan County, Iowa, in support of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. BABCOCK: Petition of citizens of Sylvan, Wis., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. BOWERSOCK: Resolutions of commercial clubs of Topeka and Ottawa, Kans., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Central Labor Council of Cincinnati, Ohio, opposing the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. BREAZEALE: Petition of the Epworth League and others, of Grand Cane, La., urging the passage of House bill prohibiting the sale of liquor in Army canteens, Soldiers' Homes, or reservations used by the Government—to the Committee on Military Affairs.

By Mr. BROMWELL: Resolutions of Pattern Makers' Association of Cincinnati, Ohio, for the building of one or more new war

ships in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of the Fireman's Protective Association of Cincinnati, Ohio, favoring the passage of House bill No. 4911, relating to salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BROSIUS: Resolutions of the Woman's Christian Temperance Union of Lancaster, Pa., favoring the passage of House bill No. 5457, known as the Spalding bill—to the Committee on Military Affairs.

By Mr. BURKE of South Dakota: Petition of the Western South Dakota Stock Growers' Association, against the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

Also, resolution of the Western South Dakota Stock Growers' Association, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Resolutions of John Ingham Post, No. 95, of Pawnee City, and Bennett Post, No. 62, Department of Nebraska, Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Hattie M. Wolf and other citizens of Pawnee City, Nebr., urging the passage of House bill prohibiting the sale of liquor in Army canteens, Soldiers' Homes, or reservations used by the Government—to the Committee on Military Affairs.

Also, petition of retail druggists of Lincoln, Nebr., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petitions of Abraham Lincoln Lodge, No. 445, of Columbus, Ohio, and Building Trades Council of Cincinnati, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of the National Association of Railway Clerks, relating to legislation for the reclassification of the mail service—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Omaha Commercial Club and Commercial Club of North Platte, Nebr., favoring provision for irrigation, surveys, etc.—to the Committee on Irrigation of Public Lands.

Also, paper to accompany House bill No. 10161, granting a pension to J. E. Latta—to the Committee on Invalid Pensions.

By Mr. CUSACK: Petition of employees of the Chicago post-office, Station U, urging the passage of House bill No. 9565, for the retirement of civil employees of the Government after long service—to the Committee on Reform in the Civil Service.

By Mr. DINSMORE: Papers relating to the claim of Sampson Brewer, of Pulaski County, Ark.—to the Committee on War Claims.

By Mr. ELLIOTT: Petition of D. N. Bourne and others, of Georgetown County, S. C., asking for an appropriation for the improvement of Winyah Bay and tributary rivers—to the Committee on Rivers and Harbors.

By Mr. GRAHAM: Petition of the Philadelphia Board of Trade, favoring the passage of House bill No. 10035, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GREENE of Massachusetts: Petition of Frank D. Hammond Post, No. 141, Department of Massachusetts, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GROUT: Petitions of R. J. Haskin and 2 other citizens of West Meredith, N. Y.; C. E. Fuller and 15 others, of Conklin, N. Y.; David Nelson and 55 others, of Cabot, Vt.; H. G. Phelps and 10 others, of East Guilford, N. Y., urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, resolution of Omaha Commercial Club, urging construction of irrigation works by the Government—to the Committee on Appropriations.

Also, petition of Mrs. C. E. Price and others, of Brownsville, Vt., protesting against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of G. O. Shields, president of the League of American Sportsmen, in favor of House bill No. 6634, for the better protection of birds—to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: Affidavits relating to the claim of the Presbyterian Church of Woodstock, Va.—to the Committee on War Claims.

By Mr. HITT: Petition of the First Presbyterian Church of Harrisburg, Ill., praying for more stringent legislation against the sale of liquors in the Army canteens, etc.—to the Committee on Military Affairs.

Also, petition of G. L. Nevins Post, No. 1, of Rockford, Ill., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petitions of the Congregational, Baptist, and Methodist Episcopal churches of Rockton, Ill., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. HOPKINS: Petition of citizens of Johnsburg, Ill., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. JACK: Petitions of the Lutheran Church of Apollo, Pa.; Methodist Episcopal Church, Presbyterian Church, Christian Endeavor, and Epworth League of Parkers Landing, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. KAHN: Resolutions of the San Francisco (Cal.) Labor Council, in favor of reenactment of the Chinese exclusion act and extension of same to Japanese—to the Committee on Immigration and Naturalization.

Also, resolutions of the San Francisco Chamber of Commerce, favoring the passage of House bill No. 4346, to place Lake Tahoe Forest Reservation under the control of the University of California—to the Committee on the Public Lands.

Also, resolutions of the San Francisco Chamber of Commerce, favoring the improvement of Oakland Harbor under direction of board of United States engineers appointed by the Secretary of War—to the Committee on Rivers and Harbors.

By Mr. KERR: Petition of Harmony Grange, No. 732, Patrons of Husbandry, of Ohio, in support of House bill No. 3717, to control the sale of imitation dairy products; also in favor of Senate bill 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. LONG: Petition of the Woman's Christian Temperance Union and Bethel Church of Rome, Kans., asking for the passage of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. LORIMER: Petition of employees of the Chicago (Ill.) post-office, Douglas Park Station, urging the passage of House bill No. 9565, for the retirement of civil employees of the Government after long service and infirmity—to the the Committee on Reform in the Civil Service.

By Mr. McDOWELL: Petition of C. E. Anderson and others, of Coshocton, Ohio, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petitions of Hanover and Granville, Ohio, in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. MANN: Petitions of Grand Crossing Tack Company and the Sargent Company, of Chicago, Ill., favoring appropriation for the Geological Survey and against granting the arid lands to the States—to the Committee on Appropriations.

Also, petition of the National Association of Railway Postal Clerks, relating to the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Indiana Horticultural Society, of Lafayette, Ind., favoring the passage of the Brosius pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Illinois Manufacturers' Association, of Chicago, Ill., praying for a reduction of the war-revenue tax—to the Committee on Ways and Means.

By Mr. NEEDHAM: Resolutions of the North Presbyterian Church, Woman's Missionary Society, Pastors' Aid Society, Christian Endeavor Society, Woman's Christian Temperance Union, of the First Presbyterian Church, First Congregational Church, of Oakland, Cal., and the Methodist Episcopal Church of East Oakland, Cal., for the passage of a bill giving prohibition to our new possessions, and favoring the anti-canteen law—to the Committee on Insular Affairs.

By Mr. NORTON of Ohio: Papers to accompany House bill No. 7790, to correct the military record of Ernest Brauning—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 10421, granting a pension to Elizabeth Young—to the Committee on Invalid Pensions.

By Mr. PEARRE: Petition of Catharine Keller, of Frederick County, Md., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RIXEY: Paper to accompany House bill for the relief of William Tavenner, of Loudoun County, Va.—to the Committee on War Claims.

By Mr. SHAFROTH: Resolutions of the National Building Trades' Council, in relation to the care and disposition of the public lands—to the Committee on the Public Lands.

By Mr. SHOWALTER: Petition of Hooker Post, Department of Pennsylvania, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SUTHERLAND: Petitions of Champion Post, No. 301, Champion, Nebr., and Lyon Post., No. 11, of Grand Island, Nebr.,

Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldier's Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, protest of Charles E. Reed, of Arapahoe, Nebr., against the passage of House bill No. 10275, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill No. 9042, granting an honorable discharge to Peter Green—to the Committee on Military Affairs.

Also, petitions of the Woman's Christian Temperance Union, Presbyterian Woman's Missionary Society, First Congregational Church, and First Baptist Church, all of Hastings, Nebr., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of 90 church members of Hansen, Nebr., urging the passage of House bill prohibiting the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. TURNER: Papers to accompany House bill No. 3735, to increase the pension of Mrs. Annie B. Sharrard—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Petition of L. S. Payne Post, No. 281; C. P. Sprout Post, No. 76, and S. C. Hays Post, No. 258, Department of New York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Oatka Falls Grange, No. 349, and Oakfield Grange, No. 813, Patrons of Husbandry, of New York, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Oakfield Grange, No. 813, Patrons of Husbandry, New York, for State control of imitation dairy products as provided in House bill No. 3717—to the Committee on Agriculture.

By Mr. WANGER: Petition of the Woman's Christian Temperance Union of Bucks County and Radnor Methodist Episcopal Church, of Bryn Mawr, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. WILSON of Idaho: Ten petitions of J. N. Stacy, of Lewiston, and other citizens of Nez Perce County, Idaho, for the passage of a free-homestead bill—to the Committee on the Public Lands.

By Mr. JAMES R. WILLIAMS: Paper to accompany House bill for the relief of John Sheppard—to the Committee on Invalid Pensions.

Also, paper to accompany House bill to remove the charge of desertion from the record of Hugh Ferrell—to the Committee on Military Affairs.

Also, paper to accompany House bill to remove the charge of desertion now standing against Milton P. Young—to the Committee on Military Affairs.

Also, paper to accompany House bill No. 6403, for the relief of Alice Bozeman—to the Committee on Pensions.

By Mr. ZIEGLER: Papers to accompany House bill No. 10831, to correct the military record of Lewis Wollett, alias John Wolf—to the Committee on Military Affairs.

SENATE.

SATURDAY, *April 21, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal stands approved.

YAKIMA INDIAN RESERVATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, and accompanying papers, relative to the examination by Mr. E. C. Barnard, of the Geological Survey, of the disputed western boundary line of the Yakima Indian Reservation, in the State of Washington; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

IRRIGATION OF PIMA RESERVATION, ARIZ.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 9th instant, a report from the Director of the Geological Survey relative to the proposed plans for irrigation upon the Pima Indian Reservation, in Arizona; which was read.

The PRESIDENT pro tempore. The Chair would like information as to what committee this communication shall be sent.

Mr. PLATT of Connecticut. The reply, I think, ought to be sent to the Committee on Indian Affairs; but I desire to say that the documents which are transmitted are already in the possession of that committee. The object of the resolution was to ascertain certain facts which do not appear by those documents, and I do not think the resolution has been fully answered by any means.

The PRESIDENT pro tempore. The communication; with the accompanying papers, will be printed and referred to the Committee on Indian Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the following bills:

A bill (S. 3465) to provide an American register for the steamship *Garonne;*

A bill (S. 3924) to authorize the construction of a bridge across Tallahatchie River in Tallahatchie County, Miss.; and

A bill (S. 4051) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4604) to amend the charter of the East Washington Heights Traction Railroad Company.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8366) to amend section 953 of the Revised Statutes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JENKINS, Mr. KAHN, and Mr. TERRY managers at the conference on the part of the House.

The message also announced that the House insists upon its amendment to the bill (S. 1905) granting an increase of pension to Lillian Capron, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. STANLEY W. DAVENPORT managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 1905) granting an increase of pension to Agnes K. Capron, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. STANLEY W. DAVENPORT managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 10449) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. HALE presented the petition of Charles F. Scamman, of Deering, Me., praying that an appropriation be made for the construction of a new fireproof Patent Office building; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of South Deer Isle, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and also in our new island possessions; which was referred to the Committee on Military Affairs.

Mr. BAKER presented a petition of the Woman's Christian Temperance Union of Rome, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. BURROWS presented a memorial of Local Union No. 226, United Brotherhood of Carpenters and Joiners, of Traverse City, Mich., and a memorial of the Central Trades Council and Cigar Makers' International Union of Traverse City, Mich., remonstrating against the passage of the so-called desert-land bill; which were referred to the Committee on Public Lands.

He also presented the petition of Frank D. Alexander and 73 other citizens of Lenawee County, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Central Labor Council of Traverse City, Mich., remonstrating against the enactment of legislation to increase the revenue tax on butterine; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of W. T. McGurrin, of Grand Rapids, Mich., praying for the enactment of legislation providing

for the better equipment of the National Guard; which was referred to the Committee on Military Affairs.

He also presented the petition of F. H. Hoar, of Calumet, Mich., praying for the enactment of legislation providing for the higher education of the blind and making adequate provision for the instruction of blind children in the Territories of the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of the Detroit Dental Society, of Detroit, Mich., praying for the enactment of legislation providing dental surgeons for the Army of the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of Laborers' Protective Union No. 6869, American Federation of Labor, of Ludington, Mich., praying for the enactment of legislation increasing the salaries of the male employees of the Government Printing Office; which was referred to the Committee on Printing.

Mr. HOAR presented a petition of the Woman's Christian Temperance Union of Oakdale, Mass., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors in Hawaii; which was ordered to lie on the table.

He also presented petitions of the congregations of the Baptist Church of Cottage City and the Methodist Episcopal Church of Cottage City, of Frank T. Carlton and 68 other members of the Young People's Society of Christian Endeavor of the South Church of Andover, and of 100 citizens of Wilmington, all in the State of Massachusetts, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange or canteen or transport or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. KEAN presented a petition of the Presbytery of Newton, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Soldiers' Homes, etc.; which was referred to the Committee on Military Affairs.

Mr. QUARLES presented the petition of Edward Zahn and 467 citizens of Racine, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Cuba, Porto Rico, Alaska, the Philippines, and Hawaii; which was referred to the Committee on Relations with Cuba.

Mr. McCOMAS presented a petition of sundry citizens of Friendsville, Md., praying that an honorable discharge be granted to George B. Frantz; which was referred to the Committee on Military Affairs.

He also presented a petition of the Young Woman's Christian Temperance Union of Baltimore, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange or canteen or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Baltimore, Md., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was ordered to lie on the table.

He also presented the petition of George M. Sinclair, an inmate of the Soldiers' Home in the District of Columbia, praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of James O. Turner, of Washington, D. C., praying that relief be granted the estate of Christina Turner, late of the District of Columbia; which was referred to the Committee on Claims.

Mr. CARTER presented a petition of sundry citizens of Montana, praying for the enactment of legislation to increase the Medical Department of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry women's clubs and societies of Butte, Mont., praying for the enactment of legislation to prevent the desecration of the American flag; which was referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the International Commercial Congress, praying for the enactment of legislation providing for the establishment of customs advisory boards; which was referred to the Committee on Finance.

He also presented a petition of the International Commercial Congress, praying for the enactment of legislation providing for the free exchange of art and artistic works; which was referred to the Committee on Finance.

He also presented a petition of the International Commercial Congress, praying for the enactment of legislation providing for the construction of an isthmian canal; which was ordered to lie on the table.

He also presented a petition of the International Commercial Congress, praying for the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the International Commercial Congress, praying for the enactment of legislation providing for the assimilation of trade-mark laws to a common standard; which was referred to the Committee on Commerce.

He also presented a petition of the International Commercial Congress, praying for the enactment of legislation providing for the assimilation of trade statistics for the purpose of accurate comparison; which was referred to the Committee on Commerce.

He also presented resolutions adopted by the International Commercial Congress, indorsing the Philadelphia Commercial Museum and favoring the establishment of an international bureau of commerce; which were referred to the Committee on Commerce.

He also presented petitions of the Woman's Christian Temperance Union, the congregation of the South Congregational Church, the Friends' Society, the congregation of the Methodist Episcopal Church, the congregation of the First Baptist Church, the Granite City Lodge of Good Templars, and the Commandery of the Golden Cross, all of Hallowell, in the State of Maine, praying for the enactment of legislation abolishing the use of Army canteens, etc.; which were referred to the Committee on Military Affairs.

PURE-FOOD LEGISLATION—BAKING POWDERS.

Mr. PROCTOR. I present a paper from A. Cressy Morrison, secretary and treasurer of the American Baking Powder Association, on the subject of baking powders as affected by the proposed pure-food legislation now pending before Congress. I move that the paper be printed as a document and referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

CLAIM OF CHEROKEE INDIANS.

Mr. MONEY. I present a paper in the matter of the claim of the Cherokee Indians for moneys due them from the United States, under treaties and existing laws, as found by the accounting rendered in accordance with the agreement ratified by the act of Congress of March 3, 1893. I move that the paper be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PROCTOR, from the Committee on Agriculture and Forestry, to whom was referred the amendment submitted by Mr. PETTIGREW on the 18th instant, proposing to appropriate $30,000 to enable the Secretary of the Interior to purchase and place upon the Black Hills Forest Reservation, in South Dakota, a herd of American buffalo, intended to be proposed to the sundry civil appropriation bill, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3197) to provide for the erection of a public building in the city of Portsmouth, in the State of Virginia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 2241) to provide for the erection of a public building in the city of Portsmouth, in the State of Virginia; and

A bill (S. 775) to provide for the erection of a public building in the city of Portsmouth, in the State of Virginia.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom the subject was referred, to report a bill to increase the efficiency of the military establishment of the United States and to submit a report thereon.

The bill (S. 4300) to increase the efficiency of the military establishment of the United States, was read twice by its title.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 3240) to increase the efficiency of the military establishment of the United States, reported adversely thereon; and the bill was postponed indefinitely.

PUBLIC BUILDING AT LEADVILLE, COLO.

Mr. WARREN. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4168) to increase the limit of cost for the purchase of site and erection of a building thereon at Leadville, Colo., to report it with an amendment.

Mr. TELLER. I ask unanimous consent that that bill be put on its passage. It simply increases the limitation, and it is indorsed by the Treasury Department. The building can not be commenced until the increase is made.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Public Buildings and Grounds was, in line 7, before the word "thousand," to strike out "twenty-five" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the amount heretofore fixed as the limit of cost for the purchase of site and erection of building thereon for the accommodation of

the post-office and United States land offices at the city of Leadville, in the State of Colorado, be, and the same is hereby, increased to $117,000, which sum is hereby fixed as the limit of cost of such site and building to be erected thereon.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE NAVAL OBSERVATORY.

Mr. CHANDLER, from the Committee on Naval Affairs, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 1,000 additional copies of the report of the Committee on Naval Affairs on the Naval Observatory bill (S. 2019) be printed for the use of the committee.

TERRITORY OF HAWAII.

Mr. CULLOM. I ask leave to interfere with the morning business sufficiently to ask the President of the Senate to lay before the Senate again the conference report which was considered on yesterday, so that we may have a vote and disagree to the report, if that is the sense of the Senate, in order that further action may be taken in conference.

The PRESIDENT pro tempore. Can not the Senator withhold that request for a few moments, until the morning business is completed?

Mr. CULLOM. I suppose there will be no discussion of the subject.

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report, which will be stated.

The SECRETARY. Report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 222) to provide a government for the Territory of Hawaii.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was rejected.

Mr. CULLOM. I move that the Senate further insist upon its disagreement to the amendment made by the House of Representatives and ask for a further conference.

The PRESIDENT pro tempore. Is that the pleasure of the Senate?

Mr. PETTIGREW. Mr. President, I do not think that ought to be done. This is a bill which the Senate passed. The House struck out the entire Senate bill and passed an entirely new measure, containing very much of the matter that was in the Senate provision. The bill is in the hands of the Senate; it is not in conference; and we can take up the bill in the Senate and amend the House amendment and return it to the House for their concurrence, and the conference thereby might be entirely obviated.

There are so many important provisions in the bill that this course ought to be pursued in connection with it, and in my opinion it is the quickest and easiest way to secure the passage of the bill into a law.

Mr. CULLOM. I suppose there is only one course to pursue with reference to the conference report, and that is to agree to it or disagree to it.

Mr. PLATT of Connecticut. We have disagreed to it.

Mr. PETTIGREW. We have disagreed to it.

Mr. CULLOM. We have disagreed to it so far.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Illinois that the Senate insist on its disagreement and request a further conference.

The motion was agreed to.

Mr. CULLOM. I ask that the conferees on the part of the Senate be appointed by the Chair, and that, in the absence of the Senator from Massachusetts [Mr. LODGE], the Senator from Wyoming [Mr. CLARK] be substituted in his place.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. CULLOM, Mr. CLARK of Wyoming, and Mr. MORGAN were appointed.

BILLS INTRODUCED.

Mr. PRITCHARD introduced a bill (S. 4291) to constitute Durham, N. C., a port of delivery in the customs collection district of Pamlico, and to extend the privileges of the seventh section of the act of Congress approved June 10, 1880, to said port; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McCOMAS introduced a bill (S. 4292) for the relief of John S. Mann; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 4293) for the relief of Alfred Ford, executor of Joseph T. Stout, deceased; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 4294) granting an increase of pension to George M. Sinclair; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS (by request) introduced a bill (S. 4295) to refund certain duties collected in Porto Rico; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

He also introduced a bill (S. 4296) granting an increase of pension to Frances S. Childs; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4297) for the relief of James R. D. Morrison; which was read twice by its title, and referred to the Committee on Claims.

Mr. SULLIVAN introduced a bill (S. 4298) granting a pension to Charlotte Jones; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4299) granting a pension to John B. Stevenson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PETTUS. For my colleague [Mr. MORGAN], who is now unable to be in the Chamber, I introduce two bills, and ask that they be referred to the Committee on Claims.

The bills were severally read twice by their titles, and referred to the Committee on Claims, as follows:

A bill (S. 4301) for the relief of Mrs. Cassa Simpson; and

A bill (S. 4302) for the relief of the estate of Jack Holland, deceased.

Mr. MONEY introduced a bill (S. 4303) for the relief of the estate of John P. Caruthers, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHOUP introduced a joint resolution (S. R. 117) to furnish the daily and bound CONGRESSIONAL RECORD to the governors of Alaska and Porto Rico for distribution; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PRITCHARD submitted an amendment proposing to appropriate $7,500 to enable the Secretary of the Interior to investigate the forest conditions in the Southern Appalachian mountain region of western North Carolina and adjacent States, intended to be proposed by him to the Agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. GEAR submitted an amendment proposing to appropriate $200,000 for erecting fireproof laboratory buildings for the use of the Department of Agriculture in the city of Washington, D. C., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. BERRY submitted an amendment proposing to appropriate $2,500,000 for continuing improvement of Mississippi River from Head of the Passes to the mouth of the Ohio River, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

PETER TARGARONA.

Mr. McCOMAS submitted an amendment proposing to appropriate $20,000 to pay Peter Targarona, of Baltimore, Md., for steamboat *Live Oak*, intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

SCHOOL LANDS.

Mr. PETTIGREW submitted an amendment relative to the proceeds of the sales of public lands, and the payments provided for by the act of August 30, 1890, for the more complete endowment and support of the colleges for the benefit of agriculture and mechanical arts, etc., intended to be proposed by him to the bill (S. 17) to provide free homes on the public lands for actual and bona fide settlers, and reserve the public lands for that purpose; which was ordered to lie on the table and be printed.

FLAGS OF MARITIME NATIONS.

Mr. SCOTT submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 10,000 copies of the document known as "Flags of Maritime Nations," under the supervision of the Bureau of Equipment of the Navy Department, with all necessary corrections and changes; 3,000 copies of which shall be for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 2,000 for distribution by the Secretary of the Navy.

JORGE CRUZ.

Mr. JONES of Arkansas. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Attorney-General be, and he is hereby, directed to send to the Senate a statement of the action taken by him in the case of Jorge Cruz, a resident of Porto Rico, alleged to have been brought into this country under a contract of labor in the United States, to which his attention was called by the honorable Secretary of the Treasury on April 5, 1900; and

what steps, if any, have been taken or are in contemplation looking to proceedings against either the said Jorge Crus or the party bringing him into the United States.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I think the Senator may perhaps like to have added to the resolution that the Attorney-General shall state the facts within his knowledge of such case.

Mr. JONES of Arkansas. There was a response by the Secretary of the Treasury.

Mr. HOAR. Very well. Then that perhaps answers my suggestion.

Mr. JONES of Arkansas. Yes; I think it does.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

COMMISSIONS APPOINTED BY THE EXECUTIVE.

Mr. CULBERSON. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the President be requested, if not incompatible with the public interests, to inform the Senate, first, what commissions have been created or appointed by the Executive, or under his authority, since March 4, 1897, in reference to the foreign relations or the Territories of the United States or to inquire into the conduct of the late war with Spain; second, the names of the persons composing each of said commissions; third, the total compensation paid each of said commissioners; fourth, the total compensation paid each of the secretaries, clerks, and other employees of each of said commissions, and fifth, the total traveling, incidental, and other expenses of each of said commissions.

Mr. PLATT of Connecticut. Let that go over for to-day.

The PRESIDENT pro tempore. Objection being made, the resolution goes over.

MOSES F. WOODS.

Mr. COCKRELL. I move that the Committee on Pensions be discharged from the further consideration of the bill (S. 3216) granting an increase of pension to Moses F. Woods, and that the bill be postponed indefinitely, a House bill of the same character having become a law.

The motion was agreed to.

MILITARY OFFICERS IN CUBA AND PORTO RICO.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. BACON, as follows:

Resolved by the Senate, That the Secretary of War is hereby directed to report to the Senate the following information:

First. Whether any officer of the Army of the United States who is now, or who has been, on duty either in Cuba or Porto Rico since the date of the declaration of war by the United States against Spain has had furnished to him by any person or authority any quarters other than such quarters as such officer is entitled under the law to receive. If so, what is the name and rank of each officer so furnished with such quarters and what quarters in each such instance have been so furnished.

Second. What rent has been paid in each instance for quarters thus furnished to officers of the Army during said period either in Cuba or in Porto Rico.

Third. What amounts have been expended in each instance in repairing, refitting, or improving any quarters occupied by any officer of the United States Army on duty in Cuba or Porto Rico during said period, and for which officer in each instance was such quarters thus repaired, refitted, and improved.

Fourth. What amounts have been expended in each instance in furnishing or decorating any quarters occupied by any officer of the United States Army in Cuba or Porto Rico during said period, what was the character of such furnishings and decorations, and for which officer, in each instance, were the quarters thus furnished and decorated.

Fifth. What amounts have been expended for horses or mules, harness, vehicles, or equipages of any kind to be used by any officer of the United States Army on duty in Cuba or Porto Rico during said period, and for which officer, in each instance, were the horses, mules, harness, vehicles, or other equipages furnished.

Sixth. What amounts have been paid for the hire of servants or as compensation for services rendered in and about the quarters of any officer of the United States Army during said period in Cuba or Porto Rico, and in each instance who was the officer occupying said quarters in and about which said servants were employed or said services were rendered.

Seventh. What amounts have been paid for supplies of any kind furnished to any officer of the United States Army during said period in Cuba or Porto Rico other than the allowances to which such officer is entitled under the law, and in each instance who is the officer thus receiving such supplies.

Eighth. In each of the expenditures concerning which inquiry is made, out of what fund was said amount paid.

Mr. CHANDLER. Mr. President, that was the second resolution offered yesterday by the Senator from Georgia.

Mr. BACON. That is true, but in some way it was numbered so that the second one was made to precede the first.

Mr. CHANDLER. I ask that the one offered first be taken up first.

Mr. BACON. Before the resolution just read is laid aside, I desire to call attention to line 2, on page 2. The word "was" should be "were." I ask that it may be corrected.

The PRESIDENT pro tempore. The correction will be made. The first resolution offered yesterday by the Senator from Georgia will be read.

The Secretary read the resolution submitted yesterday by Mr. BACON, as follows:

Resolved by the Senate, That the Secretary of War is hereby directed to report to the Senate the following information:

First. Whether any officer of the Army of the United States who is now, or who has been, on duty either in Cuba or Porto Rico since the date of the declaration of war by the United States against Spain has received any compensation for any service of any kind whatsoever other than the compensation to which such officer of the Army is, as such, entitled by law to receive as his salary and allowances.

Second. If any officer of the United States Army has during said period, while on duty in either Cuba or Porto Rico, received from any source any compensation other than that which he is, as such officer, entitled by law to receive as his salary and allowances, what is the name and rank of each such officer, and what the amount or amounts received by him, the date or dates on which each of said amounts was so received, on what account the said amount or amounts were paid, by whom said payment or payments were authorized, and out of what fund or funds said payments were made.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

The resolution was agreed to.

The PRESIDENT pro tempore. Will the Senate agree to the resolution read just previous to this one?

The resolution was agreed to.

Mr. HAWLEY. May I be allowed a word?

The PRESIDENT pro tempore. The Chair will receive further morning business.

Mr. HAWLEY. I wish to make just simply a three-line statement. This subject is substantially covered by Document No. 177, a report made last February. I do not object to the resolution now.

The PRESIDENT pro tempore. The resolution was declared agreed to. Does the Senator desire a reconsideration?

Mr. HAWLEY. I do not desire to open any discussion or make any amendment.

Mr. PETTIGREW. As the Senator has called attention to this document, I wish to make a very few remarks in regard to it.

Mr. PLATT of Connecticut. What document is it?

Mr. PETTIGREW. Senate Document——

Mr. CHANDLER. I ask that the passage of the last resolution be reconsidered.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution which will be read.

The Secretary read the resolution reported by Mr. TURLEY from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. CHANDLER. What I requested was that the vote on the second resolution of the Senator from Georgia be reconsidered, so that the Senator from South Dakota may make the statement he desires to make, and I also would like to have the Senator from Connecticut make his statement, which was not, I think, heard by the Reporters.

The PRESIDENT pro tempore. Without objection, the vote is reconsidered by which the second resolution was agreed to.

Mr. PETTIGREW. Mr. President, I understood the Senator from Connecticut to say that the information called for by the resolution of the Senator from Georgia was covered by Document No. 177, of February 16, 1900. I wish to say with regard to that document that on the 17th of January, I think, I introduced a resolution calling on the Secretary of War for information. I will read the resolution:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate an itemized statement of public receipts from taxation, customs, and all other sources, collected in Cuba, and also of public expenditures, including salaries paid to all officers and incidental expenses, in Cuba, out of revenues so collected since the United States Government assumed control of that island.

This resolution passed the Senate on the 17th of last January. I offered the resolution because I had, I believed, accurate information that we were paying very large salaries to the Army officers in that country and great sums of money were being expended in beautifying and enlarging the palaces in which our officers lived; that expensive carriages, horses, etc., were had, and that our officers were living in as regal a style as the officers of Spain who had previously lived in that country.

The Secretary of War on the 15th of February sent in this statement. I have examined it many times, and had intended to take the subject up again, for the reason that the Secretary of War did not answer my resolution. Neither does he reply giving information about the salaries paid to our Army officers and their incidental expenses, but the document contains a mass of figures that give no information whatever. If this is all there is in the way of bookkeeping in connection with the affairs of Cuba, the situation there can be as bad as it is possible to imagine, and no one can ever find it out.

For instance, the Secretary of War takes up the subject of customs at each of the different ports. It makes no difference which port you take, they are all alike. He gives the receipts at the ports. Then he gives, to offset that:

By salaries for July, $515.

This is one of the small ports where the total receipts were $8,712.59.

By miscellaneous expenditures, $25.
By refund of tonnage dues, $298.40.
Balance due United States military government of the island of Cuba, $7,874.19.

And that is approved. Then it is approved again, and that statement is repeated two or three times, as it passed through the hands of different officers, I suppose. Then there is a certificate that some one has examined the accounts and it is again approved. Then the number of vessels that entered the port is given, the receipts from customs are again given, the expenditure for customs receipts, and these are given in the aggregate, nothing specific, nothing to designate how much salary was paid to any one individual. So every statement with regard to customs dues at every point in Cuba is the same in this document, and there are many pages of it—104 pages, I think. Then come receipts and disbursements for July, 1899, United States military government of Cuba in account with Maj. E. F. Ladd, treasurer of the island of Cuba, at Havana, Cuba, during the month of July, 1899. Then it gives the total amount that he received; tells from what sources the revenue came—customs receipts, postal receipts, internal-revenue receipts, miscellaneous receipts; total, $2,135,000. Then it tells the names of the individuals from whom this money was received.

Then comes an abstract of accountable warrants paid by the treasurer of the island of Cuba during the month of July, and that gives the names of the people to whom it was paid, but in block sums, to Maj. William Black, Habana, in all $206,000.

Mr. PLATT of Connecticut. For what?

Mr. PETTIGREW. That is what he has received. It does not tell for what. I suppose he was the disbursing officer and expended these funds—the accountable warrants paid by the treasurer of the island of Cuba during the month of August. This is for another month. I happen to notice a large sum here. Walter F. Smith, Habana, for customs receipts, $179,000.

So the sums are all aggregate sums, and there is no detail whatever as to the expenditure. There are pages of items of that sort. I presume there are somewhere accounts which would give the details of these expenditures. The Senate asked for this information specifically:

Also all public expenditures, including salaries paid to all officers and incidental expenses in Cuba out of the revenues, etc.

But we did not get the information. It is simply a part of the general policy pursued by the Administration in connection with all our relations with these islands, to conceal, to refuse to furnish information, to refuse to answer our resolutions when sent. When the Senate does not send our resolutions to a committee and bury them there, they go to the President or the Departments, and they are not answered.

Now, I defy anyone to take this report and find anything about these expenditures. I find, for instance, on page 118 the following:

Memorandum of requisitions for funds and amounts allowed July, 1899—Continued.
Name and designations of officer.

One of the items on this page is "Maj. Gen. Leonard Wood, commanding general, Santiago," under the head "Aid to destitute," $200 asked for and $200 allowed, and then in the column of totals, $101,845.

There are different headings here, "Customs service," "Department of state and government," "Department of finance," "Agriculture, public works, etc.," "Postal service," "Total."

Now, there is nothing under any of those heads, only the $200 for the relief of destitution, and then the total of $101,845, and half of the pages are the same. There are hundreds of thousands of dollars. I notice an item, Maj. William M. Black, chief engineer, Habana, $206,000, the total asked for, $206,000 allowed. There is no statement as to what it was asked for or what it was expended for. There are hundreds of thousands, I think a million, dollars on that page in the same category, and so on through all these pages, any number of items and no information at all that was asked for by the resolution.

I hope we shall be more successful in the resolution which we have just passed.

Mr. CARTER. Mr. President, I understand the Senator from Connecticut [Mr. HAWLEY] had the floor prior to this time. I beg his pardon for having addressed the Chair in view of his desire to submit his remarks. I will yield to him.

Mr. HAWLEY. It really does not make much difference, because we are both in the same search this morning; we are seeking information, and will be glad to get it.

Mr. CARTER. I supposed the Senator had concluded his remarks.

Mr. HAWLEY. I had not said anything until after the resolution was adopted, and then I asked leave to make a little explanatory statement. I perhaps gave more force to this document than it was entitled to. The Senator from South Dakota has read the resolution of the Senate adopted January 17:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate an itemized statement of public receipts from taxation, customs, and all other sources, collected in Cuba, and also of public expenditures, including salaries paid to all officers and incidental expenses, in Cuba, out of revenues so collected since the United States Government assumed control of that island.

I said that document would substantially answer the pending resolution, but on further looking at it I see that it is an unfinished document. I resent the altogether reckless and unsupported declaration of the Senator that it is the habitual way with this Government to refuse to give information. Every item down to a dime and a cent which pertains at all to this inquiry will be furnished as soon as possible. The Senator did not do the War Department the justice to read what I am now going to read:

Under the system of auditing established for the island of Cuba by Executive order dated May 8, 1899, pursuant to conference between the Treasury Department and the War Department, the accounts of public receipts and expenditures of funds of that island have been audited by officers appointed by the President, having their offices in Cuba and reporting the results of their work to this Department in form similar to reports of the Auditor for the Treasury Department to the Secretary of the Treasury. If an itemized statement in greater detail than is shown in the inclosed copies of reports and certificates is desired, recourse must be had to the accounts kept in Cuba.

A copy of the resolution of the Senate of January 17 has been forwarded to the military governor of Cuba with a direction that such a detailed statement be prepared, and that without awaiting the completion of such full detailed statement, a statement showing the salaries paid to all officers and incidental expenses be prepared and transmitted to this Department, when it will be forwarded to the Senate.

It will be given—all this information will be cheerfully given as fast as it can be prepared. If there have been errors of judgment, then it will be frankly acknowledged and frankly set forth. If there be anything in the nature of fraud or willful violation of the statute, it will be reported. We conceal nothing.

Mr. PETTIGREW. I wish simply to say that it is three months since my resolution passed the Senate. It is two months and six days since this report came from the Secretary of War. I want to say further that I offered several resolutions of inquiry with regard to the conduct of affairs in the Philippines, and that a substitute resolution was afterwards passed by the Senate and supposed to cover everything. The Senator from Massachusetts [Mr. LODGE] informed us that it would cover everything, and that we would get all the information we desired.

For instance, I asked whether after the fighting had commenced in the Philippines, on the next day after, Aguinaldo had not sent word to General Otis that he desired to stop fighting; that he would agree to a neutral zone, any zone Otis would state, and that Otis replied, "Fighting having commenced, it must go on to the grim end." That question remains unanswered. I asked whether such a reply was sent or not, and whether it was sent by direction from the President. I have had no reply. I could go on and enumerate five—I think six—decidedly important inquiries for which no reply has been furnished by the Department; and I say that this reply to my resolution of January 17 is in accordance with the general policy of concealment or refusal to furnish information adopted by the Administration.

Mr. CARTER. Mr. President——

Mr. STEWART. Will you allow me just a remark?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Nevada?

Mr. STEWART. Just for a remark or two in regard to this matter that is pending.

Mr. CARTER. I desire to address the Senate very briefly on this matter.

Mr. STEWART. If you are going to address the Senate on this same matter——

Mr. CARTER. On this same matter.

Mr. STEWART. All right.

Mr. CARTER. Mr. President, it appears by the resolution which was adopted by the Senate in January last, and responded to on the 15th of February, about all the general information contemplated by the two resolutions adopted this morning has been, or will be, furnished.

The Secretary of War, in his communication transmitting a reply to the resolution of the 17th of January, announces what the report transmitted shows and what it does not show and the reasons why it is incomplete.

It appears from this statement that the War and Treasury Departments, as a matter of business regulation, concluded that it would be an unnecessary work to transmit duplicates to Washington City, to be here recorded in the permanent books of the Government, of each and every item, voucher, and fact connected with accounts in Cuba. It was manifestly necessary to make up accounts in Cuba that would be complete in themselves; accounts that could be transmitted to any government hereafter established

and be fully and completely self-explanatory. It was arranged that a transcript of these accounts should be transmitted to the War and Treasury Departments here, to the end that the Government might be generally advised of the financial operations in the island, precisely upon the same principle that the Secretary of our Treasury becomes advised of general financial operations through the reports of the Auditor made to him from time to time.

The Secretary of War, in response to the resolution of January 17, transmitted to Congress very promptly, on the 15th of February, a full and complete showing of all the abstracts of accounts filed in the War Department from the time the Army began to administer the government of Cuba up to the date named in the resolution. There can be no pretense that there is a single fact omitted from this record that can be shown or is to be found in the War Department; but the Secretary of War in his report says that the statement according to the demand of the resolution is not complete. He is perfectly frank in saying so; and he sets forth the reasons in very clear and distinct language in the last two paragraphs of his communication read, I believe, in part by the Senator from Connecticut [Mr. HAWLEY]. His letter is as follows:

WAR DEPARTMENT, *Washington, February 15, 1900.*

SIR: I have the honor to transmit herewith a report, in response to the following resolution of the Senate of the United States, dated the 17th ultimo:

"*Resolved*, That the Secretary of War be, and he is hereby, directed to send to the Senate an itemized statement of public receipts from taxation, customs, and all other sources, collected in Cuba, and also of public expenditures, including salaries paid to all officers and incidental expenses, in Cuba, out of revenues so collected since the United States Government assumed control of that island."

The statement shows the receipts from customs, postal service, internal revenue, and miscellaneous sources from the date of the occupation of Cuba by the military forces of this Government, January 1, 1899, to December 31, 1899. The expenditures from January 1, 1899, to June 30, 1899, were made for the purpose therein specified from funds allotted by the Governor-General to the division of Cuba and the military departments. The disbursements from July 1, 1899, to December 31, 1899, appear in the statement as made from allotment of funds to cities and provinces, showing for what purposes in said cities and provinces such disbursements were made.

The salaries paid to officials and employees connected with the administration of the government of Cuba, and the incidental expenses thereof, are included in the items of expenditures from the allotments for the several branches of the government specified.

The original sources from which the information contained in the report herewith was compiled are shown in the inclosed copies of reports and certificates of the treasurer and the auditor of Cuba, covering the receipt, disbursement, and audit of revenues during the year 1899, and are more particularly described in the memorandum of inclosures hereto attached.

Under the system of auditing established for the island of Cuba by Executive order dated May 8, 1899, pursuant to conference between the Treasury Department and the War Department, the accounts of public receipts and expenditures of funds of that island have been audited by officers appointed by the President, having their offices in Cuba and reporting the results of their work to this Department in form similar to reports of the Auditor for the Treasury Department to the Secretary of the Treasury. If an itemized statement in greater detail than is shown in the inclosed copies of reports and certificates is desired, recourse must be had to the accounts kept in Cuba.

A copy of the resolution of the Senate of January 17 has been forwarded to the military governor of Cuba with a direction that such a detailed statement be prepared, and that, without awaiting the completion of such full detailed statement, a statement showing the salaries paid to all officers and incidental expenses be prepared and transmitted to this Department, when it will be forwarded to the Senate.

Very respectfully,

ELIHU ROOT,
Secretary of War.

The PRESIDENT PRO TEMPORE,
United States Senate.

Mr. President, I took occasion to call at the War Department this morning, and there found that they had received yesterday, or possibly this morning, through the mail, four volumes written up in response to this resolution, four bound volumes of written matter, containing a transcript of the accounts in detail as kept in the various divisions and subdivisions in Cuba; and these accounts will doubtless be transmitted here during the day or during next week, when the proper entries can be made in the regular course of business in the War Department. That supplemental report will show in detail what the records of the War Department did not show on the 15th of February, and what they were never intended to show in the light of the system of accounting to which I have referred.

Reference has been made to salaries and to the improvement of buildings in Cuba. I presume the resolution presented by the Senator from Georgia [Mr. BACON], and perhaps that of the 17th of January, were framed upon the theory that double salaries are being paid officers of the United States Army. Such is not the fact. The truth is that when we assumed the functions and responsibilities of government in Cuba we assigned Army officers to discharge civil duties for the time being. These Army officers, receiving meager salaries, such as may be sufficient to maintain them at the ordinary military posts, were suddenly thrust into situations where greater expenses were of necessity incurred. One officer, I think, writing the War Department, said that for a time he had kept his family up in the States, until he found that he could not maintain them there any longer, paying his own necessary expenses and the expenses incident to his office as well. Thereupon he removed his family down to Cuba and tried to keep them in a hotel, but could not discharge his ordinary expenses and the expenses that came to him because of these civil duties and keep his family in that manner.

So he finally rented a house in an outlying quarter of the city and endeavored to live there within his salary; but he could not pay the butcher's bill and keep up the ordinary expenses incident to living, not because of his duties as an Army officer, but because the position into which he had been ordered brought with it expenses and obligations arising from day to day in hundreds of ways to absorb his entire salary. Thereupon the officer said, "I must be relieved from this; I am being fined here and punished for discharging these duties. Now, let the War Department do as it pleases; order me elsewhere, anywhere, to go into action in the line of duty, or else make some allowance to defray the expenses that are incident to and inseparable from this post which I have been ordered to fill."

Considering these facts and the reasonableness of this suggestion, and desiring to continue competent officers in charge without actually punishing them for being in charge, after full and fair consideration, I think it will appear that the governor of Cuba was allowed $7,500 per annum to defray the contingent expenses of his office, the governor of Habana $5,000 per annum, the treasurer $1,800, the collector $1,800, and the auditor $1,800.

Mr. COCKRELL. Will the Senator allow me to ask him a question?

Mr. CARTER. Certainly.

Mr. COCKRELL. Was there any law obligating those officers to pay these expenses out of their salaries? Was it not a purely voluntary matter? If there is any law that obligated the officers to make these expenditures, I should like the Senator to read it.

Mr. CARTER. Well, Mr. President, there are hundreds of expenses attaching to official station which are not compulsory, and yet which no gentleman can avoid, evade, or refuse to meet.

Mr. COCKRELL. I should like to know what they are.

Mr. CARTER. For instance, Mr. President, I believe that the governor of Cuba, by the force of circumstances put into the palace where his predecessors had lived, was compelled to meet expenses in connection with living there, entertaining people from the United States and from various parts of the island of Cuba, which expenses he could not, as a gentleman and an officer of the Army of the United States, refuse to meet as ordinary hospitalities extended by virtue of his office.

It might be said that there is no obligation on the President of the United States, fixed by law, to give the regular official dinners that have been given, and are being given now, and will continue to be given to Congress, to the Supreme Court, and to the diplomatic corps. There is no law compelling that at all, and yet the salary of the President of the United States has been fixed with some regard to the fact that these social amenities are inseparable from the official life he lives.

Mr. COCKRELL. And the salaries of these officers have been fixed with reference to their situation and limited, just as the salary of the President is limited. They had no more right to go beyond their salaries than the President would have a right to go beyond his salary.

Mr. CARTER. No right; nor would there be any demand if these officers were continued in the discharge of the duties strictly appertaining to their military work. At a military post anywhere in the United States officers have free rent and live in a simple manner. In the social life of the military post the demands are few. But looking to the responsible duty of governing the island of Cuba the ordinary amenities of life and social relations had to be considered as unavoidable incidents attached to the office, and not to be paid out of the meager salary of the Army officer temporarily assigned to fill it.

Mr. PROCTOR. Will the Senator from Montana yield to me for just a moment?

Mr. CARTER. Certainly.

Mr. PROCTOR. The Senator has referred to the letter of some officer stating that it was impossible for him to live in Cuba upon his salary. I think I know the case. The officer asked for an increase and received it—an allowance of $1,800. He is an officer who has until within the last four or five years never served east of the Missouri River. He served as a lieutenant west of that river ever since his graduation. I happened to see something of him there. He has a family, a wife and children; and anyone who could see the requirements would know that it was impossible for him to live upon his salary, and that he was running in debt very largely every year. The allowance he asked for was a very moderate one. Another officer was allowed an increase of $3,500. It is proper perhaps to say that he was collector of the island of Cuba—not merely of the port of Habana, but of the island of Cuba. He was allowed an increase of $3,500. He asked to have it reduced, stating that he did not require so much; and he accepted but $1,800, the same as the treasurer of the island.

Mr. DANIEL. Was there any authority of law for that?

Mr. PLATT of Connecticut. Is there any law that prevents it?

Mr. CARTER. I was not discussing that phase of the matter, but there is no law preventing it. There was no pretense that this was an increase of salary to any officer; it was an allowance temporarily attached to the place while occupied by an officer and an income from the government there. His salary was never intended to be diverted or absorbed by such functions or responsibilities as these various offices place upon the person occupying them for the time being.

Mr. TILLMAN. Will the Senator yield to me a moment?

Mr. CARTER. I yield to the Senator.

Mr. TILLMAN. I like to hear this kind of a discussion going on, but it occurs to me the whole of it is entirely premature. It is trying the case before the evidence is in. Had we not better wait until the resolution is answered and the facts presented, so that those of us who want to have something to say on the other side will be on an equality with our brethren who have gone to the War Department and got the inside track?

Mr. CHANDLER. How can the Senator be "on the other side" before he gets the facts? [Laughter.]

Mr. TILLMAN. I have always been on the other side from the Senator from New Hampshire, except in the case of the armor trust and some other steals; and I hope he will line up against this steal when the time comes.

Mr. STEWART. May I make a suggestion?

Mr. CARTER. I yield to the Senator.

Mr. STEWART. It is manifest, and there can be no doubt, that the President, while Cuba is under military rule, is the sole judge of what shall be expended there by those appointed by him. They have to make rules and regulations to carry out the government under military law.

Now, here is an officer put in charge to administer the affairs of that country; and when he is put there he is to look after various departments of its government. It is necessary that he should fit up proper offices. It has been suggested that a palace has been fitted up. It is no part of the duty of an officer at his own expense to fit up those palaces to be used for government purposes. These additional expenses grow out of military rule and are independent of the salary of the officer; and so they come within the discretion of the Executive. The salary of an officer as such can not be increased unless there be some law for it; that is, if it is for his particular services as a military officer; but where he incurs additional expense in connection with renting a building for government purposes, it is proper that an allowance should be made to an officer under those circumstances.

The expenses at the White House are more than twice as much, yes, three or four times as much, as the salary appropriated every year.

Mr. BERRY. Will the Senator permit me there

Mr. STEWART. Yes.

Mr. BERRY. Appropriations are made by act of Congress for the executive expenditures of the White House. Does the Senator say that the President can take whatever money is collected from the revenue in Cuba and make any disposition of it or give it to anybody he wants to? Is that the proposition?

Mr. STEWART. No, no.

Mr. BERRY. I understood the Senator to say that it rested solely with the President.

Mr. STEWART. Oh, no. I am entirely misunderstood. I say he can take the revenue of Cuba and administer the government of Cuba, and repair buildings where they have been injured or torn down. Anything that is necessary to be done can be done to carry on that government under military rule, and the President does not have to come to Congress for appropriations to carry on the civil government of Cuba. That is not the business of Congress. That is the business of the military ruler, of the Executive. All those things are done, and they do not come to Congress. We do not have control of that money at all. That money is administered by the military authorities.

Now, when you come to the mere salary, independent of the government of Cuba, the salary ought to be that allowed by law; but we do not make appropriations of the Cuban money. It is administered by the War Department, by the President.

I have made these remarks that a false impression may not go out that palaces have been put up for the officers. They have been merely fitted up for the carrying on of that government. Those old buildings have to be overhauled for use as public buildings and fitted up for the administration of the local government there; and the military officer is not to be charged with the expense of it.

Mr. VEST. Before the Senator takes his seat, I should like to call his attention to a statement here—it may be absolutely false, but it is stated in one of the Washington papers of this morning, a reputable paper—that the Secretary of War, in answer to the direct question asked by the reporter of that paper, "Have you given additional salaries or have they been paid to military officers in the island of Cuba?" stated, "Yes; and stated amounts from five to eight thousand dollars a year"—not to fit up palaces, nor to furnish provisions, but to pay additional salaries.

Mr. STEWART. That may be for services or for the carrying on of that government, but we had better get a full report before we charge to the officers those expenditures which do not legitimately come under the military rule of that country.

Mr. CARTER and Mr. TILLMAN addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Nevada yield?

Mr. STEWART. I am through.

Mr. BACON. Mr. President——

Mr. CARTER. Mr. President, I do not know whether I lost the floor by yielding to the Senator from Nevada [Mr. STEWART] or not, but I desire to make one statement before concluding.

Mr. BACON. I thought the Senator had made a complete speech and yielded the floor, as several others had intervened.

Mr. CARTER. I hope the speech was quite complete.

Mr. BACON. I will not trespass on the Senator's time if he has the floor.

The PRESIDENT pro tempore. The Chair understood the Senator from Montana had yielded the floor.

Mr. CARTER. I had not.

There have been no additional salaries, but, as I have stated heretofore, there were mere allowances by the President of the United States, the Commander in Chief of the Army, for expenses connected with the administration of the government of Cuba while held under military control. The island being for the time in our possession, but still a foreign country, and the President being there in supreme command, answerable in a measure to Congress, but not disposing of any money over which Congress has direct control, his order making allowances for government expenses was proper. This money is not appropriated from the Treasury of the United States nor paid from the revenues of the United States. It is an allowance made from the revenues of the island of Cuba during the military occupation to meet the expenses of office incurred in the administration of that government. No doubt there have been some repairs of buildings. I have been informed that regard to ordinary sanitary requirements demanded that certain repairs should be made; that certain plumbing should be perfected; that the buildings should be put in habitable condition according to our theories of life; and much has been expended not only about the buildings, but in the streets of Habana and Santiago as well, in attempting to bring about such sanitary conditions as will forever expel, we hope, the constant recurring visitations of the yellow fever and kindred plagues.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield?

Mr. CARTER. In one moment I will yield the floor.

These expenses connected with the administration of the government by these officers and allowed to them for expenses, and for that purpose only, are as fully authorized and as clearly legitimate as the expenses incurred and the amounts paid to improve the sewerage of the city of Habana or the sewerage of the city of Santiago, or to make any other provision necessary for the betterment of the country or the preservation of the health of the people.

Mr. BACON. Mr. President, the two resolutions before the Senate this morning were each of them adopted, and my attention having been withdrawn——

The PRESIDENT pro tempore. One of the resolutions has been reconsidered.

Mr. BACON. I was about to inquire which one.

The PRESIDENT pro tempore. One resolution was reconsidered for the purpose of making legitimate this discussion.

Mr. BACON. I am very glad to have the Chair inform me as to what the purpose of the reconsideration was, for I have been unable from the discussion to ascertain.

Mr. CHANDLER. I wish to say that the Senator left his seat after having accomplished the passage of the two resolutions. I sent for the Senator to come back, and went to him and explained that I had asked that the passage of the second resolution should be reconsidered, so that it might be discussed by two Senators who desired to discuss it. The Senator from Georgia thought I did wrong, because he said he greatly preferred to have the debate after the passage of the resolution rather than before its passage. [Laughter.]

Mr. BACON. According to the very common custom of the Senate, in which the Senator from New Hampshire has very frequently distinguished himself.

I understand the question before the Senate is still upon the adoption of the resolution, Mr. President?

The PRESIDENT pro tempore. On the adoption of resolution No. 278.

Mr. BACON. Yes, sir. Mr. President, I have not heard anything said by any Senator which would indicate that the Senate

should fail to again adopt the resolution. This is not, in my judgment, the proper time to discuss questions which may be raised upon the reply of the Secretary of War, for the reason that we have not the information upon which to base arguments upon those questions.

I do not think, Mr. President, that the fact that a resolution has previously been adopted by the Senate—the one offered by the Senator from South Dakota [Mr. PETTIGREW], to which reply has been made by the Secretary of War—in any manner relieves the situation of the importance of the adoption of the resolution now before the Senate.

Here is a voluminous report of the Secretary of War, in reply to the resolution introduced by the Senator from South Dakota, in which there are long and complicated accounts, showing what moneys have been received, and in general the disposition which has been made of those moneys in Cuba. But from this report, Mr. President, it is impossible to secure the information which is sought by the inquiry contained in the present resolution. I will illustrate: The resolution now before the Senate calls for information as to what quarters have been furnished to different officers of the Army other than those which were authorized by law as their proper allowance; what amounts have been expended in repairing, refitting, and decorating those quarters; what amounts have been expended for horses and mules and carriages and equipages of various kinds; what amounts have been expended for services rendered by those who attend upon the officers engaged in this work in Cuba, etc.

Now, to give you an idea, Mr. President, of how far that information can be gathered from the reply which has already been made by the Secretary of War in his report—and I am very frank to confess that I have it in my hands this morning for the first time—I turn to page 107 of the report, on which is a summary. This will give an idea of the character of the reply, accurate doubtless, but still failing to give the specific information which we wish, and which was not really inquired for in detail by the resolution heretofore adopted.

Mr. PETTIGREW. I should like to say to the Senator that the resolution called for "public expenditures, including salaries paid to all officers and incidental expenses in Cuba." It seems to me that is very specific and definite; and we did not get a reply to it.

Mr. BACON. I shall not stop to discuss that question; and I do not wish the Senator from South Dakota to understand me as criticising his resolution. I simply say the resolution now before the Senate is more specific and more limited in its scope and that it covers more particularly the ground upon which we may desire information.

Mr. PETTIGREW. I would say that I think the resolution should pass. I believe the Senator has the right to have the Department tabulate for him specific and definite information on any particular point, although the general subject has been covered by a previous document.

Mr. BACON. On page 107 of the document to which I have been referring, Senate Document No. 177, which I now cite just to illustrate the point I am after, there is a statement of the receipts from customs from January 1, 1899, to December 31, 1899, in the island of Cuba:

RECEIPTS.

From customs	$15,011,089.24
From postal service	244,002.33
From internal revenue	787,592.19
From miscellaneous sources	303,331.41

Making a grand total of $16,346,015.17.

Mr. President, when it comes to the question of expenditures, they are stated in a general way. It may be all right, and I am not criticising them, but simply calling attention to the fact that this report does not give the specific information which I now desire. We have these items:

DISBURSEMENTS.

Barracks and quarters	$1,269,939.43
Sanitation	3,052,282.94
Rural police and administration	1,445,467.21
Public works, ports, etc	700,126.01
Charities and hospitals	625,783.53

Running clear through in that general way. Then comes the following:

Miscellaneous (includes internal revenue to June 30)	$640,329.48
Civil government	345,479.05
Municipalities	1,239,403.65
Aid to destitute	229,912.87
Quarantine	156,813.90
Customs service	810,802.31
State and government	690,334.04

And so on, Mr. President. I shall not stop to read it all.

It appears that over $16,000,000 was received during the year 1899 and that all of it has been expended excepting a balance of something over $2,000,000. It is impossible out of those large amounts, thus generally stated, for the Senate to gather the information sought in the various inquiries embraced in this resolution. It may be, Mr. President, that these have all been correctly expended. I have expressly disclaimed any allegation to the contrary.

As I stated on yesterday, these resolutions have been introduced by me in consequence of suggestions which have come from the opposite side of the Chamber; they have been introduced by me not upon any definite information which I have had, but with the positive disclaimer on my part that I had any such definite information. They have been introduced by me with a statement that, though the matter has been in my mind for some time, I should have preferred that the resolution should have come from the other side of the Chamber, because the fact that it comes from this side of the Chamber might be construed as having a partisan motive, and I thought it was a matter of too much importance to be limited within the scope of partisanship.

The time has not yet come to discuss the question as to whether or not the President of the United States has unlimited control, as the Commander in Chief of the Army of the United States, of all the money raised in Cuba in the administration of the government there, and that it is for him in his unlimited discretion to fix the amounts which shall be paid to various officers, and in what manner all the other amounts of money shall be distributed. But while it is true, Mr. President, that the time has not yet come for that discussion, it is most pertinent to be considered by the country at this time and by the Congress, when it is proposed by another bill here to turn over without limitation, without restraint, without definition in any way, except that it is without limit of power, the entire government of the Philippine Islands for an unlimited time—a government not yet framed; a government to be framed according to the will and discretion of the President of the United States without suggestion from Congress; a government to be officered as he may direct and determine; a government in which every officer is to be paid as the President of the United States may determine; a government in which the revenues, however vast, shall continue to be subject to the will of the President until Congress may be at some future time sufficiently emancipated from the influence of the Executive to take away from him this vast, unlimited power, even if he should be unwilling to surrender it.

Mr. President, if all we have heard to-day from the Senator from Montana and the Senator from Nevada is true, that it is within the unlimited power and discretion of the President of the United States to dispose of the revenues of Cuba without reference to any legislation by Congress and with no limitation upon his power and no limitation upon his discretion, it is a most important matter for us at this time to have thus definitely brought to our attention, because it may be necessary that it shall be seriously considered by us in the important legislation which is now immediately before us in connection with the Philippine Islands.

This question will come up when the report is received from the Secretary of War, and I have no doubt will then have the careful consideration of the Senate. I confess that I utterly disagree with the suggestion that the war power places in the President of the United States the unlimited and unconstrained right and power to collect what moneys he may see fit and then to disburse those moneys upon his unrestrained judgment; and although the matter is not now up for final determination, I do not think it can be too early in the progress of this matter to give dissent to the suggestion which has come from the Senator from Vermont, a former Secretary of War, and which has been uttered by other Senators upon the floor, that, in the face of a statute which expressly says that a military officer shall not receive money in addition to that which is allowed to him by law, the Executive, as a reward or compensation for the exercise of any other office, may, without reference to Congress, without suggestion to Congress that relief is needed, without appropriation by Congress or without authority from Congress, say that that statute shall be annulled and that the officer shall, by the authority of the executive department, receive a large addition to his salary.

Mr. President, if it be true that these officers were in the position where they were very much embarrassed by reason of the duties devolving upon them other than those of a military character, and if it be true that they should have had other allowances, to whom ought the appeal to have been made for such allowances, to the executive department, in the face of a statute directly forbidding it, or to the Congress, which had the right and the power to vary that statute in those particular cases if there was reason for it?

There is a precedent for that. The statute to which I have referred applies to the Engineer Commissioner of this District as well as to any other officer in the Army, and yet the Congress of the United States has authorized him to receive an addition to his salary. It was perfectly competent to bring to the attention of Congress, if need be, the fact that these officers were so situated that they were entitled to additional allowances, and whatever was proper in that matter Congress could do. But aside from the fact of the question of impropriety, it is a most dangerous thing

that we should fall into the habit of the absolute disregard and ignoring of law and overriding law, both constitutional and statutory, whenever it may suit the purposes of those who above all others should be observant of and obedient to law.

Mr. PLATT of Connecticut. Mr. President, I think with the Senator from South Carolina [Mr. TILLMAN], as well as with every other Senator who has hitherto discussed this subject, that the discussion is premature, and that the Senate ought to wait until the resolution has been answered by the Secretary of War, and we have all the facts before us. Every resolution of the character of these resolutions carries with it a suggestion that something improper has been done, and although the introducer of the resolution disclaims making any charge, the resolution itself by its very terms always suggests that there is something improper that ought to be corrected or something concealed that ought to be brought to light. Usually it turns out when the resolution is answered that there was nothing to the suggestion or suspicion, and I have no doubt that when this resolution shall be fully answered, as it will be by the Secretary of War, it will appear that nothing improper has been done with reference to the expenses of the government of the island of Cuba, and that there is nothing which would call for rebuke or statutes to prevent in the future.

So it seems to me this is entirely premature. And yet it has been discussed, and as a great many statements have been made as to what can be done properly and what can not be done properly, with reference to the expenses of the government of the island of Cuba, I desire to say a word about it. This resolution seems to suggest two matters. First, that additional salaries to Army officers may have been paid during the time of their service in Cuba.

Mr. BACON. They are separate resolutions.

Mr. PLATT of Connecticut. These resolutions. There seems to be a suggestion in them that it is possible that Army officers have been paid larger salaries during their administration of affairs in Cuba than are allowed by law. I think it will be found that such is not the case in any single instance. The second suggestion seems to me that an Army officer, charged with government in the island of Cuba, under its military occupation, ought to pay all the expenses of the government out of his own pocket and his own salary. That is the argument here, so far as arguments have been adduced—that General Brooke, when he was made military governor of Cuba, and charged with the entire administration of government affairs in Cuba, ought to pay the expenses connected with the administration of those affairs out of his salary. And so with General Wood and the military officers who are serving under him as Governor-General of the island.

Now, it needs only a statement of the argument to refute it. Cuba is not in the United States. It is not a part of the United States. It does not even, in the language of the Constitution, which has been so often adverted to here, belong to the United States; and, under the resolution of intervention, it never is, so far as we know, to belong to the United States or to become a part of the United States. Certainly it is never to become a part of the United States until after a government by the people of Cuba is established there. What may happen after that no one knows, but Cuba is to all intents and purposes foreign territory to-day, held under military occupation by the law of belligerent right and affected indeed, so far as that may be affected at all, by the provisions of the treaty of Paris.

International law is very plain on this subject of military occupation. The military governor—really the President of the United States in this case—is supreme. It may not, perhaps, accord with our ideas of government, but such is the fact. The military governor in a foreign territory, while in military occupation and administering the government of that territory, is supreme, limited only by international law and the law of the country until it is changed. General Wood can recommend changes in the law in Cuba. The President can change those laws; and he has done it and is doing it and must do it. It arises out of the necessity of the situation. There is no other lawmaking power there. There is no other governing power there. There can be no other governing power there until a government is established by the people of Cuba and the island turned over to the people of Cuba as it was promised should be done in the fourth article of our intervention resolution.

Mr. President, that being so, there must be an entire government of the island of Cuba in all its affairs, as perfect and extensive as the government of the State of Virginia. All the affairs of the island of Cuba must be respected, and the government must reach throughout the entire extent of the island, throughout all its provinces, throughout all its municipalities. It must extend to every department of government. All that is by the law of nations and by inevitable necessity committed to the governor in general, supervised and directed by the President as Commander in Chief of the Army and Navy of the United States. It is no new law; it is no new practice. It was done by General Scott in Mexico. It is done and must be done by every military governor wherever a country is under military occupation.

Now, a government does not run itself, Mr. President. A government has expenses. Every government has expenses. The government of the District of Columbia costs money. The government of the State of Virginia or the State of Maryland costs money. Money has to be expended for governmental purposes, for all the expenses incidental to governmental purposes. And, as I said before, you can not expect the Governor-General of Cuba to pay those expenses incident to his office and the administration of government by him out of his own salary any more than you can expect the President of the United States, who is his superior and Commander in Chief of the Army and Navy of the United States, to pay all the expenses of the government of Cuba, direct and incidental, out of his own salary of $50,000 a year. So I hold that it is perfectly proper that allowances should be made to these military officers who have been put in control of the government of Cuba for all necessary expenses, direct or incidental, and all such expenses as are befitting to the office which they administer.

Mr. VEST. May I ask the Senator from Connecticut a question?

Mr. PLATT of Connecticut. Certainly.

Mr. VEST. Do I understand the Senator to state that in the face of a statute of the United States which prohibits a military officer from receiving more than one salary, and that fixed by law, he can, because in a foreign country, receive another salary from any source whatever?

Mr. PLATT of Connecticut. No; not at all. I said it would appear that his salary had not been increased, in my judgment; that no additional salary had been paid.

Mr. VEST. The Senator is taking for granted a fact which does not appear. I stated to the Senator from Nevada that all the intimation even that we have upon that subject is an alleged interview with the Secretary of War, in which he says that this Administration has authorized another salary in Cuba. Suppose it does turn out that that salary has been paid. Does the Senator say that that is in pursuance of law?

Mr. PLATT of Connecticut. No, sir.

Mr. VEST. I understand him now.

Mr. PLATT of Connecticut. I think the Secretary of War has made no such statement; that what he said in that respect to the reporter has been misunderstood by the reporter, or incorrectly reported.

I do not know that I need say anything more. But government must be carried on, and it should be carried on, not in an extravagant manner. We have heard something said about regal extravagance. I apprehend it will be found that there has not been any regal extravagance in Cuba.

I apprehend it may be found that when General Brooke went to Cuba as Governor-General, if he desired to be recognized and respected by the people of Cuba as its Governor-General, he ought to live in the palace, as it is called, provided for the Governor-General, and where the Governor-General of Spain had lived, and that that palace was found to be in a most dilapidated and unsanitary condition, a condition in which no American citizen ought to be called upon to live, or in which he could live, and that consequently it was fitted up and repaired as the Government of the United States would repair a dilapidated building, or as the State of Connecticut or the State of New York would repair a dilapidated building. There have been no decorations there. There has been no extravagance there. I have been there myself. It will turn out that there has been no money for repairs expended on that building except such as were necessary to fit it for the decent residence and business offices of a Governor-General of the island of Cuba.

Senators, if they wish, can go into it all. They can inquire into all the plumbers' bills. They can inquire into all the whitewashers' bills. They can inquire as to the price of carpets, if any were put down. I believe none were. If the Senate of the United States thinks it advisable, every one of these items can be gone into. We can ascertain just how many servants General Wood had in the house; how much he paid his cook; how much his chambermaid was paid. We can go into all these items with reference to every official connected with the army and administration of government affairs in Cuba.

But the question and the only question is whether these allowances which have been made to Army officers, charged with the civil administration of the affairs of Cuba, have been proper and reasonable or whether they have been extravagant. If they have been extravagant, it ought not to have been so. If they have been extravagant, I shall be very glad to have had the attention of the Senate called to it, that it may be remedied in the future. But I do not know how it is going to be remedied by Congress. How is Congress to legislate for Cuba? What right has Congress to legislate for Cuba any more than for Canada?

Mr. DANIEL. Does not the Senator consider that acts of Congress control in Cuba?

Mr. PLATT of Connecticut. Acts of Congress do not control in Cuba and can not control in Canada. It is foreign territory.

Mr. DANIEL. Do not the laws of the United States, as to the duties and emoluments of officers, apply whether they are in this country or not?

Mr. PLATT of Connecticut. As to the emoluments of officers, yes; but as to what shall be done in Cuba, no, in my judgment. Cuba is under military authority, military occupation. That occupation is under the Executive authority and not under the legislative authority. How far Congress may restrain the Executive authority, how far Congress may direct it, is a question which it is not necessary to enter into here; but Congress can not legislate to lay customs duties in Cuba. Congress can not legislate to lay taxes in Cuba. Congress can not legislate to build public buildings in Cuba or to repair them.

Mr. DANIEL. Can it not appropriate for that purpose?

Mr. PLATT of Connecticut. No; in my judgment it can not.

Mr. DANIEL. Is it not a part of the expenses of the Army and can not we appropriate for the expenses of the Army?

Mr. PLATT of Connecticut. There is just the difficulty under which Senators on the other side seem to labor.

Mr. DANIEL. Is it not a part of the expenses of the Army and of military occupation?

Mr. PLATT of Connecticut. Not at all.

Mr. DANIEL. What is it a part of the expenses of?

Mr. PLATT of Connecticut. It is a part of the expenses of the government of the island of Cuba.

Mr. DANIEL. Is not that our military government——

Mr. PLATT of Connecticut. It is a military government, and——

Mr. DANIEL. And under our authority?

Mr. PLATT of Connecticut. Not under the authority of Congress.

Mr. DANIEL. Did they not go there under the direction of Congress?

Mr. PLATT of Connecticut. Not at all.

Mr. CHANDLER. Will the Senator from Connecticut allow me to ask him a question, as the Senator has introduced this broad subject?

Mr. PLATT of Connecticut. Congress authorized the President to intervene, and for that purpose to use the Army and Navy of the United States; and the Army and Navy of the United States went there under the command of the President of the United States. He was authorized by Congress to use the Army and Navy for the purposes of intervention.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. PLATT of Connecticut. Certainly.

Mr. CHANDLER. The Senator has broadened out this discussion, and I therefore wish to ask him a question. Admitting that the power of Congress to-day as commander in chief of the Army and Navy in the military occupation of Cuba is unlimited, does the Senator hold that Congress can not pass laws regulating the conduct of the President and prescribing terms and conditions in connection with the military occupancy of Cuba?

Mr. PLATT of Connecticut. It is possible that the President's power is not absolutely unlimited; that is, that the Presidential power, the Executive power, is not absolutely beyond limitations which may be imposed upon it by Congress.

Mr. TILLMAN. Will the Senator from Connecticut allow me to ask him a question?

Mr. PLATT of Connecticut. Certainly.

Mr. TILLMAN. Does the Senator contend that Congress would not have the right to order the President to withdraw the Army and evacuate Cuba and leave it absolutely alone?

Mr. PLATT of Connecticut. That is one thing we can do.

Mr. CHANDLER. That is one thing.

Mr. TILLMAN. If we can do that, we can do anything less than that.

Mr. PLATT of Connecticut. I think not. We have not conferred upon the President the right to be in Cuba. That power is conferred upon him when he is made Commander in Chief of the Army and Navy of the United States. Of course we may say that he shall or shall not move the Army into Cuba, but when he moves it there and retains it there and holds occupation with it, it is clearly executive power which is being exercised.

Mr. DANIEL. It is the duty of the Executive to execute the law. The idea is that the Executive shall execute the law.

Mr. PLATT of Connecticut. The Executive has power as Commander in Chief of the Army and Navy far beyond executing the laws of the United States.

Mr. DANIEL. Whence does he get that power?

Mr. PLATT of Connecticut. He gets it from the Constitution.

Mr. BACON. I wish to ask the Senator from Connecticut a question. The Senator said the President was there exercising Executive power. Is not the Senator in error; and is he not there as Commander in Chief of the Army and Navy under the Government of the United States, and in pursuance of a war made by a resolution of Congress?

Mr. PLATT of Connecticut. Undoubtedly in pursuance of an act of Congress.

Mr. BACON. And is he not there as Commander in Chief rather than as the Executive, because the Executive is the man who executes the law; the Commander in Chief is the man who makes war in pursuance of a resolution of Congress. Of course the supplemental question which I will propound now, so as not again to interrupt the Senator, is whether or not it is possible to conceive that under any form of government, either republican government or autocratic government, the commander in chief of the army can be less than the servant of the government and obedient to the orders of the government, whatever orders it may see fit to issue to him.

Mr. PLATT of Connecticut. I am not going to draw nice distinctions—I do not think it is necessary that they should be drawn—as to whether the President is there under his power as Executive, or whether he is there under his power as Commander in Chief of the Army and Navy of the United States. I do not recognize the distinction which the Senator from Georgia proposes to draw. I think that the President as Commander in Chief of the Army and Navy of the United States is still the Executive. Our Government is divided into three branches—the executive, the legislative, and the judicial. It is under the executive branch and not under the legislative branch, in my judgment, that we are in military occupation of the island of Cuba. I do not believe that Congress can levy tariff duties in the island of Cuba. I do not believe that it can levy taxes or collect them.

Mr. CHANDLER. Do you think the President can do it?

Mr. PLATT of Connecticut. I do not believe that it can establish suffrage in the island or direct election laws and registration laws. If we can, we can legislate for a foreign country.

Mr. CHANDLER. May I ask the Senator if he believes the President can do those things?

Mr. PLATT of Connecticut. I do.

Mr. CHANDLER. And that Congress can not by law regulate his exercise of those powers?

Mr. PLATT of Connecticut. I do.

Mr. CHANDLER. I want to say that I differ in toto with the Senator from Connecticut.

Mr. PLATT of Connecticut. But we have drifted, Mr. President, far away from the original question. I did not intend to be drawn into the discussion which I have to some extent originated; certainly not at this time. But I desire to say that while it is true we can not increase the salary of an Army officer, I think there is no law whatever to prevent allowing to an Army officer connected with the military occupation of Cuba such reasonable and just expenses as the administration of the affairs of that island entail. If there is any law against that I should like to know what it is. And if there be any law which requires an Army officer to pay the expenses incident to his office—his office rent, for instance—out of his own salary as an officer, I should like to know where that law is.

Mr. DAVIS. While engaged in civil administration.

Mr. PLATT of Connecticut. While engaged in civil administration of the affairs of the island.

Mr. DANIEL. Mr. President, I had not expected to say anything on this subject, because I think it might be better discussed after we have had the information that is desired from the War Department, and which will no doubt be seasonably furnished us. But this is the first time I have heard the absolute doctrine of absolutism as existing in the Presidency of the United States asserted upon this floor, and it does not seem to me that such a doctrine ought to go unchallenged.

The President of the United States is given certain specific powers under the Constitution. Beyond that his great executive duty is to see that the laws shall be faithfully executed, and it is a new if not a purely original idea of the Senator from Connecticut that the President is so far beyond the laws of the United States that we can not direct what are his duties as a military officer in executing a specific order or a discretionary order that has been given him.

Mr. TILLMAN. Is not that the blossoming of the imperial idea?

Mr. DANIEL. It is not the blossoming of the imperial idea; it is its perfective and rotten fruit. It will fall from the tree of its own weight, and I trust it will be something to remind the people of this country of the fearful precipice on which they stand and remind them that they should be more careful than they have been in intrusting their lives, fortunes, and military destinies to illimitable Executive power.

The Army of the United States is an agency of this Government. It can exist for no moment except under the laws appointed for

its government and guidance. It is true that those laws are to a degree elastic, but where they are specific they are absolute over the President of the United States and the General of the Army down to the humblest private in the ranks.

I am glad to see from the message of the President that he has not such a conception of his absolute powers to set aside or override or to be over the laws of Congress. On April 18 of this year he sent to Congress a message in regard to Porto Rico. Although that is foreign soil according to the doctrines of the Senator from Connecticut, he esteems that the laws of Congress as to the regulation of the duties of officers and the limitations upon those officers apply to them, and he says in his message with respect to officers in the Territory, or whatever it may be, of Porto Rico under the very peculiar legislation of this body:

That authority can not well be given at present by temporary appointments of the existing officers to positions under the act, for the reason that many of the existing officers are officers of the Army detailed to the performance of civil duties, and section 1222 of the Revised Statutes would prevent them from accepting such temporary appointments, under the penalty of losing their commissions.

So that at least we have it as to Porto Rico.

Mr. CARTER. Mr. President——

Mr. DANIEL. I understand what the Senator is going to ask, and I am going to meet it. We have that as to Porto Rico, about which we have legislated, and we have got it in a position in which it has come under the laws of Congress as applicable to its military officers.

Now, with respect to officers who are performing certain duties in Cuba of an official character in connection with the government which has been established in Cuba under military occupation, there is one thing that can certainly be alleged respecting them, that where acting as collector or in any other domestic capacity as to Cuba, they are acting officially and are performing official duties. That is one fact that we have.

We have a second fact, that they are either acting in a civil capacity or in a military capacity. I will take it that in Cuba, under military occupation and with a commander in chief of our Army, with the President of the United States as the chief executive officer, they are acting in a military capacity as officers of the United States, and that he has just such authority respecting them which is the necessary corollary of that position as the Commander in Chief has over officers of the United States. They are acting in military function, the very function for which they were appointed to act, the function which they are commissioned to act, the function which they are salaried to act in, the function in which they live, move, and have their being as military officers, wearing the insignia and discharging military duties imposed upon them by the laws of the United States. That being so, let us see what is the law of the United States as to their discharge of military functions. I shall ask leave to insert in the RECORD at this stage of my remarks section 1267 to section 1274 of the Revised Statutes.

SEC. 1267. In no case shall the pay of a colonel exceed $4,500 a year, or the pay of a lieutenant-colonel exceed $4,000 a year.

SEC. 1268. The sums hereinbefore allowed shall be paid in monthly payments by the paymaster.

SEC. 1269. No allowances shall be made to officers in addition to their pay except as hereinafter provided.

SEC. 1270. Fuel, quarters, and forage may be furnished in kind to officers by the Quartermaster's Department according to law and regulations.

SEC. 1271. Forage in kind may be furnished to officers by the Quartermaster's Department as follows:

Major-general, for 5 horses.
Brigadier-general, for 4 horses.
Colonel, for 2 horses.
Lieutenant-colonel, for 2 horses.
Major, for 2 horses.
Captains and lieutenants, mounted, for 2 horses.
Adjutants and regimental quartermasters, for 2 horses.
Chaplains, for 2 horses.
Ordnance storekeeper and paymaster at Springfield Armory, for 2 horses.
All other storekeepers, for 2 horses.

SEC. 1272. Forage shall be allowed to officers only for horses authorized by law, and actually kept by them in service when on duty and at the place where they are on duty.

SEC. 1273. When any officer travels under orders, and is not furnished transportation by the Quartermaster's Department, or on a conveyance belonging to or chartered by the United States, he shall be allowed 10 cents a mile, and no more, for each mile actually traveled under such order, distances to be calculated according to the nearest post-routes; and no payment shall be made to any officer except by a paymaster of the Army.

SEC. 1274. Officers retired from active service shall receive 75 per cent of the pay of the rank upon which they are retired.

The statutes were passed after the experience which this country had acquired in the great civil war. As the result of that experience Congress legislated on this subject, the very subject which the Senator from Connecticut is discussing. It said in section 1267:

In no case shall the pay of a colonel exceed $4,500 a year, or the pay of a lieutenant-colonel exceed $4,000 a year.

Here, then, was an express interdict comprehending all cases of military service. How can anyone contend, in the face of such an interdict, that it is in the power of the President or of anybody except the Congress, which alone can make appropriations and direct what such pay shall be, to fix such allowance?

Then comes the provision as to their being payable in monthly installments, so that they shall receive their monthly allowance regularly. Then comes section 1269, not applying solely to pay, but which says:

No allowances shall be made to officers in addition to their pay except as hereinafter provided.

This section was passed on the 15th day of July, 1870. Did Congress have a right to fix the pay and allowance of these officers? Do they represent the people of the United States? Have they authority as their spokesman and as the sole custodian of their money to say where their money shall go? Does not the oath of the President of the United States to see that the laws are faithfully executed apply to this law as well as to any other law? Is there any place on earth, unless in some remote and partially civilized regions, where any chief of a nation, be he bey, sultan, or what not, has the right and power to override the express, specific enactment of the legislative body?

Then come the allowances which are authorized to officers—fuel, quarters, and forage; provision for five horses for a major-general, four for a brigadier-general, two for a colonel, two for a lieutenant-colonel, two for a major; captains and lieutenants, mounted, two; adjutants and regimental quartermasters, two; chaplains, two. Then comes a distinct provision as to the allowance of forage that there shall be allowed to officers, only for horses authorized by law. Then come the provisions for the traveling and the moving about of officers:

SEC. 1273. When any officer travels under orders, and is not furnished transportation by the Quartermaster's Department, or on a conveyance belonging to or chartered by the United States, he shall be allowed 10 cents a mile, and no more, for each mile actually traveled under such order, distances to be calculated according to the nearest post-routes; and no payment shall be made to any officer except by a paymaster of the Army.

Now, Mr. President, I shall not comment upon what has come to us either by newspaper report or by rumor and personal information, but there is no provision in these statutes for the furnishing of officers with transportation, with horses, with houses, or with anything else except according to law; and I deny that the President of the United States is above law. There is a law of public necessity.

Mr. PLATT of Connecticut. May I ask a question?

The PRESIDING OFFICER. The Senator will suspend while the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. HALE. Mr. President, in the absence of the Senator from Massachusetts [Mr. LODGE] who is chairman of the committee, I ask that the unfinished business may be informally laid aside.

I desire to take this opportunity of calling the attention of the Senate to the fact that we have, as a body, been reproached because the Senate would not stick to what is known as the Quay case. The Senator from Pennsylvania has notified us more than once that unless we continue under the unanimous-consent agreement to debate the Quay case he would insist that when the time came a vote should be taken.

Now, this resolution with reference to offices in Cuba was not among the excepted subjects that were to be taken up and to shut out the Pennsylvania election case. I learn that the Senator from California [Mr. PERKINS] is desirous of proceeding to discuss the election case in support of the minority report, and the Senator from New Hampshire [Mr. CHANDLER], the chairman of the committee, is desirous of going on. Time is slipping by, and half a dozen Senators who desire to discuss that question from the other point of view, in favor of the majority report, are likely to lose any opportunity of discussing the question before the vote is taken. The Senator from Pennsylvania is not here. It has been stated that he is desirous of addressing the Senate at length upon the subject. In the meantime we are going on and spending the time upon other matters.

Following the example of the Senator from Pennsylvania, I give notice now that when the time comes I shall, if I deem it a desirable and wise thing, move to further postpone and dispense with action on the Pennsylvania case. But I hope in the meantime that Senators who are ready to speak upon the matter will go on, and that the Senator from California, as the resolution which has been before the Senate has gone over under the rules, will proceed to address the Senate so that we may have that case up and fully debated.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine, that the unfinished business be temporarily laid aside? The Chair hears none.

Mr. VEST. I ask unanimous consent that the Senator from Virginia may finish his remarks.

Mr. DANIEL. It will be but a few minutes longer, I will state to the Senator from Montana. I do not like to intrude upon any regular order; but I have some more remarks to make.

The PRESIDING OFFICER. No objection is made.

Mr. HALE. I certainly shall object to the Senator from Montana, who has been alluded to by the Senator from Virginia, after the Senator from Virginia is through, bringing up anything except the Quay case.

Mr. CARTER. I will state to the Senator from Maine that it is not the intention of the Senator from Montana to either make remarks or present any business for consideration.

The PRESIDING OFFICER. The Senator from Virginia will proceed.

Mr. DANIEL. Mr. President, I shall bring my remarks to a hurried conclusion. I will simply say that officers of the United States who have had other duties than those which pertain strictly to their position with their regiments assigned them were acting either in a civil or in a military capacity. I believe that in the sense of our laws they were acting in a military capacity. It seems to me a very clear proposition that the provisions of the statute regulating their military duties and fixing their compensation for their action in a military capacity applies to them wherever they are, in any quarter of the world, under any and all circumstances.

Something has been said by the Senator from Connecticut as to the inability of officers to support themselves in Cuba with the salaries allowed them by the Congress of the United States.

Mr. PLATT of Connecticut. I beg the Senator's pardon, I did not say that.

Mr. DANIEL. If that were true, it would justify the President in sending a message to Congress informing them of that fact. It would justify a communication to Congress urging them to increase the salaries. But, in point of fact, I beg leave to say that just as soon as our forces were in occupation of Cuba and the ports were open, which was before the surrender at Habana, an American dollar went further in Cuba than it had ever gone before in the history of the world, for Spanish money, which had been used in Cuba, fell to an enormous discount. With one dollar an American could get about two of Spanish equivalents, and with those equivalents he could live cheaper in Cuba than in any city or town of the United States. I speak, Mr. President, whereof I do know, for I had an opportunity of several weeks' observation in Cuba, and there can be no extenuating excuse from the conditions of environment to mitigate a violation of law.

Now, if these officers were serving in a civil capacity, as the President regards those hereafter in Porto Rico, and as some might regard their functions at any time, they are then comprehended by section 1222, Revised Statutes, which says that—

> No officer of the Army on the active list shall hold any civil office, whether by election or appointment, and every such officer who accepts or exercises the functions of a civil office shall thereby cease to be an officer of the Army, and his commission shall be thereby vacated.

The Senator from Connecticut can take either horn of his dilemma he pleases. Either one is as fatal to the pretension of absolutism in any military officer of the United States, whether it be the President or the corporal of the guard, as he has set forth to-day. If the President is the absolute dispenser of the moneys of the Cuban people, and if he is under no obligation to support the laws which he has sworn to support, then any military officer who may have command in a particular province has the same authority as a military officer, in the absence of orders to the contrary, and his doctrine would remit this country to the most complete militarism and absolutism that the world has ever known.

When Mr. Jefferson was President he spent $10,000 in the discharge of the duties of his office more than the salary allowed him. He went home and mortgaged his property to pay it, as an honest man sworn to execute the laws should do.

I have no disposition, Mr. President, to indulge in any hypercriticism about the President of the United States or any of its servants. I should have said nothing upon this subject but for the extraordinary defense of things, which it was alleged had not been done, made by the Senator from Connecticut. It is a most extraordinary event when absolutism can find an open defender in the Senate of the United States.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. CHANDLER. Before the vote is taken, I wish to say a word, and I would rather say what I desire to say before the Senator from Georgia leaves the Chamber. Otherwise his resolution may not pass, and I think it due to him that it should be acted upon this afternoon.

I agree with the Senator from Connecticut that Cuba, being in military possession of the United States, the President, being the Commander in Chief of the Army and Navy, can make allowances for living expenses in his discretion to the Army officers now occupying that island. I do not think he can legally increase their salaries. When the answer comes from the Secretary of War to the resolution offered by the Senator from Georgia (which I hope will pass a second time to-day), I trust and believe it will appear that the allowances which have been made have been wise and discreet and proper allowances, with which no fault can be made.

The question of the decoration of officers' quarters is one about which there might be some differences of opinion as to what quarters should be decorated and what decoration is. When the humble colored man—using a word that I prefer to use when the Senator from South Carolina [Mr. TILLMAN] will allow me—when the humble colored man whitewashes his cabin it may not only conduce to health, but it may be called decoration. Paint is a decoration.

Mr. BACON. And tapestries.

Mr. CHANDLER. The Senator from Georgia might think if some of the public buildings in Cuba have been painted that that is decoration. We shall know about these things when the report comes in.

Mr. President, it is to be borne in mind with reference to these so-called palaces that many of them are very much inferior to the residences of American citizens in the present day. I doubt not that there is many a palace that is inferior to the humble residence of my friend the Senator from Georgia in Macon; and if he were to cause it to be painted and whitewashed, I do not think that I should consider it, if I visited him, as I hope to do at some time, necessarily a decoration of his home because he had painted and whitewashed it or even if he had papered it.

Mr. BACON. Whatever the Senator finds there, he may rest assured it will be done out of my own money and not that of the Government.

Mr. CHANDLER. Well, Mr. President, I have no doubt that that will be so.

So it will be found that all the decorations that have been made of the palaces in Cuba have been made by the money, not of the United States, but from the moneys collected in Cuba by the Army; and the buildings which have been decorated—that is to say, fumigated, cleaned, whitewashed, and painted in order to make them habitable—have been public buildings of Cuba, which, when the Cuban republic is established, will be the property of the people of Cuba.

Mr. President, I do not care how good a time General Brooke has had in the palace of the Governor-General of Cuba.

Mr. BACON. Will the Senator allow me to make a suggestion right in that connection?

Mr. CHANDLER. Certainly.

Mr. BACON. If I recollect aright, all of the officers whose hardships have been descanted upon here to-day, had their rank in the Army very materially raised in order that they might have the increased pay which would be necessary for such expenses as they would be called upon to meet, and the additional allowances in the face—I will not say in the face, but rather in recognition of the peremptory command of law—that an officer should have no allowances other than his pay.

Mr. CHANDLER. Mr. President, that may be; and yet the Senator knows that the expenses of our Army officers engaged in performing civil functions in Cuba have been very great, and I think the Senator will believe when the report is made that the allowances have been justifiable.

But I was speaking of the palace of the Governor-General, where, I suppose, that being a huge public building in Habana, possibly $75,000 may have been expended in putting it in good sanitary condition and making it a creditable public building. I say I do not care how good a time General Brooke and the other Army officers may have had in that building. I hope that the president of the Cuban republic will enjoy himself in that former Spanish palace; and I myself, if I were to give a vote for the next president of the Cuban republic, should vote for Gen. Maximo Gomez. I shall not regret the money which the military authorities of the United States have expended in putting that building in good condition, and I do not think my friend the Senator from Georgia will find fault about it when he knows exactly what has been done and the circumstances of the expenditure.

Mr. President, the Senator from Connecticut has not only shown very properly, as I conceive, that the President's power to make these allowances exists as a military power, but he has gone further and asserted that that military power can not be controlled by the legislation of Congress. I wish, without taking up too much time, to entirely dissent from that doctrine. I hold that any foreign territory, while it is in the military occupation of the United States, is subject to be controlled and governed as to that military occupancy by law passed by Congress and approved by the President, or, if not approved by the President, passed by a two-thirds vote over the veto of the President; and I can read the clause in the Constitution, which is before me, in

but one way. It is the closing clause of that part of the Constitution which gives power to Congress, and it says that—

The Congress shall have power * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Mr. President, that is the plainest possible language. There is no power which the President of the United States can exert, whether in the performance of civil functions or military functions, where he can not be controlled by laws made by the Congress of the United States.

I shall not detain the Senate by adding anything more on that point, except to enter my dissent from the doctrine stated by the Senator from Connecticut; and it gives me pleasure, in concluding, to find myself again in perfect accord with the Senator from South Carolina. [Laughter.]

Mr. TILLMAN. Mr. President, as the resolution is still before the Senate and will be voted on, notwithstanding the hour of 2 o'clock has arrived, when the unfinished business ought to have come up, I beg the attention of the Senate for a few moments while I bring out two or three ideas that have occurred to me during this debate.

I think the debate was entirely premature. It would not have occurred but for the anxiety of our Republican friends to parry or cushion this blow, or rather to sugar coat this pill of imperialism, which the country has had this morning in the revelations in regard to this matter. They did not want the fact to go out in the Associated Press reports that the Secretary of War had acknowledged that he had been paying salaries and that there were numerous other expenditures of public funds, either Cuban funds or United States funds, that were unwarranted.

The point I wish to present to the Senate is this: That the argument which has been advanced here as a reason or as an excuse for this bad practice is that we must emulate Spain; that the Cubans have been accustomed to the grandeur and pomp of a Governor-General, just as the Porto Ricans are to be impressed on the 1st of May by a grand ceremonial and pageant in the inauguration of our new governor there, accompanied, as he will be, not at present, but a little later on, by a numerous and interesting lot of carpetbaggers from up here to administer the affairs of that island. The idea, I say, is that we must emulate Spain; that this Republic can not afford to do less in the way of pageantry and expenditure and pomp than the Spanish officers who have governed those people in the past. Well, I must say it is not agreeable to me that any such idea shall be put forward here as an explanation or apology why this kind of thing shall obtain.

We went to Cuba to kick Spain off of the Western Continent, to get rid of Spanish tyranny, to do away with Spanish misgovernment and robbery; and now, in view of the fact that we continue to remain there and stay there, and collect their revenues and expend them lavishly and extravagantly, the defense is put up that the reason for it is that the Cubans and the Porto Ricans have been accustomed to that kind of thing, and that we could do no less or we would lose the respect of those people.

My friend from Arkansas [Mr. JONES] suggests that the Cubans and the Porto Ricans have been accustomed to misgovernment, to being robbed, to seeing their revenues wrenched from them at the point of the bayonet, and expended in this way; and for that very reason, Mr. President, that we should be trying to set those people an example of republican government—self-government, and economy, and decency—I do not see that that excuse will carry much weight with any right-thinking person.

Now, if I understand our situation in Cuba, we are there as trustees for the people of Cuba; we are there trying to bring order out of chaos; we are there trying to get a system of government which will give those people the right to control their own destinies; and it comes with bad grace, especially from the chairman of that committee who has Cuban affairs in charge, to get up here and apologize for this supposed exposure that is coming and try to explain it, to palliate it; and yet we are not told when we are going to get out of Cuba. The war will have been ended two years in July. We have had possession of that island since October a year ago—nineteen months; and yet there is no limitation upon the military occupation; no time fixed when we will turn the government over to those people; no intimation as to when this kind of government there is to end.

If anything is needed to arouse public opinion in the United States, to accelerate this leisurely movement of the President and his advisers in setting up the Cuban republic and turning it over to its own people, it is this exposure of the expenditures under the double rule of military officers performing civil functions, getting pay from the United States as Army officers and getting pay out of the Cuban treasury as civil officers. Those officers never will get away from there voluntarily if they can stay there and get double pay, double allowances, and have palaces to live in.

I have been to Habana; I do not know whether the Senator from New Hampshire has been or not; but I can tell him, while there might have been a scent of Spanish tyranny about the palace of the Governor-General that might need to be fumigated out or washed out with vitriol, otherwise I do not suppose that it needed any great amount of cleansing. I do not like the idea the Senator has advanced, that this expenditure of money was necessary merely for sanitary purposes. I suppose the Spaniards would have had the house about as clean as it will be when General Brooke leaves it or as it is now.

So far as servants are concerned, we all know military headquarters have such a practice of detailing orderlies and other private soldiers to do this, to do that, and to do the other, that all the cleansing about the camp is done by the troops. We have no idea here advanced, at least no proof, that the troops at Habana, the American soldiers, have not been the ones who have done this cleaning up. True, some expenditure may have been made for whitewashing, and I think the Republican party will need a considerable amount of whitewash before they will convince the American people that this proposition advanced here this morning is a right and a just one and one that they can sustain.

While I am on my feet discussing this question of our insular possessions, I want to call attention to another story, which I got from the newspapers a couple of days ago. I saw it stated that some contractor at Knoxville had received information that his bid to make roads in Porto Rico had been accepted and that he had a contract signed since we appropriated the $2,000,000 here the other day by which he was to build a 25-mile road and get $1,000,000 for it. I do not know whether the statement is true or not. I might have offered a resolution asking whether that has been done; but really I do not want to bother our friends over there with so many resolutions of inquiry. We will wait and see whether the information which comes under the resolution of the Senator from Georgia will give us enough to debate on in regard to this new imperial policy before we bring up the other proposition.

It was advanced in the debate on the resolution appropriating $2,000,000 back to Porto Rico that it was to relieve the starving people down there, to relieve them from the burden of taxation, and all that sort of thing. Now, in less than two weeks after we passed that bill, we have information that some contractor in Knoxville has got a contract to build a road and that $1,000,000 is to be expended in that way. I do not know whether it is true or not. The newspapers tell so many stories that have no foundation that we can not always rely upon them, but they generally tell the truth about the Republican party when attacking its policy. It is the Democrats only that they lie about these days. [Laughter.]

The Senator from Connecticut has left the Chamber, but I should like to have anyone on that side who belongs to the Committee on Insular Affairs and Cuba to give us some intimation as to when the American troops will be withdrawn, when they will leave Habana, or will turn over this $16,000,000 that we are told was collected there last year from the 1st of January to the 31st of December, 1899, to the Cuban people, and let them spend it in their own way, run their own government, and pay such salaries as they please. I think the American people will be very much delighted to know when our pledge to give those people absolute autonomy and turn the island over to them is to be redeemed.

Mr. PETTIGREW. Mr. President, it is three months since the resolution was passed by the Senate asking for this identical information, and the reply on the part of the Secretary of War that he has not the information is no reply that should satisfy the American people or the American Senate. We were furnished not with an answer to the resolution, but with a statement that the information was in Habana, or in Cuba, and that he would have to send there for it. Congress is in session and has been since December last, and yet information absolutely necessary and essential to proper action on our part is not only not furnished for three months, but we are told that the information is in Cuba. Is there no supervision over these officers on the part of the Administration by which they can ascertain whether this money is properly expended or not?

I see by the reply made by the President that this practice of taking revenues from one locality and spending them in another is not alone common to Cuba. A resolution was passed by the Senate on the 24th of January asking for a copy of the agreement made with the Sultan of Sulu, and also out of what revenues the salaries of the Sultan and his officers were paid. The agreement shows—and I hold in my hand the message of the President of February 1—that the Sultan of Sulu receives $250 a month; that his numerous datos, to the number of eight, receive $75 and $60 a month, one $50, another $40, and another $15. The President says:

I reply to the request in said resolution for further information that the payments of money provided for by the agreement will be made from the revenues of the Philippine Islands unless Congress shall otherwise direct.

It appears, then, in this case that the people of the Philippine Islands are being taxed to pay the salaries of another government

in another group. It can not be urged that they are all one, because, if that were the case, then the government of the Sulu group, which is in treaty relations with us, must ultimately be extended over the whole group; and that must be what we are fighting for.

I should like to ask the Senator from Connecticut whether the President has a right to collect money in Luzon from the people of those islands and pay the salaries of the Sultan of Sulu and his inferior officers?

I did not intend by anything I said to cast any reflections upon the Army officers in Cuba. I know of nothing that they may have done that was improper. I do not know that anyone can blame them for receiving additional salaries if the Administration chooses to pay them. That question I have not discussed. Neither do I intend to impeach their motives or in any way to question their integrity; but it does seem to me that, after three months, we ought to be able to get at the facts in this connection. If the Administration waits as long to reply to the resolution of the Senator from Georgia as it did to the one of January 17, which I offered, Congress will undoubtedly have adjourned without receiving the information; and yet the President asks us to pass a resolution placing this entire power in his hands beyond all question after we adjourn.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. KENNEY. Mr. President, before that motion is put, in connection with what the Senator from South Carolina [Mr. TILLMAN] has said, I desire to make a statement of my own personal knowledge in regard to contracts. I know that in Porto Rico, in the last part of 1899, when a contract was being let for the building of a public road in that island, there were bidders from several parts of this country. On the day before New Years, I think, of this year, the bid of a certain company in the State of Delaware was accepted; and before the representative of that company could get to the United States, the letting had been changed and the contract given to a New York company at a bid many thousand dollars above the bid of the company in the State of Delaware.

The only excuse given by the authorities for that change was that the Delaware company, the company which was the lowest bidder and to whom the award had been given, had not the amount of capital necessary to carry on the business of building the road, notwithstanding the fact that the most responsible financial companies in the State of Delaware agreed to guarantee the contract of that company. In addition to these guaranties was the indorsement of my late colleague here, Senator Gray, of Delaware. Notwithstanding that and my own protest, the contract was given to a bidder whose bid was many thousands of dollars above that of the company to whom it had been originally awarded.

Mr. JONES of Arkansas. What was the name of the company?

Mr. KENNEY. I can not give the name of the company, because I do not know it exactly; but it is a construction company in the city of Wilmington, of which I think John N. Carswell, the cashier of the Farmers' Bank, one of the strongest financial institutions in that State, was secretary or, possibly, treasurer. The other bidder was, I think, the Croton Construction Company, of New York City. I give this from memory. I am not sure about the name of the company, but the facts are as I have stated them.

Mr. TILLMAN. Did the Senator have any intimation that there was to be a political contribution to the campaign fund by the company whose bid was accepted?

Mr. KENNEY. I only know they came here stating that after the contract had been given to the Delaware company it had been taken from it and given to the other company. That is my understanding.

The PRESIDENT pro tempore. The question is on the adoption of the resolution of the Senator from Georgia [Mr. BACON].

The resolution was agreed to.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The unfinished business before the Senate is the bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippines Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. CHANDLER. I ask that that bill may go over until Monday, remaining the unfinished business.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the unfinished business may go over until Monday, retaining its position. Is there objection? The Chair hears none, and it is so ordered.

SENATOR FROM PENNSYLVANIA.

Mr. CHANDLER. I now ask that the Pennsylvania resolution may be continued.

The PRESIDENT pro tempore. The resolution in relation to the seat in the Senate from the State of Pennsylvania is now before the Senate.

Mr. PERKINS. Mr. President, so many questions have been discussed and so many resolutions have been presented that I ask for the reading of the resolution which is now before the Senate for consideration, on which I will make a few brief remarks.

Mr. WARREN. Pending that, I ask the Senator from California to yield to me for two or three minutes to finish the consideration of a bill which has been under consideration.

The PRESIDENT pro tempore. Does the Senator from California yield?

Mr. PERKINS. Certainly.

CORCORAN ART GALLERY.

Mr. WARREN. I ask unanimous consent that the Senate now proceed to the consideration of Senate bill 2610, which was read on a former day, when the Senator from Missouri [Mr. COCKRELL] had moved an amendment, which is acceptable.

Mr. COCKRELL. I move to amend——

The PRESIDENT pro tempore. If the Senator will pardon the Chair, the bill is not yet before the Senate. Is there objection to the present consideration of the bill?

Mr. CHANDLER. Let the title of the bill be stated.

The PRESIDENT pro tempore. The title will be stated.

The SECRETARY. A bill (S. 2610) to authorize the purchase of the property known as the Corcoran Art Gallery, in the city of Washington, D. C.

Mr. CHANDLER. If that bill will not lead to debate, I have no objection to its consideration; otherwise I shall object.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. COCKRELL. I move to amend the amendment of the committee, in section 1, page 2, line 6, by adding, after the word "determined," the words "provided the same can be secured for a sum not exceeding $332,500."

The amendment to the amendment was agreed to.

Mr. COCKRELL. That is an amendment to the amendment of the committee. Now let the amendment of the committee as amended be agreed to.

The amendment as amended was agreed to.

Mr. COCKRELL. On the first page, section 1, line 5, I move to strike out the words "and in the manner."

That refers to the condemnation.

Mr. WARREN. That makes it conform to the other amendment.

Mr. COCKRELL. Then I propose to strike out the whole of section 2 about condemnation, so that there shall be no misunderstanding about it, and the property will only be taken in the event that it can be secured for $332,500.

The PRESIDENT pro tempore. The amendments proposed by the Senator from Missouri will be stated.

The SECRETARY. On page 1, section 1, line 5, it is proposed to strike out the words "and in the manner;" so as to read:

That the Secretary of the Treasury be, and he is hereby, empowered and directed to acquire for and in the name of the United States, for the purpose hereinafter provided, etc.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. It is proposed to strike out all of section 2.

The amendment was agreed to.

The PRESIDENT pro tempore. There are other amendments of the committee.

Mr. WARREN. There is an amendment to section 3.

Mr. COCKRELL. That will be section 2.

The PRESIDENT pro tempore. The committee amendments will be stated.

The next amendment of the Committee on Public Buildings and Grounds was, in section 3, page 2, line 16, after the word "and," to strike out "fifty" and insert "thirty-two;" and in line 17, before the word "dollars," to insert "five hundred;" so as to make the section read:

SEC. 3. That the sum of $332,500 is hereby appropriated for the purpose of carrying out the provisions of this act.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 4. That so much of the act entitled "An act to provide for the erection of a building for the Department of Justice," approved March 3, 1899, as provides "that said building shall be constructed so as to provide a court room and necessary accommodations for the Court of Claims" be, and the same is hereby, repealed.

The amendment was agreed to.

Mr. WARREN. I move, in view of the amendments heretofore adopted, to strike out the whole of section 2 and to renumber sections 3 and 4, making them Nos. 2 and 3.

The PRESIDENT pro tempore. The Clerk will renumber the sections. Section 2 has already been stricken out.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM PENNSYLVANIA.

Mr. PERKINS. I ask that the resolution with reference to the Pennsylvania case be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution referred to by the Senator from California, which will be read.

The Secretary having read the resolution reported by Mr. TURLEY, from the Committee on Privileges and Elections, January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania—

Mr. PERKINS. Mr. President, during the seven years that I have had the honor to occupy a seat as members of this honorable body, I have invariably voted to seat those who have come here with proper credentials of their election or appointment by governors of their respective States, believing that if I erred I should do so on the side of the people and vote to give each State the representation it is entitled to under the Constitution. My views, therefore, being well known, I should content myself by remaining silent and casting my vote in favor of adopting the minority report of the committee, were it not for the fact that a part of the public press in the State I have the honor in part to represent, has seen proper to criticise me for having stated that I should be consistent and vote to seat the appointees of the governors in the States where the legislatures had failed to elect.

The States where the legislatures adjourned last year without electing Senators were Pennsylvania, California, Delaware, and Utah. Happily the governor of California, in his wisdom, convened the legislature in special session, and a wise and judicious selection was made by the legislature, and that State now has her full representation on this floor. I value too highly the good opinion of the people of California who have so often honored me, and to whom I owe so much for their kindness and forbearance, not to give an explanation of my action and the reasons for the faith in my convictions.

LAW THE ONLY GUIDE.

It has been stated that I was influenced, in a measure, by personal and political friendship. I trust that I have a proper appreciation of my duty when sitting as a judge or juror to be guided only by the law and evidence as I understand them. I have not seen Mr. Quay for a year, and neither he nor his friends have asked me how I should vote, and I am sure I am not bound to him by any ties of political, social, or other obligations. But in no sense is the seating of a Senator a personal matter. I would vote to seat any reputable gentleman as readily as I will to seat Mr. Quay if the governor of a State should appoint him under the same conditions that now exist in Pennsylvania. It may not, however, be improper for me to say that I know nothing whatever detrimental to the character and reputation of Mr. Quay.

I do know, however, that he was a brave soldier and that his neighbors all speak well of him as being a loyal friend, and the great State of Pennsylvania has honored him again and again.

Surely one who has such a reputation among his neighbors and his friends must have some good traits of character. But, as I said before, it is not a question of personal friendship. It is a judicial question. It is one upon which we should act under the solemnity of the oath we have taken here to perform our duty as we understand it as representatives of the people.

Article I, section 3, of the Constitution of the United States reads as follows:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote. * * * And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

There is certainly nothing ambiguous, equivocal, or clouded in the first paragraph of this section of the Constitution, which I have read. Every State is entitled to two Senators, whether it is the State of Rhode Island, with an area of only 1,250 square miles, or Texas, containing 265,000 square miles; whether it is New York, with 7,000,000 population, or Nevada, with only 45,000 population. It also seems to me clear that they shall be elected by the legislature, or if vacancies happen by resignation or otherwise during the recess of the legislature of any State, then the governor may make temporary appointments until the next meeting of the legislature.

SOVEREIGNTY OF THE STATE.

No one can read that interesting and instructive book, With the Fathers Framing the Constitution, by McMasters, without being deeply impressed with the fact that the great men composing the Convention that drafted the Constitution had constantly in mind the sovereignty of the State as represented by the Senate, and that the latter should always be kept full—each State having two Senators. The distinguished Senators from Tennessee and Michigan admitted this, and then proceeded, in a very able argument, to show how vacancies might always occur and a State, for a time at least, be only partly represented.

I would call attention, Mr. President, to the wording of the constitutional provision as reported by the committee on detail of the Constitutional Convention. That portion relating to the filling of vacancies reads as follows:

Vacancies may be supplied by the executive until the next meeting of the legislature.

Here, it seems to me, the design of the Convention is clearly manifest: An existing vacancy may be filled by the governor until such time as the legislature may meet. If it acts, well and good; it will have performed its duty. If it should fail to agree upon a candidate, a vacancy would exist, and, according to the draft of the provision as set forth, it could undoubtedly be again filled temporarily by the governor.

The right to equal representation in the Senate, which was so strongly contended for in the Convention, would exist in spite of the inability of the legislature to elect after striving to do so, and the means of securing this equality would exist in the power of the governor to appoint as provided. The State, by endeavoring to elect a Senator, would manifest its desire to be represented fully in the Senate, and the governor would have the power to appoint, in order to fulfill that desire. His power could not, I take it, be properly construed as failing in the event simply of a lack of agreement on the part of the legislature.

DESIRE FOR REPRESENTATION.

The desire of the people to be fully represented would be manifested by the effort of their representatives, futile though it might be, to elect a Senator. Only in the event that these representatives of the people should by vote declare that they would not elect could their action be made the ground for sound argument that the governor could not temporarily appoint. Under such circumstances there would be good reason for the claim that the people did not desire full representation. But without such a declaration on the part of the legislature it seems to me there is no question but that it is the duty of the governor to act when a vacancy exists.

Except during the period of the civil war, no States, I believe, have refused to elect a Senator. At all times, as the framers of the Constitution foresaw, there has been a keen desire for full representation in Congress. It is shown by the proceedings of the Constitutional Convention there was a contest of the most earnest kind by the smaller States for representation in the Senate equal to that of the larger, and this right was conceded. The questions arising in Congress affecting the interests of individual States are too numerous and important to permit unequal representation to be tolerated, if avoidable. And so provision was made for temporarily filling vacancies which exist during recess of a legislature. When a legislature is in session, it having the sole power to elect for the full term, the governor's power lapses. During recess, when the legislature can not act, the power to make a temporary appointment vests in him.

There is, it seems to me, no good ground to question the continual existence of a power to fill such vacancy as may happen—or, in other words, may exist—at any time. Such vacancies, then, as happen to exist during a session of the legislature can be filled during its session only by that body. Such as happen to exist during a recess of the legislature can be filled only by the governor. In this manner only can the right to equal representation be assured to the States and the great contention in the Constitutional Convention be established.

A STATE'S REPRESENTATION TO BE ALWAYS FULL.

While the right of equal representation was thus secured to the States by constitutional provision, the design of the framers of that instrument that the representation should be constantly kept full is made evident by the command that when vacancies occur in either House they shall be filled. The manner in which this command shall be obeyed differs in the cases of the Senate and House because of the difference in the manner of electing Senators and Representatives. The former are elected by legislatures, and the latter by the people by ballot. At the time when the Constitution was framed legislatures held yearly sessions, so that a vacancy in the Senate could be filled within a year and no Congress need be without a full Senate in case the legislature was willing to elect. Thus there was no need of other command than that the legislature "shall" elect. By obeying it full representation would be secured.

As legislative sessions were usually synchronous with those of Congress, if elections were not held by them there would be no danger in placing power to make temporary appointment in the

hands of the governor, for his appointee would be likely to serve during only a part of a Congressional session, the greater part of his term being during the recess of Congress. As his term of service might fall wholly during such recess, or at any rate during only a part of the session, the governor was given discretion in the matter, and the words "may make temporary appointments" were used, for an appointment that would hold good only during a recess of Congress would be of no practical benefit to the State as far as representation is concerned. Neither would an appointment be of much value if the term of the appointee were for a few weeks before a legislature could act. Hence there was good ground for giving discretion in this case.

CASE OF A REPRESENTATIVE.

But in the matter of a Representative a wholly different state of affairs exists. A Representative holds for two years and his successor is elected by the people. Such elections come regularly, therefore, every two years; and unless otherwise provided for, a vacancy occurring at the beginning of a term would go unfilled for that Congress and the next; so that for two years the State would be without its proportionate representation in the lower House. This of course could not be permitted, and as the only way to fill the vacancy would be by popular election, the executive was commanded to call a special election for that purpose. There was no chance here for allowing the governor discretion. The House must be kept full, if possible, and no single session must be permitted to be held without full representation. Thus the command was laid upon the governor, and thus the States do not go an entire session without full representation in the House.

The member elected to Congress from Utah was, a few weeks since, denied a seat, for cause, in the House of Representatives, and the governor immediately called an election to fill the vacancy, and that State now has its full representation in that branch of Congress. A vacancy, however, exists in its representation in the Senate, and the people of Utah are patiently awaiting the result of our action, to know if they can have the full representation on this floor that is allotted to them under the Constitution.

It seems to me, Mr. President, that there can be no doubt as to the intention of the framers of the Constitution to provide that the States should always have their full representation in both Houses of Congress; and if such be the fact, there can be no doubt that the provision of the Constitution relative to vacancies in the Senate covers every contingency. There can be no doubt that it provides for the temporary appointment to a vacancy whenever it exists during a recess of the legislature, whether that body has tried to fill it or not. The vacancy is to be filled; and if it had occurred to the framers that a condition could exist in which the governor could not act if he so desired, I am sure there would have been a further provision commanding him in such case to call an extra session of the legislature to fill the vacancy. That such command is not found is to me proof that, in the opinion of the framers, there was no chance that a vacancy could remain unfilled.

POWER OF A GOVERNOR.

Nowhere is there a prohibition of the exercise of the appointing power of the governor as there would have been had it been imagined that any circumstances could arise which would make the exercise of that power inadvisable. The power was given to the legislature when it could act, and to the governor when it could not do so.

If the appointees of governors are seated, no harm is done, as it will only be a few months before the legislature will meet and the action of the governor be approved or rebuked.

I think Nebraska, and possibly other States, is to elect two Senators at the next session of their legislature. Suppose that the contest between the three parties is so evenly balanced that they are unable to agree, and it results in no choice of Senators. Shall that great State, with her varied and diversified interests, go unrepresented?

Mr. PENROSE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Pennsylvania?

Mr. PERKINS. Certainly.

Mr. PENROSE. I should like to ask the Senator from California a question. I have been very greatly impressed by the forceful way in which he has brought out the distinction between the temporary character of the gubernatorial appointment and the election by the legislature for a full term or the balance of a term, showing that they are both absolutely distinct in their spheres, independent in their action, and conflict in no wise with each other. It has been asserted by the Senator from Maryland, and, I believe, by other Senators, that the legislature of the great State which he represents in this body in part was called together by the governor, and that the legislature of Pennsylvania should have been likewise called together by the governor of that State.

I have made the statement here that the legislature of Pennsylvania, if convened in special session, would impose an expense upon the taxpayers of that State amounting to several hundred thousand dollars, and that it was generally recognized and is recognized in Pennsylvania that such a special session convened by the governor would be absolutely futile and useless in its results.

I have since that debate arose been informed that in the California case there was a distinct understanding, in fact I have been informed, although I do not know how correctly, that a paper was actually signed by a majority of the members of the California legislature agreeing to come to some agreement upon the United States Senatorship. I should like to ask the Senator from California, if it be not interrupting the continuity of his argument, whether I am correct in that statement, and whether it does not place the California situation upon an entirely different basis from that of Pennsylvania.

THE SENATORIAL ELECTION IN CALIFORNIA.

Mr. PERKINS. Mr. President, before answering the question directly, perhaps I should explain the system which prevails in California as to the meeting of our legislature and the number composing the membership of that legislature.

California has biennial sessions of her legislature. The legislature is composed of 80 assemblymen and 40 senators, elected respectively from the different assembly and senatorial districts. Therefore, our legislature is composed of a hundred and twenty members. It met, as required by our State constitution, on the first Monday in January, 1899. It organized, I think, on the first Tuesday. On the second Wednesday it convened in joint session and continued to ballot daily and sometimes several times a day during the session, which lasted, I think, seventy-two days, and during that session there were cast in joint convention 120 separate ballots. No choice, however, was made, none of the different candidates for Senator receiving a majority of the votes in the two houses.

The legislature in due time adjourned sine die, after having been in session seventy-two days, I think. The press of our State and public organizations immediately commenced to importune the governor of the State to convene an extra session of the legislature for the purpose of electing a Senator to succeed Senator White, who was my colleague for six years upon this floor, but he resisted their appeals, and it was stated through the public press and generally believed that he would not convene it unless a majority of the members of the two houses would give him some assurance that they would meet together and in the quickest possible time agree upon a choice for Senator.

One of the members, aye two different members of the legislature, informed me that they had seen the paper. I did not myself. But it provided that they should meet and agree upon a candidate. Some 66 names, I think it was reported to me, had been signed to that paper. Be that as it may, subsequent events would seem to give some color of truth to that rumor, which was an open secret, that such a document had been circulated.

On the 29th of January, 1900, which was the fifth Monday, I think, of this year, the legislature convened at our capitol in Sacramento, and on the first day it organized. On the second Tuesday, nine days from the day on which it organized, they voted in the separate houses, and my distinguished colleague received a majority of the votes of the two houses of our legislature. On the following day, Wednesday, which was the tenth day after the legislature had convened, they met in joint convention, and the choice fell very wisely, I think—it certainly gave universal satisfaction to the people of our State and to the country generally—upon one who has been identified with the history and prosperity and advancement of the golden State, and whose life is a part of the history of that State. I refer to my distinguished colleague, Hon. THOMAS R. BARD. He was elected on the first ballot, receiving 85 votes out of the 120 votes cast in joint convention.

THE CAUCUS AGREEMENT.

Mr. CHANDLER. Mr. President, if the Senator will allow me to get a word of explanation from him, when he says the members of the legislature, as he understands, signed a paper making an agreement which led the governor to call the legislature, he does not mean that they signed a paper agreeing to vote for any particular man?

Mr. PERKINS. Not for a particular person.

Mr. CHANDLER. But only that they signed a paper agreeing that they would agree?

Mr. PERKINS. That they would agree upon a candidate, and that he should be elected.

Mr. CHANDLER. How was the language of the agreement expressed, if the Senator can tell us?

Mr. PERKINS. It was only as I have stated. It was a rumor that came to me, and therefore I am not competent to give testimony bearing upon the subject.

Mr. TILLMAN rose.

Mr. PERKINS. But subsequent events would warrant me in

believing that such an agreement did exist, for our legislature was in session only thirteen days, when it adjourned and received the plaudits of all the good citizens of our State. Does the Senator from South Carolina desire to interrupt me?

Mr. TILLMAN. Is not every member of the legislature charged with the duty of electing a Senator under a higher form of obligation than a mere written agreement? Did not he take an oath to support that Constitution, and is it not one of his functions and his duties to vote for a Senator and elect him when there is a vacancy?

Mr. PERKINS. There is no question, Mr. President——

Mr. TILLMAN. Now, is it not belittling the question to put this on the ground of an agreement, after the legislature had been deadlocked, so to speak, for a good while and had failed to carry out its function in an election, that then as a sort of personal arrangement they signed a written agreement that they would do a certain thing at a certain time; in other words, that they would go home and soak themselves and get a little softer, so that they would be more malleable and more obedient to the will of their constituents? Is not that rather a belittling and a contemptible way of putting it?

Mr. PERKINS. I think my friend from South Carolina, perhaps, would have illustrated the case better by stating the case of a member of a jury, that there were 11 obstinate ones on that jury who knew nothing, but the twelfth juryman was like the old lady in her church who said she did not know how it was that all other denominations were in error except her own. Therefore, the only excuse I can make is that they met together and mutually agreed that while each one had the best man in view for the position, yet he would defer his judgment, and the twelfth juryman yielded to the other 11 jurors.

Mr. TILLMAN. Does not the Senator see that if by reason of this obstinacy on the part of public servants as members of the legislature, who have a duty to perform, they fail to have the State represented we will perpetuate that system? If we allow a man appointed by the governor to come here and occupy the seat; or, in other words, if we make a bridge over which these people can cross and not be subject to the condemnation of their constituents, will not we ourselves perpetuate the deadlock? Can not the Senator see that the Senate can correct this evil by leaving any State without representation in the Senate whose legislature refuses to elect a Senator?

Mr. PERKINS. Mr. President, I have lived long enough to realize the fact that one should not set himself up as the moral censor of others. There is an old tradition that in the city of Jerusalem it was obligatory upon everyone to keep his own doorsteps clean and to look after his own home, and that command has been religiously observed, I understand, for many years, and since then the streets of Jerusalem have been kept clean.

So it is with us as individuals. It is better that each one should say, "I am the custodian of my own conscience; I will act in accordance with the light that is given me, in accordance with my own convictions, in accordance with my own faith, but I will not be dogmatic." Indeed, there is not a law upon our statute books that is not a measure of compromise. My friend from South Carolina introduces a bill; my friend from South Dakota proposes an amendment, and another Senator proposes an amendment, and so we discuss the amendments and out of them finally we perfect a bill that is intended to carry out the object which the bill has in view. So it is with us in the discharge of our duties as citizens of the great Republic. Each one of us has a duty to perform; and if he acts conscientiously and does it according to the lights before him, no one will censure him for it, and he will have the approval of his own conscience.

PRESS CRITICISMS.

The public press of my State, as I stated in the commencement of my remarks, censured me, and I do not complain of criticism. I rather like it. I think that it keeps us all on our good behavior when the public press takes us to task for some of our shortcomings. The only thing that I do blame them for is when they state a false proposition and then commence to reason from it. They could condemn even as virtuous and as good a man on that kind of a basis as my friend from South Carolina. It is in such a case that I blame the public press, but no one is worthy of any public position who is not willing to let his public acts be investigated and subjected to honest and fair criticism; and if he will not stand criticism, let him go down, as he ought to do.

Now, I am going to take the liberty of reading a little excerpt from one of the papers. It is a leading paper, and it is a good paper, too. All papers are good, but, like beverages, some are better than others, and so this is one of the very best. It says:

The news that Senator PERKINS has decided to vote for the seating of Senator Quay, and almost necessarily will follow this by voting for all the other appointed Senators, including one from California (if Governor Gage should decide to appoint)—

At that time it was supposed the governor would appoint—

took most of the Senator's constituents by surprise, and we believe that a vast majority of them were greatly disappointed. They will regret Senator PERKINS's decision for a number of reasons. In the first place, they will regret it because they dislike to see any action which favors so objectionable a political boss as Quay, of Pennsylvania. In the second place, they will regret it because it is likely to result in the seating of a Senator from California who will be objectionable to all of the better elements of the party.

Mr. President, the writer of that article is personally known to me as a gentleman of high character and standing, and he has the respect of all who know him. Yet what argument is there in that article? You might as well say, after being sworn in on a jury upon a criminal trial, "I do not like the looks of that man, and I think I will convict him. It matters not what the testimony may be; it matters not what offense he may be charged with; I am against him on general principles." That is the spirit of that editorial. I think I have manhood enough to do justice, if I were on a jury, to the bitterest enemy I have in the world. I think in casting my vote here I can be uninfluenced by aught save what my conscience tells me it is right and just for me to do.

WHAT A CALIFORNIA TEXT-BOOK SAYS.

I say such editorials tend to mislead the people. But it is gratifying to me that I am given an opportunity to propose a change in some of our text-books if that editor's position is correct and if I am wrong in my interpretation of the Constitution. I want to say to my friend the editor of that paper that California has a text-book known as Elements of Civil Government.

It is compiled by the State board of education, composed of the governor, the superintendent of public instruction, and the principals of the five State normal schools in our State, where they educate young men and women for our colleges and universities. That text-book is an authority, and many of those who compiled it are lawyers. All of them are college graduates, men of scholarly attainments, men of great learning. It is a very able work, and it has never been questioned. Therefore I want to read what it says in relation to the Federal Government as it applies to the Senate:

The Senate consists of two members from each of the States of the Union. Senators are chosen by the legislature of the State they represent, and they hold office for six years. They must be not less than 30 years of age, citizens of the United States for nine years, and inhabitants of the State which they are chosen to represent.

That, of course, is nearly the exact language of the Constitution. Then on the next page, after giving the standing committees of the Senate, they come down to vacancies:

Vacancies.—Vacancies from any State are filled by the legislature of that State, if the legislature is in session; if not, then by the governor of the State until the next meeting of the legislature.

SHOULD THIS TEXT-BOOK BE REVISED.

If this text-book is wrong and vacancies do not exist unless the incumbent dies, or resigns, or is impeached, we ought to change our text-book which is used to teach young men and young women in California the elementary principles of civil government. We have, Mr. President, the best system of public schools in California that exists in any State in the Union, and we have in our State two of the grandest universities. One was magnificently endowed by my predecessor, Senator Stanford. He and his good wife gave to that institution more than $40,000,000 to perpetually endow it. There are to-day 2,000 students in that university. At the head stands a man eminent in science and literature, President David Starr Jordan, who has made this seat of learning second to none in the United States.

The University of California is, in the organic law of the State, provided for by a constitutional provision. There are to-day 2,600 students in that university. It has a president who has an international reputation as a historian, classical scholar, and as a man of wide learning—President Benjamin Ide Wheelerof, whom Cornell University was so justly proud. It has at the head of its geological department Professor Le Conte, one of the most eminent scientists in this or any other country.

The President of the United States has recently selected as one of the Philippine commissioners Prof. Bernard Moses, who for twenty-odd years has held the chair of history and political economy in that institution. We have a corps of professors there equal to that in any other State, not excepting Harvard, Princeton, or Yale. I think it is their duty to assist us in revising the elementary book upon civil government which is used in our schools and universities, if it is incorrect and is so decided by the Senate.

Another authority——

Mr. PLATT of Connecticut. Will the Senator read again what that schoolbook says in regard to the election of Senators?

Mr. PERKINS. It says:

Vacancies from any State are filled by the legislature of that State, if the legislature is in session.

Mr. PLATT of Connecticut. That is right.

Mr. PERKINS. Yes; that is right.

If not, then by the governor of the State until the next meeting of the legislature.

VACANCIES AFTER ADJOURNMENT.

Mr. PLATT of Connecticut. But the legislature was in session when the vacancy occurred; therefore——

Mr. PERKINS. Therefore, it did not exist after the legislature adjourned.

Mr. PLATT of Connecticut. It did not happen——
Mr. PERKINS. It did not happen to exist.
Mr. PLATT of Connecticut. That is not what the Constitution says. The Constitution does not say "happen to exist."
Mr. LINDSAY. Mr. President——
The PRESIDING OFFICER (Mr. QUARLES in the chair). Does the Senator from California yield to the Senator from Kentucky?
Mr. PERKINS. Certainly.
Mr. LINDSAY. Who is the author of that text-book?
Mr. PERKINS. I stated that it refers to the Constitution. That is pretty good authority. It is their interpretation of the Constitution.
Mr. LINDSAY. I understand; but who construed the Constitution in the preparation of the book?
Mr. PERKINS. The State Board of Education, of which one member is the governor, who is an eminent lawyer. He is ex officio chairman of the board. The superintendent of public instruction is a lawyer by profession and has taken the degree of bachelor of arts. The principals of the five State normal schools assisted in compiling it.

The point I wish to make is that there could not have been any doubt in the minds of these gentlemen, and I refer to California text-books, because I am speaking now more particularly upon this question to put myself right with my own constituents, to whom I owe so much, and whose good opinion I desire to have. We all like to have the good opinion of our friends and neighbors. Some of us perhaps strive for it. We ought to do it. It is a commendable ambition. Some people have a better reputation than they deserve, and some people have not as good a reputation as they deserve. Character is what we are; reputation is what people say about us. Some people do not say as many nice things of us as they ought to say, as our character would justify them in saying. Therefore it is sometimes necessary that we should put ourselves right upon those questions as we understand them.

SOME MORE AUTHORITIES.

But I am going to give my friend from Kentucky two more authorities—and the library is full of those authorities. I am a layman, which is self-evident, and not a student of the law. Yet I like to read the works of Story and Cooley and other eminent law writers. Even Greenleaf on Evidence sometimes is interesting to me.
Mr. CHANDLER. Mr. President——
The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Hampshire?
Mr. PERKINS. Certainly.
Mr. CHANDLER. Inasmuch as the Senator from Connecticut and the Senator from Kentucky seem to think the Senator from California ought not to have cited eminent authority in his own State sustaining the Senator's contention and my contention as to the meaning of the clause in the Constitution as to vacancies, I think it ought to be stated that this book was compiled under the direction of the State board of education. I find the names of the board given on the second page: Henry H. Markham, James W. Anderson, Ira Moore, Charles W. Childs, and Edward T. Pierce.

I know nothing about them; but I think that while the argument may not be of more value, this authority sustaining our contention is just as valuable and the Senator is just as much entitled to cite it as the Senator from Michigan [Mr. BURROWS] has to cite, as he did the other day, the work of J. Randolph Tucker on the Constitution.
Mr. PLATT of Connecticut. Mr. President, the Senator——
The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Connecticut?
Mr. PERKINS. Certainly.

DIFFERENT READINGS OF THE CLAUSE.

Mr. PLATT of Connecticut. The Senator from New Hampshire entirely misunderstands the point of my remark or inquiry. As the book was read it seemed to me that it failed absolutely to sustain the contention of the Senator from California and the Senator from New Hampshire.
Mr. CHANDLER. That shows that the Senator does not read the clause in that book right, just as he does not read the clause in the Constitution right.
Mr. PERKINS. Mr. President, I wish to give another——
Mr. LINDSAY. I wish to say——
Mr. TILLMAN. The Senator from New Hampshire is the only infallible interpreter.
Mr. CHANDLER. Sensible men reading both clauses can put but one meaning upon them. The meaning that has been attached some times hitherto is a mistaken and erroneous one. This authority is not conclusive by any means. The Senator from California does not cite it as conclusive; but it is very respectable authority nevertheless.
Mr. PLATT of Connecticut. Indeed, it is.
Mr. LINDSAY. Mr. President——
The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Kentucky?
Mr. PERKINS. Certainly. I want light, Mr. President.
Mr. LINDSAY. I had no idea of questioning the propriety of the authority, but I did think it was proper to ask the Senator from California who had compiled the book which gave that interpretation to the Constitution, in order that I might ascertain of how much value the authority might be in determining this question.
Mr. PLATT of Connecticut. Now, this book says:

Vacancies from any State are filled by the legislature of that State, if the legislature is in session.

Mr. CHANDLER. If that language was in the Constitution, the Senator from Tennessee [Mr. TURLEY] concedes that the governor might make an appointment under the present circumstances.

NOT A CASE FOR DOUBT.

Mr. PERKINS. The point I wish to make in this connection is that if there had been any doubt in the mind of this State board of education, composed, as I said, of able lawyers, scholars, and students of political economy, they would have given the interpretation which my friend from Connecticut desires to give it.
Mr. CHANDLER. If the Senator will allow me one word, they would have written at the close of that statement, "It must, however, be understood that if a legislature has a chance to elect a Senator, tries to do it and does not do it, then the governor can not make the appointment."

Now, they did not write that into their account of the meaning of the Constitution, because it is not in the original Constitution, and never has been anywhere except in the vivid imagination of distinguished constitutional lawyers.
Mr. PLATT of Connecticut. And in the decisions of the Senate.
Mr. LINDSAY. Mr. President——
The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Kentucky?
Mr. PERKINS. Certainly.
Mr. LINDSAY. As the Senator from California says that the eminent gentlemen who prepared that book did not have the slightest doubt about the propriety of their interpretation, I will ask him when that book was prepared, whether before or since the Lee Mantle and the Corbett cases? I want to get at whether the opinion of a majority of the United States Senate did not even raise a question of doubt with them.

ANOTHER OPINION IN POINT.

Mr. PERKINS. Eighteen hundred and ninety-two is the date. But I want to give one other authority. My friend from Michigan cited innumerable authorities. I will now quote from one who was a Senator of the United States, George S. Boutwell, of Massachusetts. He is also an eminent writer. This book is entitled The Constitution of the United States at the End of the First Century, by George S. Boutwell. Under the chapter "Rights and privileges of members of Congress," he states as follows:

The gravest exercise of power over State authorities is to be found in the statute of 1866 (Stat. 14, 243), which reappears in the Revised Statutes, sections 14-17, inclusive. By that statute the legislatures of the respective States are required, on the second Tuesday after meeting and organization, to proceed to the election of a Senator whenever a vacancy exists or whenever a vacancy will occur previous to the next meeting of the legislature.

Each house is required openly and by a viva voce vote of each member present to name one person for Senator in Congress. On the next day the houses are required to meet in convention, the respective journals are to be read, and if each house has given a majority of votes for the same person his election is to be declared; but if no such majority appears, then the two houses are required to take at least one vote, and in case of a failure to elect, the houses are required to meet each succeeding day at 12 o'clock, meridian, and take at least one vote until an election shall have been made, or the session shall have come to an end.

I repeat the closing part of the last sentence:

Until an election shall have been made or the session shall have come to an end.

Senator Boutwell understood well that the governor had the power to fill vacancies when one happened to exist because of the legislature failing to elect. I say he understood it undoubtedly, or in this able work, from which he has achieved a national reputation as a writer, he would have qualified it and said a State shall have no more representation on this floor until the legislature meets again, because the legislature failed to perform its duty.

Another authority—and the Library, as I said, is full of them, although I selected only these three, with which I am familiar——

MR. TILLMAN AGAIN.

Mr. TILLMAN. Will the Senator from California allow me right there?
The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Carolina?
Mr. PERKINS. With pleasure.
Mr. TILLMAN. Is not ex-Governor Boutwell's book merely a reproduction of the statutes of the United States on that subject?
Mr. PERKINS. There is no quotation from them.
Mr. TILLMAN. I am somewhat familiar with the statute, and I know that it is practically that word for word, and that that requirement to meet day by day and take one ballot and all

that are from the statute. There is nothing in the Constitution about that.

Mr. PERKINS. He says until "the session shall have come to an end."

Mr. TILLMAN. I say that is the statute of the United States; and Congress could provide by statute, if it saw fit, that such vacancy should not be filled by executive action in such a contingency.

Mr. PERKINS. I will give you later on what PERKINS says.

Mr. PLATT of Connecticut. PERKINS from California?

Mr. PERKINS. Yes; from California. [Laughter.]

I have here a quotation from one whom I know my friend the Senator from Kentucky reveres. He is a great writer and one of the ablest jurists this country has ever known. I refer to Judge Thomas M. Cooley, doctor of laws, and in this book on the general principles of constitutional law he makes a statement similar to that which I have read from Governor Boutwell's treatise on the Constitution.

STRIVING AFTER A TECHNICALITY.

But I will not weary you by reading it, because, as I have stated, I want to give you my interpretation for what it is worth and to speak for California more particularly. I desire to show that my action is based upon the text-books from which we are teaching our students and young men in California who are to succeed us here, and if they are wrong, we want to correct them.

Mr. President, it seems to me from a layman's standpoint that it is straining hard after a technicality to construe the words in the Constitution to mean that a vacancy can only happen by death or resignation, and pay no heed to the word "otherwise." As well ask what was the original color of ink or the color of the goose from which the quill was plucked that wrote this particular section of the Constitution. It seems so to me from a layman's standpoint. Why should we strain after these technicalities?

The Constitution gives the President the power to appoint ambassadors, consuls, judges, and other Federal officers, "by and with the advice and consent of the Senate." This implies that the Senate has equal power with the President in making these appointments. It frequently happens, however, that the Senate does not consent to some of these appointments, and in many instances the President again reappoints the same person. During the recess of Congress I think one of the nominations now pending before the Senate—a United States district judge for North Carolina—has been made three different times, and the nomination has not yet been confirmed by the Senate.

Many similar instances occurred during the previous Administration, and no one has questioned the action or right of our Presidents. Why, then, should we be so technical in relation to the section of the Constitution which gives the governor the right to fill temporarily an existing vacancy in the Senate. Article II, section 2, Constitution, giving this authority, reads as follows:

> The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

INTERPRETATION OF THE WORD "HAPPENS."

It seems to me that the wise men and statesmen who framed the Constitution would have made no reference to the executive, giving him the power to appoint until the next meeting of the legislature, were it not that they realized the importance of having two Senators always from each State. I think the difference of opinion, in a great measure, grows out of the difference in the interpretation of the meaning of the word "happens." Underlying all the shades of meaning of the verb "to happen" is the idea of existence. It is not the idea of beginning. A condition may happen to begin—may happen to come into existence—or it may simply happen to exist some time after it has happened to begin. It seems to me there can be no other logical interpretation placed upon this sentence. A vacancy may simply happen to exist, which it does in the case where the legislature has failed to elect. It happens to exist. Why? Because the legislature failed to elect.

It is in this latter sense that, when we take into consideration the intent of the founders of the Constitution, we are compelled to take the word "happens" as it occurs in the clause just given. If it was designed that the clause should mean "if vacancies happen to begin," etc., there would plainly be a limitation upon the power of the governor to appoint, and therefore there would be left a chance that at some time a State might be deprived of its full representation in the Senate.

But clearly it was not the intention of the convention that there should be any chance for such inequality to exist, and we must take the word "happens" in the other sense, which will make the clause mean "if vacancies happen to exist," etc. With this interpretation there can be no doubt as to the power of a governor to appoint after a legislature has failed to elect, and this is according to the spirit of the Constitution and according to the spirit of its framers. It seems to me, therefore, that the denial of the power of a governor to appoint when a vacancy has begun during the session of a legislature which has failed to elect is repudiation of that great fundamental idea of equality on which our institutions are based.

THE STATES SHOULD BE ASSURED FULL REPRESENTATION.

But, Mr. President, is it not wise for Congress to say, by its action, to the legislature of the different States, "The people shall not be deprived of their representation on the floor of this Senate by your neglect; if you fail to elect, then the governor's appointee shall be seated?" It may frequently happen that the governor would not select the same gentleman that the legislature would have done. It is possible, had the governor of Nebraska convened the legislature, which he had the right to do, that we would have been deprived of the counsel and experience of the distinguished Senator from Nebraska [Mr. ALLEN], who, I regret to see, is temporarily absent. That the governor acted wisely no one for a moment questions. I believe that our country has less to fear in placing individual responsibility than in distributing it among a a great many.

No one who, as judge, has the final decision of a law case, or, as chief executive of the nation or of a State, the appointments to office, the power to pardon, grant reprieves, or commute the sentence of one who has violated the law, but is deeply impressed with the great individual responsibility resting upon him. He alone must take the responsibility; he can not share it with another.

I venture the assertion that there is not a Senator on this floor who, as governor of his State, has had sent to him petitions for executive clemency, where the penalty was death, who has not spent days and nights considering the transcript on appeal and praying for light to aid him in the performance of a most responsible and solemn duty. I know this has been my experience. I have passed through this great, trying ordeal. I have experienced as the executive of my own State a greater responsibility than I have ever felt in any other place, when I realized the fact that the life and liberty of an individual could be decided by only one—myself—who had been temporarily given the power.

RESPONSIBILITY OF A GOVERNOR.

No one can feel this responsibility without acting conscientiously and finding the approval of his own conscience, praying for light from Heaven to guide him in the performance of his duty, that he may do justice to the people, justice to the accused, justice in accordance with the obligations of the oath he has taken as the executive of a great State. No one, as I have stated, can have been placed in this trying and responsible place without feeling that it was a very great ordeal. The governor of a State is not a hereditary ruler, responsible, under the decayed doctrine of divine right, only to God. He is in the most emphatic degree the mere servant of the people and responsible to them for his public acts. In his high office he can not do as he pleases; he must do as the people please, or suffer the weight of that punishment which they have the power to inflict and which few men will willingly incur.

Yet the argument of many in this contest implies that the governor of a great State will in making an appointment to the highest legislative body in the world do so without giving due thought and consideration to the wishes of the people. Do we forget that the governor is elected by the whole people of the State; that his election is the result of the popular vote of the Commonwealth, while the members of the legislature are elected by circumscribed districts? We should remember that the governor is as near and in as close touch with the people as are the members of the legislature, and he must realize that if he acts contrary to their wishes, to public sentiment, the people will surely rebuke and censure him at the polls.

Great wrong and injustice may be done a Commonwealth when deprived of its full representation in the Senate. At the last session of Congress one vote decided the ratification of the Paris treaty of peace and ended the war with Spain. In the present Congress many treaties with other countries have been considered, while legislation of the greatest importance has been pending. The civil government of Hawaii, Porto Rico, Alaska, the financial bill, the shipping bill, Nicaragua Canal bill, and many other measures affecting the welfare of our country are or have been before us for consideration, and no State is more deeply interested in a satisfactory solution of these difficult and perplexing problems than the great State of Pennsylvania.

No possible wrong or harm can be done by seating the appointee of the governor of any State, as in but very few instances can the appointment hold for more than one year, and in this appointment it can only continue a few months, when the legislature of Pennsylvania will again convene in session and either indorse or repudiate the action of the governor.

A CHANGE IN METHODS OF ELECTION NECESSARY.

That there can arise from a provision of our Constitution a question of such vital importance to us as a nation is self-evident

proof of the necessity for a constitutional amendment. This case before the Senate is only one of the many which, to my mind, show the need of a change in the method of electing United States Senators. The present method places the choice too far from the people, and in consequence the rights of the people are in danger of being disregarded.

It is year by year becoming more obvious that the election of Senators must be placed in the hands of the people themselves instead of in the legislatures. We must get back to the fundamental idea of equality; we must remove all chances for scandals; we must come nearer the people; we must be in touch and in sympathy with their aspirations and wishes; we must by constitutional amendment give the voters of the United States the power to elect by their own votes the men who are to represent them in this Chamber.

Mr. CHANDLER. Mr. President, on two previous occasions I have spoken at length upon this constitutional question, and I have very little to say except in repetition of what I then said. I have some desire to make allusion to the eloquent and lengthy discourse a few days ago of the Senator from Michigan [Mr. BURROWS]. Few as my words shall be, I am aware that it is getting late in the afternoon. Saturday afternoon is one of the times when Senators are unwilling to stay, and I think perhaps I had better refrain from speaking now and proceed on Monday forenoon. The Senator from Connecticut [Mr. PLATT] intends to speak, and at least for this afternoon I yield to him.

Mr. PLATT of Connecticut. I do not know, Mr. President. I think, after the suggestion of the Senator from New Hampshire that he preferred not to speak in a thin Senate on Saturday afternoon, when Senators make a sort of half holiday of the occasion, I would scarcely be expected to go on at present.

There is another suggestion which I should like to make. That other observation is this: I had desired to hear what the Senator from New Hampshire, who is chairman of the Committee on Privileges and Elections and heads the minority report in this case, would say upon it; not that I felt that I should be able to answer him, but I should like to know from his own lips before I speak what his position is or is to be. I think a better arrangement is that the Senator, immediately after the routine business on Monday morning, shall go forward with his speech, and I will endeavor to follow him with some short remarks.

Mr. CHANDLER. I was in hopes that I would entice the Senator from Connecticut to go on and speak before I did. Under the circumstances I will not speak this afternoon, but will move an executive session.

Mr. PETTUS and Mr. DANIEL addressed the Chair.

Mr. CHANDLER. I yield to the Senator from Alabama.

Mr. PETTUS. I was not desiring to avail myself of the floor, except merely to move an adjournment.

Mr. CHANDLER. Then I yield to the Senator from Virginia.

PUBLIC BUILDING AT NEWPORT NEWS, VA.

Mr. DANIEL. I ask leave of the Senate to call up for present consideration the bill (S. 2572) to amend an act entitled "An act for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Newport News, Va.," approved February 21, 1899.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 4, before the word "thousand," to strike out "fifty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the act approved February 21, 1899, entitled "An act for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Newport News, Va.," be, and the same is hereby, so amended as to direct the Secretary of the Treasury, in acquiring the site and in erecting said building, in addition to the uses therein provided for, to provide suitable court rooms, clerks' offices, marshals' offices, and all other necessary and convenient quarters for the Federal courts and officers in all courts authorized now or hereafter to be held at said point; and an additional sum of $120,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay for such additions and changes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM PENNSYLVANIA.

Mr. PETTUS. I move that the Senate adjourn.

Mr. PENROSE. I wish to ask the Senator to yield to me for one moment to make a statement in reference to the Pennsylvania case.

Mr. PETTUS. I withdraw the motion.

Mr. PENROSE. Mr. President, I think it should be understood by every member of the Senate that the Quay resolution shall be taken up immediately after the reading of the Journal and the disposal of routine morning business upon Monday next. I understand from the information I can receive that there are at most two or three speeches to be made in favor of the minority report of the committee. How many are to be made on the other side I do not know; but there can be little doubt that if Monday and Tuesday are devoted to the consideration of this question all the debate can be indulged in that is required by the nature of the case or by the wishes of any Senator. I hope that will be the understanding of the Senate.

Mr. PETTUS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, April 23, 1900, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 21, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order, which is for the further consideration of the naval appropriation bill. The Clerk will read the first amendment.

The Clerk read as follows:

In line 9, page 1, of the bill, after the word "pay," insert "and allowances prescribed by law."

The SPEAKER. The question is on agreeing to the amendment.

Mr. UNDERWOOD rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. UNDERWOOD. I rise for the purpose of withdrawing my demand for a separate vote on each amendment; and in making that request, I wish to say a few words to define my position. I ask unanimous consent that I may have three minutes for that purpose.

The SPEAKER. The gentleman from Alabama withdraws his demand for a separate vote on each of the amendments, and asks unanimous consent of the House to be heard for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, I merely wish to say that in demanding a separate vote on each amendment last night, I did so because I felt that on this side of the House we had not had an opportunity for a fair and reasonable discussion of the proposition before the House. It was intimated when the question came up that we were to have two hours' debate on the armor-plate question. When the point was reached we were denied that privilege. In discussing the point of order, when I was strictly in order—and any gentleman who examines the RECORD will see that every word I stated was directly on the point of order and not outside of it—the House refused to allow me to proceed.

Under such circumstances there is but one remedy that the minority can resort to, and that is to let the majority know that it will not expedite the bill or make time if it undertakes to throttle a fair and reasonable hearing on the part of the minority. For that reason I demanded a separate vote on each amendment. Having demonstrated, I think, to the satisfaction of the gentlemen on that side that they have not by their course expedited their bill, there is no reason for us to continue these tactics, and I therefore withdraw the demand for a separate vote.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that I may have three minutes.

Mr. WHEELER of Kentucky. In reply only to what the gentleman from Alabama has said?

Mr. FOSS. In reply to what he has said.

Mr. RIDGELY. I would like unanimous consent, Mr. Speaker, to make a request.

Mr. FOSS. Well, Mr. Speaker, I will withdraw my request.

The SPEAKER. Does any other gentleman desire a separate vote on the amendments?

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois may have the three minutes he desires.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the gentleman from Illinois [Mr. Foss] may have three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Mr. Speaker, I want to state, in reply to what the gentleman from Alabama has said, that I was perfectly willing there should be general debate on some of the provisions of this bill, and I so stated. But when the time came to arrange for general debate, I was unable to get an agreement. Gentlemen upon the other side had repeatedly attempted to delay this measure and had insisted upon attempting to overrule the decisions of the Chair, so that I was placed beyond the pale of making an agreement with the gentlemen upon the other side. When I tried

to make an arrangement, and when the gentleman from West Virginia [Mr. DAYTON] agreed to have a general debate of fifty minutes, thirty minutes of which was to be controlled by the other side and twenty minutes by this side, the gentleman from Alabama threw out a remark which raised the righteous indignation of the gentleman from West Virginia [Mr. DAYTON], and then all attempts for an agreement on general debate ended.

Mr. UNDERWOOD. The gentleman will recognize the fact that we stated on this side that we desired an hour's debate. [Cries of "Regular order!"]

Mr. RIDGELY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas address the Chair?

Mr. RIDGELY. I will not at this time, Mr. Speaker, call for a separate vote; but I do ask, in view of the fact that we on this side have been denied the privilege of discussion, that I be allowed to print a letter and some remarks that I would have presented upon the bill had I been permitted.

The SPEAKER. The gentleman from Kansas asks permission to print some remarks upon the bill. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time.

Mr. VANDIVER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. VANDIVER. I rise for the purpose of offering a resolution which I send to the Clerk's desk, a motion to recommit the bill with the following instructions.

Mr. FOSS. I reserve a point of order.

The SPEAKER. The resolution will be read for the information of the House and the Chair.

Mr. VANDIVER. Allow me to preface the motion by saying that it is not exactly the same proposition that we offered yesterday and which was ruled out of order. We offer this morning this motion on behalf of the minority members of the committee as a compromise, more particularly because some members of the minority thought it a better proposition and one not so likely to meet with disfavor, because it shows our intention to be reasonable and even abundantly liberal, so far as providing armor for the vessels now waiting for armor. I am directed by the minority to present this as a compromise or an alternative proposition. If you defeat it or strike it out on a point of order, you are responsible for leaving the vessels without the armor.

Mr. FOSS. I make the point that debate is not in order.

The SPEAKER. The point of order is well taken. The Clerk will report the proposition of the gentleman from Missouri [Mr. VANDIVER] for the information of the House.

The Clerk read as follows:

Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by act of March 2, 1895; for those authorized by the act of June 10, 1896; for those authorized by the act of March 3, 1897; for those authorized by the act of May 4, 1898; for those authorized by the act of March 3, 1899, and for those authorized by this act, $4,000,000: *Provided*, That in contracts for armor plate for any of the vessels above mentioned, the Secretary of the Navy is authorized to procure armor of the best quality at an average rate not to exceed $445 per ton of 2,240 pounds, including royalties. If, after due advertisement, the Secretary of the Navy should be unable to contract for such armor designated above, then, and in that event, the Secretary of the Navy is authorized to procure armor of the best quality for the battleships *Maine*, *Ohio*, and *Missouri*, now awaiting armor, and to pay therefor not to exceed $545 per ton of 2,240 pounds: *Provided further*, That if the Secretary of the Navy finds, after due advertisement, that armor plate of the best quality can not be purchased from private manufacturers of armor plate for $445 per ton of 2,240 pounds, then, and in that event, he is hereby directed to procure or purchase a suitable site and erect thereon an armor-plate factory, at a cost not to exceed $4,000,000; and to carry out the purposes of this provision the sum of $2,000,000 is hereby appropriated and made immediately available, out of any money in the Treasury not otherwise appropriated. The following restriction, under the heading, "Armor and armament," in the act approved March 3, 1899, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1900, and for other purposes," namely, "*And provided further*, That no contract for the armor for any vessels authorized by this act shall be made at an average rate exceeding $300 per ton of 2,240 pounds, including royalties," is hereby removed, and the Secretary of the Navy is authorized to let the contracts for the vessels therein referred to, subject to all other requirements relating to the same as contained in said act of March 3, 1899, except as to sheathing and coppering, which is hereby made discretionary with the Secretary of the Navy.

Mr. FOSS. I make the point of order that it is not in order to move to recommit the bill with instructions to bring in a provision which is in violation of Rule XXI.

Mr. VANDIVER. I would like to be heard on the point of order.

The SPEAKER. The Chair does not wish to hear the question discussed, as he is ready to decide it.

This motion to recommit contains propositions which would not be in order if offered as amendments upon this bill in the Committee of the Whole or in the House. It has been long and well settled that there can not be referred to the committee, to be added to a bill as an amendment, a proposition which would not be in order if offered as an amendment in the Committee of the Whole or the House. This rule has been established to prevent circuity of action. The Chair therefore sustains the point of order and declares the motion of the gentleman from Missouri out of order.

Mr. VANDIVER. Will the Chair allow me——

The SPEAKER. The Chair has decided the question; and debate is not in order.

Mr. VANDIVER. Then I rise to a parliamentary inquiry. As the Chair has announced his decision on this question, I wish to know whether he would now entertain a motion to recommit generally, without instructions.

The SPEAKER. The gentleman has made one motion to recommit; and only one such motion is in order.

Mr. VANDIVER. That motion was ruled out of order. A motion which is ruled out of order can not be considered as a motion offered under the rule.

The SPEAKER. On that view of the case the Chair is rather disposed to hold that a motion to recommit generally would be in order.

Mr. VANDIVER. Then, Mr. Speaker, I move that the bill be recommitted.

The question being taken on the motion of Mr. VANDIVER, it was not agreed to; there being—ayes 55, noes 95.

The question being taken on the passage of the bill, it was passed.

On motion of Mr. FOSS, a motion to reconsider the last vote was laid on the table.

COMPENSATION OF UNITED STATES COMMISSIONERS.

Mr. LANHAM. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10840) providing compensation to United States commissioners in Chinese deportation cases.

Whereas United States commissioners are by law required to take cognizance of Chinese deportation cases, issue warrants for their arrest, hear the cases, enter final judgment therein, and issue orders of deportation in case of final judgment that the Chinese person has no right to remain within the United States; and

Whereas there is no compensation provided by law, as held by the Attorney-General and the Auditor, for the hearing of such cases; and

Whereas there is no compensation provided by law for such orders of deportation: Therefore,

Be it enacted, etc., That hereafter there shall be allowed to the several commissioners of the United States for services in Chinese deportation cases the same fees and per diem as is now chargeable in criminal cases before them, and for an order of deportation the sum of $2 in each case, to be taxed and collected in the same manner as other accounts are now payable by law.

SEC. 2. That this act shall take effect from the date of passage.

The amendments reported by the Committee on the Judiciary were read, as follows:

Strike out the preamble.

Strike out, in lines 1 and 2, on page 2, the words "and for an order of deportation the sum of $2 in each case."

Strike out section 2.

Mr. PAYNE. I understand that this bill has been reported from the Committee on the Judiciary?

Mr. LANHAM. It is a unanimous report. The reasons for the passage of the bill are clearly stated in the preamble—to allow the United States commissioners compensation for services rendered in connection with the deportation of Chinese found unlawfully within the United States. The accounting officers of the Treasury have decided that under the existing law, such cases being held to be civil cases, they can not make any allowance of compensation for such services.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LANHAM, a motion to reconsider the last vote was laid on the table.

BRIDGES ACROSS OCMULGEE AND OCONEE RIVERS, GEORGIA.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10097) to authorize the Atlantic and Gulf Short Line Railroad Company to build, construct, and maintain railway bridges across the Ocmulgee and Oconee rivers within the boundary lines of Irwin, Wilcox, Telfair, and Montgomery counties, in the State of Georgia.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read. It provides that the Atlantic and Gulf Short Line Railroad Company, a corporation duly incorporated and existing under and by virtue of the laws of the State of Georgia, be and is authorized to construct, build, and maintain across the Ocmulgee River a railroad bridge for the passage of railroad engines and cars, at such point as may be selected by said company and approved by the Secretary of War, within Irwin, Wilcox, and Telfair counties, in the State of Georgia.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments recommended by the Committee on Interstate and Foreign Commerce were read, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BARTLETT, a motion to reconsider the last vote was laid on the table.

LIGHT AND FOG SIGNAL, DELAWARE BAY.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9566) authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to establish a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay, at a cost not exceeding $30,000.

The SPEAKER. Is there objection to the present consideration of the bill?

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WANGER, a motion to reconsider the last vote was laid on the table.

BRIDGE OVER BIG SANDY RIVER BETWEEN WEST VIRGINIA AND KENTUCKY.

Mr. JOHNSON. Mr. Speaker, I ask for the present consideration of the bill (S. 4051) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky.

The bill was read. It provides that it shall be lawful for the Ohio Valley Electric Railway Company, a corporation organized under the laws of the State of West Virginia, to construct and maintain a bridge, and approaches thereto, over the Big Sandy River from a point in the town of Kenova, W. Va., to a point in the town of Catlettsburg, Ky.; that said bridge may be constructed to provide for the passage of railroad cars, wagons, and vehicles of all kinds, for the transit of animals, foot passengers, and all kinds of commerce, travel, or communication; and said corporation may charge and receive reasonable tolls therefor, subject to the approval of the Secretary of War, and to such changes as he may think proper from time to time.

The SPEAKER. This bill is in order, being a Senate bill——

Mr. DALZELL. One moment, Mr. Speaker.

Mr. PAYNE. Has the House committee reported a similar bill?

The SPEAKER. It is a Senate bill, with a similar House bill reported by the House committee, carrying no appropriation.

Mr. JOHNSTON. The committee have reported the House bill unanimously.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JOHNSTON, a motion to reconsider the last vote was laid on the table.

On motion of Mr. JOHNSTON, the corresponding House bill was ordered to lie on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 222) to provide a government for the Territory of Hawaii, had further insisted upon its disagreement to the amendment of the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. CLARK of Wyoming, and Mr. MORGAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep and profound sorrow of the death of Hon. LORENZO DANFORD, late a Representative from the State of Ohio.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to his eminent public services and high personal character.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, As a further mark of respect to the memory of the deceased, the Senate do now adjourn.

AGNES K. CAPRON.

The SPEAKER laid before the House the bill (S. 1906) granting an increase of pension to Agnes K. Capron, with a House amendment, disagreed to by the Senate.

Mr. LOUDENSLAGER. I move that the House insist on its amendment and agree to the conference requested by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. STANLEY W. DAVENPORT.

LILLIAN CAPRON.

The SPEAKER laid before the House the bill (S. 1905) granting an increase of pension to Lillian Capron, with a House amendment, disagreed to by the Senate.

Mr. LOUDENSLAGER. I move that the House insist on its amendment and agree to the conference requested by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. STANLEY W. DAVENPORT.

SECTION 953, REVISED STATUTES.

The SPEAKER laid before the House the bill (H. R. 8366) to amend section 953 of the Revised Statutes, with a Senate amendment thereto.

Mr. JENKINS. Mr. Speaker, I move that the House nonconcur in the Senate amendment, and agree to the conference asked for by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. JENKINS, Mr. KAHN, and Mr. TERRY.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

The SPEAKER laid before the House the bill (H. R. 4604) to amend the charter of the East Washington Heights Traction Railroad Company, with Senate amendments thereto.

Mr. JENKINS. I move that the House agree to the Senate amendments.

The motion was agreed to.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 10449. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BISHOP, for ten days, on account of important business.

To Mr. CROMER, for ten days from April 23, on account of important business.

AMERICAN REGISTER FOR STEAMSHIP GARONNE.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3465) to provide an American register for the steamship *Garonne*.

The SPEAKER. The Chair would advise the gentleman from Washington that the Senate bill does not seem to be here. It has not come over from the Senate, and it has not been reported from the committee.

Mr. JONES of Washington. The committee of the House reported a similar bill.

The SPEAKER. That is a House bill; but the Senate bill is not here.

Mr. JONES of Washington. I supposed it was. It passed the Senate several days ago.

The SPEAKER. It has not been reported from the committee.

BROOKLYN FERRY COMPANY, OF NEW YORK.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the consideration of the bill S. 3535, which is on the Speaker's table. A similar bill has been reported by the House committee.

The Clerk read as follows:

A bill (S. 3535) for the relief of the Brooklyn Ferry Company, of New York.

Be it enacted, etc., That the claim against the United States of the Brooklyn Ferry Company, of New York, a corporation organized and existing under the laws of the State of New York, with its principal place of business in the borough of Brooklyn, city of New York, owner of the ferryboat *New York*, for damages caused by collision between the said ferryboat and the U. S. S. *Dolphin*, in the East River, near Brooklyn, on the 1st day of August, 1899, may be sued for by the said ferry company in the United States district court for the eastern district of New York sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such a suit and to enter a judgment or decree for the amount of such damages, if any shall be found to be due, against the United States in favor of the said ferry company, upon the same principles and measure of liability, with costs and interest, as in like cases in admiralty between private parties, and with the same rights of appeal.

SEC. 2. That such notice of the suit shall be given to the Attorney-General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney-General to cause the United States attorney in such district to appear for and defend the United States.

SEC. 3. That should damages be found to be due the said ferry company, the amount of a final decree therefor shall be paid out of any money in the United States Treasury not otherwise appropriated.

Mr. GAINES. What is this lawsuit about?

The SPEAKER. Is there objection?

Mr. CANNON. I would like to know what it is about?

Mr. SHERMAN. I will be glad to make an explanation.

Mr. TERRY. Reserving the right to object, I would ask the gentleman to make an explanation.

Mr. SHERMAN. In August, 1899, the *Dolphin* collided with the ferryboat *New York* in the harbor of New York. It is claimed by the ferry company that the accident was by the fault of the *Dolphin*. This bill permits the ferry company to prosecute their claim in the United States district court for the southern district of New York, and if the judgment is obtained by that company against the United States—and of course, in order to obtain a judgment, it must be established that the fault was with the *Dolphin*—then it appropriates the money to pay the damage.

Mr. CANNON. I will ask the gentleman whether there was a board that examined into this matter. In the Revised Statutes there is a provision that a board shall take this matter into consideration and report.

Mr. SHERMAN. Not that I am aware of. I am not sure about that.

Mr. CANNON. I have no doubt that there was.

Mr. SHERMAN. I think it has never been acted upon. That is my recollection; but I am not sure.

Mr. CANNON. Then they ought to exhaust their remedy. I will say there is a provision of law that applies to all this class of cases. It authorizes the appointment of a board to take into consideration as to whether there was negligence upon the part of the officers of the United States or not.

Mr. FITZGERALD of New York. A naval board was appointed, and that board exonerated the officers of the Navy.

Mr. CANNON. Then that is an end of it.

Mr. FITZGERALD of New York. The naval board always exonerates the naval officers. It is an ex parte board.

Mr. CANNON. On the contrary, they do not always exonerate them. Every session of Congress there come many findings that are appropriated for substantially as a matter of course, and that is the remedy; and this is the first time that I ever have heard of an action being brought like this. It is a mere claim, and ought not to be sent to the court, because the other remedy is provided, and they have resorted to the other remedy and failed.

Mr. FITZGERALD of New York. If the gentleman will permit me, the owners of this boat have no redress before this board. This board is appointed by the Navy Department to ascertain for the information of the Navy Department as to whether any of its officers are guilty of negligence. The owners of the vessel have no standing there. They have no opportunity to present their case, as they would in a court of law. This merely authorizes the district court of the southern district of New York, sitting as a court of admiralty, to determine the question.

Mr. CANNON. Oh, certainly.

Mr. FITZGERALD of New York. If the *Dolphin* had been owned by private individuals they could have gone to court and litigated the question between them; but as it is a Government boat it is necessary to have a special act.

Mr. TERRY. Does that bill come from the Committee on the Judiciary?

Mr. SHERMAN. It comes from the Committee on Claims, which favorably reported a House bill. The Senate bill has not been reported to the House, but an identical House bill has been favorably reported.

The SPEAKER. Is there objection?

Mr. CANNON. Well, I will say, touching this matter, for the reason referred to, and, in addition to that, the unheard-of thing of appropriating beforehand an indefinite appropriation to pay, the rule being if the United States has a judgment rendered against it that the judgment shall be certified, I feel quite sure that if this matter is looked into they have had their remedy and failed; and I do not want this bill to pass without time for carefully examining it.

The SPEAKER. Objection is made.

GOVERNMENT FOR HAWAII.

The SPEAKER. The Chair lays before the House the Hawaiian conference bill.

The Clerk read as follows:

Resolved, That the Senate further insist upon its disagreement to the amendments of the House of Representatives to the bill (S. 222) to provide a government for the Territory of Hawaii, and asks for a further conference with the House on the disagreeing votes of the two Houses thereto.

Ordered, That Mr. CULLOM, Mr. CLARK of Wyoming, and Mr. MORGAN be the conferees on the part of the Senate.

Mr. KNOX. Mr. Speaker, I move that the House further insist upon its amendments and agree to the conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. KNOX, Mr. HITT, and Mr. MOON.

BRIDGE ACROSS TALLAHATCHIE RIVER, MISSISSIPPI.

Mr. SPIGHT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3934) to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. SPIGHT, a motion to reconsider the last vote was laid on the table.

Mr. SPIGHT. I ask that House bill 9924 be laid on the table.

The SPEAKER. Without objection, this order will be made.

There was no objection.

STEAMSHIP GARONNE.

Mr. JONES of Washington. Mr. Speaker, I ask that the Committee on Merchant Marine and Fisheries be discharged from the consideration of Senate bill 3465, to provide an American register for the steamship *Garonne*, and I ask unanimous consent for its present consideration.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamship *Garonne*, owned by Charles Richardson, of Tacoma, State of Washington, and Frank Waterhouse, of Seattle, State of Washington, citizens of the United States, to be registered as a vessel of the United States.

The SPEAKER. The gentleman from Washington asks unanimous consent for the discharge of the House committee from the consideration of Senate bill 3465, just reported. Is there objection?

Mr. PAYNE. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman why this vessel can not be registered under the present law?

Mr. JONES of Washington. She can not be registered under the present law without a special act. The repairs on the vessel are almost equal to her full value; the repairs amount to about $50,000 and the value of the vessel is $60,000. I will say that in 1898 the vessel was engaged in the Alaska trade, carrying American goods from Victoria, under certificates of export given by the Department for exportation, to Vancouver and then to Alaska.

Afterwards it was decided that none of these certificates should be issued, and the representative of the owners of this vessel came here and arranged with the Treasury Department by which the objections could be obviated; and after they had secured 165 passengers and 800 tons of freight, the Treasury changed the ruling again and cut them out. The whole matter has been investigated by the Senate, and it passed unanimously. It has been investigated by our committee, and we think the equities are very strong. The report is very full and sets out all the facts. The Secretary of the Treasury recommends the passage of the bill.

Mr. PAYNE. Were the repairs made in an American shipyard?

Mr. JONES of Washington. Yes; at Seattle.

Mr. PAYNE. She was never wrecked or anything of that kind?

Mr. JONES of Washington. No.

Mr. PAYNE. Simply a foreign vessel brought to an American shipyard and repaired?

Mr. JONES of Washington. Yes; but the special equities are very strong and her owners are Americans.

Mr. PAYNE. The special equities seem to be that the owner had some advantage over other foreign owners for being allowed under the Treasury regulations to engage in that trade.

Mr. JONES of Washington. No; all vessels were allowed to engage in it; but the Treasury Department changed its ruling and said that they would not allow export certificates to issue. I will say that this vessel was chartered by the United States Government and the charter is about expiring.

Mr. PAYNE. For what purpose was she chartered?

Mr. JONES of Washington. To transport troops to the Philippine Islands. The report on this bill is long, but it will explain the whole matter fully. The Senate investigated it thoroughly, and it passed unanimously.

Mr. RICHARDSON. Has the bill been reported from the committee?

Mr. JONES of Washington. Yes; unanimously.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

Mr. JONES of Washington. Mr. Speaker, I move that the House bill 10656, similar in character, lie on the table.

The SPEAKER. The gentleman from Washington asks that the House bill 10656, similar in character, lie on the table. Without objection, that order will be made.

There was no objection.

EULOGIES ON THE LATE REPRESENTATIVE EVAN E. SETTLE.

The SPEAKER. The Chair calls attention of the House to the special order set for 1 o'clock, which is the eulogies upon the life

and character of the late Representative SETTLE, of Kentucky, and will recognize the gentleman from Kentucky, Mr. GAYLE.

Mr. GAYLE. Mr. Speaker, I ask for the adoption of the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the business of the House be now suspended in order that suitable tribute be paid to the high character and eminent public services of the Hon. EVAN E. SETTLE, late a distinguished member of the House of Representatives of the United States from the State of Kentucky.

Resolved, That as a mark of respect for the memory of the deceased, the House, at the conclusion of these memorial exercises, shall stand adjourned.

Resolved, That the Clerk of the House transmit a copy of these resolutions to the family of the deceased statesman.

Resolved, That the Clerk communicate these proceedings to the Senate.

The resolutions were unanimously agreed to.

Mr. BERRY. Mr. Speaker, before these eulogies begin, I ask that gentlemen who have desired to speak on this occasion and who are now absent may be permitted to print their remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. BERRY]? The Chair hears none.

Mr. GAYLE. Mr. Speaker, the sad duty devolves upon me of supplementing the resolutions just offered with a brief summary of my predecessor's short but remarkable career.

Born in Franklin County, Ky., in the year 1848, the earlier years of his life were spent in the cities of Frankfort and Louisville, Ky. He graduated from the Louisville Male High School at the age of 18, and immediately came to Owenton, Owen County, Ky., to begin the battle of life. He accepted the position of deputy county clerk, and a year later, by a special act of the Kentucky legislature, he was granted license to practice law.

His unusual ability as a lawyer, combined with his extreme youth, attracted immediate attention, and he was soon the acknowledged leader of the Owenton bar. For thirty years he followed successfully the practice of law and was considered one of the most powerful advocates of his State. He served two terms as county prosecuting attorney and was elected for a third term, but resigned to accept a seat in the Kentucky legislature, where he served with distinction for two terms. In 1894 he became a candidate for Congress—virtually forced into the race by those who knew and admired his ability and recognized his peculiar fitness for the office. Although defeated, he had conducted his canvass on such a high plane as to thoroughly win the admiration and respect of his district, and the Democratic nomination for the Fifty-fifth Congress was procured with but little effort.

As a proof of the high esteem in which he was held by his party, the nomination for the Fifty-sixth Congress was given him without opposition. He represented a district that for more than half a century had been famous for the illustrious statesmen it had furnished. The eloquence of its Representatives had become proverbial. More was expected from the member from the "Old Ashland" district because of the fame of those who had gone before.

I shall leave to those who were with him in the Fifty-fifth Congress to say how well he sustained the reputation of his district during his short career. There are few men that I can recall that, for so short a period of service in national politics, were more extraordinary than EVAN E. SETTLE. A man of the highest order of intellect, quick, discriminating, comprehensive. Possessing all the attractiveness of the orator, the impressions he made were deep and lasting. His memory was retentive, his voice clear and ringing, and his delivery pleasant, his manner and general bearing attractive, and his personal appearance in any assembly would command attention. His addresses on this floor and at the banquet tendered Governor Roosevelt at Chicago were sufficient to place his name on the national roster of orators.

It is a peculiarly sad thought to contemplate the death of one so well fitted to render his country great service. Standing upon the threshold of a brilliant career; endowed with a strength and robustness of brain and body that gave him confidence in himself and his ability to gratify his highest ambition in public life; surrounded by a family he adored; firmly established in the hearts of his people, he confidently anticipated triumphs yet to be. His constant and exhausting labors for his party in the late bitter campaign in Kentucky had just ended—labors that had doubly endeared him to his party associates. He had just returned to his home for a few days' rest before coming to Washington to enter upon his official duties when he received a higher summons to "come up hither." He passed away so suddenly, so unexpectedly, that we who knew and loved him best can even now scarcely realize that he is no more.

We buried him in the little cemetery on a hill overlooking his modest home, among the scenes of his youth and early manhood, near those whom in life he loved so well, beneath the sod of his beloved "Sweet Owen;" and, though his career was finished before it was well begun, we feel that his life has not been in vain. The sphere of his influence will extend beyond the grave, and others with whom the battle of life is not easy and the prospect at the beginning is not bright will learn from his life that true merit will win and that wealth is not always essential to political success.

While the nation and his native State mourn his untimely death, it is upon his family that the severest blow has fallen. Whatever can be said of EVAN E. SETTLE as lawyer, orator, and statesman, pales when compared with him as husband and father. It was only at his own fireside that his full measure could be taken. He was never happier than when surrounded by his loving wife and interesting children, and no days of labor ever so worried him, no problem ever so vexed him, that his mind and heart turned not to them, and a smile of peace wreathed his face when he heard the prattle of his little ones as his shadow fell across the threshold of his happy home.

May the "Father of the fatherless and the Judge of the widows" be with them and comfort them.

Mr. ADAMSON. Mr. Speaker, it is not usual for me to speak on such occasions in this House, nor would I make mere formal offering now, but with gratitude and love for a true and valued friend, "faithful and just to me," I would render heartfelt tribute to the memory of EVAN E. SETTLE. Should it be the will of Heaven that I must be gathered to my fathers while serving in this high place, I would that no man should speak in my funeral or eulogy, save as moved by like sentiments of affection and sorrow.

Prior to our association in the Fifty-fifth Congress, which we entered together, I had no personal acquaintance with Mr. SETTLE. True, his reputation had been established as an able campaigner and eminent lawyer, but of his private character and personal history I knew nothing. Our acquaintance, however, rapidly ripened into friendship, which deepened and strengthened until the end of his life. I was frequently his guest, and to him and his delightful family, loved by him with a devoted self-effacement next to adoration, I became indebted for many happy and profitable hours, his ready and varied learning, equipping and enriching the most splendid common sense, rendering his suggestions valuable on all important questions. Modest and reserved, yet vigilant and zealous, he asserted his own rights and protected the interests of those whom he represented. Studious and industrious, giving attention to substance as well as taste and style, he was eloquent and ornate without sacrifice of logic, sense, or force. Scrupulously correct and decorous in his intercourse with others, he was too magnanimous to offend the weakest, while his dauntless nobility of soul would defy and despise the strongest if that strength dared attempt wrong or oppression.

It is often the misfortune of greatness to shrink and dwarf on near approach, but he was one of the few really great men I have ever known who appeared better and greater with longer and better acquaintance. He would have been at home in the ideal Congress described by the satirist as—

> The honored scene
> Of patriot deeds, where men of solemn mien,
> In virtue strong, in understanding clear,
> Earnest though courteous, and though smooth sincere,
> To gravest counsels lent the teeming hours,
> And gave their country all their mighty powers.

Well do I remember the fateful day when the sad tidings of his death came, too late for me to reach his funeral, and how my soul went out in sympathy to his stricken family, most sorely bereaved by a loss irreparable to us all. Most deeply do I lament the seemingly untimely death which cut him down in the flower of his manhood and the meridian of his usefulness; but we ought more deeply to thank God that he lived, and no doubt accomplished the mission whereunto he was sent as completely as erring mortals ever do; for I am persuaded that his life was well spent, and with the approval of Heaven he was called home in God's own time, leaving precepts, example, and achievements as a rich legacy not only to those near and dear to him, but to all his countrymen, whom he loved with patriotic fervor worthy of imitation, for next to the God he adored he loved his fellow-man.

His brief but brilliant career was at once a vivid revelation and an enduring object lesson to inculcate every manly virtue, and in living, quenchless light blazon the strength and beauty of lofty patriotism and spotless public character. His short but devoted life in the family circle was a benediction to his loved ones which will sustain, encourage, and bless his latest posterity. His example will lend inspiration to our youths to choose the paths of industry and integrity as the unfailing avenues to success and honor. His public course presents a perfect model for the study and emulation of statesmen. Untiring and insatiate in searching for knowledge, he always discriminated in its acquisition and use, verifying the proverb:

> Give instruction to a wise man and he will be yet wiser; teach a just man and he will increase in learning.

Nor did he limit his knowledge nor confine his affection to the sordid and fleeting concerns of this life. He realized that "it is not all of life to live nor all of death to die;" that this ephemeral

existence could not be the end of man. His whole life beamed forth "the wisdom that is from above"—"first pure, then peaceable, gentle and easy to be entreated, full of mercy and good fruits, without partiality and without hypocrisy."

With his sorrowing widow and children I share and mourn his loss, but with them I glory in the life that he lived, radiant and teeming with truth, benevolence, and virtue, and rejoice unutterably that he trod "the path of the just," which "is as a shining light that shineth more and more into the perfect day."

Dear and honored friend, farewell, but not forever! Thy life has only begun. Though thy star has faded from earthly skies, it has already arisen to shine on a fairer shore.

Bright be the place of thy soul;
No lovelier spirit than thine
Ere burst from its mortal control
In the realms of the blessed to shine.

May others like unto thee arise to teach and lead our people, glorify our Republic, and exalt our race.

Mr. ROBINSON of Indiana. Mr. Speaker, EVAN E. SETTLE was my friend, and I approach the subject of his eulogy fully conscious of one's weakness when he speaks of friend. I loved him, as all did who knew him well. Were I to select my close and early associates in the Fifty-fifth Congress, he would be among the first.

Our association and mutual friendship bound us together with "hoops of steel" and enabled me to know him as he was and to learn those qualities that made his life that success "which fate reserves for a bright manhood." His career will remain an inspiration to the young. Not blessed with the favors of fortune, he won his way to a good education, and before he was of age entered the profession of law and graced it with his eloquence and ability till his death.

He was honored by his people in ways befitting his high character—as county attorney, as member of the State legislature, as delegate to the Democratic national convention at St. Louis in 1888, and last was honored with a seat in Congress.

From that time on I knew him, and in feelings shared the glory of his triumphs and success, for I regarded him as a brother.

Mr. SETTLE was early able to make his mark in the House of Representatives, and gain an influence not usually accorded to a first-term member. He justified the favors and confidence shown him.

Though a partisan, and by his assignment on the Election Committee compelled to argue partisan questions on the floor in a partisan way, yet he never uttered a word or sentiment—and I call every member here to witness—that stirred up party feelings in his discussions. Much of this was due to the personality of the man.

Mr. SETTLE was an orator among the orators of Kentucky, which State has furnished so many of finished culture.

He was in demand at all manner of public speakings, and with a special devotion to his church he raised his eloquent voice on many occasions in Kentucky in her behalf.

On the 1st day of June, 1898, on occasion of the Congress sweeping away the last vestige of political disabilities growing out of the war of the rebellion, Mr. SETTLE shed a luster on one of the happiest incidents of legislation of the memorable Fifty-fifth Congress. He uttered these beautiful sentiments:

Mr. SETTLE. Mr. Speaker, I think when the permanent RECORD of this day's session is made up it would be incomplete indeed if some Representative from the South, some man who is supposed to be in sympathy with the Southern people in their present and their past relations to the General Government, did not avail himself of the opportunity to respond to the generous sentiments that have been uttered on the floor of the House by the gentleman from Ohio and the gentlemen from Iowa and Wisconsin in the conduct of this bill to-day, for notwithstanding we may all say this is a just bill and ought to have become a law years ago, yet we from the South must agree that it is none the less a generous bill; and Southern Representatives should not hesitate so to declare in their places here, for had we been the victors we might not have been so generous as they.

This bill is but the culmination of the course of events that have been gradually approaching this point for ten or fifteen years past. I have seen it in the present session. I have heard the great battle hymn of the South—"Dixey"—receive as generous applause in Northern capitals as was accorded to the "Star-Spangled Banner" and "Marching Through Georgia." And it came not from Southern sympathizers, but from the generous people of the North, who took that occasion to say, in this way, to their brethren at the South, "We embrace you and have learned to forget all past differences." [Applause.]

I happened to be at a down-town theater the other evening. In the interval between the acts it has become the custom not to go out, but to remain and hear the orchestra discourse patriotic anthems and airs. After the band had ceased playing some gentleman arose and proposed "Three cheers for McKinley." The vast audience gave them with a will. Then three cheers were proposed for Dewey, the hero of Manila, which were also responded to. And then some gentleman, whom I took to be a military officer of rank, arose in his place, and, waving his hand in the air, said, "Three cheers for a united country!" Gentlemen, that sentiment caught me, and it caught that vast house. [Applause.]

I thank God that I have lived to see this day. We sometimes thought that the great war between the States was an unmitigated evil, but in the providence of God it, accompanied by other agencies, has proved to be a great blessing. That war was not of chance or of accident. It came as the winds come and as the storms come and as all things else come—in response to the eternal purposes and behests of Him who "holds the wind in His fist and the hearts of men in the hollow of His hand." [Applause.]

The beginning of the war was the acme of that sectional hate which had been growing and increasing in bitterness for thirty years. The North had no love for the South, and the South had no respect for the North. The conflict was irrepressible. The world looked on at the magnificent display of courage and fortitude exhibited through four years of battle and strife, and while one rebel could not, as he thought at the beginning, wipe out five "Yankees," the sequel showed that he could put them to considerable exertion. [Laughter and applause.]

When valor and courage and endurance shall no longer command the praise of men, when tribute shall be denied to those who endured privation without complaint and suffered all manner of sacrifices without murmur, then we might hesitate to unroll the curtain of that past and let its scenes pass in panorama before us. But Heaven forbid in this day, when one touch of nature has made us all akin, that I should fear in this presence to hold up for admiration the prowess of the gallant boys in the trenches and the field, wearing the blue or wearing the gray, who gave to the cause of their country their lives, their fortunes, and their sacred honor. [Applause.]

But the end came at last. These Southern knights went down to their home, and many of them can not be reached by any provision of earthly statute now.

"Many of those good knights are dust—
Their good swords rust,
Their souls are with the saints, we trust."

They went down to their desolated homes and despoiled fields, and without complaint they set about the task, the herculean task, of rebuilding those waste places and restoring their ancient splendor. Her sons laid down their arms in good faith, and in the same spirit they laid their hearts upon the altar of their country and took their step to the music of the Union. I do not believe, gentlemen, that the American people were ever so united as they are to-day. The men who stayed at home were the last to forgive, but the men who fought have always been the first to forget. [Applause.]

And now we are hastened to this era of good times by the war in which we find ourselves involved. We shall free Cuba, but we shall do more than that. We shall free ourselves. The greatest of English poets, in speaking of the divine quality of mercy, has said that—

"It is twice blest:
It blesseth him that gives and him that takes."

If we shall confer a gracious boon upon the people of that unhappy island, we shall receive a blessing from Heaven, such perhaps as we may not be able to contain. Out of this baptism of fire and blood wherewith we are now being baptized we shall come forth, I doubt not, new men and new women, clean every whit, with sectional hate and sectional bitterness clean gone forever. [Applause.]

That were a consummation devoutly to be wished; that were the summum bonum, the great desideratum; that were well worth all the treasure we may expend and all the blood that may be shed. In the language of the great Kentucky editor, this war has already forever eliminated the sectional contest. There are thousands of old Confederates who are to-day happy in the thought that before they have been called to join the silent bivouac of the dead they have seen the North and the South united in battle array beneath the Stars and Stripes.

"Flag of the free heart's hope and home!
By angel hands to valor given!
Thy stars have lit the welkin dome,
And all thy hues were born in heaven."

[Applause.]

The applause that greeted these patriotic sentiments were alike complimentary to the orator and to the members of the House. This Southern flame that warmed the hearts of all patriots on that day should be embalmed and perpetuated in this form and in the hearts of his countrymen as fitting gems of thought and patriotism, sparkling with the personal traits of the man and sustaining his fame and eulogy.

In private life and in his public career his inspirations and aspirations were noble and manly and his record, thus molded, for statesmanship, unsullied honor, ability as a debater, eloquence as an orator, geniality and lovable spirit as a man, may well be pointed to with pride in years to come by his loved ones and by his associates and friends.

Brilliant as were his talents, eloquent as an orator, able as a lawyer, yet he shone the brightest in his family circle and in the circle of his friends. Modest and unassuming in his manners, yet he never did things by halves. Ardent in his labors, able and well equipped, he yielded to the demands of his party in Kentucky with his usual fidelity, and labored beyond human power till the end of the campaign in November, 1899, then succumbed and died, a sacrifice to the cause of his party.

Mr. COWHERD. Mr. Speaker, there is an old proverb, sometimes misused, that bids us say naught but good of the dead. To me it seems that reverence for the dead, the affectionate regard which bids us to forget their faults and commemorate their virtues; the kindly sympathies that go from all good men and women to those who stand beside a new-made grave, are among the redeeming traits of our all too human lives. I have sometimes thought that the crush of our daily work in this rough world was apt to obscure the finer sensibilities of men. We too frequently veil sympathy behind indifference. We too frequently are accustomed to mask our love as though it were a fault. But in the presence of great sorrow these false growths are brushed aside and eyes that look through tears see with a clearer vision, and hearts that have throbbed with sorrow beat in kindlier unison.

It seems to me a fitting thing that, when the stern angel of the bitter cup has pressed the sleeping potion to the lips of one who so lately moved and wrought among us, we should take a few brief hours from the press of business to embalm here in the record of our daily work the memory of his deeds and the tribute of our respect.

It was my good fortune in the lottery for seats in the Fifty-fifth

Congress to find that I was seated next to EVAN E. SETTLE, of Kentucky, and as by that enforced proximity a chance acquaintance ripened into friendship I grew more and more to bless kind fortune that had given me such a neighbor.

You all remember, who were here at that time, the extra session, occupied as it was upon a single measure and with tedious adjournments, gave but little opportunity to test the mettle of the men that came then for the first time to the House; and yet I well remember how, on the dull, dry question of how many days the House could adjourn without the consent of the Senate, Mr. SETTLE made a speech of such interest and force that it attracted at once the attention of the older and more observant members of the House. And later—in the succeeding session—when his kindly spirit found more congenial opportunity in the discussion on the bill referred to by the gentleman from Indiana [Mr. ROBINSON]—the bill providing for the removal of political disabilities of those who had taken part in the civil strife—he burst forth into such eloquent words that his place was at once fixed both in the minds of those who heard him and in the hearts of all his countrymen.

Mr. Speaker, I believe I do no injustice to the living when I say that of all the men who came first to the House in the Fifty-fifth Congress no man at its close left it occupying a higher place in the minds of those who had met him on the floor and in the hearts of the people of the country than the man whose untimely death we mourn to-day.

It is as true now as when the Roman said it, that orators are born, not made. And there was something in this man—something other than the pleasing presence he possessed; something other than the keen logic that saw through the subtleties of every proposition; something other than that grace of diction that seemed to find always the fittest phrase and the most eloquent expression—there was still that undefinable something which, reaching out to the minds and hearts of his audience, told them when he rose he was one of those who had a message to deliver.

I do not remember ever to have heard him take part in those rancorous and acrimonious political debates that sometimes occur on the floor of this House. I never thought his was one of those spirits that loved to "ride the storm;" while he did not shun, he did not seek controversy. I always thought his genial soul found its more fitting sphere in those occasions that not unfrequently occur when men lay aside political partisanship and rise to that broader plane of a common and united citizenship.

Mr. Speaker, it occurred to me as I watched his career here in the House—knowing as I did his power of speech, and knowing also that he enjoyed the duller, but not less necessary work of the committee—that there lay before him a broad field of future usefulness. And knowing also as I did the genial, social spirit of the man that loved so well that meeting here in friendly intercourse that forms, as we all know, the fairest portion of Congressional life, it seemed to me that in the atmosphere which surrounded him here he would meet the best fruition of his powers.

But his experience has been, alas, that which too frequently meets us in this world. The hard-won prizes come too late. The apple turns to ashes on the lip. The flower fades in the plucking. The curtain falls before the actor hears the plaudits of those he sought to please. EVAN SETTLE's work is done. I trust that I shall not here offend the proprieties with undue laudation; but I do feel that every man that knew him in this life will join with me in saying, whatever may have been his faults, he was the highest type of a Christian gentleman in its truest and best sense—a gentleman. In two years of daily intercourse I never heard fall from his lips one word that might not have been uttered in the presence of wife or daughter.

Mr. Speaker, what rests for us beyond the grave we do not know. No man's eye has ever penetrated the mysteries which shroud the tomb.

> Yet love will dream, and Faith will trust,
> (Since He who knows our need is just),
> That somehow, somewhere, meet we must.

And in that meeting place of noble souls I believe there will still be found God's work for manly men and loving women, and in that place and in that work I believe EVAN E. SETTLE is to-day taking a gracious and a generous part.

Mr. Speaker, for the love I bore him living, for the fragrant memory I cherish of him dead, I come to render this poor tribute of my affection and respect to-day.

Mr. BRANTLEY. Mr. Speaker, we meet to-day to pay tribute to the memory of our departed colleague, EVAN E. SETTLE, and it becomes me as one who in life called him friend, and who now loves his memory, to find as best I can the words that will fitly and aptly ascribe to him the virtues he possessed and the rare gifts with which he was endowed.

I am painfully conscious of the paucity of the language at my command for this purpose and of my inability to do even the simplest justice to the name he left behind him, and yet I am sustained in my undertaking by the knowledge that his memory will ever live in the hearts of those who knew him, and that no charm of rhetoric or melody of speech can brighten it, or even picture it, as it glows and lives within us.

He has "gone before to that unknown and silent shore," and I mourn his removal from among us, and because I mourn I seek now to add my own weak tribute to the eloquent words that have already been so earnestly spoken concerning him.

When the wires a few short months ago flashed across our land the announcement of his death there came to all who knew him a sense of loss and pain akin to the shock of a personal bereavement. It was fitly so, for none knew him but to love him, and none knew him but then and now mourn his untimely end.

When we left him at the close of the Fifty-fifth Congress he was possessed of his full, manly vigor, and, as we supposed, with long years of usefulness and of honor before him. He had been reelected to this Congress, and here we expected to find him upon our return.

Little did we know that his days had then been numbered, and that the end was nearly reached, and that never more would he answer to the roll call of this House.

Our ignorance there but again confirms the oft-repeated lesson that mortal man is not in the confidence of the Giver of life and death, and knoweth not what decrees He has entered or when they will be enforced. We are again admonished to keep our houses in order and to be ready for the final summons to us.

The great ability and superb oratory of Mr. SETTLE were permitted to illumine but one Congress, and yet in that brief space of time he was allowed to achieve as much of fame and renown as comes to some in many terms, and more than ever comes to many others. The compensating law of an all-wise Providence is here, as everywhere, disclosed, if we but seek to find it.

I well remember his first appearance in an extended debate. The occasion was a contested-election case that had been reported from the committee of which he was a member. When he arose to speak, his intellectual face and clear, clean-cut features and attractive presence at once claimed the attention of the House. His opening sentences chained that attention to him, and there it remained until he had concluded.

I can recall now the music of his sweetly modulated voice and the rhythm of his well-chosen words as he constructed sentence after sentence of masterful logic, of keenest satire, and of eloquent and polished periods. That speech established his reputation as an orator and won for him a place in the front ranks of the great debaters of the House—a place which he retained and from which he would have gone to higher stations yet had not death's icy hand laid claim upon him.

We mourn that his eloquent tongue is forever silenced; we miss the charm and the spell of his rare oratory, and we miss his wise counsel in our deliberations; but more than these things we miss and mourn him.

Few men were better gifted than he in the art of making and holding friends. He was warm and generous in his nature and as gentle and sympathetic as a woman. Full of dignity, he was ever tender, yielding, and approachable. His was a strong nature, and yet one that was not formed in a rough and rugged mold. He did not display but concealed his strength in an affable and polished bearing.

Always of pronounced convictions, he was slow to obtrude them, and was ever charitable to the opinions of those with whom he disagreed; but loyalty to his convictions and his friends was a part of his nature.

His high character, his charming personality, his graceful manner, his delightful comradeship—these are the things that in the solemnity of this occasion come close to our hearts.

Fashioned as he was, it was but natural that he should draw men to him and hold them there with hooks of steel. The hold that he had upon the hearts of men still lives, though he is gone from among them.

It was not my privilege to know him until I met him here at the opening of the last Congress. Until that time his life and mine had never touched; and yet as he lived and moved among us I saw enough of him to come within the charmed circle of his influence, and I was proud to know him and to claim him as my friend. I saw enough of him to appreciate his worth, and to know that no truer or more ideal Representative ever sat in this Chamber, and none who better illustrated here the great State to which he claimed allegiance. Possessed of the chivalrous manhood and the lofty patriotism inherent in his own people, he not only adorned this body but he was ever ready to do and to die in the defense of those he served. Indeed, it was at the feet of Kentucky, in battling, as he believed, for the preservation of her institutions and her ideals, that he laid down his life.

It was when flushed with victories and while reveling in his own great strength, surrounded by loved ones, that "God's finger touched him, and he slept."

Sorrow ever follows in the wake of death; but when the strong man becomes the victim, how pitiably weak is all human strength

revealed! How infinitely sad to see the hope of family and of country cut down! How distressing to behold dependent ones bind up their bleeding hearts and seek elsewhere for guidance and for strength!

It is not for us, however, to inquire into the ways of Providence. We must bow in humble submission to the Divine will. Our colleague sleeps the eternal sleep; and while we can not arouse him, we can, from the life he lived, draw lessons of duty, of patriotism, and of love and, thus inspired, carry on the work in which his labors shared.

He sleeps, and no rude sound of jarring faction or clashing contention disturbs him. No pain of doubt or fear annoys him. No disappointment or failure threatens him. No weariness of body or of brain can reach him. Calmly and peacefully he slumbers, and earthly ills and earthly cares are not about him. His rest has come—a sacred, hallowed rest for heart and hand and brain—a sweet and everlasting rest.

We say to him now, "Nobly you lived and bravely you died, and while we miss you and need you, we would not if we could interrupt the peace and happiness that you have so fairly won. We would not bring you back to toil and strive again. You have kept the faith and paid the last great debt, and the crown of immortality is yours. We bid you wear it, while we with unconcealed grief mourn your absence and sing requiems of praise to the peerless and priceless memory that you have left behind for us to cherish and revere."

Mr. MANN. Mr. Speaker, Judge SETTLE and I were both new members and both placed on the Committee on Elections No. 1 of the last Congress. That committee was very busy at the session of Congress commencing two years ago last December. It had a number of hotly contested cases before it. Judge SETTLE was a new Democratic member, and I was a new Republican member.

We faced each other across the table, and we soon became congenial spirits. I think that our friendly relationship might properly have been termed affectionate. I grew to have a great admiration for him as well as a great fondness. I thought I saw in him a wonderful ability, both oratorically and intellectually. And when at one time, in the winter during the short session of last year, Mr. Hope Reed Cody, the brilliant young president of the Hamilton Club, of Chicago, was in Washington and said to me that the Hamilton Club was preparing to give a great nonpartisan banquet in celebration of Appomattox day and that he wished to obtain the finest speaker possible from the South to respond to the toast, "Robert E. Lee," the thought of SETTLE instantly came to my mind, and I said to Mr. Cody at once, "I think I know the very man whom you want." I went into the House, which was in session, and asked Mr. SETTLE if he would come out and meet a very dear friend of mine. We went out, and I introduced them. They were both most brilliant and most lovable men.

They seemed to almost fall in love with each other at sight.

Cody stated the circumstances and asked Mr. SETTLE if he would make the speech which was desired. The Judge said that he would; and he afterwards told me that he could not resist the winning way of Mr. Cody, although he did not see how it would be possible for him to keep his engagement without great trouble for himself. Probably the most triumphant appearance of his life was at that banquet. It was held in the immense hall of the Auditorium Building in Chicago. The parquet had been floored over on a level with the stage for the banquet tables. Nearly a thousand banqueters were present, while the balance of the hall was filled with upward of 2,000 other guests of the club—both ladies and gentlemen. It was the most impressive banquet that I have ever witnessed.

Gen. John C. Black, the gifted orator of Illinois, responded to the toast on General Grant in a brilliant speech. Judge SETTLE was not well known to the audience and not so much was expected of him. But he soon had completely captured it. His magnificent oration was the address of the evening. He had the audience in complete sympathy with him after the first sentences. As he proceeded the building rang with applause and approval. The heart of his audience seemed to reach out and embrace with sweetened thought the memory of the devoted commander of the Confederate armies. His speech was, of course, a prepared and written one, though he did not read it.

The most remarkable scene I have ever witnessed in a public assemblage occurred during its delivery. The speaker had been referring, of course, to the great conflict both of thought and of arms between the North and the South; and the renewed expression of reconciliation growing out of and accompanying the Spanish war, when turning aside from his prepared effort and looking into the faces of his expectant and admiring audience, he said with a wonderful depth of love and pathos in commencing a new sentence: "My brothers." The whole audience seemed at once as if by an electric shock to feel the inspiration of the sentiment of brotherhood. The entire gathering arose, as if one man, with cheers and shouts of approval and the waving of handkerchiefs and napkins, with the light of responsive love gleaming out of the faces of all and tears streaming down the cheeks of many. It was a sight never to be forgotten and never to be seen again. The tenderness of the expression of the speaker was so touching, the clear response of the audience was so instantaneous that the very air seemed to thrill and throb.

No man ever made a greater impression upon an audience anywhere. It seems to me now as though he had poured his life out into that speech. He was a man from the South who had come into the North to defend the memory of the one who had led the forces of the South in battle against many of the men whom he was to address. He was to speak about a lost cause, which the North had crushed at great loss of its blood and treasure. But he did not come with an apology. He was true to the memory of those who had been defeated and still truer to the reunited people. His address in Chicago endeared him to the people there. It added to their feeling of affection for the South. If he had lived, Chicago would have insisted upon hearing from him often again. But he has gone beyond. Cody, the gifted young leader who brought him to our city, went almost at the same time.

The world could ill afford to spare either of them. But their memory and works are left us. What they did is an inspiration for our future. We must, with others, assume the burdens which they would have helped to carry. Let us try to emulate the sweetness of their temper, the brightness of their smile, the gladsomeness of their greeting, the intensity of their patriotism, the strength of their character, and the nobility of their souls. In loving admiration we still hold them in our hearts and minds.

Mr. PUGH. Mr. Speaker, if the present service in which the former associates of EVAN EVANS SETTLE are engaged were to constitute an essential part of the record of his virtues, the little that I might hope thus to contribute to perpetuate his memory would perhaps cause me to refrain from speaking; but I am conscious of the fact that however comprehensive the eulogium or elegant the diction in which it is couched, the real, the lasting, the ineffable record of the life and character of our departed friend has been formed by himself upon the hearts and in the lives of others. It was not my good fortune to have known him well in early life. Indeed, my intimate acquaintance with him, which soon developed into sentiments of personal friendship, began when we met as colleagues in this House.

Although we did not agree in political matters, I was not long in discovering that in his magnanimous nature political differences constituted no barrier to the most cordial social relations, and being the only Republican colleague of his from Kentucky who now holds a seat on this floor, I should feel untrue to myself and false to that friendship if I should fail to bear testimony in some way to his great merit. Versed with the powers of oratory that few men possess, yet modest, unassuming, unaffected, the very essence of simplicity and sincerity, he soon won his way to the hearts and high esteem of his associates. Skilled in the arts of an accomplished advocate, he disdained all manner of empiricism. With steadfast, patriotic purpose he sought for the truth in matters involving the welfare of the community, and at all times had the courage of his conviction. His soul was cast in too liberal a mold to suffer him to temporize for passing effect.

It has been said that "crime is a curse only to the period in which it is successful; but virtue, whether fortunate or otherwise, blesses not only its own age but remotest posterity, and is as beneficial by its example as by its immediate effects." The faults and frailties of men perish with them, while the good they do lives on and is multiplied through successive ages. Hence the service of this hour, a privilege cherished by us who loved him well, is, after all, the discharge of a public rather than a personal duty.

He whose untimely loss gives occasion to our tributes was essentially self-made. Born to poverty, an orphan in childhood, struggling unaided against adverse surroundings, his intrinsic merit early manifested itself. His innate love for his fellow-man, his tender sympathy for the disappointed, the distressed, and the afflicted, coupled with an unusual personal magnetism, drew to him a lucrative clientage and an invaluable support, inseparable throughout his career. As a lawyer and as an official he soon achieved marked distinction, always retained and ever increasing; but the beautiful story of his life clusters about his hearthstone, his social and religious associations. Eminently domestic, self-sacrificing, and considerate, a companionable husband, an exemplary father, in the very noontide of vigorous manhood, when "his eye was not dim nor his natural force abated," he was suddenly summoned to the last final awakening, and, without fear or murmur, passed into "that port where all may find refuge from the storms of life."

Reverting for a moment to that misty Sabbath day and the scenes connected with the last sad rites: One glimpse at the overcrowded church where he had for years been a faithful worshiper

the wilderness of floral offerings about the open casket, the wreathed and vacant chair in which he was wont to sit with closed eyes while leading the choir in sacred song, the saddened faces of neighbors in the different walks of life, the tenderly touching tributes of family and friends, told it all as tongue can not tell.

He is gone. We deeply deplore his loss. We long in vain for "the touch of the vanished hand and the sound of a voice that is still." Such, nevertheless, is death; and yet—

Death is the crown of life:
Were death denied, poor man would live in vain.
Death wounds to cure; we fall, we rise, we reign;
Spring from our fetters, fasten to the skies,
Where blooming Eden withers from our sight.
This king of terrors is the prince of peace.

Then rest, dear friend, in peace; the peace of God which passeth all understanding.

Mr. BERRY. Mr. Speaker, Hon. EVAN SETTLE was born December 1, 1848. His life was passed in Kentucky, where he died November 16, 1899. He was educated in the best schools of his State, and when but 17 years old began the study of law, for which he had a natural adaptability. At the age of 19 years he was admitted to the bar by special act of the legislature, and soon took a good position in his profession. He represented the Seventh Congressional district of Kentucky, one that had been made famous by Henry Clay, Marshall, John C. Breckinridge, John J. Crittenden, James P. Beck, Joseph C. Blackburn, and W. P. C. Breckinridge, all of whom had enjoyed national reputations.

His service in local positions and his brilliant career in the Kentucky legislature fitted him for the position of Congressman. His ability was soon recognized by associates upon this floor in the Fifty-fifth Congress. He stood for reelection to the Fifty-sixth Congress and was chosen by an overwhelming majority. Our districts border upon each other, and we often addressed the same audiences, composed of about equal numbers of our constituency. I know, therefore, in what high esteem he was held by his people, and our homes were not distant.

After the adjournment sine die of the Fifty-fifth Congress and the members were scattered over the country seeking relaxation and pleasure, EVAN SETTLE returned with his family to his home at Owenton. He was then the picture of health and manly vigor, the pride of the people he had so faithfully represented. His interesting family were gathered around him, and happiness reigned in his household.

In the month of June the Democratic convention assembled at Louisville to nominate a State ticket. Mr. SETTLE was there representing "Sweet Owen," as his county is called, and after a struggle such as was never seen in Kentucky before a ticket was named. He at once announced his intention of canvassing the State for his party's interests, and immense crowds assembled whenever he was announced to speak. He gained new laurels in this canvass and added very much to his reputation as an orator, being far the most able of the canvassers in the State upon either side.

He never wearied in the work, sometimes speaking twice a day during the hot months of August and September, so that when the exciting canvass was closed he was broken down, and it was but a few days until the icy hand of death touched his noble heart. The statesman and orator and the loving husband and devoted father was gone.

He was generous and brave, full of life, and for many years before his death was an earnest Christian, being a leader in the Baptist Church, delivering lectures to aid in paying the debt upon the church to which he belonged, and as his family grew up around him devoted much of his time to their improvement.

He believed in that stanza of the poet—

Home is not simply four straight walls
Hung with frames and pictures gilded;
Home is where affection calls,
Home is where the heart has builded.

When his sudden death was announced, I determined to attend his funeral. A short ride of an hour from Newport, Ky., brought us to Sparta, a station upon the railroad, from whence the Congressional party in carriages started for Owenton, the home of Mr. SETTLE, 12 miles away.

Already the community showed evidences of sincere regret. A long line of vehicles were gathered, but the real evidence of mourning was not manifested until we approached the town. For many miles around from his own and from my district the best people had assembled by the thousand, in spite of inclement weather, to pay respect to his memory, because they admired, yes, loved him; men and women, black and white, were gathered there to do honor to this tribune of the people.

The laity mingled with the ministers of the gospel in praising the character of the deceased. For the usual church exercises on such occasions memorial services were instituted, and lawyers, politicians, and his associates in all the walks of life raised their voices in his praise. I have never seen such deep distress at a funeral. His loving family clung about the coffin with touching sorrow, and his little son, as the lid was placed upon the casket, closing out his father's face forever, exclaimed "Good-bye, papa!" At that moment there was scarcely a dry eye in that assembled multitude, nor a heart that was not touched with the dramatic separation of father and son. It was heartrending, and I shall long remember the scene. We extend to his lonely widow and distressed family our profoundest sympathy and trust that Providence will smile upon this fatherless household.

Mr. GRIFFITH. Mr. Speaker, I do not arise for the purpose of giving a biographical sketch of Hon. EVAN E. SETTLE, of Kentucky. That the man was born; that he died; and that while living he was honored with public office by the people of his community is true of every man upon whom a eulogy is delivered in the halls of Congress. I want to send a message to the friends who loved him in his native State that we also loved him. I want to send a message, not of condolence, but of warm sympathy. EVAN E. SETTLE was a lawyer, a statesman, and an orator. He might have been even a greater lawyer, a greater statesman, and a more fervid orator, and yet have been less loved.

It is, therefore, not a tribute to the lawyer or the statesman, but one to the comrade and friend that I wish to deliver to-day. Throughout his early life as a boy in Frankfort, in his young manhood in Kentucky, and in middle life, until his lips were touched by the frosty fingers of the Angel of Death and his heart was stilled, no man ever yet went to EVAN E. SETTLE with an appeal to his friendship who appealed in vain. A foemen who might well be dreaded in the court room or on the hustings, yet a companion even to his opponents, anywhere and everywhere always welcome. Nature endowed him with a great brain, too great to discover the faults of his friends, too great to harbor enmity for those who opposed him.

His heart was so full of the love for others that there was no room for love of self, and at the close of an active life he died poor because he could not withhold any favor which might be asked of him or withstand the pleadings of others in distress.

This was EVAN E. SETTLE as the boy, it was EVAN E. SETTLE as a young man, and it was EVAN E. SETTLE as we knew him in the halls of Congress. We all remember how he referred to his early hatred of the doctrines of Cassius M. Clay and how earnestly he pleaded that the last days of the old veteran be made comfortable by financial recognition of his past services at the hands of the Federal Government. His portrayal of the financial condition of the old soldier, whose convictions were opposite to his own, will ever be remembered by all who heard him. He opposed the President of the United States in his policies, but he called with fervent tongue for us to stand by that President because he was the President. EVAN E. SETTLE was intensely American, and none loved his native State more dearly than he. He was first for the nation, then for his State of Kentucky, then for his people, and last for himself. The character of the man is best illustrated by one passage in his speech favoring the appropriation for the war with Spain. He said:

I come to you in this great crisis to pledge to you Kentucky, the first-born child of the American Union, which is now ready, as she has ever been in every great emergency, to send her gallant soldiers to the field. They poured out their rich lifeblood upon the early battlefields of the Republic; they stormed the heights of Chapultepec and incarnadined the plains of Buena Vista and of Molino del Rey. In the womb of her great mother, Virginia, she helped win the battlefields of the Revolution, and there has been no crisis in our nation's history when she has not shone forth, a chief star in all this magnificent constellation of States. There stood old Kentucky then, ever eager for the fray, and there stands old Kentucky to-day.

The lawyer's record has been made up, the orator's voice has been hushed, and it only remains for us to-day to send a message to those who knew him best that he was also known and loved in the Congress of the United States.

When the bill was passed removing Southern political disabilities, EVAN E. SETTLE electrified the House with a patriotic speech, in which he said:

I thank God that I have lived to see this day. We sometimes thought that the great war between the States was an unmitigated evil, but in the providence of God it, accompanied by other agencies, has proved a great blessing. That war was not of chance or of accident. It came as the winds come and as the storms come and as all things else come—in response to the eternal purposes and behests of Him who "holds the wind in His fist and the hearts of men in the hollow of His hand."

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When valor and courage and endurance shall no longer command the praise of men, when tribute shall be denied to those who endured privation without complaint and suffered all manner of sacrifices without murmur, then we might hesitate to unroll the curtain of that past and let its scenes pass in panorama before us. But Heaven forbid in this day, when one touch of nature has made us all akin, that I should fear in this presence to hold up for admiration the prowess of the gallant boys in the trenches and in the fields, wearing the blue or wearing the gray, who gave to the cause of their country their lives, their fortunes, and their sacred honor.

Mr. Speaker, the district which I have the honor to represent in the State of Indiana lies near a portion of the district represented by Mr. SETTLE in the State of Kentucky. I knew Mr. SETTLE for many years before either of us became a member of this body. I

met him in the courts of Kentucky and Indiana. I knew his private life. As a friend he was true as steel. As a foe he was magnanimous and forgiving. At the bar he was ever fair and courteous, and a stanch adherent to the strictest ethics of his profession. He was a brave man; too brave a man to do an underhanded act. It was owing to his devotion to his political friends that he lost his life. During the exciting campaign in Kentucky he worked night and day, and, completely forgetting himself, he so labored in the cause of his friends that nature, unable to stand the strain, became prostrated. His death was directly caused by overwork, mental and physical. That work was not in his own behalf, but in the cause of his friends. The nation has lost an orator and a statesman while yet in his prime. His State has lost one of the most admirable of her citizens.

Mr. SMITH of Kentucky. Mr. Speaker, I had known EVAN E. SETTLE for more than twenty years before his death. Indeed, sir, our political lives were cast upon parallel lines. On the same day, in the year 1878, we were both elected to the offices of county attorney of our respective counties, and likewise we both laid down the duties and honors of that station to become members of the lower house of the Kentucky general assembly, and while these occurrences were at different dates, yet we were at one and the same time members of that body, he of one house and I of the other. We were of the same political faith and practice, and often met in party councils, and always fought in the same line when the conflict was raging. But the pleasure of serving in the same body with him was reserved for me until we were both, on the same date, elected for the first time to Congress, which was in 1896. His death, sir, therefore, was singularly sad to me because of my associations and connections with him.

He was born in the city of Frankfort, Ky., on the 1st day of December, 1848. There in the capital of his State, an historic city that nestles so serenely in the valleys upon either side the winding Kentucky River, encircled by a lofty and beautiful chain of hills, in the midst of a brave, generous, and cultured population, he received his early education and was baptized with high and hallowed inspirations.

In the calm of my unbroken reflections and undisturbed meditations upon the many admirable and noble qualities of mind and heart he possessed, I have often wondered to what extent they may have been traceable to the auspicious environments of his youthful days. But human genius has not yet given to the world the rule of correctly estimating the influences exerted by early surroundings upon the subsequent lives and characters of men; yet that their touch is too lasting to be eradicated by the evolutions of growth and is visible here and there in the career of all is an unchallenged truth.

He descended from a family eminently reputable in character, though limited in fortune. So far as I am advised, he could claim no distinguished ancestors within the reflected light of whose splendid achievements he could rise with ease to glory and fame. Without the aid of fortune, the prestige and potentiality of a great family name, by his own inherent and unfailing powers of mind and spirit, intensified and invigorated by the fortuitous circumstances mentioned, he triumphed in the struggles and conflicts of his advancing career. He was endowed by nature with more than usual intellectual ability, a zealous, noble heart, a happy, cheerful disposition, which, under the energizing effect of his literary and professional courses, developed him into the courtly gentleman, the able lawyer, the patriotic statesman, and the magnificent orator that he was.

In his young manhood he yielded to the promptings of his native fitness in the selection of his profession, and his brilliant successes and triumphs at the bar vindicated the wisdom and correctness of his choice. Before the courts he was always pleasing, learned, and forceful, but it was only when before a jury that he rose to the full majesty of his matchless eloquence and displayed the unrivaled splendors of his talents. With a sense of honor unswerved by the siren song of every tempter, he was ever mindful of the principles of fairness and observed the amenities that characterize the typical gentleman in every relation of life. He was as courteous, dignified, and honorable in the forum as he was gentle, charming, and lovable in his private life.

His official labors began in the office of county attorney of Owen County, to which he was elected in 1878, and closed at his death with a membership in the Fifty-sixth Congress. His long, faithful, and excellent record in public office has been so well stated by my colleagues [Mr. GAYLE and Mr. BERRY] that it need not now be reiterated. I shall, however, add that EVAN SETTLE, disliking no one, yet loved with unsurpassed devotion the great body of the people. He believed with a fixedness born of an intelligent and profound consideration of the question that a strong and independent citizenship was the surest, best hope and indispensable prerequisite to the perpetuity of our free institutions, and his whole official and political life was squared by this sound and wholesome doctrine. He was active and influential in every official circle to which the vicissitudes of fortune had assigned him, and it is no exaggeration to say of him that there was not one amongst the many new members in the Fifty-fifth Congress who made a more distinctive and permanent impression upon his fellow-members than he. His resplendent virtues will be enshrined in the unfading memories of his appreciative colleagues.

As a public speaker, whether upon the lecture platform, before the select and élite, or on the hustings, before the enthused and indiscriminating multitudes, he swayed one and all by the magical powers of his efforts, and they loved to linger upon his poetic strains and revel in the pleasures of his sublime sentiments.

But the surest and safest test of the genuine nobility of any man's nature is to be found perhaps in the family circle. It is there that innumerable incidents and conditions arise that can appeal to and touch the kindest emotions of the truly good and great only. To know a man as he really is he must be seen, not under the glimmering of artifice so common in the public arena, but inspected rather under the searchlight and sheen of everyday life in his family relation.

Measured by this exalted standard, our deceased colleague was an illustrious example of Christian manhood worthy of the emulation of ourselves and all who shall live after him. In his home there was an inexhaustible fountain of love whose pure streams of peace, happiness, and pleasure nourished the highest and best aspirations of the human heart. Surrounded by a true and tenderly loving wife, bright, attractive, and happy-hearted children, his home to him was the gem of the earth and the companionship of these loved ones the essence of life itself. But the charm of that blessed relation has been broken.

Death is a silent and merciless reaper that with his trenchant blade gathers in a mysterious way from every field and in every season. The young, the middle-aged, and the old; the humble, the sturdy, and the proud, one and all, succumb to the cycle's touch and pass with the swiftness of a breath that is spent. But man was created for a destiny that transcends the possibilities of human life within this sphere, and death is not annihilation. There is that in the lives of such men as our deceased colleague that gives us indisputable assurance that beyond the gaze of mortal eyes there is a realm in which the pure and just will live and move in untrammeled progression forever.

Distressing and appalling, then, to his family and friends as was and has been the sad event of his transition, we doubt not that he has been crowned with honors the world could not give and wreathed with laurels that fadeth not away.

And then, the Speaker pro tempore [Mr. LANHAM], in pursuance of the resolution heretofore adopted, and as a further mark of respect to the memory of the deceased (at 2 o'clock and 15 minutes p. m.), declared the House adjourned until 12 o'clock m. on Monday next.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Interior, transmitting, with the draft of a bill, copy of a communication from the Commissioner of Indian Affairs relative to boundary of Yakima Indian Reservation, was taken from the Speaker's table, referred to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMALL, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 2336) to authorize the establishment, at some point in North Carolina, of a station for the investigation of problems connected with marine-fishery interests of the Middle and South Atlantic coast, reported the same without amendment, accompanied by a report (No. 1102); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EDDY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9244) extending the provisions of section 2301 of the Revised Statutes of the United States to homestead settlers on the ceded Indian reservation in Minnesota, reported the same without amendment, accompanied by a report (No. 1103); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10451) for the preservation of prehistoric monuments, ruins, and objects on public lands, reported the same with amendment, accompanied by a report (No. 1104); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the joint resolution of the House (H. J. Res. 241) to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," reported the same with amendment, accompanied by a report (No. 1105); which said joint resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 116) to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," reported the same with amendment, accompanied by a report (No. 1106); which said joint resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 1625) for the relief of Mary B. Douglass, widow of the late Col. Henry Douglass, Tenth United States Infantry—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3986) granting a pension to Sarah Stoner—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 3706) for the relief of Jerry S. Fish, of Cameron, Marshall County, W. Va.—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KLUTTZ: A bill (H. R. 10900) to repeal the stamp-tax provisions of the war-revenue law of 1898—to the Committee on Ways and Means.

Also, a bill (H. R. 10901) to repeal the United States bankruptcy law, act approved July 1, 1898—to the Committee on the Judiciary.

By Mr. KITCHIN: A bill (H. R. 10902) to constitute Durham, N. C., a port of delivery in the customs collection district of Pamlico, and to extend the privileges of the seventh section of the act of Congress approved June 10, 1880, to said port—to the Committee on Ways and Means.

By Mr. DRISCOLL: A bill (H. R. 10917) to provide for the rental of temporary quarters for collector of internal revenue of the Twenty-first district—to the Committee on Appropriations.

By Mr. CURTIS: A bill (H. R. 10918) to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 10919) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. LIVINGSTON: A resolution (H. Res. 234) of inquiry as to legal proceedings against Benjamin D. Greene and others—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 10903) granting a pension to James Irvine—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 10904) for the relief of George W. Quintard, of the Morgan Iron Works—to the Committee on War Claims.

By Mr. GILL: A bill (H. R. 10905) granting a pension to Susannah Feist—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10906) granting an increase of pension to Harvey Polen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10907) granting an increase of pension to Charles P. Maxwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10908) for the relief of James Starkey—to the Committee on Military Affairs.

Also, a bill (H. R. 10909) granting a pension to Theodore T. Bruce—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 10910) to vest title to certain property in Leopold Luchs—to the Committee on the District of Columbia.

By Mr. HAMILTON: A bill (H. R. 10911) for the relief of Wesley C. Brant—to the Committee on Military Affairs.

By Mr. HEDGE: A bill (H. R. 10912) granting an increase of pension to John Whitmore—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 10913) to amend the record of John E. Utley—to the Committee on Naval Affairs.

By Mr. MONDELL: A bill (H. R. 10914) for the relief of John Ranald—to the Committee on Patents.

Also, a bill (H. R. 10915) for the relief of Hudson Maxim and W. H. Graham in connection with various inventions—to the Committee on Patents.

By Mr. RIDGELY: A bill (H. R. 10916) granting a pension to Samuel L. Keely—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Paper to accompany House bill granting a pension to James Irvine—to the Committee on Invalid Pensions.

By Mr. BABCOCK: Petition of farmers and citizens of Greenfield, Sauk County, Wis., in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. BROMWELL: Papers to accompany House bill No. 10743, for the relief of Augusta Ullman—to the Committee on Pensions.

Also, petition of the Woman's Presbyterian Missionary Society and Woman's Christian Temperance Union of Wyoming, Ohio, urging the passage of House bill prohibiting the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

Also, petitions of the Missionary Society of the Presbyterian Church and Woman's Christian Temperance Union of Wyoming, Ohio, relative to opium and gambling in the new possessions—to the Committee on Insular Affairs.

Also, petitions of the Woman's Christian Temperance Union and the Missionary Society of the Presbyterian Church of Wyoming, Ohio, to prohibit a polygamist holding any office in the Federal Government—to the Committee on the Judiciary.

By Mr. BURLEIGH: Resolutions of the Woman's Christian Temperance Union of South Deer Isle, Me., to prohibit the sale of intoxicants in our new possessions—to the Committee on the Territories.

By Mr. CLARKE of New Hampshire: Remonstrance of the Woman's Christian Temperance Union of Wilton, N. H., against the sale of liquor in Alaska—to the Committee on the Territories.

By Mr. CRUMP: Petitions of D. S. Kaylor and other farmers of Emmet County, Mich., and George Parry and others, of Standish, Mich., in favor of the Grout bill increasing the tax on oleomargarine—to the Committee on Agriculture.

Also, petitions of T. S. Glenn, of West Branch, and of retail druggists of East Tawas, Bay City, and Grayling, Mich., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of boiler makers and machinists of West Bay City, Mich., for the building of one or more new war ships in Government navy-yards—to the Committee on Naval Affairs.

By Mr. CUMMINGS: Petition of General George B. McClellan Post, No. 552, and John A. Andrew Post, No. 234, Department of New York, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DALZELL: Papers to accompany House bill No. 10010, increasing the pension of E. H. Brady—to the Committee on Invalid Pensions.

By Mr. EMERSON: Papers to accompany House bill to correct the military record of William Brown—to the Committee on Military Affairs.

Also, resolutions of William Collier Post and Charlie H. Bentley Post, Department of New York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. ESCH: Petitions of citizens of La Crosse County, Wis., urging the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

Also, petition of Brunswick Grange, No. 360, Patrons of Husbandry, Eau Claire County, Wis., relating to an act to regulate commerce, and suggesting amendments to the same—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Petition of employees of the Chicago (Ill.) post-office, Lakeview Station, urging the passage of House bill No. 9565, for the retirement of civil employees of the Government after long service and infirmity—to the Committee on Reform in the Civil Service.

By Mr. GREEN of Pennsylvania: Petition of Young Men's

Christian Association of Allentown, Pa., for the passage of a bill giving prohibition to our new possessions, and favoring the anti-canteen law—to the Committee on Military Affairs.

By Mr. HAMILTON: Petition of David Oaks Post, No. 135, of Centerville, Mich., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MANN: Petition of citizens of Chicago, Ill., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

Also, petition of employees of the Chicago (Ill.) post-office, Hyde Park and Lawn stations, urging the passage of House bill No. 9565, for the retirement of civil employees of the Government after long service and infirmity—to the Committee on Reform in the Civil Service.

By Mr. MERCER: Resolution of North Platte Commercial Club, urging adequate appropriation for hydrographic survey in arid regions—to the Committee on Appropriations.

By Mr. NEEDHAM: Resolutions of the San Francisco Chamber of Commerce, favoring the passage of House bill No. 4346, to place Lake Tahoe Forest Reservation under the control of the University of California—to the Committee on the Public Lands.

Also, resolutions of the San Francisco Chamber of Commerce, favoring the improvement of Oakland Harbor under direction of board of United States engineers appointed by the Secretary of War—to the Committee on Rivers and Harbors.

By Mr. RIDGELY: Petition of New Albany Post, No. 119, Department of Kansas, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. THOMAS of North Carolina: Petition of J. H. Anderson and others, for the reestablishment of the United States Arsenal at Fayetteville, N. C.—to the Committee on Military Affairs.

SENATE.

MONDAY, *April 23, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. RAWLINS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal stands approved.

GROVES OF BIG TREES IN CALIFORNIA.

The PRESIDENT pro tempore. The Chair presents quite a lengthy communication from the Secretary of the Interior in relation to the proposed preservation of the Mammoth Tree Grove in California. The Chair is uncertain where it should go.

Mr. COCKRELL. To the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. The Chair is informed that the Committee on Public Lands has recently had charge of it.

Mr. COCKRELL. That committee would have jurisdiction of it.

The PRESIDENT pro tempore. The communication and accompanying papers will be referred to the Committee on Public Lands and printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9566) authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay;

A bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes;

A bill (H. R. 10840) providing compensation to United States commissioners in Chinese deportation cases; and

A bill (H. R. 10097) to authorize the Atlantic and Gulf Short Line Railroad Company to build, construct, and maintain railway bridges across the Ocmulgee and Oconee rivers within the boundary lines of Irwin, Wilcox, Telfair, and Montgomery counties, in the State of Georgia.

The message also announced that the House had passed resolutions commemorative of the life, character, and public services of the Hon. EVAN E. SETTLE, late a member of the House of Representatives from the State of Kentucky.

PETITIONS AND MEMORIALS.

Mr. TALIAFERRO presented memorials of sundry members of the bar of Alachua County, Brevard County, Madison County, and Suwanee County, all in the State of Florida, remonstrating against the enactment of legislation proposing to change the boundaries of the United States judicial districts of Florida and to transfer the tier of counties from Madison to Duval, inclusive, from the southern to the northern district; which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of the Retail Merchants' Association Mutual Fire Insurance Company of Illinois, praying for the enactment of legislation to secure protection in the use of adulterated food products; which was referred to the Committee on Manufactures.

He also presented a petition of the Illinois Manufacturers' Association, of Chicago, Ill., praying for the enactment of legislation providing for a revision of the war-revenue tax; which was referred to the Committee on Finance.

He also presented the petition of W. M. Benton and 15 other citizens of Peoria, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Cattle Association of Elko County, Nev., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. MCBRIDE presented a memorial of 12 citizens of Creswell, Oreg., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the Methodist Episcopal Church; of the Methodist Episcopal Working Society; of the Epworth League of the Methodist Episcopal Church; of the Woman's Christian Temperance Union; of the J. B. Matthews Woman's Relief Corps, No. 11; of the Congregational Ladies' Working Society; of the congregation of the Christian Church; of Holly Circle, No. 185, Women of Woodcraft; of the Ladies' Aid Society of the Christian Church, and of the Christian Endeavor Society of the Christian Church, all of Forest Grove, in the State of Oregon, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was ordered to lie on the table.

He also presented a petition of the congregation of the Methodist Episcopal Church; of the J. B. Matthews Woman's Relief Corps, No. 11; of the Epworth League of the Methodist Episcopal Church; of the Woman's Christian Temperance Union; of the Congregational Ladies' Working Society; of Holly Circle, No. 185, Women of Woodcraft; of the Ladies' Aid Society of the Christian Church; of the Methodist Episcopal Church Working Society, and of the Christian Endeavor Society of the Christian Church, all of Forest Grove, in the State of Oregon, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the newly acquired possessions of the United States, etc.; which was referred to the Committee on Military Affairs.

Mr. MCCOMAS presented a petition of sundry citizens of Midland, Md., praying for the Government ownership and operation of railways, as well as telegraphs and telephones, etc.; which was referred to the Committee on Interstate Commerce.

Mr. WARREN presented the petition of J. Jackson and sundry other stockmen of Laramie County, Wyo., praying for a continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

Mr. FRYE presented the petition of Samuel F. Haskell and 6 other citizens of Auburn, Me., praying for the enactment of legislation granting an increase of pension to soldiers who have lost an arm or a leg; which was referred to the Committee on Pensions.

He also presented a petition of the American Philosophical Society, praying for the establishment of a national standards bureau, in connection with the United States Office of Standard Weights and Measures; which was referred to the Committee on Mines and Mining.

Mr. GEAR presented sundry papers to accompany the bill (S. 1220) for the relief of John A. Spielman; which were referred to the Committee on Military Affairs.

He also presented sundry papers to accompany the bill (S. 3799) to remove the charge of desertion from the military record of Herman C. Colby; which were referred to the Committee on Military Affairs.

OSAGE TRUST FUNDS.

Mr. COCKRELL. I present a letter addressed to myself, in the nature of a memorial, signed by John F. Palmer, an Osage Indian, remonstrating against the payment of any portion of the principal of their trust funds. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

EASTERN CHEROKEE FUND.

Mr. COCKRELL. I present a supplemental paper, being a petition of the Eastern or Emigrant Cherokees, so called, praying for the payment to them, per capita, of the fund appropriated to them July 2, 1836, and pledged to them by the ninth article of the treaty

of 1846, and found due by the award of the executive department of the United States under authority of the act of Congress of March 3, 1893. I move that the paper be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

DR. EDWARD W. NORTONI.

Mr. COCKRELL. To accompany the bill (S. 478) to increase the pension of Dr. Edward W. Nortoni I present the affidavit of Dr. Evan Jones and J. A. Peyton and House Report No. 2640, Fifty-fourth Congress, second session. I move that the papers be referred to the Committee on Pensions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PROCTOR. I am directed by the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901, to report it with amendments and to submit a report thereon. I give notice that on Wednesday next I shall ask for the consideration of the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. DAVIS, from the Committee on the Judiciary, to whom was referred the bill (S. 4129) to detach the county of Dyer from the eastern division of the western district of Tennessee and to attach the same to the western division of the western district of said State of Tennessee, reported it with an amendment.

Mr. LINDSAY, from the Committee on Revolutionary Claims, to whom was referred the bill (S. 1864) for the relief of the heirs of Benjamin Wilson, reported it with an amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 982) authorizing and directing the Secretary of the Interior to examine certain claims of persons who owned or occupied buildings on the Hot Springs Mountain Reservation, which had been condemned by the Hot Springs Commission and afterwards burned, and to fix a reasonable value thereof, and making appropriation for the payment of said claims, reported it with an amendment and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 2582) to provide for the establishment of the intersection of the true one hundredth meridian with Red River, to ascertain the amount of taxes collected by the State of Texas in what was formerly known as Greer County, and the expenditures made on account of said county by said State, and for other purposes, reported it with an amendment.

Mr. SULLIVAN, from the Committee on Public Lands, to whom was referred the bill (S. 44) granting honorably discharged soldiers of the late civil war privileges under the land laws of the United States, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1682) to grant a tract of land in the district of Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church, reported adversely thereon; and the bill was postponed indefinitely.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3693) granting an increase of pension to Abraham Sanford;

A bill (H. R. 3131) granting a pension to Matilda O'Connor; and

A bill (H. R. 5088) granting an increase of pension to William G. Willoughby.

SENATOR FROM MONTANA.

Mr. CHANDLER. From the Committee on Privileges and Elections I report a resolution, which I send to the desk.

The resolution was read, as follows:

Resolved, That WILLIAM A. CLARK was not duly and legally elected to a seat in the Senate of the United States by the legislature of the State of Montana.

Mr. CHANDLER. I also submit a written report, of which I ask the usual number of copies may be ordered printed for the use of the Senate.

The PRESIDENT pro tempore. It will be printed under the rule.

Mr. CHANDLER. I also submit the testimony taken by the committee. The first print I ask may be of the report without the testimony. I now ask that the usual number of printed copies may be ordered of the testimony with the report, and I also offer the concurrent resolution which I send to the desk.

The PRESIDENT pro tempore. The request of the Senator will, without objection, be complied with. The Senator from New Hampshire offers a concurrent resolution, which will be read.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 700 copies of the books of testimony with the report in the Montana Senatorial election case, bound in cloth, of which 400 shall be for the use of the House, 200 for the use of the Senate, and 100 for the use of the Senate Committee on Privileges and Elections.

The PRESIDENT pro tempore. Does the Senator from New Hampshire ask for the printing of what appear to be bound volumes in addition to the copies provided by the resolution to be referred to the Committee on Printing?

Mr. CHANDLER. Yes; I ask that the usual number may be printed of the report without the testimony, and the usual number of the bound volumes with the testimony, and then I have offered a resolution to be referred to the Committee on Printing.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Printing.

Mr. PETTUS. Mr. President, some members of the Committee on Privileges and Elections, without in any way dissenting from the resolution that has been offered on this subject by the chairman, desire to submit some remarks for themselves as to the conduct of the case.

The PRESIDENT pro tempore. Does the Chair understand that the Senator desires to address the Senate now?

Mr. PETTUS. No, sir.

The PRESIDENT pro tempore. Later on?

Mr. PETTUS. No, sir; not that, either. A minority of the committee disagree to portions of this report, and they desire to submit their views in writing, to be printed also, not dissenting, however, at all from the resolution, the results of the finding of the committee.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 4304) for the relief of Edwin M. Jillson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURROWS introduced a bill (S. 4305) permitting the building of a dam across the St. Joseph River near the village of Berrien Springs, Berrien County, Mich., above where said river is now navigable; which was read twice by its title, and referred to the Committee on Commerce.

Mr. NELSON introduced a bill (S. 4306) for the relief of settlers and other claimants under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MASON introduced a bill (S. 4307) authorizing the purchase of sites for buildings for the accommodation of the Interior, Treasury, and War Departments of the United States, the District of Columbia, and for other public purposes, in connection with removing the Botanical Garden fence and improving the grounds, together with the development and encouragement of ramie fiber, silk, and flax preparation and manufacture and their production and profitable home market in the United States, under the supervision of the Secretary of the Interior; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PRITCHARD introduced a bill (S. 4308) for the relief of the estate of Samuel T. Carrow, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 4309) for the relief of B. G. Chandler; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 4310) to refund excessive postage paid on certain newspapers; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCOMAS introduced a bill (S. 4311) to provide for the construction of the Maryland and Delaware Free Ship Canal as a means of military and naval defense and for commercial purposes; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 4312) for the relief of Patrick H. Philbin; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. ELKINS introduced a bill (S. 4313) granting a pension to Catherine C. Lay; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4314) for the relief of the estate of James A. Watson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4315) for the relief of the estate of Isaac Jones, deceased;

A bill (S. 4316) for the relief of John McFarland; and

A bill (S. 4317) for the relief of W. S. Atwood.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4318) granting an increase of pension to Joseph C. Emerson;

A bill (S. 4319) granting an increase of pension to David H. Cope; and

A bill (S. 4320) granting a pension to Josiah Glenn.

Mr. DANIEL (by request) introduced a bill (S. 4321) for the relief of the estate of Samuel Good, deceased; which was read twice by its title, and referred to the Committee on Claims.

FREE HOMES ON PUBLIC LANDS.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the bill (S. 17) to provide free homes on the public lands for actual and bona fide settlers and reserve the public lands for that purpose; which was ordered to lie on the table and be printed.

SALARIES OF TERRITORIAL JUDGES.

Mr. HOAR. I move that the bill (S. 249) fixing the salaries and compensation of the chief justices and associate justices of the supreme courts in the Territories of Arizona, New Mexico, and Oklahoma, and making appropriations to pay the same, be recommitted to the Committee on the Judiciary.

The motion was agreed to.

AMENDMENTS TO NAVAL APPROPRIATION BILL.

Mr. PERKINS submitted an amendment authorizing the President of the United States to appoint in the Navy, by and with the advice and consent of the Senate, an inspector, to be attached to the office of the Secretary of the Navy, etc., intended to be proposed by him to the naval appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also submitted an amendment authorizing the President of the United States to appoint to the Naval Academy, annually, six naval cadets from among the apprentices on United States training ships, or at the training stations, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts and joint resolution:

An act (S. 62) granting an increase of pension to Robert Black;

An act (S. 208) granting an increase of pension to Josephine I. Offley;

An act (S. 209) granting an increase of pension to Cornelia De Peyster Black;

An act (S. 239) granting an increase of pension to Rhoda A. Foster;

An act (S. 241) granting a pension to Patrick Layhee;

An act (S. 261) granting an increase of pension to Lizzie H. Hyndman;

An act (S. 320) granting an increase of pension to Allen Buckner;

An act (S. 346) granting an increase of pension to Mrs. Arthusea Wright;

An act (S. 531) granting a pension to Henrietta Cummins;

An act (S. 645) granting an increase of pension to David Hunter;

An act (S. 677) granting an increase of pension to Jerusha W. Sturgis;

An act (S. 819) granting an increase of pension to Benjamin F. Bourne;

An act (S. 833) granting an increase of pension to Harry Atkinson;

An act (S. 994) granting an increase of pension to Casper Miller, jr.;

An act (S. 1194) granting an increase of pension to John B. Ritzman;

An act (S. 1228) granting an increase of pension to Thomas Jordan;

An act (S. 1250) granting a pension to Hattie E. Redfield;

An act (S. 1251) granting an increase of pension to Celia A. Jeffers;

An act (S. 1255) granting an increase of pension to James M. Simer;

An act (S. 1264) granting an increase of pension to James A. Southard;

An act (S. 1268) granting a pension to Sarah R. Burrell;

An act (S. 1298) granting an increase of pension to Oscar Taylor;

An act (S. 1309) granting an increase of pension to Herman Piel;

An act (S. 1331) granting an increase of pension to Ellen C. Abbott;

An act (S. 1419) granting an increase of pension to Annie B. Goodrich;

An act (S. 1721) granting an increase of pension to Amos H. Goodnow;

An act (S. 1729) granting an increase of pension to Oliver J. Lyon;

An act (S. 1769) granting an increase of pension to Henry Frank;

An act (S. 1960) granting an increase of pension to Eli J. Marsh;

An act (S. 2167) granting an increase of pension to Franklin C. Plantz;

An act (S. 2209) granting an increase of pension to Frederick Higgins;

An act (S. 2220) granting an increase of pension to Eudora S. Kelley;

An act (S. 2351) granting an increase of pension to Joseph W. Skelton;

An act (S. 2375) granting a pension to Mary A. Russell;

An act (S. 2622) granting a pension to Maria A. Thompson;

An act (S. 2636) granting an increase of pension to Mary E. Law;

An act (S. 2742) restoring to the pension roll the name of Annie A. Gibson;

An act (S. 2942) granting an increase of pension to William Padgett;

An act (S. 3017) granting an increase of pension to Julia M. Edie; and

A joint resolution (S. R. 114) for relief of Garfield Hospital.

DISTRICT APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. TELLER. I move that the Senate insist on its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the PRESIDENT pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. SEWELL, and Mr. COCKRELL were appointed.

HOUSE BILLS REFERRED.

The bill (H. R. 10097) to authorize the Atlantic and Gulf Short Line Railroad Company to build, construct, and maintain railway bridges across the Ocmulgee and Oconee rivers within the boundary lines of Irwin, Wilcox, Telfair, and Montgomery counties, in the State of Georgia, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes, was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 10840) providing compensation to United States commissioners in Chinese deportation cases was read twice by its title, and referred to the Committee on Finance.

COMMISSIONS APPOINTED BY THE EXECUTIVE.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. CULBERSON on the 21st instant, as follows:

Resolved, That the President be requested, if not incompatible with the public interests, to inform the Senate, first, what commissions have been created or appointed by the Executive, or under his authority, since March 4, 1897, in reference to the foreign relations or the Territories of the United States or to inquire into the conduct of the late war with Spain: second, the names of the persons composing each of said commissions; third, the total compensation paid each of said commissioners; fourth, the total compensation paid each of the secretaries, clerks, and other employees of each of said commissions, and fifth, the total traveling, incidental, and other expenses of each of said commissions.

Mr. CULBERSON. At the request of the Senator from Minnesota [Mr. DAVIS], I ask that the resolution may lie over until to-morrow.

The PRESIDENT pro tempore. Is there objection?

Mr. HALE. Maintaining its place?

Mr. CULBERSON. Maintaining its place, of course.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

LIGHT AND FOG SIGNAL AT DELAWARE BAY.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, to which he calls the attention of the Senator from Pennsylvania:

The bill (H. R. 9566) authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay, was read twice by its title.

Mr. PENROSE. Mr. President, a similar bill has already passed the Senate. I therefore ask unanimous consent that the bill received from the House of Representatives may be taken up and passed now, after which I will move that the Senate bill be recalled from the House of Representatives.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PENROSE. I now move that the House of Representatives be requested to return to the Senate the bill (S. 3639) authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay.

The motion was agreed to.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution reported by Mr. TURLEY from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. CHANDLER. Mr. President, it is not my purpose, as I said on Saturday, to detain the Senate by any lengthy remarks upon this question, because on two previous occasions when the same subject has been under discussion I have stated very fully my views as to the correct construction of the Constitution upon the point now in controversy. I believe that the resolution should be amended in accordance with my motion, that the word "not" should be stricken out and that Mr. Quay should be declared entitled to a seat in the Senate upon the credentials which he presents, being an appointment from the governor of Pennsylvania.

Mr. President, the question before the Senate is one purely of constitutional construction and should be treated as such by all Senators. It is not a question of politics or of political discretion; and I have no remarks to address to Senators who expect to be actuated in voting upon the resolution by anything else than their convictions as to the correct construction of the clause in the Constitution under which Governor Stone has made the appointment of Mr. Quay.

Equally with other Senators, I have been written to by many citizens of the United States, residents of Pennsylvania and elsewhere, who have told me that ex-Senator Quay was a bad man and ought not to be seated because he is a bad man. I have also, I am bound to say, received many letters, perhaps quite as many, saying that he is a good man and should be seated because he is a good man. I may add that the same class of letters have been addressed to me in reference to the Montana Senatorial election case.

Now, Mr. President, perhaps we ought not to take offense at such letters. Freedom of communication between the people and their representatives in the House and Senate should be allowed. But when a question of this kind comes on to be decided by the Senate according to the views of Senators upon constitutional construction, every suggestion of this sort should be laid aside. If ex-Senator Quay is a bad man, doubtless the people of Pennsylvania will take care of him in the coming election and see that he is not returned to the Senate by a vote of the legislature of Pennsylvania. If, in their judgment, he is a good man, they will send him here again, and they will not be influenced by what may be said concerning him either in the Senate or outside of the State of Pennsylvania. So, now that this question is approaching a decision, I confidently ask Senators to take it up purely as a question of constitutional law.

It is appropriate for me to say further, however, that there have been suggestions floating about outside of this Chamber, sometimes in the Chamber, that some bargain had been made by the friends of ex-Senator Quay with the friends of another Senator whose right to a seat in this body has been called in question. Mr. President, I shall not waste time upon those rumors, because I have been authorized by both sides of the alleged bargain to deny that any such bargain exists or has existed. Therefore I ask Senators to dismiss any idea that their votes ought to be influenced by rumors of an alleged bargain which is a mere figment of the diseased imagination of somebody outside of this Chamber; for, necessarily, no Senator could be influenced by any notion of that kind unless he were prepared to adduce some proofs of the charges made.

Mr. President, the question whether Governor Stone had the right to appoint Mr. Quay depends upon the correct meaning of a half a dozen lines in the Constitution. Here they are:

If vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Now, a fair method of debating the question that has arisen in contemplation of this clause is to have each side of the contention take the clause and make such alteration in its language as will unmistakably give to the clause the meaning for which that side contends and see what light, if any, is given. I propose to do that. First, the supporters of the contention that the governor has the right to make an appointment whenever there is a vacancy can accomplish their purpose by changing one word in the Constitution. Strike out the word "happen" and insert the word "exist."

If vacancies exist by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Or, second, by a different change of three words, the clause may be made to justify our contention. Strike out the words "If vacancies happen" and insert "In case of vacancies;" so as to make the clause read:

In case of vacancies by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

It is clear that if either of those two changes were made, either striking out one word and inserting another, or striking out three words and inserting three other words, the contention of the opponents of seating Mr. Quay would be gone. I suppose that that will not be disputed by the Senator from Connecticut?

Mr. PLATT of Connecticut. What three words would you strike out?

Mr. CHANDLER. I will make a restatement in response to the inquiry of the Senator from Connecticut. My first proposition is that my side is right if the word "happen" is stricken out and the word "exist" is written in, and my second proposition is that we are right if the words "If vacancies happen" should be changed to the words "In case of vacancies." Those simple changes support the contention of the advocates of the governor's right, and the Senator from Tennessee [Mr. TURLEY], who made the majority report in this case, admits my claim. On the fourth page of the majority report, speaking of the clause in the Constitution as originally reported by the committee on detail, which says, "Vacancies may be supplied by the executive until the next meeting of the legislature," he says:

It will be noticed that under the clause, as thus reported, the power of appointment was vested in the executive in any condition of vacancy. In other words, the clause contained apt language to express the very idea upon which Mr. Quay now bases his claim to a seat in this body. If that clause had been adopted, undoubtedly the executive would have had the right to appoint as long as the vacancy existed, no matter how often the legislature, after the vacancy occurred, might have met and failed to fill it.

Then came a change, made by Mr. Madison, adopted by the Convention, and under that change the Senator from Tennessee admits that Mr. Quay should be seated. The clause as changed was:

Vacancies happening by refusals to accept, resignation, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature.

The Senator from Tennessee of this change says:

It will again be seen that under Mr. Madison's amendment the vacancy could be filled by the executive no matter when it happened nor how often the legislature had failed to fill it. Under this amendment, if a vacancy happened during a session of the legislature and the legislature failed to fill it, or if it happened during a recess of the legislature, the executive could appoint until the next meeting of the legislature; and then if the legislature failed to fill the vacancy, the executive could again appoint.

Therefore the majority of the committee admit, and I trust the Senator from Connecticut, who intends to honor me by replying to my remarks this morning, will admit, that if this change of one word, or of three words, in the language of the Constitution as it stands were to be allowed as a fair method of ascertaining the meaning of the clause and securing a correct interpretation of it, Mr. Quay would be admitted at this time.

But, Mr. President, I can do even better with this clause than to change one word or three words in order to justify my contention. I can make it read so that the Senator from Tennessee and the Senator from Connecticut will admit that Mr. Quay ought to be seated, without changing a word in the original clause, simply by rearranging its parts. I ask the attention of the Senator from Tennessee. I would like him to tell me whether, if the clause read as I am now about to read it, without changing a single word in it, but only rearranging the sentences, he would then resist the admission of Mr. Quay under the governor's appointment. I will hand Senators copies of the rearrangement of the sentences. I should like to have the Senator from Wisconsin [Mr. QUARLES] consider it with care before he speaks, as he intends to do, upon this question.

Here is my rearranged clause:

The executive of any State, during the recess of the legislature thereof, may make temporary appointments, if vacancies happen by resignation or otherwise, until the next meeting of the legislature, which shall then fill such vacancies.

I ask the Senators whether there is any doubt that under the clause so arranged, as a matter of original construction, the governor would have the right to appoint whenever a vacancy existed, and could make as many appointments as there were occasions on which vacancies existed.

Mr. DANIEL. May I ask the Senator a question?

Mr. CHANDLER. Certainly.

Mr. DANIEL. Does not the Senator think that the language

as it stands in the Constitution, in accordance with the natural import of the words, bears out the construction which he places upon it? In this connection, I beg leave to call his attention to the opinion of Mr. Taney, as Attorney-General of the United States, in construing similar language which is applied to Executive appointments. He says, giving it the construction the Senator is now advocating, as to the Constitution that—

> This appears to be the common sense and the natural import of the words used. They mean the same thing as if the Constitution had said "if there happen to be any vacancies during the recess."

Mr. LINDSAY. That is a vacancy in office.

Mr. DANIEL. Of course, in office.

Mr. CHANDLER. I will say to the Senator from Virginia that I think myself that the fair meaning of the clause as it stands, with the very words of the clause in the order of arrangement in which they now stand in the Constitution, supports the contention of the Senator from Virginia and my contention. What I am endeavoring to do is to show by how few words our contention might be made absolutely certain and contrast them with the many words it would take to make absolutely certain the contention of Senators on the other side.

In order to alter the clause in the Constitution so as to make it absolutely certain that it means what Senators on the other side say it does, I find it necessary to put thirty-six words into the clause—to double the number of words. I will give the Senator from Connecticut the clause thus changed, so as to make us surrender our contention to the other side.

> If vacancies shall first come into existence by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments before the legislature again meets, until the next meeting of the legislature, which shall then fill such vacancies. But if vacancies exist after the legislature has had an opportunity to fill them and has failed to do so, the governor shall not make temporary appointments.

Mr. President, it seems to me that here is fair ground for contending that the clause in the Constitution as it stands means what we say it means, because it is necessary to change so few words to make our construction absolutely certain and beyond controversy, while in order to make it absolutely certain that it means what Senators upon the other side claim, it is necessary to make changes involving the addition of thirty-six words.

Passing from these suggestions, I come now to assert that as a matter of original construction the mere use of the word "happen" instead of "exist" does not give the important meaning for which the Senator from Tennessee argues, but that the natural and legitimate construction of the clause in the Constitution, as a matter of original construction, tested by fair rules, gives the broad and beneficent power claimed for it to the governor of a State. There has been much argument against us based upon the change of the language in this clause made by the Convention which adopted the Constitution. The original draft of the clause in the Convention was:

> Vacancies may be supplied by the executive until the next meeting of the legislature.

If this clause had remained, the Senator from Tennessee and the majority report admit that the governor could appoint in the present case. Later the clause was changed to read as follows:

> Each legislature shall choose two members. Vacancies happening by refusal to accept, resignation, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancy shall happen or by the executive thereof until the next meeting of the legislature.

It is further admitted by the majority report that if the clause had remained in this last form the governor could appoint in this case, but when the committee on style made their final report it is claimed that a radical change of meaning was provided for. That clause, as slightly amended and placed as it now reads in the Constitution, was:

> And if vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Mr. President, I insist that there is no foundation whatever for the contention that the change of language created any change of meaning. The presumption is all the other way. When we find language in the report of the committee on detail which justifies the exercise of the power of appointment by the governor in the present case, and when we find in the modifications of the report of the committee on detail such language adopted by the Convention in the first instance that the governor would have the right to appoint in the present case, the presumption is very great that the committee on style did not intend to make a radical change from the original construction twice embodied in apt language.

It was the duty of the committee on style to make no change of meaning. If they made a change it certainly was the duty of the committee to call the attention of the Convention to the change which they had made. Notwithstanding the many references that have been made to the debates upon this subject in the Constitutional Convention, there has not been disclosed a single word to indicate that the committee on style intended to radically change the meaning of the clause as it had been reported by the committee on detail, and once adopted by the Convention. I ask the Senators who are to reply to me whether they can point out anything in the discussions in the Constitutional Convention which warrants them in their claim that the committee on style intended to change the meaning of the clause. I ask them to submit to the Senate at this time such statements and arguments, if any were made.

Mr. LINDSAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield?

Mr. CHANDLER. Certainly.

Mr. LINDSAY. With the consent of the Senator, I will make a suggestion. In view of the fact that the Convention merely formulated the Constitution and the States adopted it, is it very material how, through what steps, or by what process of reasoning the Convention reached its ultimate conclusion when submitting that paper to the various States that adopted it; and is it not a question as to what the States intended rather than what the various members of the Convention may have thought the States would intend?

Mr. CHANDLER. The Senator from Kentucky is an abler lawyer than I am. He knows better than I do what are the proper rules of construction of a statute or of a clause in the Constitution. As I understand the proper rule of construction, the question is what does the language mean in its natural import, and such natural import can not be destroyed by quoting from debates in the Convention which framed the Constitution any more than it can be destroyed by quoting from debates in the State conventions which adopted the Constitution. Those debates and contemporaneous and later construction throw light upon the subject. But after all, as every lawyer knows, an individual when he makes a contract, a legislature when it makes a law, a convention when it makes a constitution must not only mean to do a thing, but it must do it in apt language; otherwise the result which is intended to be accomplished is not accomplished. The Senator from Kentucky does not differ with me on that point.

What I say is that the meaning of the clause in the Constitution when it was finally adopted, after the report made by the committee on style, was exactly the same as it was when it was reported from the committee on detail and when it was first voted upon by the Convention and submitted to the committee on style. Exactly what it was in the beginning it was in the end; and as it was in the beginning, by the admission of the majority report, the governor's appointee in this case is entitled to his seat.

Mr. President, I repeat that the natural meaning of the clause is that "if vacancies happen to exist" or that "if vacancies exist," they shall be filled by the governor at any time, provided the legislature is not then in session to fill them. The best statement I can make of my idea is simply the transposing of the sentences, as I have done, without changing one word of the thirty-six words of which the clause consists. Under this transposition the governor's power will be conceded. Can it be, Mr. President, that so important a restriction upon the power of the executive as is contended for by Senators upon the other side of this question was made by simply a different arrangement of the very same thirty-six words?

Take again the case I have suggested of a simple change in the language without transposition. Instead of saying, "If vacancies happen by resignation or otherwise," say, "In case of vacancies by resignation or otherwise." There is no doubt what that would mean. It is conceded on the other side. Then the governor appoints. That would cover all possible cases of vacancies. Yet Senators say that the mere use of the word "happen" excludes the idea that a vacancy can be filled by the governor if it continues to exist after a legislature has had an opportunity to fill a vacancy and has not filled it. It is narrow reasoning and illiberal construction.

There is a singular inconsistency, Mr. President, manifested by Senators on the other side of this question in connection with a certain clause in the Pennsylvania constitution which has been quoted, and anathemas have been hurled at the head of the governor of Pennsylvania because, in pursuance of that clause, he does not call together again the legislature which was unable to elect a Senator, so that it may perchance fill this vacancy, instead of sending Mr. Quay here with the governor's appointment. The clause reads:

> In case of a vacancy in the office of United States Senator from this Commonwealth in a recess between sessions, the governor shall convene the two houses, by proclamation on notice not exceeding sixty days, to fill the same.

Mr. President, nobody on the other side of this question seems to doubt that this clause means that the governor is bound to call a meeting of the legislature where the vacancy happened while the legislature was in session. Mark the language:

> In case of a vacancy in the office of United States Senator from this Commonwealth in a recess.

This vacancy did not happen in a recess. It happened while the

legislature was in session; and according to the narrow construction which Senators place upon the Constitution of the United States, the governor was under no obligation whatever to call a meeting of the legislature, because the vacancy happened while the legislature was in session and not in recess. The vacancy did happen while the legislature was in session. It was unable to fill the vacancy, and it adjourned without filling the vacancy. Are the Senators right both in their construction of the United States Constitution and their construction of the Pennsylvania constitution?

Mr. President, having stated what seems to me to be the obvious meaning of this clause in the Constitution, as it stands, as a matter of original construction, I wish to enforce that idea, as I have done before, by a reference to certain well-known rules for the construction of statutes and constitutions. Courts get aid in doubtful cases from certain considerations; first, by looking for the purposes of the act or clause of the Constitution and what was intended to be accomplished; secondly, by inquiring whether it is a beneficial or a penal statute that has been enacted, and thirdly, by asking, What are the precedents?

Briefly, I repeat that in this case the object of the clause in the Constitution was unquestionably for the purpose of keeping the Senate at all times filled, of having no vacancies here. That being the purpose, such a construction of the clause in the Constitution should be adopted, if it fairly can be adopted, as will subserve that purpose. No one denies this was the object and purpose of the act. No one denies that it was deemed to be an important result to be accomplished, and a liberal construction of the Constitution fulfills that purpose in the present case by allowing the governor to exercise the right of appointment.

Moreover, Mr. President, this was not a penal statute; it was a beneficial statute. Senators on the other side may search the law books, but they can not produce a single authority to break the force of the argument that this was a beneficial statute, and therefore to be construed liberally, and not a penal statute, to be construed strictly. Such Senators violate all precedent and all reason when they undertake to construe this statute as a penal statute would be construed; when they stick in the bark of the clause instead of going to the spirit of the clause and helping to accomplish the beneficial purpose intended by the framers of the Constitution.

Such being, in my judgment, the true original construction of the Constitution, that it is a statute intended to keep the Senate full, a beneficial statute instead of penal statute, I come to the question of the precedents. It is not my purpose to review these at length. I wish to allude to an early precedent against the other side—in a case where the legislature of a State had an opportunity to fill a vacancy and failed to do it. The Senator from Wisconsin [Mr. SPOONER], on February 24, 1898, volume 31, part 3, of the CONGRESSIONAL RECORD, page 229, gives the letter of Samuel Smith, addressed to the President of the Senate, which is as follows:

WASHINGTON, *May 29, 1809.*

SIR: The legislature of Maryland having at their last session declined to appoint a Senator to represent that State in the Senate of the United States from and after the 3d day of March of the present year, and the executive of the State having conferred on me the honor of an appointment, which, in conformity to the Constitution, was limited in its language to the next meeting of the legislature of Maryland, I have to state to you, for the information of the Senate, that this meeting will take place on the 5th day of June, as by the governor's proclamation will appear; and I have therefore to request that you will be pleased to lay this case before the honorable the Senate for their determination as to the question whether an appointment under the executive of Maryland to represent that State in the Senate of the United States will or will not cease on the first day of the meeting of the legislature of Maryland.

SAMUEL SMITH.

The VICE-PRESIDENT OF THE UNITED STATES.

Mr. Smith asked admission to the Senate, and appears to have been admitted. So here was a case where there was a liberal construction of the Constitution in accordance with its obvious meaning. The Senator from Wisconsin perhaps has a reference to the Walker case, which was earlier than the case of Kensey Johns.

Mr. SPOONER. Yes; that is there.

Mr. CHANDLER. In that case, I think, the same construction of the Constitution was adopted. So a liberal construction was adopted both shortly before and shortly after the Kensey Johns case. Why it was that a narrow and illiberal construction was adopted in that case I can not say, but I have an impression, Mr. President, that during the first third of the century under the Constitution there was a disposition in the Senate to concentrate power rather than to broaden it out.

It occurs to me that possibly this narrow construction of the Constitution, which first found expression in the Kensey Johns case—when there were only 30 members of the body, and there was probably a greater disposition to concentrate power in a few hands than there is now, and newcomers in the Senate may not have been welcome—grew out of a disposition to keep Senators out rather than to enlarge their numbers. Under the influence of that sentiment the Kensey Johns case was decided, and following it the narrow, illiberal, and, as I conceive it, unjustifiable construction of the Constitution took shape and form and became embodied in some of the precedents of the Senate.

But, Mr. President, the various motions which were put forward to justify this narrow construction of the Constitution it has been very difficult to retain. It has been found impossible to contend, as time has progressed, for all the ideas upon which this narrow construction of the Constitution was based. I can show this by alluding briefly to the arguments which have been made to sustain such a construction.

The first idea was that the Constitution did not allow a governor to make an appointment to fill a vacancy happening at the beginning of a term. That was argued with great force and persistency. The argument was that there could be no vacancy in anything which had never been filled. It was asked, "How can you say anything is vacant when it never has been occupied?" That was one of the absurd refinements of those early days; and so they said at first that while a casual vacancy coming after a six years' term had been once filled by election could be filled by the governor, yet if a vacancy was found to be in existence on the 4th of March, at the beginning of the term, the governor could not make an appointment to fill it.

Time went on, and that narrow construction of the Constitution was exploded, and we have had a dozen cases which could be recited, if it were necessary, which show that vacancies can be filled by the governor of a State where the vacancy took place on the 4th of March, at the beginning of a term. That old idea is gone. Senators on the other side do not now contend for it.

There was another idea for a long time contended for with equal zeal and energy—that the governor could not appoint in anticipation of a vacancy. Although the governor might know that there was to be a vacancy on the 4th of March or at any other time by the resignation of a Senator or otherwise, he could not make an appointment, he could not sign the commission, he could not send his Senator to the Capitol until after the vacancy had actually taken place. And, Mr. President, the influence of this foolish—I will call it foolish and absurd—notion remained until the Senator from Texas [Mr. CHILTON] now absent came to the Senate with an appointment made by the governor of that State in anticipation of a vacancy. The question went before the Committee on Privileges and Elections. The Senator from Massachusetts [Mr. HOAR] made a report, which was adopted by the Senate, in which it was decided that the governor could make an appointment in anticipation of a vacancy. So this second notion of the earlier years disappeared.

The other notion which has led to a restriction upon the clause of the Constitution, and which is the cause of the present controversy, was that the governor could not appoint where the legislature had a chance to elect and did not succeed in electing. There is no foundation whatever for that idea anywhere in the language of the Constitution. It was an absurd notion, invented by those who sought for a narrow construction of the Constitution. It prevailed for a time, starting with the Kensey Johns case, and coming down to 1879; but then the new era of construction of this clause in the Constitution begun.

In 1879, in the New Hampshire case, the case of Charles H. Bell, it was held that the governor had the right to make an appointment where there was doubt as to whether the legislature had an opportunity to fill the vacancy, where there was doubt whether the legislature had been at fault for not filling the vacancy. The decision was made in favor of the governor's right to appoint. And so one after another these various limitations upon the meaning of this clause in the Constitution have disappeared, and we now come to the question whether the last limitation which anyone has conceived of shall remain, or whether we shall revert to the original construction put upon this clause by the founders of the Constitution themselves in the earliest beginning.

Mr. President, I will not undertake to discuss over again the points that were made in the two recent cases, the Mantle case and the Corbett case. We are asked to consider the question as no longer an open one. The decision in the Mantle case was made by a small vote, about 3 majority against his admission, but the decision in the Corbett case was made by a large majority, 31; and therefore we are asked to treat the question as no longer open. There is for me a good answer to that proposition. It is that I do know that Senators were not governed in their votes in those two cases by a consideration of what was the true construction of the Constitution.

I shall call no names, but I know Senators who voted against Mr. Mantle because he was what they called a "Silver Senator;" and I know that in the Corbett case there was a feeling in the Senate somewhat like that of retaliation, and that Senators voted against Mr. Corbett because he was what they called a "Gold Senator." Under those circumstances I made up my mind at the time when the Corbett vote was taken that I should not consider the decision as one that bound me thereafter. Other Senators take the same view. We believe that the true doctrine is that

which we now advocate; and we intend to persist in advocating it as long as there is any reasonable hope that it may be adopted as the true doctrine.

Mr. President, very little things sometimes effect important results. I feel very certain that if two Senators who voted against Mr. Mantle because he was a silver Senator, as they called him, had voted for his admission, and he had been admitted, and the governors' appointees from Washington and Wyoming had been admitted, Mr. Corbett, beyond all question, would also have been admitted, and the sound doctrine as to the construction of this clause in the Constitution would have been adopted by the Senate of the United States. Be that as it may, Mr. President, I do not consider that any Senator is bound by the decision in the Corbett case, and I especially very much regret that the junior Senator from Oregon [Mr. SIMON], succeeding Mr. Corbett in this Chamber, should have found it expedient to vote against seating Mr. Quay, when he holds that the true construction of the Constitution would admit him to a seat under the governor's appointment.

Mr. SIMON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Oregon?

Mr. CHANDLER. Certainly.

Mr. SIMON. The reason I shall vote against the seating of Mr. Quay is because the Senate by an unbroken line of decisions during the past seventy-five years has decided against the right claimed under the appointment made by the governor of Pennsylvania. If this was an original question, I should follow the reasoning of the distinguished Senator from New Hampshire and should vote that the governor had a right to make an appointment in such a case, but since the Senate has, during a period covering so many years, decided to the contrary, I feel it my duty now to vote the other way—that is, to vote that the governor had no right to make the appointment in this case.

Mr. CHANDLER. Mr. President, I only said that I regretted the Senator voted that way. My mind is to-day filled with recollections of the great struggle we made to seat Mr. Corbett, the claimant from Oregon on the governor's appointment, and I know the present Senator from Oregon sympathized very ardently with us in that effort. While I think the Senator is acting in accordance with his right and his convictions of duty, I very much regret that, believing the true construction of the Constitution is what we now contend for, he feels himself bound by the precedents to vote the other way.

Mr. President, I wish to say further that no just claim can be made here that the appointee of a governor is not entitled to as much respect as a Senator elected by the legislature. The power of the governor to appoint is of course conditional, but a governor is not the inferior of the legislature when a vacancy exists in the Senate. The governor stands on a perfect equality so far as the Constitution is concerned. The governor is elected by the people; he represents the people of the State just as much as the legislature represents them; and to belittle the governor's right of appointment in this case because the primary right is given the legislature seems to me wholly unjust. The governor, when he is named by the Constitution as having the power to fill a vacancy, is entitled to the same respect from this body as a legislature is. The governor is just as near the people, as I have said, as the legislature is, and Congress has no right to punish a State as a State is punished when a vacancy is continued in this body upon the claim that the appointee of the governor comes here with a sanction which is inferior to that with which a Senator comes who is elected by the legislature.

All these refinements about the original meaning of the Constitution have been based upon very narrow premises. The refinements about the meaning of the word "happen;" dictionary definitions of the meaning of the word "happen," and, worse than all, attempts to demonstrate, as so many hours of discussion have been used in attempting to demonstrate, to this body that the word "otherwise" means "likewise," are the most absurd arguments that I ever knew presented from any respectable source.

To illustrate what I mean I can not do better than refer to the quotations in the very able and eloquent speech of the Senator from Michigan [Mr. BURROWS], made on the 14th day of April. The Senator quoted very liberally from what he called the great lawyers of the Senate. I have made a list of the distinguished names which he recited. Nearly all of them were Senators—Senators Kernan, Bailey, Carpenter, Hill of Georgia, Seward, David Davis, Attorney-General Garland, Stephen A. Douglas, Lewis Cass, Mr. Underwood, James A. Bayard, Mason of Virginia, Butler of South Carolina, Jefferson Davis, George E. Badger, Senators Beck, Groome, VEST, Vance, Saulsbury, and there was Representative J. Randolph Tucker. The Senator filled his speech with quotations from these distinguished authorities, and wholly omitted to convey the information to the Senate that nearly every one of them had been overruled by the decisions of the Senate in the very cases in which they made their arguments!

There are many points which have been settled by this Senate which can be again discussed at great length hour after hour and day after day if Senators are willing to read the arguments of the defeated party. That is exactly what the Senator from Michigan did. He read over and over again the arguments of these great lawyers, whom he cited to show that a governor could not appoint a Senator in a case like the present one; and it appears that all of them said that a vacancy could never happen in a Senatorial term which had not once been filled.

I do not suppose the Senator from Michigan intended to deceive anyone, but he certainly should have called attention to the fact that he was reading overruled opinions. Senators will remember what a great lawyer the Senator from Michigan has discovered that Senator George E. Badger, of North Carolina, was. Everyone familiar with the history of this country knew that Senator George E. Badger was a great lawyer, perhaps the greatest lawyer of his State. Few Senators, I think, knew, until the Senator from Michigan said so, that he was "the greatest lawyer on earth in his day." But claiming him to be such, the Senator from Michigan said he will, "I am sure, be heard by the Senate." Now, what did Senator Badger say in the remarks which the Senator quoted?

> We must expound the word "otherwise" to apply to vacancies happening by similar events; that is, unforeseen events—death, resignation, appointment to an office which disqualifies—but it can not be applied to the expiration of a term of a Senator which leaves a seat vacant on this floor. My opinion therefore is that the governor of a State has no power to fill a vacancy in this body which is brought about by the expiration or efflux of the time for which the Senator was elected; in other words, at the termination of his term in the Senate.

The whole point of the cited opinion of this, "the greatest lawyer on earth," as the Senator from Michigan called him, was that under no circumstances could a governor make an appointment to fill a vacancy happening in the Senate in a six years' term which had never been filled, and yet the Senator from Michigan knew that there had been at least eleven cases where appointments made by the governor under such circumstances had been recognized by the Senate. So all through this erudite speech of the Senator from Michigan are quotations every one of which has been overruled by the deliberate judgment of the Senate. The Senator goes on and repeats the speeches of nearly all the minority Senators in the Bell case, as if they were now an authority to which we ought to listen, when their arguments were distinctively negatived by the vote of the Senate.

As the Senator from time to time read his quotations, he eulogized the authors. He spoke of Senator Hill, of Georgia, as a great lawyer. He spoke of Mr. Seward, of New York. Senator Beck, of Kentucky, he praised. He also paid proper compliment to the junior Senator from Missouri [Mr. VEST], whom he says, very rightly, illumines and adorns every subject he touches. He quotes from the Senator from Missouri. Yet the doctrine which the Senator from Missouri advocated in the remarks which were quoted has been distinctly overruled by the Senate. He had said:

> My contention here is that the original, primary power to start a full term in the Senate is with the legislature, and that the governor can only appoint as to a broken term. That is my contention.

That is not the law of the Senate to-day, because over and over again appointments by the governor made to take effect at the beginning of the term have been recognized by the Senate.

Mr. J. Randolph Tucker is no mean authority, and the Senator from Michigan read with great interest what he said, as follows:

> The better opinion would seem to be that where the term has never been filled it is a vacancy in the office by nonexercise of the elective function by the legislature, which function the executive is not competent to perform.

That antiquated and absurd doctrine which fills up one-half of the speech of the Senator from Michigan has been wholly exploded and is not sound constitutional law in the Senate to-day.

Mr. President, I am willing to deal frankly with the Senators on the other side of this question. I am willing to admit that in this case the Senate takes one more step forward. There never has been a case where the Senate has seated the appointee of a governor where the vacancy has come into existence while the legislature was in session and the legislature failed to fill that vacancy.

All we contend for is that the illiberal doctrine of the earlier years of the century was broken down in 1879, and that the decision made in the case of Mr. Bell, by which he and other appointees under similar circumstances were admitted to this Chamber, was made by reason of the adoption of a liberal construction of the Constitution, conforming, according to the best of reasoning, to the true construction which should be placed upon the clause in the Constitution about which the contention is now made.

Mr. President, we say the Senate ought to face forward and not backward upon this question. We say that the liberal construction of the Constitution which was adopted in 1879 should be extended until such a construction is given to the Constitution as should be given to a beneficial statute made to accomplish a wise and important purpose—that of keeping seats in the Senate constantly full, made for the purpose of preventing legislation in this body with vacant seats in the Chamber when the executive of the

State is ready to send here competent appointees to fill those vacancies. I am conscious that I have feebly stated my views and the reasons which actuate me in continuing the contention in behalf of the liberal construction of this clause of the Constitution. I do not propose to cease from this contention until the true construction becomes, as I believe it will eventually become, the accepted doctrine in the American Senate.

Mr. PLATT of Connecticut. Mr. President, it seems to me that one question lies in the forefront of this discussion, one which has not been sufficiently dwelt upon by those who think that under the provisions of the Constitution Mr. Quay is not entitled to a seat, and one about which, until the speech of the Senator from New Hampshire this morning, there has been a great deal of silence on the part of those who think that Mr. Quay is entitled to a seat under the provisions of the Constitution.

That question is whether anything can ever be considered settled in the Senate of the United States. Or, to put it differently, Is the Senate, now in the hundred and twelfth year of its existence, to observe the uniform precedents and the unbroken decisions of the Senate, or is it to disregard those precedents and overrule those decisions upon the ground of personal or political friendship?

I will state once more before I proceed further what every Senator has to refer to in discussing this question, the provision of the Constitution which must, or at least should, control the case. I have no doubt that the Senate is wearied by hearing it repeated. Article I, section 3, reads as follows:

> The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Then the Constitution proceeds to provide for the classification of Senators, and goes on:

> And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

We also have a statute on this subject, which I wish to read. Section 14, chapter 1, of Title II of the Revised Statutes of the United States provides:

> The legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

I do not cite at length section 15, which provides the method of election.

Mr. President, the Senator from Pennsylvania comes here with an appointment by the governor, a temporary appointment until the next meeting of the legislature of the State of Pennsylvania, and claims a seat. I wish to put in from the report of the committee just the circumstances under which he claims his seat:

> Prior to March 3, 1899, Mr. Quay was a Senator in Congress from the State of Pennsylvania. His term of office, to which he had been elected by the legislature of Pennsylvania, expired by efflux of time on the 3d day of March, 1899. The legislature of Pennsylvania convened in regular session on the first Tuesday in January, 1899. On Tuesday, January 17, 1899, it began balloting for the purpose of selecting some one to succeed Mr. Quay and fill the vacancy which would occur on the 3d day of March, 1899. Daily ballots were taken in obedience to the provisions of the act of Congress of July 25, 1866, and of the Pennsylvania statute of January 11, 1867, from that date until April 19, 1899. The legislature adjourned April 20 without effecting an election. Thereafter, on April 21, 1899, the governor of Pennsylvania appointed Mr. Quay to represent the State of Pennsylvania in this body until the next meeting of the legislature.

I wish to put here, right in juxtaposition with the facts under which the seating of Mr. Quay is claimed, the facts in relation to the Corbett case. I read from the report in the Corbett case:

> The term of Hon. John H. Mitchell, Senator from Oregon, ended March 3, 1897. The nineteenth biennial session of the legislature of Oregon, under the constitution and laws of that State, was to convene at the capital on the 11th of January, 1897. On that day the senate met and effected a permanent organization. The house met on the same day, effected a temporary organization, and at a later day effected a permanent organization. There was no recognition of the house by the executive branch of the government or by the coordinate branch of the legislature, the senate.
>
> The members of the senate and house dispersed, and returned to their homes without having transacted any business of a legislative character. It thus appears that the legislature of Oregon deliberately refused to perform any of the functions with which they were charged, one of the most important being the election of a Senator to succeed John H. Mitchell.
>
> We are of the opinion that a series of decisions by this body on the point involved in this case forms the rule of stare decisis.

Here are those two cases, and every point, fact, circumstance, or principle upon which Mr. Quay claims his right to be seated here was to be found in the Corbett case. In other words, Mr. Corbett had a stronger case for admission as a Senator than Mr. Quay has. The legislature in Oregon had not been in actual session; that is to say, whatever point may have been made about the technical organization of the two houses, they had never recognized each other; the senate had never recognized the house, and the governor had never recognized the house.

So no legislature had, in fact, in the Corbett case, attempted to fill the vacancy. In Pennsylvania a legislature had been in session and attempted to fill the vacancy. In the Oregon case the vacancy did not occur—I will not here in this part of the discussion use the word "happen," about which there is such contention—until after the adjournment of the legislature. In the Pennsylvania case the vacancy occurred while the legislature was in session, and the legislature proceeded for forty-seven days to endeavor to fill that vacancy or to elect a Senator to fill that term. So the case is very much stronger against Mr. Quay.

The Constitution says, if vacancies happen during the recess of the legislature the governor may make temporary appointments. The vacancy in the Corbett case did occur during the recess of the legislature. It did not occur during the recess of the legislature in the Quay case. In the Oregon case it could fairly be contended that there had been no legislature which could fill the vacancy before the appointment of the governor was made. No such claim can be made in the Pennsylvania case. There was a legislature which could fill the vacancy, which attempted to fill the vacancy, both in anticipation of it and after it occurred.

Now, what did the Senate do in the Corbett case? It heard at great length every argument which has been adduced by the Senator from New Hampshire and others. No case was ever more thoroughly argued in the Senate than that case, and the Senate by a vote of 50 to 19 decided that Mr. Corbett was not entitled to his seat. That is only two years ago. And here comes Mr. Quay, who was paired to vote against the right of Mr. Corbett to a seat in this body, and whose vote counted, therefore, against seating him in this body, and presenting a weaker case than the Corbett case, asks to be seated in this body, and the Senator from New Hampshire insists that he ought to be.

Mr. CHANDLER. I should like to have the Senator from Connecticut yield to me for an inquiry.

Mr. PLATT of Connecticut. Certainly.

Mr. CHANDLER. It is whether he believes all those Senators voted in accordance with their convictions as to the meaning of the constitutional provision?

Mr. PLATT of Connecticut. I was coming to that point.

Mr. CHANDLER. I do not believe they did.

Mr. PLATT of Connecticut. If Senators in this body vote to seat Mr. Quay, I shall not be heard outside of this body to say that I believe they voted upon other considerations than constitutional considerations. I am sorry that any Senator should, in the body or out of it, make the charge that Senators representing States—our equals, our peers—should deliberately, for political or personal considerations, refuse to vote in accordance with their ideas of the Constitution.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER (Mr. SPOONER in the chair). Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. PLATT of Connecticut. I should like to get through answering the first question the Senator asked.

The PRESIDING OFFICER. The Senator from Connecticut declines to yield.

Mr. PLATT of Connecticut. I do not believe that 16 Senators in this body voted to reject Mr. Corbett because he was a gold-standard Republican. The charge is one which reflects greater dishonor upon the Senate of the United States than any charge that has ever been made against it.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield?

Mr. PLATT of Connecticut. Certainly.

Mr. CHANDLER. I will ask the Senator why he is sorry to hear any Senator make that statement if that Senator believes it? Does he think it is a fact which should be kept secret if it is true, or that if a Senator so believes there is any obligation upon him to keep it secret?

Mr. PLATT of Connecticut. The Senator from New Hampshire, if he believes the statement which he has made, makes a charge against 16 Senators, his equals and peers, which absolutely dishonors and disgraces them and dishonors and disgraces the Senate of the United States as well. It is the more cruel because it is general and not specific. It impeaches the integrity of the whole Senate. Mr. President, I do not believe it. I would not assert it without the most positive evidence to substantiate the charge. I do not believe it in the Mantle case. There was, perhaps, more ground for saying that the Mantle case was not decided according to the opinion of Senators of the constitutional question involved than in the Corbett case, because the votes constituting the majority were fewer. There were three, I believe, at one time and five at another, two votes being taken.

Now, if there was three majority for Mr. Mantle, two votes changed would have made a majority against him. It is possible, not probable—I hardly desire to admit that it is possible—that two Senators might so far forget their duty, might be so lost to their constitutional obligation, which is just as great without an oath as with it, but to their oath, to the sanctity and sanction of their oath, as to vote differently from what they thought the Constitution of the United States required because

Mr. Mantle was a Silver Republican. Speaking of chances, that is possible. Speaking of chances with reference to Mr. Corbett's rejection, it is impossible.

No enemy of the Senate; no newspaper that likes to cast aspersions upon the Senate; no evil-minded outsider who wishes to detract from the reputation, the dignity, the honor, and the greatness of the Senate can, as it seems to me, say that the votes of 16 Senators on this floor were given against Mr. Corbett, not on constitutional grounds, but because he was a gold-standard man. I repeat, I am sorry that the charge has been made. It will give occasion outside of the Senate for criticisms and aspersions which I think the Senate does not deserve.

Mr. President, here are the two cases. The Senator from Alabama [Mr. PETTUS] did not think that the Mantle case has been decided upon improper motives, for he put his report against the seating of Mr. Corbett upon the ground that the matter was settled in the Mantle case and ought to stay settled. I wish to read what he said about it:

> I prefer to put my concurrence in the conclusion of the majority of the committee squarely and entirely on the ground that the question of law involved in this case was settled in the Mantle case, and ought to remain settled forever.

Further on he says:

> The courts of England for centuries and the United States for one century declared it far better that the law should be settled and known than that it should be decided with technical accuracy. Those who have studied the judicial legislation enacted during the last forty years, the overthrow of principles long deemed settled, will appreciate the wisdom of the maxim, stare decisis.
>
> I think the question in this case was settled in the Mantle case and should remain settled.

So the Senator from Alabama could not have shared the opinion of Senators who say here that the Mantle case was decided by the votes of Senators who disregarded what they thought to be the constitutional requirements of a Senator coming here and asking a seat under a governor's appointment.

But, Mr. President, it is not the Corbett case alone and the Mantle case and the two companion cases of Beckwith and Allen that settled this case. There never has been a person claiming under a governor's appointment where the vacancy did not happen during the recess of the legislature admitted to a seat in the Senate. It was never claimed until it was claimed in the case of Mr. Allen, from Washington, in 1893, and he was not seated. It was not seriously claimed in that case; that is to say, the case never reached the point of discussion and serious claim in the Senate.

Now, for the first time since the organization of the Senate, comes a person claiming under a governor's appointment made to supply a vacancy which did not occur during the recess of the legislature. If anything should be considered settled, it seems to me that ought to be considered settled.

I will go a little further, Mr. President. Never has a man been seated in the Senate upon a governor's appointment where the legislature had been in session and attempted to fill the vacancy and failed. I want to emphasize that for the benefit of the Senator from New Hampshire, who says opinions have been overruled. That thing has never been done in the Senate of the United States.

But to go still further. Since 1825 no person claiming under a governor's appointment has been seated in the Senate of the United States where a legislature which could have filled the vacancy, either in anticipation or after it occurred, had been in session.

So instead of taking one step forward in this case, as the Senator suggests we should, we must take three steps backward. We must step back so that what never has been claimed until this case seriously, and what has never been acknowledged, shall now be accepted—that is, that a Senator can be appointed by the governor although the vacancy did not happen or occur during the recess.

We must also take one other step backward, and that is that a Senator may be seated although a legislature which could fill the vacancy has been in session and tried to fill it and failed to fill it.

We must take still one further step backward, and say what has not been said since 1825, when that question was considered settled in the Senate of the United States, that a person may come here claiming an appointment under a governor where a legislature could have filled the vacancy, although it did not attempt to do it.

Now, Mr. President, it is pertinent to ask again whether anything is ever to be considered settled and to remain settled in the United States Senate. The Senator talked about the opinion cited in the argument of the Senator from Michigan [Mr. BURROWS] having been overruled by the Senate. Every contention made by the Senator here to-day has been overruled by the Senate over and over again.

Mr. CHANDLER. If the Senator will allow me, he is mistaken about that.

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. PLATT of Connecticut. Certainly.

Mr. CHANDLER. I frankly admitted that no attempt had been made before to seat a Senator under these conditions. Now, the Senator says that every position I have taken has been overruled over and over again in the United States Senate.

Mr. PLATT of Connecticut. I think so.

Mr. CHANDLER. He is mistaken. It never has been overruled at all, because he himself says, and it is part of his argument, that no attempt has ever been made to seat a Senator under precisely these circumstances.

Mr. PLATT of Connecticut. It was overruled in the Allen case, for that was a case on all fours, and it was not considered then worthy of serious consideration, I will admit. The question whether a Senator can be appointed by a governor where a legislature has been in session and attempted to elect has been overruled many times and was acted upon by the universal concurrence of public sentiment and legal sentiment in the country for over fifty years. The question whether a Senator can claim under a governor's appointment, where a legislature had been in session which might have elected, but failed to elect or to attempt to elect, has been overruled repeatedly, and never, so far as I know, except in two or three cases where the question was not made or contested, has such a claim been allowed.

The very first case which was reported in the books—I understand there is an earlier case, called the Walker case, that does not appear in Taft's Election Cases—the very earliest case where there is anything in the Journals of Congress showing that there was any question made about it was the case of Kensey Johns, that was put by the Senate upon the ground—

> That a session of the legislature of the said State having intervened between the resignation of the said George Read and the appointment of the said Kensey Johns, he was not entitled to a seat in the Senate.

I will not take the time of the Senate to refer at length to the sound argument so often used in these discussions that a Senate which sat only five years after it was first organized and had in it five or six or seven men who were members of the Constitutional Convention ought to have known as well as we what the Convention meant, and ought to have known as well as we whether there was such an obligation to keep the Senate always full as requires us to disregard the unambiguous, plain meaning of the Constitution.

Mr. Ellsworth was on the committee which made that report and reported that resolution, and whatever the Senator may say about Mr. Badger being the greatest lawyer on earth, I refer to the Senator from Massachusetts [Mr. HOAR] as my authority for saying that Mr. Ellsworth was the greatest lawyer anywhere on the face of the earth, because he said that within a few days in the Senate. So Mr. Ellsworth, than whom no man was more powerful in the Constitutional Convention, within five years after the organization of the Senate under the Constitution—I believe he made the report—declared:

> That Kensey Johns is not entitled to a seat in the Senate of the United States, a session of the legislature of said State having intervened between the resignation of the said George Read and the appointment of the said Kensey Johns.

A new doctrine, the Senator from New Hampshire says. If we are going to take steps backward, let us take them back to the beginning, and take the interpretation put upon the Constitution by the men who framed it, and not by the new lights and under the new rules of interpretation, which seem to be that if you can read a change into the Constitution in three words to support your view of it it is perfectly proper to do it; because it takes more words to be read as a change into the Constitution to support what the Senator from New Hampshire seems to think is the other view of it.

Mr. President, I stand by the Constitution as it is written. I do not want to read words into the Constitution or to read them out of the Constitution; and it is only found necessary to do that by those who insist on the seating of Mr. Quay. It is not necessary for me, who think that he is not entitled to a seat here, to read any words into the Constitution or any words out of it. It does not require twenty-five words read into the Constitution to support my contention. The words there are the words upon which I rely, not the words which are not there.

It seems, Mr. President, as if it was unnecessary to read authorities as to the necessity of having the decisions of the Senate observed and respected that they should stand. To seat Mr. Quay overrules every case in the Senate which has been decided from the adoption of the Constitution to the present time, unless it be two or three minor cases along in the years from 1805 to 1809, and in one of those it does not appear from anything that was said that the question was raised or considered.

Mr. CHANDLER. What case is that?

Mr. PLATT of Connecticut. That is the Smith case, to which the Senator from New Hampshire alluded. Now, let us take the letter of Mr. Smith. Mr. Smith, of Maryland, had been a Senator from the State of Maryland, and his term expired the 3d of March, 1809, I believe. The governor gave him an appointment. The Senator from Wisconsin [Mr. SPOONER], when he discussed this

case, says that there is a fact which is not stated in Taft's Election Cases. Here is a statement of the case by Senator Butler, quoted by the Senator from Wisconsin. Where else it is to be found I am not advised:

His office expired by constitutional limitation on March 3, 1869. It seems that the legislature of his State had been in session before that date, and that the legislature had forborne, for some cause or other—I do not know what—to fill the term, and did not in fact fill the term as one to commence from the 4th of March, 1869.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. SPOONER. I ask the unanimous consent of the Senate that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside for the consideration of the resolution which is now under discussion. The Chair hears no objection.

Mr. PLATT of Connecticut. Mr. President, in the letter which Mr. Smith addressed to the Senate asking it to be determined how long he could hold his seat under the governor's appointment it does not appear whether a legislature had been in session which could fill the vacancy or not. Manifestly, there had been none in session after the vacancy occurred. Apparently, also, there had been a legislature in session in June, nearly a year before. It may be claimed that that legislature ought to have anticipated the vacancy and to have filled it; but that question does not seem to have been brought specially to the attention of the Senate. This is the letter addressed to the Vice-President of the United States:

WASHINGTON, *May 29, 1809.*

SIR: The legislature of Maryland, having at their last session declined to appoint a Senator to represent that State in the Senate of the United States from and after the 3d day of March of the present year, and the executive of the State having conferred on me the honor of an appointment, which, in conformity to the Constitution, was limited in its language to the next meeting of the legislature of Maryland, I have to state to you, for the information of the Senate, that this meeting will take place on the 5th day of June, as by the governor's proclamation will appear, and I have therefore to request that you will be pleased to lay this case before the honorable the Senate for their determination as to the question whether an appointment under the executive of Maryland to represent that State in the Senate of the United States will or will not cease on the first day of the meeting of the legislature of Maryland.

SAMUEL SMITH.

The VICE-PRESIDENT OF THE UNITED STATES.

The only question which Mr. Smith asked the Senate to determine was when his right to a seat under the executive appointment would end, and it is idle to contend that the Senate decided anything other than the question submitted to it.

But it is not very important to determine whether the attention of Congress was called to the fact that the legislature which sat nearly a year before the expiration of the term of Mr. Smith ought to have elected his successor or not, because it is admitted that in the case of Uriah Tracy, and Samuel Smith, and one other case, it does appear that a governor's appointment was held legal and valid although there had been a legislature in session at a date previous to the expiration of the term and the commencement of the new term which might have filled the vacancy.

Those are the only cases. They occurred between 1805 and 1809. In 1825, however, the case of James Lanman was decided, and that case was understood all over the country by those who were then in the Senate, by those who acted afterwards in the Senate, by the governors of all the States throughout the United States to settle the question that the governor could not appoint where there had been a legislature in session in anticipation of the vacancy which could have filled it.

Now, the Senator from Massachusetts [Mr. HOAR] called the attention of the Senate the other day to the fact that in Indiana the State went partially represented for at least two years because the legislature was unable to fill the vacancy. The Senator from Nevada said that California went unrepresented for two years—I think he said eight years—because the vacancy which could be foreseen and anticipated had not been filled by the legislature and because the legislature had attempted to fill it and had failed. And the fact remains that from 1825 to 1879 no governor in the United States presumed or attempted to make a temporary appointment of a Senator where a legislature had been in session which could have filled that vacancy, whether it had attempted to do it or not. There were many such cases. There are so many such cases that it is utterly impossible to say that that proposition was not considered settled, absolutely settled, in 1825 by the Lanman case. I wish to advert to a few of those cases, and especially because one happened in Connecticut.

In Connecticut a vacancy occurred March 4, 1851. The legislature then convened annually in May. The legislature which sat in the May previous, namely, in 1850, was the legislature charged with the election of a Senator. At that May session an attempt was made to choose a Senator, and after several ballotings the whole subject of the election of a Senator was, upon motion, indefinitely postponed. The governor did not appoint. In the May session of 1851, the next year, the seat having been vacant from March 4, 1851, until the May session of the legislature of 1851, the matter came before the legislature, and the legislature took 22 ballots in its endeavor to elect a Senator, and, becoming convinced that it was impossible to agree, again, on motion, indefinitely postponed the election of a Senator.

No action was taken by the governor, and in 1852, in May, the legislature again met and elected a Senator, who took his seat, Hon. Isaac Toucey. So from March 4, 1851, until some time in May or June, 1852, the State of Connecticut had only one representative in the Senate, because it supposed, and because everybody supposed, that the governor could not under those circumstances appoint and because it had never, after 1825, been claimed that the governor under such circumstances could appoint.

In Maine there was a Senatorial vacancy in 1853. The legislature made repeated efforts to elect, and it was not filled until the next succeeding legislature. The governor made no appointment.

In Pennsylvania a vacancy occurred March 4, 1855, and the legislature, at its session beginning in January, 1855, tried to elect a Senator, but failed to do so, and adjourned May 8 without effecting a choice. The next year, January 14, 1856, Senator Bigler was elected by the legislature.

The governor of Pennsylvania in 1856 and 1857 did not suppose that he could appoint under those circumstances. The clause in the constitution of the State of Pennsylvania which requires the governor, in case he finds a vacancy existing during the recess of the legislature, to summon the legislature together did not exist, but the governor of Pennsylvania at that time did not suppose that he could appoint; otherwise there would have been some one here claiming under the governor's appointment. That is Pennsylvania.

In Maryland a vacancy occurred March 4, 1843. The legislature assembled December 26, 1842, and continued in session until March 10, 1843, after the time when the vacancy occurred, when it adjourned without electing a Senator to fill the vacancy. The vacancy was not filled until the next regular session of the legislature, and the State of Maryland was a year with only partial representation in this body.

In North Carolina a vacancy occurred March 4, 1853. The legislature assembled in November, 1852, and made repeated efforts to elect, but adjourned without an election. They elected in 1854.

The State of North Carolina had one vacant seat in the Senate for eighteen months. These new-light lawyers who say that the great thing that was thought about was that the Senate should be kept full had not been heard from then. The governors of the States did not suppose that they had the right to keep the Senate full, ignoring or overriding those provisions of the Constitution which the Senate had declared in 1825 were to be observed.

In Indiana a vacancy occurred March 4, 1855. The legislature tried to elect. The senate refused to go into joint convention, and the legislature failed to elect until 1857, two whole years. That is the case to which the Senator from Massachusetts, for some purpose or other, I do not know what, called the attention of the Senate the other day.

In Missouri there was a vacancy from March 4, 1855, until December 29, 1856, almost two years, and the State of Missouri went without a representative on this floor, the legislature having tried to elect and failed to do so.

In California the State was represented by only one Senator from March 4, 1855, until January 5, 1857—two years nearly; and there was no claim that the governor could appoint.

In Oregon a vacancy existed from the 4th of March, 1856, until the 19th day of December, 1857, the legislature having declined to elect and the governor not appointing.

Again, in Oregon in 1859 a vacancy occurred; and as this is rather a remarkable case I wish to call attention to it somewhat particularly. They held an extra session of the legislature in May, 1859. That was soon after the vacancy occurred. The governor did not attempt to appoint at the commencement of the vacancy. A special session was held. That special session attempted to fill the vacancy, and adjourned June 4, 1859, without filling it. Then the regular session was held September 10, 1860, when repeated attempts were made to elect, until October 10, 1860, a motion was made to postpone the election of United States Senator; which motion prevailed. I do not know when they finally succeeded in electing a Senator in Oregon, but, at any rate, the place went vacant for nearly two years. The governor did not assume to appoint.

Mr. President, it can not be possible that all these vacancies should have been submitted to, if it had not been the understanding throughout the length and breadth of the United States that where a legislature had met, had attempted to fill a vacancy, and had failed, the governor had no right to appoint. I am contending for the observance of what has been settled, and if anything

on earth has been settled or can be settled, it is that; and its settlement is not to be argued alone from the fact that governors have not attempted to exercise the power of appointment under similar circumstances, but upon the few contested and decided cases in the Senate, to which I have already adverted, especially the case of Mantle, where an attempt had been made to elect, and the legislature had failed to elect.

The Senator from Massachusetts has the right idea with reference to standing by the decisions of the Senate even though thought to be wrong; but he fails to make the application in this case. Senators will remember the Du Pont case, in which his claim was not agreed to, and it was declared, after hearing and argument, that he was not entitled to a seat in the Senate.

Senators will remember that Mr. Du Pont came at the next session of the Senate and asked to have the case reopened and reheard. The Senator from Massachusetts made a report upon that case. I wish that the Senator from Massachusetts and the Senator from New Hampshire would abide by what I think is the principle stated in that report.

It is true, Mr. President, that the present case is not that of a Senator who has been re ected coming and asking to have his case reopened. It is the case of a Senator coming under precisely the same claims as a Senator who has been rejected and asking that his case may be decided differently.

What did the Senator from Massachusetts say? I agree to every word of it. He said:

> The simple question is: Whether the Senate, nowithstanding its decision of May 15, 1896, will now admit Mr. Du Pont to a seat?
>
> The majority of your committee now, as then, are of the opinion that this decision of the Senate was wrong; but the Senate is made by the Constitution the judge of the elections, qualifications, and returns of its members, and its judgment is just as binding in law, in all constitutional vigor and potency, when it is rendered by one majority as when it is unanimous.

I commend that language to the Senator from Massachusetts. He seems to think a decision the Senate rendered by a majority of three is not binding.

Mr. CHANDLER. Mr. President, the Senator ought not to be unfair.

Mr. PLATT of Connecticut. I do not wish to be.

Mr. CHANDLER. And he ought to be also just to himself. He knows very well the difference between standing by a decision of the Senate not to admit Mr. Du Pont when Mr. Du Pont came a second time on the same credentials and standing by some doctrine that may have been affirmed in some particular case by a majority of the Senate when another case just like it arises. The Senator from Connecticut is not just to either the Senator from Massachusetts or to myself in making his argument precisely as he makes it. If he will read the statement, it will show what the Senator from Massachusetts said.

Mr. PLATT of Connecticut. I will read it.

Mr. CHANDLER. If Mr. Corbett were to come here now, I would not be for admitting him; but when Mr. Quay comes, it is a different thing.

Mr. PLATT of Connecticut. But suppose Mr. Corbett came here with Mr. Quay's case; do you think he should be admitted to the Senate?

Mr. CHANDLER. I should be for his admission. There is nothing in that report which indicates the slightest reason why he should not be admitted.

Mr. PLATT of Connecticut. I repeat the question. Suppose Mr. Corbett came here with precisely the case which Mr. Quay has; do you think he would be admitted?

Mr. CHANDLER. Mr. President——

Mr. HOAR. Will the Senator from New Hampshire allow me to reply to the Senator from Connecticut?

Mr. CHANDLER. Certainly.

Mr. HOAR. That report is an affirmance of the doctrine of res adjudicata: that is, that where a court having jurisdiction over the matter has determined the title of the individual to a particular thing, in the ordinary case of a court to a piece of land, or in the case of a Senator's seat in the Senate, that decision can not be wiped out and the particular thing claimed given because of a change in the making up of the court afterwards.

It is the doctrine known in law as the doctrine of res adjudicata, and that doctrine the Senator will find a still stronger affirmation, of which I also was the author, in the Kellogg case from Louisiana, if he chooses to look at it. That, however, has nothing whatever to do with the question whether a court in another case would overrule a mistaken opinion of law. Courts never disregard the doctrine of res adjudicata; never, anywhere; courts everywhere overrule old decisions which they think wrong as to doctrine in new like cases.

Now, the Senator is striving—not purposely, of course—to confound two things, in regard to which I suppose every lawyer and every intelligent citizen understands the distinction. So, if the Senator will permit me, I have to say two things: First, that that report had nothing whatever to do with the question whether, if the Senate established in an old case, in a former case, a wrong principle, they may overrule that and now establish a right one.

The other thing I have to say is that it seems to my humble apprehension as clear as daylight that the Senate is not overruling its former doctrine or precedents if it now admits Mr. Quay; but, on the contrary, that the refusal to admit Mr. Quay overrules in principle and substance a series of well-established decisions, established on full debate and careful consideration; and that when my honorable friend undertakes to distinguish this case from the Sevier case, or the Smith case of old; when he undertakes to distinguish it in principle from the Blair case or the Bell case recently decided, all he has to say, in substance, is, "Why, we never admitted a man who had blue eyes under such circumstances, and Mr. Bell had black eyes." That is the distinction he makes. That has nothing to do with the substance and principle of the doctrine, as it seems to me.

I say this not, I hope, with any arrogant desire to set up my opinion against an opinion I value so highly as that of the Senator from Connecticut and of other Senators who differ from me, but I say it as expressing my own opinion, because the Senator is charging me with an inconsistency.

Mr. PLATT of Connecticut. No, I am not charging the Senator with an inconsistency; at least I made no such charge. Possibly it may be difficult for him or for me to reconcile what he stated in the Du Pont report with his action at the present time.

Mr. HOAR. I find it very easy to do so.

Mr. PLATT of Connecticut. I agree that that was a motion for a rehearing of the same case, but I think the principles enunciated by the Senator from Massachusetts in denying that rehearing applied just as much to a precisely similar case brought by some one else. Let us see. Suppose that at the next session after the Du Pont case was decided some man had come from the State of Pennsylvania under precisely the same state of facts and circumstances which led the Senate to reject——

Mr. HOAR. If the Senator will pardon me——

Mr. PLATT of Connecticut. Let me finish my sentence.

Which led the Senate to reject Mr. Du Pont, would not the reasoning have been just as strong that the Senate should not depart from its former decision as it was that the Senate should not reopen the Du Pont case?

Mr. HOAR. Mr. President, if that precise thing had happened, if the Senator will pardon me, I know I can say for myself, and I have no doubt I can say for the majority of the committee who signed that report, that they would have voted, every man of them, to have admitted that claimant from Pennsylvania to his seat; and when the Corbett case was decided I gave notice of my individual purpose, whenever the question came up in another case, to act on what I regarded as the correct view.

Mr. CHANDLER. If the Senator will allow me, in the Du Pont case we voted in favor of Mr. Du Pont because Governor Watson while governor cast a vote which we held was void. If Delaware had gone on and elected another Senator by the same vote, and Governor Watson had voted against him, of course we would have been in favor of seating him; but when Mr. Du Pont came and asked for a reopening of his case the doctrine of res adjudicata applied.

Mr. HOAR. Of course we would have been in favor of seating him.

Mr. PLATT of Connecticut. I want to read what the Senator said in that case, and I wish Senators would listen to it. I wish to see if the contention of the Senator in that case, as stated in this report, does not apply with just as much force to the Corbett case, under precisely similar circumstances, after the Senate reversed its former action, as it does in the Du Pont case. That report says:

> It is clear that the word "judge" in the Constitution was used advisedly. The Senate in the case provided for is to declare a result depending upon the application of law to existing facts, and is not to be affected in its action by the desire of its members or by their opinions as to public policies or public interest. Its action determines great constitutional rights—the title of an individual citizen to a high office and the title of a sovereign State to be represented in the Senate by the person of its choice. We can not doubt that this declaration of the Senate is a judgment in the sense in which that word is used by judicial tribunals.

The decision of the Senate in the Corbett case was a judgment.

Mr. CHANDLER. Against Mr. Corbett.

Mr. PLATT of Connecticut. By a high constitutional court.

Mr. CHANDLER. Against Mr. Corbett.

Mr. PLATT of Connecticut. I have heard a great deal said in this debate about this being a question of high constitutional privilege; and I am glad now to quote the Senator from Massachusetts as saying that the decision of this Senate is the judgment of a high constitutional court. The report continues:

> We can conceive of no case which can arise in human affairs where it is more important that a judgment of any court should be respected and should stand unaffected by caprice or anything likely to excite passion or to tempt virtue. When the Senate decided the question it was sitting as a high constitutional court. In its action we think it ought to respect the principles, in giving effect to its own decision, which have been established in other judicial tribunals in like cases and which the experience of mankind has found safe and salutary.

Then the Senator proceeded to apply his reasoning to the precise case, the Du Pont case; but those are general principles which

apply just as well to the Quay case as they did to the Du Pont case.

I want to repeat here; I want to emphasize it; I want to challenge any Senator to deny it, that Mr. Quay's case presents no claim that was not considered and affected and decided in the judgment in the Corbett case—the judgment of a high constitutional court, the judgment of a court as sacred and as binding as the judgments of the Supreme Court of the United States.

I want to ask this question: In the law providing a temporary government for Hawaii, as the bill first came here, it made the supreme court of the Territory of Hawaii the judge of the qualification of the members of the senate and house. Suppose that had been a clause in the Constitution of the United States that the Supreme Court should be the judge of the elections and qualifications of the members of the Senate and of the House of Representatives, and the Supreme Court two years ago in a case precisely similar to the one presented to the Senate to-day had, by a majority of 7 to 2, decided against the right of Mr. Corbett to a seat in this body, and suppose two years thereafter the same case, the same facts, the same claims, the same principles should be presented to the Supreme Court and they had decided that Mr. Quay was entitled to a seat——

Mr. HOAR. Will the Senator allow me?

Mr. PLATT of Connecticut. When I get through with my illustration.

Mr. HOAR. I thought the Senator had finished.

Mr. PLATT of Connecticut. If the Senator had been sitting as a member of that Supreme Court, and had been one who delivered a dissenting opinion, would he think it his duty whenever the same case came up again, and as long as it might come up, and as many times as it might come up, to go on dissenting, or would he feel that he ought to be bound by the decision that had been rendered by so large a majority of the court?

Mr. HOAR. I am much obliged to the Senator, because his question suggests what I was about to put to him, and it illustrates this whole thing.

In the case of Hepburn & Griswold, the Supreme Court of the United States held that the legal-tender law was unconstitutional. Two years after the Supreme Court of the United States changed its mind, and held, in another case, that the same law—the legal-tender law—was constitutional.

If at the time of that second judgment Hepburn or Griswold, the losing party in that cause, had come into the Supreme Court and said, "I ask you to give me back the money which was awarded to me by your old judgment," or costs, or the debt, or whatever it was, the court would have said, "No; that is res adjudicata. Your case is settled forever between you and your antagonist by a judgment; but that judgment went on erroneous principles, and every new case that comes before us will be decided otherwise."

That is just what they would have said, and my friend from Connecticut, I think, knows that and believes that just as I do. I can not doubt that so good a lawyer as is the Senator is sure I am stating exactly what would have happened, and rightly happened. They would not have made a new judgment in the old case, but they would have adopted a different principle in the new case, thinking they were wrong in the old one.

Now, I agree that in regard to overruling old judicial mistakes it should not lightly be done, and that a judge who does not believe the doctrine should hesitate, and only for a good reason overrule that decision. But I hold also that in a Senate, which, though a court, is a political body, when a Senator believes that an old case has been decided in violation of the constitutional right, the most sacred right in the Constitution, namely, the right to equality in the Senate, and when he not only believes, but knows, as I do, that the old decision was a decision influenced not by arguments upon the law, but by political considerations of how the Senator who claimed his seat was going to vote, or by such other political considerations as were urged upon the Senate in the Corbett case in argument openly in regard to some alleged misconduct of his in an election, I think that Senator is not only justified to declare the law as he understands it, but that he is bound, as a matter of constitutional duty, of sworn duty, so to declare it.

Now, let me repeat, if I may—and then I will not trouble the Senator again—the Supreme Court of the United States has more than once overruled old opinions, not as you will if you decide in favor of Mr. Quay, going back through a long series of decisions which were violated in the Corbett case, but overruling decisions which it had made in the past, and only because they were wrong. If at the same moment the Supreme Court were to overrule a former decision and a party to the former decision came into that court and said, "Now, you must set me right also," this same court, if they were unanimous, would unanimously say, "No; we can overrule a wrong principle of law, but we can not set aside a wrong judgment."

Mr. PLATT of Connecticut. If I weary the Senate, I wish to have the time taken by the Senator from Massachusetts charged to him and not to me.

I wonder if the Senator thinks that the Senate is more virtuous now than it was when the Corbett case was considered. If not, why is this continual representation made that the Mantle case and the Corbett case were decided by Senators without reference to their obligation to the Constitution as they believed it to be? Why this continual reiteration?

Does the Senator believe that the Senate is more virtuous now than it was then? Does the Senator believe that Senators are going to act with him now from the highest constitutional motives when they failed to act with him then from the highest constitutional motives; or is this brought up as an excuse for Senators who are expected to vote now "by caprice, or something likely to excite passion or tempt virtue," and so enable the constitutional contention of the Senator from Massachusetts and the Senator from New Hampshire to prevail?

I am bound to read all this report, because, as I said, it applies to the Du Pont case. I was interrupted. I proceed:

> We do not doubt that the Senate, like other courts, may review its own judgments where new evidence has been discovered, or where by reason of fraud or accident it appears that the judgment ought to be reviewed. The remedy which in other courts may be given by writs of review or error or bills of review may doubtless be given here by a simple vote reversing the first adjudication. We have no doubt that a legal doctrine involved in a former judgment of the Senate may be overruled in later cases. But there is no case known in other judicial tribunals in which a final judgment in the same case can be rescinded or reversed merely because the composition of the court has changed or because the members of the court who originally decided it have changed their mind as to the law or fact which is involved.

All that is made specifically applicable to the Du Pont case. But the general principle stated here goes much further and broader than where it is sought to reopen the particular case:

> It seems to us very important to the preservation of constitutional government, very important to the dignity and authority of the Senate, very important to the peace of the country, that we should abide by this principle. There are few greater temptations which affect the conduct of men than the temptation to seize upon political power without regard to the obligation of law. To act upon the doctrine upon which this petition rests would expose the Senate to the temptation to reverse its own judgments and to vacate or to award seats in this Chamber according as the changing majorities should make possible. If such practice should be admitted it would, in our opinion, go far to weaken the respect due to this body and the respect due to constitutional authority.

Mr. President, the question which I asked the Senator from New Hampshire is still unanswered. If Mr. Corbett now, with the same case as Mr. Quay presents to the Senate, were here asking to be seated, does anybody in the Senate suppose he would be seated? That question will not be affirmatively answered in the Senate.

The Senator from Massachusetts is talking about the doctrine of res adjudicata. I am talking about the doctrine of stare decisis, and neither the Senate of the United States nor the Supreme Court nor any other court can, within two years, in a case like this, overrule its former decision, there being only the precise facts in the one case which are in the other, without doing violence to the doctrine of stare decisis. I know cases may be overruled; they are overruled; mistakes in law are made and they should be corrected; but nevertheless the doctrine of the ages has been that they should not be overruled except where the gravest considerations demand it.

I want to state that doctrine fully. It requires very controlling considerations to induce any court to break over a former decision and lay again the foundations of the law. What controlling considerations are there here? What grave controlling considerations exist here when the Quay case is presented to compel the Senate to overrule its former judgment in a precisely similar case delivered only two years ago and by a majority of 50 to 19? There must be controlling considerations in order to justify it. Will some Senator tell us what they are? But, Mr. President, I have dwelt thus at length——

Mr. DANIEL. May I ask the Senator from Connecticut a question?

Mr. PLATT of Connecticut. Certainly.

Mr. DANIEL. What were the considerations which actuated the Senate to overrule the precedents of twenty-five years in 1825?

Mr. PLATT of Connecticut. What is the question?

Mr. DANIEL. What were the considerations which actuated the Senate in overruling the four or five cases antecedent to the Lanman case, reversing in the Lanman case the early jurisprudence of the country, decisions by men who were fresh from the adoption of the Constitution? What were those considerations?

Mr. PLATT of Connecticut. The most noted case which occurred prior to the Lanman case was the first case which occurred, which was the Johns case. In that case the decision was that a Senator was not entitled to be seated under an executive appointment if there had been a legislature in session which could have filled the vacancy. That was the original decision. That was the interpretation put upon the Constitution by six or seven men who were in the first Senate of 30.

Mr. DANIEL. If the Senator will allow me a moment, I will state that the legislature had been in session in the case of John Walker, of Virginia, who had been admitted prior to that without dissent in the Senate.

Mr. PLATT of Connecticut. The case of John Walker is not reported here.

Mr. DANIEL. No; it is not reported in Taft.

Mr. PLATT of Connecticut. It is not reported here. The case of John Walker, so far as I know, was not contested. There was no question raised about it. It went sub silentio if that doctrine was involved. But in five years after the organization of the Senate came the Kensey Johns case, presenting the same identical question as to whether a governor could appoint after a legislature had been in session which might have filled that vacancy, and the Senate decided that he could not, and it was put on that ground.

Between that time and 1825 the question does not seem to have been particularly considered. However that may be, and why persons were admitted at that time, when there had been legislatures which might have elected before the governor appointed, it was settled conclusively in 1825 that that could not be done; it was acquiesced in for more than fifty years; and there is no decision since which overturns that. So for seventy-five years at least it has been acquiesced in in this country and decided by the Senate whenever it has come up that the governor could not appoint if there had been a legislature in session which had the opportunity to elect.

That is all that was decided in the Bell case. All that the Bell case or the Blair case decided, as presented here, was that there had been no legislature there which could elect. All that the Senator from New Hampshire claims for the Bell case is that it was a question of doubt whether the legislature could elect or not. That question of doubt evidently determined the case. I scarcely need refer to it.

There were two legislatures elected in New Hampshire in the year 1878, by reason of a change in the State constitution, the vacancy falling March 4, 1879. By the statute passed in 1865, and which I have cited, the last legislature was chosen in November prior to the happening of the vacancy, and that legislature did not sit till June. It was claimed that the old legislature which sat the May previous was the last chosen legislature, but the Senate held it was not. I think that is all that can be claimed for the Blair case.

I do not think it is necessary for me to dwell longer upon the fact that to admit Mr. Quay to a seat here is not only to reverse the settled decisions of the Senate, but to go a step further, forward or backward, as Senators may prefer to call it, and seat a man under circumstances under which no man was ever before seated in the Senate of the United States upon an executive appointment.

But the Senator from New Hampshire says that the Constitution permits it. To be sure, the Senate has always decided against him and against the argument which he raises now; but he says he is not and he will not be bound by the decision of the Senate; and he says in effect that so often as the opportunity offers he will insist that he is right and the Senate is wrong. I do not think it is necessary to dwell much upon this interpretation of the Constitution.

The Senator from New Hampshire finds himself forced, in order to maintain his interpretation of the Constitution, to read words into it. That is where he places his argument. He says the change of one word in the Constitution will make it read according to his contention; that is, to strike out the word "happen" where it occurs in the language "happen during the recess," and insert the word "exist," so as to read "exist during the recess."

The difficulty with the Senator's argument is that the word "exist" is not there, and the word "happen" is, and that the members of the Constitutional Convention could just as well have put the word "exist" there as the word "happen," and that they do not mean the same thing. They certainly do not where the word "happen" is used with reference to an event and in connection with a specified date or time. I challenge the Senator, or any Senator, to find in the English language a sentence where the word "happen" is used in connection with a time or a date when it is not limited in its meaning to that time or date. This is a challenge that remains open, and until it is taken up it must be held that "happen" does not mean the same thing as "exist."

Or, he says that you can read three words into the Constitution and then it will be satisfactory. Cut out the words "If vacancies happen" and insert the words "In case of vacancies." Here the same trouble comes again. Those words are not in the Constitution. The Senator finds it necessary to change the language of the Constitution to maintain his interpretation of it. And then, in the third place, he says he can get what he wants out of the Constitution by transposing the language of the Constitution.

The Senator must have been studying the puzzle columns of some of the weekly papers, where the favorite puzzle is to read a sentence both ways, backward and forward, and have it mean precisely the opposite thing when read backward from what it does when read forward. That is his argument. What does he think a court would say to the claim that the Constitution should be interpreted by transposing its language?

Mr. President, that is not the way to construe the Constitution. To attempt to construe the Constitution in that way shows the weakness of the contention. Did the members of the Constitutional Convention understand the use of language? Did they know what words they were using? Did they know what was the meaning of the words they were using? Did they use words idly or inadvertently? Not at all, Mr. President. If there ever was a document in the whole world where words are used with precise meaning that document is the Constitution of the United States.

Now, the Senator says that at some time during the deliberations of the Convention this language was agreed to:

Vacancies may be supplied by the executive until the next meeting of the legislature.

I want to ask the Senator this: If the language which is in the present Constitution—

If vacancies happen * * * during the recess of the legislature—

means the same thing, what necessity was there for putting it there? That is the question I want answered. I want to know why the words "during the recess of the legislature" were put in there after other language had been agreed to? It is an unanswerable question. It settles this whole contention. If it had been provided before the Constitution went to the committee on style that all vacancies, however happening or whenever happening, might be filled by the executive, why were the words "during the recess of the legislature" put into the Constitution?

It does not do to say they were put there by the committee on style unauthorized to be put there; that the Convention did not know it, and therefore let them pass without observation. The clause, as finally referred to the committee on style, was:

Vacancies happening by refusals to accept, resignations, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature.

If that meant, when it went to the committee on style, that all vacancies might be filled by the governor no matter when they happened, and the clause only means the same now, why were the words "during the recess of the legislature" inserted? They were absolutely ill chosen to make it plain that the governor might appoint to any vacancy. They did not make it plain that that was the meaning. They mean something else, when they are put there, than that all vacancies may be filled by the governor, no matter when they happen or occur.

The Senator says that was the will of the Convention; that is what they understood; that is what they meant—namely, that whenever or however a vacancy happened, it should be filled by the governor until the next meeting of the legislature. Now, if so, why did they put in the words "happen during the recess of the legislature?"

Mr. CHANDLER. No; I do not mean that an appointment might be made by the governor at all times.

Mr. PLATT of Connecticut. When the legislature is not in session.

Mr. CHANDLER. I admit that the committee on style made a provision that the governor should not make an appointment while the legislature was in session. That is why they put that clause in. But they did not undertake to prohibit the governor from making an appointment when there was a vacancy under any conditions except that he could not make it when the legislature was in session, and they put in the words "during the recess of the legislature" for that purpose and no other.

Mr. PLATT of Connecticut. Did anybody ever suppose it might be construed or contended that the governor could make the appointment if the legislature was in session?

Mr. CHANDLER. Undoubtedly that is the theory upon which the committee on style put it in.

Mr. PLATT of Connecticut. No; it is not the theory upon which the committee on style put it in, in my judgment; it impugns the intelligence of the members of the Convention to suppose that they inserted the words "during the recess of the legislature" to prevent a governor from appointing a Senator while the legislature was in session to hold until the next meeting of the legislature. The Senator refers to what the Senator from Tennessee [Mr. TURLEY] says in his report and his address; the Senator from Tennessee is amply able to take care of himself; but in my judgment those words were put in there to render certain what had been in the mind of the Convention and its members all the while, and that was that the legislature should elect whenever there was an opportunity when it could elect, and the governor should appoint only if there was no opportunity for the legislature to elect, and the language all along justifies that.

But first it must be remembered that the desire of the Convention was that the legislatures should elect the Senators. There was great contention over that. That was one of the storm centers of the Convention—that and the equality of representation, that the smaller States should have the same representation as the larger States. Those constituted the two storm centers. Some members had proposed that they should be elected by the

house of delegates, the lower house. Others had proposed that they should be elected by the people. But the Convention said that they should be "chosen" by the legislatures of the States.

Now, if we have to assume purposes in order to make arguments as to what the Constitution means, let us assume for the moment that it is not true that every member of that Convention by day and by night was consumed with the single purpose of keeping the Senate always full, but that they did have in mind the election of Senators by the legislature. Turn to Mr. Madison's explanation of this sentence in the Federalist and you will find that he does not even speak of the appointment of Senators by the governor. He dwells upon the election of Senators by the legislature. And so reading prior phrases as proposed to go into the Constitution up to the time of its final adoption, you find them all consistent with the idea, the central idea, of the Convention and its members, that the legislature should elect whenever it was possible to do so, and the governor should only appoint when it was impossible for the legislature to do so.

Senators may take which horn of the dilemma they please. Either those words were put in there to express what had been the previous intention of the Convention or they were put in there to change what had been the previous intention of the Convention.

Mr. CHANDLER. Does the Senator from Connecticut want an answer?

Mr. PLATT of Connecticut. I say the Senator may take either horn of the dilemma he pleases. If they were put in there to express what had gone before, it must be considered that what had gone before was the same idea which is expressed by those words, namely, that an appointment can be made by the governor only when a vacancy happens or occurs during the recess of the legislature.

Mr. CHANDLER. Now, Mr. President——

Mr. PLATT of Connecticut. Wait a moment. If they were put in there to change what had gone before, they did change it. If they were put there to render certain the intention of the Convention, then it is manifest that the intention of the framers of the Constitution had been from the start only to allow the governor to appoint when there had been no opportunity for the legislature to make an appointment.

Mr. CHANDLER. I think the Senator ought to let me state that they were put in there so that the governor should not make an appointment during the session of the legislature, not that he should not make an appointment when the legislature was not in session, for a vacancy happening or existing under any conditions. My contention is just as likely to be the correct one as is the Senator's.

Mr. PLATT of Connecticut. To maintain the contention of the Senator from New Hampshire and those who agree with him drives those who maintain it into ludicrous and absurd situations.

Does anybody suppose— the Senator has been diligent in searching the debates of the Convention—that the members of that Convention thought, after they had said that Senators should be chosen by the legislature, and that a vacancy might be supplied by the governor, that it could be supplied by the governor when the legislature was in session? Does anybody really suppose they thought that?

Did anybody ever think, until the matter was suggested by the Senator from New Hampshire this morning, that that was the reason why those words were put into the Constitution? This method of interpreting the Constitution reminds me of the ingenuity of the Baconian theory of Shakespeare, as it is called. The first thing to do is to invent a cipher and then apply it to the Shakespeare plays, and it proves that Shakespeare did not write Shakespeare and Bacon did. In order to prove what they want to prove by the Constitution they have to invent a cipher, and the trouble is that nobody believes that the cipher they have invented is the true one at all.

Right in this connection, the other idea that these people who were framing the Constitution were worried night and day about providing some method of keeping the Senate always full, has had a wonderful growth, a wonderful evolution. We never heard of it, I think, until the opinion of Attorney-General William Wirt, and we never heard much about it until the Bell case and the Blair case. Since then is has grown by the meat it has fed upon until it has become in the minds of Senators who want to seat Mr. Quay the overshadowing and controlling consideration which was in the minds of the men who framed the Constitution. There is no evidence of it. The only evidence in the debates of the Constitutional Convention is found in two instances.

One when Mr. Randolph, I think it was, said if they did not give the governor power to make temporary appointments there might be "inconvenient chasms." He did not seem to be troubled by the fact that there might be a chasm occasionally; he was troubled by the idea of "inconvenient" chasms. Mr. Ellsworth, who limited the power of the governor to make temporary appointments by the use of the word "may," said that if the legislature was to be soon in session the governor would not appoint; he would not exercise that power. So the overwhelming consideration was not to keep the Senate always full. It was admitted that the governor would not exercise this power at all times; that there might be times when the Senate would not be kept full.

It was not mandatory upon the governor. It was a permissive power given to the governor in order to avoid inconvenience, and nothing more. And yet it is now made the foundation upon which the Constitution is to have words read into it and read out of it, upon which its plain meaning is to be changed, and words made to mean something other than what they apparently mean, all because the Senate was always to be kept full. Where is the evidence of it? I think it entirely more probable that it never entered into the minds of the framers of the Constitution that there would be any difficulty about a legislature refusing to elect a Senator to the Senate.

The Convention did indeed prescribe means whereby a State might keep its representation always full in the Senate. They did that, and that is all they did, and all they intended to do.

But, Mr. President, whatever their intention may have been, however strong their desire may have been that the Senate should always be kept full, it does not justify juggling with the words of the Constitution and torturing their meaning. I believe that what they were thinking about was the choice of Senators by State legislatures, and I do not know that that has ever been any better expressed than by Mr. Madison, in the Federalist, where he says:

> That, through the medium of the State legislatures, who are select bodies of men, and who are to appoint the members of the national Senate, there is reason to expect that this branch will generally be composed with peculiar care and judgment; that these circumstances promise greater knowledge and more comprehensive information in the national councils; and that on account of the extent of the country from which will be drawn those to whose direction they will be committed, they will be less apt to be tainted by the spirit of faction, and more out of the reach of those occasional ill humors or temporary prejudices and propensities which in smaller societies frequently contaminate the public deliberations, beget injustice and oppression toward a part of the community, and engender schemes which, though they gratify a momentary inclination or desire, terminate in general distress, dissatisfaction, and disgust.

That represents what was in the minds of the members who framed the Constitution, and yet an interpretation is contended for here which would give the power of appointment of Senators, not only one, but two, forever to the governors in certain contingencies such as have occurred in legislatures in recent days. Suppose a legislature can never elect by reason of "faction, ill humor, or passion," is the governor always to appoint? Was that in the minds of the men who framed the Constitution?

No, Mr. President; they did provide the means whereby a State might be fully represented at all times by the election by the legislature when the legislature had the opportunity to elect, and by the temporary appointment of the governor when the legislature had had no opportunity to elect, but that does not justify doing violence to the Constitution, nor to the statute even.

Suppose the legislature undertakes to disregard the statute only. The statute provides:

> The legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceeded to elect a Senator in Congress.

Suppose they proceed on the third Tuesday and not on the second; will the Committee on Privileges and Elections waive that in order to keep the Senate always full? Suppose they proceed to elect the very next day after they get together, claiming that time is of no consequence. The time when an election occurs is of no more consequence than the time when a vacancy occurs. Suppose they proceed to elect the very next day after they get together; will the Committee on Privileges and Elections waive that in order that the Senate may always be kept full?

This statute provides that they shall first proceed to elect in each house of the legislature, and if they agree they shall on the next day go into a joint assembly and proclaim the result: but in case there is no election by the separate houses, the joint assembly shall proceed to elect. Suppose a legislature does not act by its separate houses. They did not before the passage of the statute. Suppose a legislature immediately on its assembling goes into joint convention without having previously voted in either house and proceeds to elect a Senator and sends him here; will the Committee on Privileges and Elections seat him upon the plea that the Senate must always be full?

The choice of the legislature would be thus expressed. It would simply have failed to comply with the technicalities of the statute. Would that be permitted in order to keep the Senate always full?

No, Mr. President, it is inconceivable to my mind that anybody should say that these words, "During the recess of the legislature," used in connection with the word "happen" do not limit the power of the governor to appoint to those vacancies which occur during the recess of the legislature.

A final word, Mr. President. The Senate is on trial at the bar of public opinion in the United States. This case is known throughout the length and breadth of the United States. It is

known that it resembles in every particular a case which was decided two years ago by a vote of 50 to 19 in the Senate adverse to the claim which is now made. The people of the United States will want to know why the Senate changes front in this respect.

They will hear that it has been said in this discussion on the floor of the Senate that enough Senators voted in the Corbett case against the prior idea of what the construction of the Constitution should be to change the result because of the political views of Mr. Corbett, or because of some supposed circumstances which happened before or during the attempt of the legislature to organize rather than upon constitutional considerations, and if this case reverses the Corbett case the people of the United States will believe that considerations other than those to be found in the Constitution lie at the foundation of the vote.

This, Mr. President, is why I implore Senators to stand by the former decisions of the Senate. This is why I appeal to Senators to consider things which have been long settled as settled, and not attempt to reopen them.

If the decision in the Corbett case shall be reversed, there will never be any settlement in the Senate on this question under the Constitution. No case hereafter will be settled or attempted to be settled as Senators believe that under the Constitution it should be settled. They will be decided upon likes and dislikes, upon political interests and exigencies, for revenge or for friendship.

Mr. President, why have those terms been drawn into this discussion? Why has the picture been presented to us here of the former Senator from Pennsylvania as a good man and a brave soldier, endeared by association of his twelve years' service to Senators here? Why are "friends and enemies" of Mr. Quay alluded to in this discussion? Once overturn what has been already settled in the Senate and nothing is ever to be settled hereafter, but a seat in the Senate is to be the sport and play of political or personal friendships or enmities.

Mr. President, there are no enemies of Mr. Quay here. In the consideration of this case there should be no friends—that is to say, no one on account of his friendship should vote for Mr. Quay—no one should vote for him on that ground alone. Let it once go out to the people of this country that a Senator is to be seated because a majority of the Senate like him, and because he is endeared to them by long association, because he is a good man or a brave man, and a Senator who comes here who is not liked and who is not endeared to them by association, who can not be said to be a great man or a brave man, is not to be seated, the Senate from that hour will sink into deserved disrepute.

Mr. President, the old fable of the lawyer and the ox, in which the lawyer is made to say that it makes a difference whose ox is gored, has always stood in literature as the keenest satire ever leveled against partiality in the administration of justice. Can it be possible that the Senate, in its decision, is about to illustrate that old fable anew? If the judgment in the Corbett case, deliberately made, is now to be reversed for the benefit of Mr. Quay, will not the people have a right to ask whether the Senate has not, like the lawyer in the fable, taken into consideration the ownership of the ox? The present claimant of this seat in the Senate, who thought less than two years ago that Mr. Corbett should be rejected, now comes with a case admittedly weaker, and asks a decision in his favor. If the Senate shall accede to his request, the people will have a right to ask, and will not be slow to ask, upon what grounds the reversal of the Senate's decision rests. Thereafter, Mr. President, whoever shall desire to aim a shaft of satire against the inconstancy, the favoritism, the partiality of the Senate, will find one ready pointed for his bow.

Mr. KENNEY. Mr. President, I approach the consideration of this subject with no hope that anything I may say will throw light upon a question that has for more than a century been argued by the ablest and most distinguished lawyers of the Republic; and were it not for the fact that I cast my vote against the seating of Mr. Corbett upon the appointment of the governor of Oregon, I should not now detain the Senate. In justice to myself, however, I feel that I should explain why I could vote against the seating of Mr. Corbett and yet vote for seating Mr. Quay.

The full term of the Hon. Matthew Stanley Quay, senior United States Senator from Pennsylvania, expired on the 3d day of March, A. D. 1899, while the legislature of that State was in session. At the beginning of said session a concurrent resolution was offered in the Senate fixing the time for adjournment on the 20th day of April following. This resolution unanimously passed both houses. It then became a standing rule of the legislature and could not be changed except by a two-thirds vote.

On the evening of January 3, 1899, a Republican caucus was called for the purpose of nominating a person to be voted for as the Republican candidate for the office of United States Senator. At this caucus several candidates were voted for, but Senator Quay, having received 98 out of the 109 Republican votes present, was unanimously declared the caucus nominee of the Republican party.

Under the act of assembly of January 11, 1867, regulating the election of United States Senators, the legislature proceeded to ballot on the third Tuesday of January, 1899, and continued to ballot each succeeding day until the legislature adjourned on the 20th of April, as aforesaid. Inasmuch as none of the candidates received a majority of the votes cast, no election resulted. Seventy-nine ballots had been taken when the legislature adjourned without day on the date above mentioned. On the 21st day of April, 1899, the legislature having adjourned without an election of a United States Senator, the governor, under the provisions of section 2 of Article II of the Federal Constitution, appointed Mr. Quay to fill the vacancy until the next meeting of the legislature.

It has been urged by some that a Senator who voted against the seating of Mr. Corbett, the appointee of the governor of Oregon, could not vote for the seating of Mr. Quay and be consistent. This I deny. It is never inconsistent to be right. In the Mantle case, in 1893, 29 Senators voted favoring his claim to a seat and 32 against, and his claim was like the present case. Some Senators who voted for Mr. Mantle voted against Mr. Corbett in 1898, but his case was not like the present one, as I shall endeavor to show. There are Senators who voted against Mr. Corbett who will vote for Mr. Quay and are not inconsistent. I desire that the votes in the Mantle and Corbett cases be printed as a part of my remarks, and that the politics of each Senator be indicated.

The votes referred to are as follows:

Vote on Mantle case.

YEAS—32.

Aldrich (Rep.),	Gray (Dem.),	Ransom (Dem.),
Berry (Dem.),	Lindsay (Dem.),	Smith (Dem.),
Caffery (Dem.),	McMillan (Rep.),	Stockbridge (Rep.),
Call (Dem.),	McPherson (Dem.),	Vance (Dem.),
Camden (Dem.),	Mills (Dem.),	Vest (Dem.),
Coke (Dem.),	Mitchell, Wis. (Dem.)	Vilas (Dem.),
Cullom (Rep.),	Murphy (Dem.),	Voorhees (Dem.),
Dixon (Rep.),	Palmer (Dem.),	Washburn (Rep.),
Faulkner (Dem.),	Pasco (Dem.),	White, Cal. (Dem.),
Gallinger (Rep.),	Platt (Rep.),	White, La. (Dem.).
George (Dem.),	Proctor (Rep.),	

NAYS—29.

Bate (Dem.),	Hunton (Dem.),	Pugh (Dem.),
Butler (Dem.),	Irby (Dem.),	Roach (Dem.),
Cameron (Rep.),	Jones, Ark. (Dem.),	Sherman (Rep.),
Davis (Rep.),	Jones, Nev. (Rep.),	Shoup (Rep.),
Dubois (Rep.),	Martin (Dem.),	Squire (Rep.),
Frye (Rep.),	Morgan (Dem.),	Stewart (Rep.),
Hansbrough (Rep.),	Peffer (F. A.),	Teller (Rep.),
Hawley (Rep.),	Perkins (Rep.),	Walthall (Dem.),
Higgins (Rep.),	Pettigrew (Rep.),	Wolcott (Rep.).
Hill (Dem.),	Power (Rep.),	

NOT VOTING—24.

Allen (Pop.),	Daniel (Dem.),	Kyle (Ind.),
Allison (Rep.),	Dolph (Rep.),	Lodge (Rep.),
Blackburn (Dem.),	Gibson (Dem.),	Manderson (Rep.),
Brice (Dem.),	Gordon (Dem.),	Mitchell, Oreg. (Rep.),
Carey (Rep.),	Gorman (Dem.),	Morrill (Rep.),
Chandler (Rep.),	Hale (Rep.),	Quay (Rep.),
Cockrell (Dem.),	Harris (Dem.),	Turpie (Dem.),
Colquitt (Dem.),	Hoar (Rep.),	Wilson (Rep.).

Vote on Corbett case.

YEAS—50.

Allen (Pop.),	Gorman (Dem.),	Penrose (Rep.),
Bacon (Dem.),	Gray (Dem.),	Pettigrew (Silver Rep.),
Bate (Dem.),	Hale (Rep.),	Pettus (Dem.),
Berry (Dem.),	Heitfeld (Pop.),	Platt, Conn. (Rep.),
Burrows (Rep.),	Jones, Ark. (Dem.),	Rawlins (Dem.),
Butler (Pop.),	Jones, Nev. (Silver),	Roach (Dem.),
Caffery (Dem.),	Kenney (Dem.),	Shoup (Rep.),
Carter (Rep.),	Lindsay (Dem.),	Stewart (Silver),
Chilton (Dem.),	McBride (Rep.),	Teller (Silver Rep.),
Clark (Rep.),	McMillan (Rep.),	Thurston (Rep.),
Clay (Dem.),	Mallory (Dem.),	Tillman (Dem.),
Cockrell (Dem.),	Martin (Dem.),	Turley (Dem.),
Cullom (Rep.),	Mills (Dem.),	Turpie (Dem.),
Davis (Rep.),	Mitchell (Dem.),	Vest (Dem.),
Deboe (Rep.),	Money (Dem.),	Warren (Rep.),
Faulkner (Dem.),	Nelson (Rep.),	Wellington (Rep.).
Gallinger (Rep.),	Pasco (Dem.),	

NAYS—19.

Aldrich (Rep.),	Hansbrough (Rep.),	Perkins (Rep.),
Allison (Rep.),	Hawley (Rep.),	Sewell (Rep.),
Baker (Rep.),	Hoar (Rep.),	Turner (Fusionist),
Fairbanks (Rep.),	Lodge (Rep.),	Wetmore (Rep.),
Foraker (Rep.),	Mantle (Silver Rep.),	Wilson (Rep.).
Frye (Rep.),	Mason (Rep.),	
Hanna (Rep.),	Morrill (Rep.),	

NOT VOTING—20.

Cannon (Silver Rep.),	McEnery (Dem.),	Quay (Rep.),
Chandler (Rep.),	McLaurin (Dem.),	Smith (Dem.),
Daniel (Dem.),	Morgan (Dem.),	Spooner (Rep.),
Elkins (Rep.),	Murphy (Dem.),	Walthall (Dem.),
Gear (Rep.),	Platt, N. Y. (Rep.),	White (Dem.),
Harris (Pop.),	Pritchard (Rep.),	Wolcott (Rep.).
Kyle (Ind.),	Proctor (Rep.),	

Mr. KENNEY. The case of Mr. Corbett is, in many essentials, different from that of Mr. Quay. In the Oregon case there had not been any organization of the house of representatives of the State, and there was no legislature able to elect. After many weeks in a vain attempt to organize, the legislature, or what there was of it, adjourned, and, there having been no election of a Senator to

fill the vacancy caused by the expiration of the term of Mr. Mitchell, Governor Lord appointed Mr. Corbett, who appeared here asking to be given a seat on that appointment.

His credentials were referred to the Committee on Privileges and Elections, and after consideration the committee made to the Senate two reports—one, the majority report, recommending that he be not seated, and the other, the minority report, favoring his claim. Without reference to the findings of the committee, it was a notorious fact that the failure of the house of representatives of Oregon to organize was due to the efforts of Mr. Corbett and his friends, and that influences other than arguments were used to accomplish this end. So that Mr. Corbett came to the Senate under the appointment of Governor Lord, after having prevented the organization of the legislature, and for the reason and with the purpose that thereby he would prevent the election of a successor to Mr. Mitchell and secure to himself the appointment for two years by the governor.

Had the Oregon legislature organized and elected Mr. Corbett, he having used the same means to secure an election which he used to insure his appointment by the governor, this Senate would have refused him a seat, and as rightly so as it did in refusing him a seat on the appointment of the governor. Not all who voted against seating Mr. Corbett were governed in their actions by that view of the Constitution taken by those who to-day oppose the seating of Mr. Quay, and those who voted against him on the grounds laid down above will be entirely consistent in voting to seat Mr. Quay. I am frank to admit that it was the former and not the latter reason which controlled my action in the Corbett case.

Were the charges against Mr. Corbett not true, and my vote against him cast wrongfully, whether from a view of the Constitution or not, I feel that to vote in the present case against Mr. Quay for the sake of being consistent, when against my clear and fixed convictions as to the right of the matter, could not be defended or justified on any ground.

In the case now before the Senate there is no charge against Mr. Quay, and by all it is admitted that the sole question is: Was the appointment of Mr. M. S. Quay by the governor of Pennsylvania legal or not? and is, therefore, wholly a legal and constitutional question.

The answer can only be found in a just and proper construction of the Constitution, and political convictions can not and must not enter into its consideration. Former action by the Senate in cases like the one now under consideration can not be held to bind members of the present body, for the reason each Senater is bound under his oath to support the Constitution, and he alone is to pass upon its meaning as understood by himself; another's construction is not to bind him nor furnish him with an interpretation contrary to his own understanding of that instrument.

The Senate owes its existence to the Constitution, and the mode of choosing the members thereof and of filling vacancies is alone prescribed by that instrument.

Section 3 of Article I of that Constitution provides that—

> The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years.

It was obvious, however, that vacancies might occur which would defeat the intent of always having two Senators from each State, and therefore we find in the same article this further provision:

> * * * If vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

The governor of Pennsylvania derived his power, if any he had, to make this appointment to fill the vacancy from this clause of the Constitution, and on its just construction rests the answer to the question.

In considering this clause we must seek for the intent of those who made it. We must not lose sight of the fact that it is the Constitution, the organic law of the country; that it was not made to cover details, but by general provisions to extend over hundreds of years and thousands of cases, the differences in which could not be foreseen. Construction does not mean to hinder, but to help; and the law charges us to remember this in seeking the general intent and purpose in the construction of the Constitution.

Chief Justice Gibson, of the supreme court of Pennsylvania, in Commonwealth *vs.* Clark (7 W. & S., page 133), said:

> A constitution is *not to receive a technical construction* like a common-law instrument or a statute. *It is to be interpreted so as to carry out the great principles of the government, not to defeat them.*

The court of appeals of New York, in The People *vs.* Fancher (50 New York, page 293), said:

> Indeed, the science of words alone can not control in the construction of a written constitution, which must be rather interpreted with reference to its special and general intent and the ordinary and usual sense of the phraseology than to the literal and technical meaning of the words used. (Henshaw *vs.* Foster County, 9 Pick., 312; Mattox *vs.* The United States, 156 U. S., 43.)

In construction, when doubts exist, the context is to be looked at, and if no violence is done to the fair meaning of the word or clause and you can aid the purpose shown by the context, you are bound to construe it.

Chief Justice Marshall, in Gibbons *vs.* Ogden (9 Wheaton, page 4), said:

> If they contend for that narrow construction which, in support of some theory not to be found in the Constitution, would deny to the Government those powers which the words of the grant, as usually understood, import, and which are consistent with the general views and objects of the instrument; for that narrow construction, which would cripple the Government and render it unequal to the objects for which it is declared to be instituted, and to which the powers given, as fairly understood, render it competent, then we can not perceive the propriety of this strict construction, nor adopt it as the rule by which the Constitution is to be expounded.
>
> As men whose intentions require no concealment generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution and the people who adopted it must be understood to have employed words in their natural sense and to have intended what they have said. *If from the imperfection of human language there should be serious doubts respecting the extent of any given power, it is a well-settled rule that the objects for which it was given, especially when those objects are expressed in the instrument itself, should have great influence in the construction.*

In Story on the Constitution, section 400, the rule is thus stated:

> The first and fundamental rule in the interpretation of all instruments is to construe them according to the sense of the terms and the intention of the parties. Mr. Justice Blackstone has remarked that the intention of a law is to be gathered from the words, the context, the subject-matter, the effects and consequence, or the reason and spirit of the law.
>
> He goes on to justify the remark by stating that words are generally to be understood in their usual and most known signification, not so much regarding the propriety of grammar as their general and popular use; that if words happen to be dubious, their meaning may be established by the context, or by comparing them with other words and sentences in the same instrument; that illustrations may be further derived from the subject-matter with reference to which the expressions are used; that the effect and consequence of a particular construction is to be examined, because if a literal meaning would involve a manifest absurdity, it ought not to be adopted; and that the reason and spirit of the law, or the causes which led to its enactment, are often the best exponents of the words and limit their application.

This clause giving the governor the power of temporary appointment is part of Article I of the Constitution, which, made by all the people of the United States, created and provided for the organization of the legislative department of the Government called the Congress, and made it to consist of the House of Representatives and the Senate. It defined how the members of each should be elected, the qualifications of each member, and how many members should constitute each body. The election of members of the House is vested in the people, but those of the Senate in the legislature of each State, and it provided not only for the election of each member but for filling the vacancies in each body.

In section 2 of Article I it is provided as to the House of Representatives that—

> When vacancies *happen* in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

Here first occurs the use of the word *happen*. It is also used in connection with a vacancy, and it is *not used* to denote a moment of time when the event originated or first occurred, but to denote the *event itself* and its *duration*. Surely this is most pertinent proof as to the sense in which the word *happen* was used in the clause now in question.

Then, in section 3 of Article I, comes this provision:

> The Senate of the United States *shall be* composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

The Senate, to complete it, to make it the body which the Constitution intended, *must* have two Senators from each State, for the words used are:

> The Senate of the United States *shall be* composed of *two* Senators from each State.

And it emphasizes this meaning by providing that—

> Each Senator shall have one vote.

The votes are not to be by States, each State one vote, but each Senator has one vote.

As this clause shows a plain intent for a full Senate, the construction of all other clauses of Article I should be in *furtherance of* and not opposed to the same, and yet the opponents of the governor's power advocate a construction directly opposed to this marked intent.

Then comes, as if still further clearly impressing and declaring the intention to provide a full Senate, the provision under discussion, in these words:

> * * * If vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

The makers of the Constitution used the language most aptly. If the purpose had been to limit the governor's power to fill vacancies only which began in recess and not to include those which began before but continued into recess, they would have used words defining that intent and, instead of the language used, would have said, "if vacancies shall begin or originate in recess." Both the words "begin" and "originate" are left out and the word

"happen" used, and so with the intent that it should include the duration of the vacancy till filled.

Senator Turpie, in discussing the question in the Mantle case in 1893, expresses himself on the use of the words "by resignation or otherwise" as follows:

The original draft of the instrument did not contain the words "by resignation or otherwise." Having done away with the obstacle in the use of the word "happen," the opponents of this construction take refuge in the phrase "by resignation or otherwise." They claim that it is a limitation upon the power of the governor, and that the vacancy which happens is one that is occasioned by resignation, or, as they claim it, "otherwise," meaning by similar modes to resignation, something like resignation.

We of the majority say that "otherwise" includes every other casualty by which a vacancy should occur; every other casualty, no matter what it may be. "Otherwise" means "other ways." Gentlemen may examine Johnson, the contemporary authority with the Constitution of the United States, the nearest contemporary, the first of English lexicographers, not the last nor the least in learning. He defines the term "otherwise" to mean "other ways, in another manner, in a different mode or manner, not in a similar way, not in the same way, not in a way like the first named." And the real question in this debate is not how a vacancy occurred, but whether it exists.

The giving to the governor the power to fill vacancies was in order that that body should be full. There could have been no other purpose in the minds of the framers of the Constitution, and that being so, and the purpose for the granting of that power, how can it be successfully contended that in cases like the present one that power shall be or is withheld? If the power was given that the Senate might be kept full, then certainly that reason should govern not in a class of vacancies, but in all.

The Senate, besides its legislative powers, has in a degree executive functions. Our foreign representatives, judges of the Federal courts, and all other officers of the Government can only be appointed by the "advice and consent of the Senate."

In these appointments, as in other matters, the President is entitled to have the advice of the Senate, not a part of that body, but that body as created and authorized by the Constitution—two from each State. This body otherwise composed is not, can not be, such a Senate as is provided for by the Constitution, neither is any representation in this body from a State which is less than two, such a representation as is provided by the Constitution that that State is entitled to. Each State is guaranteed two Senators, and it is not an answer to a different condition to say that by the failure of a legislature to do its duty that therefore all the people of the State shall suffer, and they and the Government shall be deprived of the right guarantied to both by the Constitution. In the Bell case in 1879 Mr. Edmunds said:

The Constitution is looking to have each State represented in this body all the time, and by some method that the Constitution provides, and looks to do it, and therefore when it uses the word "otherwise" it uses a comprehensive term, so that in whatever way a State ceases to have opportunity to express its full voice here in this council of States it shall be filled up temporarily by the governor until the legislature, the chief and sovereign power in the State, next meeting, can have an opportunity to fill it.

In another part of his argument in the Bell case, Senator Edmunds said:

So, then, Mr. President, I have no difficulty with this case myself after hearing all that has been said on this subject and thinking about it, and I believe if we decide it in favor of this candidate, a matter of very little practical consequence of course, because the legislature shall meet so soon, we shall have established a just and wise decision in favor of giving the people of every State, who are the persons who are really represented, the fullest opportunity in one way or another to have their seats here kept full.—*Congressional Record*, 1879, page 351.

Mr. President, the construction I contend for is in line with the decisions of the Supreme Court of the United States in rules it applies to the Constitution. The breadth of construction adopted by that court in the interstate commerce and post-offices and post-roads clauses of the Constitution is in sharpest contrast with the narrowness of construction urged by those who differ with my contention. (See Gibbons *vs.* Ogden, 9 Wheaton, 1.)

The contention that the power of the governor should be restricted because of the fear that his appointments might be personal friends must not obtain, for such a contention overlooks the fact that at the time of the making of the Constitution all the States gave to the governors thereof most ample power to make appointments. In fact, in most if not all the States then and up to a very recent period the governor appointed all State officers, including judges of all courts, attorney-generals, etc.

It is surprising that there are men who, understanding the vast and unlimited powers that were given the governors of States as to the appointment of State officers, should hold that the power to name the representative of the people of the State in the United States Senate in vacancies like the present was withheld, and so because he might in the latter case name a favorite. No fears do they entertain that in the important appointments of judges and attorney-generals he might be given to naming favorites, their fears being confined to temporary appointments to fill vacancies in the Senate.

Speaking of consistency, where is it here? Is it reasonable to presume that the framers of the Federal Constitution, in their work on that instrument, placed less trust and confidence in the governors of States in filling vacancies in the United States Senate than they did when making State constitutions, in which work many of them engaged? Certainly not. Had distrust possessed them in the one case, it would have as certainly controlled them in the other, and, therefore, this aspect of the contention must be abandoned.

Much stress is placed by those who oppose the seating of Mr. Quay on what they claim to find in the debates in the Constitutional Convention supporting their contention. Inasmuch as those who drafted the Constitution did not adopt it, little force should be given to their particular views, for there is no evidence that the great body of the people who did adopt it shared these views, be they pro or con.

The supreme court of Pennsylvania on this question, in Commonwealth *vs.* Balph (111 Pa. State Reports, page 380, etc.), said:

In the consideration and discussion of this action of the Constitution, I throw out of view the copious citations which have been furnished us from the debates in the convention. They are of value as showing the views of individual members and as indicating the reasons for their votes. But they give us no light as to the views of the large majority who did not talk, much less of the mass of our fellow-citizens whose votes at the polls gave that instrument the force of fundamental law. We think it safe to construe the Constitution from what appears upon its face.

Prior debates in the Senate give no aid except as an opinion of the Senator who then spoke, and the greatest care must be exercised lest it be now construed different from the sense in which he intended it.

Citation of what a Senator said in any former case is proof only of what he thought, and is no evidence of what were his associates' thoughts or of the grounds on which the particular case was decided. If the foregoing views be correct, the conclusion must be that the governor of Pennsylvania had the power, on April 21, 1899, to make the temporary appointment he did to fill the vacancy then existing in this body from that State.

But, Mr. President, there is a view of this case which I do not remember to have heard discussed by any who have spoken to the question and one which clearly demonstrates that, should the contention held by the majority of the Committee on Privileges and Elections be sustained, it might result in at least one State being, for the two years beginning with March 4, 1901, without any representative in the Senate. It is the case in the State which I now have the honor to represent in this Chamber.

By reason of the failure of legislatures to elect Senators there are to-day three States, viz. Pennsylvania, Delaware, and Utah, that are represented in this body by a single Senator each, and if the legislature which will be elected in Delaware this year should at its session in January and February next fail to elect Senators, that State would for two years be without any representative in the Senate—that is, if the contention held by those who oppose the seating of Mr. Quay should obtain and the Senate hold against seating the appointees of governors in cases like the present one.

In the cases of Pennsylvania and Utah there would not be this condition should their legislatures fail to elect in 1901, for the reason the present Senators from those States hold until 1903, while the term of the Senator from Delaware expires March 3, 1901. I am not advised that in any case of a vacancy like the one under consideration, except the one now in Delaware, there existed the possibility within two years of the State being wholly without representation in this body. With the Delaware case in mind, it is not difficult to see that it is possible for more than one State to be left without any representation in the Senate, a condition never intended by the Constitution.

Sure it is a State may submit to a single representative in this Chamber; but when it comes to no representative whatever, the opposition view would hardly restrain just indignation on the part of the people of an outraged State.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Delaware yield to the Senator from South Carolina?

Mr. KENNEY. I yield.

Mr. TILLMAN. I understood the Senator to say that in the event of the coming election in Delaware if the legislature then elected should fail to elect a Senator, it would subject his State to the possibility of having no representation here at all.

Mr. KENNEY. That is true.

Mr. TILLMAN. Does the Senator believe that any State legislature will ever fail to agree on some candidate for the Senate unless the governor belongs to the party of the majority and will fill the vacancy anyway by naming as Senator some person who is a member of that party?

Mr. KENNEY. I appreciate the force of the Senator's inquiry, and I desire to answer it by saying that that condition did exist in my State in 1899, when the legislature was of the opposite party from the governor and failed to elect; therefore the State of Delaware was without full representation in this body. The Senator understands I mean that the governor was of a different political party from the majority of the legislature which should have elected.

Mr. TILLMAN. Why did not the governor appoint?

Mr. KENNEY. For the reason that the governor of the State

of Delaware was waiting to see whether the Senate of the United States would admit the appointees of governors.

Mr. TILLMAN. Why did not Pennsylvania wait, then, like Delaware?

Mr. KENNEY. I am unable to answer that question. It might have been if Pennsylvania had not led, Delaware might have done so; but if the decision of this case was satisfactory to the governor of Delaware, and if the Senate should admit Mr. Quay, the Democratic governor of Delaware would give credentials to a Senator from that State to fill the vacancy caused by the legislature's failure to elect.

The sole and only remedy for such ills is that just and reasonable construction of the Constitution which will place in operation that other power provided by the makers of the Constitution for keeping the Senate filled—appointments by the governors to fill vacancies. Not until such a settlement of the question is had will there be certainty of the legal and constitutional existence and continuation of the Senate of the United States.

These are my convictions as to the construction of the Constitution on this question, and by reason of this opinion I shall vote against the resolution reported by the majority of the committee.

Mr. QUARLES. Mr. President, so much learning, eloquence, and scholarship have been expended upon this debate that the Senate is wearied if not convinced. It would require genius of a high order to suggest anything new and oratory of the first magnitude to lend any charm to the hackneyed theme. Indeed, sir, if the angel Gabriel were to appear in the livery of heaven and speak with accents of angelic sweetness, it is doubted whether he could now change a vote on the Quay case.

The only way, sir, that I can justify the taking of a moment of the Senate's time is that it would be wise for a Senator now to state the exact ground upon which he places his vote. He may agree with the conclusions of the committee and not agree with all the arguments and contentions presented in support of its report, so that when the endless chain shall bring this same everlasting question before the next Congress he may be bound only by the conclusions of the committee that he supports.

If, sir, all precedents are to be swept away, every future case must be argued de novo, and in such a judicial medley where personal preference is to compete with constitutional conviction it may be difficult for a Senator to remain consistent with himself. Indeed, that is an accomplishment which has been denied to some of the Senators upon this floor.

This case is sui generis in at least two aspects: First, the vacancy occurred by expiration of a regular term and happened during a session of the legislature, which thereupon assumed jurisdiction to fill the same; secondly, the certificate of the governor was issued in violation of law. The certificate presented by Mr. Quay is bottomed upon the power of temporary appointment. The question here presented is essentially one of power, not of preference. Grant the power of the executive, and the right of personal selection belongs exclusively to him by the plain precept of the Constitution. The first proposition just announced will create a new precedent and disturb a long line of adjudication if Mr. Quay is seated. Never before has the certificate of any governor been recognized when the vacancy was anticipated and happened during a session and was then entertained by the legislature.

The whole contention rests upon the construction of a plain English sentence. We are called upon to construe a text, not to define a policy or to reward a friend. If we approach the task in a calm, judicial spirit, or, what is the same thing, with an honest purpose to deal fairly with familiar words, there should be no difficulty. There are no technical complications, because it is agreed that every word should be read in its usual popular sense.

The Convention having determined after great deliberation that the members of the Senate should be chosen by the legislature, further declared:

> And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

"If vacancies happen during a recess." This language imposes a condition precedent. If, therefore, the Quay vacancy did not happen "during a recess" within the meaning of this clause, there was no authority for executive action. To the common mind there would seem to be no doubt or ambiguity about the meaning of this expression, "If vacancies happen." To demonstrate that there is no ambiguity lurking in the word "happen," substitute any of its synonyms—"occur," "take place," "come to pass"—and the meaning is not changed a particle. "If vacancies take place during a recess" relates to such vacancies as originate while the legislature is not in session and excludes all others.

To the common mind this sentence clearly conveys the meaning that the power to appoint depends upon the time when the vacancy begins. Vacancies falling within the period known as a recess are within the power and all others fall outside. English language can hardly be more plain, specific, or direct. There is no imperfection or flexibility in the language. I believe this obvious rendering is correct and conclusive. Illustration or argument can hardly elucidate so clear a proposition.

Authority to an inferior tribunal to admit to bail in all cases happening during a vacation, as distinguished from term time, would clearly indicate a jurisdiction limited by the time of occurrence. No man could mistake the obvious purpose. Authority to adjust all losses by fire that happen between two certain dates would clearly exclude all cases falling outside the period, and no man could go astray as to the meaning.

So the familiar provision in testamentary documents, that if the death of a certain legatee happen before the decease of the testator, such and such results shall follow, is so plain that in the multitude of cases of testamentary construction, so far as I know, no doubt has ever been intimated as to the meaning of the provision. No court has ever entertained any such doubt.

None should be tolerated here, "if vacancies happen during a recess." The Quay vacancy did not happen during a recess, but occurred on the 4th day of March, when the legislature was in session and promptly assumed jurisdiction to fill the same. My contention, therefore, is that the vacancy does not fall within the limited jurisdiction of the executive.

The distinguished Senator from New Hampshire [Mr. CHANDLER] called to our attention a new rendering of this clause and has directed my particular attention to it. I can see in it nothing but novelty and ingenuity, for both of which my distinguished friend is justly noted. I have never yet learned that any court applied any such rule of construction that you could take the same words and rearrange and reframe the sentence, for instance, expunge a condition precedent, as is clearly done by my friend's construction, and then maintain that that is a fair construction because you have put in the same words. That is contortion as distinguished from construction; and if I were called upon to define this system of construction, I would call it acrobatic. The learned Senator also pointed out how easy it is to find his contention in the sentence by simply changing three words and putting in three words that are not there. If I were called upon to define that system of construction, I would call it muscular and athletic.

But I am here at the very threshold of this discussion to insist that there can be no interpretation or construction. Have we not, after all, been losing sight of elementary principles that ought to be familiar to every lawyer? It is taken for granted in the argument that every Senator is at liberty to construe and allow his imagination and ingenuity full reign, but I stand here to invoke the first great rule of construction which Mr. Sedgwick justly puts at the very head of this discussion, namely, that where a sentence is plain and unambiguous, there can be no such thing as construction. In such a case interpretation becomes impertinence. When there is no imperfection or doubt in the language, construction degenerates into casuistry.

I have yet to hear any Senator on this floor point out any imperfection in that sentence; I have yet to hear any Senator point out any ambiguity in that sentence; and every word is familiar to a schoolboy, well understood, in its ordinary application conveying only one meaning; and I stand here to insist that it is not a case for construction, but is a case simply to apply that well-understood meaning to familiar words and deal with it in the same sense in which it was penned by the authors of the constitutional provision.

Construction offers a great temptation to genius. There is nothing that can not be mystified. No word or sentence is safe if subjected to the refinements of literary wizards and casuists. I remember as a schoolboy that the teacher would write on the blackboard the sentence "Jesus wept," and instruct us that it was the shortest sentence in the English language, but even that short, plain, pathetic sentence would not be safe among the Scribes and Pharisees of construction.

The law is well settled that there must be doubt to justify interpretation, and it must be a doubt that inheres in the language, not a doubt arising out of some supposed purpose of the lawmakers; not a doubt born of some preconceived wish, but there must be some imperfection or ambiguity in the very words employed. We must deal with the language of the text. We must gather the meaning from the words of the Convention. If they meant something that they did not say, there is no rule of construction that will help out the case. Let me refer to Mr. Story, not with the idea of citing an authority, because that would be mere pedantry in such a case, but for the purpose of adopting the felicitous language of two or three authorities, in order that we may come back to the common and fundamental ground of this question. Mr. Story, one of our greatest expounders of the law, thus states the proposition:

> What the legislative intent was can be derived from the words they used, and we can not speculate beyond the reasonable import of these words; the spirit of the act must be gathered from the words of the act and not from conjecture aliunde. If the language is clear and admits of but one meaning,

there is no room for construction. Any departure from the language would be an unjustifiable assumption of legislative power.

This maxim holds good even in a case where the words employed fail to accomplish the legislative purpose.

Courts are not to tamper with the clear and unequivocal meaning of words used, although the consequences may not be such as were contemplated by the legislature. There can be no departure from the plain meaning of the statute on grounds of unwisdom or public policy.

It would be pedantry to cite authority upon so elementary a proposition, but I wish to adopt the expression of the court. The supreme court of Ohio, in Woodbury *vs.* Berry (18 Ohio State, 462), said:

But, notwithstanding all this ita lex scripta, the language as it stands is clear, explicit, and unequivocal. It leaves no room for interpretation, for nothing in the language is doubtful. We are satisfied by considerations outside of the language that the legislature intended to enact something very different from what it did enact, but it did not carry out its intention, and we can not take the will for the deed. It is our legitimate function to interpret legislation, but not to supply omissions. (23 Am. and Eng. Encyc., 301.)

I am not aware that any Senator has been able to point out any defect or ambiguity in this simple passage.

Great stress has been laid upon the proposition that the purpose was to keep the Senate full and that this legislative purpose would warrant great latitude of construction. Undoubtedly it is a canon of interpretation that the legislative purpose and the object aimed at are to be borne in mind, and if language fairly admits of two renderings, it is to receive that construction which will bring it into harmony with such purpose; but, as one authority lays it down, "To justify a departure from the literal meaning of the words, the intention must appear with reasonable certainty, for where the words plainly express the intent, the construction must be in accord therewith."

As we have shown, this passage limits the power of the governor to a single class of vacancies, viz, those which occur during a recess. It is argued that there appears to be no good reason why all vacancies might not have been intrusted to the same appointing power. But the law excludes this argument entirely. To quote from an acknowledged authority:

Words may not be imported into a statute in order that it may include a case which has been omitted merely because there seems to be no good reason why it should have been omitted and the omission therefore seems to have been unintentional.

Now, what is it that the minority report seeks to do with this plain, unambiguous sentence? To write in two words that are not there. The words "to exist" are inserted after the word "happen," so that the same shall read: "If vacancies happen to exist during a recess," etc. That is to say, the verb "happen" is to bear the meaning of continued existence. This is exactly opposite to its usual, ordinary signification. This is doing violence to the word and hence to the rule. This is an example of the muscular, athletic style of construction. Happen has a shade of meaning which its synonyms do not express—casualty, accident, fortuitous occurrence—all of which tend to limit it to the moment or precise time of occurrence. A vacancy may continue for months, but it can happen but once, and that is at the time when it originates.

The men who wrote the Constitution were masters of style and were exact in their use of language. I doubt if there is another legal document in the English language where words have been chosen with greater felicity or precision. If they sought to express the idea of continued existence, it is inconceivable that they would have hit upon so unsuitable a word as "happen." A careful reading of the whole provision will satisfy any candid man that the theory of the minority report is an afterthought—an effort to stretch the Constitution so as to embrace a casus omissus. It perhaps might well have been embraced within the provision; it might have been wiser to have inserted it; but that does not help the contention of the majority as matter of law.

The power of selecting members of the upper House was justly regarded as a high prerogative, as the debates abundantly show. There was every reason to suppose that the legislature would be eager to exercise this great function in every proper case, for the love of power is born in every human heart. Besides, the legislature, being responsible for the representation of its State in the Senate, would have the strongest incentive, as well as inclination, to take prompt action to fill all Senatorial vacancies.

This was undoubtedly the view taken by the Convention. They did not foresee the deadlock and deviltry and intrigue that would eventually put their scheme to the test, but considered that they had made suitable and safe provision for the filling of all vacancies. But one emergency was foreseen which the legislature would be powerless to meet, namely, vacancies occurring when the legislature was not in session. Therefore, it was deemed wise in such cases to provide for a temporary appointment by the executive until the next meeting of the legislature. Hence the provision, "If vacancies happen by resignation, or otherwise, during the recess."

It was not within their contemplation that the legislature would fail to do its duty. In all the lengthy debates no such suggestion anywhere appears. Therefore, there was no expectation that a vacancy happening in one recess, or during a meeting, would survive the session and be carried over into the next recess. Having provided for the only case which was beyond the reach of the legislature, they supposed they had covered the ground. It will be noticed that the tenure of the appointee was limited to the next meeting of the legislature, "which shall then fill such vacancies," showing again the utmost confidence that the vacancy would be promptly filled when the legislature should convene.

As a programme on paper there was nothing more to be desired. The scheme was perfect and complete. The prime difficulty with the minority report is that it seeks to construe this provision by the light of a century of actual experience. If we would truly catch the meaning of the Convention we must adopt its point of view. The scheme of government being framed was entirely new and untried. It would be singular, indeed, if actual experience during a hundred years of political activity should not reveal some weakness in the scheme and suggest some manifest amendment. But let it be remembered that we are not commissioned to amend, but have only the plain duty to read the text as it was understood by the men who penned it. In my humble judgment the case in hand does not fall within the authority of the executive, and his certificate is not entitled to recognition.

The second proposition, which is peculiar to this case, is that the appointment of Mr. Quay was made in contravention of law. Up to this time in this discussion it has been assumed, sub silentio, that the provision of the Pennsylvania constitution for frequent sessions of the legislature to fill Senatorial vacancies was wholly a State regulation and that the disobedience of the governor was exclusively a matter of State concern that had no logical or legitimate bearing upon the case now before the Senate. The militant attitude of the governor has been referred to as a consideration having remote application and entitled to certain moral influence only when serious doubt exists as to the matter of strict legal right.

I wish to direct the attention of the Senate to the claim that this local constitutional regulation has to respect and enforcement here. This provision of the constitution of Pennsylvania was inserted in 1874, and reads as follows:

In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the governor shall convene the two houses, by proclamation, on notice not exceeding sixty days, to fill the same.

The appointment made by the governor of Pennsylvania has raised a sharp issue with the organic law of his State. He is claiming, under the Constitution of the United States—and I think we shall find that the State regulations for filling vacancies in the upper House of Congress arose out of Federal necessity and are bottomed upon Federal authority—that they are not to be ignored in this debate nor brushed aside at the will of a State officer.

Our dual system of government is complex. The doctrine of the Trinity has always perplexed theologians, but our political scheme involves, not three in one, but forty-five in one. Forty-five separate States, embraced by one National Union, each sovereign within its peculiar sphere, and yet each in some measure dependent upon the other, constituting not a mere compact of States, but a great nation. Foreign jurists view with amazement the successful operation of this complicated system. Yet so harmonious is its working that our own people hardly appreciate its intricacies, for the same reason that their attention is not arrested by the complex wonders of the planetary system. By the very framework of our National Union certain of the machinery must be under the joint operation of States and nation.

In many instances the central Government must have the cooperation of State laws and State officers. Mr. Brice, in his American Commonwealth, speaking of the Federal Constitution, says:

It is, so to speak, the complement and crown of the State constitutions, which must be read along with it and into it in order to make it cover the whole field of civil government.

The permanence of the National Government depends upon the regular selection by the States of Members and Senators. The failure to discharge this function would cripple the Union by depriving it of its legislative department. No scheme of supplying the Federal Legislature was practicable that ignored the States, and again, no plan was tolerable that awarded to the States exclusive control of a function so vital to the very existence of the Union.

All this was foreseen by the wise men who framed our Constitution. By section 2, Article I, they provided:

The House of Representatives shall be composed of members chosen every two years by the people of the several States.

By section 3:

The Senate of the United States shall be composed of two Senators from each State, to be chosen by the legislature thereof, for six years, etc.

Her contribution has been laid upon the people of the States in the one case and upon the legislatures of the States in the other. This is one of the instances where power is directly conferred by the Constitution upon the several States. The States have no other warrant for the exercise of this authority, and the grant is primarily in the interest of the Federal Government.

By section 4, Article I, it is provided:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof.

Having by the preceding sections adopted the States as instrumentalities of the General Government to furnish suitable representation to keep the Federal Government supplied, the States are, by section 4, clothed with certain discretion to employ their own election machinery, which, for this important function, is adopted as a Federal agency. Times, places, and methods of conducting elections are also left to the convenience of the several States.

If the Convention had stopped there the majority of the States might, by concerted action, have brought the Federal machinery to a full stop. While such a contingency was not probable, it was a possibility against which wise statesmanship was bound to provide. Therefore another provision in the nature of a check was thought necessary and was appended to section 4, as follows:

But the Congress may at any time, by law, make or alter such regulation except as to the places of choosing Senators.

By the adoption of this Constitution the several States surrendered their sovereignty to this extent, that the General Government might have supervisory control over the whole subject of selecting members of the National Legislature. They virtually tendered to the Union the use of their legislative and executive machinery so far as was necessary to subserve this Federal purpose. Thus was provided an admirable system of checks and balances, alike creditable to both State and nation.

As we have seen, Federal supremacy was indispensable, for whenever the General Government is empowered to act at all it must be supreme. As Chief Justice Marshall expressed it:

The General Government, though limited as to its objects, is supreme with respect to those objects.

During the discussions that followed the work of the Convention this section was viciously attacked as an encroachment upon the rights of the States. It was vigorously defended by Mr. Hamilton in the Federalist. He says:

Its propriety rests upon the evidence of this plain proposition, that every government ought to contain in itself the means of its own preservation. * * * Nothing can be more evident than that an exclusive power of regulating elections for the National Government in the hands of State legislatures would leave the existence of the Union entirely at their mercy.—*Dawson's Edition*, page 411.

Under the last clause of section 4 Congress has undoubted power to make complete regulations as to time and manner of elections, and thus to displace all local regulations heretofore made, or it may alter such State regulations. This involves the power to approve in part and reject in part existing provisions, and to adopt as the Federal rule such altered regulations. It also implies the power to adopt without change the regulation made by the State, in which event it becomes a constituent part of the Federal plan of regulation.

As is well known, Congress has several times exercised this power. It has superseded State regulations, so as to secure uniform elections of members of Congress. It has also regulated the manner of procedure in elections of United States Senators. (14 Stats., 243.)

Congress has never found it necessary to exhaust its power by dictating to the States the time when Senatorial vacancies should be filled. It may seem startling, at first blush, that Congress may prescribe to the States the time when legislatures shall convene, but a reference to the debates will dispel all doubt that this is exactly what the Convention intended and insisted upon in so far as might be necessary to insure elections of members of the second House.

When this section was under consideration in the Convention, it was moved to confine this language to the House of Representatives, being of opinion that as to the Senators the right of the legislature to regulate was necessarily involved in the right to appoint—you see that raised the exact question—but the motion was disagreed to. (Growth of Constitution, page 88.) Later on, Pinckney and Rutledge moved to strike out the clause allowing Congress to regulate the election of Senators, on the ground "that the States should be relied upon."

Gorham, King, Madison, and Gouverneur Morris were all of the contrary opinion. Madison said that the words authorizing the States to regulate were words of great latitude and it was impossible to see what abuse might be made of such discretion. The motion of Pinckney and Rutledge was defeated, and the text was made to read:

But regulation in each of the foregoing cases may, at any time, be made or altered by the Legislature of the United States.

This was referred to the committee on style, and was reported and adopted as we now find it in the text.

It requires but a moment's reflection to catch the force of Madison's warning. Suppose a number of States should conspire to embarrass the National Government. They might pass laws providing for meetings of their legislatures once in five years, and without the reservation in section 4 the National Government would have been completely at the mercy of the States.

This section has been construed by the Supreme Court as investing Congress with plenary supervision over the entire subject, save only as to the places where the legislature shall meet.

The power of Congress, under the Constitution, to provide the time for legislative action on Senatorial vacancies can not be doubted. It would be competent for Congress to enact the very provision that Pennsylvania has put in its constitution, practically requiring all vacancies to be promptly filled by the legislature.

As the law now stands, existing regulations of Senatorial elections have been furnished partly by the States and partly by Congress. These must be read together, because together they constitute a single system of supervision and control.

By the act of 1866 Congress has provided for the manner of procedure in three cases:

First. When a vacancy is anticipated.

Secondly. When a vacancy exists when the legislature meets.

Thirdly. When a vacancy happens during the session.

The constitution of Pennsylvania has undertaken to provide for the filling of vacancies existing during a recess of the legislature, and thus the entire field is covered.

In contemplation of law Congress thus adopted as its own any State regulation as to time and manner that it has not seen fit to alter. This doctrine is well illustrated by the Supreme Court in Ex parte Siebold (100 U. S., 371). This was a case of habeas corpus issued out of the United States Supreme Court to test the legality of the conviction of certain State officers who served as inspectors of election in Maryland under State laws at an election of members of Congress. Bear in mind the people indicted those State officers. They were serving under State laws, and the Government of the United States undertook to indict those State officers for a violation of their own State laws. The United States court had entertained jurisdiction under section 5515 of the Revised Statutes, imposing penalties for any violation of official duty in connection with such elections. A conviction resulted under a Federal indictment. The theory upon which the conviction was sustained by the Supreme Court was that although the regulations were made by the State to control the election of members of Congress they had been virtually adopted and become a part of the Federal scheme, so that the infraction might be punished as an offense against the laws of the United States. Not having been altered by Congress, and Congress having complete supervisory power over the subject, such State regulations had the force and effect of Congressional enactments.

I quote from the language of the opinion (pages 387–388):

It is objected that Congress has no power to punish State officers, and especially has no power to punish them for violating the laws of their own State. As a general proposition, this is undoubtedly true; but, when in the performance of their functions State officers are called upon to fulfill duties which they owe to the United States as well as to the State, has the former no means of compelling such fulfillment? Yet that is the case here. It is the duty of the States to elect representatives to Congress. The due and fair election of these representatives is of vital importance to the United States. The Government of the United States is no less concerned in the transaction than the State government is. It certainly is not bound to stand by as a passive spectator when duties are violated and outrageous frauds are committed. It is directly interested in the faithful performance by the officers of election of their respective duties.

These duties are owed as well to the United States as to the State, this necessarily following from the mixed character of the transaction—State and national. * * *

The State laws that Congress sees no occasion to alter, but which it allows to stand, are in effect adopted by Congress. (Page 388.)

The authority of this case has been repeatedly reaffirmed by the Supreme Court. (Ex parte Clark, 100 U. S., 399; United States *vs.* Gale, 109 U. S., 65; Ex parte Yarborough, 110 U. S.)

Applying this reasoning to the same provision so far as it relates to the election of Senators, and the Pennsylvania regulation for frequent sessions becomes a constituent part of the Federal scheme of regulation, and is entitled to be regarded as of the same virtue as though expressly enacted by Congress. It would be destructive of all harmonious action and would impeach the wisdom of Federal supervision if it were otherwise.

Thus these two constitutions sustain to each other in this joint scheme much the same relation as two cogwheels which are operating together for the purpose of transmitting power. In this case it is a Federal power that by this joint contrivance is distributed to the State machinery. Recurring now to the cogwheels, if you insert a lever and stop either wheel, the whole machine is paralyzed.

So the Federal Government, which is intrusted with the supervision and control of the entire scheme, must protect that portion of the apparatus furnished by the States, because it is an integral part and a necessary adjunct of the electoral machinery.

Now, suppose the very language of the Pennsylvania constitution had been employed by act of Congress in making regulations for such election and the governor of Pennsylvania had openly defied such law by refusing to issue his proclamation and had assumed to make a temporary appointment. How many Senators

on this floor would vote to seat his nominee and so deprive the legislature of its lawful function?

Congress is concerned in the integrity of the whole scheme over which it presides and for which it is responsible, and the provision that the legislature of Pennsylvania shall be convened to fill all Senatorial vacancies is a part of it. The provision in question was adopted in 1874, and is as follows:

Section 4, Article II. In case of a vacancy in the office of United States Senator from this Commonwealth in a recess between sessions the governor shall convene the two houses by proclamation, on notice not exceeding sixty days, to fill the same.

If I have demonstrated that Congress has control over this whole subject, then it follows that Congress is under the same obligation to enforce the State regulation that it adopts as it is to alter or reject such as it disapproves.

This Pennsylvania regulation is in exact accord with the spirit of the Constitution. The Convention, after mature deliberation, determined that Senators should be chosen by the legislature and that this power should not be intrusted to any other body or tribunal, nor yet to the people. Whenever, therefore, an opportunity is afforded for the legislature to fill a vacancy, the purpose of the Constitution and the best interests of the Union are promoted.

The vice of the minority, and I may say, Mr. President, the surprising inaccuracy of the statement made upon this floor, is that the power of temporary appointment is considered as equal to the filling of the vacancy. Several times to-day the expression has escaped the lips of Senators here that the governor fills the vacancy, and the power of temporary appointment is practically recognized as equivalent, if not superior, to the function delegated to the legislature. If adopted by the Senate, the legislature is practically subordinated to the governor. The power of temporary appointment is secondary in its nature and can never rise to the level of the legislative prerogative. It can never become an equivalent for the power to fill a vacancy. The vacancy is placed beyond executive control. The power conferred on the governor is a mere temporary expedient provided to meet a case where the legislature can not act, because it can not act, and to terminate as soon as legislative action can be secured. It was a makeshift, designed to meet an emergency happening in a recess, and was to expire with the recess—"until the next meeting of the legislature" is the language.

There was no thought that it could obstruct or prevent a meeting of the legislature. It was intended to supplement, not to supplant, legislative function. Whenever and as often as the legislature has a legal opportunity to assemble it is entitled to plenary jurisdiction of the vacancy, and the temporary expedient, being unnecessary, wholly disappears. Cessante ratione cessat ipsa lex.

Now, what has the governor of Pennsylvania done?

At a time when provision had been made under Federal sanction, as I have shown, for a meeting of the legislature *to fill this vacancy*, when, to use the language of the Constitution, "the next meeting of the legislature" was ready to assemble, and only awaited his proclamation, when there was no excuse for a temporary appointment, he seizes upon this pretext and literally usurps the prerogative of the legislature. This he does in order that he may increase his own patronage and perpetuate his own favorite. Mr. President, such conduct is not only unconstitutional, but it is revolutionary. It ought to be condemned by every law-abiding man, either in or out of the Senate.

But it is said that the law of Pennsylvania can not override the Constitution, whereby the governor is clothed with the right to appoint. Mr. President, there is no conflict of law, as we have shown. There can be no temporary appointment except for the purposes and within the limits fixed by the Constitution.

Suppose the legislature of Pennsylvania determined to have continuous sessions, as it has a clear right to do. In that event every vacancy in the Senate could be filled without delay. What would become of the power of temporary appointment? Of course it would be unnecessary and barren. The conditions would not arise to warrant its exercise. In such a case would there be any conflict of law or any impairment of executive prerogative? The governor has no vested right in this appointment as against the legislature of his State, yet that is practically what you are holding by recognizing this certificate.

Let me revert again to the Constitution to better illustrate the functions that the State is compelled to discharge to aid in the operation of the Federal scheme. By clause 4, section 2, of Article I, it is provided, "When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies." Here the Constitution lays its injunction directly upon a State officer to accomplish a Federal purpose. It does not undertake to dictate the form of the writ or the local procedure. That is left to the State authority. But every subordinate State officer concerned in executing the mandate is for that purpose and to that extent an instrumentality of the National Government.

Now, in the case of Senatorial, elections the Constitution has adopted a different formula. Instead of ordering the executive to call sessions of the legislature to fill vacancies, it has authorized the States to convene the legislature at such times as they may select. Pursuant to this authority the people of Pennsylvania have issued the order to the executive to convene the legislature to fill every vacancy as the same occurs. Is not the edict of the State under these circumstances entitled to the same respect here as though directly proclaimed on Federal authority?

I assert that the major proposition in debate is not that the Senate be kept full, but that the machinery of the Constitution shall not be broken down; that the legislature shall not be despoiled by executive assumption; that the Senate shall not be kept full by revolutionary means and unlawful procedure; that the temporary expedient shall not survive the emergency for which it was provided and to which its exercise was restricted.

But, sir, for the purposes of the argument, suppose that my contention is unsound that the State regulations of Federal elections are of the same dignity and consequence as Federal regulations because adopted into the Federal system. It must be proved that they are entitled to recognition and respect at the hands of Federal authorities.

We have seen that the States are, in this regard, exercising Federal power to accomplish a Federal purpose. Our Constitution virtually commands the States, in the interest of the Union, to supply membership for the upper House. It places the supervision of the whole subject upon Congress. Our Government has practically said to the States, in view of the great inconvenience and expense involved and because of varied conditions in the several States, We will not insist upon extra sessions to fill all Senatorial vacancies as they occur. We have arranged for a temporary appointment until your legislature can conveniently meet, and we leave the details to you. Are we to be told that Congress is to remain indifferent as to how and whether the States execute this power, and that a State statute which embodies this authority is to be regarded as purely a matter of local concern? What then becomes of the control that Congress is required to exercise over this whole matter?

Now, what response did the State of Pennsylvania make to the Federal suggestion? With great loyalty and patriotism she inserted in her constitution, where it was beyond the reach of the legislature, a provision which reaches the utmost limit of Federal requirement. She tenders to the United States the use of her legislative machinery as often and as soon as a vacancy happens in the Senate, providing only for a notice of sixty days. This generous attitude is characteristic of that magnificent Commonwealth that has never failed and never flinched in her fidelity to the Union.

Now, it is seriously proposed that this Government, through its Senate, shall exercise its supervisory power by confederating with an obstructionist to overthrow the constitution and spurn the generous overtures of the State made for our benefit and at our instance.

What greater indignity or humiliation could be inflicted upon a great State?

For, remember, Mr. President, this is a far-reaching proposition. It is not limited, in its pernicious consequences, to the Quay vacancy—but silences the sovereign behest of that great State forever.

What Governor Stone has done his successors may do, and when this Senate has once fixed the seal of its approval it will require less hardihood on the part of succeeding governors. There will be the pretext of example added to the temptations of interest. Thus the power of temporary appointment will swell the regular patronage of the executive office, and the constitution of Pennsylvania will forever remain a dead letter. Mr. President, I have no right to speak for this great Commonwealth of Pennsylvania, and shall not assume to do so. Her honor is not committed to my keeping; but, representing in part another State upon this floor, I am not willing to join in the assault upon her constitution. Nor will I vote to approve a certificate which is to all intents and purposes a letter of marque and reprisal against the organic law of a sister State.

No reasonable man can doubt that the plan of the Pennsylvania constitution, if it could be generally adopted, would be highly beneficial to the General Government. The proper way to keep the Senate full is to fill the vacancies.

The distinguished Senator from Virginia [Mr. DANIEL] enriched his scholarly address here the other day by a reference to the laws of nature. "Nature abhors a vacuum," and, according to his views, a vacancy here was in like manner abhorrent. It seems to me that his illustration was singularly unsuited to his logic. His whole argument was in advocacy of a continuing vacancy, which a temporary appointment can never fill. He declines to consent that the vacancy shall be filled when appropriate means are at hand, but insists upon keeping open the aching void

Mr. President, on Saturday the Senator from California [Mr. PERKINS] was speaking about the experiences of his State and was congratulating the Senate and himself and the country upon the

successful conduct of the legislature of his State. He spoke highly of the distinguished gentleman who has been brought here as his colleague. The Senator from Pennsylvania [Mr. PENROSE], an acute and able man, thought he saw that that suggestion from the Senator from California was not advancing his contention; and so, in quite dramatic style, you remember, he interrupted the Senator from California and desired to know whether the governor of California did not receive some assurances from the members of the legislature that influenced him to call that extra session.

The effort was to differentiate the State of California from the State of Pennsylvania; and why should he not? Because, Mr. President, right on this floor we see the fruits of the two systems; we see California with her representation full; we see two able men representing that great Commonwealth—the fruit of the policy of the Constitution which was pursued by the governor of California. What is the fruit of the other policy pursued in Pennsylvania? It is this miserable contest, which is obstructing the public business, and which is deplorable in its every aspect. No wonder the Senator from Pennsylvania should wish to differentiate the two.

What was the reply of the distinguished Senator from California? Why, he thought that there had been a rumor of some such assurance, but what the assurance was he could not tell. I inferred, after the debate was over, that some members of the legislature of California had whispered in the ear of the governor, and he therefore called the legislature. But I would submit to my distinguished friend from Pennsylvania that upon an equally credible rumor I suggest that somebody whispered in the ear of the governor of Pennsylvania, who thereupon declined to call the legislature together; and we will let the two whispers stand one over against the other and proceed to settle this great question on some higher plane than mere stage whispers.

But we are told upon this floor that local political conditions were such as to justify a disregard of the constitution; that another session of the legislature would have been barren of results, and therefore the governor was warranted in nullifying the organic law. This is the specious plea of every man who finds it convenient to break the law. This strips the law of its sanctity. Constitutions are made to be obeyed by governors as well as by other men. Laws become a mockery if they may be broken as often as the lawbreaker decides that no good purpose would be subserved by their observance.

The poor wretch who steals a loaf is not permitted to explain that the crime was necessary to preserve the life of his children and worked no actual hardship to the lawful owner. His eyes are dazzled by the gleaming radiance of the law, and he is hustled off to jail. But larceny too often becomes respectable when it becomes great. Under this sentimental view a crime may assume magnificent proportions and challenge admiration. A high officer who robs a legislature of its prerogative and appropriates it to his own use may escape condemnation by arguing that it would have done no good to follow the mandate of the law, and that by taking the constitution by the throat he has subserved the public weal.

This Chamber is the place where law should be sacred for its own sake, and where such a lame and impotent excuse should not pass current.

Therefore, Mr. President, whether we consult the plain precept of the Constitution or the vital interests of our Government; whether we consider the deference due to the great State of Pennsylvania or the integrity of a joint system of regulation over which Congress presides, or whether we contemplate the threatened calamity, the loss of all our precedents for a hundred years, we are as matter of law and duty bound, no matter with how much of personal regret, to deny a seat in this body to Mr. Quay until he receives the indorsement of his legislature.

Mr. LINDSAY. Mr. President——

Mr. PENROSE. It is suggested to me by the Senator from Michigan [Mr. BURROWS] that if the Senator from Kentucky is willing to yield, I may address the Senate briefly. I will ask the Senator to do so, if it suits his convenience.

Mr. LINDSAY. Of course I will do anything that is agreeable——

Mr. PENROSE. The suggestion comes entirely from the Senator from Michigan.

Mr. LINDSAY. Of course I yield to the Senator from Pennsylvania.

Mr. CHANDLER. I move that when the Senate adjourn today it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. PENROSE. Mr. President, while I am willing to proceed with the brief remarks which I have prepared upon the Quay case, I will state that I am perfectly willing to consult the convenience of the Senate and the wishes of the Senators here present, either by proceeding now or going on to-morrow morning. If, however, it is the wish of the Senate that I should proceed at this time, I will do so. I do not desire to trespass upon the time of the Senate.

Mr. JONES of Arkansas. I intended to move an adjournment, but a number of Senators are opposed to the motion, and so I shall not make it.

Mr. HALE. Instead of adjourning, I desire at a later hour a short executive session, to confirm a very important appointment; but I shall not interfere with the Senator from Pennsylvania.

Mr. PENROSE addressed the Senate. After having spoken for some time.

Mr. SEWELL. I ask the Senator if he would not rather finish his speech to-morrow morning, when there will be a larger attendance in the Senate?

Mr. PENROSE. I am perfectly willing to have the Senate adjourn if it is so desired.

[Mr. PENROSE'S speech will be found entire in the RECORD of April 24.]

Mr. SEWELL. I move that the Senate adjourn.

Mr. CHANDLER. I ask the Senator to substitute for that motion a motion for an executive session.

Mr. SEWELL. I will then move an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 24, 1900, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate April 23, 1900.

INDIAN AGENTS.

Morris L. Bridgeman, of Great Falls, Mont., to be agent for the Indians of the Fort Belknap Agency in Montana, vice Luke C. Hays, whose term will expire May 1, 1900.

Oscar A. Mitscher, of Oklahoma, Okla., to be agent for the Indians of the Osage Agency, in Oklahoma Territory, vice William J. Pollock, resigned.

PROMOTIONS IN THE NAVY.

Lieut. Commander Herbert Winslow, to be a commander in the Navy, from the 27th day of March, 1900, vice Commander Henry W. Lyon, promoted.

Lieut. Edward E. Wright, to be a lieutenant-commander in the Navy, from the 29th day of March, 1900, vice Lieut. Commander William H. Turner, promoted.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant quartermasters with the rank of captain.

First Lieut. Thomas B. Lamoreux, Second Artillery, United States Army, April 18, 1900, to fill vacancy caused by the appointment of Littell, assistant quartermaster, United States Army, to be quartermaster, United States Volunteers.

John Gibbon, jr., of Oregon, April 18, 1900, vice Payson, honorably discharged.

COLLECTOR OF CUSTOMS.

Charles O. Huff, of Maine, to be collector of customs for the district of Kennebunk, in the State of Maine, vice Edwin Parsons, resigned.

ASSISTANT SECRETARY OF THE INTERIOR.

Frank L. Campbell, of the District of Columbia, to be Assistant Secretary of the Interior, vice Webster Davis, resigned.

AUDITOR FOR PORTO RICO.

John R. Garrison, of the District of Columbia, to be auditor of the island of Porto Rico. Original appointment as provided for by an act of Congress approved April 12, 1900.

TREASURER FOR PORTO RICO.

J. H. Hollander, of the State of Maryland, to be treasurer of the island of Porto Rico. Original appointment as provided for by an act of Congress approved April 12, 1900.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 23, 1900.

ASSISTANT SECRETARY OF THE NAVY.

Frank W. Hackett, of New Hampshire, to be Assistant Secretary of the Navy.

PROMOTION IN THE ARMY.

Artillery arm.

First Lieut. Samuel D. Sturgis, Sixth Artillery, to be captain, April 8, 1900.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 23, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ELLIOTT for one week.

BUSINESS OF THE DISTRICT OF COLUMBIA COMMITTEE.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that next Monday be substituted for to-day for the consideration of business reported by the Committee on the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin, that next Monday be substituted for this day for the consideration of business reported from the Committee on the District of Columbia?

There was no objection, and it was so ordered.

NICARAGUAN CANAL.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that Tuesday and Wednesday of next week—May 1 and 2—be set apart for the consideration of the bill H. R. 2538, a bill which provides for the construction of a canal connecting the Atlantic and Pacific oceans, making the consideration of the bill a special order for the days in question immediately after the approval of the Journal.

Mr. McRAE. Mr. Speaker, I do not rise to object to the request of my friend from Iowa, but I think we have a special order already set apart for Monday—the free-home bill.

Mr. PAYNE. No; the gentleman is mistaken. That is set for the 3d.

Mr. McRAE. I find I was mistaken, Mr. Speaker. I make no objection to the request of the gentleman from Iowa.

Mr. SHACKLEFORD. Mr. Speaker, before consent is given, I desire to submit an inquiry. I would like to ask the gentleman from Iowa how much time is to be devoted to the consideration of the bill in the general debate?

Mr. HEPBURN. Mr. Speaker, I thought that in all possibility we would be enabled to dispose of the general debate on the first day, and that on the second day, when the bill is before the House, we might consider and dispose of it by sections under the five-minute rule for debate and amendment. I want to get a vote on Wednesday and dispose of the matter at that time.

Mr. SHACKLEFORD. Mr. Speaker, I have taken the trouble, as a member of the committee reporting this bill, to submit a minority report on the bill, and if there is some understanding for the time to be allowed for discussion—that is, as to how much time on the minority side may be allowed—I shall not object.

Mr. HEPBURN. Of course I can not tell anything about that. I do not know now what opposition will be developed during the discussion, but I want to be absolutely fair about it, and I have no doubt that we may arrive at a satisfactory arrangement as to the distribution of time.

Mr. SHACKLEFORD. With the understanding, Mr. Speaker, that we may have one-half of the time provided for the consideration of the bill, I will not object.

Mr. HEPBURN. Certainly; I can have no objection to that.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Iowa, and the order is accordingly made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4168. An act to increase the limit of cost for the purchase of site and erection of a building thereon at Leadville, Colo.;

S. 3436. An act granting a pension to Catharine Weinheimer;

S. 2610. An act to authorize the purchase of the property known as the Corcoran Art Gallery, in the city of Washington, D. C.;

S. 2572. An act to amend an act entitled "An act for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Newport News, Va.," approved February 21, 1899.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2572. An act to amend an act entitled "An act for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Newport News, Va.," approved February 21, 1899—to the Committee on Public Buildings and Grounds.

S. 2610. An act to authorize the purchase of the property known as the Corcoran Art Gallery, in the city of Washington, D. C.—to the Committee on Public Buildings and Grounds.

S. 3436. An act granting a pension to Catharine Weinheimer—to the Committee on Invalid Pensions.

S. 4168. An act to increase the limit of cost for the purchase of site and erection of a building thereon at Leadville, Colo.—to the Committee on Public Buildings and Grounds.

FORT BUFORD ABANDONED MILITARY RESERVATION.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9496) to provide for the disposal of the Fort Buford abandoned military reservation, in the States of North Dakota and Montana.

The SPEAKER. The gentleman from North Dakota asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That all public lands now remaining undisposed of within the abandoned military reservation in the States of North Dakota and Montana, formerly known as Fort Buford Military Reservation, and which are not otherwise occupied or used for any public purpose, are hereby made subject to disposal under the homestead, town-site, and desert-land laws: *Provided*, That actual occupants thereon upon the 1st day of January, 1900, if otherwise qualified, shall have the preference right to make one entry not exceeding one quarter section: *Provided further*, That any of such lands as are occupied for town-site purposes, and any of the lands that may be shown to be valuable for coal or minerals, such lands so occupied for town-site purposes or valuable for coal or minerals shall be disposed of as now provided for lands subject to entry and sale under the town-site, coal, or mineral-land laws, respectively: *Provided further*, That this act shall not apply to any subdivision of land, which subdivision may include adjoining lands to the amount of 160 acres, on which any buildings or improvements of the United States are situated, but such lands shall be appraised and sold as now provided by law.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McRAE. Before consent is given, I should like to know the size of this reservation and its character.

Mr. SPALDING. Mr. Speaker, I will say that this is an abandoned military reservation in the semiarid region at the junction of the Yellowstone River with the Missouri. There are about 500,000 acres of it, and there is probably one-third to one-half of it that is available for agricultural purposes, the balance being untillable bluffs and bottom lands covered with brush, on the Missouri and Yellowstone rivers. The value of it is so little as to make it undesirable for entry under the McRae Act; but there are settlers going into that country who desire to take up such portions of it as are suited for agricultural purposes.

Mr. McRAE. Why can they not do it under existing law?

Mr. SPALDING. The buildings on it have been sold by the Government, so that there are supposed to be no improvements on it; but in case there should be a few buildings left, a proviso has been inserted that the act shall not apply to any subdivision of land which may include adjoining lands to the amount of 160 acres on which any Government buildings or improvements may remain, but that such lands shall be appraised and sold as provided by law.

Mr. McRAE. Why can not the settlers take the land under existing law?

Mr. SPALDING. Because it is not worth a dollar and a quarter an acre on an average. This bill is reported unanimously from the committee and has the indorsement of the Land Department.

Mr. McRAE. The law does not require land to be worth a dollar and a quarter an acre.

Mr. SPALDING. The minimum price at which it can be sold under existing law is $1.25 per acre, as I understand the law.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. RICHARDSON. I should like to ask the gentleman if there is any formal letter here from the Department or bureau recommending this legislation?

Mr. SPALDING. There is a letter which is in possession of the committee, giving the status of the title to this land; but the letter which the Department wrote, the contents of which I have been informed of, was sent to the Senate and is now there. Commissioner Hermann told me that they recommended the enactment of this bill into law.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SPALDING, a motion to reconsider the last vote was laid on the table.

UNITED STATES COURT, BILOXI, MISS.

Mr. McLAIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6868) to amend an act authorizing the terms of the district court of the United States for the southern district of Mississippi to be held hereafter at Biloxi.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read as follows:

Be it enacted, etc., That the first section of chapter 351 of the United States Statutes at Large, entitled "An act authorizing the terms of the district court of the United States for the southern district of Mississippi to be held hereafter at Biloxi," approved March 2, 1839, be amended as follows, to wit: After the words "district court" insert the words "and circuit court."

SEC. 2. That this act take effect from and after its passage.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. McLAIN, a motion to reconsider the last vote was laid on the table.

DAM ACROSS RAINY LAKE, MINNESOTA.

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7945) to amend an act

entitled "An act permitting the building of a dam across Rainy Lake River."

The bill was read, as follows:

Be it enacted, etc., That section 3 of an act entitled "An act permitting the building of a dam across Rainy Lake River," approved May 3, 1898, and granting to the Koochiching Company, its successors and assigns, the consent of Congress to construct a dam across the Rainy Lake River, be, and the same is hereby, amended so as to read as follows:

"That this act shall be null and void unless the dam herein authorized shall be completed within five years after the 3d day of May, 1898."

The amendments recommended by the committee were read, as follows:

Line 5, strike out "third" and insert "fourth."

Line 11, after the word "be," insert the words "commenced within three years and."

Line 12, strike out "third" and insert "fourth."

The SPEAKER. Is there objection?

Mr. LACEY. I would like to ask the gentleman a question. Do you in any way relieve the builders of this improvement from putting in fish ways?

Mr. FLETCHER. No, sir; it is simply an extension of the time for one year.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. FLETCHER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. FLETCHER. Mr. Speaker, I desire to have the other bill lie on the table.

The SPEAKER. Without objection, that order will be made.

There was no objection.

NEW ORLEANS AND NORTHWESTERN RAILWAY COMPANY.

Mr. RANSDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8962) to authorize the New Orleans and Northwestern Railway Company, its successors and assigns, to build and maintain a bridge across Bayou Bartholomew, in the State of Louisiana.

The bill and the amendments recommended by the committee were read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. RANSDELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED STATES CIRCUIT COURT AT NEWBERN AND ELIZABETH CITY, N. C.

Mr. THOMAS of North Carolina. Mr. Speaker, I ask unanimous consent for the present consideration of the bill that I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 5296) establishing terms of the United States circuit court at Newbern and Elizabeth City, N. C.

Be it enacted, etc., That terms of the circuit court of the United States for the eastern judicial district of North Carolina shall be held at Newbern and Elizabeth City, in said district, at the times fixed by law for holding the terms of the district court of the United States at said places, Newbern and Elizabeth City.

SEC. 2. That the deputy clerks of the United States district courts at Newbern and Elizabeth City shall act as deputy clerks of the circuit court herein provided for unless the circuit judge and the district judge of said eastern district of North Carolina shall appoint deputy clerks of the circuit court for said terms, and said deputy clerks shall be responsible upon their bonds as deputy clerks of the district court for any malfeasance, nonfeasance, or misfeasance in office.

SEC. 3. That this act shall take effect and be in force from and after its passage.

The amendments recommended by the committee were read, as follows:

Insert the word "now" between the words "times and fixed," in line 5, section 1, of the bill.

Strike out section 2 of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. THOMAS of North Carolina, a motion to reconsider the vote by which the bill was passed was laid on the table.

BONDS FOR WATERWORKS, TUCSON, ARIZ.

Mr. WILSON of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 4468) to authorize the city of Tucson, Ariz., to issue bonds for waterworks, and for other purposes.

Whereas the mayor and common council of the city of Tucson, Ariz., acting under the authority of the act of Congress entitled "An act to amend an act to prohibit the passage of local or special laws in the Territories, to limit Territorial indebtedness, etc.," approved March 4, 1898, caused an election to be held in the city of Tucson on the 5th day of May, 1898, on the question of issuance of $100,000 fifty-year 5 per cent interest-bearing bonds of the said city of Tucson for the construction of a water and sewerage system in the said city, and notice of said election was duly given as prescribed in the said act of Congress, and at said election more than two-thirds of the voters qualified as in the said act of Congress prescribed voted for the issuance of the said bonds; and

Whereas afterwards the said city of Tucson appointed a water and sewerage commission to investigate the question of water supply and waterworks for said city, and the said commission recommended to the said mayor and common council the purchase of the existing water plant instead of the construction of a wholly new plant for said city, and the mayor and common council thereupon and after consideration voted to purchase such existing water plant and to issue the said $100,000 of bonds for that purpose: Now, therefore,

Be it enacted, etc., That the mayor and common council of the city of Tucson, Ariz., be, and they are hereby, authorized, upon the passage of an ordinance or resolution to that effect, to issue $100,000 fifty-year 5 per cent interest-bearing bonds of said city for the purchase for said city of the existing water plant which supplies the said city and its inhabitants with water. Said bonds may be made payable in gold coin of the United States of America of the present standard weight and fineness. Said bonds shall be in such form and denominations, and payable at such time and place, and interest thereon shall be payable annually or semiannually, as the mayor and common council of said city shall provide in said ordinance or resolution. Said bonds shall be signed by the mayor, have the corporate seal of the city affixed, attested by the city recorder, and the coupons may bear the engraved or lithographed signatures of the mayor and recorder, or be signed by them in person. The purchaser of the said bonds shall not be bound to see to the application of the purchase money. The said $100,000 of bonds may be issued in whole or in part payment for said existing water plant, and the city may, in addition to such bonds, assume as part of the purchase money of any water plant so purchased any mortgage existing thereon, not exceeding in amount the sum of $10,000, and may provide for the payment of the same by the issue of like bonds of the city, or in such other manner as the mayor and common council shall by ordinance or resolution determine.

SEC. 2. That the mayor and common council of said city of Tucson are hereby required and directed to levy and collect, in addition to all other taxes in said city, an ad valorem tax upon all the taxable property in said city sufficient to pay the interest on the said bonds as the same becomes due, and also at or before the time when the principal of the said bonds becomes due, a further ad valorem tax upon all the taxable property in said city sufficient to pay the same or to provide for the payment thereof. Such taxes shall be levied and collected at the same time and in the same manner as other taxes upon the property in said city. But the city may use and apply the net revenues of the water plant to pay interest on the bonds issued under this act, and to the extent that such revenues are actually so used and applied may omit the levy and collection of said tax, or the city may use such net revenues or any part thereof for the extension of said water plant.

SEC. 3. That the mayor and common council of the said city are hereby authorized to operate, manage, and control the said waterworks so authorized to be purchased, and for this purpose to appoint such agents, servants, and employees as they may deem proper, and to pay the same out of the revenues from the said waterworks or from any other revenues of the said city not otherwise appropriated.

SEC. 4. That all acts and parts of acts, general and special, so far as they are in conflict with the provisions of this act, are hereby repealed, and no proceedings for the issue of the bonds in this act authorized or for the assumption of the mortgage debt in this act authorized shall be necessary other than those in this act provided for.

The amendments recommended by the committee were read, as follows:

Insert, after the word "thereon," in line 7, page 3, the words "not exceeding in amount the sum of $10,000."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WILSON of Idaho, a motion to reconsider the vote by which the bill was passed was laid on the table.

RIGHT OF WAY FOR CANALS AND DITCHES.

Mr. DE VRIES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10225) relating to rights of way for canals and ditches used for irrigation and other beneficial uses.

The bill was read, as follows:

Be it enacted, etc., That the provisions of sections 18 to 21, inclusive, of the act of March 3, 1891, entitled "An act to repeal timber culture laws, and for other purposes," are hereby extended and made applicable to rights of way through the public lands, parks, and reservations of the United States for canals, ditches, pipes and pipe lines, electric poles, lines, and plants, flumes, tunnels, or other water conduits, dams, and reservoirs used to promote irrigation, mining, manufacturing, the generation and distribution of electric power, and supplying water for domestic, public, or any other beneficial use. Such rights of way may be obtained by individuals, associations, or corporations where it is intended to use the water for any one or more of the purposes herein named, and any right of way heretofore obtained for a canal or ditch under said act of March 3, 1891, or the act of January 21, 1895, appearing in 28 Statutes at Large, at page 635, or the act of May 14, 1896, appearing in 29 Statutes at Large, at page 120, or the act of May 11, 1898, appearing in 30 Statutes at Large, at page 404, may be used to convey water for any one or more of said purposes: *Provided*, That no such right of way shall be located within or through any park, forest, military, Indian, or other reservation, except upon the express approval of the chief officer of the department or bureau under whose supervision such park or reservation falls, and upon a finding by him that the same is not incompatible with the public interests.

The amendments recommended by the committee were read, as follows:

Amend the title by striking out the words "for canals and ditches used for irrigation and other beneficial uses" and inserting in lieu thereof the words "through parks, reservations, and other public lands."

Strike out of line 9, page 1, the words "electric poles, lines, and."

Strike out of lines 11 and 12, page 1, the words "the generation and distribution of electric power," and insert after the word "use," in line 13, page 1,

the words "and for electric plants, poles, and lines for the generation and distribution of electric power, and for telephone and telegraph purposes."

Strike out of line 12, page 2, the word "no," and insert after the word "shall," line 13, same page, the word "only."

Strike out of line 14, same page, the word "except," and out of line 15, same page, the word "express," and add, after the word "interests," in line 18, same page, the words "*Provided further*, That this act shall not apply to the Yellowstone National Park."

Mr. PAYNE. Mr. Speaker, this bill is too general and too important to pass in this way. I object. Here is a bill that refers to a dozen other statutes, and no man can know what they are without having opportunity to refer to them.

Mr. LACEY. I hope my friend will withdraw the objection, and that will give time for the matter to be fully explained. This is a very simple bill.

Mr. PAYNE. It seems to be a complicated bill, and gentlemen ought to have an opportunity to read the bill and see what laws it refers to. I shall object to its consideration in this way.

Mr. SHAFROTH. It was very carefully drawn by the committee.

The SPEAKER. Objection is made.

Mr. PAYNE. I call for the regular order.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Post-Office appropriation bill. Pending that, Mr. Speaker, first, I desire to ask a reprint of this appropriation bill (H. R. 10301).

The SPEAKER. The gentleman from California asks unanimous consent for a reprint of the bill H. R. 10301, being the Post-Office appropriation bill. Is there objection? [After a pause.] The Chair hears none.

Mr. LOUD. Mr. Speaker, I would ask that general debate close with to-day's session, and that there be two hours' debate upon the contested propositions, namely, special facilities and pneumatic tubes, when those propositions are reached.

Mr. SWANSON. I do not see the gentleman from Tennessee [Mr. MOON] and the gentleman from Arkansas [Mr. LITTLE]—the gentleman from Georgia [Mr. GRIGGS] can speak for himself—and it is very satisfactory with this change: That we have an hour for special facilities and an hour for pneumatic tubes and an hour for free delivery. That would give three hours' debate, half an hour on each side, on these propositions when they come up.

Mr. GRIGGS. Who is opposed to rural free delivery?

Mr. SWANSON. There may be some discussion wanted. It may not be used, but this would make provision for it if it is needed and gentleman want to speak on it.

Mr. GRIGGS. I shall insist on two hours on free rural delivery.

Mr. LOUD. I want to say, Mr. Speaker, that these arrangements were made with those representing the minority of the committee—not the minority so far as parties are concerned. I had reached an agreement with the gentleman from Arkansas [Mr. LITTLE] and the gentleman from Tennessee [Mr. MOON], who have made a minority report on this bill, and personally I should not feel disposed, without consulting with them, to change that request.

Mr. SWANSON. Well, we have got a debate of two hours on these propositions.

Mr. LOUD. Two hours' debate on these propositions when they are reached.

Mr. SWANSON. An hour on each side?

Mr. LOUD. An hour on each side, one to be controlled by the gentleman from Tennessee [Mr. MOON] and on this side by myself.

Mr. BINGHAM. Four hours on the two paragraphs?

Mr. LOUD. Yes.

The SPEAKER. The gentleman from California moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Post-Office appropriation bill; and, pending that, asks unanimous consent that general debate be closed with to-day's session, two hours to be devoted to the subject of pneumatic tubes, one hour on each side, and two hours to the discussion of special facilities, one hour on each side.

Mr. TAWNEY. I desire to make a request of the gentleman from California that he allow at least one hour for general debate on that provision in relation to railway postal clerks.

Mr. LOUD. I do not know why that question can not be discussed to-day. There is no contention in the committee on that subject—no minority report. I have no doubt that an hour for the discussion of that question could be obtained during the five-minute debate.

Mr. TAWNEY. I am not a member of the committee, and other members interested in that provision are not members. I did not suppose there would be opportunity in the general debate for any discussion upon that subject except by members of the committee. I think that provision should be considered when it is reached just as these other questions, because a great many members are very much interested in it. I therefore request that there be an hour of general debate upon that provision when it is reached.

Mr. LOUD. I shall not oppose free discussion, but there can really be no debate on that proposition unless it be upon an amendment to the bill; and that would come up under the five-minute rule.

Mr. TAWNEY. I think there is room for debate on the provision itself independently of any amendment; and I believe the gentleman would not lose anything by setting aside at least one hour for discussion on that provision.

Mr. LOUD. I have no objection.

Mr. GRIGGS. Gentlemen representing the minority of the committee have suggested to me that only one hour be devoted to the discussion of each of the two contested questions already mentioned, the hour to be divided equally between the two sides—that is, half an hour to a side.

Mr. MOODY of Massachusetts. I wish to say that there are some other people interested in both those questions besides the members of the committee. The question of the pneumatic-tube service is a question not of $500,000 but millions of dollars to be annually expended by the Government if we embark upon the measure proposed in this bill. I think we ought to have at least two hours of general discussion upon it.

Mr. GRIGGS. I have no objection; I simply made the suggestion.

Mr. MOODY of Massachusetts. I want a chance to say something myself.

Mr. GRIGGS. But I do not see why gentlemen can not discuss that question during the course of the general debate.

Mr. TAWNEY. I hope the gentleman from California will consent to an hour's discussion on the provision I have indicated.

Mr. LOUD. I shall not object, though I think it wholly unnecessary, because it is a proposition which will not require any discussion in itself. The only thing that can provoke discussion must be some amendment.

Mr. ALEXANDER. I hope the gentleman from California will assent to the request of the gentleman from Minnesota [Mr. TAWNEY].

Mr. LOUD. I have already stated that I would not object.

Mr. TAWNEY. I ask, then, unanimous consent that one hour be devoted to the provision of this appropriation bill relating to railway postal clerks, when it is reached.

The SPEAKER. Does the gentleman from California accept that as a modification of his request, or shall the Chair submit it separately?

Mr. LOUD. I assent to it.

Mr. SWANSON. Permit me to make this suggestion: There can be no amendment upon the provision referred to by the gentleman from Minnesota which would not be subject to a point of order. It would seem to me that, if desired, one hour's discussion could be had on that subject to-day as a part of the general debate. If in addition to the general debate to-day we occupy an hour on that subject to-morrow, and an hour on free rural delivery, and these other hours which have been assigned to special facilities and pneumatic-tube service, we shall not get through the bill this week. We have all of to-day for general debate; and I suggest that during to-day an hour be given to the discussion of the feature of the bill in which the gentleman from Minnesota is interested.

Mr. TAWNEY. That was not my request. My request was that an hour be devoted to the discussion of that feature of the bill when that particular paragraph is reached. It relates to one of the most important arms of the service.

The SPEAKER. The Chair understands that the four hours devoted to the two subjects named will be divided equally, two hours on a side, the gentleman from California to control one half the time and the gentleman from Tennessee [Mr. MOON] the other half. The gentleman from Minnesota has added a request which, as the Chair understands, is to be included with the request of the gentleman from California, that one hour be devoted to the question of the railway postal clerks when that question is reached under the five-minute rule. Is there objection to this amended request?

Mr. MOON. Do I understand the proposition correctly? Is it that there be four hours for general debate, and that then during the consideration of the bill under the five-minute rule an hour be devoted to the question of pneumatic-tube service and an hour to special facilities?

Mr. LOUD. The proposition is to have general debate on those two propositions—two hours upon each—when the propositions relating to those subjects are reached in the bill.

The SPEAKER. The Chair will repeat the request, as the Chair now understands it. The request of the gentleman from California is that this day be devoted to the general debate on the Post-Office appropriation bill, and on to-morrow, or when the subject shall be reached under the five-minute rule, that one hour on each side shall be devoted to the matter of special mail facilities, and one hour on each side to the subject of the pneumatic-tube

service, and one hour also to the matter of railroad postal service; the time, namely, four hours, to be equally divided between the two sides and to be controlled on one side by the gentleman from California [Mr. LOUD] and on the other by the gentleman from Tennessee [Mr. MOON]. Is there objection? The Chair hears none, and it is so ordered.

The question is now on agreeing to the motion of the gentleman from California, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DALZELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of the Post-Office appropriation bill, and the Clerk will report the bill.

Mr. LOUD. Mr. Chairman, I ask unanimous consent that the first formal reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. LOUD. Mr. Chairman, the bill presented this year by the Committee on the Post-Office and Post-Roads is in some respects a most remarkable bill, although, when the rest of the appropriation bills that have already passed the House are compared with this bill, it will then be found to fall within the category of the ordinary appropriation bills passed by Congress. But it partakes of some of the conditions which are the natural results growing out of the recent war. Reason flies from out the minds of men and they seem to contemplate that there is no end to the money in the public Treasury.

While this bill does not meet the anticipations of many or all of the members, I will say, in that it does not, in their judgment, appropriate enough for some objects, yet I sincerely trust, as a citizen of this country, that the sober second thought of this House, irrespective of party, will induce members to support the bill, and that the men who would seek increases in the appropriations of the country, when there should be a check to any increase of extended legislation upon this subject, will permit the bill to go through in the form in which it is presented by the committee after mature consideration and deliberation.

I trust, therefore, that the bill will not be increased beyond the amount recommended by the committee. I know the gentleman from Minnesota [Mr. TAWNEY] is agonizing for an increase here in one particular, and there are some other gentlemen, Mr. Chairman, who are impressed with the belief that the only object left in legislative life here is the increase of salaries of the large army of post-office employees who are now working and knocking at the doors of this Capitol, demanding of the representatives of the people that there shall be an increase in salaries allowed to each of them.

But I hope the members of this House, in passing upon this appropriation, will carefully examine and see if we have not gone to the extreme limit of liberality.

Mr. Chairman, there is a total increase of salaries and salaried officials contained in this bill of $6,233,120. It is not a very large sum of money to the average member of Congress, it is true, and yet when you aggregate the whole appropriation bills it becomes quite a respectable sum.

I am free to say that I have been impressed for some years with this constant and persistent effort on behalf of and by these postal employees for an increase of salary, and have been willing and am willing to-day to bear the odium, if odium there be, in endeavoring to check, in a small degree, this constant demand. My opposition to the eternal cry and the demands of our officials that they shall be continually receiving an increase in salary is based upon a desire to protect the public Treasury, for these officials are receiving as much as they did when general wages were higher and a dollar would not go as far as it does to-day. The time may come—I hope soon—that the strong and able men of all parties will rise here and have the courage to resist the applications continually made to them by one or two or a half dozen of their constituents to increase their salaries, when that increase would necessarily involve the increase of 50,000 more.

Why, Mr. Chairman, I heard a gentleman, once a member of this House—I will not say whether he is a member now or not—when the House contemplated considering the letter-carrier bill, he desiring to pass the bill, when the question was asked, "Why do you support it; you have no carriers in your district?"—he replied, "Yes, I have six; and do you suppose I am going to lose their votes?" And, Mr. Chairman, the passage of that bill would have meant an increase of about $3,000,000 in that one item alone!

Mr. WM. ALDEN SMITH. But that is not the reason that many of us ask for increases in this line.

Mr. LOUD. The gentleman says that is not the reason that many members favor this increase. Of course I hope that is not the case, yet I venture to assert to the gentleman, and I speak from experience, that the pressure of constituencies in this regard is one of the great factors that impels members to advocate it.

Mr. WM. ALDEN SMITH. We try to represent them. I do as far as I am concerned.

Mr. LOUD. The gentleman from Michigan says he tries to represent his constituents. I have no doubt of that. I hope that all Representatives try to represent their people, and not a few only, who are specially provided for by the Government appropriation bills.

Mr. WM. ALDEN SMITH. And I try, and I think all members ought to try who are specially commissioned by his district.

Mr. LOUD (continuing). And the gentleman says who are specially commissioned by his district—I suppose to increase salaries.

Mr. WM. ALDEN SMITH. Not to increase salaries, but that those who are employed in the public service shall have at least a reasonable compensation for their services.

Mr. LOUD. I am glad the gentleman said that he was specially commissioned to do what is proposed to be done by many members on this floor for the interest of the public service. Now, I was talking of something else——

Mr. WM. ALDEN SMITH. I said it had no application.

Mr. LOUD. Now, this bill carries an appropriation for post-office clerks, an increase of $1,667,800; for letter carriers, an increase of $1,150,400; for railway mail clerks, an increse of $985,000, and for the employees in the rural delivery service, an increase of $1,450,000; making a total of $6,233,120, which, it seems, does not satisfy the appetite of some.

Mr. HEPBURN. Mr. Chairman, may I interrupt the gentleman there to ask a question?

Mr. LOUD. Certainly.

Mr. HEPBURN. I should like to ask what, if any, portion of that increase for clerk hire may be expended in third and fourth class offices?

Mr. LOUD. What does the gentleman refer to?

Mr. HEPBURN. You have just spoken of an increase of over a million dollars in post-office clerks.

Mr. LOUD. Yes.

Mr. HEPBURN. Would any of that increase be available for clerk hire in third and fourth class offices?

Mr. LOUD. This appropriation for post-office clerks is for clerks in first and second class post-offices. The law prohibits the employment of clerks in third and fourth class offices to be paid out of the public Treasury.

Mr. HEPBURN. Then there is no change in the law?

Mr. LOUD. No change in the law.

Mr. HEPBURN. And no portion of that sum can be expended in third and fourth class offices?

Mr. LOUD. No portion of this sum can be expended in third and fourth class offices.

Mr. HEPBURN. Where one-half of the people get their mail.

Mr. LOUD. Perhaps; but the gentleman well knows that the percentage of the salary of the postmaster has been considered sufficient since the foundation of this Government to do all the work in the third and fourth class offices, except for separating purposes. The very basis of the salary is not only to provide a salary for the postmaster, but putting all of his necessary clerk hire into his salary.

Mr. HEPBURN. Might I interrupt the gentleman a moment further?

Mr. LOUD. Why, certainly.

Mr. HEPBURN. The gentleman says, as I understand him, that the salary of the postmaster is supposed to be sufficient compensation for all of these labors.

Mr. LOUD. I say it has been so considered since the foundation of the Government.

Mr. HEPBURN. Is it not true, however, that there is a time in many of the offices—for instance, just before a third class office becomes a second-class office—when there is no appreciable difference in the labor that is necessary, and yet in the one instance the Government may employ half a dozen clerks if it so elects, and often does employ three or four, while not a dollar can be paid to a third-class office just prior to its becoming a second-class office?

Mr. LOUD. Why, of course.

Mr. HEPBURN. The labor in each instance being substantially the same.

Mr. LOUD. Of course; and that same rule would apply if you were to fix a line of distinction between second and third class offices at any point. I do not care where you fix it, whether it be raised or lowered.

Mr. HEPBURN. I will not incommode the gentleman——

Mr. LOUD. The gentleman well knows there must be a point of division between the two.

Mr. HEPBURN. Might there not be a discretion left in the Postmaster-General, so that in those cases he might meet the difficulty?

Mr. LOUD. I do not think the gentleman advocates placing in the hands of the Post-Office Department a discretion to employ clerks wherever they see fit. What would it result in? Postmasters-General and their assistants are but human. The gentleman from Iowa, a gentleman of influence upon the floor of this

House, has a constituent who is very useful to him politically. He wants the use of his services during a political campaign. He goes to the Post-Office Department, and with the great influence he has he says, "I want you to allow a clerk there."

Or I will shift the comparison from the gentleman from Iowa and put it upon myself, as chairman of the Post-Office Committee. Do you suppose that the chief of the salary and allowance division would deny me a request of that kind? And if it should be granted in one instance, then he must grant it in another, and when he shall have granted to the gentleman from Iowa and to the chairman of the Post-Office Committee such a request, then it must become general, and the Post-Office Department would become prostituted.

Mr. FLEMING. I would like to ask the gentleman one question. As to this increase of postmasters' salaries, $1,000,000, will the gentleman explain how the salaries are increased, by addition of postmasters or additions to the salary?

Mr. LOUD. Some of them would be increased.

Mr. FLEMING. In what cases?

Mr. LOUD. Some of them would be for increase of postmasters and others increase of salary.

Mr. FLEMING. Will the gentleman please explain what increases are provided for; do the first-class postmasters all have their salaries increased?

Mr. LOUD. No; the law fixes the salaries of all postmasters, and the Post-Office Department could not go beyond that; whether you appropriate it or not, they take it out.

Mr. FLEMING. This increase of $1,000,000 salary does not involve any change of the law?

Mr. LOUD. No change of law whatever. Now, let me say that the gentleman from Iowa [Mr. HEPBURN] some years ago was anxious about a post-office at Clarinda, which had a separating allowance. At that time there was appropriated for separating purposes about $500,000. The expenditures for this purpose, Mr. Chairman, for more than twenty years had fluctuated from $450,000 to $525,000, keeping along about the same, some years a little more and some years a little less. By the persistence of members of this body that item has grown for three years until we now recommend $900,000—quite a liberal advance, I think, in the allowance for the third and fourth class post-offices.

Separating offices are decreasing rather than increasing—that is, they had for twenty years decreased, and there is no reason in the world why separating offices should have increased during the last three years. So there is something in this bill even for third and fourth class offices, as the amount has nearly doubled in a period of three years.

This bill carries, as you will notice, in round numbers, $114,000,000. I see members of this House who regard me as a boy in membership, but it is a very short time ago that the Post-Office appropriation bill, since I became a member of this House, carried but $80,000,000. The increase that is recommended for this year over last year is $8,307,662, nearly double the increase that ever was made at any time in my recollection, or in the recollection of any member of this House, before in a Post-Office appropriation bill.

And, mind you, $3,157,000 more than the Post-Office Department asked for. And yet there are brethren on the floor of this House that think it is the highest statesmanship to yet increase it beyond that amount.

Now, then, let me say to the House again, the Post-Office Committee has yielded, as far as the point of reason should lead any man, in the direction of increased expenditures in the Post-Office Department. Let me again urge the members of this House on both sides of the Chamber to not increase it beyond the point which we have recommended. If you desire to cut off, I do not think it will hurt the feelings of any member of the committee. Now, Mr. Chairman, I will reserve the balance of my time, unless some one desires to ask a question.

Mr. SAMUEL W. SMITH. I would like to ask the gentleman a question. Between one and two years ago a commisson was appointed to investigate certain subjects in the Post-Office Department, of which the gentleman, the chairman of the committee, is a member. I wish he would make some report as to what progress is being made.

Mr. LOUD. Mr. Chairman, the Post-Office Commission is meeting at intervals. Perhaps they have not worked as fast as they should. That is not for me to say. I am not chairman of the commission. It is true the Postal Commission has done considerable work since the time it was appointed, and I think they have narrowed the questions down to one or two distinct matters.

Mr. MOODY of Massachusetts. I would like to ask the gentleman a question.

Mr. LOUD. I will say, in addition to that, that the commission has taken in testimony some 2,000 pages, I should judge, and are, I think, approaching the time in the near future when they will be able to make a report. I hope so, at least.

Mr. MOODY of Massachusetts. This bill carries an increase of $500,000 for pneumatic-tube service?

Mr. LOUD. That is correct.

Mr. MOODY of Massachusetts. Is it the opinion of the gentleman that if we undertake to extend the pneumatic-tube service it will involve an expenditure of millions of dollars annually in the near future?

Mr. LOUD. That would appear to me, Mr. Chairman, substantially a correct statement. Of course I know nothing about it practically. I warned this House some few years ago, as the gentleman well knows, against embarking upon this proposition of a pneumatic-tube service.

Mr. MOODY of Massachusetts. I will ask the gentleman if he thinks it is wise for us to extend the pneumatic service any further; in view of the deficiency in the Post-Office Department, if he thinks it is wise for us to extend the pneumatic-tube service a single inch or a single dollar at this time?

Mr. LOUD. I will repeat what I said last year and the year before, that we should either stop the pneumatic-tube service or extend it.

I have urged the House in days gone by to stop. I urged the House when at the threshold to stop; but the House and Congress in its wisdom have seen fit to continue this service. We have this same pneumatic-tube service in New York, Philadelphia, and in Boston, and the Post-Office Department must know to-day whether it is a success or not. Congress has got about as much information as they ever will have, and Congress should cut it right off back of the ears or else it should continue to extend it.

Mr. MOODY of Massachusetts. Then I take it that those of us who oppose it will have the powerful aid of the gentleman from California in cutting it right off back of the ears. Is that so?

Mr. OLMSTED. I would like to ask the gentleman whether the use of the pneumatic-tube service reduces the cost of the service in any other direction, such as the wagon service, or any other service?

Mr. LOUD. My experience has taught me, so far as I have been able to learn, that the wagon service must continue—that is, it has continued where the pneumatic service is in operation. Of course, if the pneumatic service generally covered the city, the wagon service would be reduced to a certain extent.

Mr. OLMSTED. I see it stated in the minority report that express companies of the country carry the mails from Boston, New York, and Philadelphia to Chicago for 1 cent per pound. I would like to ask the gentleman if it is a fact that express companies do carry the mails, anywhere, at any price?

Mr. LOUD. Well, I have great respect for my colleagues who made the minority report—but I would rather not criticise this report, if the gentleman will pardon me.

Mr. OLMSTED. I will excuse the gentleman.

Mr. LOUD. I might say some harsh things about it.

Mr. MOODY of Massachusetts. The gentleman is looking for information. I will say that under the law the express companies can not carry a pound of mail of the first class.

Mr. OLMSTED. That was my understanding; and I will excuse the gentleman from California from saying harsh things about anybody.

Mr. LOUD. If I entered into a discussion of this minority report, it being such a perfectly absurd statement of what appears to be the condition of facts, I might possibly say something I should regret.

Mr. MANN. Will the gentleman yield to a question? I should like to ask him in reference to the pneumatic-tube service, covering his experience, whether where the service has existed in New York and Boston it has very much quickened the transfer of mail or not?

Mr. LOUD. From the testimony of the Department, it would show that it very materially increases the expedition, but the testimony——

Mr. MANN. What is the information of the gentleman himself?

Mr. LOUD. Very little.

Mr. MANN. In your opinion it does not very materially expedite the mails?

Mr. LOUD. It does expedite the local mails. There is no doubt but what the pneumatic service is a matter of great expedition of the local mails; but in the outgoing mail and the incoming mail not so much as some people might expect.

Mr. MANN. Can the gentleman say about what proportion of the mail of New York, Boston, and Chicago is local mail?

Mr. LOUD. I would say that in New York, Boston, and Chicago local mail would run about 20 per cent. That is my recollection of how it would run in those cities; it would not be as much in all cities.

Mr. MOODY of Massachusetts. Mr. Chairman, I would like to ask the gentleman another question. I do so for the purpose of bringing out information which I know he has for members of the committee. The gentleman, in pursuance of his duties as a member of the Postal Commission, visited some European countries last year and investigated among other thing the use of the pneumatic tube in those countries.

Now, I notice in a morning paper an article referring to the

pneumatic-tube system as used in other countries. I would like to ask the gentleman if the experience of other countries does not differ in these two particulars from our own—that is, the foreign countries own the pneumatic tubes themselves and operate them; and, second, that they charge extra postage on all matters that go through them? Am I right in that?

Mr. LOUD. The gentleman will wait one moment and I will answer him. Mr. Chairman, I will say in reply to the gentleman there is not a foreign country that I know of that transmits anything in the pneumatic tubes except telegrams and matter which bears an extra charge of from 4 to 6 cents. That is one thing I called the attention of the House to some few years ago, when we were about to embark on this pneumatic-tube service.

The pneumatic-tube service is a necessity at the present time in a certain degree—that is to say, no nation in the world can afford to take a backward step. But what we should have done and what I urged the House to do, as the RECORD will show, was, if we were to inaugurate a pneumatic-tube system, to provide it simply for the accommodation of such matter as paid specially for its transit, just as is done in foreign countries.

I do not believe, Mr. Chairman, that the pneumatic tube can be successfully used—when I say successfully, I mean economically and successfully used—for the transmission of all classes of mail matter. It is a service of expedition; it is a service for special-delivery letters and a service for telegrams. Take this service in foreign countries—in England, France, or Germany, where the pneumatic-tube service has been introduced—and it will be found that in those countries the Government owns also the telegraph system.

The gentleman from Massachusetts [Mr. MOODY] dropped, perhaps, an intimation that if the Government was to go into this pneumatic-tube service it should own the tubes. I hope God, in His infinite wisdom, will give members of this House strength enough and prudence enough to prevent the Government from embarking in any more enterprises than it has already embarked upon.

Now, in regard to this telegraph service. I am reminded of what I saw in the Century Magazine for the month of April, quite an intelligent article—the gentleman from Massachusetts has read it, no doubt—in which the writer, with all the confidence possible, assumes to tell the people of this country that the postal telegraph system of England is a profitable enterprise; and he goes on to show how much more profitable it would be if the press of England did not have the postal-telegraph system by the throat; and he intimates that if we had the system in this country, the press could not get it by the throat.

How men can make statements of that kind—and let me say that they are statements that will be believed by a thousand people where the facts will not be believed by one—how a sane man can write an article of that kind and claim that the service is profitable, when the reports of the English postal system are open to every person who desires to read them—are printed, are distributed to anyone who has any interest in the subject—is something I can not understand.

While in England last fall I took one of those reports—the same as anybody can take up who cares to do so—on the English postal-telegraph system. I found that England took on this service in 1870; and let us see how much money it has made on this system since that time. During the first two years after the Government there had purchased this system and created a debt of more than $50,000,000, which it has on its hands to-day, it put aside for the sinking fund the first year £47,425 5s. 7d. The next year it put aside £5,613 16s. 9d.

And there [pointing to a book] is the column of surpluses, and there the column of deficiences, which, beginning the next year at £118,000 have been continuous until the fiscal year 1898, the last year this report includes. The deficiency in the postal-telegraph system of England—and this information is accessible to anybody and was accessible to the eminent gentleman who wrote the article in the Century for the present month—the deficit for the year 1898 was £606,006 12s., or in American money about $3,000,000.

This service, so very profitable, according to the gentleman who ably discusses the question in the Century, shows in fact a deficit since its inception of £7,235,897 5s. 4d., or an aggregate of $36,000,000 in American money, and the debt of more than $50,000,000 hanging over the country to this account.

Mr. MOODY of Massachusetts. I hope the gentleman will print with his remarks the whole of that report. Any member of the House who may read it will see the value of that information.

Mr. TALBERT. Although the Committee on the Post-Office and Post-Roads have agreed apparently on the general principles of this bill, I observe that there is a minority report. Now, I would like the gentleman to state on what particular items the committee disagreed.

Mr. LOUD. The minority of the committee dissent on the item for special facilities and the item for the pneumatic-tube service. They are the only two points of disagreement, I believe.

Mr. HILL. The gentleman will allow me to say that I read the article in the Post of this morning with a great deal of pleasure and, as I thought, with a great deal of instruction. Am I to understand the gentleman from California as saying that the actual facts of the case in regard to the pneumatic-tube service do not bear out the statements of the article in the Post? Can it be that that was an advertisement instead of an honest editorial statement?

Mr. LOUD. I did not see the article, so I can not answer the gentleman's question.

Mr. BROMWELL. The article referred to by the gentleman from Connecticut [Mr. HILL] was not an editorial—simply a news item.

Mr. HILL. I thought it appeared as an editorial.

Mr. BROMWELL. No, I think not; it was a news item on the second page.

Mr. COOPER of Wisconsin. I should like to ask the gentleman from California a question. A few moments ago the gentleman from Pennsylvania [Mr. OLMSTED] inquired of the chairman of the committee, the gentleman from California, as to the statement on page 2 of the minority report concerning the transportation of mail by the express companies; and the statement was made, with something akin to ridicule, I thought, by the gentleman from Massachusetts, who volunteered the reply, that the express companies were not allowed to carry first-class mail matter.

The minority report says that the express companies underbid the Government for the transportation of second-class mail matter. Now, does the gentleman in charge of the bill mean to say that the minority statement in this regard is not based on fact, and that the express companies do not carry the second-class mail matter at a lower rate than it is carried by the Government?

Mr. LOUD. There is no doubt of that. They do carry it at a lower rate, under certain conditions and certain distances.

Mr. COOPER of Wisconsin (continuing). And is the statement in the minority report to the effect that the express companies in this class of mail underbid the Government—I mean the second-class mail matter—is that statement true or false? And is the statement of the gentleman from Massachusetts an accurate one as to the transportation of this mail matter, that a profit is made by the express companies for carrying such matter for less distances than 500 miles at the rate specified?

Mr. LOUD. Oh, Mr. Chairman, I have made that statement so often here that I supposed every member of the House had heard it and is familiar with my views on that subject.

Mr. COOPER of Wisconsin. But is there any justice in the comment of the gentleman from Massachusetts and the gentleman from California, both of whom, it would seem, seek to ridicule the minority report?

Mr. LOUD. I did not so understand the suggestion. It does not seem to me that the attempt was made to ridicule the report.

Mr. MOODY of Massachusetts. I did not attempt to ridicule it certainly.

Mr. COOPER of Wisconsin. I so understood the gentleman.

Mr. MOODY of Massachusetts. No; the gentleman misapprehended what I stated.

Mr. COOPER of Wisconsin. I am referring now to the second-class mail matter.

Mr. MOODY of Massachusetts. What I stated was, in substance, that the first-class mail matter could not legally be carried by any other agency than the Government.

Mr. COOPER of Wisconsin. But it related to second-class mail matter, not first-class mail matter.

Mr. LOUD. I will read, if the gentleman will allow me, in order that there may be no controversy, exactly what appears in the report on this question:

> The best estimate to be made from the proof on the hearings on this question is that the actual expense to the transportation companies in carrying the mails is about 1 cent per pound, and that the express companies (which we are informed pay about 40 per cent of their earnings to railroad companies for hauling their cars) underbid the Government on second class mail matter, and carry it at less than 1 cent per pound on hauls of less than 500 miles, and still make a profit.
>
> If our information be correct, these companies carry the mails from Boston, New York, and Philadelphia to Chicago for 1 cent per pound. While the postal commission has not reported, yet the press credits their statistician, Professor Adams, as the author of a report based on proof taken before the commission on the question of transportation, which we give, as follows:

Mr. COOPER of Wisconsin. But in the same section the minority report says and makes it clear that it refers to second-class mail matter; and says that it is carried at less than 1 cent a pound. Now, the average as shown by the Postmaster-General's report, as we understand here, is 8 cents a pound for carrying the mails.

Mr. LOUD. The gentleman from Massachusetts was only commenting on the part of the report read by himself. I do not suppose the gentleman could have known what else was in the report unless he had taken the pains to read it before.

Mr. COOPER of Wisconsin. And I am only referring now to the construction in the report which relates to the transportation of second-class mail matter.

Mr. LOUD. Of course the express companies can carry newspapers, books, and anything else in bulk which is delivered on board the car—a service which the Government would have to do for itself—if it carried the matter for less than a cent a pound. We could, of course, do it, too, if we could get it in bulk. But that is not the condition of the postal service.

I have said, Mr. Chairman, in the House so many times that all of the long-distance matter and all the small single-package matter is carried by the Government at this rate because there is a great deal of difficulty in dealing with small quantities in isolated instances instead of in large quantities, as the express companies may be able to handle it. But that is not exactly the point. What I wanted to say was this——

Mr. BELL. I understand the gentleman from California is speaking of carrying job lots?

Mr. LOUD. No; I do not think I used that word. I spoke of carrying in bulk.

Mr. BELL. Well, we will say carrying in bulk. Now, I understand that there has been an examination in the city of Boston, by a man thoroughly capable, and rates have been made on certain classes of mail matter, under which the rates may go from Boston clear to Chicago and from the west line of Pennsylvania to the Rocky Mountains, at 1 cent per pound, if the charge equals 5 cents.

Mr. BINGHAM. Five cents on what?

Mr. LOUD. Five cents for how much?

Mr. BELL. I mean that they would not take a package at the rate of 1 cent a pound unless it amounted to as much as 5 pounds.

Mr. LOUD. That they would not carry a package for less than 5 cents?

Mr. BELL. I have the express rates from Boston to those points. They only limit to a minimum of 5 pounds.

Mr. LOUD. I will say to the gentleman from Colorado that this is one of those dangerous statistical fields to enter——

Mr. BELL. Yes; but I have the express company's rate here.

Mr. LOUD. I have seen in the public press a statement of a rate very recently made, over a limited extent of country, in the State of Massachusetts, where they agreed with certain institutions that have a large amount of this matter to take all of their matter, long hauls and short, up to a certain distance of long haul, under some such conditions as the gentleman has stated; but all the public libraries of the country have been before our Committee on the Post-Office and Post-Roads urging, among other things, that they be permitted to have the pound-rate privilege for the dissemination of the books of libraries, and they say, and the consensus of opinion all over the country is, that the lowest rate that they could get from the express companies was 20 cents; and it seems to me that the combined libraries of the country, which are quite an institution, ought to be able to make as good terms with the express companies as any other interest in the country.

I do not care to enter this field, so far as this question of transportation is concerned, a question which if a man were a master of it, he never would be a member of Congress, because there are many corporations in this country that would be glad to pay him a hundred thousand dollars a year if he were a master of that subject. It is a question which I do not desire to discuss, because there is not one man in ten million who knows any more about the question than I do, which is very little, and I have given it careful study for ten years.

Mr. MANN. I hope the gentleman will pardon us for getting information from him. As I understand him, he states that the express companies do carry as express matter what would be second-class mail matter from Boston to Chicago for a cent a pound.

Mr. LOUD. No; I did not say that.

Mr. BINGHAM. Oh, no, those books would not come under that classification in the mail.

Mr. LOUD. I did not say to Chicago.

A MEMBER. It is always less than 500 miles.

Mr. LOUD. The limit is made about Buffalo.

Mr. MANN. The statement was made that the distance was from Boston to Chicago, and that was the statement that was replied to by the gentleman from Massachusetts. I understood the chairman to state that they carried to Chicago. The gentleman from Colorado [Mr. BELL] now says that they carry express matter from Boston to Colorado for 1 cent a pound.

Mr. BELL. No; I say from Louisville. I say they made that rate, when the medical fraternity met there, for their publications.

Mr. MANN. The question I should like to have somebody explain to me is why Houghton, Mifflin & Co., and other corporations of publishers, make such hysterical attempts to keep their matter in the second class, if the express companies can carry it for 1 cent a pound, and it costs the Government 8 cents a pound to do it?

Mr. LOUD. That is a good point. I will yield to the gentleman from Colorado [Mr. BELL] two or three minutes to answer that. I will say to the gentleman from Illinois that I can not answer it.

Mr. BELL. I will answer it. It is for the reason that these companies can send an individual book to any part of the United States by mail, whether it costs half a cent or three-quarters of a cent, under the pound rates; but when you come to the express companies, you must have enough in the package to make a certain rate—whatever they may fix as their minimum. The rate from Boston, as I understand, is limited to 5 pounds or more. I have the rate here that I obtained from Boston. Not only that, but all over New England this second-class matter is carried in large lots for from 35 to 37 cents a hundred pounds.

Mr. MANN. Do I understand the gentleman from Colorado to say that the publishers would be perfectly willing to have the law modified so that they could not send more than one book at a time to a person and that they be made to pay regular express rates upon all large lots?

Mr. BELL. No, sir.

Mr. MANN. Is it not true that nearly all the publishers who send out in that way send out packages to book dealers and news agents in large lots, and not single books?

Mr. BELL. Some are and some are not. Under the law as it stands at present there is no limit in the number of copies which may be sent to a single individual, and the mails carry them over the lines of wagon transportation as well as on the railroad, which I think would not probably apply to the express companies. They would not make a rate for any of the star routes.

Mr. SAMUEL W. SMITH. Is it the opinion of the gentleman, after the commission has been in existence for eighteen months, that the railroad companies for carrying the first and second class mail have been only paid a fair price for the use of their postal cars?

Mr. LOUD. That is a rather broad question. What do you mean by a fair price?

Mr. SAMUEL W. SMITH. A just price.

Mr. LOUD. So far as my opinion goes, the railroad companies have not been overpaid to the extent, if they are overpaid at all, that our friends contemplate. It is a very fine point, let me say, I think, in the minds of all the commission. While we may differ perhaps on some matters of detail, let me say that I believe it to be the unanimous opinion of the Post-Office Commission, from the testimony we have taken, that if the railroad companies are overpaid, it is by a small margin and nowhere equal to the amount that some people have contemplated. Further than that I can not say.

A great many people are misled by wild statements that are made; like the statement that appears and has gone broadcast over the land, that no honest man should have given utterance to, which takes the report of the Postmaster-General, and says that ten cars running from New York to Buffalo earn $219,000 a year, and gives to the company upon the ten cars $219,000 as postal-car pay, when, as a matter of fact, there were more than thirty cars on the line, the gentleman very cunningly transforming the word "lines" into "cars," and thus the public is misinformed. A statement of this character has wings in its flight, while the truth keeps company with the snail.

Mr. SAMUEL W. SMITH. Is it not a fact that the Government pays in the neighborhood of $6,200 a year for the rent of a postal car that does not cost to exceed $3,500?

Mr. LOUD. Oh, well, I have heard that statement made so many times.

Mr. SAMUEL W. SMITH. Is it true?

Mr. LOUD. No; it is not true. They do not pay a cent for the rental of a car. The additional amount of money that is paid where the Post-Office Department occupies a full car is simply for the hauling that additional weight and nothing else.

Mr. SAMUEL W. SMITH. Does it not mean that the Government pays $6,000 for the use of a car that only costs about $3,500?

Mr. LOUD. Why, certainly not. Do you suppose there are any railroad companies in the United States that could afford to haul a car for $5,000 a hundred thousand miles?

Mr. SAMUEL W. SMITH. I think it might in connection with the rest of the things they have to do on the train.

Mr. LOUD. What does the gentleman speak of when he refers to the other things that they have to do with the train?

Mr. SAMUEL W. SMITH. The other cars that they haul, and the passengers.

Mr. LOUD. Why, I suppose if the railroad companies would charge enough for the transportation of the passengers they might afford to haul the mail for nothing and make it up on the passenger service or some other service; but I hope gentlemen are not discussing this question from that standpoint. If we should pay anything for the transportation of the mails, we ought to pay a fair and reasonable sum.

Mr. SAMUEL W. SMITH. I agree with you, Mr. LOUD. Otherwise we should not pay them anything, if we are going to compel the railroad companies to make it out of the transportation of their passengers; but if you are going to pay them, then you ought to pay them a fair rate of compensation and no more.

Mr. TALBERT. The gentleman mentions the Postal Commission. I would like to ask him why it is that the commission have

withheld their report, and why they do not bring it forward and lay it before the public?

Mr. LOUD. Why, yes; that is perfectly simple. The Postal Commission have been taking testimony ever since they were appointed.

Mr. TALBERT. I thought they had concluded.

Mr. LOUD. They have simply printed in proof form the testimony as it was taken.

Mr. TALBERT. Did they lay it before your committee, so far as they have gone?

Mr. LOUD. The Post-Office Committee?

Mr. TALBERT. This Postal Commission was appointed to look into these matters that relate to the transportation and cost of first, second, and third class mail matter.

Mr. LOUD. Why, yes. We have had the question before the commission for the last two years. We have a limited number of these reports. We are expected to print this report out of the money appropriated, and we can not afford, let me say, nor do I think Congress can afford, to print this report until we have concluded taking the testimony and have come to a conclusion, and then the report will be printed as a whole.

Mr. TALBERT. I was mistaken about it. I thought the commission had concluded their labors.

Mr. LOUD. Why, we took some testimony only last Friday and Saturday.

Mr. HOPKINS. Has the evidence taken last summer a year ago been printed so that it can be reached by any member?

Mr. LOUD. It has not. There were a few copies printed, I think, of the first 1,500 pages—just a few copies, printed for the use of the commission. You know how copies go. I find myself without a personal copy. My clerk has managed to hang on to his by putting a chain on it. While I had three to start with, I have none now.

Mr. BINGHAM. So that the House may understand, I will ask the chairman of the committee to say something about the broad field which this commission is called upon to cover?

Mr. LOUD. I will say that the commission have not entered particularly or to great extent into the investigation of any question except the railway mail pay, because that is a great question, a greater question than the people of this country anticipate. We were confronted with this state of facts: The railroad people themselves knew nothing about it. I can appeal to my colleague on the commission from Georgia, Mr. FLEMING, who will say that they knew not the slightest thing about the question. We had to grope a long time in the dark before we could find out anything about it. It is such an insignificant portion of the business of the railroad companies that they did not know what it cost.

It was surprising to me that the railroad people themselves did not know, and the railroad experts say it is the hardest thing in the railroad service to determine what any particular character of railroad transportation service may cost; that is, to say what is legitimately chargeable to freight and what is legitimately chargeable to passenger service. When that proposition was first presented to me, in reply to a question put to Mr. Kirkman, of the Chicago and Northwestern, who is regarded as one of the best railroad experts in the country—when I asked him what the service cost, he looked at me and said: "There is not a man on the top of this earth that can ever tell."

I thought he was trying to fool me, and I resented his answer at that time; but now I can readily see the reason of his statement. You can not tell, where there are 100 trains running over a track a day, just how much to charge for this train and just how much to that one; how much this train may wear the track and how much of the maintenance may be chargeable to the running of this or that particular train, or how much of the station agents' or other employees' salaries or a thousand other things are chargeable. Years ago the railroad companies endeavored to keep an account of how much was chargeable to the expense of carrying passenger and how much to freight service, but they have abandoned it as impossible.

Mr. HOPKINS. Is the gentleman in charge of the bill, from all the information he has gathered, prepared to say that the estimates he makes on this subject for railroad transportation are fair and equitable?

Mr. LOUD. The estimates for railroad transportation are simply estimates submitted by the Post-Office Department, in accordance with the present law. While our brethren may talk as much as they please about the railway transportation being exorbitant, and some gentlemen may get up on their hind legs and move to cut the appropriation down a few million dollars, it can not avail until you repeal the law. The law is there, and it can not be repealed upon this appropriation bill.

Mr. FLEMING. I would like to ask for one or two items of figures. I know the chairman has them in his mind. What is the deficiency in the Post-Office Department—what was it last year?

Mr. LOUD. Does the gentleman want the exact figures?

Mr. FLEMING. No; in round numbers.

Mr. LOUD. A little less than $7,000,000.

Mr. FLEMING. How much is the estimated amount for this year, the estimated amount of deficiency?

Mr. LOUD. About $1,000,000, I think. These are figures that I never take any cognizance of; it is simply the wildest estimate. I know that as good a business man as Mr. Wanamaker estimated a surplus of $11,000,000 in 1894, and for the years succeeding that, thirteen or fourteen millions; and yet the deficiency continued to pile up as long as Mr. Wanamaker remained there. Estimates will not meet results.

Mr. FLEMING. I know that. The chairman has stated that this bill carries $3,157,000 in addition to what the Post-Office Department asks. Will that carry the estimated deficiency up to seven millions, or nearly so?

Mr. LOUD. Of course, the estimates for deficiency are for the current year. I do not think they have made an estimate for the next fiscal year. Perhaps they have. It used to be the policy of the Post-Office Department to estimate deficiencies four or five years ahead; but I think the Postmaster-General has stopped that.

Mr. FLEMING. Does the gentleman mean that the estimated deficiency is for the year that is to close on June 30, 1900?

Mr. LOUD. This estimated deficiency is between four and five million dollars.

Mr. FLEMING. And applies to the fiscal year closing on the 30th of June, 1900?

Mr. LOUD. Yes.

Mr. HILL. I received a letter this morning which contains this clause, about which I know nothing, and I want to ask the chairman for information: "I understand that there is a provision in the Post-Office appropriation bill now before the House to raise the salaries of certain clerks in the Railway Mail Service. The lower grade of clerks will not be benefited, but the ones receiving the highest salaries are to have them still further increased." May I ask the gentleman the true inwardness of that proposition, if there is anything to it, and if so, what?

Mr. LOUD. I suppose when we get to that proposition the gentleman from Minnesota will enlighten the gentleman from Connecticut in regard to it.

Mr. HILL. I would much rather have the information from the chairman of the committee.

Mr. LOUD. The increase for railway mail clerks this year is $965,000. The largest amount of increase ever given heretofore in one year is about $235,000. I think I can realize when I am hit in the head with a club as well as any other man, though I do not always yield as gracefully as some other people. But, as I suggested when I started out, there seems to be a very pressing demand for some increase in salaries.

I have said some years ago that the post-office clerks were underpaid. I say again that they are underpaid; that the post-office clerk to-day does not receive an average salary of $700 a year. Last year our bill did carry about $700,000 for the purpose of increasing the salaries of post-office clerks. The bill this year contemplates about the same thing. It is the policy of the Post-Office Committee to bring the average salary of post-office clerks up until it shall be somewhere near a reasonable point.

There was great pressure for the increase of salaries of railway mail clerks, the maximum salary of these clerks under the law being $1,400. In 1884, by reason of the small appropriation given by Congress, the Department cut down the maximum to $1,300, and that has been maintained as the maximum from that time to the present. Your committee, thinking perhaps it was wise to do something in this regard, did take 748 clerks from the $1,300 class and put them into the $1,400 class by reason of the segregation we have made here.

The promotion of those 748 clerks from the $1,300 class to the $1,400 class makes substantially the same increase down along the whole line—perhaps not in the exact number; that I can not say. This is a very intricate question. I do not suppose anyone outside the General Superintendent and his assistant could give exactly the number. But the bill provides for a general lifting up along the whole line—that is, if you lift up the top the rest must follow.

Mr. HILL. Does the bill provide for 748 new clerks?

Mr. LOUD. No, sir.

Mr. HILL. Then how does it lift those in the lower classes by simply increasing the salaries of these 748 clerks?

Mr. LOUD. If you take 748 clerks out of the $1,300 class and put them into the $1,400 class, on the basis of the present number of clerks, it lifts some $1,200 clerks to $1,300, some $1,150 clerks to $1,200, the $1,100 clerks to $1,150, the $1,000 clerks to $1,100, the $900 clerks to $1,000, and the $800 clerks to $900.

In this segregation that we have made there is probably about $500,000 for increases of salary of the railway mail clerks; and, as gentlemen will readily see, their maximum and their average salary is much greater than that of corresponding officers in any other branch of the postal service. This is as far as the committee thought it wise to go, in view of the large increases demanded here all along the line. We had some little compassion on the public Treasury; we thought we would not loot it all at once,

but would rather have it extend over perhaps a couple of years. [Laughter.]

Mr. OLMSTED. At this point will the gentleman allow me a question? At the city of Harrisburg, where I reside, there are 200 railway postal clerks paid at the post-office there $208,000 in the aggregate—a little over $1,000 per man—and 20 per cent of that they must use to meet necessary expenses while away from home. I have this morning letters from several of those men in which they say—I hold one of the letters in my hand—that nearly all the increase of salary provided for in this bill goes to the office force; and of this the railway clerks complain. I desire to ask the view of the gentleman from California on that point.

Mr. LOUD. I have just said that we promote 748 of those men—the men who do the work on the road—from $1,300 to $1,400; and the only increase in the office force is for chief clerks of lines. These chief clerks of lines—I suppose you have one at Harrisburg——

Mr. OLMSTED. Yes.

Mr. LOUD. That is not a division headquarters, I understand. You have a man there in charge of those 200 clerks——

Mr. OLMSTED. Yes, sir.

Mr. LOUD. Now, up to the present time these officers have been simply railway mail clerks, detailed to perform duty as chief clerks, with a salary of $1,400. This is the same salary which is allowed by law to a railway mail clerk. When we advanced this number of men to the $1,400 class, we did think that these chief clerks—there are only 85 of them in the whole country—ought by right to have a larger salary than the clerks running upon the road, by reason of the greater responsibility imposed and the greater ability required to perform the duties.

Mr. OLMSTED. I simply wanted to know whether your bill does raise all along the line the salaries of those who run on the road. The chief clerk at Harrisburg is a good man. He earns all you propose to give him and more too. But I have a good deal of sympathy for the men who perform the service in the railway mail cars, and wish to see them fairly compensated. Their services are more arduous and useful than those of many Department clerks here at Washington.

Mr. LOUD. It does. It must extend along the whole line, but it does not increase the salaries of every man; neither should it.

This, Mr. Chairman, is a fair bill. These 748 men were segregated from the total of about 1,200 of the $1,300 men, for the reason that they performed a superior service and also because their runs were longer and harder. Every clerk who has charge of such a run is in the $1,400 class.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON. Mr. Chairman——

Mr. LOUD. Mr. Chairman, I would like to ask the privilege of inserting in my remarks in the RECORD somewhere a table relating to the matter of the expenses of the English telegraph system.

The CHAIRMAN. Without objection, the gentleman from California will extend his remarks as suggested.

There was no objection.

The article referred to by Mr. LOUD is as follows:

Statement of the application of the balances of telegraph revenue shown in the preceding account toward the interest and redemption of the stock created on account of the telegraph service.

	Balance to meet interest on stock created on account of the telegraph service and for the redemption of debt, brought down.	Amount of interest on the stock.	Amounts applicable to a sinking fund.	Deficiencies.
Year ended December 31—	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1870	261,925 5 7	214,500 0 0	[1]47,425 5 7	
1871	238,695 3 10	233,081 7 1	[2]5,613 16 9	
1872	130,424 1 10	258,390 16 11		118,966 15 1
1873	92,992 7 5	270,980 18 9		177,988 11 4
1874	85,807 18 4	206,705 18 9		207,898 0 5
Fifteen months ended March 31, 1876	103,272 4 2	294,905 18 9		191,633 14 7
Year ended March 31—				
1877	119,913 5 3	307,172 6 2		187,259 0 11
1878	125,108 5 9	314,174 13 11		189,066 8 2
1879	207,916 16 3	322,036 8 8		114,119 12 5
1880	296,508 0 2	326,417 2 9		29,909 2 7
1881	325,432 15 6	326,417 2 9		984 7 3
1882	213,892 6 8	326,417 2 9		112,524 16 1
1883	184,193 12 1	326,417 2 9		142,223 10 8
1884	[4]19,697 1 6	326,417 2 9		346,114 4 3
1885	[4]36,350 1 0	326,417 2 9		362,767 3 9
1886	[4]45,137 3 3	326,417 2 9		371,554 6 0
1887	[4]145,472 14 2	326,417 2 9		471,889 16 11
1888	[4]6,083 19 5	326,417 2 9		332,501 2 2
1889	88,603 17 9	[3]353,787 3 5		265,183 5 8
1890	85,113 2 0	306,016 1 4		220,902 19 4

Statement of the application of the balances of telephone revenue, etc.—Cont'd.

	Balance to meet interest on stock created on account of the telegraph service and for the redemption of debt, brought down.	Amount of interest on the stock.	Amounts applicable to a sinking fund.	Deficiencies.
Year ended March 31—	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1891	68,182 19 7	299,215 14 2		231,032 14 7
1892	[4]90,283 8 8	298,833 7 6		389,166 16 2
1893	[4]166,682 8 0	298,888 5 0		465,570 13 0
1894	[4]178,438 19 7	298,888 5 0		477,327 4 7
1895	[4]141,637 12 7	298,888 5 0		440,525 17 7
1896	[4]40,547 11 8	298,888 5 0		339,435 16 8
1897	[4]144,456 8 2	298,888 5 0		443,344 13 2
1898	[4]301,118 7 0	298,888 5 0		606,006 12 0
Total	1,315,076 7 2	8,497,934 10 2	53,039 2 4	7,235,897 5 4

[1] The sum of £54,771 17s. 8d. stock was canceled with £50,869 7s. 8d., the surplus shown by parliamentary paper, No. 60, of 1872.

[2] The sum of £12,830 3s. 3d. stock was canceled with £11,739 12s., the surplus shown by parliamentary paper, No. 386, of 1872.

[3] Includes £27,370 0s. 8d. for bonus on conversion of 3 per cent stock into 2½ per cent stock.

[4] Deficiency.

TREASURY CHAMBERS, *January, 1899.*

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BROSIUS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. BENNETT, its Secretary, announced that the Senate had insisted upon its amendments to the bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. SEWELL, and Mr. COCKRELL as the conferees on the part of the Senate.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. MOON. Mr. Chairman, I desire to ask consent of the House to have printed in the RECORD the views of the minority of the Committee on the Post-Office and Post-Roads on the disputed questions in the appropriation bill now before the House for consideration.

The CHAIRMAN (Mr. RAY of New York in the chair). The gentleman from Tennessee asks unanimous consent to insert in the RECORD the report of the minority of the committee on certain disputed questions. Is there objection?

There was no objection.

The minority report is as follows:

POST-OFFICE APPROPRIATION BILL—VIEWS OF THE MINORITY.

The undersigned members of the Committee on the Post-Office and Post-Roads, not being able to reach the conclusions of the majority of the committee on H. R. 10901 (a bill making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901), respectfully submit for the consideration of the House the following:

We do not propose a review of the postal system, nor to criticise the administration of the Post-Office Department, but to express our views as to the propriety of continuing certain methods in the service. We appreciate the difficulties of a proper and economic administration of this Department and the greater difficulty of providing complete and adequate remedies for abuses that have grown in the operations of the postal system.

The Fifty-fifth Congress appointed a postal commission and directed an inquiry and report as to the conditions in this Department and suggestions for the correction of abuses, to the end that an economic and self-supporting postal service might be inaugurated. The commission, in a long series of hearings, obtained much proof and information on these questions that would no doubt be valuable to the House, but as yet the commissioners have not deemed it wise nor advisable to impart this knowledge to the House, and it is fair to presume that they will not do so, since nearly or quite a year has elapsed since the proof was taken.

We are all conscious of the fact that there can be no material reduction in the expenses of the Post-Office Department unless it be made by a reduction in the price paid for handling the mails or by a reduction in transportation of the mails. If present expenses are continued, the deficit in the Department will continue, unless the growth of the business producing revenue shall extinguish it or it shall be extinguished by an increase in stamp tax paid to the Government for the privilege of using the mails.

There could be much reduction in the cost of handling the mails, but this would necessarily involve a reduction of employees in the service, and of the compensation, which might impair the efficiency to an extent that the benefits the public are entitled to would not accrue; but this is a subject we do not now desire to discuss.

There could, we think, be an advantageous readjustment of the classes of mail matter and of stamp taxes, but there could be no material increase in the stamp tax on all mail matter that would not involve the burden of raising additional revenue from the people, which is not advisable if any other method can be pursued to prevent deficiencies in the postal revenues. The careful consideration of the questions involving the method of handling the mails would probably suggest to men of business habits a means of reduction in expenses along this line. Yet we are satisfied that the main cause of the deficiency in the revenues of the Post-Office Department is largely due to cost of transportation allowed and paid to railroad companies on inland mails.

These companies very properly secure the best terms they can from the

Government to perform this service. We ought to pay them such price as will secure to them just and liberal profit commensurate with the risk and obligations assumed by them. We ought not to pay more than this. Your attention is called to the excessive pay for transportation of mails, not with the view of striking out this item of the appropriation bill, for that could not be properly done at this time under contract relations between the carriers and the Government, but that some action may be had by Congress before the beginning of another fiscal year.

We pay an average, as shown by the Postmaster-General's report, for carrying the mails, of 8 cents per pound.

The best estimate to be made from the proof on the hearings on this question is that the actual expense to the transportation companies in carrying the mails is about 1 cent per pound, and that the express companies (which we are informed pay about 40 per cent of their earnings to railroad companies for hauling their cars) underbid the Government on second-class mail matter and carry it at less than 1 cent per pound on hauls of less than 500 miles and still make a profit. If our information be correct, these companies carry the mails from Boston, New York, and Philadelphia to Chicago for 1 cent per pound. While the postal commission has not reported, yet the press credits their statistician, Professor Adams, as the author of a report based on proof taken before the commission on the question of transportation, which we give, as follows:

*Facts of grossly excessive pay to railroads for hauling United States mail.**

Fixed rate for haul of 200 pounds of mail, average distance, a mile (365 days)	$0.77
Commutation rate for haul of one passenger and baggage (365 days), average distance, a mile	2.07
Commutation rate for haul of 200 pounds first-class freight, average distance, a mile	1.37
Fixed rate for haul of 300,000 pounds of mail, average distance, a mile†	7,317.00
Commutation rate for haul of 300,000 pounds of passengers and baggage (365 days), average mail distance, a mile	3,121.02
Commutation rate for haul of 300,000 pounds first-class freight, average mail distance, a mile	2,048.76
Annual revenues of a passenger car	10,528.00
Annual revenues of a mail car	15,586.00
Decline in freight rates since 1878 per cent	35
Decline in passenger rates since 1878 do	17½
Decline in mail rates since 1878	Nothing.
Percentage of mail to gross railroad earnings (1878)	1.879
Percentage of mail to gross railroad earnings (1898)	2.747
Percentage of increase (1878-1898)	46,000
Percentage of railway pay expenses to gross post-office expenses in 1878	28,000
Percentage of railway pay expenses to gross post-office expenses in 1898	35,400
Percentage of railway pay expenses to gross post-office expenses, increase, 1878-1898	26,000
What a 25 per cent reduction in pay to railroads would last year have saved the Government‡	$8,895,600

These figures show that since the last reduction for carrying the mail in 1878, railroad freights have decreased 35 per cent, and charges for passenger travel have decreased 17½ per cent and that if the Post-Office Department had required the railroad companies to make a reduction of even 25 per cent it would have netted the Government $8,895,600 and would have wiped out the deficit, leaving a surplus for the current year of $2,284,833.

It may be interesting to reproduce the report of the Post-Office and Post-Roads Committee, showing expenditures in detail for the last year and the postal revenue.

EXPENDITURES IN DETAIL.

The expenditures of the postal service for the year are shown, by items, in the following statement:

Transportation of the mails on railroads	$31,621,486.12
Compensation of postmasters	18,223,506.81
Free-delivery service	13,800,400.00
Compensation of clerks in post-offices	11,095,554.31
Compensation of railway post-office clerks	8,429,980.00
Transportation of the mails on star routes	4,999,280.88
Railway post-office car service	3,960,953.86
Transportation of foreign mails	1,629,749.83
Rent, light, and fuel for first, second, and third class offices	1,695,586.73
Mail-messenger service	907,698.25
Manufacture of stamped envelopes	530,155.79
Transportation of the mails—regulation screen or other wagon service	726,162.73
Transportation of the mails on steamboats	454,200.98
Special-delivery service	415,994.02
Mail depredations and post-office inspectors	406,772.89
Mail bags and catchers	274,624.42
Transportation of the mails—electric and cable cars	255,684.19
Manufacture of postage stamps	178,000.00
Transportation of the mails—special facilities, etc	176,963.95
Manufacture of postal cards	142,786.40
Miscellaneous expenses for post-offices, including furniture	175,131.20
Balance due foreign countries	140,101.15
Blanks, blank books, etc., for money-order service	99,552.86
Registered package, tag, official, and dead-letter envelopes	86,108.24
Wrapping twine	89,999.95
Renting of canceling machines	80,436.67
Stationery for post-offices	54,881.57
Experimental rural free-delivery service	149,979.69
Postmarking and rating stamps	25,974.98
Establishment of temporary post-offices at military posts	200,000.00
	101,014,618.53
Expenditures under 21 smaller items of appropriations	420,651.46
Total expenditures for the year	101,435,269.99
Add expenditures during the year on account of previous years	196,890.93
	101,632,160.92

POSTAL REVENUE.

The postal revenue from all sources was as follows:

Sales of stamps, stamped envelopes, newspaper wrappers, and postal cards	$87,280,654.01
Second-class postage (pound rate), paid in money	3,527,032.26
Box rents	$2,726,558.04
Money-order receipts	1,286,664.60
Letter postage paid in money, principally balances due from foreign postal administrations	98,031.38
Miscellaneous receipts	58,297.72
Fines and penalties	31,041.42
Receipts from unclaimed dead letters	13,104.74
Total receipts	95,021,384.17
Excess of expenditures over receipts	6,610,776.75

This statement shows that of the total expenditures, $101,632,160.92, the sum of $31,621,486.12 was paid for the hauling of the mails on railroad cars alone—being nearly one-third of the whole expense of the Post-Office Department; the net profits to the carriers over and above reasonable compensation being, perhaps, not less than $10,000,000. The sum asked for and appropriated in this bill for inland transportation by railroad routes is $33,870,000, being a large increase over previous years. In this connection might properly be discussed the benefits that would accrue to the Government by the ownership of its railway postal cars, but it not being our intention to undertake to review all the advantages and disadvantages of the system, we desist with a quotation from the report of Postmaster-General Vilas, made in 1887, which is as applicable to condition now as it was then, being in substance as follows:

"He said to Congress that 432 cars then in the postal service—342 in ordinary use, 90 in reserve—could be bought or their duplicates manufactured for $1,600,000, while the entire annual cost, embracing all necessary labor and ordinary repairs, would not be over $720 for each of the 342 cars in ordinary use, or $246,240, making a total of $1,486,240.

"Yet for the mere use of these cars, including cleaning, etc., the Department was then paying $1,881,580 a year, and the amount demanded for the ensuing year was $2,000,000; this in addition to the 8 per cent per pound under the general item of transportation of mails by railroad.

"On one line $59,037.37 was annually paid for the use of four cars that could be built and fully equipped in the best modern style for less than $17,500, and this in addition to the full-weight pay for transportation, amounting in this case to $504,573.69 annually."

Again, we oppose, for the present, any extension of the pneumatic-tube service and any additional appropriation on this account.

The bill recommends an appropriation of $725,000 for this service, which is $500,000 more than the last appropriation. To our minds the good results from this service are by no means commensurate with the cost. The pneumatic tube is a common iron pipe 6 to 8 inches in diameter and buried in a shallow ditch under ground, through which tube mail is propelled by machinery from one station in a city to another. It is patented, of course; otherwise we doubt if anyone would have undertaken to impose it on the Government. The use of the tube seems to expedite the mails from stations to depots (except where it destroys it entirely in transit) only a few minutes.

We do not oppose any reasonable or necessary method of expediting the mails in the cities of Boston, New York, and Philadelphia, in each of which a few miles of the pneumatic tube is in service. We favor every reasonable facility that may be needed in these and other cities and throughout the country for rapid transit and delivery of the mails. But we submit that the hastening of the mails for a few moments in the delivery from the post-office to substations and depots in a limited area in a great city which already has from six to nine free deliveries daily can be of no great public benefit. No public necessity exists for such service.

The people in these cities get their mail on an average of eight times a day. This is fast enough, fair enough, and often enough, it seems to us, when seven-tenths of the people of the United States do not get more than one mail a day, and many of them once or twice a week. We do well sometimes to "make haste slowly." This is particularly true when the cost of our extra "fast ways" is so much greater than the benefits or the pleasure we derive from them.

The pneumatic tubes in the city of New York in total length is estimated at 30,000 feet. Proof as to the full cost of this tube varies from $34,000 to $300,000. The cost of the construction to us is immaterial. The thing we are interested in is the rental per annum for its use.

We are charged by the Pneumatic Tube Company for its use in New York the sum of $158,000 per annum, enough of money to build 6 or 8 miles of railroad. When we realize that this pneumatic tube is simply a common iron pipe buried in an ordinary ditch in the ground, through which mail matter is propelled by machinery, it is clear that $34,000 is nearer its cost than $300,000. The pipe is worth about 50 cents a foot; the digging of the ditch and the laying of the pipe would be excessive at 50 cents a foot. Thirty thousand dollars at these figures would lay the 30,000 feet, or practically the whole New York system. To this sum should be added the cost of the machinery and right of way, as to which we are not informed. The Government pays the operating expenses of about $10,000, which is included in the $158,000 rental by the United States. The wagon service carried all the mail from the post-offices to stations and depots before the pneumatic tube was put in use.

The addition of the pneumatic tube to the service has not decreased the wagon service. The Government pays as much, practically, now for the wagon service as it did before the pneumatic tube was used. According to the Second Postmaster-General the pneumatic tube saves nothing in money and only a few minutes in time in the delivery of mails in a very limited area of the cities. The facts in reference to the pneumatic-tube service in the other cities in which it is used are similar to those of New York, the cost of operating being somewhat less.

If this service is valuable for New York, Boston, and Philadelphia, it would be equally valuable for Chicago, New Orleans, and other large cities, and should be extended to them.

We think the benefits of this service would not justify its extension as a business proposition, even in the cities where it is now in use.

The Government is simply operating this pneumatic-tube patent for the benefit of its owners. There is neither necessity nor justification for its use. The fact that it may have official advocates, in view of the unjust contract now being enforced against the Government made and entered into by such officials, rather weakens than strengthens the appeal for the continuation of the experiment.

Again, we oppose the appropriation of $196,614.22 for alleged necessary and special facilities on trunk lines. This sum is paid to two systems of railways, one receiving $25,000, and the other the remainder of the appropriation.

These most remarkable appropriations have been made for some years past and paid out by direction of Congress without any request or estimate therefor by the Post-Office Department. The appropriation is alleged to be made in consideration of extra fast mail over the lines receiving the same.

The mails on these particular lines of railway are carried no faster than they are on many other lines of railway which do not receive this extra pay or subsidy for carrying mails. All of the railways receive compensation amounting to at least three or four times as much as it costs them to carry the mails, and we see no reason for this extra compensation to the roads mentioned. They may have, and no doubt have, changed the time of departure and arrival of trains from terminal points.

Speed may be greater upon these lines to-day than it was twelve or thirteen years ago, but this is true of other lines of railway and nearly all others that are not subsidized. The Department informs us that it pays out the money for these roads because it regards the appropriation as evincing a

*From 200,000 to 300,000 pounds is the variation between the lightest and and heaviest mail routes.

†Average haul of mails, 813 miles.

‡This saving would have eliminated a postal deficit of $6,610,776, leaving in lieu thereof a surplus of $2,284,833.

desire on the part of Congress that it shall be done, although the act may leave it discretionary with the Postmaster-General.

The argument that the payment need not be made except in the discretion of the Postmaster-General amounts to nothing, in view of the fact that he treats this directory provision of the statute as mandatory on him and pays out the money on call.

We oppose this subsidy because it is a special privilege and gratuity. We secure no special facility by it that we were not entitled to at all times under the contract with companies for carrying the mail. The contract with all the railroads is to carry the mail with reasonable haste and expedition. These subsidized roads do not and have not done any more than this.

Shall we offer them this gratuity of $196,000 to perform a contract they are already by law bound to perform? We regard this appropriation as a legislative wrong, and it ought not to be made.

Respectfully submitted.

JOHN A. MOON,
R. E. BURKE,
JOHN S. LITTLE.

Mr. MOON. I now desire to yield to the gentleman from South Carolina [Mr. NORTON] forty minutes of the time allotted to the minority of the House.

Mr. NORTON of South Carolina. Mr. Chairman, it is not so much my purpose to discuss the bill now under consideration as it is to present some observations to the House and to the country on a subject of more direct interest to my people and to the section of the country from which I come. I listened with interest to the remarks of the gentleman from Iowa [Mr. LACEY] on the subject of the amount of taxes paid for educational purposes in his home town and in his State.

His remarks were directed at Alabama, placing that State in contrast with his own on the subject of education. Let me say to the gentleman and to the country that when all the facts and conditions are considered, any Southern State will, I think, compare favorably with Iowa or any other Northern State in all matters. The difficulties of such a comparison are to get the facts in such way that the whole truth may be conveyed to the public mind and to those not of the South who assume to discuss conditions at the South. It is not true that cold figures alone and unexplained always present the whole truth.

The South has been placed at greater disadvantages and labored under greater difficulties than one from Iowa or any part of the country outside of the South can well conceive of or believe. I wish to tell the gentleman that the State of South Carolina, with a property assessment of less than $200,000,000, has paid as her proportion of pensions about $40,000,000 over and above every dollar that has been received by pensioners in that State, an amount more than one-fifth of her taxable property paid in cash for this one specific purpose, or an average of over $1,000,000 per annum. From all the Southern States, and, if you please, from the eleven seceding States, there has been paid for pensions over $500,000,000 in excess of the amount paid to pensioners in that section of this country.

And in addition to this heavy tax upon the South—at which I am not now complaining—the people of that section have contributed about $1,000,000,000 for the extra interest charged against her people because they had no money and were obliged to borrow—to borrow from and pay interest to that section of the country to which she was already making such immense contributions in other directions. Still, if the burdens borne by the South stopped here, its condition would be far better than it is.

In addition to these two items, the South has contributed not less than a billion and a half of dollars to the protected industries and interests of the country above any benefits received. The Southern States, being in the main producing States, have been obliged to sell their products in the open markets of the world in competition with similar products from every other country. At the same time they have been forced by the laws of this country to buy in restricted and protected markets—markets created and guarded by the tariff duties of the United States.

The South has thus, in every particular, been placed at great financial disadvantage. Since the civil war she has had wrung from her products and her labor not less than $2,500,000,000 for which she has received nothing at all. And all this loss comes since she lost all she had in the war. Yet the South is taunted with her poverty and her want of educational facilities—so often so that we have grown somewhat accustomed to unkind and ungenerous treatment, unkind and ungenerous taunts as to our poverty and our character.

I wish to give an instance of this sort of treatment we have been continually receiving in the shape of a general indictment. This comes, too, from the last place from which such attacks ought to come. It comes from a paper seemingly now very busy trying to clean the Augean stables at its own door.

The North American, of Philadelphia, in an editorial on the 29th of March last, headed, "More turmoil down South," says:

> The usual spring epidemic of lawlessness appears to have broken out in the South this year with more than customary violence.

And after the usual bright and artless application of such a smart analogy, the editor continues:

> The Southern people, because of their failure to respect and obey the law are in a pitiable state. Their patrimony, the richest part of this rich Republic, lies barren and neglected, because capital, always sensitive, refuses to in stall itself in a region where social conditions are so unsettled and precarious. What the end will be we do not venture to predict. But this much we do know: The present reign of criminal and political disorder must soon give way to sane, healthy, and humanizing influences, or the South will gangrene the whole body politic.

"Pitiable state!" "Reign of criminal and political disorder!" "The South will gangrene the whole body politic!" Shades of Penn and Franklin, look in pity, from your resting places above, down on poor, benighted Philadelphia's great moral and political censors! Why, the South in her darkest days of negro domination never reached such systematic frauds, falsehoods, and crimes as are charged by the North American and other Republican Philadelphia papers against the citizens of their own city and State, members of their own party. The most heinous crimes ever charged against the South are not worse than those which are now being brought to light in the rock-ribbed Republican State of Pennsylvania.

But crimes committed in the South are thoroughly magnified by these newspapers, printed with huge sensational heads, and they are flaunted before the country as Southern. The same crimes committed in Pennsylvania or other parts of the country than the South are given as merely ills that human society is heir to, and they go uncommented upon, on obscure pages, except when there is a falling out of rascals in a local fight.

We recognize the grave injustice done to our people by such treatment; but we have suffered in the main silently, trusting in the future and the ultimate fairness of public opinion to vindicate the integrity of character of the people of the South. "Truth is mighty and will prevail."

Pilate asked: "What is truth?" Not caring for truth, he hastened on in his work, staying not for an answer. Pilate was helpless in his own weakness; under the influence of the howling mob he went on to his work of desolation and death. This act of an officer whose conscience prompted him to inquire as to truth, but whose courage was not sufficient for the duties of the hour, gave to the world a tragedy, the darkest in its history—a tragedy so criminal in its character and so subversive of every principle of truth and justice that nature itself revolted and the sun in meridian glory veiled its face in darkness, refusing to witness the scenes produced by Pilate's perfidy.

Nearly nineteen centuries have thrown their shadows over this past, and no answer has come to Pilate's question, "What is truth?" And it will not be given except in the life and character of the object of Pilate's folly and weakness, as He rises and spreads truth with "healings on His wings for the nations," and people of the North, we may hope, as well.

For half a century the South has been the subject of the inquiry: What is truth as to its conditions and its character? No answer has come to our inquiring Northern brethren, and none will come to indifferent and prejudiced ears. Questioners such as the North American, like Pilate, blinded by prejudice and ignorance, listen to the rabble and release a Barabbas instead of truth; they turn loose false statements, robbers of truth and of the character of the South.

That sectional prejudices growing out of the legislative and forensic struggles before the war and the animosities and bitterness engendered by the actual conflict itself should dethrone reason and obscure justice was but a natural result. It was no less natural that this bloody strife should be full of sadness as well as bitterness. The plaintive wail of the orphan and widow rose above the sound of the curses that were heaped upon us and moved the strength of Southern manhood to turn toward the rebuilding of its homes and the tilling of its farms. The soldier and his sons took up the hammer and laid hold of the plow to smother in labor a growing wrath and to conquer in silence a humiliating oppression. Thirty and odd years should have informed the ignorance and silenced the falsehoods and misrepresentations of detractors of this people.

With the flower of her manhood slain or maimed in battle, despoiled of her property, but upheld by a courage still sublime, the South patiently, zealously, and manfully faced her new conditions. She had to make bricks without straw. All had been lost but her manhood. Under such industrial and social conditions as obtained in the South the strong hand of military government was in itself galling enough; but harsher conditions yet were laid upon our people.

The war was hell; military rule, humiliation; but, worse than war, worse than famine and pestilence to the South, worse than the contribution of hundreds of millions of dollars, was the period of reconstruction. The frogs and flies, the locusts and lice, the darkness and death sent to plague the Egyptians in the days of Moses were not worse than the carpetbag and scalawag governments of the Southern States. It is, indeed, bad enough for manly men, face to face, to grapple in deadly conflict; but for one party to be pinioned by bayonets, ruled and robbed by an order of things and a class of men who would disgrace the jungles of Africa, was beyond the imagining of Dante. Those were dark days for the South. Manhood revolts at the memory.

It was the teachings of those days, Mr. Chairman, that made the lynchings of to-day possible. And who were those teachers?

Missionaries sent to the South from the North. Pennsylvania has the distinction of having sent to us one of the principal teachers of and instigators to every crime in the calendar of crimes in the person of the most notorious John J. Patterson. Ohio gave us R. K. Scott, whose name will ever be remembered with scorn and contempt by every decent man, white or colored, in the State over which he presided as governor.

Massachusetts sent us B. F. Whittemore, who himself was expelled from this House for dishonest practices. These were typical missionaries who came South after the war, took charge of the negro, controlled him, and taught him that it was not wrong to rob and murder white men, to spoil and ravish white homes. The now dilapidated houses, where B. F. Whittemore once gathered together the negroes of his community to initiate them into the mysteries of all political and social crime, still stands in a corner of my own district, a passing monument of those dark days.

Up to the coming of these missionaries you could find among the negroes of the South no case of and no cause for lynching. To those gentlemen from Pennsylvania and Ohio and Massachusetts, and their fellows from other parts of the North, who came South to prey upon the prostrate States after the war—to their benevolent political influences and benign social teachings is American history indebted for the tale of lynchings in the South. Since those days some of these notorious missionaries have brought their ill-gotten Southern gains to the North; Northern corporations have taken them up and made them millionaires and influential gentlemen. Most of those sent home for the good of the South have had the ears of the newspapers and they have seldom failed to malign, misrepresent, and slander our people. While the South has been painted blacker than their own souls by these artists in iniquity, it was taken all to be too true by more honest men at the North.

Many lies have been circulated with all the earnestness of conviction by comparatively honest men who have stayed not for the South's answer to the question: What is truth? The purse and the reputation of the South have been hurt for the time being by such a false condition; but truth will triumph and the South stand resplendent in the light of the great name made by a great and splendid people. Unscathed by the blight of war, unsullied by the rot of reconstruction, undaunted by poverty, the South maintains its integrity of character, and on top of the Pisgah of Hope, in full view of a grand future, she looks out over "a good land, a land of brooks of water, of fountains and depths that spring out of valleys and hills; a land of wheat, and barley, and vines. and fig trees, and pomegranates: a land of oil olives, and honey; a land wherein thou shalt eat bread without scarceness, thou shalt not lack anything in it; a land whose stones are iron and out of whose hills thou mayst dig brass."

Just out on the west corridor of this House is a beautiful picture. It gives to the eye the story of the pioneers seeking homes in the West. The rollicking boy, the young man and maiden, the stalwart father, the mother, all are there in that great caravan of slow-moving ox wagons, seeking new lands and freedom in the broad West. On a mountain top in the distance a young man lifts aloft the Stars and Stripes, waving hope and encouragement to those below winding slowly on through mountain passes to fairer land beyond. Over all is written this legend: "Westward the course of empire takes its way."

For centuries the tide of emigration has been westward. Starting, we are told, on the far-away steppes of central Asia, wave after wave of humanity surged over southwestern Asia into Africa, only to meet the impenetrable desert of Sahara; and afterwards over western Asia and Europe to the long impassable Atlantic. For other centuries the scepter of empire rested on the shores of the Atlantic, shifting from nation to nation until Anglo-Saxon supremacy was established. Then the bridge that another people had thrown across the tempestuous seas became crowded with throngs again going West. Westward still did the course of empire take its way, until at last it touches the East. Now it looks in another direction.

And the near future must change the words of this legend. The scout of progress and empire on the mountain will face about and look toward the sunny lands of the South; for southward the course of empire will bend its way. The finger of the Divinity that shapes the destinies of this Republic points southward to-day. The sun of a Southern ascendency slowly rises above the horizon of its adversity and poverty. The mists and fogs of falsehood will pass away before the power of a new supremacy, will lift before the light of truth—a truth revealed in the character, virtues, and intelligence of a hitherto misunderstood and traduced people.

The South realizes that neither defeat nor adversity nor even death itself is the worst that can befall a people. In poverty it has learned that man shall not live by bread alone, but by every word that proceedeth out of the mouth of God. And these many years has the South traveled in sorrow and adversity toward a certain, bright future. "Thy raiment waxed not old upon thee, neither did thy foot swell these forty years."

To those who taunt us with our poverty, whether they be from Iowa or elsewhere, we would say, "Thy money perish with thee," if with it you do not bring us a true sense of duty and a true appreciation of character. You may leave millions to train your sons. Those millions may, and there are those who think they are, used to beget effeminacy and bring decay. "A gigantic fortune may roll up like a snowball, but a sunny day may melt it. The growth of such wealth as that of the Rockefellers is not automatic. It requires a combination of favoring conditions, together with a genius for piracy. All these things may not be found in the next generation."

The boys of the South are being trained in the great school of adversity, in poverty, and want. Such a school is developing brain and brawn, which in time must tell, which in time must gain the ascendency. The future of the South is full of good things; the opportunities of young manhood are nowhere better. And the young men of no section of the country are better fitted to take advantage of them than the young men who live daily amid them.

The rich blood of her tens of thousands of brave sons poured out upon hundreds of battlefields as a libation to what they believed right and duty, enriching Southern soil, was not spilt in vain if the South remains true to its own splendid example. That it will do so can not be doubted. It was a Southern boy, Worth Bagley, who was the first to give his blood and his life for us in the Spanish-American war.

Mr. GAINES. Mr. Chairman, let me say to my friend that the first shot in the Cuban war was fired from the cruiser *Nashville*, the namesake of my home city, where rest the ashes of Andrew Jackson and James K. Polk, and the shot was fired by a Tennessean, Captain Maynard.

Mr. NORTON of South Carolina. The first blood shed on Cuban soil by an American soldier was that of Dr. Gibbs, who was born in Richmond, Va. Hobson, of Alabama, sank the *Merrimac* in the mouth of Santiago Harbor, after Victor Blue, a South Carolina boy, had located the fleet of Cervera within it. The Southern youth may be depended upon in war or in peace to do his duty and maintain the good name and high reputation of his fathers.

Thirty years ago the South was crippled, but she had unsurpassed natural resources. It had not strength, no implements, no opportunity to develop these resources. Labor was disorganized; there was no money and no adequate transportation facilities; our people stood near helpless and discouraged amid this abounding wealth of resource. But the South has now emerged from that period of ruin. With strong and steady purpose, energetic and progressive, she moves sanguinely forward, gathering power with momentum and greatness with confidence.

Those who malign, slander, and misrepresent conditions at the South, who falsify history to blacken the reputation of her people, will hardly believe the truth of these things. But this does not discourage us, as the South moves onward and upward conquering and to conquer all obstacles. From a condition of wreck and ruin, amid adverse criticisms and unfriendly influences, the South has reached a position of comparative independence and industrial prosperity, not by virtue of the good will of any other section or by virtue of favorable national influences, but in spite of ill will and unfavorable influences.

The immortal Henry W. Grady, in his last public speech, said:

> Far to the South and separated by a line—once defined in irrepressible difference, once traced in fratricidal blood, and now, thank God, but a vanishing shadow—lies the fairest and richest domain of this earth. It is the home of a brave and hospitable people. There is centered all that can please or prosper human kind. A perfect climate above a fertile soil yields to the husbandman every product of the Temperate Zone. There, by night, the cotton whitens beneath the stars, and by day the wheat locks the sunshine in its bearded sheaf. In the same field the clover steals the fragrance of the wind, and tobacco snatches the quick aroma of the rains. There are mountains stored with exhaustless treasures; forests, vast and primeval; and rivers that, tumbling or loitering, run wanton to the sea.
>
> Of the three essential items of all industries—cotton, iron, and wood—that region has easy control. In cotton, a fixed monopoly; in iron, proven supremacy; in timber, the reserve supply of the Republic. From this assured and permanent advantage, against which artificial conditions can not long prevail, has grown an amazing system of industries. Not maintained by human contrivance of tariff or capital, afar from the cheapest source of supply, but resting in Divine assurance, within touch of field, and mine, and forest, not set amid bleak hills and costly farms from which competition has driven the farmer in despair, but amid cheap and sunny lands, rich with agriculture, to which neither season nor soil has set a limit, this system of industries is mounting to a splendor that shall dazzle and illumine the world.

To-day the South has $1,000,000,000 invested in manufacturing. Her manufactured output is valued at $1,500,000,000, and her factories pay to labor annually $350,000,000 in wages. The cotton mills alone of the South represent a capital of $125,000,000, and their 6,000,000 spindles will consume 2,000,000 bales of this year's crop of cotton made at their doors.

Twenty years ago, in 1880, Southern cotton mills contained 584,000 spindles, using 221,000 bales of cotton, and turned out $21,909,717 worth of cotton goods.

In 1890 the number of spindles reached 1,605,000, using 545,000 bales of cotton, producing $48,066,504 worth of goods.

For this year the best estimate gives not less than 6,000,000 spindles to Southern mills, to use 2,000,000 bales of cotton and producing not less than $110,000,000.

The same ratio of increase for the next twenty years, without

regarding the inevitable acceleration of growth that must come, will give to the South 60,000,000 spindles, using 15,000,000 bales of a 20,000,000-bale crop of cotton. Seven billion five hundred million pounds of cotton unmanufactured is worth about $500,000,000, and manufactured certainly not less than one and a half billion dollars.

And this will pay investors not less than 20 per cent on their investment, or some $300,000,000 to manufacturers and at least $150,000,000 to producers annually, making a net cash amount of money poured annually into the channels of trade in the South of $450,000,000 from this one source alone. This leaves $1,000,000,000 for the labor in producing and the labor in manufacturing the cotton crop. The possibilities of the South in the matter of cotton alone are now almost incomprehensible. She can produce fifteen, thirty, sixty million bales of cotton, and will do so if conditions justify or her interests require.

England now has about half the spindles of the world, operating in an area less in size than an average cotton State. But England's proportion of spindles is already decreasing. It is confidently expected that there will be yet a great increase in the demand for cotton goods in many parts of the world. It is toward the South that all are now looking. It is being called upon not only to produce the raw material, but to send out the manufactured article to supply the new demands that are coming for cotton fabrics.

With coal about 50 per cent cheaper, raw cotton about 15 per cent cheaper, and building material from 25 to 50 per cent cheaper than in Old or New England, with a better climate and longer hours, what is to prevent the continued and accelerated growth of cotton manufacturing in the South? When there is a profit of 20 per cent to 40 cent on the capital invested in sight, it will take much pressure of artificial fear of Southern conditions and much wild talk of the negro problem to make money stay where it can not make more than 10 per cent at the outside.

And there is nothing of the fabric of dreams in these figures. When we remember the mighty strides that this industry has made during the last thirty years has been in the face of intensely adverse conditions; that it has been weighed down by the heavy hand of unfavorable legislation and of discriminating freight rates; that it has been retarded by the lack of money as well as its increase in value year by year; that it has gone on in the face of social and industrial ostracism such as few sections of the world has ever known; when we remember that success is the cause of success, that restrictions must be removed, that prejudices must and will pass away, then we can but believe that our prophecies fall far below the mark.

It is not in the field of cotton industry alone that the South has shown its wonderful progress. The South's production of coal has risen from 5,959,209 tons in 1880 to 42,863,448 tons in 1899; and there is no reason why the same ratio of increase should not continue and our output go to over 300,000,000 tons in 1920. Of coke, the South produced only 299,430 tons in 1880; in 1899 it produced 5,140,977 tons, an increase of over 1,600 per cent.

The South produced 308,031 tons of pig iron in 1880, and 2,360,554 tons in 1899; and in 1920 there seems to be no reason why we should not send from our mines something like 18,000,000 tons.

The South produced 474,614,756 bushels of grain in 1880, and increased that to 748,796,476 in 1899. Twelve hundred million bushels is what we expect from our farms in 1920.

There was 20,000 miles of railroad in the South in 1880 and 50,000 in 1899. We will need and we will have the transportation facilities of 100,000 miles of road in 1920.

In 1880 there was 750,000 tons of phosphate mined in the Southern States, and in 1899 there was 2,000,000.

"Possessing half the standing timber of the United States, the South is building up an immense lumber and wood interest, and it will not be long before she will entirely control this trade."

In 1880 there was $3,500,000 invested in cotton-seed oil mills in the South, and in 1899 this was increased to $40,000,000. The products of the cotton seed are becoming valuable and important, and at the same time the fight against these products is assuming formidable shape. At the same ratio of increase we will have in 1920 over $300,000,000 invested in cotton-seed oil mills.

The South can produce sufficient tea for the use of her people. The growth of this plant has passed beyond the stage of experiment in the South, and we are only awaiting the further diffusion of the facts already absolutely established by scientific experiments and for mechanical improvements that are bound to come to see the South producing all the tea for this country. There are many persons in my district now who grow these plants as ornamental shrubs, incidentally obtaining enough tea for their own and their neighbors' use.

The South can grow 72 varieties of field crops and 65 of garden vegetables, fruits, and melons. After feeding her own population she can supply that of the North, including Iowa and Pennsylvania. There can be no doubt of our future. It has been well said that "under Anglo-Saxon domination, with stable government, liberal and just laws in the protection of property rights," which will be given by an Anglo-Saxon domination of the government, the South is "destined to enjoy a prosperity more splendid than has ever been vouchsafed to any other people, ancient or modern."

"The astonishing richness of its resources, its situation with reference to the commerce of the world, the marvelous fruitfulness and versatility of its soil, the character, extent, and variety of its minerals, the amplitude and value of its forests, and above all the virile strength, the intelligence, the quenchless energy and high courage of the dominant race, with its love of freedom and its executive ability, are factors in the future growth of the South that no other country in any age has brought to bear upon human energy." Mr. Chairman, this is the country and this is the people who are charged by those ignorant of the truth with being lawless and with gangrening the body politic, morally and politically.

The South has as yet no great ships to ply the ocean, carrying the products of her fields and factories to other countries and to other peoples; but the day is not far ahead when the lumber of our forests will float the fruits of our fields and the fabrics of our factories to all lands that need them, far and wide the world over. And we do not ask the aid of any Hanna-Payne ship subsidy bill to help us. The South could afford to pay the proposed ship subsidies out of the net results of the protective tariff benefits on one crop of 15,000,000 bales of cotton manufactured at the South and sold to the North and the rest of the world under the Dingley law. Our day is coming; you can not keep the South down.

Those whose vision and view are warped by selfishness, prejudice, and malice, begotten of ill-will, can not accept our conclusions as to the South. But evil opinions of us will not disturb the South, nor deter us on the even tenor of our way toward prosperity and industrial supremacy. With that consciousness of rectitude and that consecration to duty toward country and toward God which bespeaks the devoted man, our people will move onward, supremely indifferent to the jeering multitudes of Sanballats and Tobiahs, who would impede our progress and destroy our character and our country.

Nehemiah said unto his people: "Ye see the distress that we are in, how Jerusalem lieth waste and the gates thereof are burned with fire; come, let us build up the wall of Jerusalem that we be no more a reproach." So the South. "But," Judah said, "the strength of the bearers of burdens is decayed and there is much rubbish; so that we are not able to build the wall." The people of the South realize the force of the old prophet's language as applied to their own country. The old Confederate veteran feels that "the strength of the bearers of burdens is decayed;" we all see that "there is much rubbish" of prejudice, of falsehoods, and of misunderstandings of the South, left from the fire and sword of days of war and from the false conditions of a reconstruction. But all this must disappear; it is disappearing. May the God of Nehemiah help us! May the stalwart young men of the South carry forward to completion the triumphs of industrial superiority so auspiciously begun by their burdened fathers!

Mr. Chairman, let me say in conclusion that these are not idle tales for credulous ears I am repeating. I have hardly begun the story of our struggles and our triumphs. One who knows the truth of it all would exclaim, like the Queen of Sheba, that the half of the wonderful tale had not been told. We would not detract one iota from our Northern neighbors, from their prosperity or their glory. We only hope for the dominion and the supremacy of our common country in every field of life when we look forward to the day when somewhere South—may be at Charleston or Georgetown or Port Royal, S. C., I hope so—"there will be built a commercial city that will be to the modern world what Rome and Venice and Carthage were in the ancient world. From it will go forth the most varied and the most valuable products, mineral and vegetable and manufactured, to all parts of the earth to bring returns for the enrichment and the glory of the Southern States."

When that narrow isthmus that now divides the two greatest oceans of the earth is severed it will bring the teeming millions of the Far East thousands of miles nearer the South and let in a flood of business which will swell the tides of commerce that ebb and flow on our Southern shores. Southward the course of industrial supremacy and commercial empire will take its way. The day will soon come when millions of bales of cotton manufactured in Southern looms, when millions of tons of iron wrought in Southern forges, when millions of feet of lumber cut by Southern mills will find their way to every port washed by the Atlantic, the Pacific, and the Indian oceans.

"Southern tobacco, borne on the speedy wings of commerce, will soothe the temper, or stimulate the action, or regale the senses of millions of people who now employ a weak substitute for it." We are called upon to supply the needs of the Occident and of the Orient. The duty is ours and the rewards of the honest worker, of wealth, of honor, and of power shall be ours also.

And those who dislike the South and find fault with all she is, does, or has been, will learn of its progress. They will find that "wherever civilization erects its standard, whether among the

coral islands of the South Seas where the perfume of perennial flowers fills the air with sweetness or in the frigid region where winter reigns and clothes with an icy mantle the surface of the earth or in the temperate zone of Europe, Asia, and Africa, in sunny India, or in frozen Finland," Southern products—coal, cotton, lumber—will find profitable markets. The world will be placed under tribute to the South.

And as the sun of the South's material progress rises and warms into life these slumbering and germinating resources of wealth, her intellectual and moral manhood will grow and spread the graces and beauties of that higher and better life which makes men and women great, patriotic, prepared for the sublime duties of that manhood which shall usher into existence an era of industrial, intellectual, and moral supremacy which shall be the glory of this nation and the crown of the South. [Loud applause on the Democratic side.]

Mr. MOON. I yield forty minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL. Mr. Chairman, this is one of the greatest bills that comes to this House for its consideration. It is a bill that involves one of the most important expenditures of the Government, one that is open to probably more extensive abuses than any other bill that comes before us for our consideration, and one has only to look at the number of members present to learn what interest they propose to take in reforming a condition that is now heralded all over the country as a standing scandal in our public service.

The chairman of the Committee on the Post-Office and Post-Roads this morning, with all of his ability and that of his associates on the committee, were really unable to answer the questions of gentlemen on his own side of the House with reference to certain conditions involved in the bill. He avoided them, and refused to give, or failed to give, the information asked, saying that he had been over this field so often, that he had so repeatedly answered questions of the same kind, that every man ought to know the condition of our postal service from memory.

But I notice that when the gentleman from Wisconsin [Mr. COOPER] came forward and presented a point that every man who has a mind must have recognized as an important and essential element in the consideration of the bill, and stated that the minority report in this case showed that the second-class mail matter, which is fixed at 1 cent per pound in the United States, is taken from the Post-Office Department by the express companies at that price, and, said the gentleman from Wisconsin, if that be true, as stated in the minority report—that is, that the express companies can haul second-class matter from Boston to Chicago for less than 1 cent a pound—how is it, then, that we are paying for carrying mail of the same character, 8 cents per pound on the average on all the mails transported by the Government of the United States when they are carried for distances of 450 miles or over at the price which is indicated in the minority report?

How is it, if this is true, that we are not paying too much for carrying the mail when it is shown that we pay 8 cents per pound on the average on all mail matter in the United States when it is carried less than 450 miles on the average, every pound of it? And when the gentleman was asked the question by the gentleman from Illinois [Mr. MANN], "If the express companies will carry the second-class matter for less than a cent a pound, why is it that these publication companies swarm around Washington and send their petitions here asking that we do not disturb the second-class matter?" the gentleman said he would give way and would yield time to "the gentleman from Colorado," myself, to answer the question.

I stated then, and I state now, that one of the main reasons is that in sending through the mail you can send any amount—for instance, an ounce, a half ounce, 1 cent's worth, a cent and a half's worth, and you can send it over every star route in the United States. That is one of the reasons for fixing the low second-class rate.

I promised the gentleman from Illinois [Mr. MANN] that I would give them the express rate on these books.

Now, let us see what the express rate is. But before I give you the express rate, I want to impress upon the mind of every member here that the express companies are understood to pay the railroad companies 40 per cent of their earnings for the carriage, and when you figure upon what the express companies carry these packages for, you must consider the railroad company as only getting 40 per cent of that rate. Not only that, but the express companies pay big dividends yearly upon their stock.

Now, let us see about this book business. The question was raised whether books could be carried for that rate. Here is a copy of the advertisement of the Adams Express Company on books:

> Tariff on books: Periodicals which are registered in the United States Post-Office as second-class matter, shipped by publishers and news dealers, between points west of Ohio and Pennsylvania, covering the entire district between the west line of Pennsylvania and the Pacific coast, 1 cent.

From the west line of Pennsylvania to the Pacific 1 cent a pound is the rate advertised. Minimum charge, 5 cents. In other words, you can not get the express company to carry a book the postage on which would not be as much as 5 cents. That is one of the advantages, and the only restriction on this service or on the corresponding service as to any other kind of registered second-class postal matter is this, that the minimum charges are 5 cents.

> Second-class matter when so registered is carried by the express companies from the west line of Pennsylvania to the Rocky Mountains for 1 cent a pound.

Now, let us see. The gentleman would carry the impression that the express companies only get the work of carrying the second-class matter for short distances. In other words, he carries the inference that the second-class matter is carried for 1 cent per pound over the short distances, simply because the express companies take the material at the office of the shipper and deliver it to the consignee at his home, things which the Post-Office does not do. Now, let us see whether that is true or not. Let us see what they charge in the New England States for carrying newspapers, which form the larger part of the second-class matter:

> Classification. Newspapers, daily, forwarded on the day of issue, between all points except New England, where present local rates are from 35 to 37 cents per hundred pounds—

That is, in the New England States generally the rate is from 35 to 37 cents per hundred pounds.

Mr. GAINES. Carried by whom?

Mr. BELL. Carried by the express companies. Where the papers are not sent out on the day of issue, they charge a higher rate.

Mr. GAINES. What is the mail rate?

Mr. BELL. The mail rate is 1 cent a pound. The express rate is 35 cents a hundred pounds in the New England States. Therefore, of course, the express companies get the haul. I quote now from the statement of a gentleman whom I had make this up for me in Boston:

> The business manager of the Boston Globe told me, on March 15, that this rate of a half a cent a pound carried Boston dailies all the way through from Boston to Chicago.

That was the rate of half a cent a pound. Now, the express rate goes further, and agrees not only to carry these books and periodicals, but it fixes a rate for the return of unsold issues of newsdealers at the same price as the second-class rate in our postal service.

Now, why is it that that becomes so important in this controversy? The reason was seen by the gentleman who was interrogating the chairman of the committee this morning. It is this: If the railroad companies and the express companies can compete for second-class matter by offering a rate of 1 cent a pound from the west line of Pennsylvania to the Pacific, then the Government, in paying them 8 cents a pound for an average haul of less than 450 miles, is undoubtedly paying an extortionate rate. For that reason the matter was presented by the gentleman from Wisconsin, and the chairman of the committee seemed to be unable to answer it just at the time or to catch the force of his question.

Now, sir, this post-office matter has become, I say, an open scandal. There is no doubt about it. It has been an open scandal for ten years. There is no doubt about that. We have had it up here repeatedly; they have had it up in the Senate repeatedly; the Postmaster-General has had it up repeatedly. We have been repeatedly informed by the public press that it is outrageous, and yet without doing anything from that committee or any other committee of the House, except as is evinced by these minority reports showing these outrages. When Mr. Vilas was Postmaster-General he unquestionably went into these propositions more thoroughly than any other man who has ever been in the Post-Office Department. He went into them to the extent of showing that the railroads of the United States dominated the Post-Office Department.

He went into it to the extent of showing that under his administration a railroad in one of the New England States, when he tried to make terms with it, informed him that if he desired to throw his mail sacks into freight or any such cars as they had provided from place to place, he could do so, and that they did not propose to make any arrangement for the United States mail. He stated to Congress that it was your duty and mine to pass an act requiring these railroads to make and provide better facilities for carrying the mail and require them to carry it at a reasonable rate.

Not only that; Postmaster-General Vilas took every car that was then in service during his administration. He gave you the cost of those cars; he gave you the cost to the Government of the same cars, and he said to Congress that the Government of the United States paid not only the full value of every car for its use annually, but paid more; and he advised that the Government should build its own postal cars and own them; and showed that he could duplicate the cars in use for the rent charge for one year, own them, and have a surplus of a million and a half dollars, with nothing except the casualties to come out of it. It was also estimated that the life of a car is twenty years or upward.

That created somewhat of a sensation. It was up in the Senate

and here. They had their investigation in the Senate, and they showed that for many years railroad men have dominated the Second Assistant Postmaster-General of this Government. Roads have been making contracts with themselves to carry the mail. They showed by Mr. Neilson, when he was on the stand before the Senate committee, that he came from the office of superintendent of a railroad company to the office of Second Assistant Postmaster-General, and showed by him that his predecessor left the Second Assistant's office and went into the office of traffic manager of a New Jersey road, so he must have been a railroad employee also.

Mr. Gorman, on the committee for the Senate, declared that every man who had investigated this question in the United States realized that it was the greatest extortion that ever was perpetrated upon this Government. Now, sir, bear in mind that prior to 1878 every few years the Government obtained a reduction in the charge for carrying the mails corresponding with the reductions of the general freights and the reduction in passenger travel. That was the general custom up to 1878. It seems about that time the railroads conceived the idea of getting their friends worked into the Post Office Department, and working their measures differently; and from 1878 up to this minute they have no record of any effort being made in good faith to secure a reduction of the rates for carrying the mails, with the exception of Postmaster-General Vilas, who tried but failed to get successful action.

And not only that, but the general reduction on freight rates since 1878 is 35 per cent; the reduction on the cost of passenger travel since 1878 is 17½ per cent, according to the figures of the Interstate Commerce Commission; and yet we sit here and pass this enormous bill for over a hundred million of dollars for carrying on the greatest postal system in the world, and at the same time, notwithstanding the great machinery in Washington, the great machinery in every great city, the great machinery all over the country, the transportation charges are more than a third of this entire bill. Yet we sit here and the Post-Office Department is inert and these men go on. Do you wonder, under these conditions, the chairman of the committee, in one of his elaborate reports on the Loud bill, announces to this House and to the world that any private individual can run the Post-Office Department and save from thirty to forty million dollars a year?

Mr. STEPHENS of Texas. Do I understand the gentleman to say that there has been no reduction in the rates for carrying the mails since 1878?

Mr. BELL. Not any; and I do not know of their being asked to reduce the rate.

Mr. STEPHENS of Texas. Do you know any reason why the rates should not be reduced for carrying the mails, the same as they are for passengers and freight?

Mr. BELL. Every principle of ordinary justice and common honesty demands that they should be so reduced.

Mr. LANHAM. If the rates were so reduced, would it not enable the great masses of the people of the country to have the benefit of penny postage?

Mr. BELL. There is no doubt about it in the world. But I want to say, further, that we have been a little to blame for this matter in this House. Many of us who ought to be friends of this measure have stood here session in and session out and voted for subsidies because the trains ran through our communities. We have voted for these subsidies because some people of our own neighborhoods got the advantage. We have voted for subsidies not demanded by the Post-Office Department, so that it does not facilitate the carrying of the mails. Take that into account, spread it all over the United States, and you can get some insight into the abuses of the Post-Office system.

Now, let us go further. The newspapers of the United States——

Mr. FLEMING. Will the gentleman let me ask him a question?

Mr. BELL. Certainly.

Mr. FLEMING. Is it not true that two years ago when this subject was being discussed the extravagance of the Department was shown up, and a resolution was introduced by myself to investigate this question, in order that the House might have the absolute facts, as near as could be ascertained, on which to base their action?

Mr. BELL. Yes; but I have never been able to see a report of that august committee.

Mr. FLEMING. The attempt was at least made.

Mr. BELL. Yes; that attempt was made growing out of the exposure of these supposed outrages on a hearing of one of the Loud bills. But growing out of the evidence taken before that committee there has been published in the public press from time to time figures that were claimed to be taken from capable and worthy experts before that commission showing somewhat the condition.

Now, I find that some of these figures, as worked out by the Chicago Tribune—and these figures and conclusions of the Tribune are said to be taken by the Tribune itself from experts before that hearing. It first shows a thing we all know from the report of the Interstate Commerce Commission, that the general rate of freight has fallen 35 per cent. That paper figures out, taking the charges of last year, and says that if we had a reduction of even 25 per cent it would amount to nearly $9,000,000. That would pay the deficit and leave us nearly a $3,000,000 balance.

If we should put it on an equal footing with passenger traffic, or if we should by analogy say the mail should be carried at the same per cent as humanity is carried, it would still be a great saving, if we should gauge it by the reduction in that traffic. Then he takes the car and shows that the ordinary passenger car in the United States earns to the companies on an average a little over $10,000 a year; that a car which does not carry human life and human blood—where the company is not responsible for the loss of human life or limb—produces to the owner over $15,000 a year. It also takes up the figures that it gathered from the experts before this committee, which has not yet reported, and shows that in every instance the companies have largely increased their earnings on postal service, while their decrease has always been on the passenger and on the general freight traffic.

Mr. BARBER. Would it interrupt the gentleman if I asked him a question?

Mr. BELL. No, sir.

Mr. BARBER. You say they earn about $15,000 a year simply on the postal car?

Mr. BELL. Yes.

Mr. BARBER. Does that include all their remuneration for carrying the mail in the cars? Are they not paid besides that so much per pound?

Mr. BELL. I understand that includes all. As shown by Secretary Vilas, they first pay for the room in the car, or what they call a rental of the car. They pay an annual rental for the car itself, as he shows, in excess of the actual value of building the car. They first paid that; then they paid in addition to that 8 cents a pound for carrying the mails in that car. And from these figures he discovered the extortion and demanded that the Government of the United States build its own cars, own its own cars, and arrange with the railroads to haul these cars; and he said within sixty days he could arrange to run the cars as a department of this Government without any friction whatever.

Mr. LOUD. Who is the gentleman quoting from?

Mr. BELL. From Mr. Vilas.

Mr. LOUD. Let me show you how much in error Mr. Vilas is. There never was an amount equal to 8 cents a pound paid any railroad company for transportation of the mails.

Mr. BELL. And handling.

Mr. LOUD. They do not handle it.

Mr. BELL. They move it from the depot to the offices when within a certain distance.

Mr. LOUD. There never was an amount equal to 8 cents a pound paid the railroad company according to any system of figuring that I ever saw. As a matter of fact, the figures of last year, which are the most accurate of any year, show that the railroad companies are getting a fraction less than 2¼ cents a pound.

Mr. BELL. There are three Postmasters-General, one after another, who have figured that it runs from 8 to 8½ cents a pound. Not only that, but during the same time they show that the weighing was not correct; that some of the companies hauled all kinds of dead matter and fraudulently padded the mails in the weighing season.

Mr. LOUD. Of course the gentleman does not want, and can not afford, to misstate what is an apparent fact. No Postmaster-General ever did contend, permit me to say, that the railroad companies were being paid either 8 or 8½ cents a pound, or more than 2 or 3 cents a pound.

Mr. BELL. Oh, yes.

Mr. LOUD. The gentleman is mistaken. The statement repeatedly made by Postmasters-General was that transportation cost 8 or 8½ cents per pound; but in that, mind you, they included the salaries of the letter carriers and all other classes of transportation. No Postmaster-General ever stated that the railroad companies were receiving 8 cents per pound; but those officers have repeatedly stated that it did cost 8 cents per pound, and some of them have said 8½ cents, for all classes of transportation, including ocean service, star-route service, mail messenger service, regulation wagon service; and then they added in half of the salaries of letter carriers to the cost of transportation to make the amount 8 cents. Those are facts, which the gentlemen will find upon investigation; and he can not afford to be wrong.

Mr. BELL. I do not wish to be wrong; but I have never found any two persons having any connection with this subject who agreed, and it seems, from what I know of the witnesses before the gentleman's committee, there have never been found any two who agree there. But I wish to say that it has been generally stated by Postmasters-General that the transportation charges were from 8 to 8½ cents per pound, and that the average haul was from 432 to 446 miles.

Mr. LOUD. Now, the gentleman will let me say that a portion of his statement is correct. Eight or 8½ cents for transportation charges is correct, but there are a great many millions of dollars paid for transportation which is not railroad transportation.

Mr. BELL. I know that.

Mr. LOUD. It seemed to me the gentleman was overlooking that distinction.

Mr. BELL. There are $4,000,000 and more paid for star-route service.

Mr. LOUD. About $5,000,000 for star-route service.

Mr. BELL. But I venture to say that the star routes are not charging more than the railroads—probably not as much.

Mr. LOUD. But that comes in as a part of the question of transportation.

Mr. BELL. I wish to say further that the history of postal service in the United States shows that wherever you have put the mails on the railroad the cost of carrying the mails has increased instead of decreasing. I have copies of a number of contracts entered into before the establishment of railroads—when you had pony service and afterwards—and generally in favor of pony service, so far as cost goes.

Mr. KLUTTZ. Does the gentleman think the mails of the United States could be carried cheaper now by pony service than they are by rail?

Mr. BELL. This question has been contracted in both Europe and this country. After the building of the railroads, England, in a number of cases, took her mails off the steam cars and went back to the pony service, showing a saving of four to ten thousand dollars a year by the pony service. I could show you the contracts made for carrying the mails in various parts of the State of New York—the actual contracts before the railroads went into service. Then after the mail was put upon the cars, the railroad companies in a few weeks said: "If we carry these mails every day, you must increase the pay a little; if we make greater speed than the ordinary freight traffic, you must increase the pay a little for the purpose of expediting the mails." And history shows that the charges of the railroad companies have in many cases gone as high as 300 per cent beyond the charges for pony service at the time the railroads were built.

Mr. KLUTTZ. Does the gentleman believe that this service could be done with more expedition and with greater convenience to the public than at present by going back to the old system?

Mr. BELL. No, sir; I am not claiming anything of that kind. I do not want to go back to any of these obsolete systems.

Mr. KLUTTZ. That is what I thought.

Mr. BELL. What I want is for this Government to walk up and say that it will have its business transacted as individuals transact theirs. I want them to put into the Government service men who represent the Government, not the railroads—men who will go to these railroad companies and insist that we get the same reasonable rates of transportation that individuals get. That is all I want. That is all anybody wants. No one desires to oppress the railroads. But I say, as is shown by newspaper after newspaper, Republican and Democratic, this matter has become an open scandal.

And not only that, Mr. Chairman, but while this Loud bill was up at a former Congress there were men going over the country soliciting capital to encourage its adoption. In the course of that solicitation an agent was sent in connection with the matter to the mayor of Toledo, Ohio, Mr. Jones, who was lately a candidate for governor of the State of Ohio, who stated that a subscription paper had been started, and told him that it was for the benefit of the commercial bodies to support that bill, and showed him where numerous men in Chicago and other big cities had contributed from $5 to $10 each in support of this bill. Mr. Jones said, in response to this agent who called upon him, that he would look into the matter, and if he found it all right he or his company would sign a petition and send their check for $10, and asked him where he should address him, and he said, "In care of the Adams Express Company, New York."

Mr. Jones says about that time he saw an article in the Outlook, a magazine, which showed it was not a bill in the interest of the public, and he declined to make the contribution.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. BELL. I would like to be permitted to proceed, Mr. Chairman, for a few moments longer.

Mr. MOON. I yield ten minutes more to the gentleman from Colorado [Mr. BELL].

The CHAIRMAN. The gentleman is recognized for ten minutes more.

Mr. BELL. Now, Mr. Chairman, I will take my further time to comment upon the article to which I had just called your attention in the Chicago Tribune, a leading newspaper of the Republican party in that great center of commerce. One thing, among many others they say, is that the facts are all wrong; that the figures are not correct; that the computation is false; and, sir, I want to say that until somebody in this House comes before the House that knows more about these outrages and can give us more information than we have heretofore had upon the subject, we will be compelled to adopt the figures given by the Chicago Tribune and other newspapers instead of the haphazard statement of some of the members on the floor of this House.

Now, Mr. Chairman, let me read what appeared in the issue of March 10 of this year—a statement by Professor Adams, statistician of the Michigan University, on the revenue from postal, passenger, and freight traffic. Here is the statement:

ARGUMENT FOR REDUCTION.

Facts of grossly excessive pay to railroads for hauling the United States mail: Fixed rates for haul of 300 pounds of mail, average a mile, 365 days, $34.77; commutation rates for haul of 1 passenger and back, 365 days, average distance a mile, $2.07.

Mr. LOUD. Will the gentleman allow me to interrupt him just there?

Mr. BELL. Certainly.

Mr. LOUD. I only wish to say that Professor Adams never made a statement of that character, in any manner or shape whatever, and the statement never had any foundation of fact.

Mr. BELL. Do you know if he made a statement at all in this connection?

Mr. LOUD. He never made a statement of that kind or a statement similar to it.

Mr. BELL. How do you know that?

Mr. LOUD. Well, I am a member of the commission, and I know the matters that came before it.

Mr. BELL. But what does the gentleman say as to the statements made to the Tribune reporter? This purports to have been an accurate statement of what was presented to him.

Mr. LOUD. Of course I do not know except in a general way. I am, however, quite certain that no such statement was ever made to the Chicago Tribune, or to any other paper, from a person having full knowledge of the subject. The gentleman has seemingly confounded two different statements by different people. Mr. Acker testified before the commission, but I am satisfied that Professor Adams never made such a statement. It would have indicated as little knowledge of the subject as might be reasonably expected in a 5-year-old boy.

Mr. BELL. He seems, however, to be perfectly satisfied on the point in question. But I will accept the gentleman's correction.

Mr. FLEMING. In that connection, in behalf of Mr. Acker, I wish to say that that article was called to his attention, and he said that he was in no wise the author of it. [Laughter.]

Mr. BELL. Well, that is what I wish to say to you, gentlemen——

Mr. FLEMING. I am only saying that in behalf of Mr. Acker, and the paper does not attribute the authorship of the article to him.

Mr. BELL. The Tribune says it got that from Professor Adams, of the Michigan University.

Mr. FLEMING. I do not know whether that is true or not. I know that Mr. Acker, before the committee, said he was not responsible for it. I am making this remark now in protection of Mr. Acker.

Mr. BELL. I will tell you that this is not a reflection on Mr. Acker.

Mr. FLEMING. I do not think so at all.

Mr. BELL. Because, in my judgment, it tells the truth.

Mr. FLEMING. But I simply wish to say that what Professor Adams is reported to have said Mr. Acker had nothing to do with.

Mr. BELL. The commutation rate for the haul of one passenger and baggage, three hundred and sixty-five days, average distance 1 mile, is 2.07.

Fixed rate for haul of 300,000 pounds of mail, average distance 1 mile, 7.317. Annual revenues of a passenger car, $10,528; annual revenue of a mail car, $15,586.

Mr. OLMSTED. Right there, if the gentleman will allow me to interrupt him, I should like to know on what railroad and in what part of the country?

Mr. BELL. He is taking the average. He is averaging up the earnings of railroads in carrying the mails and in carrying freight and passengers.

Mr. OLMSTED. The gentleman has stated the annual revenue of a passenger car to be ten thousand and some odd dollars.

Mr. BELL. Yes.

Mr. OLMSTED. On what railroad?

Mr. BELL. Oh, the average of the United States.

Mr. OLMSTED. From what source does he get any such information?

Mr. BELL. He would get it from the statistics of railroading.

Mr. OLMSTED. You can not find those figures in any interstate-commerce report.

Mr. SIBLEY. I should like to ask the gentleman from Colorado if he has read the hearings before the commission?

Mr. BELL. I never was able to get the hearings. I have asked for them.

Mr. SIBLEY. They are published.

Mr. BELL. They told me not. They told me they were not published.

Mr. SIBLEY. In the hearing before the Senate committee the statements of experts are given, and if the gentleman will figure it up I am sure he will find those figures are not correct. I do not know who is the authority for that statement. The chairman of the committee [Mr. LOUD] states that it is not Professor Adams, and the gentleman from Georgia [Mr. FLEMING] says it is not Mr. Acker.

Mr. BELL. But these gentlemen do not know who gave the information to the Chicago Tribune.

Mr. SIBLEY. But here is sworn testimony showing an entirely different state of facts.

Mr. BELL. They tell me they have got every conceivable kind of testimony, and they tell me that they had to go to railroad men principally for their evidence.

Mr. SIBLEY. Well, what would be a better source of information to show the cost?

Mr. BELL. There is no doubt in the world that if you leave it to the railroads to say whether these charges are reasonable, as Congress seems to be doing, they will say that they are very reasonable. Self-interest will require that.

Mr. OLMSTED. Mr. Chairman——

Mr. BELL. I will say that unless I can get some more time I must go on without interruption.

Mr. OLMSTED. In the same article it says that a 25 per cent reduction in the pay of railroads last year would have saved the Government $8,895,609.

Mr. BELL. Yes.

Mr. OLMSTED. Now, the fact is, as shown by the Postmaster-General's report, that the transportation of mails on all railroads cost $31,621,486.12.

Mr. BELL. Yes.

Mr. OLMSTED. If my figuring is correct, 25 per cent of that would be $7,905,371.53. Now, in that article, in that statement, rightly or wrongly attributed to Professor Adams, there is one mistake of nearly a million dollars in figuring out what 25 per cent of the amount paid to railroads would be. If that is so, can we rely upon the rest of the statement as being any more nearly accurate?

Mr. BELL. I shall not admit that these figures are not correct.

Mr. McPHERSON. But you know that 25 per cent of thirty-one million is not $8,895,000.

Mr. BELL. This is a late report here. I do not think he has figured on that probably. And then you know $31,000,000 is not all. The transportation charges on the mail amount to a great deal more than $31,000,000.

Mr. OLMSTED. But the transportation paid to railroad companies is $31,000,000.

Mr. BELL. That is general transportation. There are a lot of special things in here in different places—electric cars and steamboats, etc.

Mr. OLMSTED. A steamboat is not a railroad.

Mr. BELL. That may include all the railroads, and probably does. But now you will have to excuse me until I finish this statement.

The decline in freight rates since 1878 is 35 per cent; decline in passenger rates since 1878, 17½ per cent.

I understand those figures come from the Interstate Commerce Commission and that their reports show those facts.

Decline in mail rates since 1878, nothing; percentage of mail to railroad earnings in 1878, 1.879 of 1 per cent.

Mr. LOUD. I want to say this in connection with what you have passed: The very authority from which that comes will show the mail rates have been reduced 42½ per cent, which the author of that article saw fit to leave out and say nothing about. There is no doubt about that.

Mr. BELL. The mail rates?

Mr. LOUD. The rate per pound is reduced 42½ per cent.

Mr. BELL. Where is there any authoritative information about the subject? The Post-Office Committee, or some of its representatives, have attacked the figures of every Postmaster-General since I have been in Congress and have said they were inaccurate and unreliable. They have attacked the statistics, and they have shown when men come before them the experts of railroad companies have overthrown it. Now, what can you believe then? I would like to know who we are to believe.

Mr. LOUD. The commission are trying to get complete information on the subject.

Mr. BELL. There has been a great deal of wool pulling over somebody's eyes.

Mr. LOUD. There has never been a subject on which there has been more misunderstanding. I think when a gentleman is discussing this measure, and other men listening, when he has never investigated this question at all, he should not assume he can solve it in a minute when the commission, after working hard for two years, have not been able to solve it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LOUD. I will yield the gentleman five minutes.

Mr. BELL. I thank you.

Mr. LOUD. The commission have had at their command the man who is recognized as the best expert in this country, and they are trying to get at what is accurate on this question. That the Post-Office Department has misrepresented—not with intent—there is no doubt.

Mr. BELL. Of course not.

Mr. LOUD. They have misrepresented, and such has been the testimony all along the line. The gentleman will recognize it is a very difficult question to solve in a back room of a house in a few minutes, and the less a man says upon this question until he knows better about it the better his own record will be hereafter, because it is a question, let me say to the gentleman again, that no man in the country had any adequate conception of. The commission is bringing it down so that we hope to present to Congress in the near future as accurate a statement in this case as possible.

Mr. BELL. I am very much obliged to the gentleman. But I want to say, in my judgment, it does not take a very wise man to see the abuses that are going on in the Post-Office Department. It does not take a very wise man to see, when these important places are filled by railroad managers and by railroad superintendents, that there is something wrong. They can not deny that.

Mr. OLMSTED. What office is so held?

Mr. LOUD. Who does the gentleman refer to?

Mr. BELL. I refer to the fact that when these abuses were brought up, the examination showed that for years the Second Assistant Postmaster-General had come from some great railroad corporation down to the position in the Post-Office Department.

Mr. SIBLEY. So far as the present Second Assistant Postmaster-General is concerned, he has had no connection with the railroads.

Mr. BINGHAM. Does the gentleman refer to Mr. White, the head of the Railway Mail Service——

Mr. BELL. I am speaking of the Second Assistant Postmaster-General.

Mr. BINGHAM. Mr. Shallenberger is the present Second Assistant Postmaster-General, and he has never had any association with the railroads.

Mr. BELL. This examination that I referred to a moment ago showed that both Neilson and Lowry Bell were connected with railroads. One was a manager of a New Jersey railroad, and the other a superintendent of an Ohio railroad, and they went in there from these positions, or especially Neilson.

Mr. LOUD. The gentleman is mistaken about that. I do not think that Lowry Bell ever had any connection with the railroads.

Mr. BELL. Well, Mr. Neilson stated it before the Senate committee.

Mr. LOUD. When he went out of office as Second Assistant Postmaster-General he took service with a railroad company; and I do not think for one moment that the gentleman from Colorado is so pure and high-minded a man that he would not accept service for a railroad company after he had left Congress if they would pay him enough for his services as an attorney.

Mr. BELL. Unquestionably not.

Mr. LOUD. I know I would take service for a railroad company if they would pay me $50,000 a year.

Mr. BELL. I do not think there should be any misunderstanding. My understanding was that he was a railroad man before and after.

Mr. LOUD. I understand not.

Mr. BELL. You probably understood that from the answer of Mr. Neilson himself. He declined or evaded that part of the question, and says "is now."

Mr. LOUD. Mr. Neilson was an employee of a railroad company.

Mr. BELL. I said he was superintendent.

Mr. LOUD. Assistant superintendent.

Mr. BELL. Superintendent——

Mr. LOUD. And he is the only man.

Mr. BELL (continuing). Of an Ohio railroad when he came. They asked him what Lowry Bell's position was, and he said, "He is traffic manager of the New Jersey road." Do you suppose he would go from the Second Assistant Postmaster-General's Office into a traffic manager's office of a great railroad without he had an education in railroad matters? Do you suppose he would reach a high position like that without a railroad education? I understand that he was for twenty years in the railroad business. I know Neilson was.

Mr. LOUD. Oh, Neilson, yes.

Mr. BROMWELL. Assuming the gentleman's statement is correct, that Second Assistant Postmasters-General have been railroad men, does not the gentleman believe that the training a railroad man would get in that capacity, other things being equal, would make him a better official than a man who had not had that experience?

Mr. BELL. If separated from the railroad companies, yes; but every indication is that they were still a part of the railroad

company, and they left their offices here and went back to the railroad offices again.

Mr. LOUD. Did Neilson?

Mr. BELL. I do not know what became of him.

Mr. BROMWELL. He was superintendent of the Cincinnati, Hamilton and Dayton Railroad, over which I ride twice a day. I know him thoroughly, and I do not believe that Mr. Neilson while Second Assistant Postmaster-General was influenced in favor of any railroad corporation to do anything but his duty.

Mr. BELL. Well, it is pretty nearly impossible for a man to give twenty years' service to a railroad company and then go into the Department and make contracts with the railroad company——

Mr. BINGHAM. There are no contracts made with the railroad company.

Mr. BELL. Contracts made with the railroad company for carrying the mail?

Mr. BINGHAM. No; there are not.

Mr. BELL. In fixing the rates that they shall be paid?

Mr. BINGHAM. The rates are fixed by law.

Mr. BELL. And they do only the annual weighing?

Mr. BINGHAM. They do the weighing every four years.

Mr. BELL. Then it seems to me it is time some action was taken by the Post-Office Committee.

Mr. BINGHAM. If there is any wrong being done, yes.

Mr. BELL. Now, if you will let me, I would like to finish my disputed compilation of figures.

Percentage of railroad pay, expenses, and gross post-office expenses from 1878 to 1898, 28 per cent; post-office and railway pay expenses and gross post-office expenses in 1898, 35.4 per cent; percentage of railway pay expenses and gross post-office expenses increase from 1878 to 1898, 26 per cent. A saving of 25 per cent in the pay of railroads last year would have saved the Government $8,895,609.

Explanatory note: From two hundred to three hundred thousand pounds is the variation between the lightest and the heaviest mail route. The average haul of mails is 813 miles. This saving would have eliminated the postal deficit of $6,610,776, leaving in lieu thereof a surplus of $2,284,833.

Mr. LOUD. Will the gentleman allow me to insert in his figure some things that are left out? When a gentleman is quoting tables he is, as a rule, apt to quote only his own side. The gentleman should insert there that the weight of the mail has increased 555 per cent during this period, which is something that the gentleman making the tables forgot to put in.

Mr. BELL. During what period?

Mr. LOUD. During the period that you are citing, from 1878 to 1898.

Mr. BELL. Is not that a private weighing not authorized by statute?

Mr. LOUD. The gentleman was quoting the increased cost from 1878 to 1898. The gentleman who made the tables gave out these figures and forgot to put in the fact that the weight of mail had increased 555 per cent—double the increase of freight.

Mr. BELL. Well, that would be a material fact, I admit.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MOON. Mr. Chairman, I yield such further time as the gentleman may desire.

Mr. BELL. Now, I am not criticising the chairman of the Post-Office Committee as intentionally avoiding these things. If there is any man in the House in whom I have confidence, it is the gentleman from California; but I have thought that he has worked over and hammered over these post-office matters and the Loud bill until he gets pretty near in the shape of a man riding a hobby.

I believe there is something wrong in this, but I believe he is right on one other thing that comes before this House, which this side always supports, and that is the subsidy of the Southern railroads. There is a thing the Postmaster-General has opposed from year to year. They have insisted that it does not expedite the mail a single particle, and it shows the influence, it shows the influence of our constituents, it shows that when the constituents of my district or your district come at us on things that we do not believe in in another man's district, we are liable to yield.

If that is so on this subsidy going into the Southern States, I want to know if you can object to the same influence bearing on a matter where they want to keep up the rate in Pennsylvania and other States in the Union. It seems to me there is no question but that if we could wipe out all the deficit, we could have a second-class rate as it is with just limitations, and we could have our free delivery in the country where the population justifies it, and still have no deficit.

Now, I know that this bill is to pass as it is. At the same time I know that there is something wrong. I know that the companies are charging as yearly rental the full cost of the car. Secretary Vilas not only made the showing when he was Postmaster-General, but he made the same showing on the floor of the Senate and urged the same action. We do nothing about that. We do not say we will build our own cars and then require the railroad companies to run them for a reasonable sum, but we go on year in and year out paying the full cost of a car as rental year by year.

Now, the people will learn the facts of this case in time. Mr. Vilas said in his reports that the time would come when this would be such a scandal that the eyes of the public would be opened. But we did nothing. We allowed a road in Massachusetts to refuse to make preparation for the mail. Postmaster-General Vilas suggested to us that we should pass an act requiring the railroad companies to prepare these facilities. We have not done it. We come here year in and year out and make these enormous appropriations, shutting our eyes to all of the enormous charges.

I do not believe there is a man in this House who, if he will investigate and scan this bill, will fail to become convinced that the charges are extortionate. And I will go back to the statement of the chairman of the committee, who gives it as his judgment officially in his report, that a private individual running our postal system could save annually from thirty to forty million dollars—over 33 per cent of the aggregate amount expended. I cite that statement as evidence that there is something wrong.

Mr. SIBLEY. Will the gentleman permit an interruption?

Mr. BELL. Yes, sir.

Mr. SIBLEY. In the hearings before the Senate committee I find a statement made by Mr. Baldwin, who quotes a statement of Mr. White, General Superintendent of the Railway Mail Service, in regard to the 432 cars referred to in the report of Postmaster-General Vilas. Superintendent White states that the actual cost, as near as can be estimated by the Department, to the railroad company for hauling, lighting, heating, and repairing of one of those cars amounted in a year to $10,871, while the pay by the Government under the law for the use of that car was $6,250.

Mr. BELL. A loss of $4,000 a year!

Mr. SIBLEY. Yes; in round numbers. That is the statement of the Superintendent of the Railway Mail Service.

Mr. BELL. It is a wonder to me that these railroads do not all break in carrying these mails.

A MEMBER. A great many of them have broken.

Mr. BELL. I do not see how they have managed to exist at all. In 1878, when the other freight which they were required to move was 35 per cent higher and passenger traffic 17½ per cent higher, they must have lost 50 per cent on every piece of mail they carried through the country.

Now, my friend, there are in my State two railroads running parallel, and they are clamoring over the question which of them shall carry one certain mail pouch. They are enormously interested in the contest as to which of them shall carry a single mail pouch from Grand Junction to Denver every day. The railroad that does not receive the contract makes a great howl. One of them offered to put on a special car if they could get a certain privilege of carrying the mails.

Mr. SIBLEY. Is it not true that competing railroads in their eagerness to do business are often willing to do it at a loss? Why, sir, in my district there is a run of 140 miles made every day in the year for which the railroad company receives $1,000 a year and furnishes half a car. Does the gentleman think that excessive compensation?

Mr. BELL. Well, my friend, you must take into consideration the entire mail service. It is shown by competent statisticians that some parts of a road in this country pay 3 per cent of the cost of the road out of the mail service alone.

Mr. SIBLEY. I should like to see those statistics.

Mr. LOUD. What was the statement of the gentleman from Colorado?

Mr. BELL. I say there are statistics showing that certain parts of a road in the populous portion of New York State pay from their earnings on the mail service 3 per cent of the cost of the road.

Mr. SIBLEY. So it has been stated that the Erie Railroad earned 3 per cent on $164,000,000. Yet, in order that this should be true, it would be necessary that the company should receive annually more than fifteen times the amount of compensation that the road has ever received in any one year.

Mr. BELL. Has the gentleman lived this long and does not know yet that the railroads of the country are trying to pay interest on three or four times the cost of the roads?

Mr. SIBLEY. Well, Mr. Chairman, if the gentleman will consider he will find that they pay but a very small interest or get but a small proportion of interest out of the revenues derived from the Post-Office Department. For instance, the amount paid by the Government to the Erie Railroad Company for the transportation of the mails over that line would not pay anything like the proportion of interest upon the capital stock, which the gentleman from Colorado seems to imply. The total cost of the road——

Mr. BELL. You are talking of the whole cost of the road.

Mr. SIBLEY. Yes; I am talking of the entire cost of the road.

The Government pays the Erie Railroad less than one-half million dollars per annum for the transportation of the mails, and yet a statement has been made here to the effect that we are paying 6 per cent on the capital stock of the road, which is $150,000,000. Now, that would be $9,000,000, and yet the Government pays them only one-half million dollars for mail service.

Mr. BINGHAM. And the gentleman should remember also that not one-half of the railroads are paying dividends under existing conditions. Certainly none of them are paying dividends on the postal receipts.

Mr. BELL. Does not the gentleman from Pennsylvania think, then, that unless we raise the price we pay the railroads for the transportation of the mails, we will have very many bankrupt roads?

Mr. SIBLEY. Oh, I hope not, Mr. Chairman. The roads are managed in a successful and generally profitable business manner. I do not anticipate that they must depend upon the Government for their support.

Mr. BELL. But I think, Mr. Chairman, that the members of the House, when they come to the question of dealing with these railroad corporations, are more easily turned away or "thrown off their feet" than by the consideration of any other question.

Mr. SIBLEY. Well, that may be possibly true.

Mr. BELL. Every man here who was present in the Fifty-fourth Congress, when we were trying to settle the question of the Pacific railroads' indebtedness, knows exactly the conditions that were then existing on both sides of the House. The committee came in here and depreciated the value of the Government property and insisted that the Government could never get a dollar out of it. It got to be the common byword here that we had to give the whole thing up and the Government had no equities.

That proposition passed through the House in some sort of a form and went to the Senate. And what was the result? Now, Mr. Chairman, everybody knows that millions of dollars were received from the claims of the Government in that regard. And we had then the unpleasant spectacle in the House of our own committee standing here and undervaluing, depreciating, and running down our own securities! And now when we come here and ask a reasonable rebate of the railroads for mail facilities, we will find men in all parts of the House get up and really believe, or assume to believe, that the Government is oppressing the roads!

Mr. SIBLEY. Will the gentleman pardon me at that point?

Mr. BELL. Certainly.

Mr. SIBLEY. I understood the gentleman to say that the companies—the railroad companies—are trying to pay about 3 per cent—or that, in fact, they are enabled to pay 3 per cent—out of the mail receipts?

Mr. BELL. No; I did not say that. I said that certain statisticians have demonstrated the fact that in certain parts of the United States the railroads got enough from those parts of the road to pay 3 per cent on the actual cost of construction.

Mr. SIBLEY. Now, let me state to the gentleman that there are 7,100 miles of railroad in the New England States alone, costing an average of $60,000 a mile. That involves a total cost of about $425,000,000, and at 5 per cent the proceeds would amount to $21,000,000. The aggregate pay of these roads from the postal service is but $1,679,000. It would, therefore, appear that the gentleman has made a mistake in his calculation when he asserts that these roads receive an exorbitant amount from the Government.

Mr. SHEPPARD. Will you allow me to ask a question in that connection?

Mr. BELL. Certainly.

Mr. SHEPPARD. Do you know what these roads are capitalized at for taxation purposes?

Mr. SIBLEY. I am not familiar with that proposition.

Mr. TALBERT. The gentleman said that there were more gentlemen "thrown off their feet" by these railroad questions, when we come to consider them, than by any others that we have to deal with in the House. I would like to ask him a question in that connection.

Mr. BELL. I give as a reason the influence that great, powerful constituents have upon ordinary human beings. I take it that——

Mr. TALBERT. Does not the gentleman think——

Mr. BELL. I take it that the Pennsylvania Railroad pretty nearly dominates the politics of Pennsylvania, and that the Burlington pretty nearly dominates the politics of the region through which it goes.

Mr. TALBERT. I should like to ask the gentleman if he does not think that the bill introduced here some time ago by my colleague from South Carolina [Mr. STOKES] to prevent any member of Congress from accepting a free pass for himself or any of his family, if it should pass this House—that the railroads would not have quite such a big swing here as they have now? I just ask the gentleman that question and would like for him to answer frankly and plainly.

Mr. BELL. I do not know about that. If you were to disfranchise every railroad attorney and employee and sew up his mouth during the campaign, you might do it, but I do not think the little pass business would cut much figure. It is the influence of a great constituency over the person representing that constituency, to which we are all more or less subject.

Mr. SIBLEY. I hardly think the gentleman from South Carolina [Mr. TALBERT] really wishes to be understood that the average member of Congress would sell himself for so cheap a price as a pass on a railway.

Mr. TALBERT. I do not take any such position as that, I will say to the gentleman from Pennsylvania. I only asked the question, and leave the gentleman to such construction as he wishes to place upon it. I do not propose to go into a disquisition on the subject, but really think this phase of the subject deserves some notice.

Mr. BELL. Where we have a great industry or interest, it will have its influence upon the Representatives who come from that part of the country.

Mr. TALBERT. I want to say, if I may be pardoned for doing so, that this House is composed of human beings; and when they and their families are carried all over this country, and even all around the continent, upon soft cushions, without having to pay for it, it certainly has some effect upon them when a question between the people and the railroad company furnishing that soft cushion comes up here in this House for consideration. I will say that much, because they are human beings and are subject to these influences to a certain extent. You can not get around it. In other words, I believe the country would be safer if this free-pass business were broken up entirely. It would at least be better for members to be under no obligations to railroads.

Mr. BELL. Now, I will agree with the gentleman there.

Mr. BINGHAM. How about the free seed business?

Mr. BELL. I agree that if you were to stop all the special favors of every kind to public men from all of these great combinations of capital, you would have a great improvement in your Government.

Mr. TALBERT. The railroads expect an equivalent in some way for favors granted to individuals.

Mr. BELL. I thank you, gentlemen, for your patience, and am sorry that I have consumed so much time. [Applause.]

Mr. LOUD. Mr. Chairman, I yield thirty minutes to the gentleman from Ohio [Mr. BROMWELL].

The CHAIRMAN. The gentleman from Ohio [Mr. BROMWELL] is recognized for thirty minutes.

Mr. BROMWELL. Mr. Chairman, there are in this bill several provisions with which I am not in accord, although I did not join in the report of the minority. There are two provisions particularly which open up an almost limitless expenditure of money in the future. One of these is the provision for rural free delivery, the other is the expenditure for the pneumatic-tube service.

Now, in view of the action of this House in the last session, I presume it is useless to attempt to prevent the expenditure of the amount of money proposed in this bill for rural free delivery. We came into the House last year with a bill appropriating $150,000 for experimental rural free delivery. The House doubled the amount and made it $300,000. The committee this year report $1,750,000, or more than five and a half times as much as it carried in the bill for the present year.

I know that at least that $1,750,000 will go through this House. I shall be very agreeably surprised if an effort is not made and successfully made to double that amount or even triple it in this bill. I know how the members of this House feel in regard to this rural free delivery. They feel as they do in regard to the distribution of seed and in regard to the distribution of maps and documents—that it is a good thing with which to make themselves solid with their constituents. And every member of us, with the exception of a few who represent strictly city districts, has a rural community or more in his district to whom he proposes to give rural free delivery if the amount can be increased in this bill sufficiently to warrant the authorities in putting it there.

I want to say that part of my district is a country district, and yet I have not made application to the Post-Office authorities for the establishment of a rural free-delivery route in that district. I believe that rural free delivery should be kept in the experimental stage until it has got far beyond the point at which it now is. The Post-Office authorities, even the most enthusiastic supporters of rural free delivery—and I refer particularly to the First Assistant Postmaster-General—do not concede that the amount of money saved from the discontinuance of star routes and fourth-class offices will in any manner equal or offset the additional expenditure which grows out of this rural free delivery.

Mr. GAINES. Will my friend yield?

Mr. BROMWELL. In a moment. It is not anticipated that

it will in the near future, if ever, compensate for the additional expense. Now I will yield to the gentleman from Tennessee.

Mr. GAINES. I was down at the rural free delivery department this morning, and the officer in charge showed me a manuscript report, which will be published to-morrow, showing that in Carroll County—I don't know where, but somewhere in the United States——

Mr. BROMWELL. In Maryland.

Mr. GAINES. That it had increased the mail-service delivery decidedly, and had saved 23 per cent to the Government. It increased it, and did it at a saving of 23 per cent.

Mr. BROMWELL. That may be true in a particular county, in a particular State; but when you come to go over all the United States, into the sparsely settled sections of the country where this rural free delivery is demanded, you will find that these figures that may apply to a particular county in a particular State, where there have been a number of post-offices discontinued, and a number of star routes also discontinued, that the apparent saving there will not be carried out in other parts of the country.

Mr. GAINES. The Department has informed me where they put in the free-delivery service if it is not self-sustaining it is discontinued.

Mr. BROMWELL. Now, the gentleman from Tennessee knows this: He knows the influence an ordinary member of Congress has upon the Post-Office Department. They want to accommodate you and they want to oblige me, and it will be a rare thing for the Post-Office Department, over my protest or yours, to discontinue rural free delivery where it has once been started, and the gentleman knows that wherever the rural free delivery is once started they will ask greater expenditures rather than have it discontinued.

Mr. GAINES. Would not they have the right to discontinue it wherever the revenues were not sufficient, the same as they do with free delivery in the cities, because it does not pay?

Mr. BROMWELL. That is a very different thing.

Mr. GAINES. They will exercise the same rights in this case.

Mr. BROMWELL. Does not the gentleman know that last year or the year before last a proposition was made to curtail the carrier service because the expenditure of the money was going to use up the amount appropriated for that purpose before the end of the year, and it was proposed to reduce the number of carriers, and every member on this floor that represented a district where there were carriers made such a protest that the Department withdrew its proposition and decided to run the full carrier force until the money was expended, and then came in here and asked for enough money to carry it on to the end of the year, and the House and the Senate passed a bill giving them the money for that purpose?

Mr. GAINES. I do not remember that particular instance.

Mr. BROMWELL. It took place just the same. It is a useless thing for anyone in this House to attempt to oppose this expenditure for rural free delivery, and I shall not waste my time and my breath in any such effort; but I do wish to call attention to the fact when you are entering upon this rural free delivery, if it increases in cost to the Government for in next ten years as it has in the past three, it is not only going to make a deficit of four to six million dollars in the postal revenues, but will make it from forty to sixty or a hundred millions before you get through with it.

Another expenditure which may grow to an indefinite extent is this pneumatic-tube service. I believe with the chairman of the committee, that the pneumatic-tube service ought to have been originally, and ought perhaps to-day, to be put on the same footing as that service of the postal department which expedites the mail delivery by special-delivery stamps. I believe that every piece of mail put into the pneumatic tube ought to have a special-delivery stamp, and then it might pay its way, but when the entire mail, first-class, and, where possible second-class, are sent through the tubes the work that it will do to expedite the mail will be slight and not at all commensurate with its cost.

Now, I know how some of these things are going to turn out. Those who are interested in rural delivery are going to enter into a combination, tacitly, it may be, on the floor in this House, to prevent the defeat of either one of these propositions. They are going to combine with those who are interested in the pneumatic-tube service. They will say to those who live in the cities where the pneumatic-tube service is in existence, we will stand with you for your pneumatic-tube service if you will stay with us for our rural free delivery. They will say they are doing that because it expedites the mail. The hearings before the Post-Office Committee show that the expedition of the mails by the pneumatic-tube service is very slight. Fortunately the appropriation for the pneumatic service this year is still a small amount, and the subject is still within the control of Congress.

Personally I am opposed to any extension of the pneumatic-tube service beyond what has already gone on until some showing is made that there is a valuable acceleration in the delivery of the mail, and that there will some time in the future be a return for it which will make it a profitable investment of the Government's money. Complaints have been made of this bill by the postal clerks, the carriers, and the railway mail clerks that we have not made a provision for the reclassification of those branches of the service.

I want to say that whatever provision has been made for increase of salaries in this bill has been made simply in accordance with the existing law. It would have been impossible to have put into this bill the classification bills that have been proposed without a point of order being made that it was new legislation upon an appropriation bill. Personally, I want to say, that I am in favor of a fair classification in all these branches of the service; and I hope the time will come, possibly at this session, surely at the next session, when the subject of reclassification of these different classes of clerks shall be taken up and agreed upon by the House.

But, gentlemen, there is one subject to which I wish particularly to call your attention to-day, and I do it rather than wait for the limited time I shall have under the five-minute rule, and that is what was alluded to by the gentleman from Colorado [Mr. BELL], the subsidy for fast mail facilities.

Ever since I have been a member of this House I have raised my voice and cast my vote against this iniquity. Many of you who have served for a number of years are familiar with the subject. I can give you very little new light upon it; the situation is the same to-day as it was eight or ten years ago. The arguments that will be advanced to-morrow in the debate upon this provision of the bill will be the same arguments that have been presented before. We have at different times succeeded in defeating this appropriation in the House, and at other times we have been beaten. There are two of what are called special fast-mail subsidies. One of these is of a number of years' standing. It was put upon the appropriation bill at a time before I became a member. Some years ago there were a number of subsidies given to a number of roads in addition to the regular mail pay, for the purpose of getting them to put on faster trains, and to run according to better schedules and make better connections.

These subsidies were all, one after the other, withdrawn, with the exception of one, which was retained for the purpose of getting the mails from Worcester or Springfield, Mass., down to Tampa, Fla., and for the purpose of expediting the mails to the West Indies. After that subsidy had been granted and used by the railroads for a number of years, it was switched over to a different line of roads, changed from a subsidy to Tampa and the West Indies to one which would carry the mail to New Orleans, and in that form it has remained on the appropriation bill ever since. Originally the amount was $195,000, given, remember, in addition to the regular mail pay, such as every other railroad company in the United States gets for carrying the mail.

Mr. TALBERT. Does not the gentleman recollect that in the last Congress when that question was up there was a statement read from the then Postmaster-General, who sent a message to Congress, saying that he could get just as good mail facilities without the appropriation as he could with it?

Mr. BROMWELL. I not only have that statement, but others in the hearings before the Postal Commission in regard to it.

Mr. TALBERT. And that he said it was wholly unnecessary and a waste of money, because he could get just as good facilities without it.

Mr. MADDOX. Will the gentleman allow me?

Mr. BROMWELL. I have only fifteen minutes.

Mr. MADDOX. It is right on that line that the gentleman is speaking of.

Mr. BROMWELL. And this is right along on the line that I want to talk about. Perhaps in what I am going to say I shall answer the gentleman's question. Every Postmaster-General from that time down to this has refused to recommend, or to include in his estimate, the amount of this subsidy. In one or two instances they have come out clearly and emphatically against its allowance. They have said to us that they could get just as good service with their trains and run on just as fast time; that the mail would be delivered just as promptly and quickly without the subsidy as with it; and they have also said, as a matter of justice to the other railroads all over the country who are rendering better service and were running faster trains and who are only being paid the regular mail rate, that it was unfair and unjust to them that this special line of roads should be given this special subsidy.

Some two or three years ago there was $25,000 of the original subsidy not being used. The gentleman from the Kansas City district in this House introduced an amendment to the bill, which was ruled out on a point of order, but was afterwards reinserted in the Senate and passed by the House, appropriating the unexpended $25,000 for a new subsidy from Kansas City to Newton, Kans.

Mr. COWHERD. Will the gentleman allow me? The bill provided that the $25,000 should be used at the discretion of the Postmaster-General to expedite the mails.

Mr. BROMWELL. I want to say to the gentleman that I was a member of the House and on the committee, and this was urged upon the committee by Mr. Miller, who represented that district at that time, for the purpose of getting it for his district, and it was backed by the gentleman from Missouri, Mr. Dockery, who was interested in it, and it was on the strength and influence of these two gentlemen that the matter went through.

Mr. COWHERD. I wanted to say that the bill did not provide what line it should be applied to; but I admit that this was the best place to use it.

Mr. BROMWELL. No doubt the gentleman thinks so because he represents that same district to-day.

Now, Mr. Chairman, during the few minutes left me I want to call attention to some extracts from the hearings before the postal commission.

Mr. MADDOX. Will it interrupt the gentleman if I ask him a question?

Mr. BROMWELL. I yield.

Mr. MADDOX. I have heard this bill discussed here a number of times, and especially this provision for special mail facilities. It has been stated here time and again, just as the gentleman has stated to-day, that the Postmasters-General do not want this appropriation made, and recommend that it be not made. This bill provides, as has been provided for a number of years past, that this appropriation for special mail facilities shall be spent in the discretion of the Postmaster-General. Now, if he is opposed to this expenditure, why does he allow it to be made?

Mr. BROMWELL. Let me answer the gentleman. I expected to reach that point in the course of my remarks, and would have done so without the gentleman's question. But since he has put the question to me, I want to read to him the question put by Mr. MOODY, a member of the Postal Commission, to the Assistant Postmaster-General. The question sounds very much like the one the gentleman from Georgia [Mr. MADDOX] has just put to me. Let me read it.

Isn't the matter discretionary with the Department, even after Congress makes the appropriation?

That is the question, I believe, which the gentleman from Georgia put to me. Here is the answer of the Assistant Postmaster-General:

Well, the Department would have the power to withhold it; but having recommended to Congress the advisability of withholding it, the Department is bound to assume that Congress desires the appropriation to be expended so long as it is made.

That is the theory on which the Post-Office Department has acted year after year. When the Department says to us, "We do not want this appropriation; it does not do us any good; we can get good service without it; it is a gratuity which we are giving to this railroad." When they come here and tell us that, and yet every year we appropriate $171,000 to be expended in behalf of this system of railroads, what can the Department do but assume that we are giving them an instruction to spend this $171,000? Although the provision in this bill makes it discretionary with the Postmaster-General whether the expenditure shall be made, that is the theory on which the Post-Office Department has always spent the money that we appropriated.

When the Second Assistant Postmaster-General was before the postal commission, referring to the subject of the fast-mail subsidy from Kansas City to Newton, Kans., this question was asked:

Q. Do you believe that the Government received greater returns from the expenditure of the money upon this road than it would receive had it been devoted to any other road in the United States?

A. I do not believe that it receives any greater returns from expenditures on this road than it would on any other road in the country.

Q. Do you believe that it receives as great advantages as it would have received from some others?

A. I am not prepared at this moment positively to say so, but my impression is that there are roads in the country over which greater returns would have been received.

Q. A greater amount of mail could have been expedited, and mail could have been expedited to a greater extent then it is upon this road?

A. Yes.

Then he quotes from a report made to him by Alexander Grant, acting superintendent of the Railway Mail Service, which was prepared at his request upon this subject. This is the report:

There seems to be no justification for the special-facilities payment, judging from results obtained. If we treated all lines on this basis, then we should pay the Northwestern Railroad for running an early morning train from Chicago at 3.45 a. m. to Fort Howard, Wis.; also for Cedar Rapids from Chicago. We should also pay the Chicago, Milwaukee, and St. Paul Railroad for a train leaving Chicago at the same hour and running to Marion and the West; also the same road for a train from Chicago to Milwaukee and St. Paul; the Chicago, Burlington and Quincy for a train leaving Chicago at 3 a. m. and running to Burlington and Omaha; the Monon Route for a train leaving Chicago in the early morning for Cincinnati. The Illinois Central also has a train leaving Chicago about the same hour, as has also the Pittsburg, Fort Wayne and Chicago and the Lake Shore and Michigan Southern.

The Missouri Pacific runs a train out of St. Louis at 3 o'clock in the morning; so does the Iron Mountain; also the Baltimore and Ohio Southwestern; the Pennsylvania for Indianapolis and the East, and the Wabash for Toledo and the East. The Baltimore and Ohio Southwestern also runs a train out of Cincinnati about the same hour. The Cincinnati, Hamilton and Dayton also has a train out of Cincinnati at about 3 a. m. The Michigan Central runs a train out of Detroit about the same hour; so does the Flint and Pere Marquette.

From this it can be seen that the railroad companies can be induced to run trains at an hour not calculated to draw passenger traffic, but mainly for the interest of the mails. All of these early morning trains have been secured without special-facilities payment.

In 1893 the Department discontinued the special-facilities appropriation for the Atlantic Coast Line from New York, by way of Washington, Wilmington, Charleston, and Savannah, to Jacksonville, but Congress, without any recommendation from the Department, made an appropriation for improved facilities between New York and New Orleans by way of Philadelphia, Washington, Charlotte, Montgomery, and Mobile. There is no question but that the service was improved between New York and New Orleans, but whether the improvements could not have been secured without the payment of special-facilities money is an open question. We can only judge by what has been accomplished in other directions.

In 1894 the Department secured a special fast mail on the St. Louis, Iron Mountain and Southern Railroad, leaving St. Louis at 3 a. m. and running on fast time to Texarkana, making connection with the Texas and Pacific, and thus reaching nearly all of the central points in Texas. At that time the company was running two through trains daily, one leaving St. Louis at 10 a. m. and arriving at Texarkana at 8.15 a. m. the next day, the other leaving St. Louis at 8.15 p. m. and reaching Texarkana at 1.20 p. m. the next day. The new fast-mail train left St. Louis at 3.05 a. m. and arrived at Texarkana at 9.30 p. m. and was clearly additional service. The speed of this train is about 30 miles an hour, including stops.

In 1890 the Illinois Central, at the solicitation of the Department, put on a train out of Chicago leaving at 3 p. m. and running through to New Orleans. This train was in addition to service then operating and was secured solely on account of the additional business which would accrue from the improved facilities. This train makes a speed of 36 miles an hour, including stops, from Chicago to Cairo, and 30 miles an hour, including stops, from Cairo to New Orleans.

As an evidence that special-facilities money is not necessary to enable railroads in the South to operate fast trains, I would cite the fact that the Louisville and Nashville Railroad maintains two through trains daily between Cincinnati and New Orleans in addition to trains for local service. These through trains make a speed of 33 and 28 miles, respectively, including stops.

The Queen and Crescent system, which competes with the Louisville and Nashville between Cincinnati and New Orleans, also runs two trains daily between Cincinnati and New Orleans, which are run at a speed of 31 and 32 miles an hour, respectively, including stops.

The Florida Central and Peninsular, which competes with the Atlantic Coast Line for Florida business, runs two through trains a day to Columbia and Jacksonville. The Atlantic Coast Line has not reduced its train service in consequence of the withdrawal of the special-facilities payment, but still maintains two through trains daily, in connection with the Pennsylvania and other lines interested, between New York and Jacksonville, and during the heavy business in the winter time puts on a special fast train in addition.

The Postmaster-General was then asked:

Is not the tendency where we give subsidies to one line for the others to ask or expect the same kind of payment?

A. The tendency is to produce a discontent and dissatisfaction, if not hesitancy, on the part of other roads in giving us similar service without a special appropriation. I will say that that has not interfered to prevent our increasing special mail facilities from East to West. We have been able, as this table indicates, in almost every instance to secure an early morning train leading out of the great cities, perhaps because it is easier for us to secure what we wish over roads that carry an immense volume of other traffic. Therefore we should find it difficult to secure through the Southern section of the country as great speed perhaps as we are securing in the North; for instance, to Atlanta, and between Atlanta and New Orleans. But as I have said in my testimony before, looking the country over, and knowing the dissatisfaction it creates, we are prepared to say that we think we can secure in general better service without the special-facilities appropriation.

One of the claims, I may interject right here, is that they start their through train out of New York at an hour when they can not hope to have any passenger traffic, and therefore that they make a concession to the postal service in this connection. But you will notice, Mr. Chairman, in this table to which I refer that all of these trains referred to by Mr. Grant start about 3 o'clock in the morning, when they could not hope or would not expect to have heavy passenger traffic.

This testimony goes on to state what has been done in reference to other roads, or on other roads where subsidies were granted, and shows that whether the subsidies were granted or otherwise the service was pretty good. In other words, that there was no advantage gained by the granting of the subsidy. And the statement is made in the hearings here that the service would have been probably as good as it is to-day without the subsidy. In other words, that we not only pay the regular rate for the carrying of the mails, but make an unnecessary appropriation for giving these roads $171,000 in addition. That is the sum and substance of it and that is the point I am making now.

Now, Mr. Chairman, the question was asked during the hearings as to whether these roads might not take the fast trains off if the subsidy were withdrawn. Gentlemen, when we hear on the floor of the House members from the Southern States telling us of the prosperity of that region—a prosperity that has struck that portion of the country during recent years, and in which we all rejoice, and in which no man rejoices more than myself—when we hear our friends from the South telling of the prosperity of that region, the manufacturing establishments that are starting and in existence, we do not find that these are dependent upon the subsidies granted to the different roads, and we can not feel that a line of railroad running from New York to Philadelphia and Washington and down the coast to the extreme South and along the Gulf coast needs a subsidy, which at one time might have

been necessary, but which, in view of the prosperity of the Southern region, is no longer needed to keep the road in operation.

Mr. KLEBERG. Will the gentleman permit me to ask him a question?

Mr. BROMWELL. Yes.

Mr. KLEBERG. Is it not a fact, though, that just about as many members from the South voted against the subsidy as voted for it?

Mr. BROMWELL. I am not criticising those who voted for it, nor those who voted against it. I am merely trying to show you that whatever might have been necessary when this subsidy was originally granted, it is no longer necessary to keep this subsidy upon our appropriation bill, because these railroads are prosperous and are making money out of their legitimate mail rates, out of their freight rates, out of their express business, and out of their passenger traffic.

Mr. KLEBERG. I agree with the gentleman entirely, and think it is a totally unnecessary appropriation, but I thought the criticism of the Southern members was unjust.

Mr. BROMWELL. I was not criticising the Southern members. I was merely saying that when the members from the South made statements as to the prosperity of the country that we all rejoiced in it, and that it was an argument to us that these subsidies were no longer necessary. Now, I am glad to be able to say that a number of Southern members—three of them on the Post-Office Committee, who joined in the minority report in opposition to the subsidy—have repeatedly voted against this iniquity, as I hope they will now do when this bill comes up for final vote.

Mr. GAINES. That is a subsidy to what railroad?

Mr. BROMWELL. A subsidy to a system of railroads made up of the Pennsylvania, the Philadelphia and Wilmington, the Southern Railroad, the Alabama and West Point Railroad, and the Louisville and Nashville Railroad, all forming a system of connecting roads, starting at New York and ending at New Orleans, which divide up this subsidy among themselves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROMWELL. Mr. Chairman, there are a few additional notes that I should like to insert in the RECORD. I must return this book of hearings, because, as the chairman says, it has a chain to it, but I will, with the consent of the House, add these other notes to my remarks as printed in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON] has twenty minutes remaining, and the gentleman from California [Mr. LOUD] has twenty-four minutes remaining.

Mr. MOON. I yield fifteen minutes to my colleague [Mr. GAINES].

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] is recognized for fifteen minutes.

[Mr. GAINES addressed the committee. See Appendix.]

Mr. LOUD. Mr. Chairman, I yield fifteen minutes to the gentleman from Pennsylvania [Mr. SIBLEY].

Mr. SIBLEY. Mr. Chairman, I believe the subject under discussion at this late hour is the Post-Office appropriation bill. I have no extended remarks to make in support of the action of the committee in reporting this bill.

Mr. TALBERT. The gentleman will allow me to ask whether he means to confine himself to the subject.

Mr. SIBLEY. I will attempt to do so as closely as possible. At least I will do so as closely as some gentlemen who have occupied the time here to-day.

Mr. Chairman, as I was saying, we have under consideration the Post-Office appropriation bill. I believe that every member of the Post-Office Committee has worked earnestly, diligently, and, I believe it is fair to say, intelligently in the preparation of the measure and the report accompanying it.

I trust my friend from South Carolina [Mr. TALBERT] will not think that I am wandering from the topic legitimately under consideration if I call the attention of the few members of the House who are at this moment present to the fact that I believe we are engaged in the commercial conquest of the world with the products of our American genius and our American industry; and therefore every provision in this bill which works for that purpose commands my cordial assent. Anything which expedites communication, anything which gives thought, intelligent thought, wider scope, whether it be free rural delivery, pneumatic-tube service, or the expedition of the mails on our railway lines, commands my cordial support.

We are in an era to-day when from the South we are getting 9-cent cotton. And while within the last few minutes I have heard something about the "suffering people," I think the people who are getting 9 cents instead of 4 cents a pound for their cotton are not "suffering" as they were at the 4-cent price. Up in my country we are getting $16 for hemlock lumber. A few years ago we could not sell it for $6. In Alabama pig iron now commands $20 a ton; and a few years ago your yards were stacked full of it, unsalable at $7 a ton. We are now exporting those products.

In Pennsylvania, Ohio, Virginia, West Virginia we are mining coal for export to almost every country of Europe. The men who are digging that coal receive therefor a greater sum per ton than the owner of the mine received for the ton of coal two or three years ago. Those acquainted with the situation inform me that coal to-day is commanding 21 shillings on the docks at Havre, France, a raise in price of 10 shillings per ton in the last three years.

Germany, France, Italy, Spain, and even Great Britain will yet be consumers of American coal. James J. Hill, the president of the Great Northern Railroad, in an interview published only a few weeks since, stated that he was building two steamers for the oriental trade, either one of which would be more than double the capacity of the greatest vessels on the Atlantic Ocean, and that the demand for American wheat and American cotton in the Orient at the present was limited alone by the cargo capacity on the Pacific Ocean.

China is having railroads extended through her length and breadth, where our trade has never permeated more than 10 miles inside the fringe of the seaboard ports, and now 450,000,000 people, with their multiplied wants, are demanding our products.

With cargo capacity ample and with the extension of these railway lines it is estimated that China alone will consume every bushel of our surplus product of wheat at an advance of over 60 per cent of the present price, and then feed her teeming millions with the cheapest and most nutritious food possible for the sustenance of human life.

Corn has advanced from 29 cents to about 40 cents a bushel, and the demand from Europe has steadily increased. The farmer has been in the valley of humiliation for twenty-five years, but he is now about to assume his proper place as the king among men; and the value in farm lands and farm products consequent upon the great increase in the world's product of gold and the demand from the Orient through the opening up of those markets will afford the American farmer that reward for his efforts which has been so scanty and inadequate in the past as to drive him to the verge of bankruptcy and ruin.

I do not believe this is an age when anyone can set himself in front of the wheels of progress and leave anything but a great big grease spot as the result of his efforts. Any measure which makes it easier for us to transact business with a foreign country—whether it be the pneumatic tube or the fast mail or the rural delivery—I am going to support so long as I am a member of this body.

The subsidy for fast mails to the South has been attacked here. The hearings before the Post-Office Committee showed that it reduced the time of delivery of the mails to the merchants of New Orleans fifteen hours and a corresponding reduction to all points en route.

The Seaboard Air Line had that subsidy and refused longer to carry the mail for that price and asked to be relieved of it. Under pressure the Southern Railroad system took that service and gave to the people of Texas and South Carolina, with their cotton factories and other industries just developing, the opportunity to compete with the people of New England. A day means more now in the transaction of business than a month did fifty years ago. The pneumatic-tube service has been attacked.

Mr. BROMWELL. Before the gentleman starts on the pneumatic-tube service, may I ask him a question?

Mr. SIBLEY. Go ahead, sir.

Mr. BROMWELL. You say the subsidy to the Southern line has expedited the mails fifteen hours?

Mr. SIBLEY. Yes.

Mr. BROMWELL. I do not agree that that is correct; but assuming that that is true, you are making a comparison of the speed at which trains now run with the speed at which they ran a number of years ago, when this subsidy was first granted, I presume. Now, I want to ask this question: Suppose that this subsidy was taken away from this fast mail line, so called, does the gentleman mean to say to this House that it would take fifteen hours longer, under present conditions and in the present day, to get the mail from New York to New Orleans than it now does with this subsidy granted to this road?

Mr. SIBLEY. I mean to say absolutely yes, and the gentleman from Virginia [Mr. SWANSON] showed it to you before the committee when you objected to this, and proved it by the time table. That fast mail train makes but two stops in going the whole length of the State of Virginia. It leaves New York at 4 o'clock in the morning, when people will not get up to take the train to the South. Its primary object is to carry the fast mail, and there is not a city south of this capital that is not benefited, nor a commercial community, nor a manufacturer, and I do not believe a

cotton grower, that does not receive his commensurate proportion of benefit.

Mr. BROMWELL. Are there not other roads in this country that run their trains long distances without stopping and which do not get any subsidy?

Mr. SIBLEY. Very true; but they do not run through such a sparsely settled country as these trains do. Now, I have no selfish interest in the people of the South. My friend from Virginia [Mr. SWANSON] will speak upon this subject, and he is able to answer your questions, and I want you to ask him, because I greatly enjoyed his answers that he made to you before the committee. He is better posted than I am on that.

Mr. BROMWELL. I will ask him.

Mr. SIBLEY. I just referred to that incidentally as one of the things I am in favor of, because it is giving enlarged opportunity to the people of the South and Southwest.

I do not live in one of the great cities where the pneumatic-tube service will benefit me directly, but I am doing business with every State and Territory in this Union. I am doing business with practically every country in South America, and some abroad, and if I send a letter to-day to New York, it makes a difference whether it reaches a steamer that goes out Wednesday or has to lie in New York until next Saturday.

In the hearings before the Postal Committee the postmasters of New York, Boston, and Philadelphia, where this service is established, state that it made a difference of hours in the delivery of letters. The process is continuous. As the mail comes into the station it goes through these tubes to the post-office in seven minutes, while to go from Forty-second street down to the post-office in New York City, in the congested condition of the traffic there, requires anywhere from an hour to an hour and a half. The mail goes there ready to go to the carrier and he takes it out, and the man gets his morning mail in time for the day's business.

The same thing is true as to outgoing mail. There is no accumulation. The mail goes continuously through that tube, and a man can post a letter seven minutes before the time of departure of a train and have the letter reach its destination promptly, whether it be in Texas or Chicago. It was shown by the testimony of the postmaster of Chicago that they have at the stock yards a business of tremendous magnitude, which now can only reach the post-office in from an hour and one-half to two hours. It would make the journey in seven or eight minutes by pneumatic tube.

The proposition was made by the Pneumatic Tube Company to put that service complete into 27 of the largest cities of this Union for $2,500,000, including the cost now paid for wagon service by the Government of the United States, amounting to $900,000. I believe the smallest city that was embraced in the proposition was Atlanta, Ga. Under that service the substations of every great city would have the pneumatic tubes, and instead of sending the mail by street car or wagon the mail would be expedited from one to four hours, according to the number of deliveries made. Therefore I am in favor of it.

If we want to control the markets of the world we must be able to communicate with them as cheaply and as quickly as anybody else. You may go into the great office buildings of the city of New York and see what private enterprise does with the pneumatic tube. A man can not wait to send a messenger up the elevator, but there are pneumatic tubes to every office, and the man claps his message or his document into the tube and it is carried to the thirteenth or fifteenth or seventeenth story of that commercial establishment. Men are moving a little bit faster to-day than they moved a hundred years ago.

Mr. LOUD. Why do you not exhibit that picture?

Mr. SIBLEY. I just want to speak of one point that was brought out here in the sworn testimony taken before the Senate committee about the matter of railway compensation. It has been said in this House that the amount paid by the Government to the Erie Railroad for transportation of mails has been sufficient to pay a dividend of 6 per cent per annum upon all the stock of that road. The stock of that road is $150,000,000. Six per cent per annum would be $9,000,000, while the highest sum ever paid by the United States Government to the Erie Railroad has been $500,000 a year for carrying the mails; and this upon about 2,200 miles of road. That shows the recklessness of the statements in which gentlemen indulge when discussing these measures.

Again, it was said that the great railroads of the Eastern States to-day receive 5 to 6 per cent on $60,000 per mile of their road on Government contracts for carrying the mails alone. In the six New England States there are 7,100 miles of railway, which, at $60,000 per mile, would amount to $425,000,000. Five per cent of that sum would be $21,000,000, and the aggregate mail pay for all the New England States is only $1,670,000, or less than one-fifteenth of the amount so stated.

Now, there has been exaggeration and misstatement somewhere, and we have got to deal with plain facts and can not allow our prejudices to take the place of our reason in dealing with a business proposition. On the roads in the State of Massachusetts, where there are 76 railway mail routes, 52 carry less than 1,000 pounds of mail per day, covering 487 miles. These roads cost $29,000,000, based on the cost, stated by these gentlemen, of $60,000 a mile. On the figures given by these gentlemen the total mail compensation should amount to $1,460,000. The total amount received by these railroads is exactly $35,000, instead of $1,460,000.

I sent down to the Post-Office Committee and had brought up here something that illustrates the position of some of our friends. Here is a picture which shows the mail carrier of one hundred years ago, traveling on horseback over a corduroy road, and here below is a picture of a great fast mail train. Any man who likes the old style may go back to it if he will, as far I am concerned.

There are gentlemen here who will argue that the corduroy and the man on horseback furnish the truer way to do business. And Democrats on the floor of this House will oppose this bill, and I do not know but what Republicans are going to do the same thing. Gentlemen, it will not do. Any man who wants the corduroy road ought to have it, if that is fast enough for him; but I tell you you do not find this fast mail train, equipped as it is to-day and running from 53 to 80 miles an hour, any too fast for the people who are doing the business of the country at the present moment.

Mr. KLEBERG. Who got up that picture, the railroad company or the Post-Office Department?

Mr. SIBLEY. I suppose the railroad company got it up; but that does not make any difference. If you prefer this way, you may advocate it. I want the other, because I want to give the people the benefit of the best possible service.

Mr. WILLIAMS of Mississippi. Does the gentleman think that if we do not make appropriations for pneumatic-tube service we will do away with the railroads?

Mr. BROMWELL. Or does the gentleman contend that if we do not give $170,000 in the way of a special subsidy to the Southern Railway system that they are going to take off that beautiful fast train of theirs?

Mr. SIBLEY. I believe, sir, that you can not make a reduction of 25 per cent of the compensation of the railroads for transporting the mail without getting a less percentage of efficiency. I do not believe that you can go to California in a Pullman car as cheap as you can in a tourist car.

You can go there without paying anything and have a bunk all the way, or you ride in the palace car at $5 a day; and if you take away the compensation to railroads, while by law you may force them to accept a lesser sum, possibly, if you do, you have no law that will compel them to run their trains at 50 or 80 miles an hour, as they do on some of the roads at the present time.

Mr. BROMWELL. Will the gentleman yield to me for another question?

Mr. SIBLEY. Certainly.

Mr. BROMWELL. Is it not a fact that there are roads, a number of roads, all over this country, that are not getting extra pay in the way of subsidy pay that run faster trains, and are expediting the mails more than on this Southern system?

Mr. SIBLEY. Possibly that is true; and if so, it is not any argument. The gentleman knows it is no argument. The conditions are varied. Trains run from New York to Chicago and from Chicago to New York any hour of the twenty-four that you please and get passengers, but when you run through the South you have got only two trains daily. If it was profitable, why did the Seaboard Air Line refuse to continue the contract longer?

Mr. WILLIAMS of Mississippi. Does the gentleman deny that there are lines of railroads running through the South, through sections of country that are as sparsely settled as this, that carry trains just as rapidly as the train that is under consideration? Take the Illinois Central, a road running from Chicago down to New Orleans. When it strikes the South it runs through a country of about the same density of population. Does it not run trains just as fast as this system that is subsidized?

Mr. BROMWELL. Take the Cincinnati Southern, that runs from Cincinnati to New Orleans. But even supposing you say that this is in a sparsely settled country, why should we subsidize these trains from New York down to Washington? Yet we subsidize the train that runs between New York City and which comes by way of Philadelphia and Baltimore to Washington.

Mr. SIBLEY. But it comes in the beginning from east of there. It catches the trains from New England. We compel this train to leave New York at 4 o'clock, when not even the gentleman from Ohio would like to take a train; and they must deliver their mail at a certain time or be fined or lose the entire compensation if the train is late.

In running through the State of Virginia they are allowed to make but two stops. The gentleman from Virginia [Mr. SWANSON] will answer you any question about that, as he is familiar with it. So as to be able to give that service in the State of Virginia they only stop twice, and they abandon their passenger traffic; and we found that the Seaboard Air Line gave up the contract and refused to take it longer, because they could not do it without loss.

Mr. KITCHIN. If the gentleman will permit me, the gentleman has said once or twice that the Seaboard Air Line used to have this subsidy, as it is called.

Mr. SIBLEY. They did.

Mr. KITCHIN. My recollection is that the Seaboard Air Line never had it.

Mr. SIBLEY. The Atlantic Coast Line.

Mr. KITCHIN. I think if the gentleman will take the trouble to go down and look at the time-tables at the Pennsylvania depot, he will find that the Seaboard Air Line runs a train from Washington to Atlanta upon just as good a schedule time as this. I think there is about five minutes difference.

Mr. SIBLEY. I meant that the Atlantic Coast Line had this contract and refused to take it longer. The gentleman from Virginia [Mr. SWANSON] has the testimony on this point, and I am trenching somewhat upon his preserves in referring to it, and should not have done so if the matter had not been brought up by the gentleman from Ohio.

Mr. KITCHIN. I call the gentleman's attention to the fact that the Seaboard Air Line never had it.

Mr. SIBLEY. I meant to say the Atlantic Coast Line. It was a mere lapsus lingua.

Mr. KITCHIN. That train leaves at 2 o'clock in the evening, while the other train does not leave at that time.

Mr. SIBLEY. It leaves the city of New York at 4.25 a. m.

Mr. BROMWELL. May I say to the gentleman, not as a question, but just to remind him—I know he is amiable about being interrupted—the gentleman does not recollect the reading of the report by Mr. Grant, who stated in effect that there were twelve or fifteen large railway systems which run trains out West at 3 and half past 2 in the morning, and the same argument of running a train out of New York at 4 o'clock in the morning—that they could not get passengers—will apply to the twelve or fifteen large railway systems running their trains out of Chicago, Cincinnati, and other places, that they could get no passengers, and yet they get no subsidy.

Mr. SIBLEY. I am going to let the gentleman from Virginia answer you. I do not think there is any analogy between the cases. It is an entirely different country. I have got no interest in it except the interest that every citizen has—to see the opportunities for rapid service, rapid communication and facilities to do their business given to the South, as well as it is to the most favored parts of this nation.

I believe the South has entered into a new era of progress and of commercial industry, and that her future in certain lines of manufacturing development and industry is boundless, if her statesmen will give her commercial interests the opportunity to expand and find the wide markets of the world. It is evident to all that the United States is entering into a new epoch, and that the seat of commercial and financial empire is to be located upon this continent.

We exported last year $339,000,000 of the products of our workshops and factories. Each month shows a gain running into the millions, and unless we by unwise political action and the cultivation of a narrow and petty prejudice hinder and arrest development wise observers and students of economics state that within six years the value of our exports of manufactured products alone will reach one thousand million dollars. This means practically the doubling of the entire manufacturing energies of our nation.

Shall we delay, hinder, or possibly prevent this by wrapping about ourselves our narrow garments of prejudice and partisanship and button those garments about us so tight that we do not dare to straighten up and take a breath of God's free air for fear we burst the buttons off these garments?

In this present age it will not even do for us to stand still. The watchword of the hour is "Forward!" and it is strange to find in this representative body those who not only propose to stand still, but would turn our faces backward. The corduroy road and the saddlebags for the dawn of the nineteenth century, but the fast mail and the wings of lightning for the dawn of the twentieth.

The plain people of America, as well as the leaders in the commercial world who are at work on these great problems, all proportionately enjoy the benefits springing from the bettered conditions, and I desire to see these people who are engaged in this great production and export trade, which they carry from our shores as a trophy of American genius, have the opportunity, whether residing in the North or South, the East or the West, to enjoy any advantage and every advantage that will expedite and increase their business, that will convey intelligence and give a wider realm to higher thought and action. [Applause.]

The gentleman from Ohio [Mr. BROMWELL] opposes rural free delivery; he has not got any in Cincinnati.

Mr. BROMWELL. I have one in my district.

Mr. SIBLEY. I have not got any in my district, but I hope to have some, and when they do I hope they will not be any more expensive to the Government than the letter-carrier system in Cincinnati, but it will take the place of the present star route, and the Government will be the gainer. No rural free delivery will be maintained which will not add to rather than detract from the revenues of the Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LOUD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10301) making appropriations for the postal service, and had come to no resolution thereon.

Mr. LOUD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock) the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting, with accompanying communications, draft of a bill for the establishment of a national standardizing bureau—to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

A letter from the Secretary of War, transmitting a communication from the Acting Paymaster-General relating to pay of additional paymasters' clerks—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Chief of the Bureau of Statistics submitting an estimate of appropriation for increased clerical assistance—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for improvement and repairs of custom-house and post-office building at Albany, N. Y.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with the draft of a proposed bill, a statement of facts relating to negotiations for purchase of certain groves of *Sequoia gigantea* in California—to the Committee on the Public Lands, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 2537) to create the central division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein, reported the same with amendment, accompanied by a report (No. 1111); which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8815) to amend chapter 4, Title XIII, of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 1112); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10279) to provide for sittings of the circuit and district courts of South Carolina in the city of Florence, S. C., reported the same with amendment, accompanied by a report (No. 1113); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2) to provide for the construction, maintenance, and operation, under the management of the Navy Department, of a Pacific cable, reported the same with amendment, accompanied by a report (No. 1114); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOFFECKER, from the Committee on Invalid Pensions,

to which was referred the bill of the Senate (S. 3352) granting a pension to Sarah Kersey, reported the same without amendment, accompanied by a report (No. 1107); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3215) granting an increase of pension to Andrew F. Dinsmore, reported the same without amendment, accompanied by a report (No. 1108); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2335) granting an increase of pension to John W. Blake, reported the same without amendment, accompanied by a report (No. 1109); which said bill and report were referred to the Private Calendar.

Mr. PARKER of New Jersey, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 4400) for the relief of Frank E. Kellogg, collector of the Sixth internal-revenue district of Missouri, reported the same with amendment, accompanied by a report (No. 1110); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DRIGGS: A bill (H. R. 10920) providing for additional circuit judges in the Second judicial circuit—to the Committee on the Judiciary.

By Mr. HEDGE: A bill (H. R. 10921) granting to Keokuk and Hamilton Water Company right to erect, construct, and maintain wing dam, canal, and power station in the Mississippi River in Hancock County, Illinois—to the Committee on Interstate and Foreign Commerce.

By Mr. WATERS: A bill (H. R. 10922) to establish a light and fog station at Point Dume, Los Angeles County, Cal.—to the Committee on Interstate and Foreign Commerce.

By Mr. MUDD (by request): A bill (H. R. 10960) to correct the records of certain classes of cases in the War and Navy Departments—to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 10961) to ratify an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

By Mr. FLYNN: A bill (H. R. 10962) to allot lands of the Osage Reservation in severalty—to the Committee on Indian Affairs.

Also, a bill (H. R. 10963) to provide for ascertaining the indebtedness of certain Osage Indians to traders at the Osage Agency, and for making payments upon such indebtedness—to the Committee on Indian Affairs.

By Mr. COUSINS: A resolution (H. Res. 236) calling for information from the Secretary of the Treasury as to accounts of Sac and Fox Indians—to the Committee on Indian Affairs.

By Mr. DAVIDSON: A resolution (H. Res. 237) authorizing Clerk of House to pay Frederick Schwalbe $75 per month as folder from April 1, 1899, to February 1, 1900—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRENNER: A bill (H. R. 10923) granting a pension to John Niederman, Company G, Sixty-ninth Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. BROMWELL: A bill (H. R. 10924) to reimburse certain persons the amount of expenses incurred and losses sustained by reason of the seizure of certain fraudulently stamped cigars sold them by W. M. Jacobs—to the Committee on Claims.

By Mr. CRAWFORD: A bill (H. R. 10925) to carry out the findings of the Court of Claims in the case of Martha Noggle, administratrix of Jacob Noggle, deceased—to the Committee on War Claims.

By Mr. CURTIS: A bill (H. R. 10926) for the relief of Col. H. B. Freeman—to the Committee on Claims.

Also, a bill (H. R. 10927) to increase the pension of John G. Lightfoot—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10928) to increase the pension of James M. Plunket—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10929) granting a pension to Mrs. Andrew Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10930) granting a pension to Henry Demuth—to the Committee on Pensions.

Also, a bill (H. R. 10931) granting a pension to Elvira Hargrave—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10932) for the relief of John Birkett—to the Committee on War Claims.

Also, a bill (H. R. 10933) granting a pension to Frederick Figalla—to the Committee on Invalid Pensions.

By Mr. DENNY: A bill (H. R. 10934) granting a pension to William L. Hawkins—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 10935) increasing pension of Hiram Brubaker—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 10936) for the relief of Mary Jane Hubbard, of Jefferson County, Tenn.—to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 10937) granting a pension to John W. Foster—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 10938) granting a pension to Clara E. Ashton—to the Committee on Pensions.

By Mr. KLUTTZ: A bill (H. R. 10939) for the relief of J. B. Fitzgerald—to the Committee on War Claims.

Also, a bill (H. R. 10940) for the relief of George W. Fisher—to the Committee on War Claims.

By Mr. LITTAUER: A bill (H. R. 10941) granting an increase of pension to John E. Whipple—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 10942) granting an increase of pension to John Coleman—to the Committee on Invalid Pensions.

By Mr. PARKER of New Jersey: A bill (H. R. 10943) granting an increase of pension to Mary E. Meldrum—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 10944) granting a pension to Lydia C. Coburn—to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 10945) granting a pension to William T. Wyant, Danville, Pa.—to the Committee on Invalid Pensions.

By Mr. ROBERTS (by request): A bill (H. R. 10946) for the relief of Rufus M. Hodgkins—to the Committee on Claims.

By Mr. SMITH of Kentucky: A bill (H. R. 10947) granting a pension to Sebastian F. Kissinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10948) granting a pension to Thomas Kinkaid, of Kentucky—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 10949) granting a pension to Hulbert O. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10950) granting an increase of pension to David Mumber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10951) to correct the military record of Abram C. Herring—to the Committee on Military Affairs.

By Mr. TAWNEY: A bill (H. R. 10952) to remove the charge of desertion against Benjamin F. Dayton—to the Committee on Military Affairs.

Also, a bill (H. R. 10953) removing the charge of desertion against David Whitford—to the Committee on Military Affairs.

By Mr. TAYLER of Ohio: A bill (H. R. 10954) for the relief of the legal representatives of John H. Jones and Thomas D. Harris—to the Committee on War Claims.

By Mr. UNDERWOOD: A bill (H. R. 10955) for the relief of J. H. Bingham—to the Committee on Claims.

By Mr. SHAFROTH: A bill (H. R. 10956) granting an increase of pension to William S. Newell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10957) granting a pension to Alonzo C. Stillwell—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 10958) granting an increase of pension to William E. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10959) granting a pension to Elizabeth Weed Street—to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 10964) granting an increase of pension to Charles R. Bridgman, late second lieutenant of Company E, Thirty-first Regiment Wisconsin Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 10965) for the relief of the heirs of George W. Ashburn, deceased—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the American Philosophical Society, in favor of legislation for a national bureau of standards and standardization—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Trades League of Philadelphia, Pa., favoring House bill No. 10374, increasing the postage on certain publications, and recommending 1-cent letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. BINGHAM: Resolutions of the Board of Trade and of

the Trades League of Philadelphia, Pa., indorsing House bill No. 10374, known as the Loud postal bill, and recommending the adoption of 1-cent local letter postage—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Trades League of Philadelphia, Pa., favoring the early construction, control, and ownership of the Nicaragua Canal by the United States Government—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the American Philosophical Society, of Philadelphia, Pa., urging the establishment of a national standards bureau—to the Committee on Coinage, Weights, and Measures.

By Mr. BROWNLOW: Petitions of Chancey Gardner Post, No. 385, and Samuel Ackerly Post, No. 426, of New York; Placerville Post, No. 108, California; Thomas Welch Post, No. 553, Missouri; J. F. Covell Post, No. 354, Michigan; John A. Dix Post, No. 135, New York, Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of T. J. Foster, administrator of Thomas Lowe, deceased, late of Grainger County, Tenn., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BURKETT: Petition of citizens of Lincoln, Nebr., to accompany House bill granting a pension to Roxie B. Salter—to the Committee on Invalid Pensions.

Also, resolutions of former Nebraska citizens now residents of Mesa County, Colo., in favor of public building at Grand Junction, Colo.—to the Committee on Public Buildings and Grounds.

Also, petition of Jacob Snyder, of Nemaha County, Nebr., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BURLESON: Petition of Excelsior Guard, Company A, Texas Volunteer Guard, home station, San Antonio, Tex., favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the militia of the States and Territories—to the Committee on Militia.

By Mr. BURTON: Petition of the Mayell & Hopp Company and other druggists in the State of Ohio, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. BROSIUS: Petition of 400 citizens of Lancaster County, Pa.; also petition of F. R. Hornberger and other farmers of same county, in favor of the Grout bill to increase the tax on oleomargarine—to the Committee on Agriculture.

By Mr. CLARKE of New Hampshire: Petition of Natt Head Post, No. 2, Department of New Hampshire, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Penacook Park Grange, No. 184, Patrons of Husbandry, of New Hampshire, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. CUMMINGS: Petition of General James McQuade Post, No. 557, of New York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CURTIS: Resolutions of the Commercial Club of Topeka, Kans., and the Commercial Club of Ottawa, Kans., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Sabetha Post, No. 175; Goff's Post, No. 111, and Wallace Post, No. 379, Department of Kansas, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of Willis, Kans., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of publishers of the Atchison Globe, Leavenworth Times, Kansas City Gazette, and other publishers in the State of Kansas, favoring the enactment of the Platt and Russell bills respecting alcohol used in the arts—to the Committee on Ways and means.

Also, petition of the Topeka Pressmen's Union, No. 49, of Topeka, Kans., favoring the passage of House bill No. 6872, providing that the Allied Printing Trades label be used on all Government publications—to the Committee on Printing.

By Mr. CUSACK: Petition of employees of the Chicago (Ill.) post-office, Station D, urging the passage of House bill No. 9565, for the retirement of civil employees of the Government after long service and infirmity—to the Committee on Reform in the Civil Service.

By Mr. ESCH: Resolutions of Cigar Makers' Union No. 61, of La Crosse, Wis., opposing the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of Traders' League of Philadelphia, Pa., praying for the passage of House bill No. 10374, increasing the postage on certain publications—to the Committee on the Post-Office and Post-Roads.

By Mr. GARDNER of Michigan: Petitions of Woman's Christian Temperance Union, Methodist Episcopal Church, Epworth League, and Niles District Ministerial Association, all of Union City, Mich., urging the passage of House bill No. 5457, prohibiting the sale of liquor in Army canteens—to the Committee on Military Affairs.

By Mr. GROSVENOR: Petition of Champion Grange, No. 738, Patrons of Husbandry, of Ohio, in favor of House bill No. 3717, to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are imported—to the Committee on Agriculture.

Also, petition of Champion Grange, No. 738, Patrons of Husbandry, of Ohio, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chillicothe (Ohio) Pharmaceutical Association, for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

Also, petition of Carpenters and Joiners' Union No. 650, of Pomeroy, Ohio, for the building of one or more new war ships in Government navy-yards—to the Committee on Naval Affairs.

By Mr. HEPBURN: Paper to accompany House bill increasing the pension of John M. Foster—to the Committee on Invalid Pensions.

By Mr. JENKINS: Petition of Wheaton Grange, No. 303, Patrons of Husbandry, of Wisconsin, in support of House bill No. 3717, to control the sale of imitation dairy products; also in favor of Senate bill 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. JOY: Petition of R. W. Mason and 41 other members of St. Louis Presbytery, favoring the passage of House bill No. 1060—to the Committee on Military Affairs.

By Mr. KAHN: Petition of the Chamber of Commerce of San Francisco, Cal., favoring the passage of House bill No. 10374, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KETCHAM: Petition of M. M. Vincent and 20 others, of Unionvale Grange, No. 887, Patrons of Husbandry, New York, for State control of imitation dairy products as provided in House bill No. 3717—to the Committee on Agriculture.

By Mr. LATIMER: Resolution of the Trades League of Philadelphia, Pa., indorsing House bill No. 10374, increasing the postage on certain publications and favoring 1-cent local letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTAUER: Paper to accompany House bill for the relief of John E. Whipple—to the Committee on Invalid Pensions.

By Mr. LOVERING: Paper to accompany House bill for the relief of John Coleman—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of employees of the Chicago (Ill.) post-office, West Pullman and Grand Crossing stations, urging the passage of House bill No. 9565, for the retirement of civil employees of the Government after long service and infirmity—to the Committee on Reform in the Civil Service.

Also, petition of the Illinois Lumber Dealers' Association, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Clark & Morgan, of Quincy, Ill., favoring the passage of the Brosius pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of General George A. Custer Post, No. 40, Department of Missouri, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. PEARRE: Petitions of citizens of Frederick County, Md., urging the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

By Mr. POLK: Papers to accompany House bill to increase the pension of W. S. Wyant—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Petitions of Post No. 505, of Halsey Valley, and Post 612, of Hamden, N. Y., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Sidney Grange, No. 729, Patrons of Husbandry, New York, for State control of imitation dairy products as provided in House bill No. 3717—to the Committee on Agriculture.

Also, petition of Sidney Grange, No. 729, Patrons of Husbandry, of New York, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of substitute letter carriers of Binghamton, N. Y., in favor of House bill No. 1051, relating to grading of substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Young Men's Bible Club of Ithaca, N. Y.,

for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky: Paper to accompany House bill granting a pension to Thomas Kincaid—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to S. F. Kissinger—to the Committee on Invalid Pensions.

Also (by request), petition of M. P. Hodges Post, No. 60, Department of Kentucky, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SPERRY: Petitions of the Woman's Christian Temperance Union of East Haddam, Conn., for the passage of a bill to forbid the sale of liquors in canteens—to the Committee on Military Affairs.

By Mr. STEWART of New Jersey: Petition of Dwight Post, No. 103, of Englewood, N. J., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SULZER: Petition of the Trades League of Philadelphia, Pa., urging the passage of a bill providing for the early construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Association of Railway Postal Clerks, relating to the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Petitions of Staunton Post, No. 396, and Tilton's Post, No. 660, Department of New York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WILSON of Idaho: Five petitions of George Green and others, of Magnolia; J. P. Triplett and others, of Beeman, and citizens of Cameron, Lenore, and Lewiston and Nez Perce County, Idaho, for the passage of a free-homestead bill—to the Committee on the Public Lands.

SENATE.

TUESDAY, *April 24, 1900.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

JORGE CRUZ.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 21st instant, certain information relative to what action has been taken by the Attorney-General in the case of Jorge Cruz, a resident of Porto Rico, alleged to have been brought into this country under a contract to labor in the United States; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

COMMISSIONED NAVAL OFFICERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 18th instant, a statement prepared by the Bureau of Navigation, Navy Department, giving the total number of commissioned naval officers on the 31st day of December, 1899, the number on shore duty, etc.; which, with the accompanying paper, was referred to the Committee on Naval Affairs, and ordered to be printed.

STATISTICS RELATIVE TO NAVY-YARDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 2d instant, a tabulated statement showing the number of commissioned officers on duty at each navy-yard and naval station in the United States during the month of March, etc.; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

WAR-REVENUE RECEIPTS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 20th instant, a letter from the Commissioner of Internal Revenue showing the amount of revenue derived from the so-called war-revenue law, so far as it is practicable to do so.

Mr. COCKRELL. As the Senator from New Hampshire [Mr. GALLINGER], at whose request the resolution was passed, is not present, I move that the communication and accompanying papers lie on the table and that they be printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4468) to authorize the city of Tucson, Ariz., to issue bonds for waterworks, and for other purposes;

A bill (H. R. 5296) establishing terms of the United States circuit court at Newbern and Elizabeth City, N. C.;

A bill (H. R. 7945) to amend an act entitled "An act permitting the building of a dam across Rainy Lake River;"

A bill (H. R. 6868) to amend an act authorizing the terms of the district court of the United States for the southern district of Mississippi to be held hereafter at Biloxi;

A bill (H. R. 8962) to authorize the New Orleans and Northwestern Railway Company, its successors and assigns, to build and maintain a bridge across Bayou Bartholomew in the State of Louisiana; and

A bill (H. R. 9496) to provide for the disposal of the Fort Buford abandoned military reservation, in the States of North Dakota and Montana.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3465) to provide an American register for the steamship *Garonne;*

A bill (S. 3924) to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss.;

A bill (S. 4051) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky.; and

A bill (H. R. 4604) to amend the charter of the East Washington Heights Traction Railway Company.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a memorial of sundry citizens of Aurora, Ill., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 174, Cigar Makers' International Union, of Joliet, Ill., praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of laborers and mechanics employed upon the public works of the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of the Illinois Lumber Dealers' Association, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Union Veterans' Union, of Washington, D. C., remonstrating against the enactment of legislation relative to the promotion of the Adjutant-General of the Army to the rank of major-general; which was referred to the Committee on Military Affairs.

He also presented a petition of Hall of Smedell Post, No. 257, Grand Army of the Republic, of Greenup, Ill., praying for the enactment of legislation granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor; which was referred to the Committee on Pensions.

He also presented a petition of the Trades and Labor Assembly of Belleville, Ill., praying for the enactment of legislation to increase the pay of all male employees in the Government Printing Office; which was referred to the Committee on Printing.

He also presented petitions of the Young People's Society of Christian Endeavor of Rardin, the Woman's Christian Temperance Union of Freeport, and of the congregation of the Presbyterian Church of Harrisburg, all in the State of Illinois, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and our new island possessions; which were referred to the Committee on Military Affairs.

He also presented memorials of Local Union No. 703, United Mine Workers, of O'Fallon; of Local Union No. 972, United Mine Workers, of Streator; of Local Union No. 728, United Mine Workers, of Mount Olive; of Local Union No. 41, Cigar Makers' International Union, of Aurora; of the Central Labor Union of Rockford; of Local Union No. 732, United Mine Workers, of Pottstown, and of Local Union No. 503, United Mine Workers, of Westville, all in the State of Illinois, remonstrating against the enactment of legislation imposing a tax upon butterine, oleomargarine, and all other kindred dairy products; which were referred to the Committee on Agriculture and Forestry.

Mr. PENROSE presented petitions of the congregation of the Presbyterian Church of Kittanning; of James O'Donald Post,

Grand Army of the Republic, of Kellersburg; of the congregation of the Methodist Episcopal Church of Kittanning; of sundry religious societies of East Smithfield; of the Woman's Christian Temperance Union of Cochranville; of the Woman's Christian Temperance Union of Berrytown; of the congregations of the United Evangelical Church of Myerstown; the Methodist Episcopal Church of Jamestown; the First Presbyterian Church of Apollo; of Gustin Post, Grand Army of the Republic, of Troy; of the congregation of the United Presbyterian Church of Apollo; of the Woman's Christian Temperance Union of Bristol; of 31 citizens of Delaware County; of C. S. Whitworth Post, No. 89, of Apollo; of the congregation of the Lutheran Church of Apollo; of the congregation of the Methodist Episcopal Church of Sheakleyville; of the Woman's Christian Temperance Union of Parkerford; of the congregation of the First Baptist Church of Kittanning; of the Baptist Christian Endeavor Society of Montrose; of the Presbyterian Christian Endeavor Society of Montrose; of the Young Men's Christian Association of Montrose; of the Epworth League of Montrose; of the Union of Churches of Big Run; of the Unity Place Congregation, of Charleston; of the Woman's Christian Temperance Union of New London; of the congregation of the United Brethren Church of Union; of the Woman's Christian Temperance Union of Grand Valley; of the Radnor Methodist Episcopal Church of Bryn Mawr; of the Woman's Christian Temperance Union of Waterford; of the Woman's Christian Temperance Union of Ridgway; of the congregations of the Free Methodist Church of Ridgway; of the Methodist Episcopal Church of Ridgway; of the Methodist Episcopal Church of Parkers Landing; of the Presbyterian Church of Parker; of the Christian Endeavor Society of Parker; of the Epworth League of Parkers Landing, and of the Woman's Christian Temperance Union of Gravity, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. BURROWS presented a memorial of the Jackson City Soap Company, of Jackson, Mich., remonstrating against the enactment of legislation to prohibit the use of alum in the manufacture of baking powder; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of J. B. Sackett Post, No. 320, Grand Army of the Republic, Department of Michigan, of Prairieville, Mich., praying for the enactment of legislation granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor; which was referred to the Committee on Pensions.

He also presented petitions of the Niles District Ministerial Association, of the congregation of the Methodist Episcopal Church, of the Woman's Christian Temperance Union, of the Epworth League, and of the Public Worship, all of Union City, in the State Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the Presbyterian Church of Evart, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Alaska, Philippine Islands, Porto Rico, and Cuba, and also for the reenactment of the nullified anti-canteen law; which was ordered to lie on the table.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation to diminish the deficit in the Postal Department by the adoption of 1-cent letter postage; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Wage Earners' League of Municipal Progress of New York, praying for the enactment of legislation to promote the commerce and increase the foreign trade of the United States; which was ordered to lie on the table.

BILLS INTRODUCED.

Mr. FORAKER introduced a bill (S. 4322) for the relief of the legal representatives of William H. Hays, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4323) for the relief of acting assistant surgeons, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LODGE introduced a joint resolution (S. R. 118) to set apart the 12th day of February in each year upon which to celebrate the birthday of Abraham Lincoln; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to increase the salary of one clerk to department, navy-yard, Boston, Mass., from $1,300 to $1,400, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. FORAKER submitted an amendment providing that all honorably discharged officers, acting assistant surgeons, and enlisted men of the Volunteer Army of the United States shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, intended to be proposed by him to the Army appropriation bill; which was ordered to lie on the table and be printed.

ELENDER HERRING.

Mr. BAKER. I offer a concurrent resolution requesting the President to return Senate bill 1265, granting a pension to Elender Herring, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The concurrent resolution will be read.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill of the Senate No. 1265, "granting a pension to Elender Herring."

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 5296) establishing terms of the United States circuit court at Newbern and Elizabeth City, N. C.; and

A bill (H. R. 6808) to amend an act authorizing the terms of the district court of the United States for the southern district of Mississippi to be held hereafter at Biloxi.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 7945) to amend an act entitled "An act permitting the building of a dam across Rainy Lake River;" and

A bill (H. R. 8962) to authorize the New Orleans and Northwestern Railway Company, its successors and assigns, to build and maintain a bridge across Bayou Bartholomew, in the State of Louisiana.

The bill (H. R. 4468) to authorize the city of Tucson, Ariz., to issue bonds for waterworks, and for other purposes, was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 9496) to provide for the disposal of the Fort Buford abandoned military reservation, in the States of North Dakota and Montana, was read twice by its title, and referred to the Committee on Public Lands.

RESERVOIR SITES IN WYOMING AND COLORADO.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 10) providing for the printing of 3,000 copies of House Document No. 141, relating to the preliminary examination of reservoir sites in Wyoming and Colorado.

The amendment of the House of Representatives was to strike out all after line 7 down to and including line 10 and to insert:

Thousand copies for the use of the Senate, and 2,000 copies for the use of the House of Representatives.

Mr. PLATT of New York. I am authorized by the Committee on Printing to move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

COMMISSIONS APPOINTED BY THE EXECUTIVE.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution offered by the Senator from Texas [Mr. CULBERSON], coming over from a previous day. It has been read.

Mr. DAVIS. It has been read. I suggest an amendment to the resolution, in line 5, to strike out "1897" and insert "1885."

Mr. CULBERSON. I have no objection to the amendment.

The PRESIDENT pro tempore. The amendment will be agreed to, without objection.

Mr. CULBERSON. I desire to offer another amendment.

Mr. HALE. What is the resolution?

The PRESIDENT pro tempore. The resolution calling for information about commissions appointed by the President.

Mr. CHANDLER. And it has been amended to go back to 1885.

Mr. HALE. It is a resolution coming over from yesterday morning?

The PRESIDENT pro tempore. It is.

Mr. CULBERSON. I desire to amend the resolution by inserting, after the word "compensation," in line 9, the words "or allowance."

The PRESIDENT pro tempore. The Senator has a right to make the modification. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to, as follows:

Resolved, That the President be requested, if not incompatible with the public interests, to inform the Senate, first, what commissions have been created or appointed by the Executive or under his authority since March 4, 1885, in reference to the foreign relations of the Territories of the United States or to inquire into the conduct of the late war with Spain; second, the names of the persons composing each of said commissions; third, the total compensation or allowance paid each of said commissioners; fourth, the total compensation paid each of the secretaries, clerks, and other employees of each of said commissions, and fifth, the total traveling, incidental, and other expenses of each of said commissions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed, with an amendment, the joint resolution (S. R. 116) to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes;" in which it requested the concurrence of the Senate.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution which will be read.

The Secretary read the resolution reported by Mr. TURLEY from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. PENROSE. I yield to the Senator from Minnesota [Mr. NELSON] for a moment.

REGULATIONS FOR LOGS AND RAFTS.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 9824) authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War shall have power, and is hereby authorized and directed, to prescribe rules and regulations to govern the floating of loose timber and logs, and sack rafts, so called, of timber and logs and general navigation, on any one or all of the navigable rivers or waterways of the United States, wherever in his judgment such regulations are necessary to equitably adjust and govern the conflicting interests of logging and other forms of navigation; and such regulations, when so prescribed and published, shall have the force of law, and any violation thereof shall be a misdemeanor, and every person convicted of a violation thereof shall be punished by a fine of not exceeding $2,500 nor less than $500, or by imprisonment (in the case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in the case of crimes against the United States.

SEC. 2. That the Secretary of War may, at any time, alter or modify any rules and regulations prescribed by him under the provisions of this act; and he may rescind such rules and regulations whenever in his judgment the necessity for their continuance no longer exists.

SEC. 3. That whenever rules and regulations shall have been prescribed by the Secretary of War for any waterway, in pursuance of section 1 of this act, and until such rules and regulations shall have been rescinded by his order, the said waterway shall be exempt from the prohibition contained in section 15 of the river and harbor act approved March 3, 1899, against floating loose timber and logs, or what is known as sack rafts of timber and logs, in streams or channels actually navigated by steamboats.

SEC. 4. That the right to alter, amend, or repeal this act at any time is hereby reserved.

SEC. 5. That this act shall not, nor shall any rules or regulations prescribed thereunder, in any manner affect any civil action or actions heretofore commenced and now pending to recover damages claimed to have been sustained by reason of the violation of any of the terms of said section 15 of the act of March 3, 1899, as originally enacted, or in violation of any other law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of War to make regulations governing the running of loose logs and rafts on navigable waters."

GOVERNMENT FOR PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 116) to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

The amendment of the House of Representatives was, after line 13, to insert the following additional sections:

SEC. 2. That all franchises, privileges, or concessions mentioned in section 32 of said act shall be approved by the President of the United States, and no such franchise, privilege, or concession shall be operative until it shall have been so approved.

SEC. 3. That all charters granting any franchises, privileges, or concessions mentioned in section 32 of said act to private corporations shall provide that the same shall be subject to amendment, alteration, or repeal; shall forbid the issue of stock or bonds, except in exchange for actual cash, or property at a fair valuation, equal in amount to the par value of the stock or bonds issued; shall forbid the declaring of stock or bond dividends; and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof and for the purchase or taking by the public authorities of their property at a fair valuation. No corporation shall be authorized to conduct the business of buying and selling real estate, of issuing currency, or of engaging in agriculture, or permitted to hold or own real estate, except such as may be reasonably necessary to enable it to carry out the purposes for which it was created. Banking corporations, however, may be authorized to loan funds upon real-estate security, and to purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations other than those organized in Porto Rico, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.

Mr. FORAKER. I move that the Senate nonconcur in the amendment of the House of Representatives to the joint resolution, and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. FORAKER, Mr. PERKINS, and Mr. COCKRELL were appointed.

SENATOR FROM PENNSYLVANIA.

The Senate resumed the consideration of the following resolution, reported by Mr. TURLEY from the Committee on Privileges and Elections January 23, 1900:

Resolved, That the Hon. Matthew S. Quay is not entitled to his seat in this body as a Senator from the State of Pennsylvania.

Mr. PENROSE resumed and concluded the speech begun by him yesterday. The entire speech is as follows:

Mr. PENROSE. Mr. President, I do not desire to trespass upon the time of the Senate in my discussion of the validity of the executive appointment of Matthew S. Quay as a United States Senator from Pennsylvania any longer than can be avoided. I feel that the able arguments which have been made upon both sides of this question by Senators who have served for years upon the Committee on Privileges and Elections, and who are familiar with the debates and discussions upon the subject to a far greater degree than I can possibly be, place me at a disadvantage. At the same time I believe that I owe a duty to the great constituency which I represent in this Senate to express my views upon this question of constitutional interpretation, and to call the attention of the Senate to certain facts pertaining to the case. As there is a disposition on the part of those who dispute the validity of various executive appointments of Senators to indulge in refinement of differences and distinctions among the various cases they may see fit to approve or disapprove, it will be useful to recall to the attention of the Senate the facts in the present case.

The full term of the Hon. Matthew Stanley Quay, senior United States Senator from Pennsylvania, expired on the 3d day of March, 1899, while the legislature was still in session. By the provisions of article 2, section 4, of the constitution of Pennsylvania the general assembly shall meet at 12 o'clock on the first Tuesday of January every second year, and accordingly the legislature met upon the first Tuesday of January, 1899. At the beginning of the session, in order to expedite the legislative business and to economize in the expenditure of public funds, a concurrent resolution was offered in the senate fixing the time for final adjournment on the 20th day of April following. This resolution unanimously passed both houses. It then became a standing rule of the legislature, and, under our parliamentary practice, could not be changed except by a two-thirds vote. Pursuant to a published call, signed by the chairman of the Republican caucuses of the senate and the house of representatives, respectively, the same having been issued at the customary time and place and by the officials and in the manner prescribed by the party regulations, a joint caucus of the Republican members of the senate and house of representatives was held January 3, 1899, for the purpose of nominating a person to be voted for as the Republican candidate for the office of United States Senator.

At this caucus several candidates were voted for, but Senator Quay, having received 98 out of the 109 Republican votes present, was unanimously declared the caucus nominee of the Republican party. Under the act of assembly of January 11, 1867, reaffirming the similar act of Congress of July 25, 1866, regulating the election of United States Senators, the legislature proceeded to ballot on the third Tuesday of January, 1899. Upon the following day the members of the two houses convened in joint assembly, and it appearing upon the reading of the journal of each house that the same person had not received a majority of the votes in each house, as required by the act of assembly aforesaid, the joint assembly then proceeded to chose a person for the office of United States Senator, and continued to ballot each succeeding day until the legislature adjourned on the 20th day of April, as required by the resolution aforesaid. Inasmuch as none of the candidates received a majority of the votes cast, no election resulted. On the first ballot taken in the joint assembly, Quay, Republican, received 112 votes; Jenks, Democrat, 82; leaving scattering and absent, 60.

On account of members and senators absent and not sworn in, it required 126 votes to make the majority necessary to elect. In this manner the balloting proceeded day after day until the close of the session, Quay receiving the support of the regular Republicans, Jenks, of all the Democrats, and the other senators and members dividing their strength among the various candidates. Seventy-nine ballots had been taken when the legislature adjourned without day on the date above mentioned. On the 21st day of

April, 1899, the legislature having adjourned and a vacancy in the office of United States Senator existing by reason of the failure of the legislature to elect, the governor, believing that the State was entitled to a full representation in the Senate under the provisions of section 2 of Article II of the Federal Constitution, appointed Mr. Quay to fill the vacancy until the next meeting of the legislature.

The question at issue is purely one of constitutional interpretation, "Is this a legal appointment?" or, in other words, the question is, "Can a vacancy which is caused by the expiration of a Senatorial term, and which takes place during the session of the legislature, be filled by executive appointment?" The determination of the question depends entirely upon the construction of the brief and concise provisions in the Constitution regarding the appointment of United States Senators. The question has been exhaustively discussed upon similar occasions in this Senate. It has often been affected by partisanship and by the peculiar exigencies of particular cases. In the mass of technical and subtle refinements and distinctions to which the simple words of the Constitution have been subjected, the meaning of these words to a certain extent seems to have become involved in obscurity and doubt. It is becoming apparent, however, that the progressive, common-sense interpretation of this question has become more and more predominant in sustaining the validity of executive appointments to fill Senatorial vacancies whenever a vacancy may occur.

The provisions of the Constitution relating to the Senate of the United States read as follows:

Article I, section 3:
(1) The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.
(2) Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Let us read carefully each succeeding word in the two clauses of the Constitution quoted above, without prejudice, and without predetermined theory, in a spirit of fairness and of common sense, and a recognition of the paramount purpose of their provisions, and I feel confident that we can come to but one conclusion. That conclusion is that the purpose of the Constitution of the United States was to create a Senate, and in the constitution of that Senate is involved the principle that the Senate should be kept filled, and that each individual Senatorial office should be filled, in order that the integrity of the body might be preserved; and to effect this admitted purpose two methods of filling Senatorships were provided for by the Constitution. The first method is by an election by the legislature, which election fills either the whole Senatorial term or the full remainder of any Senatorial term. Secondly, in case of vacancies, for whatever cause, the fact of the vacancy being alone required, existing when the legislature is not in session, the governor may fill such vacancies by temporary appointment. Thus there are two classes of Senatorial appointments, one for the full term by the election of the legislature, and the other, temporary in its character, until the legislature meets and acts. Both are separate and distinct in their spheres, conflict in no wise, and together form a complete system for keeping the Senate filled. I believe also as we proceed to consider the words in the Constitution and recall the history of their interpretation, we shall be struck with this fact, that in numerous instances these words have been interpreted and even strained in their interpretation in order to carry out this admitted purpose of the Constitution, to avoid chasms in the representation of the Senate and to keep it filled.

No more important and impressive lesson could be learned than to consider the several cases to which I shall refer, in which this liberal, and even strained, interpretation has been adopted for the consummation of this paramount purpose. There has been a progressive development of constitutional interpretation steadily tending toward this end, and the last point for contention left to those who by technicality and refinement would obstruct this purpose is the ground upon which objection is made to the present credentials, that appointments can not be made when the vacancy occurs during the session of a legislature which had an opportunity to fill it. One further ground, also, not involved in this case, still remains, and that is that the power of executive appointment is exhausted in one performance of it. I feel confident that in the end the decision and the practice of this Senate will be to complete the progress of constitutional interpretation and recognize that all vacancies may be filled when the legislature is not in session, and that the exercise of the power of executive appointment can be repeated as often as vacancies occur. The most lucid and logical method of understanding the question would seem to be not to proceed upon some theoretical arrangement of the argument, but to take up, in successive order, each word as it occurs in the disputed clauses of the Constitution and discuss the subject by a consideration of the history of their interpretation.

Clause 1 of section 3 provides that—

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years, and each Senator shall have one vote.

"The Senate of the United States shall be composed of two Senators from each State." In thus constituting the Senate of the United States it is expressly declared that the Senate *shall* be composed of two Senators from each State; it is not declared that it *may* be composed of two Senators from each State; and it is not left discretionary either with the Senate or with any other body that a vacancy shall exist in either one of the two offices of Senator from each State. The proper officials of the various States, impelled by their public duty under their oath of office, are expected to send to this body the full representation from the State. It is the duty of the Senate itself to carry out this evident purpose of the Constitution by aiding and assisting in every way possible. The paramount purpose, in fact, of the Constitution in creating the Senate of the United States, in providing a method of electing its membership and filling vacancies therein is clearly that the Senate shall be preserved in its integrity as a body composed of two Senators representing each State in the Union.

There is every reason to suppose, when we consider the important character of the Senate in the structure of our Government, that the intention of the framers of the Constitution must necessarily have been to make the broadest and most complete provision for the maintenance of its integrity, and that integrity, it is clear, is involved in keeping the Senate full. It is admitted by all that it is desirable that the Senate shall be kept always filled, and the only point of dissension is whether we are to make every reasonable effort to carry out this admitted paramount purpose of the Constitution, or whether we shall, for whatever technical or minor reasons may exist in the mind of anyone, permit that great purpose to be frustrated.

That this purpose to keep the Senate full must have been strong in the minds of the framers of the Constitution is evident when we consider the importance which they attached to the constitution of the Senate. Many conflicting theories prevailed as to the manner in which this branch of the National Legislature should be constituted. Many suggestions were made and considered. The Senate was to be chosen by the first branch of the legislature; it was to be chosen by the State legislature; it was to be chosen by the people; it was to be appointed by the President; it was to be chosen from districts throughout the Union or to be apportioned by the representatives after a census; the power of nomination was to be given to the State legislature; the States were to be represented according to their importance or in proportion to their property; or on a basis of equal representation of the States in the body. It was originally supposed that the Senate would be of aristocratic character; that it would be a restraint on the excesses of democracy, and consist of persons of wealth and influence, with power and ability to resist the encroachments of the Executive. It was supposed that its duration would be for life; that there should be a property qualification; and that many executive functions should be given it, such as the appointment of ambassadors and judges.

When the work had been completed it was found that there were certain purposes in the constitution of the Senate, which have been set forth by Alexander Hamilton in five letters in "The Federalist." They were to conciliate the spirit of independence in the several States by giving each, however small, equal representation with every other, however large, in one branch of the National Government; to create a council qualified by its moderate size and the experience of its members to advise and check the President in the exercise of his power of appointing to office and concluding treaties; to furnish a restraint and check upon the tyranny and mutability in opinion of popular majorities represented more closely in the House of Representatives; to provide a body of men less subject to frequent changes in membership and comparatively free from popular clamor, so that they might constitute an element of stability in the government of the nation, enabling it to maintain its character in the eyes of foreign states and to preserve a continuity of policy at home and abroad; and, finally, to establish a court proper for the trial of impeachment, a remedy necessary to prevent the abuse of power by the Executive. A Senator is the representative of the sovereignty of the State; he represents the State in its political capacity. Its members in earlier times regarded themselves as a sort of congress of ambassadors from their respective States, and they were accustomed to refer for advice and instructions each to his State legislature.

As a compromise between the advocates of proportional representation and the advocates of States' rights and States' sovereignty, the plan was finally determined on of giving each Senator one vote and each State an equal representation. So strong was the final determination that the Senate should consist of an

equal representation of the States that it was provided in Article V that—

No State, without its consent, shall be deprived of its equal suffrage in the Senate.

Is it not clear, when we consider, therefore, the history of the evolution of the Senate from out of the many diverse and contending theories into the form in which it was finally created, that the framers of the Constitution intended to create what is the most important branch of the whole system of our government—a permanent body existing as an intermediate link between the Executive and the House of Representatives and preeminently an assurance of the continuance and stability of our institutions?

It is hardly necessary to go into details as to the overwhelming importance of carrying out this paramount purpose of the framers of the Constitution in having the Senate kept filled. No technicalities or subtleties should stand in the way of consummating this essentially important end. Any doubts, if such exist, should be resolved in favor of this object, the importance of which is admitted by everyone. The work of a Senator, especially from some of the larger States, is sufficiently arduous and burdensome to render it extremely desirable, in order that the public business of the State may be properly expedited, that the State should be represented by two Senators. The inconvenience to the members of this body incurred by such vacancies is considerable, because the mechanism of the Senate in committee assignments and in other matters pertaining to the conduct of its business is more or less disturbed. The equal representation solemnly guaranteed by the Constitution to each State is imperiled. Even upon broader and wider grounds it can be said that the people of every other State, of all the United States, are interested in having, and are entitled to have, every State in this Union fully represented upon the floor of this body.

It has been argued that we can easily afford to have year after year one or more States but partially represented here, and that no serious or practical inconvenience results. It has been maintained that in some way it is the fault of the State because the State legislature fails to elect, and that the State should suffer therefor, as if no other part of the country had any interest in maintaining the full integrity of the Senate. It might frequently happen that where a majority of the people of the United States had declared one way upon a question and were entitled to be represented by a certain majority of Senators to this body upon that question that the popular will might be frustrated and nullified by the failure of one, two, or three legislatures to elect.

There have been several important cases bearing out this statement. There have been great questions settled in this Senate by a majority of one or two votes. Had the States represented by the Senators in those small majorities been unrepresented or but partially represented, these great questions would have been determined otherwise. The tariff of 1846 was defeated by the casting vote of George M. Dallas, then Vice-President. The impeachment of Andrew Johnson was defeated by 1 vote. The force bill was defeated in the Senate by 1 vote. This very question of the validity of an executive appointment was determined in this Senate in the Mantle case by a vote so close that but for a misunderstanding regarding certain pairs it might have been determined otherwise and exist to-day as a precedent in favor of the present appointment. Other equally notable instances might be cited.

While a Senator is primarily a representative of an organized political constituency, representing the government of a sovereign State and possessed with high executive functions, he at the same time is a member of a legislative body, and, as such, under broad interpretation of the duties and functions of a member of such a body, represents after his entrance into this Senate not alone the State which has sent him here, but the people of the United States; and he has imposed upon him the duty to represent them conscientiously and faithfully; while the people, also, have a right to look to him as well as to their own representatives and have an equal interest in having the Senatorial position filled. When we contemplate the rapidity of our growth and the vast population which will in the lifetime of many of us occupy our domain, the far-seeing statesman can not fail to realize the importance of exercising every precaution calculated to maintain unimpaired all of the coordinate branches of this Government as established by the Constitution.

It is somewhat remarkable, as I have already stated, upon a study of this question to develop the fact that the progress of interpretation of this provision of the Constitution regarding the Senate of the United States has been continually in the direction of carrying out this paramount purpose to which I have referred, and which must be obvious to all. Step by step this progress has been met by the narrow, technical, and reactionary spirit which has exhibited itself in other branches of constitutional development. Every word in the two clauses above quoted has been interpreted and even strained to carry out this purpose against opposition of this character. One of the last points left for this reactionary sentiment to contend over is this question of the validity of Executive appointments. As we proceed to interpret the meaning of the constitutional provisions relative to the Senate, let us also consider how these words have been interpreted with the paramount object in view of facilitating the election of Senators and promoting the purpose of maintaining the integrity of the Senate. Two striking instances are found in the very next words of this clause.

The very next words in clause 1 of section 3, coming after those already quoted and explained, namely, the words "chosen by the legislature thereof, for six years," have been interpreted not as their strict and literal meaning would indicate, but with a liberal, reasonable, and fair desire to carry out the purpose of the Constitution.

If the narrow construction which is applied by Senators on the other side of this question should be applied here and the literal rendering of these words should be taken, the legislature of a State would have no authority to elect for a term of less than six years. Consequently, where the legislature failed to elect a Senator prior to the expiration of a term, the term having commenced, they could not fill such vacancy by election, because the election would not be for six years, but for a less period than six years; and doubtless it would be argued that the legislature having failed in its duty to provide in advance for filling the office of Senator in ample time before the beginning of the term, the State should incur the penalty for such delinquency by being unrepresented until a new term came round. But those who delight in technicalities and quibbles have hardly gone this far in applying this rendering to these words. While literally only authorized to choose Senators for a term of six years, legislatures continually choose Senators for lesser periods of two, three, or four years, or whatever may be the balance of the Senatorial term for which they may elect, and this departure from a literal rendering of the Constitution has been a proper interpretation of the purpose of the Constitution that the Senate of the United States should be kept filled.

The second instance found in the words referred to in clause 1, in which the literal meaning of the Constitution has been still further strained in order that the election of Senators might be facilitated, is strikingly shown in the manner of choosing Senators. The Constitution declares that they shall be chosen by the legislatures of the States. It would seem clear from this language that the requirement of the Constitution in regard to the election of Senators would not be complied with unless its members were elected by the legislatures of the several States in the same way that laws are passed by the concurrent act of the two branches, approved by the executive, or at least by elections held separately in each independent legislative chamber. But the practice long prevailed, and was silently acquiesced in by the Senate, of electing its members by joint ballot of the two branches of a State legislature, in which the members constitute one aggregate body, and in which the less numerous branch is dissipated and lost in the larger. This practice has now been established by the act of Congress of 1866, and while its constitutionality has been questioned, for all practical purposes it is now too late to call into question this mode of election.

So far as most of the States are concerned this legislation by Congress has been affirmed by State legislation; nevertheless, as it is not competent for the members of a legislative assembly to do any ordinary act of legislation by proceeding in joint ballot, an election effected by the members of the legislature in that manner can not properly be said to be the choice by the legislature. Perhaps there could be no greater evidence from the point of view of the Senators upon the other side of this question of a strained and almost violating interpretation of the Constitution, made and acquiesced in to facilitate the election of Senators that the Senate may be kept filled, than is afforded by this instance. Chancellor Kent says in his commentaries that if the question was a new one it might well be maintained—

that when the Constitution directed that the Senators should be chosen by the legislature it meant not the members of the legislature per capita, but the legislature in the true technical sense, being the two houses acting in their separate and organized capacities, with the ordinary constitutional right of negative on each other's proceedings. (Kent's Commentaries vol. 1, 225.)

The final words of clause 1 of section 3 are:

and each Senator shall have one vote.

The fact that the States of this Union are here upon an equal basis is one of the striking features of the constitution of the Senate. It is an element for conservatism in the construction of our Government, however much it might have been the result of a necessary compromise. Every patriotic American, to whatever State he may belong, should have an interest and a pride in the success and welfare of each of the splendid sovereign Commonwealths that constitute our Union. No jealousy or cavil at this equality of representation should be felt. Those small States of the original thirteen which formed this Government are entitled to be here because they equally with the other original States helped to achieve our independence and are entitled to maintain their partnership in this Union, even if it can not be expected that they will ever on account of physical conditions, again cope

in actual equality with the larger Commonwealths. Those newer States, splendid in their size and in their fertility and possessing brilliant possibilities, while smaller in population at present than some of the older Commonwealths, give promise of becoming at no distant day the seat of empire. At the same time the fact can not be forgotten that a State like Pennsylvania, with some seven million people and with thirty Representatives at the other end of the Capitol, is here in this Senate placed on an inequality with other States which may have but one, two, or three Representatives in the House.

That such a penalty should be inflicted upon our people for no fault of theirs is unjust and unsufferable. To attempt to assert that a State must suffer in this way by partial representation simply because a State legislature, through causes absolutely beyond the control of the people of the State, and even beyond the control of the legislature itself, failed to elect a Senator, and that the State must therefore go but partly represented, is a proposition that will not be long tolerated by practical men, however much such refinements may delight the student and the lawyer; and the inconvenience and the injustice become all the more intolerable when it is felt that the Constitution has provided ample means to insure to the State full representation. Great communities and great interests will not long permit their rights to be frittered away and imperiled by arguments of this character.

I have carefully gone over seriatim the words of clause 1 of section 3 of article 1, and it will be difficult to detect a purpose so far of any opening for objection to the validity of executive appointments. On the contrary, it is evident, in view of the paramount purpose of the Constitution and the express words of the provision itself, that every effort should be made to promote the preservation of a full Senate, and in two cases to which I have referred, the words have actually been strained, and properly so, to secure the purpose.

I shall now proceed to consider briefly that part of clause 2 of section 3 which reads as follows:

> Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year.

We herein reach the first word involved in the dispute. The words "vacated" and "vacancy" are the subjects of the argument. Certainly, there can not be any doubt about the meaning of the word "vacated" in this conjunction. It is distinctly stated by the words of the Constitution that the seats of Senators are vacated at the expiration of the term for which they are elected. In the beginning these terms were determined by lot. After they have been once established, they are vacated at the expiration of the terms, which will occur upon days fixed and certain.

There can be no difference of opinion as to the meaning of the Constitution in the use of the word "vacated." The Senatorial term is "vacated" at the expiration of the term. The seat being "vacated," the logical consequence is that there is a vacancy. A vacancy should originally be filled by the legislature by the election of a Senator for a full term of six years, as we have seen; but where that does not occur or can not occur for any reason, the office remains "vacated." A vacancy exists, and the purpose of the Constitution is that it shall be filled, by election by the legislature, for the full term, or by temporary executive appointment until the legislature meets. It was an old contention, and, in fact, it was the first limitation attempted to be set up against the right of the governor to appoint, that the governor could not appoint to fill a vacancy happening at the beginning of a Senatorial term. "Happen" was construed to mean a vacancy happening in a term after that term had once been filled. This view undoubtedly prevailed at one time, but, as a matter of fact, the Senate has allowed many appointments by governors at the beginning of Senatorial terms.

Beginning with the case of Cocke, of Tennessee, in 1797, and coming down to the case of Pasco, of Florida, in March, 1893, there have been thirteen cases in which the governor has appointed a Senator to take his seat at the beginning of a Senatorial term, and in each case the Senator has been admitted to his seat. By these precedents, therefore, the Senate has utterly destroyed the old notion that a vacancy can not possibly happen in a term unless that very term has once been filled. The ingenious reasoning by which a term vacated by its expiration was declared to be not vacant because it had never once been filled, illustrated by many arguments, is now of little interest except as marking the futility of such abstruse speculations, and as indicating another stage in the progress of a liberal construction of the Constitution in order that the Senate may be kept filled.

The remaining paragraph of the clause already quoted reads as follows:

> And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Almost every word in this simple paragraph has been the subject of argument and of refinement and speculation. The contention begins over the word "vacancy." It was obvious to the framers of the Constitution that vacancies might occur which would defeat the intention of always having two Senators from each State, and, therefore, we find this provision. Legislatures might not be in session, and vacancies might naturally be expected to occur at such periods. It might be inconvenient and needlessly expensive to call a session of the legislature for a special session prior to the time of its regular meeting, and, therefore, it was provided that the executive might make temporary appointments, and it is under this part of the clause last quoted that the governor of a State derives his power to fill vacancies, regardless of any State constitution or law.

To the ordinary man it is clear that "vacancy" is the state of being empty or unfilled. The natural and common-sense meaning of the word "vacancy" as applied to an office is that any office without an incumbent is vacant, within a proper legal or constitutional construction. Such an office is certainly not filled, and no incumbent exercises the functions of the office. If it is not filled, in what condition does it exist, if it is not vacant? Black and Bouvier define the word "vacancy" to be "a place which is empty." Webster defines it as "the state of being destitute of an incumbent." In fact, it may be very seriously questioned whether any authority can be cited upon which a lawyer would be willing to rely that takes a different view of the question. In the light of every authority the word "vacancy" applies to every office without an incumbent which the governor has the power to fill, no matter how the vacancy is created, so that the conclusion necessarily forces itself upon us that the governor has the right to fill any vacancy that may happen from any cause which exists after the legislature has adjourned.

John Quincy Adams stated that he believed in relation to offices that every one happens to be vacant which is not full, and that, he believed, was the meaning and sense of the Constitution whether the vacancy occurred from casualty, the regular course of events, the expiration of term, or other cause. I take it that there can be no dispute among sensible men as to the meaning of the word "vacancy," if we take it standing alone. It refers to an office, as I have said, without an incumbent; and taken in connection with the similar word already referred to and used a few lines above, the word "vacated," it is clear that upon the expiration of a Senatorial term the office is vacated and the vacancy exists.

So far, therefore, in our progress in reading the words of the Constitution, there would seem no ground for dispute. But we approach the next word, and there the opportunity is apparently given for the flood of argument and disquisition which has obscured this subject. The vacancy must "happen." Those who deny the power of the governor to fill the present vacancy give the word "happen" a restricted, technical meaning, and say that it refers only to the point of time at which the vacancy began. This point of time, it is alleged, is momentary and connected only with the beginning of the event. It is stated that the word happened means originated, and it is argued that in this sense alone the word "happen" was used. An attempt is made sharply to define the word "happen" and to deny that it covers any part of the duration of the event happening. This construction, however, of the word "happen" is forced and technical. It disregards some of the most ordinary uses of the word "happen," which include duration of the event.

I hesitate to go into the battle of dictionaries which has been witnessed time and time again upon the floor of this Senate. There is not a dictionary of received authority that does not define "happen" as being "to take place; to come to pass; to be met with; to fall out; to meet with." Examples need not be multiplied to show that at least one of the common-sense meanings of the word "happen" includes not only the first moment the event happens or begins, but also the duration or continuance of the same. The word "happen" is frequently used with other words to express a continuing condition. A certain condition happens to prevail, or happens to exist, or happens to be, or happens to take place, but the additional words are not necessary, so frequently are they associated with the word "happen," and one of the most common uses of the word is to express this continuing condition. If, then, the word "happen" means not only the moment of first occurrence but also the duration of the event, which definition should be given to it in defining this clause? The answer must be, whatever gives it the broadest and most liberal meaning. The reasons greatly preponderate in favor of the broader, more conclusive meaning, than of the strictly technical one.

Without, however, proceeding further for the present with the consideration of this word "happen," to which I shall subsequently recur, let us proceed to the next four words, "by resignation, or otherwise." And here again we strike the contention that not only must the vacancy be fortuitous, as the result of unforeseen casualty, or accident, but that it is actually restricted by

the words of the Constitution to vacancies occurring by resignation or some similar cause. These words are held to be words of restriction. It is said that the word "otherwise" does not mean "otherwise," but "likewise," and that the vacancy must be of a similar character to that of the resignation. Difficult as it may be to detect any similarity, vacancies caused by death are arbitrarily placed in the class of those similar to vacancies caused by resignation or vacancies caused by expulsion, notwithstanding the fact that the one is voluntary and the other two are involuntary. Expulsion for cause is a vacancy similar to resignation according to this arbitrary classification, although some grave doubt has been raised as to whether a person incapacitated from insanity would properly come within this classification.

Vacancies caused by defects in State constitutions or by the determination of a Senatorial term by lot are welcomed as approaching in character those due to death, expulsion, or insanity; but the arbitrary line is drawn on one of the most unexpected and uncontrollable contingencies which usually happens in modern times, the inability of the legislature of a State to elect a Senator. It must be borne in mind that the plain language of the Constitution does not classify vacancies for the purpose of making temporary appointments or permanent elections. The Constitution does not specify that certain kinds of vacancies are to be filled by temporary appointments and certain other kinds by permanent elections. These classifications are arbitrary ones, made by those who seem determined to make every effort to find some loophole through which States can be deprived of their representation in this body on some occasions.

Those who take a technical view of the Constitution hold that the words "resignation, or otherwise" are words of limitation, and that the word "otherwise" is intended to indicate a vacancy which happens in some such manner, as by resignation. Those who take a broader and more liberal view of the Constitution contend that the word "otherwise" is intended to cover every other kind of vacancy that may happen and exist than by resignation. It is a cardinal rule in the interpretation of constitutions that the instrument must be construed to give effect to the intention of the people who adopted it.

"Never forget," said Chief Justice Marshall in McCulloch *vs.* Maryland, "that it is a constitution we are construing." It has been frequently decided that the words in a constitution are to be taken in their natural and popular sense, unless they are technical legal terms, in which case they are to be taken in their legal signification. The words "resignation, or otherwise" are not technical legal terms, and therefore do not come within the purview of the exception to the general rule. The general rule of construction certainly must apply to the words "resignation, or otherwise." The popular as well as the philological meaning of the word "otherwise" is "other ways," and, if this rule is to be applied, it would seem as though there could be no doubt what the word "otherwise" means as used in the Constitution.

Senator Edmunds, in a very able presentation of the Bell case, among many other striking points made, stated the rule as follows:

> The Constitution is speaking of vacant offices, and not of the incumbent at all except in the first place. There is where the Senator from Georgia and I appear to differ. The Constitution is looking to have each State represented in this body all the time, and by some method the Constitution provides and looks to do it; and, therefore, when it uses the word "otherwise" it uses a comprehensive term, so that in whatever way a State ceases to have opportunity to express its full voice here in this council of States, it shall be filled up temporarily by the governor until the legislature, the chief and sovereign power in the State, at its next meeting, can have an opportunity to fill it.

It is admitted that in the consideration of constitutional questions too much weight can not be attached to citations from the debates in conventions. They are of value as showing the views of individual members and as indicating the reasons for their votes. They do not, however, give us any light as to the views of the large majority who did not speak. It is a recognized principle, therefore, that in the end the Constitution must be construed from what appears upon its face. At the same time the evidence which we find in the Debates of the Federal Convention regarding the question as to whether or not the words "resignation, or otherwise" are words of limitation is so clear and to the point and so absolutely corroborative of the plain and evident reading of the objects of the Constitution that it is essential to refer to it. As a matter of fact, the original draft of the Constitution did not contain the words "by resignation, or otherwise." The report of the Committee of Detail, as set forth in the Debates in the Federal Convention, section 1, article 5, reads as follows:

> The Senate of the United States shall be chosen by the legislatures of the several States. Each legislature shall choose two members. Vacancies may be supplied by the executive until the next meeting of the legislature. Each member shall have one vote.

Several interesting points are found in the Debates upon this section and every one bears out the argument contended for as to the validity of gubernatorial appointments. Mr. Wilson, of Pennsylvania, objected to vacancies in the Senate being supplied by the executives of the States. He thought it removed the appointment too far from the people, the executives in most of the States being then elected by the legislatures. As he had always thought the appointment of the executive by the legislative department wrong, so it was still more so that the executive should elect into the legislative department. Thereupon Mr. Randolph declared that he thought the provision necessary.

> In order to prevent inconvenient chasms in the Senate—

He went on to say—

> in some States the legislatures meet but once a year. As the Senate will have more power and consist of a smaller number than the other House, vacancies there will be of more significance. The executives might safely be trusted with the appointment for so short a time.

Mr. Ellsworth was evidently impressed with the same idea, that some means must be provided so that the Senate should always be full. He called attention to the fact that the executive "may supply vacancies." When the legislative meeting happened to be near, the power would not be exercised. "As there will be but two members from a State," he said, "vacancies may be of great moment." On the question of striking out "Vacancies may be supplied by the executive" the amendment was defeated by a vote of 8 to 1. There could be no more striking illustration than is found in this portion of the debates as to the paramount idea in the minds of the framers of the Constitution that the Senate should always be kept full by their making complete provision for temporarily filling vacancies when the legislature was not in session. The question then arose in the debates, raised by Mr. Madison, whether resignations could be made by Senators, and he moved to strike out the words after "vacancies" and insert the words:

> happening by refusals to accept, resignations, or otherwise, may be supplied by the legislature in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature.

Mr. Madison, perhaps, had in mind the case of a member of the English Parliament who could not resign, and in order to give up his office he was obliged to accept the stewardship of the Chiltern Hundreds, a nominal position, which, however, afforded the legal pretext. May says in his Parliamentary Practice (pages 637, 638):

> It is a settled principle of parliamentary law that a member, after he is duly chosen, can not relinquish his seat; and in order to evade this restriction a member who wishes to retire accepts office under the Crown, which legally vacates his seat and obliges the house to issue a new writ. The offices usually selected for this purpose are those of steward or bailiff or Her Majesty's three Chiltern Hundreds of Stoke, Desborough, and Bonenham, or of the manors of East Hundred Northstead or Hempholme, or of escheator of Munster, which, although they have sometimes been refused, are ordinarily given by the treasury to any member who applies for them, unless there appears to be sufficient ground for withholding them, and are resigned again as soon as their purpose is effected.

But, however this may be, there was a real and important reason for this provision, stated clearly by Gouverneur Morris, who declared the amendment absolutely necessary, otherwise members chosen to the Senate would be disqualified from being appointed to any office by section 9 of the article then under consideration. It would be in the power of the legislature by appointing a man as Senator against his consent to deprive the United States of his services. Mr. Madison's motion was agreed to. As the Constitution was finally worded, "refusal to accept" was stricken out and the simple words "by resignation, or otherwise" retained as reported from the committee on style and arrangement. This committee on style and arrangement did not have any authority to add new matter or to change the substance of the provisions of the Constitution, their office and their only office being to perfect the style and arrangement of the instrument. Having rewritten what had been agreed to by the Convention, the committee must necessarily have adopted the final phraseology as the best to express what the Convention had agreed to upon the motion of Mr. Madison. To express it in other words, the committee on style and arrangement must have intended that the words "by resignation, or otherwise" should cover all the subjects as expressed in the motion of Mr. Madison.

It certainly, therefore, seems beyond any cavil or dispute that the framers of the Constitution were impressed with the necessity of keeping the Senate full, and with the grave inconveniences arising from having chasms in the representation. For this reason, and for the better protection of the smaller States, they deliberately put into the original draft of the Constitution the provision authorizing the governor to appoint in case of vacancies, although against the protest made at the time by Mr. Ellsworth, who was opposed to giving this power to the executives. Subsequently the doubt was raised as to whether Senators could resign. This was considered a very serious question, because it was provided in the original draft of the Constitution that Senators should be disqualified for holding office for a certain period, and it was thought that the legislature, by electing a person against his will as a Senator, might thereby disqualify him from holding important offices. These reasons, and these reasons alone, were the cause of putting in the words "by refusal to accept, by resignation, or otherwise." The words "Refusal to accept" were stricken out for the sake of brevity and conciseness, evidently, and the words "by resignation, or otherwise," were retained. It is evident that "resignation" was put in, not as a limitation upon

the character of the vacancy, but to recognize a right to resign, regarding which a question had been raised, and then the word "otherwise" was deliberately added to include all vacancies, indicating as plainly as English language can indicate anything that no limitation was intended, but that resignation being recognized as a right, every other form of vacancy was subsequently included by the succeeding word.

The next words in clause 2 of section 3 of the Constitution, already referred to, namely, "during the recess of the legislature of any State," have likewise given rise to dispute. Even here we are struck with the fact that it has been necessary to apply the most liberal construction to these words in the Constitution in order to keep the Senate full, because if we held to the literal, technical rendering there would be many vacancies in this body continually. The word "recess" is applied to the interval of time in which the event must happen. Webster defines recess as an "intermission, as of a legislative body, court, or school." It means a temporary suspension, as distinct from an adjournment sine die, and contemplates a foreseen reassembling. Now, a legislature generally adjourns sine die without the intention of reassembling, the period for which most legislatures, under modern constitutions, are permitted to sit being limited in time. When the legislature adjourns, there can be no intention of reassembling. The legislature is unable to reassemble of its own volition, and the only possibility of its being recalled during the latter period of its legislative life is upon the call of the executive. The adjournment sine die, therefore, is not technically a recess in its narrow sense.

If we are compelled to take the narrow meaning of the word "recess," and if the word "happen" must be restricted to the point of time at which the event began or originated, as is claimed by those who dispute the validity of these executive appointments, then you have the inevitable result that the governor can only appoint when a vacancy happens in a recess of a few hours or days of a session; he can not appoint at all when it happens after an adjournment sine die. No one contends for a moment for this technical construction of the word "recess." Yet such a contention would be no more narrow, no more technical, no more strained, than that which is striven for to restrict the word "happen."

Can the Senators on the other side of this question explain how they can decently, without wrenching their consciences, depart from the primary meaning of the word "recess" and adopt its secondary meaning? Can custom, or use, or practical necessity be the reason that their feelings are so blunted to this irregularity? In fact, the interpretation which has necessarily been put upon the word "recess" is hardly even consonant with the use or modern meaning of the word, which is after all really in accordance with the definition already cited from the dictionary; but that interpretation has been placed upon it and acquiesced in since the foundation of the Government, that the great, paramount purpose of the Constitution might be carried out of keeping the Senate full; and yet we are met with refinement after refinement, technicality after technicality, spread around the word "happen." The opponents of the governor's right, in other words, would set up the arbitrary distinction that the vacancy must actually begin during the recess of the legislature, the word "happen," according to their contention, being necessarily confined to what they call its primary meaning, as involving a fortuitous event, and "resignation, or otherwise" being considered words of restriction. The arbitrary distinction is then set up that the vacancy must actually begin during the recess of the legislature. This interpretation clearly perverts the intention of the Constitution.

As already explained, the vacancy happens; it exists; it is an actual condition. The recognition is distinctly made that Senators can resign, and that in that case, and in the case of all other vacancies, appointments may be made. The actual condition of the vacancy continues during the recess of the legislature, whether it began while the legislature was in session, before the legislature ever met, the day of its final adjournment, or after such final adjournment. What object could the framers of the Constitution have had to restrict the governor to filling vacancies only when the vacancy originated or began in a recess and not to include a vacancy which began before but continued into the recess, and while every word and act of theirs in debate and in every word of the Constitution would indicate their paramount purpose of providing for the filling of vacancies in the Senate in order that it might be kept full? They could easily have used the phrase "if vacancies should begin or originate in recess," and their meaning would have been clearly defined.

The succeeding words of this much disputed clause are:

> The executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

It will be observed, in the first place, that the executive "may" make these appointments. It is not mandatory upon the executive. He will be supposed to use his reasonable discretion in the exercise of his power. It was presumed by the framers of the Constitution that if the legislature should happen to meet very soon after the occurrence of such a vacancy the power might not be exercised. In the interpretation placed upon the words "until the next meeting of the legislature" we have another striking illustration of the liberal construction which has been put upon this part of the Constitution in order to keep the Senate full. Technically speaking, the words "until the meeting of the legislature," taken in their narrowest sense, would mean until the day the legislature meets, and then the question might well be raised as to whether this restriction of time applied to the period during which the temporary appointment would go or defined the period during which the governor might exercise the power of appointment.

It can be assumed that as far as the word "until" applies either to the governor's power or to the temporary term, it can be construed to apply to both. The temporary appointment lasts until the meeting of the legislature, and the governor, of course, can only exercise the power of appointment until the meeting of the legislature. But the striking point is that the word "until" has been interpreted in its most liberal sense not to be confined to the day of the meeting of the legislature, but to continue through the session of the legislature until the day of its adjournment sine die, or until an election for Senator is accomplished. There can be only one object for this interpretation of the word "until," and that object is apparent that there should not be an inconvenient chasm in the Senate between the first day of the meeting and organization of the legislature and the period of greater or less extent which must necessarily elapse before a Senator can be elected. In the case of Samuel S. Phelps, the minority report of the committee, which was finally adopted, declares:

> Perhaps it would have been as well if the strict and literal meaning of the words "until the next meeting of the legislature" had been observed on the first occasion in which their construction was brought into question; that would have had the merit of certainty, but a certainty that might have been too severe for the true and liberal intendment of the framers of the Constitution. They certainly did mean to say that the executive appointment should terminate when legislative jurisdiction shall commence or be exercised. To give this severe construction to the words quoted would in all cases leave a State unrepresented for a time, and dependent on legislative action. Rather than hold to that result the Senate, under the precedents quoted, seemed to have regarded the "next meeting of the legislature" as synonymous with the next session of the legislature, during which time the member under executive appointment might hold his seat, unless it should be filled by an election before the termination of a session; and this was probably an analogy to that provision of the Federal Constitution by which power is vested in the President to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session.

It was thought at the time that the Senate went very far when it gave an interpretation to the words referred to beyond their literal meaning limiting the term to the day of the meeting of the legislature. This construction met with a decided opposition from a respectable minority. The construction put upon these words is a striking illustration of the thought paramount in the minds of all, that the great purpose of the Constitution must always be kept in view, that the Senate should be kept full—always full.

What vacancies can the legislature fill at its next meeting? The Constitution says all vacancies that the executive did fill or could have filled by temporary appointment. This is clearly indicated through the whole context of the provision in reference to the filling of vacancies and especially by the use of the adjective "such." What vacancies are meant by the words "such vacancies"? The vacancies mentioned in the first part of the clause; that is, vacancies that happen "by resignation, or otherwise" and which the executive has the right to fill by executive appointment. The word "such" is defined by the Century Dictionary to mean—

> 1. Of that kind; of the like kind or degree; like; similar.
> 2. The same as previously mentioned or specified; not other or different.

So that when the word "such" is used before the word "vacancies" in the latter part of the clause, it means the same kind of vacancies mentioned in the first part of the clause in reference to executive appointments. It therefore appears that there can be no vacancy filled by the legislature that could not, in the first instance, have been filled by executive appointment. It is admitted that the legislature can fill all vacancies, no matter how created, and it therefore follows that the governor can fill, by temporary appointment, the same kind of vacancies. The vacancies to be filled by executive appointment are as broad as the vacancies which can be filled by election.

In other words, the Constitution of the United States clearly intended to create a Senate, and to have a Senate implies that the membership of that Senate shall be represented in full, in every principle of justice to the people and protection to the smaller States. To provide for the creation of that Senate it was distinctly declared that the Senators should be chosen by the legislatures, and in order to meet every possible emergency it was also provided that in case of vacancies the governor should appoint. Each authority is equal in its respective sphere; one is neither inferior nor superior to the other. The object of the Constitution was that the States should be represented, and for that purpose,

and in order to avoid every possible contingency of partial representation, or, perhaps, an absence of representation the Constitution created two methods of constituting Senators, namely, by election for a full term or the remainder of a term and by temporary appointment. The former was vested in the legislature of the State and the latter in the governor. The powers of each are separately and distinctly given; they are independent powers. The governor has nothing to do with elections; the legislature has nothing to do with temporary appointments. The legislature is to elect and the governor is to fill temporarily vacancies, however occurring, and by these two means the self-evident purpose of the Constitution in creating the Senate is to be accomplished—that the Senate should be kept filled. Any other interpretation is not to carry out, but to defeat the constitutional intent.

To argue that the Constitution, which created a Senate and exercised every precaution that the States should be fully represented, meant to deprive a State of a Senator and take from the governor his power of temporary appointment, merely because the legislature failed to elect, is to maintain that the framers of the Constitution intended to punish not only the State which might be involved, but all the people of the United States, by reason of such restriction. There might be some ground for apprehension if the governor appointed for the balance of the term, but his appointment is only at the most for a few months, a temporary appointment expressly provided for in order to prevent an inconvenient chasm in the Senate, the integrity of whose organization has been promoted and facilitated by the liberal interpretation which has been placed upon almost every other word in the Constitution bearing upon the United States Senate. A temporary appointment by the governor, therefore, creates a Senatorial commission of force and validity and authority fully equal to an election by the legislature. In fact, as already observed in reference to the method of balloting for Senators, the governor is a constituent part of the legislature of a State. It is true that he is not included in State constitutions under the article on the legislature, but under a separate article on the executive; but that is because his executive functions form a distinct branch of our system of government and require a separate article. The fact remains, however, that his approval is needed to every act of the two houses of the legislature.

The tendency of modern constitutional regulations, indeed, has been to increase still further his position and influence in the extension of the veto power, so that its exercise has assumed almost the character of actual legislation. A striking illustration of this extension is the power given to the governor in many States to veto an item in an appropriation bill, instead of being restricted, as heretofore, to the approval or disapproval of the whole measure, thus giving the governor more power over the disbursements of the State than either or both of the two houses of the legislature. So important is the governor in the coordinate branches of the legislature that he has generally come to be looked upon by the people as a protection against the legislature, which frequently is corrupt and controlled by corporate or political influences. Where there are many men responsibility is divided and no one man can have concentrated upon him the responsibility for bad or unpopular public acts. Therefore, there is no such responsibility about a legislature as there is about an executive. Upon the executive is concentrated the criticism of the whole community for all public acts, and this is found to be a wholesome restraint in the interests of good government, however evilly disposed an executive might be.

So far has this development of modern American law progressed that the tendency has been to restrict legislatures by limiting their sessions to once in two or four years, and by taking from them a very large part of those general powers which attach to the legislative body as representing a sovereign State. Special legislation has been abolished. As many matters as may possibly be performed through general laws and the instrumentality of courts have been relegated thereto; while the executive, on the other hand, has had his power increased and extended. Particularly is this true in our municipalities, where the concentration of all patronage and power in the hands of a single executive and the fastening upon him individually of the full responsibility for the administration of municipal affairs is a modern tendency of municipal legislation. The governor of a State appoints judges, and many other State officers. It is argued that he may appoint a favorite to the senatorship. He is no more likely to appoint a favorite to the senatorship than to make any other important appointment for the same reason. As a rule, the governor will represent a majority of the people, and in most cases a majority of the legislature. It is said that a clique may hold up the legislature in order to throw the appointment into the hands of the governor, but, as a matter of fact, the power of a clique, under the act of Congress of 1866 providing for the election of Senators by requiring for such election a majority of all the members of the legislature, is directly promoted by the provisions of this act.

In this connection I will state that in my opinion a large part of the difficulties encountered by legislatures in coming to an agreement upon the question of electing a United States Senator arises from that provision in the act of 1866 which requires a majority of the whole legislature to elect a Senator. In almost every other branch of our political system a plurality is sufficient to elect. A plurality of the citizens elects the members of the legislature themselves, the governor of the State, and all other officers. It would seem as if a plurality would be sufficient to elect a Senator by a legislature. The act of 1866 was a compromise upon the original intendment of the Constitution. It would seem as if a Senator must be chosen as a legislative act, and it was consequently provided that the first effort to elect should be made by the two houses separately. Then the scheme of a joint ballot was adopted as the only practical way to accomplish an election after each house had failed to cast a majority for the same person in their separate capacities. It was necessary to strain the meaning of the Constitution in order to form a practical method of electing Senators. The difficulty involved in the requirement of a majority to elect is that it places the control of the legislature in the hands of one, two, three, or more persons, who, by holding out, are frequently enabled to dictate their own terms or to prevent the election of a Senator.

I believe that there is a bill now pending before Congress, introduced by the distinguished senior Senator from Massachusetts, which, among other provisions, does away with the requirement of a majority. While it is to be admitted that certain abuses can arise under the requirement of a mere plurality, such as the possibility that the minority in a legislature might elect a Senator where the majority might be divided into two factions, which were unable to agree, yet, upon the whole, it would seem as if some method which would permit an election of some kind would tend in the end to the coherence of whatever party might be in the majority in the legislature, and in any event would permit the election of a Senator, which is now frequently really impossible where three or more separate parties or factions exist in a legislature, each widely, and at the same time often sincerely, disagreeing with each other and utterly unable to come together.

There are two other cases in the Constitution in which vacancies are referred to, and the interpretation which has been placed upon the word in these two instances is full of instruction for the construction of the word "vacancies" in connection with the filling of vacancies in the United States Senate. Clause 3 of section 2 of article 2 of the Federal Constitution provides:

> The President shall have power to fill up vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session.

At a very early date the question was raised whether or not, under this provision of the Constitution, the President had the right to fill up a vacancy that had occurred by expiration of the full term or in any other manner while the Senate was in session, which vacancy, not having been filled, continued to exist during the recess of the Senate. The construction placed upon this provision by numerous Attorneys-General of the United States and by the courts very largely aids in arriving at a proper construction of this constitutional provision authorizing the governor to make temporary appointments. On the expiration of General Swartwout's commission as Navy agent at New York, while the Senate was in session, the President nominated another person to fill the vacancy and sent the name to the Senate for confirmation, which was not made before the Senate adjourned. The vacancy continued to exist during the recess, and the President asked the Attorney-General whether he had the right to fill the vacancy by temporary appointment until the end of the next session of the Senate. Attorney-General Wirt, in a well-considered opinion, held that it was a vacancy within the meaning of the Constitution, and that it could be temporarily filled by an appointment by the President. In this connection he discusses the use of the word "happen" and says, among other things:

> The doubt arises from the circumstances of its having first occurred during the session of the Senate. But the expression used by the Constitution is "happen"—"all vacancies that may happen during the recess of the Senate." The most natural sense of this term is "to chance; to fall out; to take place by accident." But the expression seems not perfectly clear. It may mean "happen to take place"—that is, "to originate," under which sense the President would not have the power to fill the vacancy. It may mean also, without violence to the sense, "happen to exist," under which sense the President would have the right to fill it by his temporary commission. Which of these two senses is to be preferred? The first seems to me the most accordant with the letter of the Constitution, the second the most accordant with its reason and spirit.

The Attorney-General goes on to say:

> This seems to me the only construction of the Constitution which is compatible with the spirit, reason, and purpose, while at the same time it offers no violence to its language. And these I think are the governing points to which all sound construction looks. The opposite construction is perhaps more strictly consonant with the mere letter, but it overlooks the spirit, reason, and purpose, and, like all constructions merely literal, its tendency is to defeat the substantial meaning of the instrument and to produce the most embarrassing inconveniences.

It would be difficult to find anywhere a criticism more applicable to those who now in their opposition to the gubernatorial

right of appointment are endeavoring to defeat the substantial meaning of the Constitution and produce the most embarrassing inconveniences.

A similar case arose during the administration of President Jackson, in relation to the appointment of a register for the land office for the Mount Salus district, in the State of Mississippi. Attorney-General Taney sustained the right of the President to appoint to fill a vacancy which had "happened" during a session of the Senate, but "existed" after it had adjourned. In that case it was held to be the intention of the Constitution that offices created by law, and which are necessary to the operations of a government, should always be full, and that when vacancies "happen" they shall not be protracted beyond the time necessary for the President to fill them. The Attorney-General, in placing a construction upon the word "happen" as it appears in the Constitution, states as follows:

This appears to be the common sense and natural import of the words used They mean the same thing as if the Constitution had said "if there happen to be any vacancies during the recess." (Opinions of Attorneys-General, volume 2, page 528.)

In the Administration of President Tyler in 1841 the question was again raised, and Attorney-General Legaré took the same view of the Constitution in this connection as his predecessors. It is interesting, however, to note that he even advanced a step further, and advised that the President has the right to make an appointment to fill a vacancy which existed after a session of Congress intervened, to which a nomination could have been made. In the syllabus of that opinion the principle is stated as follows:

The Constitution authorized the President to fill vacancies that may happen during the recess of the Senate, even though the vacancy shall occur after a session of the Senate shall have intervened. (Opinions of Attorneys-General, volume 3, page 673.)

Attorney-General Mason advised President Polk, in 1846, to the same effect, in the following words:

Even though the vacancy occurred before the session of the Senate, if that body, during its session, neglected to confirm a nomination to fill it, the President may fill it by a temporary appointment; and public considerations seem to require him to do so. (Opinions of Attorneys-General, volume 4, page 523.)

Thus not only is the President declared to have the power, but it is declared to be his duty, from public considerations, to see that the public offices are kept filled.

The same question was raised by President Lincoln, with his Attorney-General, in 1862, on the question of his power to fill a vacancy on the bench of the Supreme Court during a recess of the Senate, which vacancy existed during and before the last session of the Senate, and the right of the President to fill such vacancy on the bench of the Supreme Court was sustained by Attorney-General Bates. (Opinions of Attorneys-General, volume 10, page 357.)

Again, in the case of Peter McGough, appointed by President Lincoln as collector of internal revenue for the Twentieth district of Pennsylvania, it was declared by the Attorney-General that where the President made a temporary appointment of a collector of internal revenue during a recess of the Senate, and no nomination was made during the next regular session, or during an extra session called thereafter, that the President, after the adjournment of the extra session, might fill the vacancy by a second temporary appointment. (Opinions of Attorneys-General, volume 2, page 179.)

Thus the power of the Executive was advanced another step, and it was the opinion of the Attorney-General that he could make a second appointment even after the lapse of two sessions of the Senate, to neither of which the nomination had ever been sent. On the same principle the power of a governor of a State to appoint a Senator is inexhaustible. It has been argued that his power is exhausted by its first exercise. On the contrary, he can appoint as often as there is a vacancy. If a legislature again fails to elect, it is his right and duty to appoint again after their adjournment.

One important distinction is to be borne in mind, however. As set forth by Attorney-General Stanbery, in 1866, a distinction is made between a temporary appointment by the President, without the consent of the Senate, and an appointment for a full term, made with the consent of the Senate. A similar distinction obtains between the appointment by an executive to fill a vacancy in the United States Senate, in which the governor does not give full title to the office, but makes only a temporary appointment until the legislature can make an election. The following is the language of the Attorney-General in this connection:

I say by the temporary appointment of the President; for, in strict language, the President can not invest any officer with a full title to the office without the concurrence of the Senate. Whether the President appoints in the session or in the recess, he can not and does not fill the office without the concurrence of the Senate. He may fill the vacancy in the recess, but only by an appointment which lasts until the end of the next session. (Opinions of Attorneys-General, volume 12, page 41.)

Similar constructions have been adopted by succeeding Attorneys-General; by Attorney-General Williams, in 1875; by Attorney-General Devens, in 1877, and by the same Attorney-General in 1880, when he advised the Secretary of the Treasury on the question, raised by the appointment of John F. Hartranft as collector of the port at Philadelphia; by Attorney-General Brewster, in 1883, and by Attorney-General Miller, in 1889, who advised President Harrison that the rule is the same as to the power of the President to fill a vacancy in the case of an office created but not filled during the session of the Senate which had adjourned. In discussing the question, the Attorney-General, among other things, says:

The word "vacancy" in the Constitution refers to offices, and signifies the condition where an office exists of which there is no incumbent. It is used without limitation as to how the vacancy comes to exist. The vacancy may have occurred by death, resignation, removal, or any other cause, but, regardless of the cause or manner of the existence of the vacancy, the power is the same. In the case submitted the law has created the office. The office therefore exists. There is no incumbent. There is, therefore, a vacancy, and the case comes under the general power to fill vacancies. (Opinions of Attorneys-General, vol. 19, page 263.)

The only opinion dissenting from the construction adopted by the Attorney-General was in 1868, when Judge Cadwalader, of the United States district court of Pennsylvania, took a different view of the law. This opinion of the district court has not been followed either by subsequent Attorneys-General or by the courts. Some ten years later, in 1880, Mr. Justice Wood, of the United States Supreme Court, while sitting in Georgia, repudiated the position of Judge Cadwalader in a well-considered opinion, in which he states, inter alia:

The only authority relied on to support the other view is the case decided by the late Judge Cadwalader, the learned and able United States district judge for the eastern district of Pennsylvania. It is no disparagement to Judge Cadwalader to say that his opinion, unsupported by any other, ought not to be held to outweigh the authority of the great number which are cited in support of the opposite view, and of the practice of the Executive Departments for nearly sixty years, the acquiescence of the Senate therein, and the recognition of the power claimed by both Houses of Congress. I therefore shall hold that the President had constitutional power to make the appointment of Bigby, notwithstanding the fact that the vacancy filled by his appointment first happened when the Senate was in session.

This decision further holds that "happens" means "happens to exist" as used in the Constitution. (In re Farrow, 3 Federal Reporter, 112.)

It will be observed that the word "happen" in all of the opinions and cases above cited was construed to be used in the sense of "happens to exist," and it was held to apply to all kinds of vacancies, whether the vacancy happened or occurred by death, resignation, removal, the beginning of the term of a new office, where no incumbent had either been elected or appointed, or the vacancy occasioned by the expiration of the term. No distinction was made in the kind of a vacancy to be filled, and it was uniformly held that the power to appoint was complete when the vacancy happened to exist, without reference to the manner in which or time when the vacancy occurred. It will be observed that no distinction is made as to whether these vacancies occurred prior to a session of Congress or during a session of Congress. In every case, including that of an office newly created, it was held to be the power and the duty of the President to keep the public offices filled. In the opinion of the Supreme Court, already referred to, it was said that this interpretation of the word "vacancy" has been acquiesced in by the Senate, and has been recognized, in fact, by both Houses of Congress. The Senate acquiesces by the mere fact that it gives consideration to such temporary executive appointments, and, in case of official nominations to the Senate, in its act of confirmation it ratifies their legality when it completes the executive act and constitutes the permanent appointment for the full term.

Can Senators adopt two interpretations of the word "vacancy" in the same day, or even in the same hour? Can they apply one interpretation to the word "vacancy" when it occurs in the Constitution in connection with Senatorial vacancies? Can they in open legislative session expound their arbitrary definitions and qualifications and restrictions concerning these vacancies, and, a few moments, perhaps, afterwards, in the secrecy of an executive session, give an entirely different construction to the word "vacancies" in connection with vacancies in offices filled by the President? In fact, we then give the broadest and most liberal interpretation to the word "vacancies" in this latter connection in order that the paramount purpose of good and efficient government and the obvious meaning of the Constitution may be carried out that the public offices may be filled. This principle has been acquiesced in by the House, which has always recognized the authority of officials so appointed to such vacancies, and, in the act of making appropriations for the salaries and expenditures of such officials, distinctly and emphatically acknowledges the validity of their title.

There is a third and last place in which the word "vacancy" occurs in the Constitution, and the construction which has been placed upon it throws considerable light upon the interpretation of the word "vacancy" in connection with Senatorial appointments. Clause 4 of section 2 of article 1 of the Constitution of the United States provides:

When vacancies happen in the representation of any State, the executive thereof shall issue writs of election to fill such vacancies.

A case in point occurred in the State of Rhode Island. William A. Pirce was declared by the general assembly of that State to have been on November 4, 1884, elected a Representative in the Forty-ninth Congress. The National House of Representatives on January 25, 1887, resolved that he was not elected; that the seat was vacant; and that neither he nor any other person received a majority of the legal votes cast at the election on November 4, 1884. This, then, was a case of the people of that district having failed to elect a Congressman. The question was then raised before the Supreme Court, whether, under the provisions of article 1 of section 2 of the Constitution of the United States, already referred to, the governor should issue a writ for a special election to fill the vacancy. It was contended in that case that it was not such a vacancy as was contemplated by the provisions of the Constitution. The Supreme Court held that it was a vacancy within the meaning of article 1, section 2, and the governor had power to issue a writ of election to fill the same. (In re Representation Vacancy, 15 R. I., 621.)

It will be, of course, argued, as it has been in the past, that these cases of vacancies in reference to executive appointments and vacancies happening in the House of Representatives are not similar to those vacancies occurring in the office of Senator. It is said that there are no words of limitation as is found in the provisions regarding Senatorial vacancies in the words "by resignation or otherwise." But, if the argument is good that these are not words of limitation, this objection falls to the ground. It is difficult to see how, except by the most strained construction, Senatorial vacancies are not upon a precisely similar basis as vacancies occurring in an appointive office or in the House of Representatives. The office is vacant; the Constitution of the United States intended that all the offices of the Government should be filled. Some Senator has said in past years that the Constitution abhors a vacancy as nature abhors a vacuum.

It is essential to the very purpose of government that vacancies should be filled. Reference is made to a provision in the constitution of Pennsylvania relative to the filling of vacancies. Article 2, section 4, of the State constitution, provides as follows:

> In case of a vacancy in the office of United States Senator from this commonwealth, in a recess between sessions, the governor shall convene the two houses, by proclamation, on notice not exceeding sixty days, to fill the same.

In considering this provision of the constitution of Pennsylvania, it is observed that the Federal Constitution is the supreme law of the land and of paramount authority in all matters, including the duties of Federal, State, and other public officers. The chief executive of any State can follow any rule of official action prescribed by the Federal Constitution to the exclusion of a different rule prescribed by the constitution and laws of his State. It therefore follows that when a vacancy happens to exist during the recess of the legislature of any State in the office of United States Senator, the executive thereof may make a temporary appointment under the clause of the Constitution which has been so fully considered, until the next meeting of the legislature, even if the constitution of the State provides a different method for the filling of vacancies. Section 2, article 6, of the Constitution of the United States, provides as follows:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

This provision of the Constitution has been from time to time liberally construed by the Supreme Court of the United States. The governor of a State has authority under section 2 of article 2 of the Federal Constitution, which is the supreme law of the land, to fill vacancies that exist, and that authority is supreme and paramount to any State regulation. In other words, the provision of the Pennsylvania State constitution in reference to calling an extra session of the legislature to fill a vacancy in the office of United States Senator can not abrogate or annul the provision of the Federal Constitution under which the executive makes temporary appointments to fill vacancies. It is true that clause 1 of section 4 of article 1 of the Constitution of the United States provides that:

> The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof.

It is to be noted, however, that this provision applies to "elections" and not to "temporary appointments" to fill vacancies. Section 2 of article 1, as we have seen, expressly gives the power of temporary appointment to the governor and not to the legislature. The State legislature does not have, under the Federal Constitution, the power to make "temporary appointments." This power is solely lodged in the governor. As the Federal Constitution is the supreme law of the land, and each governor swears supreme allegiance to it, the Federal and not the State constitution must govern on this question. If, for example, the constitution of Pennsylvania expressly provided that the Governor of the State should not make temporary appointments to fill such vacancies, it is evident that this provision, being directly in conflict with the provisions of the Federal Constitution, would be void, and it would become the duty of the governor, when the emergency arose, to appoint. It is possible to put a strained and technical interpretation on the words in the constitution of Pennsylvania "in a recess between sessions," to the effect that the meaning of this provision was intended especially, and perhaps only, to cover the case of a vacancy that originated after an adjournment. The word "recess" is not used in its unrestricted sense, as in the Federal Constitution, but is limited and restricted by the words "between sessions."

If we are to indulge in the strict and technical construction contended for by the opponents of the validity of the executive appointment now under discussion, there is ample reason for doubt whether under this provision of the constitution of Pennsyvania, the governor of that State had any authority to convene a session of the legislature in this particular case of Mr. Quay. The section referred to provides that the governor shall convene the two houses in case of a vacancy in the office of United States Senator in a recess between sessions, but the present vacancy originated some time before the legislature of Pennsylvania had adjourned. It is, therefore, more than a vacancy in a recess between sessions; it is a vacancy during a considerable period of the legislative session and extending into a recess between sessions. It might be well argued by our strict constructionist friends that the constitution applies only to vacancies originating in a recess between sessions, and that the constitution of Pennsylvania never intended to impose upon the governor of Pennsylvania the necessity of convening a legislature soon after its final adjournment, which had failed after continued and protracted efforts to elect a Senator, and which by the admission of all parties and factions to the controversy could not possibly come together on such a basis of agreement as would bring about the majority required to elect a Senator. In other words, the constitution of Pennsylvania declared that the governor should call an extra session where a vacancy originated while the legislature was not in session, but the constitution never intended to apply this provision to vacancies occurring during the session of the legislature, which the legislature had been unable to fill.

It may be assumed for the sake or argument, however, that the clause does fairly include a case of vacancy originating during a session and continuing after an adjournment. The meaning of the clause, however, can not certainly be to deny to the governor the power committed to him by the Federal Constitution to make temporary appointments. It evidently refers to elections and not to temporary appointments until the next meeting of the legislature. If it does not cover the case of temporary appointments, and takes from the governor the power to make such temporary appointments, and lodges it in the legislature, then it is in palpable and direct conflict with the Federal Constitution and is therefore void, as the latter is the supreme law of the land.

The Federal Constitution does give the State the right to regulate the times, places, and manner of holding elections, but this provision can not affect the right of temporary appointments. In fact, it is evident that the State constitution means that the legislature should be reconvened in extraordinary session to elect for the ensuing term a Senator, but until such meeting takes place it does not in any way affect the validity of the governor's temporary appointment theretofore made. The only question that can arise, therefore, is not as to the authority of the governor to appoint, assuming that we admit such authority, for a vacancy of this character, under the terms of the Constitution of the United States, but whether this Senate is to look into the local question as to whether the governor has properly performed his duty under the constitution of the State of Pennsylvania in calling an extra session of the legislature, in accordance with the terms of that instrument. It would seem as if there could be no dispute as to the proposition that the Senate would not consider this question.

A power granted by the Constitution of the United States can not be interfered with by any State regulation, constitutional or statutory. Therefore, nothing in the constitution of Pennsylvania can conflict with whatever right the governor may have to make temporary appointments, and, as a matter of fact, nothing therein does so conflict. Whether the governor has exercised proper discretion under the State constitution as to calling the legislature is purely a local question for the people of Pennsylvania. As a matter of fact, just when and under what circumstances the legislature is to be convened in extra session for the purpose of filling a vacancy in the office of United States Senator under the constitution of the State of Pennsylvania must be decided by the executive. The power vested in the governor to convene the legislature on extraordinary occasions must always be exercised in a manner to carry out the intent of the framers of the constitution and with due regard to the practical exigencies of the occasion. If, however, any question of construction arises by which it is necessary to decide whether the occasion has arisen for the exercise of this extraordinary power, the executive himself must decide it, and his decision must necessarily be final

and conclusive. Cooley, in his work on Constitutional Limitations, section 41, and following, states the rule thus:

It follows, therefore, that every department of the Government and every official of every department may at any time, when a duty is to be performed, be required to pass upon a question of constitutional construction. Sometimes the case will be such that the decision when made must, from the nature of things, be conclusive and subject to no appeal or review, however erroneous it may be in the opinion of other departments or other officers; but in other cases the same question may be required to be passed upon again before the duty is completely performed. The first of these classes is where, by the Constitution, a particular question is plainly addressed to the discretion or judgment of some one department or officer, so that the interference of any other department or officer, with a view to the substitution of its own discretion or judgment in the place of that to which the Constitution has confided the decision, would be impertinent and intrusive. Under every constitution cases of this description are to be met with; and, though it will sometimes be found difficult to classify them, there can be no doubt, when the case is properly determined to be one of this character, that the rule must prevail which makes the decision final.

We will suppose, again, that the constitution empowers the executive to convene the legislature on extraordinary occasions, and does not in terms authorize the intervention of any one else in determining what is and what is not such an occasion in the constitutional sense: it is obvious that the question is addressed exclusively to the executive judgment, and neither the legislative nor the judicial department can intervene to compel action if the executive decide against it, or to enjoin action if, in his opinion, the proper occasion has arisen.

The constitution of Pennsylvania provides no alternative mode of calling the two houses if the Governor fails to do so. He is the chief executive officer of the State, and within the scope of executive power his acts are as exclusive as are the judgments of any court. Upon this point I shall quote the opinion of the present attorney-general of Pennsylvania, Hon. John P. Elkin, as set forth in a brief presented by him to the Committee on Privileges and Elections in the present case:

Under the provisions of the constitution of Pennsylvania in reference to the convening of the legislature in extra session for the purpose of electing a person to fill a vacancy in the office of United States Senator, two questions may very properly arise:

1. Whether or not the governor is required to convene the legislature in extra session to elect a person to fill a vacancy in the office of United States Senator, which vacancy occurred during the regular session of the legislature which had the opportunity of electing a Senator, but failed to do so; or, whether this provision of the constitution requires the governor to convene the legislature in extra session for this purpose *only* when the vacancy occurs in the recess and at a time when the regular session did not have the opportunity of making a choice to fill the vacancy.

2. The second question which naturally arises is as to the time when the extra session shall be convened, if convened at all. It is contended, on one side, that the extra session should be convened immediately upon the adjournment of the regular session. On the other hand, it is contended that the governor can exercise a discretion as to the time when the extra session shall be convened; that is to say, it may be called at any time between the adjournment of the last regular session and the meeting of the next biennial session by giving proper notice of the time when the extra session is to be convened. The very fact, however, that these two questions are raised under the provisions of our Constitution makes it necessary that the power of decision should be vested somewhere. It is only fair to state that able lawyers divide on both of the questions hereinbefore stated. Who under the Constitution is to place upon this provision a construction that will be conclusive? These are questions that address themselves to a single department of the State government; that is, the executive. The governor, who is elected by the people and who is responsible to them for his acts, and who issues the mandates in calling the legislature together, must necessarily decide what is a proper construction to be applied in the exercise of this extraordinary power. Under the Constitution and laws of our State, there is no other authority to pass upon these questions. When, therefore, the governor, in placing a construction upon this provision says that the Constitution does not mean that an extra session shall be called when the vacancy occurs during a regular session, his decision, under the authority hereinbefore cited, must be conclusive.

The same principle applies in the disposition of the second question. When the executive, in the performance of his duty and the exercise of a reasonable discretion invested in him, decides that he has the right to call an extra session of the legislature at any time between the adjournment of the last legislature and the convening of the next biennial session, by giving proper notice, his decision in this respect must necessarily be conclusive. It may be contended that the construction placed upon the Constitution is not the proper one, but it will be admitted that there must be, in every form of government, some officer or tribunal whose duty it is to finally determine all doubtful questions. In this instance it is plainly the duty of the executive, and he believed that the provision of the Constitution under consideration should receive a reasonable and rational construction.

In the exercise of his discretion he did not feel called upon to convene the legislature in extra session to fill a vacancy at the very time the regular session was balloting day after day for the purpose of electing a United States Senator. In his opinion it seemed like a foolish and futile thing to convene the extra session after the regular session had exhausted all possible efforts to make an election. In this case the regular session continued to ballot for many weeks after the vacancy occurred without producing a result. During the several months the legislature was convened in regular session it became evident that it would be impossible for a majority to agree upon any candidate. If it had been called together in extra session the result would have been the same, and there would have been no election. The vacancy, in all human probability, would have existed after the calling of an extra session, just as it did after the regular session had made every possible effort to elect a Senator. The calling of an extra session would mean the expenditure of several hundred thousand dollars of the public funds; and, with the partisan and factional feeling engendered during the several months of the regular session, no election would have resulted.

Under these circumstances, the executive, in the exercise of his discretion, held that the constitution did not require him to convene the legislature in extra session. The vacancy, however, still continued to exist, and, under the authority of the Federal Constitution, a temporary appointment was made. The executive of the State was the only authority called upon to place a construction upon this constitutional provision, and he has done so, and his decision upon this question, whether it be a correct or an erroneous one, under the authorities is held to be final and not subject to review.

The supreme court of the State of Colorado, in passing upon a question of kindred character, states the rule as follows:

"Whether or not an occasion exists of such extraordinary character as demands a convention of the general assembly in special session, under the provisions of section 9, article 4, of the constitution, is a matter resting entirely in the judgment of the executive." (9 Colorado, 642.)

Much has been said upon the precedents of the Senate upon the question of appointments by the executives. The precedents have been conflicting. There have been 138 appointments of Senators by the executives in the history of the Senate. Of these appointments many were unquestioned. On the other hand, in a certain number of cases, objection has been raised to the credentials for various reasons, and the question involved has been passed upon by the Senate. Many of the precedents of the Senate have been admittedly decided strictly upon party lines, and must be considered as partisan decisions. There has recently arisen a determination on the part of some to consider the recent decisions as concluding the Senate from even further debate upon this question and to insist that Senators should vote hereafter according to the precedents in the Mantle and Corbett cases.

When we consider the changing positions which Senators now in this body have occupied in their votes upon these and other cases, and when we recall the narrow and questioned vote by which the Mantle case was decided, and the fact that the Corbett case is hardly recalled as a precedent, owing to certain features therein, it is difficult to imagine that Senators will insist that their votes upon the present case are bound by any doctrine of stare decisis or by any principle of consistency on their part. The well-recognized doctrine of stare decisis, especially as it can apply at all to the Senate, was so ably expounded by the Senator from Wisconsin [Mr. SPOONER] in his speech in the Corbett case, that I shall only refer to it here, and shall content myself with the statement that the Senate is a political body, that it is not bound strictly by precedents, and that, in any event, it can easily be shown that the progressive development of all the precedents of the Senate are in the line of such liberal construction of the Constitution as will recognize the validity of appointments made by a governor when a legislature has had an opportunity to elect.

Unquestionably in the early history of the Government there were precedents in favor of a contracted and illiberal construction of the clause which gives the governor the right to appoint Senators. I have not seen a better or more lucid classification of the character of these narrow constructions, indicating as it does the nature of the much-talked-of Senate precedents, than that made by the Senator from New Hampshire, the chairman of the Committee on Privileges and Elections, in his speech in the Mantle case. He defines the historical development of four limitations attempted to be set up upon the language of the Constitution pertaining to the gubernatorial power to make temporary appointments. The first limitation was that the governor could not appoint to fill a vacancy happening at the beginning of a Senatorial term. The word "happen" was construed to mean a vacancy happening in a term after that very term had once been filled. That was an old and prevalent contention. Secondly, the limitation was contended for that there could be no appointment by a governor in anticipation of a vacancy. In other words, the governor of a State undertaking to exercise the power of appointment must wait until the vacancy actually happened, and no matter how certain the vacancy might be, no matter how sure the governor might be that a vacancy would exist on a particular day, with no possibility of filling it by means of the legislature, nevertheless he could not make the appointment, but must wait until the vacancy actually happened and then make the appointment at the seat of government of his State, and let the place remain vacant until the appointee could reach Washington. Thirdly, the limitation was set up, and it is now under discussion, upon the power of the executive, to the effect that it could not be exerted where the legislature of the State had had an opportunity to fill the vacancy and had failed from any cause to do it. Finally, the fourth limitation has been contended for, necessarily resulting from the third, that after a governor had once made an appointment his appointee could only hold his office until the next meeting of the legislature, and, if the legislature failed to elect, the governor could not make a second appointment. The Senator goes on to say:

These are, I believe, all the limitations which have been put upon the power of gubernatorial appointments at any time during the one hundred years of our governmental history. But they have never prevailed as admitted and undisputed restrictions. They have always been contested, debated, and rebated, and have never become established constitutional or parliamentary law. On the contrary, by advancing toward a broad and liberal construction of the Constitution, we have gone on step by step to enlarge the scope of gubernatorial appointments and to allow such appointments to be made where the advocates of the old doctrine would not agree to tolerate them. In the first place, we have allowed many appointments by governors at the beginning of Senatorial terms. Senators are familiar with the cases. Beginning with the case of Cocke, of Tennessee, in 1797, and coming down to the case of Pasco, in March, 1883, there have been thirteen cases where the governor has appointed a Senator to take his seat at the beginning of a Senatorial term, and in each case the Senator has been admitted to his seat. By these precedents we have utterly destroyed the old notion that a vacancy can not possibly happen in a term unless that very term has once been filled. Secondly, the Senate has come to allow an appointment to be made by a governor in anticipation of a vacancy. The incubus which prevented a governor from making an appointment until a vacancy actually happened, however sure he might be that it

would take place, was not finally removed until the Fifty-second Congress, in 1891, when in the case of Senator Chilton, of Texas, it was deliberately determined by a unanimous report from the Committee on Privileges and Elections, adopted by the Senate, that the old notion should be exploded, and that a governor, if he knew that a vacancy was to take place, and that no legislature could fill it, might make his appointment before the vacancy took place, and that the Senator might come here and hold his seat under such appointment. Thirdly, the Senate has made this further advance, in the three New Hampshire cases, and in the case of Senator Pasco, of Florida, sitting under a gubernatorial appointment, that it has consented to seat in this body a Senator appointed by a governor where there is a doubt as to whether a legislature meeting next previously to the vacancy should have chosen or should not have chosen the Senator. The fact that although a legislature may have met which was entitled to fill a Senatorial vacancy, and failed to fill it, yet there was a doubt about the right of that legislature to fill it, has been accepted as a justification of a gubernatorial appointment. So we have made three new gains from the old prohibitory notions, and we are now confronted with the question of whether, fourthly, a governor may not appoint, although a legislature which had the undoubted right to fill a vacancy has met and failed to fill it; and, fifthly, whether or not as the result of an affirmative decision upon this point, a governor may not continue to appoint as often as a legislature shall make the attempt but shall not succeed in choosing a Senator and placing him within the Senate Chamber. Having carefully considered the question whether or not this new advance should be made through a liberal construction of the clause in the Constitution giving the governors the right to make appointments, I have no hesitation, now that I am confronted with the question, in reaching the conclusion that the gubernatorial power of appointment does exist in these two remaining cases, and that Senators appointed by governors under such circumstances are entitled to admission and to their seats in the Senate.

In other words, the progress made in the precedents of the Senate has been one of steady advance. It has been a contest against a spirit of narrowness and technicality. As I stated in the beginning of my remarks, the interpretation of every word in the provisions of the Constitution concerning Senators has exhibited a progressive tendency toward liberality, in order that the evident purpose of the Constitution might be carried out, that the Senate should be kept filled. The present contention that a governor can not appoint where a legislature has had an opportunity to elect, or after having once appointed, that power is exhausted, are two of the last places left for those who by a curious persistency would desire to hamper the full representation of States in this Senate. I have no doubt, whether it shall be realized in this case, or some other, that the ultimate decision of this body will be to complete this progressive constitutional interpretation, and will recognize the intention of the Constitution to create a Senate and as a consequence to have that Senate filled; and to have that Senate filled by elections by legislatures for full terms, or remainder of terms, and by temporary appointments by governors where there are vacancies existing in the recess of the legislature.

The power of temporary appointment by the governor is as little capable of exhaustion as is the power of election on the part of the legislature. The legislature can elect as often as necessary, whenever it is able to do so. If the legislature elects a Senator, and he dies during their session, it is clear that it is their duty to elect another Senator, and so on still a third, if occasion arose during their session. No one pretends that the power of election is exhausted, and it is difficult to see how by any subtlety of reasoning it can be established that the power of the governor to make temporary appointments, a power of equal authority and validity in its sphere, can be exhausted either. The governor can appoint as often as vacancies exist, just as the President can fill vacancies in the offices of the Government. There are two salient ideas which seem to be uppermost in the minds of those who would take the narrow and technical view in opposition to the right of the governor to fill vacancies. The first idea is that in some way the legislature is nearer to the people than is the governor; that in some way a commission derived from the legislature is of higher authority and validity than that derived from the governor.

I have already shown that this contention might have some weight if the commissions were of similar character, but there seems to be a tendency to forgetfulness or to obscurity regarding the distinction already referred to between the election by the legislature for the full term, or the balance of the term, and the temporary appointment by the governor until the legislature meets. The second idea that seems to be uppermost is that some kind of a penalty should be inflicted upon a State on account of the failure of the legislature to elect a Senator. It is incredible that anyone can seriously believe, upon deliberate thought, that the Constitution intended to inflict a penalty upon the people of a State for the inability, negligence, or delinquency of their officials. Not alone is this penalty inflicted upon the State concerned, but upon the people of the whole United States, who, as already shown, are as deeply interested in having this body filled as are the people of the particular State. It would rather be supposed that it would be the intention of the Constitution, or of any sensible plan of government, in fact, to relieve and protect the people of the State from such inefficiency on the part of public officials. If a governor is found corrupt in office, and great damage results to the community, is it contemplated that the people should suffer a penalty for the delinquency of their chief official? On the contrary, impeachment proceedings are provided for to effect their future protection. Likewise with the election of Senators, if the legislature is unable to elect, the Constitution provides ample remedy by the appointment by the governor to fill the vacancy.

While it is argued that when a term is vacated by its expiration the event is certain and does not partake of the character of those causes included in the arbitrary classification of death, resignation, or otherwise, and that it is not unexpected and fortuitous in its nature, yet the facts in many cases prove an entirely different condition of affairs. The failure of a legislature to elect, as has been proven in many cases, may be unexpected a few weeks or even a few days before the meeting of the legislature, and even further than this, the legislature may have an earnest purpose to bring about an election, and yet be utterly unable to do so by reason of three parties existing in the legislature, each firmly believing in its own principles, and very properly and fairly so, and each, with equal propriety, being unwilling to surrender them. Therefore, under the provisions of the act of 1866, requiring a majority of all the members of a legislature to elect, it is obviously impossible, and not to be expected, that an election can be made by the legislature. Daily balloting are taken until the adjournment of the legislature sine die; thus a vacancy, unexpected and fortuitous, has occurred.

By the failure of the legislature to elect a Senator the State is not only deprived of its equal representation, but the will of the majority of the people is frequently completely frustrated. In Pennsylvania it is interesting to observe that the people of the State have sustained with increasing majorities the regular organization of the Republican party, which was represented in the last legislature by the Republican caucus which unanimously nominated Mr. Quay for the Senate. In 1897 the Republican candidate for State treasurer, after a campaign in which the administration of the State treasury had been directly and vigorously attacked, received 372,448 votes, and the Democratic candidate 242,731, making the Republican candidate's plurality 129,717. The vote for the Democratic candidate and all other candidates for State treasurer opposed to the Republican candidate was 412,517, making a popular majority over the Republican candidate of 49,029. It will be observed that in this election of 1897, while the Republican candidate polled an enormous plurality, he failed to poll a majority of all the votes cast.

In the following election in November, 1898, the Republican candidate for governor received 476,206 votes; the Democratic candidate, 358,300 votes, giving the Republican candidate a plurality of 117,906 votes. The vote for the Democratic candidate and all other candidates opposed to the Republican candidate for governor was 495,509 votes, making the popular majority against the Republican candidate, notwithstanding his enormous plurality, 19,303 votes. While the leading candidate failed to poll a majority of the whole vote, the majority against him of all candidates was actually 30,000 votes less than that for State treasurer in the preceding campaign. In the election of 1899 a State treasurer was elected. The Republican candidate ran upon a platform which contained an emphatic indorsement of Mr. Quay and declared that—

> our State is entitled to full representation in the United States Senate, and we indorse the action of the governor in making his appointment to fill a vacancy caused by the failure of the last legislature to elect.

Upon the question of the adoption of the platform in the State convention, containing this emphatic indorsement, the vote had been 192 to 49, indicating a practical unanimity in the convention. The campaign involved the attacks upon the management of affairs by the Republican party, which had been vigorously made in the two preceding campaigns, and, in addition, the issue was squarely fought out upon this plank in the platform as to the indorsement of Mr. Quay. The vote for the Republican candidate for State treasurer, elected in November, 1899, was 438,000 votes. The vote for the Democratic candidate was 327,512 votes, making the Republican candidate's plurality 110,488 votes. The vote for the Democratic candidate and all other candidates opposed to the Republican candidate was 352,488; thus giving the Republican candidate an actual majority of all the votes cast of 85,512 votes.

I called attention above to the fact that in the two preceding campaigns, with the enormous pluralities, the candidates of the Republican party failed to poll an actual majority. I called attention to the fact that while the State treasurer in 1897 had a popular majority against him of over 49,000 votes, that this majority was cut down 30,000 at the ensuing election for governor. Now, with the issue fairly made upon a candidate for State treasurer, with the added issue made the leading feature of the campaign upon Mr. Quay and the plank in the platform of the Republican party indorsing his appointment, in an off year, with every opportunity for party dissatisfaction and reaction, after three years of agitation and unlimited opportunities for publicity, the final result has been the polling of an enormous actual majority for the Republican party and an indorsement of the Republican platform, with this plank indorsing the appointment by the governor. One of the most striking features of the results in the last election for State treasurer, following upon the adjournment of the legislature, is the fact that in the counties of Pennsylvania from which

had come the bolting Republicans the candidate for State treasurer received enormous gains. I refer to these facts to illustrate the statement that the governor of Pennsylvania in making this appointment, having a due regard for his individual responsibility to the people of the State, has been sustained by them, and that in sending these credentials to the Senate it can be fairly claimed that he acts in accord with the sentiment of the great majority of the people of Pennsylvania.

The purpose of the Constitution of the United States to provide in certain instances secondary methods of filling an office is well illustrated by the provision made in article 12 of the Constitution, known as the twelfth amendment, relative to the election of President, which, after declaring the way in which electors shall meet and ballot, reads as follows:

> The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice.

The Constitution in this instance even goes further and provides still a third method of filling the office of President in case of the failure of the House of Representatives to elect, by providing

> And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President in the case of the death or other constitutional disability of the President.

In the same way, with reference to the Vice-President, it is provided

> The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President.

Twice in the history of the country has the electoral college failed to make an election, and the House of Representatives has been called upon to elect. This failure occurred when Jefferson was elected and when the second Adams was elected. No one has ever attempted to maintain that the people of the United States should suffer by having the office of President vacant by reason of any supposed delinquency on the part of the Presidential electors in not being able to elect a President. No one has ever challenged the full authority of the House of Representatives to make an election after such failure. The case is precisely the same with the failure of a legislature to elect a Senator. The Constitution has provided two methods of equal authority under which the Senatorial office can under nearly every circumstance be kept filled.

The proposition that the Constitution provides for the election of Senators for a term or for the remainder of a term and for the temporary appointment of Senators in case of vacancies until the legislature meets and elects is simple and direct. On the other hand, any proposition which involves any limitations arbitrarily set up, based upon refinement and technicality, upon the right of the executive to appoint, involves the question in confusion and obscurity. More than this, it has been the chief reason why so many of these cases are valueless as precedents, because they have been open to the charge of having been decided upon partisan or factional lines. The moment we attempt to define and to restrict and to limit the executive power of temporary appointment to fill vacancies we open the door for discrimination and distinction in each particular case. These cases of executive appointment will never be settled in this Senate until they are settled upon the plain, common-sense principle of recognizing the right of the State to be represented, the paramount purpose of the Constitution to keep the Senate full, and the power of the legislature and the governor, in their respective spheres, to contribute to that end. Until that is done these cases will always be involved in partisan and personal considerations. They will be acted upon from very much the same party and personal motives as exist in the decision of a contested-election case in the House of Representatives, or formerly in the English Parliament, before the abuses became so great that the high prerogative of judging of the qualifications of its own members was taken away from Parliament and referred to the courts. That the plain and simple proposition now contended for will be the ultimate decision and practice of this Senate I have no doubt whatever.

Mr. McCUMBER. Mr. President, there are three fundamental rules applicable to the construction of an instrument, rules grounded on the clearest reasons and acknowledged as elementary.

Their relative importance is in the order in which I state them:

First. If the paragraph or section, giving the words their usual and natural meaning, clearly indicate the purpose, that purpose must be adopted.

Second. If the meaning is not clear from the words used, giving them their natural significance, then the section should be considered in connection with other sections of the same instrument bearing upon the same subject.

Third. If the application of both of these rules fail to elucidate its object or intent, then and then only recourse may be had to the debates, discussions, and other surrounding extraneous conditions.

Strange as it may seem, Mr. President, this last rule, acknowledged alike in reason and in elementary law works to be the weakest, the most unsatisfactory, and its use justified only when the others absolutely fail, has been given more prominence, more elucidation, more time than either or both of the more important rules.

I know the application of this latter rule; the weaker is naturally the most popular. It is so easy to conjecture the innumerable things that might have been contemplated by the authors of any written instrument, because when you enter that realm of metaphysics your way is impeded by no barrier; the boundless expanse of infinity is before you; you can embellish your arguments with a boundless variety of conjectures limited only by the finite power of an elastic imagination. I am nevertheless not prepared to adopt the view of those Senators who go to the other extreme and assert that the section is so plain, so clear, that it requires none of the rules of construction to ascertain its true purpose.

The very construction which these same reasoners place upon the word "otherwise" annihilates their claim, for that word in its usual sense is nearly the equivalent of the two words "other ways," which will include any other way, while they insist its meaning should be restricted to cases of like character to the word "resignation."

Mr. President, the section is ambiguous, as is clearly evidenced by the diverse conclusions of so many eminent attorneys. I wish therefore to approach this question not as an attorney desiring to impress upon a court a construction in harmony with a preconceived desire, but with unbiased wish only to fathom the real intent of the framers.

The whole question depends upon the meaning of but two words—"*otherwise*" and "*happen*." Giving both their broadest use, we may be able to support the claim of Senator Quay to a seat. Giving to "*happen*" its natural meaning or to the word "*otherwise*" its restricted sense, either the one or both, defeats this claim.

I desire in the few remarks I shall make upon the matter under discussion to avoid as much as possible traversing grounds already amply discussed by various members of this body. I have listened with great interest to and have derived much instruction from those learned debates, which have so fully presented all the conceivable benefits desirable from adopting one construction and all the conceivable injuries and disasters from following the other.

The great bulk of all the discussions has been directed toward the presentation of those extraneous reasons for adopting this or that construction.

These facts and conditions have been so fully presented that it seems to me unnecessary to prolong the discussion upon that important element which does and should have its proper weight in arriving at a just interpretation, and justifies me in confining my remarks to an analysis of the section itself, believing that it inherently furnishes sufficient material for its own construction—the scales to weigh its meaning, the standard to measure its length and breadth—the scope of its application.

As we arrive at the genus or species of a plant by careful and distinct separation of calyx and corolla, of sepals, petals, stamens, and pistil, so may we generally arrive at the true though somewhat obscured meaning of any paragraph or section which has been built up from any general first impression or idea by successive additions or modifications by going back to that first idea or impression and then considering separately each modification or addition and its object, for what purpose, and to what extent it was intended to modify.

Mr. President, the provision in the Constitution before us for construction is one relating to the power of the executive of a State to make an appointment for the purpose of filling a vacancy in the United States Senate caused by the expiration of a term of office of a Senator and where an intervening legislature of a State from which the appointment is made has failed to elect.

This provision is as follows:

> *And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.*

My first impression was, on reading this section as applied to the case under consideration, and without an examination into its history and the conditions and arguments concerning its adoption, that the word "*happen*" was equivalent to the word "*occur*," and that the word "*otherwise*" included all possible causes of vacancy. A closer analysis of the section itself, and especially of its development in the Constitutional Convention,

and the causes and reasons governing its changes, have led me to change the views which I first entertained.

I desire now to explain my present views and the reasons for my conclusions.

Like the interpretation of any legal instrument, the rule of construction should be to give effect, as far as possible, to the intent of the framers of this instrument. To do this it is as necessary to consider the section in connection with others bearing upon the same subject-matter and quite proper that we should consider the debates, discussions, and surrounding circumstances which influenced the adoption of the particular section under consideration.

It had already been determined by the Constitutional Convention that the Senate should be composed of two Senators from each State, chosen by the legislature thereof. It was, therefore, clearly the intent of this Convention that the primary power for the election of Senators was intended to vest solely in the legislature. The power to elect Senators was granted to the legislature of the States, and the power to elect Representatives was granted to the people.

It must be remembered that in this Convention the rights of the individual States were jealously guarded by the members representing them.

It was carefully planned that the identity of the State should not be lost and that the influence of the smaller State was not to be overshadowed by a more powerful sister State, and so it was provided that each State should have two Senators, with equal voice and power, representing not so much the people as the sovereign State itself, and who were to be elected not by the people, but by the State acting in its corporate capacity by its duly constituted officers—the members of the legislature. On this point the intent of the framers of the Constitution is clear.

But the legislature of the State not being a continuous body, the question of probable vacancies arose, and the section pertaining to these vacancies had a very decided and progressive growth (as was very natural) from a rather *extended*, *homogeneous*, and *indefinite* condition to a *limited* and *definite* state.

The committee on detail had brought before the body this provision: "*Vacancies may be supplied by the executive until the next meeting of the legislature.*" Now, do Senators stop to consider that these few terse words contain everything that is claimed by the supporters of the power of the governor to appoint in the case at bar? Every proposition that has been made by those in support of seating Mr. Quay could have been covered and clearly covered by this clear statement as it first appeared before the committee.

If the members of that Convention had in view or in contemplation the failure of the legislature to elect, and desired to give authority to the governor to fill such vacancies and all other vacancies, I know of no words which could more tersely and briefly and yet fully grant that power than this single sentence: "Vacancies may be supplied by the executive until the next meeting of the legislature."

Under that section, as reported by the committee on detail, as often as a legislature adjourned without election the vacancies caused thereby, over and over again, could be filled by appointment.

And if it was intended that the executive might make temporary appointment to fill *any* vacancy which occurred until the next meeting of the legislature, why was not this report of the committee on detail adopted?

It certainly was concise enough, couched in clear language, and yet broad enough to cover every claim, and so simple that he who runs may read and understand.

So far in the development of the law pertaining to election of Senators but two propositions appear. I am following this chronologically as it was adopted. First, that the primary power to elect is in the legislature; second, that the vacancies supplied by the executive could only last until the next meeting of the legislature. It will be noted that these two propositions have never been eliminated, but stand as the two leading features unchanged and unassailed throughout the developing process of the law and the section itself. Now, we must admit and concede that every change made in that section, after it was first reported, by the addition of words or phrases was for a *specific* purpose. We must further concede that as the section when first reported was as broad as it could possibly be made, the added words and phrases were all *limitations* and not *extensions*.

You can not extend a sentence or a section which is as broad as it could be possibly made and so full that it contains everything that you can possibly claim for it. It is equally clear, as shown by the evolution of this section in its embryonic development and the debates by the framers thereof, that they contemplated vacancies by *resignation*, because that word appeared in the development of the section itself; that they contemplated vacancies happening by *refusal to accept*, because that appeared in the development of the section; that they contemplated a vacancy by *death*, because that appeared in the plan of government as drafted by Mr. Pinckney and used as a basis for the Constitution which they were framing.

Right here I desire to call Senators' attention to the fact that these particular words, all of which they contemplated, were, every one of them, words or phrases of casualty or chance, and that "happen" was used only in connection with those words, and "otherwise," when part of them were eliminated, was supplied to take the place of those which were eliminated.

They had in contemplation vacancies caused by *removal*, because that feature was, as I now remember, debated. When the committee on detail reported this simple power, "*Vacancies may be supplied by the executive until the next meeting of the legislature*," the Convention immediately modified it by detailing what vacancies, and they added after the word "vacancies" the words "*happening by refusal to accept, resignation, or otherwise.*"

I wish to call your attention to the fact that the word "happen" appears for the first time in connection with those words of casualty, those words of chance, and the section was complete without the other phrase "during the recess of the legislature" and did not appear at all when the word "happening" was first used in connection with these other words. So that it read, instead of the simple words "vacancies may be supplied," etc., "vacancies happening by refusal to accept, resignation, or otherwise may be supplied," etc.

Now, can any Senator say that with these added words it means just the same as it did? If he so claims, what reason on earth can he give for adding those words?

There is the question for us to consider. Did it mean after you had added those words just the same as it did before? If he so claims, what reason on earth can he give for adding those words? What actuated the Convention in making these additions, if it was not intended to modify the original? They did so amend it, and certainly must have intended to modify its original meaning. As amended it was sent to the committee on style, and this committee not only changed the phraseology, but they added the phrase, "*during the recess of the legislature*," thus further modifying the character of vacancies to those which should happen between the sessions of the legislature, and they further modified, so as to make the restriction more definite and clear, "that the executive may make *temporary* appointments until the next meeting of the legislature." Every step they have taken, every modification, has been toward restriction and not toward extension.

It comes back again in this modified form, which reads as follows:

> And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature.

But the Convention, still further desiring to restrict the term of an appointee made by the executive, or at least to make certain that such appointment should not run beyond the time in which the *primary power*, the legislature, could meet again, took up the modified section and added, after the last word, "legislature," the words "*which shall then fill such vacancies.*" The word "*shall*," and not "*may*," is used, thus showing the intent to impress the power as a *duty* which the legislature should perform at its earliest opportunity. Now, keeping in view that the primary power granted to the governor was to make temporary appointments to fill a vacancy until the legislature could act and not to supply the *omission* of the legislature, we find that in this process of developing the section some of the words became aborted because their function was performed by another word.

By these words I refer to everything that was considered either in the section or in the debates, namely, "*death, resignation, failure to qualify*, and *expulsion*," and the place of all was supplied by the word "otherwise." But as it was necessary that one of the words, expressing the cause of the condition, which, while unlike, produced like effect, a vacancy should be expressed, the word "resignation" was retained as an antecedent, and the word "otherwise" substituted for the other words and phrases. *What other* words and phrases? Why, the others which had at one time been either in the section itself or in the minds of the framers, as expressed in their debates. I desire to show by this that the word "otherwise" was used to take the place of those particular words which were considered.

It seems to me in the debates on this floor which I have listened to that each side of this controversy, impelled by a desire to outdo the other in landing the framers of this Constitution, have sought to accord to them minds of infinite wisdom, incapable of making an error, or of not foreseeing every contingency that might arise. Such extravagant assumption, I think, rather hinders than assists us in arriving at any proper conclusion as to their real intent.

This scheme of government was modeled after the British Parliament, and especially that portion relating to the Senate was novel, and it is not astonishing in the least that these men, no matter how thoughtful, no matter how brilliant, might not have foreseen and contemplated those desperate political conflicts, waged with such earnestness and determination of purpose as to

defeat rather than accomplish an election. It is very certain that nowhere in the debates can be found anything indicating that a single member ever contemplated such condition. It is equally certain that men of their intellectual power, had they foreseen or contemplated this condition, would have made some expression about it, in some manner, and I believe would have provided with direct reference to it.

The only reasonable conclusion, therefore, which we can arrive at is that the Constitutional Convention did not contemplate this contingency. This seems to me to be so clear and so certain that controversy can hardly arise upon it, and I feel that it is a waste of time to attempt to arrive at what was their intent in reference to the condition where the legislature should fail to elect, when, as a matter of fact, we can see that they had no intent concerning it. But they did have in mind all of these other conditions or causes which might create a vacancy, and the word "otherwise" must therefore be reasonably construed to include *what they did have in mind*, and not *what they never considered*. And if it be admitted that the word "happen" was used by them in its restricted sense, "to come by chance," "to come without previous expectation," then a priori would the word "otherwise" be limited to include only the words and phrases mentioned, because the expiration of a fixed official term can not come within the category of chances.

Had this section appeared in the first instance in its entirety as we now find it in the Constitution, it might then be reasonably claimed that it should be given its broadest meaning, as including in itself any other cause of vacancies, and not simply a cause of like character. The section only selects from the list of the words discussed the word "resignation;" still we must all admit that the word "otherwise" will include death, because we say it is of like character; but there is no closer relation or likeness between death and resignation than there is between resignation and failure to elect. Likeness in words or phrases must be determined by their like impressions, and, as used, these words mentioned have in their effect the same result, namely, vacancies, and if my reasoning took me by that route I would be forced to give the word its broadest scope. My reason for arriving at the conclusion that it should be considered as including only the other words is that it is evident that the purpose of the committee on style and the Convention itself in making these additions was not to enlarge the scope of the authority to appoint, because it was incapable of greater enlargement, being absolute as it stood, but to restrict, and for the further reason which I have stated, that it never occurred to them that the members of the legislature, by reason of intense political strife, would fail to perform its function of electing a United States Senator.

I come now to the question of the construction of the word "*happen*." I have already given the general definition of the word "happen"—to come by chance, without previous expectation. The element of *chance* is generally considered wherever it is properly used. I wish to get at the intent of the members of the Constitutional Convention as evidenced solely by the first idea impressed in printed matter and as then developed. The committee on detail brought in this phrase, "*vacancies may be supplied by the executive until the next meeting of the legislature.*" It will now be observed that neither the word "happen," nor the words "by resignation or otherwise," nor the words "during the recess of the legislature," appear in this phrase. It was complete without them. Without any one of the qualifying words, the phrase was complete, and gave full authority to fill any vacancies *occurring* at any time, and which would hold good until the close of the following session of the legislature, when the executive could again, upon a second failure to elect, appoint, because there would be a vacancy, the word "happen" not appearing in the section as first reported by the committee on detail. It is not "all vacancies which may happen may be supplied by the executive," but it simply reads, "vacancies may be supplied by the executive."

In other words, when the section came before the Convention, with full power to make appointments whenever a vacancy occurred, the word "happen" is not found; we only find it used in connection with those other words or phrases, every one of which indicates coming by chance, namely, "*death, resignation, failure to qualify, expulsion*," things which were not to be contemplated as following by previous expectation at a definite time in the course of events; and when they *did commence* to use these words in the building up or development of this section, they used in connection therewith this harmonious word "*happen*," showing clearly that they used it in the sense of coming by chance, and not as claimed by many Senators, by a known expiration of an official term. Vacancies happening by *refusal to accept, by resignation, by death*, these are causes which *happen*, and not causes which are contemplated as *occurring* definitely upon a future day, and for the first time, with these in view and expressed, they used the word "happen" as applied to those conditions, none of which could be foreseen.

These words were put there for a purpose, so as to give the section a different meaning. Why should they have had extra words of limitation, such as "happening during the recess of the legislature," if they did not intend such words should limit, or why have these extra words or phrases if not intended to change the original meaning of the section, remembering that the power claimed is fully granted without them?

There is another reason which, independent of present views of what is the proper construction, ought to have great weight. Why should not the rule of *stare decisis* be invoked in this case? It not only affects property rights of the individual, but also affects great political questions, affects the foundation of our system of elections of members of this body; and when you once assail and weaken a portion of this structure you invite further modifications, threatening the very structure itself.

I desired, in the few brief sentences I have expressed, to confine myself solely to the one condition of exemplification of this section itself, because I have felt that it had already been fully and fairly considered and discussed, so far as extraneous conditions should be considered in determining its construction. I desire to say that I feel more firmly that I stand upon the right reason, and that my conviction is well founded, when I know that it is against the emotion, and is simply the result of my reasoning powers applied to the section itself. I can not follow the first impression that I had with reference to this matter without having my vote entirely out of harmony with my conscience and out of harmony with my reason.

Mr. LINDSAY. Mr. President, the fifth section of Article I of the Constitution provides:

> Each House shall be the judge of the elections, returns, and qualifications of its own members.

Therefore, when a question of the election of a member of the Senate arises, the facts being presented to the Senate, the questions of law, constitutional and statutory, being considered, the final action of the Senate is in the nature of a judgment as contradistinguished from a mere legislative enactment or proceeding. I understand such to be the view of the Committee on Privileges and Elections. In the Du Pont case it was said:

> The simple question is: Whether the Senate, notwithstanding its decision of May 15, 1893, will now admit Mr. Du Pont to a seat?
>
> The majority of your committee now, as then, are of the opinion that this decision of the Senate was wrong; but the Senate is made by the Constitution the judge of the elections, qualifications, and returns of its members, and its judgment is just as binding in law, in all constitutional vigor and potency, when it is rendered by one majority as when it is unanimous.

Again the committee say:

> It is clear that the word "judge" in the Constitution was used advisedly. The Senate in the case provided for is to declare a result depending upon the application of law to existing facts, and is not to be affected in its action by the desire of its members or by their opinions as to public policies or public interest. Its action determines great constitutional rights—the title of an individual citizen to a high office and the title of a sovereign State to be represented in the Senate by the person of its choice. We can not doubt that this declaration of the Senate is a judgment in the sense in which that word is used by judicial tribunals.

If such a decision be in the nature of a judgment in the sense in which that word is used by judicial tribunals, then it follows that each finding is in the nature of a binding precedent upon the body that, sitting for the time being as a judicial tribunal, renders the judgment. It is not a judgment that may not be overruled in a succeeding case if the body that rendered the judgment changes its opinion as to its propriety; but it does constitute a precedent which, until deliberately overruled, binds the judicial tribunal that rendered it. It binds all the people of the country affected by it until there shall be a new hearing and a second consideration, upon which the judicial tribunal shall find itself willing to declare that its original judgment was erroneous, and that it must be reversed in the interest of right and justice.

The Senator from Massachusetts [Mr. HOAR] did not exactly meet the point made by the Senator from Connecticut [Mr. PLATT] on yesterday when he undertook to treat the judgment in the case of Du Pont, as though it had been attacked in a collateral proceeding. The application and motion of Mr. Du Pont was in no sense a collateral attack upon the judgment. Du Pont came here and asked that the judgment be reopened. His motion was in the nature of an application for a rehearing. The proceeding was direct. The application was directed to the body having complete control over the subject-matter of the judgment. No condition had changed, no new right had intervened, no statute of limitation, no fixed rule of the Senate cut off the application. Therefore, it was a direct proceeding timely instituted to have a rehearing of a question over which the Senate had complete jurisdiction.

The response made by the Committee on Privileges and Elections was that the Senate sat as a court; that it undertook to judge, and did judge, great questions involving the right of the applicant, and the right of the State of Delaware, and the right of all the other States; and that upon deliberate consideration that great constitutional question had been settled, and conclusively settled. The Senate had jurisdiction to open the case, and

had the right to go back and retry all those questions, and if the Committee on Privileges and Elections were of opinion that it was a precedent which did not bind in a new case, it was certainly a precedent that did not bind in the identical case in which it was made on a proper application for a rehearing by the body having complete jurisdiction, and not cut from the rehearing by a statute of limitation or by a fixed rule of Senatorial procedure.

The Corbett case followed in the wake of the Lee Mantle case. The facts, though dissimilar in many respects, did not change the principle applicable to the Lee Mantle case; yet the Senate acting upon the assumption, and the correct assumption, that the Lee Mantle decision constituted a precedent that bound the Senate, that bound all the people of the United States, that bound all the governors of the States, rejected the application of Corbett for a seat in the Senate. It rejected that application by a majority absolutely overwhelming, and yet we are told on the floor of the Senate that although the question presented by the report of the committee involved questions of constitutional law alone, that Senators were not controlled in their votes either by their convictions of what the true constitutional principle was or by the binding obligation of the precedents that had been set by the Senate, but that outside of the case, independent of the questions on which the Senate was called on to act, there were certain notorious facts, facts known in some way to Senators, which so far affected the moral standing of the applicant that their votes can be defended upon the idea that in disregarding the constitutional rule and the binding precedents they acted on the moral conviction that Corbett ought not to be seated, even though in every respect his appointment was regular and constitutional.

Now, then, there is another case, and except for the fact that that case had *happened* I should have contented myself with a silent vote to-day. The legislature of Kentucky at its session of 1895–96 was charged with the duty of electing a successor to the Hon. J. C. S. Blackburn, whose term of service expired on the 3d day of March, 1897. The legislature failed to make an election, and at the expiration of the constitutional period of its existence adjourned sine die, no election having been made. Mr. Blackburn served until the 3d of March, 1897. At that time the legislature of Kentucky was not in session. The governor of the State appointed the Hon. Andrew T. Wood to serve in the Senate until the legislature should elect some one to fill the vacancy created by the failure of the preceding legislature to elect. Mr. Wood appeared in the Senate with the letter of appointment by the governor of Kentucky on the 10th of March, 1897. Mr. HOAR moved that the oath be administered. Whereupon Mr. Gorman moved that his certificate of appointment, with the motion of Mr. HOAR, be referred to the Committee on Privileges and Elections. That motion was carried.

The credentials went into the hands of the Committee on Privileges and Elections. The Senator from Massachusetts [Mr. HOAR] was then, as now, a member of that committee. The Senator from New Hampshire [Mr. CHANDLER] was then, as now, the chairman of that committee. If their present contention be correct, Wood was lawfully appointed to serve as Senator until the vacancy should be filled by an election by the legislature. There has never to this day been a report from the Committee on Privileges and Elections in regard to Wood's title under the appointment by the governor of Kentucky.

The motion and the credentials remained in the hands of the committee until the legislature was subsequently convened in extraordinary session by the governor, and the junior Senator from Kentucky [Mr. DEBOE] was elected. In May, 1897, more than two months after this motion to qualify Wood had been made, Mr. DEBOE appeared in the Senate and took the oath as Senator.

Now, I wish to know from the Committee on Privileges and Elections why it is that an appointment made by the governor of Pennsylvania at a time when the legislature was not in session, to fill a vacancy that happened while it was in session, is entitled to consideration at their hands, while the appointment made by the governor of Kentucky to fill a vacancy that did not happen at the time the legislature was in session, but during a recess, was permitted to sleep the sleep of death?

If Mr. Quay is entitled to be admitted as a Senator to-day, Mr. Wood was entitled then to be admitted as a Senator. Yet not only he was not permitted to be sworn in, but the Committee on Privileges and Elections pocketed his credentials, pocketed the motion to qualify him as Senator from the State of Kentucky, and he has never yet had the gratification of having an expression of opinion even from the Senator from New Hampshire and the Senator from Massachusetts that he was legally appointed to sit as a member of this body.

As to Wood, the Lee Mantle precedent was binding and conclusive. As to Mr. Quay, the Lee Mantle decision and the Corbett decision and the nonaction in the case of Wood are to go for naught.

The Commonwealth of Kentucky is entitled to some explanation at the hands of the Committee on Privileges and Elections as to why it is that a distinction like this is made between appointments coming from the governor of Pennsylvania and appointments coming from the governor of Kentucky.

If the precedents established before the application of Wood and the precedents antedating the application of Corbett bound the Senate, bound the State of Oregon and its governor, and were conclusive on the State of Kentucky and its governor, I ask if any peculiar reasons have been or can be given why those precedents do not also bind the governor of and the State of Pennsylvania?

I do not call in question the power of the Senate to overrule any decision it may have given on any question, but I do insist that the difference in the individuals, the difference in the political complexion of the Senate, the difference in the results to be brought about, the difference in the collateral importance of seating one man over seating another, are not legitimate considerations when we are called on to overrule and set aside precedents that have been solemnly established and to establish new precedents that are to operate in the future until the political complexion of the Senate shall change or until some ulterior purpose is to be attained of so much importance that the new precedents must be disregarded as the old precedents have been set aside.

It is seriously contended that vacancies in Senatorial terms are to be treated as vacancies in executive, ministerial, and judicial offices, and that the rule of interpretation applied to the power of the President to fill up vacancies is to be applied to the power of the governors of the States, not to fill vacancies, but to make appointments, temporary in their character, and that the rule in the one case ought to govern the other.

Now, let us see about that. Certain classes of Federal officers can only be appointed by the President. They can not be elected. The Constitution provides that certain appointments shall be made by the President subject only to the advice and consent of the Senate. The Constitution provides that as to those offices, in cases of vacancies, the President shall fill up the vacancy, not make a mere ad interim appointment. He has power to fill up the vacancy, the appointee to serve until the close of the next session of the Senate. So, then, when the President appoints a judge, when he appoints a district attorney, when he appoints a commissioner of internal revenue or a collector of internal revenue, he performs an executive function, a function with which he is clothed by the very letter of the Constitution. When a vacancy happens in one of these offices, he fills the vacancy in the due exercise of executive function pure and simple, a function conferred by the express language of the Constitution.

It is not so with the appointment of a Senator to a seat in the Senate of the United States. The appointment of a legislator is not executive. The whole theory of our governments, State and Federal, is that the legislative and the executive functions shall be committed to distinct and separate bodies of magistracy; that the legislatures shall not elect the President or the governors, and that the governors or the President shall not appoint the legislatures, but that these two great departments shall at all times be kept separate and distinct, so that when the governor of a State comes to appoint a member of the highest branch of the Federal Congress he exercises a function that is in no sense executive in its character, according to American understanding. He makes the appointment in virtue of an express constitutional provision, applying only to an exceptional case; and while the power of the President is to be liberally construed, the power of a governor of a State to control by his appointments the composition of the Federal Senate is to be strictly construed, and he who comes here with an appointment from a governor and claims the right to a seat comes with the burden of showing that the exact condition existed at the time the appointment was made that the Constitution provides for.

Keeping these distinctions in mind, it will be seen at once that there may be a rule of interpretation applied to the power of the President to fill vacancies that is utterly inapplicable to the power of the governors of the States to fill up the highest branch of the Federal Legislature with their appointees. Primarily, Senators must be elected, not appointed; they must be elected by the legislatures of their States, not elected or appointed by the governors of their States.

One of the greatest contests in the Convention that framed the Constitution was as to the character of representation to be had in the Senate. The Virginia plan was to make both the Senate and the House representatives of the people as contradistinguished from the States. Members of the House of Representatives were to be chosen by the people; members of the Senate to be chosen by the legislatures of the States, but the proportion of representation was to be determined by the population of the respective States.

Under that plan Virginia would have had six or eight times as many Senators as Vermont. New York and Pennsylvania would have had two or three times as many Senators as Connecticut. The controversy between the smaller States and the greater States reached a point at which the Convention came within one step of

dissolving, because the smaller States would not consent to give up their equal representation in one branch of the National Congress, and the larger States would not concede it. Recognizing the fact that the Convention was about to prove a failure, what came about? Did the majority establish the Senate with the view of keeping it full at all times, or did the Convention establish the Senate and provide that each State should have equal representation by way of concession to the smaller States, without which the whole plan of Federal Government would have failed?

I take the liberty in this connection to read from Curtis's History of the Constitution:

The basis of the House of Representatives having been thus agreed to—

That is, the question of how the slaves should be counted as against free voters—

the remaining part of the report, which involved the basis of the Senate, was then taken up for consideration. Wilson, King, Madison, and Randolph still opposed the equality of votes in the Senate, upon the ground that the Government was to act upon the people and not upon the States, and therefore the people, not the States, should be represented in every branch of it. But the whole plan of representation embraced in the amended report, including the equality of votes in the Senate, was adopted by a bare majority, however, of the States present.

When this result was announced, Governor Randolph complained of its embarrassing effect on that part of the plan of a constitution which concerned the powers to be vested in the General Government; all of which, he said, were predicated upon the idea of a proportionate representation of the States in both branches of the legislature. He desired an opportunity to modify the plan, by providing for certain cases to which the equality of votes should be confined; and in order to enable both parties to consult informally upon some expedient that would bring about unanimity, he proposed an adjournment. On the following morning, we are told by Mr. Madison, the members opposed to an equality of votes in the Senate became convinced of the impolicy of risking an agreement of the States upon any plan of government by an inflexible opposition to this feature of the scheme proposed, and it was tacitly allowed to stand.

Great praise is due to the moderation of those who made this concession to the fears and jealousies of the smaller States.

Great praise is due to those, not those who established a Senate with the express intention that the membership of that Senate should always be full, but to those who conceded equal representation to the States, large and small, in order to secure the formulation of a Constitution to be submitted to the people and the States.

Mr. Ellsworth, of Connecticut, was the leader of the party that insisted on equal representation in the Senate. He perhaps more than any other one of those who insisted that each State should have two Senators and that no State should be deprived of equal representation in the Senate without its consent was entitled to the credit of extorting that concession.

It was objected by Mr. Wilson and others that it was impolitic in any case to permit the governor of a State to fill even temporarily a vacancy in the Senate, but Ellsworth again insisted that as the legislatures met frequently no harm could come by conferring that exceptional power on the governor, as his power would be used for the appointment of men who could serve at the longest but a very short time.

Now, the first reported controversy involving the exercise of this exceptional power by the governor of a State originated in one of the smaller States. The legislature of Delaware failed to fill a vacancy. The governor of Delaware undertook to fill it by the appointment of Kensey Johns. Ellsworth, this apostle of equal representation, this man who had combated the inequality of representation on the floor of the Convention, this distinguished man who insisted on conferring the power to make temporary appointments on the governors, when he came to pass on the action of the governor of the smallest State in the Union in appointing a Senator to serve out a portion of a vacancy that the legislature had failed to fill, took ground against the contention of those who are now insisting that Mr. Quay shall be seated.

The PRESIDENT pro tempore. Will the Senator from Kentucky suspend for one moment? The Chair lays before the Senate the unfinished business.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. CARTER. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the unfinished business may be temporarily laid aside for the further consideration of the Pennsylvania Senatorial resolution. Is there objection? The Chair hears none, and it is so ordered.

Mr. LINDSAY. In the case of Kensey Johns this resolution was submitted to a vote of the Senate:

Resolved, That Kensey Johns, appointed by the governor of the State of Delaware as a Senator of the United States for said State, is not entitled to a seat in the Senate of the United States, a session of the legislature of the said State having intervened between the resignation of the said George Read and the appointment of the said Kensey Johns.

On that question the yeas were 20, including Ellsworth, against 7 nays. So, then, we have this champion of equal representation solemnly voting in a case like the one we have at bar, only less objectionable, that the legislature having had the opportunity to fill the vacancy occasioned by the resignation of Mr. Read the governor of the State had no right to make a temporary appointment.

Thus we have the first reported case, arising under the Constitution affecting the smallest State in the Union, passed on by the special representative of the equality of the smaller States, adverse to the claim made by the friends of Mr. Quay under the appointment made by the governor of Pennsylvania.

I do not admit that it is competent to go behind the report of the committee on style to ascertain what the Convention intended the Constitution to be. We may read the speeches of members of that Convention; we may consider the votes upon the various propositions considered; we may have due regard to the gradual growth of each provision incorporated into the Constitution for the purpose of having light shed on the question we have under consideration, but we can not consider any of those matters to prove that the report of the committee on style, after having been adopted by the Convention, did not then express the exact will of that Convention.

The rule is universal that the final and concluding act of a deliberate body expresses its intent, notwithstanding any act done in the preliminary work leading up to that final act. When the Convention adopted the Constitution, as it appeared from the committee on style, it finished, it completed its work, it exhausted the authority it chose to exercise, and it was the Constitution as it came from the committee on style that was submitted to the thirteen States of the old Confederation for their adoption. When New Hampshire came to decide whether it would adopt the Constitution or reject it, when Virginia came to decide that question, when North Carolina came to decide that question, no man had the temerity to say that the committee on style, without authority, in violation of its duty, and without calling the attention of the members of the Convention to its action, had changed the phraseology of the provision as originally adopted, and thereby changed the meaning of that provision; and that hence what we have is not the Constitution the Convention submitted to the American people for ratification. No; we are to take the Constitution and its language as it left the committee on style, except where the Convention corrected the work of that committee, and we are to treat the paper that Virginia ratified, that Maryland ratified, that Delaware ratified, that Pennsylvania ratified, and that North Carolina, New York, and Rhode Island reluctantly accepted as the true Constitution of the United States.

If the language of the Constitution be plain, obedience to that language is the duty imposed on every Senator who has taken the oath to support and defend that Constitution. We are not to ask what the Constitution would have meant if one of the original provisions had been carried into effect, and we are not to ask what the Constitution would have meant if some speech made by a member of the Convention had been incorporated into the Constitution, but we are to ask, What does the language finally submitted by the Convention to the States and ratified by the States naturally mean? It means that the Representatives in the other branch of the Congress of the United States should be elected by the people, and it provides that whenever there may be a vacancy in the representation in the House of Representatives the executive of the State shall issue his writ of election to fill that vacancy, not to appoint ad interim, not to appoint temporarily, but to issue his writ for an election, of course within a reasonable time.

When we come to this end of the Capitol, we find that the legislatures are to elect, that the legislatures are to fill up the vacancies that happen from time to time, but that in a particular state of case, under a peculiar and extraordinary condition, the governors of the States shall have the power not to fill vacancies, but to make temporary appointments, the governors' appointees to serve until the legislatures shall have opportunity to fill the vacancies.

It is the established law of Congress, it is the established law of this Senate, that the legislature can not shirk the attempted performance of the duty to fill all the vacancies that may happen in the Senate of the United States. Some years ago the West Virginia legislature failed to elect. At the expiration of the term of the Senator who went out of the Senate the governor made an appointment. Then the governor called an extraordinary session of the legislature under the provision of the State constitution which authorized him to name the particular subjects on which the legislature might act, and which prohibited the legislature from acting on any other subject.

The legislature convened, and in the face of the executive action, in defiance of the executive call, proceeded to fill the vacancy then existing in the Senatorship of that State; and when the two gentlemen appeared here, one holding the certificate of the governor and the other holding the certificate of the legislature, the Senate decided, and properly, against the appointee of the governor and in favor of the appointee of the legislature, because the

power of appointment resides primarily in the legislature, and the governor can not in any way or under any State authority defeat the exercise of that power.

It is not for me to say that the governor of Pennsylvania has disregarded the express provision of the constitution of his own State for any other than a proper purpose; but it is a peculiar fact that the constitution of that State, which, to say the least of it, is in harmony with the Constitution of the United States, provides for exactly the contingency we now have, that the governor, instead of attempting to fill the vacancy by a temporary appointment, shall call the legislature together in extraordinary session, and give the legislature the opportunity to make the appointment.

It is not pretended when the term of Mr. Quay expired, the legislature then being in session and then engaged in attempting to elect his successor, that a vacancy had happened which authorized the governor to make the temporary appointment; but if the governor can fill by a temporary appointment a vacancy which happens while the legislature is in session and that continues after the adjournment, what prohibits him in principle from filling it the very day the term expires, notwithstanding the fact that the legislature is in session, if that legislature persists in its refusal or its failure to discharge its *plain* constitutional duty? There is no reason. If Governor Stone could make this appointment after the legislature adjourned because a vacancy then existed rather than happened, it is because he has the power to fill the existing vacancy, and, having that power, could have filled it as well while the legislature was in session as after it adjourned. He exercises the power not because the vacancy has happened, but he exercises the power because the vacancy happens to exist. The vacancy happened to exist on the 5th day of March as well as it happened to exist on the 5th day of May. Therefore, if he could fill a vacancy that happened to exist at the time he made the appointment, he could fill it as well when the legislature was in session as when it was not.

As to the word "happen," I do not attach controlling force to verbal criticism. The framework of the sentence determines the meaning of the sentence rather than any technical interpretation that may be put on any particular word used in the sentence.

When we are told that none but a lawyer could discover that "otherwise" does not necessarily mean "other ways," I say none but a lawyer, none but a most astute lawyer, could discover that the phrase "when a vacancy shall happen" means "when a vacancy shall happen to exist." If a man be killed this evening in a railway collision, we say he happened to come to his death by a railroad accident, but we do not say to-morrow that he happens to be dead to-day, or that he happens to be dead the day after to-morrow. The happening of the death was coincident with the time of the death, and none but an astute lawyer could give any other meaning to the word "happen" in that connection. Then, if a Senator dies, if he resigns, if a Senator be expelled, if a Senator refuses to take the oath of office, the vacancy happens when he resigns; it happens when he dies; it happens when he is expelled; it happens when he refuses to take the oath of office; but it does not happen the day after, nor the week after, nor two weeks after. The phraseology, without any kind of technical interpretation, speaks for itself, just as I insist "otherwise" necessarily speaks for itself in the connection in which it is used in the Constitution.

If the Convention had meant to say that a vacancy coming about in any way might be filled by a temporary appointment of the governor, the word "happen" might well then have been omitted, and the word "otherwise" most indubitably would have been omitted, and the language would have read that "if a vacancy happen, it shall be filled up by the temporary appointment of the governor until the legislature shall have the opportunity of filling it."

The word "otherwise" is used for some purpose, just as the word "happen" is used for some purpose, and as to the plain people of Georgia and South Carolina and New Hampshire—I will not include Massachusetts, but I will include Vermont—when they came to adopt the Constitution it never occurred to them that the word "happen" was to have no meaning and that the word "otherwise" had better have been left out of the Constitution and was put in through a mistake of the committee on style.

But the claim is the Senate is always to be full; that is, the membership is always to be full. Wisconsin is always to have two Senators; Kentucky is always to have two Senators; Vermont and New Hampshire are always to have two Senators each. If such was the intention of the framers of the Constitution, they only halfway did their work at best.

If the legislature fails to elect and the governor be in sympathy with the legislature and fails to appoint, then the State goes without equality of representation in the Senate, and therefore it was not contemplated by the Convention itself that all vacancies should absolutely be filled up.

When the objection was made that this was a power that ought not to be conferred on the governor, Mr. Ellsworth's answer was that it was a power that would not be exercised when the legislature was to meet in a short time.

So we have a Constitution which indicates that the membership of the Senate should always be kept full, except in cases in which the legislature and the governor are in sympathy, or in cases in which the legislature will speedily convene, and it is not necessary to make an appointment.

Now, let us apply that doctrine in this case. Suppose Mr. Quay to be qualified under the governor's appointment to fill the vacancy occasioned by the failure of the Pennsylvania legislature to elect, how long is he to serve? Suppose the next legislature shall fail to elect, what then? We have decided that the section which says the appointee shall serve until the legislature shall meet, means until the legislature shall adjourn. Then suppose the next legislature of Pennsylvania meets on the first Monday in December next—I do not know whether the Pennsylvania constitution contains a limitation on the time it may sit; but suppose it sits six months, and during all that time it fails to elect, then this appointment, instead of being temporary, to operate only for a short time, until the next legislature shall meet, will be an appointment that will operate for a year; and if the same influences which prevented the election of a Senator by the last legislature of Pennsylvania shall prove strong enough to prevent an election by the next legislature, the same power that clothes Mr. Quay with the authority to sit here for a year, may, the day after the next legislature adjourns, clothe him with authority to sit until another legislature shall be elected, and have another opportunity to elect his successor.

This is not what the Constitution means. It never was contemplated that the governors of States should have any power, except of the most exceptional character, to determine who shall sit and vote as a member of the Senate. To meet a temporary exigency, to meet a state of case that it was practically impossible to provide against, to give the governor the power temporarily to fill a vacancy that might happen until the legislature could act, was all that the people and the States who adopted the Constitution ever expected to confer, or understood they were conferring, on the governors of the States.

Why have we not two Senators to-day from Pennsylvania? Why have we not two Senators from Utah? Why have we not two Senators from the State of Delaware? It is because the legislatures of those three States have declined to perform an express duty imposed on them by the Constitution of the United States in the interests of the Republic, of which each of those States is a member.

It is said we may have three parties, that we may have a disagreement in the majority party, that the majority may nominate a man for whom a minority of the party will not vote, and that, by adhering to that man who can not receive a majority of the votes, they may defeat an election by the legislature and then call on the governor to make good the wrong that they have voluntarily inflicted on the people of the State. Are we to be told that the Republican party of the State of Pennsylvania, by refusing to unite on one belonging to their own party or by refusing to vote for anyone not a member of their party, has been prevented by some extraneous cause from exercising the right conferred on the State of Pennsylvania in order to secure its equal representation in the Senate, and that therefore an extraordinary case has been brought about in which a State executive may name a member of the highest legislative body in the Union; that the whole principle of our Government, the whole theory of our Government, may be overturned, not to meet a temporary exigency, not to meet an exigency that might not have been provided against, but to enable a governor to exercise a nonexecutive function, to meet an exigency deliberately brought about by the refusal of the body charged with the duty of making the election of a Senator?

Our ancestors did not contemplate that the boon, so much esteemed, so highly prized by the States of the Union, that each should have equal representation on the floor of the Senate, would be ruthlessly thrown away out of adherence to party spirit or to personal pique, and that that being done, then the Senate of the United States would recognize the power of an executive to undertake to keep the membership of the Senate full.

If Pennsylvania has not equal representation here to-day, the fact is chargeable to the people of Pennsylvania; if Utah has not equal representation here to-day, the fact is chargeable to the legislature of Utah. So with the legislature of Delaware.

No State is to be deprived of its equal representation in the Senate without its consent; neither is any State to be compelled against its consent by the unauthorized action of the Senate of the United States to keep its membership full. That is the point we reach at last. The constitutional provisions are ample. The legislature of Pennsylvania, with a Republican majority of forty or fifty, could have elected a Senator if that legislature had chosen to do so. That legislature, by reason of local animosities, local dissensions, personal objections, or some other cause which has no

lodgment in the theory of our Government, refused to perform a plain and manifest duty; and now we are asked not only to say the governor may make a temporary appointment to fill the vacancy until the legislature can have an opportunity to act, but that we are to strike from the constitutional provision the word "recess" in order that we may assist the governor to do that which under the letter of the Constitution he could not do, but which duty, if it be a duty, has been imposed on him by the deliberate refusal of the representatives of the people of Pennsylvania to discharge their plain and manifest duty.

Now, let us see what the provisions of the Constitution are:

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

That is the rule as to the House of Representatives.

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year.

That much of the paragraph has ceased to be a living provision of, because all the duties provided for by that paragraph have been performed, so that taking the Constitution as it now stands it reads thus:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years; and each Senator shall have one vote; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Now, I submit to the Senators whether or not that provision, read by any other than a technical and astute lawyer, would ever convey the impression that it did not contain all the language it was intended to contain, and that every word contained in it was necessary to express the intention of the framers of that instrument.

And if vacancies happen—

Not if vacancies happen to exist—

by resignation, or otherwise, during the recess of the legislature.

If the member happens to die, if the member happens to resign, or if, on the day he ought to qualify, he happens to refuse, or if by reason of some misconduct after his election he happens to be expelled, then we have reached the point which determines whether or not it is the duty and the power of the legislature or the duty and the power of the governor to fill the vacancy. If the vacancy happens when the legislature is not in session or is in recess, then the governor makes a temporary appointment. If it happens when the legislature is not in recess, then the governor has no authority under the plain letter of the Constitution to make the appointment. The duty at once devolves on the legislature.

The Congress of the United States has undertaken to deal with this question by the act of July 25, 1866, an act to regulate the time and manner of electing Senators by the legislatures of the States. Section 17 provides:

Whenever, during the session of the legislature of any State, a vacancy occurs in the representation of any State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the legislature has organized and has notice of such vacancy.

The legislature which convenes next preceding the expiration of a regular term shall, on the second Tuesday after its organization, proceed to elect a Senator to fill that term and shall meet each day until the election is made. That is the act of Congress. If a vacancy occurs when the legislature is not in session, what then?

Whenever, on the meeting of the legislature of any State, a vacancy—

Not happens—

a vacancy shall exist in the representation of said State in the Senate, the legislature shall proceed, on the second Tuesday after meeting and organization, to fill such vacancy in the manner described in the preceding section for the election of a Senator for a full term.

Now, both branches of Congress had the Constitution in view when this enactment culminated into a law. The President of the United States had the Constitution in view when he approved this enactment. So, then, we have the concurrence of opinion between both branches of the Congress of the United States, supplemented by the opinion of the President of the United States, which declares how the legislature and when the legislature and what methods the legislature shall adopt in the election of a Senator to fill a full term; and then we have the provision that if a vacancy shall exist at the time the legislature convenes—not shall happen at the time the legislature convenes—the legislature, on the second Tuesday after it convenes, shall proceed to fill that vacancy. Then we have the third provision, that if the vacancy shall occur or happen during the session of the legislature then, on the second Tuesday thereafter, the legislature shall proceed to fill the vacancy.

In this case what happened? The vacancy occurred, if it did occur, or it happened, if it did happen, while the Pennsylvania legislature was in session. An act of Congress provides that on the second Tuesday, after notice thereof, the legislature shall proceed to fill the vacancy. In the language of the statute the vacancy occurred on the 4th day of March last. In the contention of those who insist that Mr. Quay ought to be seated it also happened after the legislature adjourned, although it had occurred while the legislature was in session.

I see no reason why the precedents that bound the Senate, why the precedents that controlled the Committee on Privileges and Elections, why the precedents to the binding effect of which the governor of Kentucky and his appointee had to submit, shall not apply to the State of Pennsylvania and to the governor of Pennsylvania and to the appointee of that governor, and require that State and its governor and his appointee to submit to those precedents, just as the Committee on Privileges and Elections required the State of Kentucky and its governor and his appointee in March, April, and May, 1897, to submit to the then existing precedents.

Mr. SPOONER obtained the floor.

Mr. CHANDLER. If the Senator from Wisconsin will allow me to answer a question put by the Senator from Kentucky, I should like to do so.

Mr. SPOONER. Certainly.

Mr. CHANDLER. The Senator from Kentucky I understood to cite the case of Capt. Andrew T. Wood, who was appointed on the 5th of March, 1897, to a vacant seat in the Senate by the governor of Kentucky. I think the Senator complained of the Committee on Privileges and Elections, naming the Senator from Massachusetts, because they had not secured the seating of Captain Wood under that appointment. Did I understand the Senator aright?

Mr. LINDSAY. That is not precisely the way I stated it. What I complained of was not that you did not do right, but that, according to your own theory as now advanced, Wood had the right to expect that you and the Senator from Massachusetts would at least submit a report that he was entitled to sit as Senator.

Mr. CHANDLER. The Senator, I think, said we smothered the credentials.

Mr. LINDSAY. The committee smothered them.

Mr. CHANDLER. I understood the Senator to say we smothered the credentials. Mr. Wood was appointed by Governor Bradley on the 5th of March, after Senator Blackburn's term had expired, and came on to the extra session on the 10th of March. His credentials, being an appointment by the governor, were presented, and the Senator from Massachusetts [Mr. HOAR] moved that he be permitted to take the oath. The Senator from Maryland, Mr. Gorman, moved that the credentials be referred to the Committee on Privileges and Elections. The Senator from Massachusetts said under the circumstances he would not resist that motion. On the 13th of March the legislature of Kentucky was called in extra session. On the 28th of April Mr. DEBOE was elected, came here, and was sworn, in on an election by the legislature, on May 5.

Now, the only reason why the Committee on Privileges and Elections did not take action in that case was because there was not time enough; that is all. It was not because the Senator from Massachusetts [Mr. HOAR] or I had any doubt about his right to be admitted to a seat, but we had been practically notified by the Senators who maintain the opposite contention to that which we advocate that he could not be seated without a contest, and, having in mind the lengthy debate which the opponents of the seating of Captain Wood could maintain, having on their side the eloquent and diffuse Senator from Kentucky, the committee simply omitted to make a report; and the fact that they did omit to make a report, when an extra session of the legislature of Kentucky had been called, is hardly to be imputed to them under the circumstances as a delinquency.

If the Senator from Wisconsin will allow me, I will say one word further in reply to the Senator from Kentucky in reference to his argument that this question ought to be treated as res adjudicata. The Senator from Massachusetts briefly answered the point yesterday, and I only wish to read three lines from the report of the Committee on Privileges and Elections in which the committee unanimously recommend the Senate to decline to reopen the Du Pont case. The Senator from Massachusetts says:

We have no doubt that a legal doctrine involved in a former judgment of the Senate may be overruled in later cases.

That principle is distinctly stated. The Senator from Kentucky understands it very well, and the argument as to res adjudicata indulged in by the Senator from Kentucky and the Senator from Connecticut, with all due respect, is not warranted by anything found or omitted in the report in the Du Pont case.

Mr. LINDSAY. The Senator from Wisconsin will indulge me for a moment. The point I make as to res adjudicata is that when

a motion for a rehearing is pending the judgment is not res adjudicata or stare decisis. The question is whether it is correct. The point I want to get at is whether there was any notice given to the Senator in the Kentucky case that there would be a lengthy discussion, that he did not have in the Quay case, and whether or not the shortness of the time justified the Committee on Privileges and Elections in not even making a report on which Mr. Wood might base a claim for compensation and mileage, and show that he was not a mere political adventurer.

Mr. CHANDLER. I do not know that the Senator notified us that he would debate at great length against the right of Mr. Wood's admission, but it was perfectly well understood that he could not come in without a fight. It was not wholly the fear of opposition in the Senate; it was not largely that fear. It was the fact that a session of the legislature was almost immediately called, on the 13th of March, and if an extra session of the legislature of Pennsylvania had been called as soon, I assume the Committee on Privileges and Elections now would not have hastened to report in the case of Senator Quay.

Mr. LINDSAY. That was the same legislature which had failed to elect in the last year.

Mr. CHANDLER. Yes.

Mr. LINDSAY. And the point is now made that the governor of Pennsylvania could very well disregard the constitution of Pennsylvania because he would have to call the same legislature together.

Mr. CHANDLER. The governor would have had to call together a legislature that had had an opportunity to elect, that had tried a great while to elect and had not succeeded; and according to the argument of Senators on the other side, if it is good for anything—I do not think it is—the State had committed a fault in not sending a Senator here, and therefore the governor should not call the legislature together.

Mr. LINDSAY. That is exactly what the governor of Kentucky did. He called the legislature that failed to elect. He made an appointment in the interim, and the Committee on Privileges and Elections without hesitancy let Kentucky go for two months without a Senator.

Mr. CHANDLER. According to Senators on the other side, it was very presumptuous, after the legislature had had a chance to elect and had not elected. The State, of course, according to their argument, should be punished by going without a Senator.

Mr. SPOONER. Mr. President, it is not my purpose to enter upon any elaborate discussion of the questions which are presented by this case. I simply desire, and I hope I may be permitted to do so briefly, to restate in a general way my view upon the subject in explanation of my vote. At a former session, as a member of the Committee on Privileges and Elections, it became my duty to submit to the Senate a laborious and elaborate argument upon the subject. I think I need not say that it was a sincere one. It was not a partisan case at all, for there was no contestant. I was at liberty, as every other Senator almost was, to treat the subject as nova res, a case of first impression. That was the Corbett case. I reached the conclusion that Mr. Corbett was as much entitled to a seat in this body as I am, and I knew then, and so stated in the opening of my remarks, that he would not be seated.

Those who supported his claim to a seat with me were not very successful in convincing the Senate. I have flattered myself sometimes with the notion that that was partly due to the fact that comparatively few Senators listened to the speeches; and the Corbett case in that respect did not differ from this case. I did not even succeed in convincing either of the Senators from Pennsylvania—Mr. Quay or Mr. PENROSE—that, the legislature having met and failed to elect a Senator, the governor nevertheless under the Constitution had the power to make a temporary appointment. That debate and this certainly show one thing beyond question, and that is that it is a debatable proposition.

Yesterday and to-day I listened to arguments, very strong ones, against the right of Senator Quay to a seat here under this gubernatorial appointment, in which it was assumed, if not stated, that the contention is supported by the *plain* language of the Constitution, and that there really is but one side to the matter. I think there is hardly a clause in the Constitution which from the beginning has excited more controversy than this one relating to the appointment by the governor of a Senator. Able lawyers have discussed it on both sides, and for anyone to say now that it is a plain clause, and that its language is not susceptible of construction, because it is so plain that construction has no office to perform, is rather a poor tribute to the intelligence of the men—distinguished men, too—who during fifty years have from time to time discussed it elaborately in this body.

It is purely a constitutional question, Mr. President, and nothing else. If Mr. Quay, under the Constitution, is entitled to a seat here, he ought to have it. If Mr. Quay, under the Constitution, is not entitled to a seat here, he should be excluded. Personality has no decent part to play in this question, and I do not impugn the motive of any man who differs with me upon it.

Much time has been taken here in discussion upon the doctrine of *stare decisis*, and some time has been taken in discussing the doctrine of *res adjudicata*. They are very different to a lawyer, so different as not even to be "of kin." *Res adjudicata* relates to the case in judgment. *Stare decisis* relates to the principle. When a case has passed to final judgment that case is ended. Yes, it is ended, because it is adjudicated, or, as the Senator from Maine [Mr. HALE] says to me, because it is an adjudicated thing. It is settled, and as to individual controversies, there must be an end, in the nature of things, to contention.

The doctrine of *stare decisis*—well known and enforced by the courts, a doctrine based upon the public interest and necessity—is different. The courts in some cases hold themselves bound by the doctrine of *stare decisis*, when, if the question were a new one, they would depart from the former decision. Why? Because it has become a rule of property and a basis for contracts. It has been so acted upon in the community, in the Commonwealth, or in the country that infinite harm would come to vast interests if the court should depart from it.

Not so as to that class of controversies or questions upon which rests no general property right. The courts often change their decision upon principles. The books are full of overruled cases. The list of overruled cases in this country would make a book as large as the Revised Statutes of the United States, if not larger. The highest courts of the States and the highest court of the United States have often overruled former decisions. So this doctrine of *stare decisis* is one limited in its scope. The supreme court of Texas—and to it I called the attention of the very few Senators who were then present, in the argument on the Corbett case—in drawing a distinction between the classes of cases, said:

> The proper determination of each of these cases depends upon the validity or invalidity of the "act to organize and maintain a system of public schools," approved April 24, 1872, and the authority conferred thereby to collect the taxes brought in question in them. The constitutionality of this law, and the liability of the taxpayers for these taxes has been sustained by this court. * * * It may be, therefore, thought that the question should not be regarded by us as now open for discussion—that whatever might be our views in respect to it, upon the principle of *stare decisis* we should hold it as definitely settled and concluded.
>
> We can not, however, regard the rule of *stare decisis* as having any just application to questions of the character involved in these cases. This doctrine grows out of the necessity for a uniform and settled rule of property and a definite basis for contracts and business transactions. If a decision is wrong, it is only when it has been so long the rule of action as that time and its continued application as the rule of right between parties demand sanction of its error; because, when a decision has been recognized as the law of property and conflicting demands have been adjusted and contracts have been made with reference to and on faith of it, greater injustice would be done to individuals and more injury result to society by a reversal of such decision, though erroneous, than to follow and observe it. But when a decision is not of this character, upon no sound principle do we feel at liberty to perpetuate an error into which either our predecessors or ourselves may have unadvisedly fallen merely upon the ground of such erroneous decision having been previously rendered.
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> The questions to be considered in these cases have no application whatever to the title or transfer of property or to matters of contract. They involve the construction and interpretation of the organic law and present for consideration the structure of the Government, the limitations upon legislative and executive power as safeguards against tyranny and oppression. Certainly it can not be seriously insisted that questions of this character can be disposed of by the doctrine of *stare decisis*.

Mr. President, this is only a judicial body *sub modo*, even in the consideration of such questions as are here involved. It is not a court as the judicial tribunals are courts. When you go before a bench to argue a case the judges are there and they generally listen to your argument. That is rarely true in the Senate.

It was not true in the Corbett case. It is not true in this case. This is a political body. Every member of this body is a political leader in his State. It does not follow from that that we should not and that we will not decide these controversies in a conscientious way; but in passing upon them, in discussing them, in acting upon them, we are not acting in the calm atmosphere of a court from which ordinarily partisanship is excluded.

I remember reading a statement of Senator Butler, of South Carolina, an able man, referring to the decision of the Senate in the Tracy case, in which he said it was decided upon party lines. If Senators will take Taft's Election Cases and look at the large number of cases which arose during the war, they will find that in very many of them they were decided upon party lines. Each Senator here takes an oath to support the Constitution of the United States. If he is a man of honor—and every Senator is that, of course—he will keep that oath. He supports the Constitution as he believes it to be, not as some one else in this body believes it to be.

Mr. TILLMAN. Mr. President, right there, if the Senator will pardon me, will he tell us upon what theory or basis those will vote who are going to vote on this question differently from the way they voted on the Corbett case?

Mr. SPOONER. That is a question for the Senator to put to

the Senators who are going to vote differently, if any are. I shall vote——

Mr. TILLMAN. I understand that there are some.

Mr. DANIEL. Will not the same question apply to those changing from the way they voted in the Mantle case?

Mr. TILLMAN. Certainly; or any case of a similar character.

Mr. SPOONER. Judges change their minds. I have not the highest possible opinion of a man who can not change his mind, and if a man changes his mind conscientiously, as he may, and therefore changes his vote, he is to be honored for it, not criticised for it. I have not changed my mind.

Mr. TILLMAN. What becomes of the Constitution under those conditions?

Mr. SPOONER. A Senator can change his mind about the Constitution just as courts have done.

But, Mr. President, what I mean to say is this: Each Senator enters into this obligation. It is a matter between him and his own honor and his own conscience. It is a matter for him to settle by the best light he can obtain for himself. If my view of the Constitution, formed after study, formed with perfect sincerity, leads me to believe a State is entitled to be represented here, when the question is later presented I can not change my oath or my sense of obligation because on some other occasion a majority of this body, lawyers and laymen, have taken a different view of their duty.

I do not undervalue precedent. Precedent, however, upon such a question should shackle no one here or elsewhere. If the precedent made by the Senate in the Corbett case is right, it should be adhered to—adhered to, Mr. President, not because it is precedent, but because it is right; and if the precedent made in the Corbett case is wrong, it should be abandoned because it is wrong.

Mr. HALE. Let me ask the Senator a question right upon the point of which he is now speaking.

Mr. SPOONER. Certainly.

Mr. HALE. Does not the Senator think if in the Mantle case the decision had been his way, and in the Corbett case the decision had been his way, that from the beginning of this case in the Committee on Privileges and Elections, and in the debate in the Senate we would have heard not much except the doctrine of *stare decisis* dinned into our ears by the Senator from Massachusetts, who is, so far as modern times go, the father of this doctrine that the Senate must always be full, and by everybody else who has followed him. It would have been difficult, would it not, I ask the Senator, for any of us who are opposed to him and his view now to have got our voices above surface for the reason that we should have been met at every turn and every moment by the declaration that twice the Senate had settled this great question on full debate. Does not the Senator believe that?

Mr. SPOONER. Very likely. I do not know how much the Senator from Massachusetts would have dinned into the Senator's ears. I know one thing: I should not have attempted to apply the doctrine of *stare decisis*. I should have urged, if the Senate had seated Mr. Corbett and the question were again before the Senate, that they should adhere to that view if they continued to think it the correct view, and I should have made as good an argument as I could that it was the correct view.

Mr. HALE. Then the Senator comes to this result, that practically in cases of this sort in the Senate there is no such thing as the doctrine of *stare decisis*, but that each case as it comes up must be decided for the time being. Now, I ask the Senator, does he think that it is a good thing in the life of the Senate that a great question of this kind should be always repeatedly up before the Senate? Does he not think, as a matter of guidance to legislators and to governors, it is better that there should be an end, not, as lawyers say in the courts, of litigation, but of contention on a subject of this kind, and does the Senator think for a moment that if it should happen in this case that the contention which he is making for the minority of the committee should be settled by a bare majority that would settle it in the future?

Mr. SPOONER. No.

Mr. HALE. The Senator does not want it settled in the future.

Mr. SPOONER. I did not say that, did I?

Mr. HALE. Is not that the situation?

Mr. SPOONER. Must I vote with you against my convictions in order to settle it for the future?

Mr. HALE. But I am asking the Senator as a lawyer, and a good lawyer, as a legislator, and a very valuable legislator, and as a thoughtful man who is full of thought, whether he thinks it is not better that in this body some time or other this question should be settled, so that governors may know and legislatures may know what is the line of action to be pursued?

Mr. SPOONER. Oh, Mr. President, the Senator from Maine would consider it settled, I suppose, and eternally settled, so long as it is settled his way.

Mr. HALE. No, I do not think that; but it happens to be the fact that it has always been settled in my way.

Mr. SPOONER. Suppose it had not been settled your way?

Mr. HALE. I should have given it up.

Mr. SPOONER. I do not know.

Mr. HALE. I should have given it up.

Mr. SPOONER. The Senator would have to change his nature to give it up. The Senator would say that in all his votes he had been governed solely by a sense of his constitutional obligation, and unless he changed his mind, so long as the question was presented to the Senate, he would discharge his obligation as a Senator as he understood the Constitution to be.

Mr. HALE. Now the Senator——

Mr. SPOONER. I think I do the Senator that justice.

Mr. HALE. The Senator is wrong there.

Mr. SPOONER. I withdraw the compliment.

Mr. HALE. I will take the other side as the higher compliment, that on a great question of this kind, thoroughly discussed, I may say, for ages, with strong convictions one way or the other, particularly if I had participated in two consecutive struggles and the Senate had voted against me, I should say that is settled, because, Mr. President, it is the fact that in any discussion that has taken place heretofore, almost every Senator, with the exception of the Senator from Wisconsin, has made it a part and a feature of his argument in the case that this question ought to be settled; that it should not be continually coming up to pester us.

Mr. President, there are Senators in this body who are good lawyers, better lawyers than I am, as good lawyers as is the Senator from Wisconsin a good lawyer, whose action to-day will be based upon the fact that this matter has been fought out and settled by the Senate. They will vote upon that ground, and I shall be content to vote on that ground.

Mr. SPOONER. The Senator asks me if I think this question ought constantly to be protruded in the Senate. I tell him, no. I regret that the question is here now, but it is here now. I shall be glad if the discussion of it shall lead either to legislation or to constitutional amendment which will prevent, as far as it is possible to do it, such questions hereafter as to the right of Senators to their seats.

I was not enamored of this doctrine of *stare decisis* or the value of precedent by the Corbett case and the manner in which it was disposed of. Arguments were used around this Chamber against Mr. Corbett, in debate and otherwise, based on personal charges, too, which never found their way into the committee room and as to which before the committee he was never for one moment challenged. How much weight they had with Senators I do not know; I do not care. That does not often happen in a court. There are many grounds for upholding the doctrine of *stare decisis* and the value of precedent in the courts which do not apply to the Senate.

But, Mr. President, I desire to proceed. This question is here. The Senator will vote upon it as he thinks is right. I will vote upon it as I think is right. If the Senator, having sworn to support the Constitution of the United States, believed that the Constitution, properly construed, entitles the State of Pennsylvania to its representation here in the Senate, I very much doubt if he could persuade himself to vote against that representation simply because a majority in the Corbett case or in some other case had reached a different conclusion.

Now, Mr. President, some things about this are admitted. I admit, as I have always admitted, that it is only the legislature of the State which can "choose" a Senator or which can *fill* (using the word in the sense in which the Constitution uses it) a vacancy in the Senate. But in construing this constitutional provision, one of the greatest conceivable importance, one devised by the framers of the Constitution for a beneficent purpose, it, in my judgment, ought not to be read through a microscope.

Constitutions are not ordinarily construed in that way. You are not to look solely at the letter, ignoring utterly the purpose; you are not to look only at the body, ignoring utterly the spirit; nor are you permitted to look solely at the particular clause, ignoring other portions of the instrument in which the same language is used in almost the same connection; by that I mean in connection with vacancies in Federal offices. The whole instrument is to be read. The provisions *in pari materia* are to be considered, for where there is any question as to construction they throw light upon it.

The language is:

> If vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments—
>
> Temporary appointments—
>
> until the next meeting of the legislature, which shall then fill such vacancies.

Each State is given two Senators in this body. The Government was made by the States and for the States. Every star in the blue field upon our flag represents a State. We have added many to it; we have never permitted one to be taken from it.

This is the only body in the Government where the State as a State speaks.

One of the greatest contests in the Constitutional Convention was over the representation which should be given to the various States in the Senate. Some insisted upon proportionate representation; others upon a different basis; and out of the struggle (and this should never be forgotten in reading this clause) came the compromise which gave to the States equality in the Senate. Without this compromise, resulting in equality of the States, there would have been no Constitution. This is historically true. It was the purpose that in this Chamber the States then in the Union and thereafter to come into the Union should stand forever equal—not equal in area, not equal in population, not equal, Mr. President, in intelligence, not equal in wealth, nor in mountains and valleys and streams, but equal in the number of Senators, equal in votes, each Senator having one vote in this body.

In construing this language of the Constitution, not altogether apt, not altogether happily chosen, else this long-continued controversy over its construction would not have arisen, I have not found myself able to shut out the great light which comes from the Convention room as to the governing purpose of the Convention concerning the representation of States in this body.

Mr. CULBERSON. Mr. President, I should like to ask——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Yes, sir.

Mr. CULBERSON. I should like to ask the Senator from Wisconsin if he believes before the election of Senators of the first Senate the governor of any State had authority to appoint?

Mr. SPOONER. I think not.

Mr. CULBERSON. Why not?

Mr. SPOONER. Because of the classification provision of the Constitution.

Mr. CULBERSON. Then I will ask this question: Does not that classification clause of the Constitution indicate that the vacancies contemplated to be filled by governors were those resulting not from efflux of time, but by reason of the casualties mentioned in the Constitution?

Mr. SPOONER. Mr. President, I will get to that in a moment.

If vacancies happen by resignation, or otherwise, during the recess of the legislature, etc.

I have never been able to persuade myself that that word "happen" was there used——

Mr. CULBERSON. If the Senator will pardon me, I lay no stress in this question upon the word "happen."

Mr. SPOONER. The Senator mentioned "casualty," and I supposed he was referring to the word "happen."

Mr. CULBERSON. The Constitution provides, if the Senator will permit me, that immediately after they shall be assembled in consequence of the first election, they shall be divided as nearly as may be into three classes. Then immediately after the classification and in the same clause of the Constitution it provides that if vacancies happen they shall be filled in a certain manner. Now, does it not follow that the filling of vacancies is provided for after the election to the full term by the original election body, to wit, the legislatures of the several States?

Mr. SPOONER. I have no doubt whatever that that is not correct. I think after the first Senators have been elected and classified that it is not necessary, in order to give the governor jurisdiction to make a temporary appointment, that the vacancy must occur by some fortuitous event—death, expulsion, or something of that sort—after the term shall have been filled.

Mr. HALE. Mr. President——

Mr. SPOONER. If the Senator will permit me, others desire to speak, and I am anxious to conclude.

Mr. HALE. I had some thought of saying a few words myself.

Mr. SPOONER. I want to give the Senator an opportunity, if I can.

Mr. HALE. But in order that we may help the Senator out of his dilemmas I am willing to waive that entirely.

Mr. SPOONER. Will the Senator kindly inform me of the dilemma which he proposes to help me out of?

Mr. HALE. I want the Senator to explain, if this doctrine that the Senate must be full and that the entire provision put into the Constitution by the fathers had for its life and spirit the one thing, that each State must always be represented here by two Senators, why that broad doctrine does not cover the question suggested by the Senator from Texas [Mr. CULBERSON], that originally had there been any failure the governor must himself, of himself, and of his power secured what was the great desideratum, the two Senators in their place from each State. I do not see how the Senator has answered the question of the Senator from Texas. It seems to me that if his argument covers that it covers everything. The one thing, the sole thing, the fathers thought of was not of the machinery, not of classification, but that always there should be in the Senate two Senators from each State.

Mr. SPOONER. Is that the dilemma?

Mr. HALE. That is one dilemma.

Mr. SPOONER. Will the Senator notify me as rapidly as he can of the various dilemmas that he thinks he can help me out of? I think it is very clear, Mr. President, and it has always been so considered, that this language applies only to vacancies which occur after Senators have been once chosen and classified. I never have heard anyone contend the contrary. "If vacancies happen by resignation." That implies that the office has been once filled, for a man could not very well resign or refuse to accept a seat in the Senate if he did not have it to resign. He could not be expelled if he were not a member. He could not accept an incompatible office so as to interfere with his tenure in the Senate unless he was in the Senate.

I have always assumed, and I think it has always been assumed by everyone, that original vacancies can only be filled by the legislature and that the power to make a temporary appointment would never arise until after an election and subsequent classification. The authority to make a classification is given only after an election. The Constitution clearly shows that in its provision for the classification of the first Senate:

Immediately after they shall be assembled in consequence of the first *election*, they shall be divided as equally as may be into three classes.

It has never before been contended or suggested that the governor of a State just admitted into the Union could appoint the first Senators, or that appointed Senators could be classified, and no such construction follows from the contention which I am making.

Mr. STEWART. Will the Senator allow me just one word there?

Mr. SPOONER. Well, yes.

Mr. STEWART. The State has no place until it is assigned to it. No vacancy can occur under the Constitution until the Senate assigns the places to the States. The State does not know what place it is going to have until it is assigned.

Mr. SPOONER. The legislature of a State must choose the first Senators. The governor can not choose Senators. When the legislature shall have chosen Senators, and they shall have been classified under the provisions of the Constitution, then the vacancies which occur after that may, within certain limitations, be temporarily filled by the appointment of the governor.

Mr. TILLMAN. Will the Senator permit me?

Mr. SPOONER. If the Senator will allow me to go on, I wish to finish in order that others may speak. We are to vote at 4 o'clock, and I hoped that I might be permitted to proceed without interruption, for I desire to be brief. However, I will yield to the Senator.

Mr. TILLMAN. I wish to ask the Senator whether there is no difference in his mind between vacancies that occur after a seat has once been filled—that is, vacancies that would happen—and vacancies that occur by reason of the limitation of the term?

Mr. SPOONER. I will get to that.

Mr. TILLMAN. This case is one in which it was known far ahead, when Mr. Quay was first elected, that his term would end on the 4th of March of last year. It did not happen. There is no casualty about it; there is no accident.

Mr. SPOONER. Is there any casualty about a resignation?

Mr. TILLMAN. Of course.

Mr. SPOONER. Is there any accident about a resignation?

Mr. TILLMAN. There is this about it, that the framers of the Constitution could not provide for all these things.

Mr. SPOONER. They did provide for vacancy caused by resignation, however. But is there any accident or casualty about a resignation?

Mr. TILLMAN. It was not in contemplation when a man was elected, for "few die and none resign."

Mr. SPOONER. But the contention is, upon the word "happen" and, that the use of the word "happen" makes it plain that the framers of the Constitution only intended that a vacancy should be filled by a temporary appointment when the vacancy had occurred through some fortuitous event.

Mr. TILLMAN. In this case——

Mr. SPOONER. Is a resignation a fortuitous thing? It is purely voluntary. As I had the honor to say in the Corbett case, if it were otherwise than voluntary, it would be invalid. But I will answer his question, if the Senator will permit me, as I go along. I have never been able to persuade myself that the framers of the Constitution used the word "happen" in any other than a generic sense, or used it as indicating that the only vacancies which could be filled by gubernatorial appointments were vacancies which were accidental, the result of casualty or fortuitousness. Why did they provide for temporary appointments at all?

In some of the States, as appears from the proceedings of the Convention, the legislatures met *oftener than once a year*. The governors had the power to call them in extraordinary session. Why did they provide for this temporary appointment at all? They did not provide that the governor might fill a vacancy in the

House of Representatives temporarily. They provided that as to the Senate the governor might fill a vacancy temporarily. Why? Because they deemed it of such vital consequence that the States should remain equal in votes in this body. No other consideration imaginable could have influenced them.

The Senator from Kentucky [Mr. LINDSAY], who made, as he always makes, an able argument, called attention to the fact that this provision is an anomalous and unique one. I agree to that. He called attention to the distinction made by the Constitution between the coordinate branches of the Government, and to the fact that it is not an executive function to choose or appoint a legislator. I agree to that. It is unique; it is not in harmony with our general system; but it is in the Constitution. Why was it put there?

Why did the framers of the Constitution invest the governor of a State with this extraordinary power of appointing a Senator of the United States temporarily? Only because, Mr. President, of their great anxiety that there should be no "inconvenient chasm" in the State representation in the Senate; only because of their anxiety that the compromise which gave to each State two Senators should to the fullest possible extent be carried forward and safeguarded. The Senator from Kentucky finds in that strange provision, or rather in its uniqueness, an argument against our contention. I find in it an argument for it.

Mr. WELLINGTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. SPOONER. Yes.

Mr. WELLINGTON. I ask the Senator if I may interrupt him for just one question?

Mr. SPOONER. Certainly.

Mr. WELLINGTON. I should like to ask the Senator whether he can not find some other reason than the one which he assigns for giving to the executive of a State the appointment of a Senator under the circumstances? I can find one, and it is this: It was, as the Senator himself eloquently has said, the intention of the makers of the Constitution that the House of Representatives should be chosen by the people and that the choosing of a Representative should always remain with the people. Therefore the governor was not allowed to appoint a member of the House of Representatives: but, on the other hand, it was the intention of the framers of the Constitution that the legislatures, and not the people, should elect a Senator. Therefore it was their intention that it should not go to the people under any circumstances. What other power was there that could fill a vacancy, if it was to be filled, except the governor of the State?

Mr. SPOONER. The Senator gives a reason why the Constitution does not provide for an appointment by the governor to fill a vacancy in the representation from a State in the other House. He does not controvert the statement of the Senator from Kentucky, nor does he controvert at all the argument which I was making, and that is this: That the very fact that the framers of the Constitution industriously gave this power to the governor is conclusive evidence that they did not intend, except in the rare cases where it was absolutely unavoidable, that the States should be without full representation in the Senate. Otherwise they certainly would have made no provision for temporary appointments at all. They had fought for equality of States in the Senate, and they intended to secure it to the utmost practicable extent.

Now, Mr. President, I shall not spend time to make the philological argument upon this word "happen" or upon the language of the succeeding clause. I made it once, and I do not care to repeat it.

Mr. President, from an early day to this, although it has been often debated, the meaning of this word "happen" and the question whether the governor in exercising his power of appointment is limited to vacancies occurring after the term has once been filled, and it has been decided thirteen times that that is not the proper construction of the Constitution. How could it be otherwise? To impute a contrary purpose to the framers of the Constitution would be to impeach their intelligence, and would be to say that they forgot the great purpose of the struggle to give the States equality in this body.

Could it be ever imputed to them that it was their intention, carefully providing here as far as might be for continued equality in the Senate, that if a man was elected to the Senate by a legislature and refused to accept, there should be a vacancy until another legislature met and elected? Was it their intention to leave this provision of the Constitution in such plight that if a man was elected to the United States Senate by a legislature and died on his way to the Capitol to take his oath a vacancy must continue? Not at all. And so, Mr. President, I say without hesitation that it is, not only upon reason, but upon precedents rightly made, settled that the governor, notwithstanding the use of this word "happen," has the power to fill a vacancy temporarily, even if the term has not been once filled.

I never yet have been able to become reconciled, Mr. President, to the doctrine of the Corbett case. Precedents, it is true, may be invoked for it. The debates upon the early precedents are scant. Upon those of later years they are more elaborate. I have considered the Smith case, of Maryland, and the Sevier case, of Arkansas, as necessarily overruling the earlier precedents. If the governor may make a temporary appointment to fill a vacancy at the beginning of a term because of the death of a Senator elected by the legislature, or his refusal to accept, as seems to be well settled, it is difficult to see why one may not be so temporarily appointed where the legislature failed, for one reason or another, to choose.

I doubt if the framers of the Constitution contemplated the failure of legislatures to choose, but it has seemed to me clear that they did not intend that the power of temporary appointment should be restricted to defeat the purpose for which it was inserted in the Constitution. Such appointment, it must be constantly borne in mind, does not fill the vacancy, but provides a Senator temporarily to exercise the functions and subserve in the interim the interests of the State and of the country. The necessity for a temporary appointment would be as great in one case as in another. They made it, so far as language could do so, compulsory upon the succeeding legislature to then fill such vacancy, and doubtless did not contemplate a failure in the performance of such duty.

Mr. TILLMAN. If the Senator will excuse me, I will interject another idea and then let him elaborate that, and will not interrupt him any more. In this case which we are discussing the question as to the recess of the legislature enters in very largely.

Mr. SPOONER. I will come to that.

Mr. TILLMAN. Very well. I shall not interrupt the Senator further, if he will touch on that point.

Mr. SPOONER. I will touch on it, and I will touch on it rapidly, and finish if I may.

Mr. President, in the Corbett case, when the 3d day of March came, there was a vacancy in the Senate, caused by the expiration of the term of Senator Mitchell, and the legislature of Oregon was not in session. It was in "a recess of the legislature;" and by the plain language of the Constitution, as I read it without construction, the governor had the power to appoint:

> If vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments.

And in the case of Corbett, when the vacancy happened, it was during the recess of the legislature. Why did not the governor have the power to appoint? Because, Senators say, the legislature had been in session, it had had an opportunity to choose a Senator, and it had failed to do so. Where do you find that in the Constitution? It may be true or it may be false that the framers of the Constitution never contemplated the failure of a legislature to choose a Senator to fill a vacancy; but they use in that respect elastic language, and the jurisdiction, so far as the governor was concerned, given by the Constitution, construed most strictly, depends on two facts—one, that a vacancy has happened, or occurred, or come to pass, or exists; the other, that it was in a recess of the legislature. These two jurisdictional facts existed, in my view, in the Corbett case.

I have often put the question: Suppose the legislature met and before they could elect a Senator was dispersed by an armed mob or driven away by some epidemic—cholera, yellow fever, or the like—would the governor have no power to make this temporary appointment if, when the Senate met, or if, when the vacancy occurred, there was a recess of the legislature? If not, why not? It would be no fault of the State. The people would have done all they could do; the legislature would have done all it could do; but if, prevented by overweening force, it had failed to choose a Senator, was it the purpose of the framers of the Constitution, having struggled so hard for a compromise which would leave the States equally represented here, that in a case such as that the governor should have no power even to make a temporary appointment?

Senators have answered me that in that case, possibly he might appoint, because the State would not be at fault; it would have tried to elect a Senator. My reply to that has been, and it is my reply to-day to it, Where do you find in the Constitution, the jurisdictional facts existing, the power to discipline and punish a State?

Mr. TURLEY. May I ask the Senator one question?

Mr. SPOONER. I hope the Senator will not. There are Senators who want to speak, and I have no right to yield.

Mr. TURLEY. Very well.

Mr. SPOONER. It may happen, as I suggested in the Corbett case, that a legislature is unable to elect and the reason for its failure is a creditable one. There may be differences of conviction in matters of great national policies, a contest between parties nearly equally divided, or a little band of men, honest men, of both political parties, may combine to defeat the election of a

Senator by bribery and fraud, thereby not only protecting the people of the State, but protecting the people of the United States and protecting the honor of the Senate. Is the State in such a case as that, the vacancy occurring during the recess of the legislature, to be deprived of representation?

I say again what I said before, that when you go beyond the spirit of this instrument in this respect and when you accord to a State or deny it equal representation in the Senate according to your judgment as to whether the State is or is not at fault, you tread upon dangerous ground. If there has been a case where a State was at fault and where a people could be said to be at fault, I think it was the State of New Hampshire, which year after year allowed its constitutional provision to remain, regulating the meetings of its legislature so that it could not elect seasonably in accordance with the act of Congress. That was a trouble which the people of that State could easily have remedied and which they did remedy after a while.

But meanwhile in the Bell case and in the Blair case Senators were admitted under appointment of the governor at the beginning of the term.

The whole point is this: It is only a temporary appointment; it only lasts until the next meeting of the legislature, which is commanded by the Constitution to then fill the vacancy; and I think when they inserted that provision in the Constitution they inserted it with a purpose to safeguard the interests and equality of the States here, and I am not prepared to believe that they expected it to be refined and whittled all to pieces until finally it was substantially eliminated from the Constitution.

Has the time come when Senators find authority to change the constitutional provision so as to make it read?—

> And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies, provided *the legislature shall have met and failed to elect.*

This proviso is not in the Constitution.

You add that proviso to that clause. Where do you find the authority to do it? Senators who criticise us for reading the word "happen" as "happen to exist" or "happen to be" as importing something into the Constitution which is not there, in order to disfranchise a State themselves add a proviso at the end of that clause, "if the legislature shall have met and failed to elect."

But, Mr. President, I must hasten. Great liberties have been taken with this clause of the Constitution. You ask the Senate to construe it literally. The Senate never has construed it literally. The Senate has sacrificed, and sacrifices now, the letter of this clause of the Constitution. Why? For the same purpose precisely which led the framers of that instrument to give the power of temporary appointment that the Senate may be full as nearly as possible and the States may be equal here. How? This says:

> The executive thereof may make temporary appointments *until the next meeting* of the legislature, which shall then fill such vacancies.

Mr. TILLMAN. Suppose the governor does not do it?

Mr. SPOONER. That is not the point. The governor may appoint "until the next meeting of the legislature, which shall then fill such vacancies." What does that word "meeting" mean? What does the word "until" mean? The word "meeting" is a plain word. It means to come together. It is defined by the Standard Dictionary "a coming together; an assembling." Webster defines it "a coming together; an assembly." It is not a word of technical signification.

The word "until" is familiar to every one who at all understands the language. It is simple and plain. The Standard Dictionary defines it, "to the time when; up to; till." Webster defines it, "to; till; as far as; to the point that; *especially, up to the time that.*" He says the word is rarely employed in modern usage, except as to time. No one can doubt that it is used in this clause of the Constitution solely with reference to time.

And what is the plain meaning, then, of the phrase "until the next meeting of the legislature?" It manifestly means that it limits the term of the appointee of the governor until the meeting (which probably includes organization) of the legislature. Of course, if literally construed, there would be a vacancy in the Senatorial office from the time the legislature meets until it chooses a Senator; and to guard against this, from an early day, in violation of the language, the Senate of the United States resorted to a fiction of law, and held that the meeting of the legislature was an entirety, lasting as it were but a day, and that the Senator was entitled to hold under the gubernatorial appointment until his successor was elected or the legislature adjourned without an election.

Is this obeying the letter of the Constitution? No. But it is yielding, Mr. President, to the spirit of the Constitution, and has been done in order to prevent by construction as far as possible a break in the representation of a State in this body.

One thing more, Mr. President, and I shall have finished. There is another clause in the Constitution almost identical with that under consideration. The third subdivision of section 2, Article II, of the Constitution provides that—

> The President shall have power to fill up all vacancies that may "*happen*" *during the recess of the Senate*, by granting commissions which shall expire at the end of their next session.

I never have known exactly what significance, if any, is to be attached to the word "up," used in this connection. If one fills a glass, I suppose he fills it up. If he fills it up, he does no more than fill it. If the Executive fills a vacancy, he fills it, and that is the end of it. The Senator from Kentucky [Mr. LINDSAY] seemed to put great emphasis upon the word "up." The meaning of the sentence would be precisely the same, I think, if the word were omitted.

Here in this clause of the Constitution we have the word "happen" again used in connection with a vacancy. It has never been construed to be limited at all to vacancies occasioned by casualty or anything in the nature of fortuitousness. It has from the beginning applied as much to vacancies caused by expiration of term as to vacancies caused by death, resignation, or otherwise, and of course no distinction could be made, because, however the vacancy is caused, it must, in the public interest, be filled.

The word "happen" is used also in connection with vacancy in subdivision 4 of section 2 of Article I of the Constitution, thus:

> When vacancies "happen" in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

Placing the narrow construction upon the word "happen" which is contended for here, in connection with a vacancy in the representation in Congress, Mr. President, the governor would only have power to issue his writ for a special election, where by some fortuitous event the office of Representative became vacant, the term having once been filled. This would be nonsense. The clause applies as fully, and it has always been so held since the Constitution was adopted, to a vacancy caused by a failure of the people to elect, or by the death of a Representative elected but not sworn in, as to any other case.

But passing from the word "happen," I beg the attention of the Senate to the words "during a recess of the Senate." Note the similarity between the language employed in this clause and that employed in the clause under consideration here. The one clause says:

> And if vacancies *happen* by resignation, or otherwise, *during the recess of the legislature* of any State, the executive thereof may make temporary appointments, etc.

The other says:

> The President shall have power to fill up all vacancies that may *happen during the recess of the Senate.*

Will some Senator tell me upon what principle of constitutional construction these words, almost identical, used in each clause with relation to substantially the same subject, are to be given one construction where used in one clause and an entirely different construction where used in the other?

It became necessary early in the history of the Government to construe this language:

> The President shall have power to fill up all vacancies that may happen during the recess of the Senate—

And it was found that if it were construed strictly, as Senators here desire it shall be construed, it would dismantle the ship; it would leave a vast number of administrative offices, which became vacant during a session of the Senate instead of during a recess of the Senate, unfilled, the laws to go unadministered, and so it was construed in a manner which would permit the spirit of the Constitution to control, and the purpose for which it was adopted to be subserved.

Attorney-General Wirt, discussing this clause (1 Opinions Attorneys-General, 631), says:

> The doubt arises from the circumstance of its having first occurred during the session of the Senate. But the expression used by the Constitution is "happen"—"all vacancies that may happen during the recess of the Senate." The most natural sense of this term is "to chance; to fall out; to take place by accident." But the expression seems not perfectly clear. It may mean "happen to take place"—that is, "to originate," under which sense the President would not have the power to fill the vacancy. It may mean also, without violence to the sense, "happen to exist," under which sense the President would have the right to fill it by his temporary commission. Which of these two senses is to be preferred? The first seems to me the most accordant with the letter of the Constitution, the second the most accordant with its reason and spirit.
>
> This seems to me the only construction of the Constitution which is compatible with the spirit, reason, and purpose, while at the same time it offers no violence to its language. And these I think are the governing points to which all sound construction looks. The opposite construction is perhaps more strictly consonant with the mere letter, but it overlooks the spirit, reason, and purpose, and, like all constructions merely literal, its tendency is to defeat the substantial meaning of the instrument and to produce the most embarrassing inconveniences.

Further he says:

> In reason it seems to me perfectly immaterial when the vacancy first arose, for whether it arose during the session of the Senate or during their recess, it equally requires to be filled. The Constitution does not look to the

moment of the origin of the vacancy, but to the state of things at the point of time at which the President is called on to act. Is the Senate in session? Then he must make a nomination to that body. Is it in recess? Then the President must fill the vacancy by a temporary commission.

Mr. Taney, Attorney-General under President Jackson, in an opinion dated July 19, 1832 (2 Opinions Attorneys-General, 525), concurring in the construction placed upon this clause by Mr. Wirt, says:

It was intended to provide for those vacancies which might arise from accident and the contingencies to which human affairs must always be liable. And if it falls out that from death, inadvertence, or mistake an office required by law to be filled is in recess found to be vacant, then a vacancy has happened during the recess, and the President may fill it. This appears to be the common sense and the natural import of the words used. They mean the same thing as if the Constitution had said, "if there happen to be any vacancies during the recess."

This view was concurred in by Mr. Legaré, October 22, 1841 (3 Opinions, 673); Mr. Mason, August 10, 1846 (4 Opinions, 523); Mr. Caleb Cushing, May 25, 1855 (7 Opinions, 186); Mr. Edward Bates, October 15, 1862 (10 Opinions, 356); Mr. James Speed, March 25, 1865 (11 Opinions, 179); Mr. Henry Stanbery, August 30, 1866 (12 Opinions, 32); Mr. William M. Evarts, August 17, 1868 (12 Opinions, 449); and Mr. Charles Devens (14 Opinions, 538).

I can not take the time to give the reasoning of these opinions. Of course it will be remembered that the appointment by the President consists of three steps. The nomination is one, the confirmation another, the commission is the third. Strictly, perhaps, the commission is only evidence of the nomination and confirmation. This construction is one of necessity. Otherwise if a vacancy came about during a session of the Senate and the President did not send in a nominee, or when the Senate had no time to confirm, or where an officer died in a distant land and notice of death did not seasonably arrive, and other cases, the President would have no power after adjournment of the Senate and during the remainder of the year to fill the office at all.

Mr. Justice Woods, of the Supreme Court of the United States, sitting at the circuit, approved this construction of the Constitution in the case of In re Farrow and Bigby (4 Woods Reports, page 491). After referring to the opinions of the distinguished jurists who had filled the office of Attorney-General, he says:

These opinions exhaust all that can be said on the subject. They were rendered upon the call of the executive department, and under the obligation of the oath of office, and are entitled to the highest consideration.

In his opinion Mr. Bates says that the power to fill vacancies which occur during the recess has been sanctioned, so far as he knows and believes, by the unbroken acquiescence of the Senate; it is true that individual members of the Senate have disputed the power, but not the Senate itself.

Congress has recognized the power by section 2 of the act of February 9, 1863 (Revised Statutes, section 1761), which declares, "No money shall be paid from the Treasury as salary to any person appointed during the recess of the Senate to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session, and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate."

The only authority relied on to support the other view is the case decided by the late Judge Cadwalader, the learned and able United States district judge for the eastern district of Pennsylvania.

It is no disparagement to Judge Cadwalader to say that his opinion, unsupported by any other, ought not to be held to outweigh the authority of the great names which are cited in support of the opposite view, and of the practice of the executive department for nearly sixty years, the acquiescence of the Senate therein, and the recognition of the power claimed by both Houses of Congress.

I therefore shall hold that the President had constitutional power to make the appointment of Bigby, notwithstanding the fact that the vacancy filled by his appointment first happened when the Senate was in session.

This is a list of distinguished lawyers, men acting under oath, Mr. President; men not sitting, as we are sitting, in a body *quasi* political; men in honor bound to advise the President as to his constitutional power. Without break from the days of Wirt down to to-day they have construed this same language as to the power to fill vacancies during a recess of the Senate and the word "happen" to mean "happen to be" or "happen to exist." It mattered not, according to their opinion, whether the vacancy occurred by expiration of a term of office or by some casualty or fortuitous event.

Mr. President, that, by early, long-continued, uniform practice of eighty years, is the settled construction of that language in the Constitution. The courts adhere to it upon that theory. The courts will continue to adhere to it upon that theory.

I believe, Mr. President, that the Presidents and their Attorneys-General have construed the language correctly. I believe the clause relative to the power of the governor to make temporary appointment of Senators, containing, as it does, substantially the same language, should receive the same construction. It is almost inconceivable that this language should mean one thing to the Presidents and their law officers and another thing in the Senate in its relation to the power of the governor to make temporary appointments of Senators. It was a necessary construction in the one case in order to prevent lapses in administration which would be intolerable to the people. It is quite as important in the other in order to secure the equality of the States intended by the Constitution, and to keep the body of lawmakers full, as nearly as practicable.

Mr. President, in my short and not very eventful life, in the practice of my profession I have had occasion many times to exercise in statutory and constitutional construction such ingenuity as I possess. Standing here in the Senate of the United States I can have no purpose except to carry out the object of the framers of the Constitution to keep the States—the greatest of all constituencies—equal in this body, as they were intended to be.

I would be ingenious if I could and it were necessary, in order to open the door, but not to shut and bar it to *temporary* appointments. If in the lapse of years, as sometimes seems, by the increase of partisanship in the States the spirit of patriotism has been somewhat impaired, if with the vast increase of wealth and "bossism" this power is abused by successful attempts upon the part of powerful and ambitious leaders to defeat elections by the people, that affords no reason why we should shave this constitutional provision into nothing, why we should take the narrowest conceivable view of it to exclude a State from equality here even though it be but temporary, while it may and it does afford good reason for changing the organic law or for enacting legislation which will tend to defeat such combinations in the States.

Mr. President, I have not been able myself to see that the provision of the constitution of Pennsylvania has bearing upon what we should do in the exercise of constitutional duty in this case.

I listened with great pleasure to the speech of my colleague upon this phase of the question yesterday. I have not had opportunity to read the speech. I am unable to agree with my colleague's view, but I can not withhold expression of my admiration for the ability, ingenuity, and eloquence with which he presented it, and I congratulate him and the great State which he so well represents here upon his auspicious entry into the debate of this forum. His speech was an honor to himself and to Wisconsin.

But, Mr. President, I do not perceive that the amendment to the constitution of Pennsylvania has in any wise, or could in any wise, deprive the governor of that State of the power of appointment, if without that provision he would possess the power, which I think he does. It is very true that by the Constitution of the United States the times, places, and manner of holding elections for Senators is primarily left to the States. They adopted various methods in various States. But Congress, in the exercise of the power to alter the regulations as to times and manner, passed the act of 1866.

Under that act, which I think is a full exercise of the reserve power—at any rate, as much as we have ever known, for it has never been admitted that Congress could fix the time when the legislature should meet—Congress has provided what legislature shall elect or choose a Senator. It is the legislature "chosen next preceding the expiration of the time for which any Senator was elected." Congress has provided at just what *time after the legislature meets* it shall proceed to choose a Senator; that covers the "time of holding election;" and Congress has prescribed the precise *manner* in which the election shall take place, first by separate votes in the two houses, afterwards by meeting in convention to verify, where the vote in each house has produced an election, or a vote in convention where the houses have not been able separately to elect. I think that covers the whole ground.

If the governor of Pennsylvania had, under the constitutional provision, called together the legislature, then, in their proceeding, they would have been bound as to the *time in the session* of electing a Senator and the *manner* of such election, by the provisions of the act of 1866; but I do not think it has been left to a State by any regulation of its own to deprive the governor of a power which he derives from the Constitution of the United States to make temporary appointment of a Senator.

Mr. President, I have not attempted to go through the precedents or to make any complete argument upon the subject. I have finished, and I regret very much that I have, by reason of interruptions, spoken longer than I intended. If I know myself there is no tie or influence which would lead me to vote to admit a man here whom I thought not entitled under the Constitution to come, nor is there any enmity, personal unpopularity, or popular prejudice which would induce me to vote to exclude a man from this Chamber who came here with credentials which I felt, under the Constitution of the United States, bound to accept. Pennsylvania, in my judgment, sends Mr. Quay here with such credentials, and I therefore shall cast my vote to admit him to a seat in the Senate.

Mr. STEWART. Mr. President, I would not occupy the time of the Senate for one moment in this case if the Corbett case had not been used as an argument in favor of excluding Mr. Quay from a seat in this body. I voted against seating Mr. Corbett upon an entirely different ground from any construction of this constitutional provision. If there had been no other reason but a construction of the Constitution, I should certainly have voted for Mr. Corbett. I may have been mistaken in the facts which influenced my vote; we frequently are; but we must vote conscientiously upon the facts that we possess and which we believe to be true.

I believed at the time, whether it was true or false, that Mr. Corbett, a very rich man, was in a conspiracy with the governor and others to prevent the organization of the legislature to secure the Senatorship for himself or his friends, and that the Senatorship was the prize which induced the defeat of that organization. I did not think that Mr. Corbett came with clean hands entitled to a seat under those circumstances.

I have no doubt whatever of the right and duty of the governor to appoint in a case like this. The question has always been very simple to me. I believe it was rightly construed for the first twenty-five years—yes, the first thirty years—till 1825. The phrase is:

> And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Now, there are two very natural meanings to the word "happen." The first is to originate; to begin. That probably, if there were nothing else to govern it, would be the most plausible construction. It might be so construed in the general acceptation. But there is another way which comports with the object of it better. Undoubtedly the meaning that the framers of the Constitution had in mind is this: Happen to exist, or happen to be. That construction was given until 1825 without dissenting voice, and the same construction has been given from the foundation of the Government until now by the law officers of the Government, by all the Departments of the Government, to the same kind of language, which is as follows:

> The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

They said it would be an inconvenience if the Executive did not have the power to fill offices. It would be a great inconvenience, but nothing like so great as if the executive had not power to fill these places in the Senate, because the duties of those offices could generally be exercised by deputies, etc. There is hardly a case where there is no provision for some one else to discharge the duties. It is nothing like so urgent as in the case of Senators, because nobody can perform the duties. They can not be performed by a deputy.

All the law officers of the Government from its foundation down and every President have construed "happen" in that connect on to mean "happen to be" or "happen to exist." There is no doubt concerning the language. Over a hundred years of constant construction of the word "happen," and for the first thirty or forty years it applied to Senators, it always seemed to me made the question very plain. I never had the slightest doubt that it was the duty of the governor to appoint in a case like this and that the Senate should receive the appointee. The object of the amendment at all providing for the filling of vacancies was to keep the Senate full. There can be no doubt of that. Why is it not just as important that it should be kept full when the vacancy happens before a recess? It exists during the vacation of the legislature, when it can not act. The same reason for representation exists in the one case as in the other. Why not give it the common-sense construction that it had at that time and which has been given to the same language in order to carry on the Government? Why give it a strained construction to deprive the State of its representation in the Senate? It ought not to be done, and I hope it will not be done in this case. It would be an exceedingly bad example.

Mr. TURNER. Mr. President, my convictions concerning the true interpretation of the Constitution will compel me, on the case made here, to vote against the seating of Mr. Quay. I do not rise for the purpose of making an argument to sustain the views which I hold. The case has already been argued so fully and with so much learning and ability on both sides that I could not hope to add anything of value to what has already been said, especially at this late hour and in the limited time permitted to me.

My purpose in taking the floor is simply to explain my vote in order that I may avoid possible misconstruction which might lead to undeserved criticism.

The impression prevails among the press and the public generally that this case is similar in every respect to the case of Mr. Corbett, decided by this body during the last Congress, and that all those Senators who then voted to seat Mr. Corbett must now, in order to be consistent, vote to seat Mr. Quay. This impression is a very erroneous one. The two cases are different in most essential particulars.

In the present case the legislature of Pennsylvania was in session balloting to elect a successor to Mr. Quay at the moment the vacancy occurred to fill which he holds the appointment of the governor, and it remained in session striving to elect a successor to him for several weeks thereafter.

In the Corbett case the legislature which ought to have elected a successor to Mr. Mitchell, the then sitting Senator for the State of Oregon, had never organized and did not, therefore, have an opportunity to ballot for Mr. Mitchell's successor. Moreover, if it had organized and balloted, its session would have expired by limitation, under the constitution of Oregon, before the expiration of Mr. Mitchell's term and therefore before the happening of the vacancy which Mr. Corbett was appointed to fill.

My view of the Constitution as applied to that case was that the governor was empowered to appoint to fill a vacancy happening from any cause—efflux of time or otherwise—during a recess of the legislature, and that he was still empowered to appoint where the vacancy happened from efflux of time, even where the legislature had balloted to fill the term, or might have so balloted if it had been organized, provided that the balloting or the opportunity to ballot was before the happening of the vacancy, and that the vacancy actually happened during a recess. Holding these views, I was compelled, of course, to vote in favor of seating Mr. Corbett. But I then held and expressed the other view—that vacancies happening while a legislature was in session, or happening before a legislative session and remaining unfilled until it met, could not be filled by the appointment of the governor. This view will compel me to vote against the seating of Mr. Quay.

I wish to read briefly from some remarks made by me on the Corbett case, for the purpose of indicating the position I then took concerning the constitutional power of the governors of the States in this class of cases. My remarks will be found on pages 2177 and 2178 of the CONGRESSIONAL RECORD for the Fifty-fifth Congress, volume 31, part 3:

> Mr. President, it is undoubtedly true that the Federal Convention had in mind two methods of keeping the representation in the Senate filled, and that one of them may be properly termed primary and the other contingent. It expected that ordinarily legislatures would perform their constitutional duty and make elections at appropriate times, so that vacancies to occur at stated and known periods would be filled up in that manner.
>
> This undoubtedly was the primary manner by which it was expected Senators would be accredited to this body. The contingent method was to be by appointment at the hands of the executives of the States, and was to be exercised by them only when the legislatures could not act and only until such times as the legislatures had had full opportunity to act. Nobody disputes this. But in one view of the question, I think, the effect to be attributed to this distinction is exaggerated and in the other I think it is lost sight of.
>
> In my judgment, there is virtue in a middle course. Medio tutissimus ibis. When a vacancy happens under circumstances which bring it fairly within the language of the Constitution authorizing the governor to appoint, I would not defeat the exercise of that power on any strict construction of the Constitution. On the other hand, when it happens under circumstances not fairly within the language of the Constitution, I would not do violence to language in deference to some supposed overruling constitutional intent in order to effectuate that intent. It is not sufficient that a particular intent be found in a statute or constitution to justify a construction which will effectuate it. There must be apt words evidencing that intent upon which the construction can rest.
>
> Now, it seems evident to my mind that those who claim to have discovered a purpose on the part of the Federal Convention to exclude the power of appointment from the executive in vacancies caused by the efflux of time must draw largely on inferences which, while they may find satisfactory countenance in the language of the Constitution construed in one sense, are yet opposed to the language of that instrument in another and almost equally permissible sense, and which are wholly opposed to the history of the convention in its dealings with the subject.
>
> On the other hand, those who would throw the bars down entirely and say that vacancies existing at any time and under all circumstances may be filled by the executives of the States, and as often and as long as said vacancies happen to exist, not only have no warrant for such a position, except a supposed overruling intent, but their position is opposed to the express language of the Constitution and to a long line of precedents in this body which are absolutely unbroken and without contradiction.

I summed up my conclusions as follows:

> First. They may appoint when a vacancy shall happen from any cause during a recess of the legislature.
>
> Second. They may not appoint where the vacancy happens during a session of the legislature, or where, having happened before, it continues until after the legislature has adjourned.
>
> Third. It follows as a corollary from the first proposition that the fact that a legislature makes an ineffectual effort to elect before the vacancy actually happens does not cut off the right of appointment by the executive.

Mr. President, I have not been shaken in these views by the debates to which I have listened in this case. I believed them to be sound when I uttered them, and I still believe them to be sound. And so believing, they will, of course, control my vote, although I might wish, on personal grounds, that it were possible to vote otherwise. But I do not conceive that personal considerations ought to have any weight, or that they do have any weight, with Senators in deciding grave constitutional questions of this character. Neither personal nor political considerations have any weight with me in this class of cases, and they never will have so long as I am honored with a seat in this Chamber.

Mr. DANIEL. Time presses, Mr. President, and I must be brief. I can not make a speech as I intended to do; I can only seek to impress a point upon the attention of the Senate. This is a judicial case and ought to be decided upon judicial principles. Upon my oath as a Senator of the United States, delivering true judgment according to my legal conviction, I do declare that I believe Matthew S. Quay is entitled to a seat in this body, and so believing, I shall so vote.

I have not time, Mr. President, to undertake any review of the authorities in this case. No review of them so far reflected in the Senate decisions would be satisfactory to analysis. In the space of one hundred and ten years in which questions like that before us have been debated its opinions have been as diversified, as

antagonistic, and as reversible as the opinions of some of our friends on the Porto Rican tariff.

I accept a point of view which was stated yesterday in a very able and interesting speech of the junior Senator from Wisconsin [Mr. QUARLES]. I have looked for his speech in the RECORD, that I might quote him accurately. Not finding it there, I must rely upon memory. In effect he said that each Senator should state the precise view upon which he bases his opinion. I base my opinion that Mr. Quay is entitled to a seat in this body upon the true intent and meaning of the Constitution as expressed in its language, accepting the meaning of that language as it has been construed in the Federal Government of the United States from the Administration of John Adams to this day.

The Senator from Wisconsin thinks that we ought to take this language all off by itself, hang it in the air, and construe it as if it stood alone. If it were so construed, the word "happen," which is elastic, flexible, and applicable in numerous ways, would not be contorted or twisted away from the fair and just significance which 12 Attorney-Generals of the United States have given it, if I gave the meaning to it which I do here.

But I shall not overlook, Mr. President, the wise injunction of John Marshall to those who would put a narrow, rigid construction upon the Constitution when he declared that they should not forget it was a Constitution they were construing. I would say to my learned friend, in reply to his very ingenious and able suggestions, that if we desire to do so, we can not forget that this is a Constitution we are construing, nor ought we to forget that all the Presidents of the United States, from John Adams to William McKinley, have construed these identical words which we are called upon to construe not in the narrow, technical, and alienated way that opposition Senators would suggest, but according to the fair and just meaning of the phraseology in its connection in the text of a living Constitution.

The question is, Mr. President, whether the word "happen" in the Constitution means "happen to begin" or "happen to be." The question is whether the moment of the happening of the vacancy was the predominant thing or the purview of the Constitution makers, or whether it was the vacancy so created that they had their eyes upon and which they desired to fill.

If we look at the debates in the Constitutional Convention we find it declared by one of the framers, Mr. Randolph, of Virginia, that the clause as to the temporary filling of vacancies by the governors of States was put in the Constitution to prevent "inconvenient chasms in the Senate." If there had been no declaration upon the subject it is the obvious and self-evident fact that such was the case, for no other purpose but to prevent inconvenient chasms in the Senate could have put it there.

The junior Senator from Wisconsin tells us that we ought not to construe the matter at all, it is so plain to mean what he thinks it means; and yet, Mr. President, when he delivered his eulogy upon our Constitution makers and their aptness in the use of language, he presently discerned that that plain meaning which he had put upon the terms of the Constitution produced a chasm in the Constitution—a casus omissus, as the lawyers term it—and that unless the governor can fill the vacancy after a legislature has failed to do so there is no power that could fill it.

And so to-day, Mr. President, when the Senator from North Dakota [Mr. MCCUMBER] came to construe this clause in the Constitution, he came to the conclusion that our Constitution makers were not as wise as the Senator from Wisconsin thought for, and that they had indeed left a cave in the Constitution with no power on earth extant and ready that can fill it.

Mr. President, the Constitution of the United States ought not to be construed by eyes astute to pull it to pieces. It was made for living beings in a world of work and trouble and care. The old common law told us, borrowing the doctrine from the civilians, that all written documents should be construed that their purpose might live and not perish.

And, sir, I am following the very fundamental spirit of the common law when I say that I shall construe the Constitution of the United States that the Government may live, that the State may live, that the Senate may live in perfect shape and not in mutilation.

Mr. President, if their construction of the word "vacancy" and of the word "happen" be true, the Congress of the United States is wrong in its daily legislation, and I beg to say to the honorable Senator from Maine [Mr. HALE], who is a member of the Committee on Appropriations, that he should look to the appropriation bill to apply the doctrines that he wants to apply to an election to the Senate.

Mr. President, here are the identical words, whose meaning we are invited to interpret, in the language as to Presidential appointments:

> The President shall have power to fill up all vacancies that may happen during the recess of the Senate.

Now, apply the construction which these gentlemen invoke to that sentence, and where are we? The President could fill no vacancy beginning when the Senate was in recess, because "happen" means, as is contended, the moment the vacancy begins. He must enter into a scholastic discussion of the word "happen;" he must take his eyes entirely away from the yawning vacancy which the Constitution intended him to fill. The Presidents of the United States from John Adams down have looked at these words in the exactly opposite way. John Adams appointed Amos Binney naval agent in the city of Boston, although the vacancy did not begin in the recess of the Senate, but he thought it happened during the recess of the Senate, if it existed in the recess—for there it was for him to fill, and he filled it.

Mr. President, in the old days of the Democratic Presidents—Monroe, Jackson, Tyler, Polk, and Pierce—no question could have been made and no such "nice, sharp quillet of the law" could have destroyed the common sense of construction and put an impediment under the wheels of Government as is here suggested.

Attorney-General Wirt led off in an opinion to the contrary. He was a scholar. He wrestled with the giants of the bar. Before the Supreme Court he was a foeman worthy of any man's steel. He said that the word "happen" there meant "happen to exist." He did not put the word "exist" in the Constitution. He said the word "exist" was wrapped up in the meaning of the word "happen."

Mr. President, the idea of happening on the part of these narrow and rigid constructionists is that a happening must be of something that begins and ends instantaneously, like a pistol shot.

But, Mr. President, there are happenings which cover long periods of time. A storm happens; it may last a month. A calm at sea happens; it may last a year. A freeze happens, a rain happens, a famine happens, a plague happens, a drought happens—and the happening of them is of indefinite and may be of prolonged extension. So a vacancy happens. It is a condition that may be short or long. And must we be told that it can not be dealt with according to its nature? It was the condition—the condition of emptiness—that the Constitution looked at; and if we were to construe the Constitution of the United States in severe and critical fashion, we would break up all the great decisions of John Marshall and the Supreme Bench and recede in our great march of national progress and national development.

Some Senator has suggested that the vacancy which a governor can fill must not be one that happens by efflux of time. I have before me fourteen cases, of which I will hand a list to the Reporter—I have not now time to read them—in which this body has said that the vacancy that happens by efflux of time is a vacancy which a governor may fill as any other vacancy:

Walker, of Virginia, in 1790;
Cocke, of Tennessee, in 1797;
Tracy, of Connecticut, in 1801;
Hindman, of Maryland, in 1801;
Condit, of New Jersey, 1803;
Anderson, of Tennessee, in 1809;
Smith, of Maryland, in 1809;
Cutts, of New Hampshire, in 1813;
Williams, of Tennessee, in 1817;
Sevier, of Arkansas, in 1837;
Bell, of New Hampshire, in 1879;
Blair, of New Hampshire, in 1885;
Marston, of New Hampshire, in 1889; and
Pasco, of Florida, in 1893.

There is no point about this matter which has been so often decided as that point, and if the doctrine of stare decisis has anything in it, it ought to be left upon those fourteen cases, beginning in the early days of the Government, aye, with the first case, and coming down to a late period.

Much has been said about the case of Kensey Johns, referred to by the Senator from Kentucky [Mr. LINDSAY]. But the Senator from Kentucky forgot to tell the Senate, if he noted it, that the case before that of Kensey Johns was antagonistic to it, and so was the next case after it. There followed a series of cases overruling the case of Kensey Johns.

Gentlemen, in the fervor of debate, like my honorable friend from Michigan [Mr. BURROWS] was a week ago, may say that we are trying to overrule the precedents of a hundred years. The committee is a little more moderate. It gives us seventy-five years. If they will look at the case from Arkansas in 1837 they will have to move their time peg up twelve or thirteen more years, for Ambrose Sevier, of Arkansas, was seated in this body in 1837, after a legislative session had been held subsequent to the vacancy, and a good deal would have to be put into the Constitution to get him here unless its construction is that which I am now advocating.

Mr. President, I have before me the opinions of twelve Attorneys-General of the United States, in the Administrations of Monroe, Jackson, Tyler, Polk, Pierce, Lincoln, Johnson, Garfield, Arthur, and Harrison. Those lawyer Presidents and their advisers have construed that the word "happen" means just exactly what I think it means. Lincoln was noted for common sense. He thought that the vacancy was intended to be dealt with just as I

think it ought to be dealt with, and his Attorney-General, Edward Bates, so advised him, and Mr. Bates based his opinion in part, although it had many precedents, upon the continued acquiescence of the Senate.

Mr. President, a number of the other Attorneys-General have done likewise. I will hand this list of Attorneys-General to the Reporter, with the citation of the Reports of Opinions in which they may be found, that he may insert it in my remarks, for I have not time to read it.

Monroe, Attorney-General Wirt, October 22, 1823, volume 1, page 631, Opinions of the Attorneys-General.

Jackson, Attorney-General Taney, July 19, 1832, volume 2, page 525, Opinions of the Attorneys-General.

Tyler, Attorney-General Legaré, October 22, 1841, volume 3, page 673, Opinions of the Attorneys-General.

Polk, Attorney-General J. Y. Mason, August 13, 1846, volume 4, page 523, Opinions of the Attorneys-General.

Pierce, Attorney-General Caleb Cushing, May 25, 1855–57.

Lincoln, Supreme Court Judge Bates, October 15, 1862, volume 10, page 356.

Johnson, Attorney-General Speed, March 25, 1865, volume 11, page ——.

Johnson, Attorney-General Stanbery, August 30, 1866, volume 12, pages 323, 324.

Johnson, Attorney-General Evarts, August 17, 1868, volume 12, page 449.

Hayes, Attorney-General Devens, June 18, 1880, volume 16, page 523.

Arthur (not a lawyer), Attorney-General Brewster, February 21, 1883, volume 17, page 521.

Harrison, Attorney-General Miller, March 20, 1889, volume 19, page 263.

Now, Mr. President, this in conclusion: If it be true, as is suggested by the junior Senator from Wisconsin, that the vacancy must begin during a recess of the body which has the power primarily to act in order to make valid the appointment of the governor of a State here, then and in that event the vacancy must begin during the recess of the Senate to make valid a Presidential appointment, which is based upon exactly the same bottom.

Congress in 1863 passed a law, the Senate and House concurring with the Executive view of the meaning of these words, which, according to the opinion of Attorney-General Devens, shows the assent not only of the Senate but of the House of Representatives to the view that I am stating. Let me read it:

The act of February 9, 1863 (Rev. Stat., section 1768), is as follows:

"No money shall be paid from the Treasury as salary to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate."

As Attorney-General Devens says in Opinions, volume 16, page 523:

"This legislation, in assuming to act upon the salary of officers appointed during the recess of the Senate when the vacancies actually existed while the Senate was in session, must be deemed a recognition by Congress of the invariable construction given by the Presidents to the power of appointment conferred upon them by the Constitution."

And in so construing those identical words in our Constitution as applied to the President, we can not get a new set of dictionaries, we can not invent a new language, we can not throw down the meaning which we attach to them and say that in election cases we hold differently.

Mr. President, there is the plain meaning of our mother English tongue. A vacancy happens to-day in the Senate of the United States. It happens like sickness happens, and is in itself a species of political sickness. During every moment of its existence it happens, like the session of the Senate happens, from the moment it begins to the moment that it ends. It happens like a battle happens, from the time the first gun is fired until the last gun is fired. The governor of the State of Pennsylvania has the only power on earth to-day extant that can fill it. He has filled it. In my humble judgment his appointee has as good and honest a title to fill a seat in this body as have any of our peers.

The PRESIDENT pro tempore. The hour of 4 o'clock has arrived. The motion before the Senate is that offered by the Senator from New Hampshire [Mr. CHANDLER] to strike out the word "not" from the pending resolution. The amendment will be stated.

The SECRETARY. It is proposed to strike out the word "not," in the first line of the resolution; so that the resolution if amended will read:

Resolved, That the Hon. Matthew S. Quay is entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. CHANDLER. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. CAFFERY], but it is arranged that that pair shall be transferred to the Senator from Delaware [Mr. KENNEY], and I will vote. I vote "nay."

Mr. BUTLER (when his name was called). I am paired on this vote with the Senator from Indiana [Mr. FAIRBANKS]. I understand that the Senator from Illinois [Mr. CULLOM] is paired with the Senator from Florida [Mr. MALLORY]. If it be agreeable to the Senator from Illinois, I suggest that we transfer our pairs, so that we may both vote.

Mr. CULLOM. That is satisfactory to me.

Mr. BUTLER. Under that arrangement I am at liberty to vote, and I vote "nay."

Mr. CULBERSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is paired with the senior Senator from West Virginia [Mr. ELKINS]. If my colleague were present, he would vote "nay."

Mr. DEPEW (when his name was called). I am paired with the Senator from Ohio [Mr. HANNA].

Mr. ELKINS (when his name was called). I am paired on this question with the senior Senator from Texas [Mr. CHILTON]. If he were present, he would vote "nay;" and if I were at liberty to vote, I should vote "yea."

Mr. FOSTER (when his name was called). I am paired with the junior Senator from New Jersey [Mr. KEAN]. If he were present, he would vote "nay," and I should vote "yea."

Mr. KENNEY (when his name was called). On this question I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. Were he present, I understand he would vote "nay." Were I at liberty to vote, I should vote "yea."

Mr. LODGE (when his name was called). On this question I am paired with the Senator from Nebraska [Mr. THURSTON]. If he were present, I should vote "yea," and he would vote "nay."

Mr. JONES of Arkansas (when Mr. MALLORY's name was called). The Senator from Florida [Mr. MALLORY] is, as I unstand by arrangements made among Senators, paired with the Senator from Indiana [Mr. FAIRBANKS].

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, he would vote "yea," and I should vote "nay."

Mr. RAWLINS (when his name was called). I am paired on this question with the Senator from South Dakota [Mr. KYLE]. If he were present, I should vote "nay," and I understand that he would vote "yea."

The roll call was concluded.

Mr. HALE. Mr. President, I hope we may have complete order while the roll call is being recapitulated. Every Senator is interested in it.

The PRESIDENT pro tempore. Order is important, so that the roll may be corrected if anything is wrong about it.

Mr. HALE. Before the recapitulation of the vote is commenced, I announce the pair of the Senator from New Hampshire [Mr. GALLINGER] with the Senator from North Carolina [Mr. PRITCHARD]. The Senator from New Hampshire, if present, would vote "nay," and the Senator from North Carolina would vote "yea."

The Secretary recapitulated the vote; and the result was announced—yeas 32, nays 33; as follows:

YEAS—32.

Allison,	Deboe,	Mason,	Shoup,
Baker,	Foraker,	Morgan,	Spooner,
Carter,	Frye,	Nelson,	Stewart,
Chandler,	Gear,	Penrose,	Sullivan,
Clark, Wyo.	Hansbrough,	Perkins,	Taliaferro,
Cullom,	Jones, Nev.	Platt, N. Y.	Warren,
Daniel,	McComas,	Scott,	Wetmore,
Davis,	McLaurin,	Sewell,	Wolcott.

NAYS—33.

Allen,	Culberson,	McEnery,	Teller,
Bacon,	Hale,	McMillan,	Tillman,
Bard,	Harris,	Martin,	Turley,
Bate,	Hawley,	Money,	Turner,
Berry,	Heitfeld,	Platt, Conn.	Vest,
Burrows,	Jones, Ark.	Proctor,	Wellington.
Butler,	Lindsay,	Quarles,	
Clay,	McBride,	Ross,	
Cockrell,	McCumber,	Simon,	

NOT VOTING—22.

Aldrich,	Elkins,	Kean,	Pettus,
Beveridge,	Fairbanks,	Kenney,	Pritchard,
Caffery,	Foster,	Kyle,	Rawlins,
Chilton,	Gallinger,	Lodge,	Thurston.
Clark, Mont.	Hanna,	Mallory,	
Depew,	Hoar,	Pettigrew,	

So the amendment was rejected.

Mr. CHANDLER. I ask that the roll may be verified. It has not been verified, I think.

The PRESIDENT pro tempore. Does the Senator desire the roll to be reread?

Mr. CHANDLER. Yes, sir.

The Secretary again recapitulated the vote.

The PRESIDENT pro tempore. The nays have it, and the amendment is rejected. The question now before the Senate is on the adoption of the resolution reported by the Committee on Privileges and Elections.

Mr. HALE. Let us have the yeas and nays on the adoption of the resolution.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULBERSON (when Mr. CHILTON'S name was called). My colleague [Mr. CHILTON] is paired with the senior Senator from West Virginia [Mr. ELKINS]. If my colleague were present, he would vote "yea."

Mr. DEPEW (when his name was called). I am paired with the Senator from Ohio [Mr. HANNA]. If he were present, he would vote "yea" and I would vote "nay."

Mr. ELKINS (when his name was called). On this question I am paired with the senior Senator from Texas [Mr. CHILTON]; otherwise I should vote "nay."

Mr. FOSTER (when his name was called). I am paired with the junior Senator from New Jersey [Mr. KEAN].

Mr. HALE (when Mr. GALLINGER'S name was called). The Senator from New Hampshire [Mr. GALLINGER] is paired with the Senator from North Carolina [Mr. PRITCHARD]. The Senator from New Hampshire, if present, would vote "yea" and the Senator from North Carolina would vote "nay."

Mr. KENNEY (when his name was called). I am paired on this question with the senior Senator from Louisiana [Mr. CAFFERY]. Were he present and voting, he would vote "yea" and I should vote "nay."

Mr. LODGE (when his name was called). I am paired with the senior Senator from Nebraska [Mr. THURSTON]. If he were present, he would vote "yea," and I should vote "nay."

Mr. PETTUS (when his name was called). I am paired on this question with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea."

Mr. RAWLINS (when his name was called). I am paired with the Senator from South Dakota [Mr. KYLE]. If he were present, he would vote "nay" and I should vote "yea."

The roll call having been concluded, the result was announced—yeas 33, nays 32; as follows:

YEAS—33.

Allen,	Culberson,	McEnery,	Teller,
Bacon,	Hale,	McMillan,	Tillman,
Bard,	Harris,	Martin,	Turley,
Bate,	Hawley,	Money,	Turner,
Berry,	Heitfeld,	Platt, Conn.	Vest,
Burrows,	Jones, Ark.	Proctor,	Wellington.
Butler,	Lindsay,	Quarles,	
Clay,	McBride,	Ross,	
Cockrell,	McCumber,	Simon,	

NAYS—32.

Allison,	Deboe,	Mason,	Shoup,
Baker,	Foraker,	Morgan,	Spooner,
Carter,	Frye,	Nelson,	Stewart,
Chandler,	Gear,	Penrose,	Sullivan,
Clark, Wyo.	Hansbrough,	Perkins,	Taliaferro,
Cullom,	Jones, Nev.	Platt, N. Y.	Warren.
Daniel,	McComas,	Scott,	Wetmore,
Davis,	McLaurin,	Sewell,	Wolcott.

NOT VOTING—22.

Aldrich,	Elkins,	Kean,	Pettus,
Beveridge,	Fairbanks,	Kenney,	Pritchard,
Caffery,	Foster,	Kyle,	Rawlins,
Chilton,	Gallinger,	Lodge,	Thurston.
Clark, Mont.	Hanna,	Mallory,	
Depew,	Hoar,	Pettigrew,	

So the resolution was agreed to.

Mr. HALE and Mr. WOLCOTT addressed the Chair.

The PRESIDENT pro tempore. The Senator from Maine.

Mr. HALE. I move that the Senate do now adjourn.

Mr. CULLOM. I hope the Senator will not insist upon that motion. I should like to bring up the conference report on the Hawaiian bill.

Mr. CARTER. I hope the Senator will allow me to make a report.

Mr. WOLCOTT. Mr. President——

Mr. HALE. I think, Mr. President——

Mr. WOLCOTT. I renew the motion that the Senate do now adjourn.

Mr. HALE. I think the Senate had better adjourn; and I move that the Senate adjourn.

The PRESIDENT pro tempore. The question is on the motion that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 25, 1900, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 24, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ADMINISTRATION OF CIVIL AFFAIRS IN PORTO RICO.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate joint resolution 116, reported by the Committee on Insular Affairs.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the consideration of Senate joint resolution 116. Is there objection?

Mr. MCRAE. I ask that it be read, Mr. Speaker.

The SPEAKER. Let the resolution be reported.

The joint resolution was read, as follows:

Joint resolution to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That until the officer to fill any office provided for by the act of April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," shall have been appointed and qualified, the officer or officers now performing the civil duties pertaining to such office may continue to perform the same under the authority of said act; and no officer of the Army shall lose his commission by reason thereof: *Provided*, That nothing herein contained shall be held to extend the time for the appointment and qualification of any such officers beyond the 1st day of August, 1900.

The following amendments, recommended by the Committee on Insular Affairs, were read:

Add at the end of line 13 of the printed joint resolution the following:

"SEC. 2. That all franchises, privileges, or concessions mentioned in section 32 of said act shall be approved by the President of the United States, and no such franchise, privilege, or concession shall be operative until it shall have been so approved."

Further amend by adding the following:

SEC. 3. That all charters granting any franchises, privileges, or concessions, mentioned in section 32 of said act, to private corporations shall provide that the same shall be subject to amendment, alteration, or repeal; shall forbid the issue of stock or bonds, except in exchange for actual cash or property at a fair valuation, equal in amount to the par value of the stock or bonds issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, and for the purchase or taking by the public authorities of their property at a fair valuation. No corporation shall be authorized to conduct the business of buying and selling real estate, of issuing currrency, or of engaging in agriculture, or permitted to hold or own real estate, except such as may be reasonably necessary to enable it to carry out the purposes for which it was created. Banking corporations, however, may be authorized to loan funds upon real estate security, and to purchase real estate when necessary for the collection of loans, but they shall dispose of all real estate so obtained within five years after receiving the title. Corporations other than those organized in Porto Rico, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.

Mr. MCRAE. I make no objection, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Is there any arrangement as to time?

Mr. COOPER of Wisconsin. I spoke to the gentleman from Virginia [Mr. JONES] last evening, and he said that an hour would be sufficient.

Mr. HILL. Mr. Speaker, I wish to reserve a point of order against the two amendments.

The SPEAKER. What was the statement of the gentleman from Wisconsin?

Mr. COOPER of Wisconsin. I spoke to the gentleman from Virginia last night, who is the leading member of the committee on the other side concerning the resolution, and he consented that one hour should be allowed.

The SPEAKER. Then it is understood that there is to be one hour's debate, thirty minutes to be controlled by the gentleman from Wisconsin and thirty minutes by the gentleman from Virginia [Mr. JONES]. Is there objection?

Mr. HILL. Mr. Speaker, it is understood that I reserved the point of order against the two amendments.

The SPEAKER. The gentleman's statement was heard. The Chair will state to the gentleman from Connecticut that unanimous consent has been given for the consideration of the bill.

Mr. HILL. That is all right. I want to reserve the point of order.

Mr. LOUD. Mr. Speaker, I trust the gentleman from Connecticut will present his point of order now. I yielded to the gentleman from Wisconsin with the understanding that not more than one hour should be taken up in the consideration of the resolution. If the gentleman is to press his point of order after the hour is taken up, I can not yield.

Mr. HILL. Well, Mr. Speaker, I make the point of order now. I make the point of order, in the first place, that the amendments are not germane to the resolution; in the second place, that the joint resolution can not be so amended; in the third place, that if so amended it must be considered in Committee of the Whole, and in the fourth place, that the joint resolution is temporary in its character and that the amendments are permanent.

The SPEAKER. Does the gentleman from Wisconsin [Mr. COOPER] desire to be heard on the point of order?

Mr. COOPER of Wisconsin. I do not think this exact question has ever been before the House. I can not find any precedents precisely covering the case. However, in view of the character of the proposed legislation on which the point of order is raised, I do not think it would be well to have it pressed, for more reasons than one.

Mr. JAMES R. WILLIAMS. Mr. Speaker, I should like to be heard on the point of order. This new resolution, which, as I understand, has already passed the Senate, proposes to amend the

act which was passed here some time ago to provide revenues and civil government for Porto Rico. This joint resolution is necessarily an amendment to that. The resolution simply extends the time provided for in the previous act for the appointment of civil officers in Porto Rico. And being an amendment to that act, it seems to me there is no question that we have a right to insert this provision amending the franchise provision in the original act. Everyone who has considered the provision of the original act relating to the granting of franchises must note that there is no defense for it as it now exists; and it seems to me the House ought to take the first opportunity to amend it.

While there are other provisions of the act which I should like to see amended, it seems to me that the provision relating to franchises is the most serious mistake in the original act. There has been a great deal of criticism upon it from the public press and, in fact, from various sources. Hence I was sorry to see the point of order made against it. But if the point is insisted upon, it seems to me it ought not to be sustained, because the joint resolution itself is an amendment to the original act, and therefore this additional amendment is in order.

The amendment refers simply to the franchise clause; that is all. It requires that any franchise granted, in order to become effective, shall have the approval of the President; and there is an additional clause which was read to the House. I hope the point of order will not be insisted upon; but if it should be, there is no question that the amendment is in order, because the joint resolution itself is an amendment to the original bill.

The SPEAKER. The Chair overrules all the points of order with one exception; that is the one as to the amendments not being germane to the original act. Bearing upon that point, the Chair will have the Clerk read a decision which squarely meets the question.

The Clerk read as follows:

1091. To a bill amending a general law on a specific point an amendment relating to the terms of the law rather than to those of the bill was offered and ruled not to be germane. On February 6, 1891, the Speaker laid before the House the bill of the Senate (S. 4814) to amend an act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes. The object of this bill was explained by Mr. Lewis E. Payson, chairman of the Committee on Public Lands:

"The general forfeiture bill passed in the last session of Congress provided that as to certain characters of lands, which were in possession of parties claiming under the settlement law, they should have the right to perfect their entry within six months from the date of the passage of the act. That act became a law in September last. In order to effect the operations of the bill it became necessary to frame a set of instructions in the General Land Office for the guidance of the officers of the local land offices the country over. Owing to the pressure of business in that department, it was impossible for the Secretary of the Interior to prepare these instructions even down to this time. And the six months within which the settlers were to have the prior right of asserting their claims have now almost expired; * * * and to meet that point, and that point alone, the Senate bill was passed."

To this bill Mr. THOMAS H. CARTER, of Montana, moved an amendment providing for a method of classification to determine the mineral or nonmineral character of lands selected by railroads.

Mr. Payson made the point of order that the amendment was not germane to the bill, and therefore not in order.

After debate, the Speaker sustained the point of order, making the following statement in so doing:

"The Chair can only consider in determining the question whether the amendment be germane to the bill before the House and the proposition contained therein. The pending bill relates solely to the time when a period named in the original act shall begin to run. The amendment proposed relates to a reclassification of lands, a subject so remote from that of the bill that it can be justified only by a claim that any amendment germane to this act proposed to be altered would be germane to this bill. But the very claim is its own answer. The test must be the bill before the House, for that is the bill which is to be amended."

Mr. COOPER of Wisconsin. Mr. Speaker, do I understand that the point of order has been sustained?

The SPEAKER. The Chair has not passed upon it; he is about to do so.

Mr. McRAE. Mr. Speaker, I want to say that, if this proposition had not involved the amendment against which the point of order has been made, I should not have consented to the consideration of the resolution.

Mr. RICHARDSON. I should like to be heard a moment on the point of order. As I understood the intimation of the Chair, the question as to whether the amendments are germane or not is the one upon which the mind of the Speaker is now resting. Now, sir, the text of this bill reads as follows:

That until the officer to fill any office provided for by the act of April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," shall have been appointed and qualified, the officer or officers now performing the civil duties pertaining to such office may continue to perform the same under the authority of said act; and no officer of the Army shall lose his commission by reason thereof: *Provided*, That nothing herein contained shall be held to extend the time for the appointment and qualification of any such officers beyond the 1st day of August, 1900.

Now, Mr. Speaker, I know of nothing in the rules of the House that requires that such amendments as proposed may not be admissible to perfect a bill under these circumstances. But assuming that they should be germane to the text, it occurs to me that the two sections which the House now proposes to offer by way of an amendment to the original text of the bill are strictly germane to the original subject-matter of the bill. It is simply proposed to amend, by the text which I have just read, a bill recently passed. Now, the first section which is proposed as an amendment by section No. 2 provides:

That all franchises, privileges, or concessions mentioned in section 32 of said act—

This is the act proposed to be amended—

shall be approved by the President of the United States, and no such franchise, privilege, or concession shall be operative until it shall have been so approved.

Section 3 provides:

That all charters granting any franchises, privileges, or concessions, mentioned in section 32 of said act, to private corporations shall provide that the same shall be subject to amendment, alteration, or repeal; shall forbid the issue of stock or bonds, except in exchange for actual cash or property at a fair valuation, equal in amount to the par value of the stock or bonds issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, and for the purchase or taking by the public authorities of their property at a fair valuation. No corporation shall be authorized to conduct the business of buying and selling real estate, of issuing currency, or of engaging in agriculture, or permitted to hold or own real estate, except such as may be reasonably necessary to enable it to carry out the purposes for which it was created. Banking corporations, however, may be authorized to loan funds upon real-estate security, and to purchase real estate when necessary for the collection of loans, but they shall dispose of all real estate so obtained within five years after receiving the title. Corporations other than those organized in Porto Rico, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.

It will be seen that this is an amendment to the sections of the original bill—that is, section 32 of the bill—as it passed the House, and deals directly with the subject of the original bill and is manifestly germane to it.

It seems to me, therefore, Mr. Speaker, that the question of its being germane is to be measured by the fact as to how far the proposed amendment offered by the House committee touches the original text of the bill which the House itself passed. I think there can be no question that it relates directly to it and is a part of it. Both of them deal directly with section 32 of the original act, and that section deals with the question of franchises in the island of Porto Rico, to which the proposed amendments here are offered.

It seems to me, therefore, that the amendment would be germane not only to the original bill as it passed the House, but to the section of the bill now before us.

Mr. HILL. Mr. Speaker, it is only necessary to say a word, I think, on the point of order to show that it must be sustained.

The bill for the civil government of the island of Porto Rico passed the House and became a law and received the signature of the President. The pending bill is in no sense an amendment to that bill, but deals with another subject.

This is a joint resolution which provides for the administration of civil affairs in Porto Rico pending the appointment and qualification of civil officers provided for in the act in question. It relates, therefore, to an entirely different subject-matter.

Now, the amendments here submitted are proposed to be inserted as amendments to a former bill under the pretense of amendments to the joint resolution now before the House. I am opposed to the amendments in form and in substance, and have made the point of order that they are not germane to the subject-matter which they seek to amend and are inadmissible under the rules of the House.

Mr. McRAE. Mr. Speaker, there can be no question about the force of the precedent which has just been read by the Clerk. But it is not conclusive as to the question which is now before the House for its consideration. In the case cited there was a bill to forfeit certain unearned land grants. The gentleman from Montana, when that bill was pending before the House, proposed an entirely new measure, which did not deal with the subject then before the House or the subject-matter of the bill, but provided for the classification of certain lands—to segregate agricultural from mineral lands and to secure to the Government the reserved mineral lands.

That, it will be seen, is a very different question from the matter now presented. Here we are dealing with a bill for the government of Porto Rico, and the resolution now presented is an amendment to the original bill for that purpose and provides for extending the time as to when it shall go into operation, and it is clearly in order to amend that bill in other respects so as to limit the power of certain officers created for the island.

Mr. JAMES R. WILLIAMS. Mr. Speaker, this joint resolution now before the House provides certain military officers shall be authorized to perform certain duties prescribed in the original act, which this seeks to amend. It seems to me, therefore, that an amendment providing how these duties shall be performed by these officers is certainly germane and must be in order to the bill.

Mr. HILL. Will the gentleman from Illinois allow me to interrupt him for a question?

Mr. JAMES R. WILLIAMS. Certainly.

Mr. HILL. Do you admit that the amendments only apply as long as the main body of the bill is in force—that is, the term of the officers themselves?

Mr. JAMES R. WILLIAMS. No, sir——

Mr. HILL (continuing). Then you admit that it applies to an entirely different matter?

Mr. JAMES R. WILLIAMS. Now, I think the amendment applies to the officers who will be appointed under the general law as well as these military officers. Now, Mr. Speaker, information comes to the committee that they are already organizing companies to go into that island and purchase mortgages on all the lands, and to go into the purchase and sale of real estate in that island; and it was the desire of the committee at as early an opportunity as possible to put some restraint upon this speculation, and to prevent the occurrence of a great scandal which is sure to take place in Porto Rico if this law is to continue as it is.

Under the circumstances, I can not understand why any member should make the point of order against it. I should like to know what the gentleman's objection is to it. He is certainly not making it merely to show that a point of order can be made against it—merely to show his knowledge of parliamentary law—and I should be glad to know what the gentleman's objection is to this amendment.

The SPEAKER. The Chair is ready to decide this question.

Mr. FLEMING. Mr. Speaker, I should like to make this suggestion upon the point of order that has been raised. As I understand it, the amendments offered by the committee are objected to on the ground that the amendments are not germane to the original resolution. Now, Mr. Speaker, that question depends on what is the subject-matter of the resolution. And how is that determined? It is determined by the title and the scope of the bill. Now, listen to the title:

Joint resolution to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

Mr. Speaker, anything is germane to that resolution that affects the said administration of civil affairs in Porto Rico. If this resolution had gone to this extent and said "to provide for the administration of civil affairs in Porto Rico by extending the terms of these officers" from one date to another date, then the subject-matter of that resolution would have been confined within those words. But the subject-matter of the resolution, as shown in the title itself, refers to the civil administration of affairs in Porto Rico pending certain appointments, and any amendment that refers to the administration during that time of civil affairs in Porto Rico is, under general parliamentary law and under the parliamentary law of this House, germane to that resolution. And inasmuch as both the amendments offered clearly affect the said administration of civil affairs, then both of them are germane, and I think the Chair should overrule the point of order.

Mr. MOODY of Massachusetts. I desire to make a single suggestion, regretting extremely that this point of order should come from this side of the House, but realizing the strength of the precedent which has been read from the desk by the direction of the Speaker. The desire I have now is simply to call the attention of the Chair to the time when this point of order was made. I submit that it was made too late. The gentleman from Wisconsin addressed the Chair and asked unanimous consent to enter upon the consideration of the resolution, which had been sent to the desk and read. The Chair put to the House the question of consideration, and the House agreed to it. Then the consideration began by a suggestion from the Speaker as to what division of time should be made or what time should be occupied in debate. Then the gentleman from Wisconsin proceeded to say that one hour had been agreed upon as necessary, and as he was saying that, according to my memory, and not until that time——

Mr. HILL. Will the gentleman pardon me? The gentleman is entirely mistaken in his facts. "The gentleman from Connecticut" stood upon his feet when the bill was being read and addressed the Chair the moment the last word of the bill fell from the lips of the Clerk.

Mr. MOODY of Massachusetts. I do not know but what the gentleman addressed the Chair at that time.

Mr. HILL. Yes; and made the point of order.

Mr. MOODY of Massachusetts. But I did not hear him at that time. I heard him interrupting in the middle of a statement made by the gentleman from Wisconsin [Mr. COOPER], who had replied to a question put by the Chair. Now, the consideration having been entered upon by the House——

Mr. HILL. The gentleman is mistaken.

Mr. MOODY of Massachusetts. And the debate having proceeded to the extent of an observation by the Speaker and a partial reply by the gentleman from Wisconsin, I submit that the gentleman from Connecticut [Mr. HILL] had no right to rise and interrupt a gentleman in the middle of a speech and say that he reserved the point of order. I submit that this point of order is too late, and I ask the Chair to overrule it upon that ground, if upon no other.

Mr. HILL. Mr. Speaker, the Chair will bear in mind that the point of order was made at the instant the Clerk ceased reading the bill and that the occurrence which the gentleman from Massachusetts refers to was the second time that the point of order was made. When I called the attention of the Chair to the fact, the Chair replied that it was understood, and it was understood at the time it was made at first. The Chair will recall that himself. The probabilities are that the gentleman from Massachusetts [Mr. MOODY] is referring now to the second time that the Chair's attention was called to the fact that the point of order had been made; and that being the case, of course his remarks are wholly inapplicable.

Mr. MCRAE. I want to make a short statement. I have already stated that if I had not understood that unanimous consent involved the consideration of these amendments, I should never have consented to it. I do not believe the present occupant of the chair will permit an injustice to be done to anyone. When this bill had been read, gentlemen on this side, members of the committee reporting this resolution, said to me privately, "We wish you would withdraw any objection you may have to it, because there are amendments suggested by the committee which we think ought to be made;" and accordingly, when the bill was read and the amendments read, I stated that I did not desire to make objection to the consideration of it. Now, I submit that the least that can be done, under the circumstances, would be to go back and start anew and submit the question for unanimous consent again.

The SPEAKER. The Chair thinks that much of the difficulty in the minds of members comes from the fact that the joint resolution sent from the Senate and the amendments added by the Committee on Insular Affairs all refer to the same statute, the Porto Rican bill, that became a law some time ago. The question as to whether these sections are germane can not be determined by the title alone, as has been suggested, because an act amending an act will always describe the title amended, although it may only touch one feature or part of the law; but the whole resolution has to be considered and the amendments to the resolution. If this was not clear, possibly the title would be brought into consideration. But there is not a particle of doubt as to the purpose of this resolution or as to the purpose of the amendments.

The resolution is for the sole purpose of extending the time in regard to the putting in operation of the new government of Porto Rico. The amendments are entirely outside of that question and enter upon amendments of the law in respect to matters entirely outside of that question. They have no relation in any shape or form to the proposition of the joint resolution. It will not be contended that if the Committee on Rules brought in a report to amend one rule, that thereby, by an amendment, you would open up for consideration of the House all the rules. A suggestion has been made by one gentleman as to the authority cited, and it is seldom within the power of the Chair to find an authority so completely on all fours like this. In that case the bill treated on the forfeiture of land grants, and the amendment was a regulation as to the forfeiture of lands, bearing upon the same subject, and that therefore they are not similar.

The case that the Chair has cited shows clearly that it was an amendment on the subject of the time when certain regulations went into operation. This joint resolution is for the same purpose. The amendments here are for wholly another purpose; and every member of the House must see that no one of these amendments is germane to the original resolution. Suppose the original resolution was before the House for consideration and a member should move to recommit with instructions to add these amendments. The point of order could be made at once that they were not germane and that the motion to recommit could not be held to be in order when it was asked to do in the House what could not be done in the committee. The case is perfectly parallel with the other. The Chair profoundly regrets that he has to sustain the point of order that it is not germane.

The gentleman from Massachusetts [Mr. MOODY], however, submits a point of order against the point of order, on the question of the time at which the point of order was made. The Chair has directed the Clerk to bring the record here. The Chair is very accurate in his recollection, and this morning before the matter came up gave some thought to the possible questions that might arise, and had reached the conclusion that if consent were given for consideration of the joint resolution, that it was past raising the point of order. When the Chair was listening to a gentleman on the right, who addressed the Chair, he was also addressed vigorously and promptly by the gentleman from Connecticut, but who did not state that he rose to a point of order, and as soon as the gentleman got the attention of the Chair he made the point of order. Now, the Chair is not certain whether the matter had reached the point of consideration after he had declared that there was no objection, and has sent for the record to ascertain the facts, and will not be prepared finally to dispose of the question until the record is before him. The Chair, as suggested by one

gentleman, will not permit anyone to be deprived of his rights if he understands what they are——

Mr. TERRY. I would suggest to the Speaker just a moment there——

The SPEAKER. I now have the record, and it shows this, and the Chair asks the attention of the House:

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the consideration of Senate joint resolution 116. Is there objection?

Mr. MCRAE. I ask that it be read, Mr. Speaker.

The SPEAKER. Let the resolution be reported.

The joint resolution was read, as follows.

Then follows the joint resolution.

Mr. MCRAE. I make no objection, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Is there any arrangement as to time?

Mr. COOPER of Wisconsin. I spoke to the gentleman from Virginia [Mr. JONES] last evening, and he said that an hour would be sufficient.

Mr. HILL. Mr. Speaker, I wish to reserve the point of order against the two amendments.

The SPEAKER. What was the statement of the gentleman from Wisconsin?

Mr. COOPER of Wisconsin. I spoke to the gentleman from Virginia last night, who is the leading member of the committee on the other side, concerning the resolution, and he consented that an hour should be allowed.

The SPEAKER. Then it is understood that there is to be an hour's debate, thirty minutes to be controlled by the gentleman from Wisconsin and thirty minutes by the gentleman from Virginia [Mr. JONES]. Is there objection?

Mr. HILL. Mr. Speaker, it is understood that I reserved the point of order against the two amendments?

The SPEAKER. The gentleman's statement was heard. The Chair will state to the gentleman from Connecticut that unanimous consent has been given for the consideration of the bill.

It would seem, therefore, from the record that the matter was submitted to the House. That is the recollection of the Chair, that unanimous consent was given and two or three interlocutory remarks were made. Then the gentleman from Connecticut for the first time made his point of order. Subsequent discussion went on, when he made it again, and the Chair called the gentleman's attention to the fact that unanimous consent had been given.

While the Chair is clearly of the opinion that this point of order, if made in time, should have been sustained, the Chair is equally clear that his point of order came too late. If the gentleman had addressed the Chair in the first instance, when he was giving it attention, and said, "A point of order," the Chair would have dropped every colloquy with other members and given his attention to the gentleman from Connecticut, but that point was not made until the point of consideration was passed.

The House very well knows—it has been held over and over again—that after the question of consideration has been raised and the House has voted to consider a matter a point of order can not be raised. The question of consideration was submitted as soon as the bill and the amendments proposed by the committee were read, and the unanimous consent of the House was granted. This, the Chair considers, was equivalent to a vote that the House would consider the bill and amendments proposed by the committee. After that the Chair holds that the point of order came too late, and therefore overrules it.

Mr. HILL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HILL. A question of personal privilege. I desire to state that while the bill was being read I stood in my place with the bill in my hand——

The SPEAKER. The gentleman is out of order. The Chair has stated the facts and made the ruling, and the gentleman has only one remedy.

Mr. HILL. I desire to correct the record. Am I in order?

The SPEAKER. What record?

Mr. HILL. The record which has just been read.

The SPEAKER. That can not be done until to-morrow morning.

Mr. HILL. Then I will do it to-morrow morning.

Mr. COOPER of Wisconsin. Mr. Speaker, this resolution was introduced in the Senate and in the House in accordance with the suggestion of the President's message sent to Congress last week, in which the President recommended that there be an additional time allowed for the officers provided for in the recent Porto Rico act. The bill, as the House well knows, goes into effect the 1st of May. The President has appointed the governor, Mr. Allen; but he will find it impossible to make a judicious selection of the other officers required by the act within the time limited.

The resolution has been reported back by the Committee on Insular Affairs, with two amendments. I take it for granted that there will be no objection to the original resolution, as there ought not to be to the amendments proposed by the Insular Affairs Committee. The President, as I said, has appointed Governor Allen; and I think that appointment has met the approval of the press of the country, irrespective of party. The President in that selection has exhibited his usual excellent judgment in the matter of appointees, and has chosen a man who will reflect credit upon himself and upon the Administration.

Now, then, the two amendments which are proposed by the Committee on Insular Affairs are to remedy defects, and they are very serious and obvious defects, to the original act. They are defects which have attracted the attention of the country, the attention of the newspaper press of the country, irrespective of party, and in this connection I desire to call attention of the House and the attention of the gentleman from Connecticut to a leading editorial in the New York Daily Tribune of Thursday, April 19. I will not read the whole of it, but I will put it in my remarks, with the consent of the House. It is as follows:

FRANCHISES IN PORTO RICO.

The Porto Rican bill is obviously defective in several respects. Efforts are to be made, it is said, to modify some of its features at once. But it ought to be well understood that all the other matters in which it may need modification are significant compared with the want of definite and positive provisions regarding the terms on which franchises shall be granted. There ought to be, but is not, a specific requirement that no franchise of any kind shall be awarded without a fixed compensation for it to the public and one commensurate with its present and future value. If there are many franchises which would be reckoned worth merely a nominal sum at the start, but are likely to become enormously valuable with development of the island, the compensation in such cases can be fixed almost wholly in the form of a percentage on future profits. Others are of great immediate value, and powerful combinations of capital which are striving to get them would willingly pay large sums at once into the treasury of the island in order to secure them from competitors. In such cases the percentage of ultimate profits payable to the treasury might be small, but the compensation payable at the outset might be fixed by inviting bids.

As matters stand, the governor and a council will have unrestricted power to grant all franchises, with present compensation or without any, subject to the taxing power of the local government or under stipulations virtually depriving the government of that power. It seems marvellous that statesmen in Congress were willing to turn over to a probably temporary government a power so vast and far-reaching in its influence over the future prosperity of the island. Governor Allen is one whom the country trusts, but it is not in the least probable that he will find a council composed of men who have lived under Spanish methods and regulations fully competent at the outset to uphold him in a progressive and consistent policy for the benefit of the people. The President would undoubtedly be able, by the private expression of his wish, to prevent the granting of any particular franchise on excessively liberal terms. But his attention can not be constantly fixed upon such details, and the governor now appointed may at any time be removed by death. Powers of such far-reaching sort can not with wisdom be left entirely dependent upon the health or the personal watchfulness of one man.

The duty of Congress to make better provision for the protection of the public interests in this case is exceedingly clear. It will assuredly be regarded by the people of this country as a grave error if Congress neglects that duty. * * *

The committee sought to make assurance doubly sure, and therefore suggested the second amendment. We did not think the provision in the original House bill relegating the people of Porto Rico for franchises to Congress was sufficient, and therefore we put in both of these amendments, that the President shall approve the franchises before the franchises shall become operative; and further, that no franchises shall be granted except in accordance with the second amendment. There was a little dialogue in debate here yesterday which illustrates why the President ought not to be granted such power alone, nor in connection with eleven men who constitute the executive council, all appointed by the President.

The gentleman from Iowa [Mr. HEPBURN] suggested to the chairman of the Committee on the Post-Office and Post-Roads [Mr. LOUD] that there might possibly be an amendment to the bill then under consideration so that the Postmaster-General would have practically unrestricted power in the granting of commissions to clerks. The chairman of the committee stated in reply to that suggestion:

I do not think that the gentleman advocates placing in the hands of the Post-Office Department a discretion to employ clerks whenever they see fit. What would it result in? Postmasters-General and their assistants are but human.

If that objection was good in reply to the suggestion of the gentleman from Iowa as to giving such power to the Postmaster-General in the important matter of the appointment of clerks to discharge clerical duties, how immeasurably more strongly does it apply to the provisions of the original House bill now proposed to be amended, which delegated to a council of eleven men, all appointed by the President, and only five of whom are required to be residents of Porto Rico, the absolute disposition of the property rights of the people of that island, for there is nothing down there more valuable than the granting of certain franchises, if we are to judge by the eagerness by which men have been trying to get them.

It has been said to me to-day—it was suggested yesterday repeatedly—"Why, there are no franchises down there that anybody wants. It is simply a question of getting somebody down there—getting anybody down there. Let them hold what they please." General Davis says in his official report to the Government:

At this time there is no operated mine in the island; but there are large iron deposits that are represented to be valuable.

On the subject of franchises and privileges, he says in the same report:

Although there have been many applications for these privileges, all have been denied. They relate to various objects, such as the construction of railroads and trolley lines, the building of wharves, the utilization of water power, the establishment of electric lighting plants, etc.

There is no State in this Republic which would consent for one moment to grant to any six men or any eleven men, with or without the consent of the President of the United States, the absolute disposition of the franchises in that State.

Let me reverse the case. Let me call the attention of the gentleman from Connecticut [Mr. HILL] to this proposition, and if he opposes these amendments he must be ready to say that he will adopt the propostion which I now suggest—that the President of the United States can appoint eleven men in the State of Connecticut, only five of whom need reside in that State, and that those eleven men can dispose of franchises in the State of Connecticut in their discretion and upon their own terms, and that if any abuse is proven in the granting of those franchises the citizens of Connecticut for remedy are relegated to a congress in Porto Rico.

Mr. HILL. Does the gentleman wish a reply now?

Mr. COOPER of Wisconsin. You can reply in your own time.

Mr. HILL. Will you give me time by and by, so that I can reply?

Mr. COOPER of Wisconsin. You can get time from gentlemen on the other side.

Several MEMBERS (on the Democratic side). No.

Mr. HILL. Then you ought to let me reply now.

Mr. COOPER of Wisconsin. The bill will be considered under the five-minute rule, I hope.

But, Mr. Speaker, as I said some time ago, no such proposition would be thought of in any State of this Union. Why, then, is it a good thing in Porto Rico? Let me read the language of the Supreme Court of the United States in the case of Yick Wo *vs.* Hopkins, United States Supreme Court Reports (Lawyers' Co, operative Edition), book 30, page 226. Justice Stanley Matthews in delivering the opinion of the court, uses this language:

When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not leave room for the play and action of purely personal and arbitrary power.

Having that principle in view—and it is fundamental in this Republic—every State has in its constitution thrown restrictions about its legislature so as to prevent abuses in the granting of franchises, and then in the pursuance of those constitutional enactments statutes have been passed. I have here the statutes of the State of Wisconsin, section 1753, declaring that "all stock dividends and other fraudulent issues of stock are" not voidable but "void." If stock dividends are void in Wisconsin, how can I or any other member of the Wisconsin delegation vote to permit stock dividends to be allowed in Porto Rico? The constitution of the State of Illinois, article 11, provides that if any railroad corporation in that State issues any stock dividend or other fraudulent stock that issue of stock shall be void.

How can any member of the delegation from the State of Illinois vote to permit stock dividends in Porto Rico when the constitution of their State prohibits them in Illinois? The constitution of the State of Michigan throws very powerful restrictions around the legislature there, so far as the granting of franchises is concerned—limits them to thirty years and their extension to thirty years, provides that all public-service corporations shall have their charges regulated, and then by statute they are regulated. What right have we to send six men or eleven men—just as good men, it may be, every one of them, as can be found—down there and give them the power in their discretion to grant franchises in Porto Rico? We would not tolerate such a thing in Wisconsin; we would not tolerate it in Illinois or in Michigan or in any other State. Who can defend the proposition to permit the granting of such franchises in Porto Rico?

May I inquire, Mr. Speaker, how much time is remaining to me?

The SPEAKER. The gentleman has used fifteen minutes.

Mr. COOPER of Wisconsin. Now, I do not believe, Mr. Speaker, in the indiscriminate abuse that we often hear heaped on corporations, simply as corporations. Many men who indulge in that sort of language are very frequently unjust, and not infrequently corrupt. Corporations are necessary institutions in business affairs, and we want them to go to Porto Rico as quickly as they can for the benefit of that island itself; that is, the corporations who will deal properly and justly with the people when they get there.

We do not want any balloon enterprises, which will take the people up into the clouds and then burst and drop them. We want business men, strong, safe, solvent corporations, to undertake the business of the island, and there is no restriction in that amendment which would prevent the going there of corporations of that character as soon as the civil government is established in the island. And these restrictions were made by the amendments to this bill to remedy possible abuses if they should occur. Of course we all know that there are abuses in many cases in the management of corporations.

I have here at hand a statement of Cook on Corporations which bears directly upon that point, showing how stocks are issued or watered. He says:

The third method of issuing fictitiously paid-up stock is by a wrongful use of the power to issue stock dividends. It seems to be generally conceded that if the capital stock and the actual property of the corporation is not permanently increased to the extent of the par value of the stock distributed as a dividend, then that the issue of stock by such dividend is irregular, and under certain circumstances fraudulent.

And Alexander, in his Railway Practice, says:

But I record my conviction that the practice of stock watering should be prohibited, without much hope of ever seeing it done, and more on the ground that it is against public policy to make it easy for men to build railroads, or float any enterprises with other people's money, than from the fear of the railroads being enabled to practice extortion by the possession of watering stock.

This bill—and that, Mr. Speaker, is all I desire to say at the present time—simply authorizes what we believe to be necessary modifications of existing law and throws about the legislative council the restrictions we think necessary to protect the people of the island of Porto Rico irrespective of any other consideration.

I reserve the remainder of my time.

The SPEAKER. The gentleman has twelve minutes remaining.

Mr. COOPER of Wisconsin. I yield three minutes to the gentleman from Michigan [Mr. WM. ALDEN SMITH].

Mr. WM. ALDEN SMITH. Mr. Speaker, a great deal of misinformation has been disseminated and many extravagant statements published throughout the country regarding the exportation of liquors into the Philippine Islands, Cuba, and Porto Rico since they have been under the control of the United States; and for the purpose of getting exact information and laying before the House full information upon that subject, I addressed a letter to the Chief of the Bureau of Statistics of the Treasury Department a few days ago, and have his reply, which I desire to read and insert in the RECORD, covering the ground of the controversy. I read from the correspondence:

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 10, 1900.

DEAR SIR: Can you oblige me with a statement showing the exportation of liquors from the United States to Cuba, Porto Rico, and the Philippine Islands in 1899; also the number of American troops now in those islands? Numerous statements have been made indicating that the importation of liquors into those islands since occupation by the United States has greatly increased; and if it is practicable for you to also show the exportation of this class of articles from Spain to the islands in earlier years, I should be very glad to have that information.

Very truly, yours,

WM. ALDEN SMITH, M. C.

Hon. O. P. AUSTIN,
Chief Bureau of Statistics, Treasury Department.

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., March 29, 1900.

DEAR SIR: I have your letter of recent date, asking for information regarding the value of liquors exported to Cuba, Porto Rico, and the Philippine Islands from the United States in 1899, and from Spain in earlier years, also the total number of troops in those islands, and, in reply, have the honor to hand you the following statement taken from the official records of the United States Government in 1899 and of the Spanish Government in 1890 and 1896:

Value of wines and malt and spirituous liquors exported to Cuba, Porto Rico, and the Philippine Islands from Spain in 1890 and 1896 and from the United States in 1899.

	Exported from Spain.		Exported from United States in 1899.
	1890.	1896.	
Cuba	$2,536,470	$1,452,998	$1,001,426
Porto Rico	182,652	154,436	198,339
Philippine Islands	135,614	162,683	269,052
Total	2,854,436	1,770,117	1,468,817

The number of troops in the islands, as reported to me from the War Department, is as follows:

Cuba	10,729
Porto Rico	3,386
Philippine Islands	63,226
Total	77,341

Very truly, yours,

O. P. AUSTIN, *Chief of Bureau.*

Hon. WILLIAM ALDEN SMITH,
House of Representatives.

This shows, Mr. Speaker, that there has been less liquor exported to these islands from the United States in 1899 than from Spain in 1890 and in 1896.

The SPEAKER. The time of the gentleman has expired.

Mr. WM. ALDEN SMITH. I ask consent, Mr. Speaker, as I had not quite completed the reading of the letters, to insert them in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD.

The Chair hears no objection.

[The letters referred to by Mr. WM. ALDEN SMITH are published above.]

The SPEAKER. The gentleman from Wisconsin has nine minutes of his time remaining.

Mr. COOPER of Wisconsin. I yield four minutes to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. Mr. Speaker, I take the time in order that I may yield a part of it, at least, to my friend from Connecticut [Mr. HILL]. I yield to him three minutes, and may possibly yield the entire time.

Mr. COOPER of Wisconsin. I reserve the remainder of my time.

The SPEAKER. The gentleman from Wisconsin will have five minutes remaining.

Mr. HILL. Mr. Speaker, I ask unanimous consent that my time may be extended for five minutes. I will not abuse the patience of the House.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that his time may be extended five minutes. Is there objection?

There was no objection.

Mr. HILL. Mr. Speaker, I want to say in regard to the provisions of this bill that I am opposed to the two amendments, both in form and in substance. I am opposed to the first one on political grounds. I am opposed to the second one on economic grounds. I do believe that the whole suggestion of the granting of franchises in the little island of Porto Rico has been immensely magnified, and that it would be far safer and better to leave it under the jurisdiction of the people of Porto Rico themselves, with the able officers which we have reason to believe will be appointed there. If Governor Charles H. Allen, of Massachusetts, is not competent to pass upon the approval or disapproval of a street railroad franchise from the city of Ponce to its harbor, and other franchises in the island of Porto Rico, the President of the United States had better appoint somebody who is. It seems to me it would be unwise, knowing as we do the Spanish character and the jealousies of the natives there in coming in competition with Americans and others, which will be sure to provoke scandals, to throw the responsibility of this thing upon the President of the United States, who has enough else to attend to.

Mr. GAINES. Will the gentleman yield for a moment?

Mr. HILL. I have only a few minutes remaining. I want to call the attention of the House to the next section. So far as its provisions are concerned, making all franchises subject to repeal, nobody has any objection. It is a universal rule which obtains in every State in the Union.

So far as the second proposition is concerned, forbidding the issue of stocks and bonds except in actual exchange for cash or property at a fair valuation, nobody has any objection; and I want to say right here that I have no interest, past, present, or future, and want none, in the island of Porto Rico, because I believe there is no profit in any of these things. I think the people of this country have magnified it. I want no interest in any franchise or in any business proposition of any kind or character in the island of Porto Rico. I visited it, I went through it, I examined it to my heart's content, and I had all I wanted of it in any form or shape. I have no acquaintance with anybody who has any interest there.

Mr. LITTLEFIELD. And do not want any?

Mr. HILL. No, I do not want any. Any interest that I feel in this bill is purely on its merits as a general proposition. That settles that part of the question asked by the gentleman from Wisconsin [Mr. COOPER] some time ago.

The third clause, forbidding the declaration of stock and bond dividends and the regulation of prices, I fully concur in.

No corporation shall be authorized to conduct the business of buying and selling real estate, of issuing currency.

I ask this committee what it is going to do with the Spanish bank, which is now there issuing currency, and has a vested right to do it?

Mr. COOPER of Wisconsin. Does the gentleman want an answer?

Mr. HILL. I do.

Mr. COOPER of Wisconsin. This clause that you are reading provides that franchises to be granted shall not provide for the issue of currency.

Mr. HILL. Very well; I admit that.

Mr. COOPER of Wisconsin. It does not propose to take away any right vested by the treaty of Paris.

Mr. HILL. Then, will the gentleman explain to me the last three lines of this bill:

Corporations other than those organized in Porto Rico, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.

Mr. COOPER of Wisconsin. So far as applicable.

Mr. HILL. Yes, so far as applicable.

Mr. COOPER of Wisconsin. Now, do you think that we have undertaken in that instance to deprive any corporation of any vested right given by the treaty of Paris?

Mr. HILL. I believe under the terms of this bill that the Spanish bank and every trust company in the United States which has made loans on real estate in the island of Porto Rico would be compelled to sell that land within five years after the title was acquired. I do not know whether there are any such. I have no personal acquaintance with them. I know such corporations are doing business in Porto Rico, that have gone there in good faith and made loans at American rates, not at the Spanish rates of 18 to 24 per cent, and that the passage of a bill of this kind, which clearly and distinctly would compel them to sell their land under existing conditions at the end of five years after title had accrued, is a wrong and injustice, and that those three lines of this bill ought to be stricken out, no matter what may happen to the remainder of it.

I believe that under the last three lines the Spanish bank would be forbidden issuing any more currency. I would agree with a proposition that they ought not, but that result should be obtained by compromise with them and not under the drastic provision contained in this bill. You have attached the national-bank law provision that they shall be required to sell land in five years to saving banks and trust companies that may exist now or in the future in the island of Porto Rico. Such a provision is perfectly proper in connection with a bank of issue, but it is utterly inappropriate in connection with savings banks and trust companies, whose business it is to lend money on land, and who, in the process of that business, frequently are compelled to take land to satisfy the debt.

I am not one of those who believe that the whole American people are a set of rascals and scoundrels who would go to Porto Rico and plunder it. I believe that the business men of this country are entitled to some confidence even in the House of Representatives, whether organized as trust companies, savings banks, or as sugar planters in Porto Rico. I believe that if this bill goes into effect you will prevent corporate capital of great amounts, or small amounts of aggregated capital, engaging in the cultivation in Porto Rico of sugar and fruit. If you stop the American Fruit Company and any other fruit company of the United States going there to attempt to develop the possibilities of Porto Rico, by saying that any such company shall not buy any of the lands, you will have absolutely put a damper on the island of Porto Rico from which it will not recover in twenty-five years.

The SPEAKER. The time of the gentleman has expired.

Mr. KNOX. I ask that the gentleman's time may be extended.

Mr. HILL. I think this bill is thoroughly detrimental to the people of Porto Rico.

Mr. COOPER of Wisconsin. I reserve the balance of my time and ask gentlemen of the minority to occupy some portion of their time.

Mr. JONES of Virginia. Mr. Speaker, speaking for the minority members of the Committee on Insular Affairs, I wish to express a hope that this joint resolution, as amended by that committee, may be passed. I had hoped that there would be no opposition to the amendments on either side of this Chamber. It seems to me to be so manifestly necessary that we should adopt both of these amendments, and adopt them at once, that it is incomprehensible to me how there can be objection from any source to ingrafting them upon this joint resolution. The act which it is sought to amend throws no restrictions or safeguards around the granting of franchises by the executive council, and only requires that such grants shall receive the approval of the governor of Porto Rico before becoming operative. This, it must be admitted, is a most extraordinary power and one capable of great abuse.

The first amendment provides that, in addition to the approval of the governor of Porto Rico, all franchises or other concessions shall receive the approval of the President of the United States. I can not conceive how any human being can object to that most just and reasonable provision. For myself, Mr. Speaker, I would much rather the amendment provided that all grants of franchises should receive the approval of the Congress of the United States before becoming operative. The bill which recently passed this House providing a civil government for the Hawaiian Islands provides that no franchises shall be granted in those islands which do not receive the approval of the Congress of the United States. This amendment simply provides that all grants of Porto Rican franchises shall receive the approval of the President of the United States in addition to the approval of the governor of the island.

The third section of the joint resolution, or second amendment, provides that certain restrictions, necessary restrictions, shall be thrown around the granting of these franchises. For instance, it provides that no corporation shall be chartered in Porto Rico for the purpose of carrying on the business of agriculture, and that no corporation shall be chartered for the purpose of engaging in the buying and selling of real estate. It is well known to the members of this House that the island of Porto Rico is only about 95 miles long and about 35 or 40 miles wide.

It is well known also that it contains a denser population than any other country on the globe, and that only a small part of the

soil of the island is adapted to the cultivation of sugar cane. Unless these amendments are adopted I believe that it is almost certain that within the shortest period possible after the government provided for in the act of April 12 has been organized and put into operation the great corporations of this country will own every single acre of the sugar and tobacco lands of this most fertile island. And if that shall become the case, then the condition of the population will, I believe, be reduced to one of absolute servitude. The people of Porto Rico will be driven to cultivate these lands for these corporations at whatever daily wage they choose to pay them.

Therefore it seems to me that it is not only preeminently just that this amendment should be adopted, but that the necessity for immediate action should be apparent to everyone who would not like to see these poor people despoiled of their homes. Objectionable as the Porto Rican act is to me, Mr. Speaker, there is no feature of it nearly so objectionable as this, and no provision of it so open to abuse as I believe section 32 to be. Unless these amendments prevail it will be within the control of an executive council of eleven, only five of whom are required to be native inhabitants of the island of Porto Rico, to dispose, with the approval of the governor, of every valuable franchise in that island.

Such unrestricted power as the Porto Rican act gives to the executive council has never before been conferred in any Territorial act passed by Congress since the establishment of our Government. Therefore, Mr. Speaker, it seems to me that it is absolutely necessary, if we do not want to leave the people of Porto Rico in a position which, in all probability, will result in the loss of their lands and homesteads, and make slaves of them, too, that we should sustain the action of the Committee on Insular Affairs in its efforts to so amend this joint resolution as to safeguard and restrict the granting of their franchises. I do not believe it possible to pass any independent legislation having the same purpose in view.

Again, I express the fervent hope that gentlemen on this side of the Chamber, at least, will agree with the minority members of the Committee on Insular Affairs, that this legislation is not only highly proper, but imperatively necessary. I reserve the remainder of my time, Mr. Speaker. I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. JAMES R. WILLIAMS. Mr. Speaker, I do not know that I will detain the House that long. Personally I should prefer to see "the Congress" substituted for "the President" in this amendment. But it was thought by the committee that a provision of that kind would meet with more objection and be less likely to pass both Houses of Congress than the provision as it is now in the amendment.

Mr. Speaker, remembering as I do many of the provisions contained in the civil government of Porto Rico, I wish to say that there are a number of them that I would be glad to see amended, but I believe the amendment to this provision is more important than any other amendment that could be made, or more important, I will say, than amendments to all the other provisions, so far as the welfare of the people of Porto Rico is concerned.

Now, the gentleman from Connecticut [Mr. HILL] says, "Why not leave the granting of these franchises to the people of Porto Rico?" The original bill does not give it to the people of Porto Rico. The power to grant these franchises is not vested in the legislature, including the lower branch, which is elected by the people of Porto Rico. They have no voice in the granting of these franchises; they are granted by the executive council appointed by the President, six of whom may be from this country and may control it entirely. So you see that the granting of these franchises may rest in the hands of these men, appointed here in the United States by the President, in no way responsible to the people of Porto Rico. I thought it was a very dangerous provision at the time it was passed, and I still think so, and I am anxious to see this amendment go in. As I say, I would rather see this franchise approved in the first place by Congress; but it is thought, on account of Congress not being in session at all times, that would meet with greater objection.

Now, the gentleman from Connecticut [Mr. HILL] says there is little interest in these franchises. If the gentleman only knew the great appetite of a good many men and corporations in this country for franchises in Porto Rico, he would entertain a different conclusion from what he does. I believe at least one-half of the time taken by the Committee on Insular Affairs in hearings has been given to men in this country wanting a franchise of some kind in the island of Porto Rico.

The language of the provision as it is now is that the executive council of eleven appointed by the President have the power of granting exclusive and unlimited franchises in Porto Rico, worth thousands and thousands of dollars, without a single cent of consideration. The committee believe that it was wise that this restriction should be placed upon that executive council. According to the amendment, the franchise must be approved by the President. Not only that, but we restrain the President as well. We provide that he shall only approve them when they are granted on certain conditions and certain provisions, the most of which, if not all, are contained in the constitution and laws of almost every State in this Union.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. JONES of Virginia. I yield to the gentleman two minutes more.

Mr. JAMES R. WILLIAMS. Now, in regard to the particular operation of the amendment objected to by the gentleman from Connecticut. It reads as follows:

No corporation shall be authorized to conduct the business of buying and selling real estate, of issuing currency, or of engaging in agriculture, or permitted to hold or own real estate, except such as may be reasonably necessary to enable it to carry out the purposes for which it was created.

It had come to the knowledge of some members of the committee that there were men in this country already preparing to organize companies for the purpose of buying and selling real estate in the island of Porto Rico.

Then he objects to this provision, reading further:

Banking corporations, however, may be authorized to loan funds upon real-estate security, and to purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title.

Mr. Speaker, when I remember the limited territory in Porto Rico and the density of the population, we can see that this provision is much more necessary for the people of Porto Rico than it would be for the Western territory, where the people are more thinly settled.

Now, he objects also to the last three lines, which read:

Corporations, other than those organized in Porto Rico, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.

What would be the use of providing that there should be no corporations organized in Porto Rico buying and selling real estate in that island and then permit the Connecticut corporation to go down there from the gentleman's own State, organized for this very purpose, and buy all the mortgages down there and become the owners of the real estate of that island? It is a wise provision and ought to remain in the bill, and if you take it out you might as well strike out the entire amendment. [Applause.]

The SPEAKER pro tempore (Mr. HOPKINS). The gentleman from Virginia [Mr. JONES] is recognized.

Mr. JONES of Virginia. I yield five minutes to the gentleman from Kansas [Mr. RIDGELY].

Mr. RIDGELY. Mr. Speaker, if I were able to ingraft upon our legislation such provisions as in my judgment would best protect the people of Porto Rico as well as the people of all the balance of our country, I would provide that no charter should be granted to any corporation to perform a public function. I would reserve all these for the people's government. But inasmuch as the judgment of Congress, and, I might say, at the present time, the dominating influences of the country, are in favor of granting franchises to corporations to perform public service, I contend that the restrictions which are embodied in the pending amendments offered by the committee are wholesome and should be enforced on every corporation.

The gentleman from Connecticut [Mr. HILL] seems to fear that we are about to make an onslaught upon some vested rights of some existing corporation, and he would have us decline to adopt a certain portion of this amendment which seems vital to its efficacy and if stricken out would permit corporations chartered in and outside of Porto Rico to operate there unrestricted. He intimates that he would permit existing corporations there to go on performing functions and exercising powers which these amendments forbid to new corporations, thereby making unjust discriminations.

Does the gentleman claim that there now exists any corporations in Porto Rico which are not subject to the legislation of Congress; that any corporation has vested rights over and above the powers of the Government? Mr. Speaker, I claim that the time has come when, if the legislative powers of this Government shall fail to put proper restrictions upon centralized capital in the form of corporations holding by their charters almost perpetual official existence and unlimited powers—I say if we fail to put wholesome restrictions upon these corporations, then we will compel the people in self-defense to find some way of abolishing every corporate charter that the law may have granted.

Mr. HILL. Now, without any frills whatever, will the gentleman answer this question: If a corporation is now conducting a legitimate sugar plantation in the island of Porto Rico, can it continue its business under the terms of this amendment?

Mr. RIDGELY. So far as we can make this legislation applicable to restrict their centralizing the titles to land and watering

their stocks and bonds we should do it, and, without any frills, that is all this bill undertakes.

Mr. CARMACK. There are no sugar plantations there.

Mr. HILL. How do you know?

Mr. CARMACK. That is the information we have.

Mr. RIDGELY. I object to my time being taken up by a colloquy between other gentlemen.

I say that the amendments to this joint resolution should be sustained by both sides of this Chamber, and I believe they will be. I would enact restrictions still more drastic than these. But I am glad to know that upon both sides we have men who foresee the dangers which are now threatening the people everywhere by reason of unrestricted privileges of chartered companies. Even though it is rather late, I am glad to know that within two weeks, we might say, from the time we have legislated granting these unlimited privileges to incorporated companies in Porto Rico we are already aroused to the dangers in this direction and are bringing in this provision to put restrictions upon them for the protection of the people of this island at least. And the grandest of all things in connection with this amendment is the provision which reserves to the public the right of taking over at any time the property of any public corporation at its par value. These rights belong to the people and the law should ever hold them inalienable. [Applause.]

[Here the hammer fell.]

Mr. JONES of Virginia. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. Five minutes and a half.

Mr. JONES of Virginia. I yield four minutes and a half to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, I do not care to occupy even that much time. The amendments insisted upon by the committee are in relation to the granting of charters and other concessions in the island of Porto Rico. These amendments throw around the original act as passed here a few days ago some safeguards which we think highly important. The gentleman from Connecticut [Mr. HILL] does not seem to think there is anything down there that is worth going for; and I take it for granted there is not, or he would not have come back empty-handed. [Laughter.] I think that is pretty good evidence of the fact. But we had some evidence before the committee, Mr. Speaker, that there are some other gentlemen who want to try their hands down there, and we want to regulate them to some extent—not let them take the whole thing at once.

These amendments, I would say to my colleagues on this side of the House, are only a few of those that we would like to see ingrafted upon the original act as passed. This legislation is good so far as it goes. The minority of the committee—that is to say, the Democratic members—indorse the amendment as offered by the chairman of the committee. We think it is correct so far as it goes and ought to be passed. If we can not get all that we want, we want to get as much as we can for the benefit of those people.

Now, there is one thing that suggested itself when my friend was on the floor, and that was about that bank provision. Whenever you raise the question of banks or the issuing of bank notes, if my friend from Connecticut is within hearing, you are going to hear from him. [Laughter.] The fact of the business is that he came down to the committee and advised them what they ought to do in regard to the exchanging of our currency in Porto Rico.

Now, there is something there that attracts his attention at least, and you can always rely upon him when there is a bank mentioned or a bank note in circulation, or something of that kind, to be discussed on the floor of this House. [Laughter.]

Mr. Speaker, I do not know whether our people have loaned money down there or not. But suppose they have done so; if they have, they are secured. But it does seem to me that the object of the amendment is to keep the corporations already organized, in spite of what my friend from Illinois has said, in a condition that they will be responsible to the people who are largely interested in the island and in its future prosperity. We want to show them that we are not preparing through our corporations to monopolize all of the valuable lands and all of the valuable franchises in Porto Rico.

Of course if corporations were allowed to have their sway, such might be the result. But these amendments seek to prevent just precisely that thing. They could go on under the original act passed by Congress and allow the five or the eleven men to issue these concessions, and then it would be but a few years when all of this population in that thickly settled island would become paupers, just as in many instances we find with the Indians within our own territory here, and the object of the amendment is to preserve their interest and their rights in their own country and to make them, if possible, self-supporting in the early future.

Now, in some measure I agree with my friend from Connecticut, that we did not get a bonanza when we took possession of Porto Rico as a part of the war indemnity. It has been demonstrated that it is already a burden to us, and it is the object of the chairman of the Committee on Insular Affairs and those who support him to make it as light a burden as possible.

Mr. HILL. Let me ask the gentleman a question?

Mr. MADDOX. Certainly.

Mr. HILL. Would you vote for the provisions of that bill as applying to the State of Georgia?

Mr. JONES of Virginia. Certainly, as an amendment to that proposition.

Mr. MADDOX. In response to the gentleman from Connecticut I would say that if the other proposition had originated in Georgia, I would be glad to do so.

Mr. JONES of Virginia. And so would every member on the floor.

[Here the hammer fell].

Mr. COOPER of Wisconsin. Mr. Speaker, in concluding this debate, I simply desire to say a word in reply to the remarks of the gentleman from Connecticut [Mr. HILL]. He was very solicitous in the course of his argument because of the provision in the amendment regarding the banks, and the disposition of lands which they might possess, or foreclose upon, within five years from the time of securing title. He said that this was one of the greatest hardships, especially upon the savings banks——

Mr. HILL (interrupting). I said, if my friend will permit me——

Mr. COOPER of Wisconsin (continuing). And I desire to call the gentleman's attention to the provision of the charter of the Spanish bank, doing business in Porto Rico and to which he specially referred.

I hold in my hand a copy of the royal Spanish decree containing the charter and by-laws of that institution.

Mr. HILL (interrupting). It is not necessary for the gentleman to go into that. My suggestion was that the provision in question is a proper one as to banks of issue. Now, this bank to which he refers is a bank of issue, and I was speaking of loans made by such a bank on real estate within the Territory of Porto Rico.

Mr. COOPER of Wisconsin. I do not understand the provisions of the law has any more effect as to banks of issue than as to any other banks doing business in the islands——

Mr. HILL. Certainly not. I did not suppose the gentleman had. If he had supposed otherwise he would not have offered the amendments in the form in which they had been drawn.

Mr. COOPER of Wisconsin. Certainly not; because the security taken by the Spanish bank has nothing to do with the issue of money. They are required to dispose of the real estate of the bank under certain conditions and at stated times.

Article 14 of its by-laws is as follows:

> The bank can not own more realty than is necessary for its business. If it should acquire any by award in payment of the credits which it could not realize in any other manner, it shall proceed to the alienation of the same at public sale within the maximum period of ninety days.

So that the bank is obliged now to dispose of the real estate acquired by it within ninety days, and therefore it would be no hardship on the bank to require it to dispose of the land within five years.

Now, as to the agricultural lands being taken up by corporations. This particular clause of the amendment is proposed by the committee because of the peculiar conditions prevailing in the island. This island, as is perfectly understood, is a hundred miles long and about forty broad. That is to say, it is no wider than the distance from here to Baltimore and about twice that distance in length. In connection with this matter, General Davis, in charge of the civil affairs on the island, on page 12 of the testimony, says:

> Mr. CRUMPACKER. How are the lands held there—in large tracts or in small tracts?
>
> General DAVIS. Usually in small tracts. The population, you see, is 1,000,000, and the subdivisions of the land have been very numerous. Inheritances have resulted in subdivisions, so that you find blocks of 2 acres and 3 acres and 5 acres and 10 acres and 20 acres. There are a few larger tracts in some instances—the tracts of 200 or 300 or 400 or 500 acres; and of sugar-cane farms you may find tracts as large as 2,000 or even 3,000 acres, but such are uncommon.

Now, it is because of the peculiar condition down there and of the fact, as I think, that there is but one foreign corporation, and that an English corporation, engaged in the sugar-cane growing business——

Mr. HILL. Will the gentleman pardon me? Does he not also know that General Davis said that the only possible successful outcome of the sugar industry was through the aggregation of capital by corporations and by central mills? I have not the language before me, and I do not wish to take the gentleman's time.

Mr. COOPER of Wisconsin. It is immaterial what anybody testified to. The committee are of the opinion that it would not be for the interest of a million people, crowded upon a territory 100 by 40 miles in extent, to have one corporation own all, or

substantially all, the land. People there can not cross imaginary State lines and go into other States as they can here in crowded and populous communities. There, when they get to the margin of their territory, they are met by the ocean. They can not go anywhere. They are obliged to stay in the island of Porto Rico, and the ownership of the land has a special significance in that limited and crowded space.

Therefore, this legislation must not be taken as establishing a precedent for legislation anywhere else. We establish this legislation for Porto Rico because of the conditions that obtain in that crowded island, and I repudiate utterly the suggestion of the gentleman from Connecticut [Mr. HILL] that he is opposed to these amendments because he has confidence in human nature, and because Congress ought to have confidence in the people and in the business interests of the United States. You could say that and do away with the Constitution of the United States. You can say that and do away with the constitution of every State. That has always been the plea of tyranny, and it is the plea put forth to-day in behalf of the Czar of Russia that he does justice to his subjects and never will do them wrong, though he has unlimited power.

Mr. HILL. Mr. Chairman——

Mr. COOPER of Wisconsin. This is a government of laws, not a government of men, and it is immaterial how high may be the character of the Executive—and for him I have as much respect as for any man who ever sat in the Presidential chair, from George Washington down. I have the most implicit confidence in the President's integrity, in his judgment, and in his high and exalted patriotism; but even to him I would not give the unrestricted power to dispose of franchises in the island of Porto Rico, nor would I give it to him in connection with six or eleven appointees, not because I distrust them in and of themselves, but because the principle involved is wrong.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JONES of Virginia. Does the gentleman desire further time?

Mr. COOPER of Wisconsin. Yes.

Mr. JONES of Virginia. I have five minutes, and I will grant to the gentleman from Wisconsin so much of that as he desires to occupy.

Mr. COOPER of Wisconsin. It is the duty of statesmen in trying to solve problems of statesmanship, when a little aggression is threatened and entered upon, to look at the principle involved and not at the possible minimum wrong to be inflicted. It is true that the individual wrong may be slight, but the principle involved in the aggression may be dangerous. You would not think of putting it in practice in Connecticut. It ought not to be put in practice in the island of Porto Rico simply because we have the power.

I repudiate the suggestion that here, as statesmen—and we are supposed to be statesmen—it is our duty to see what we can do, but it ought to be our highest purpose first to ascertain what we ought to do.

Mr. HILL. Now, I should like to ask the gentleman a question. Does not the testimony before your committee show that the island of Porto Rico is practically mortgaged to its full assessed value to-day—the real estate, I mean—and that the interest rate on that is from 12 to 24 per cent, and that absolute necessity requires the reduction of the interest rate and the shifting of those mortgages before that island can possibly be prosperous?

Mr. COOPER of Wisconsin. I will say, in reply to the gentleman from Connecticut, that the law which we have passed authorized the legislative council, the legislature of Porto Rico, to modify, amend, or alter any interest or usury law that now is in force in that island. They can fix that; but there is no way in which they can seize upon and destroy vested rights, nor deprive mortgagees of rights which are already possessed by them.

Mr. HILL. They can make inducements to capital to go there and lower the interest rate.

Mr. COOPER of Wisconsin. Capital has been sufficiently induced, if the information which comes to our committee be correct. One prominent member of the committee, and a Republican, said he had been approached by a capitalist, who suggested to him that a corporation was being formed to buy up the mortgages.

Mr. HILL. And not a dollar paid in, probably——

Mr. COOPER of Wisconsin. No; but it would be paid in if they had the chance, under the original bill, to seize all the land on the island, and we did not propose to allow them that privilege.

The SPEAKER pro tempore. The gentleman from Virginia.

Mr. COOPER of Wisconsin. The gentleman from Virginia yielded some time to me. I hope that he will yield the balance of it to the gentleman from Tennessee, inasmuch as I promised to give him two minutes of my time and forgot to do so.

Mr. JONES of Virginia. I yield such time of the five minutes yielded to the gentleman from Wisconsin as remains to me to the gentleman from Tennessee. I do not know how much time he occupied.

The SPEAKER pro tempore. He occupied three minutes.

Mr. JONES of Virginia. I yield the remainder of the time to the gentleman from Tennessee.

Mr. GAINES. How much?

Mr. JONES of Virginia. A little over two minutes.

Mr. GAINES. Mr. Speaker, I opposed with all my might and influence the Porto Rican bill, now the law; and I am glad to have an opportunity to vote for or to support another measure that will tend to relieve the evils that I think were wrought by that bill.

I am specially, Mr. Speaker, in favor of that provision contained in section 2 which requires "that all franchises, privileges, and concessions in section 32 shall be approved by the President of the United States, and no such franchise, privilege, or concession shall be operative until it shall have been so approved." And why?

There is no question, Mr. Speaker, but what the Constitution "extends" to the President of the United States in all its limitations and prohibitions; and if he does wrong, which I do not say he will, he is amenable to the people of the United States; he is amenable to this Congress and its successors.

There may be some doubt, Mr. Speaker, as to whether or not the lawmakers of that unfortunate island are subject to any constitutional limitations, that the Congress of the United States would have the power to impeach the lawmakers there if they should do wrong. But thus leaving the finishing touches, at least, to the President, who is sworn to support the Constitution and to see that the laws are faithfully executed, these outlawed people would have some protection of our Constitution. For that reason it gives me pleasure to support this provision, which I think very largely helps to cure the evils and outrages imposed upon those people by not doing "our plain duty" by them. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I move the previous question on the resolution and amendments to its final passage.

Mr. HILL. I call for a separate vote on the amendments.

The SPEAKER pro tempore. The question is on ordering the previous question on the bill and amendments to its final passage.

The question was taken; and the previous question was ordered.

The SPEAKER pro tempore. The Clerk will report the first amendment.

The Clerk read as follows:

Add at the end of line 13 of the printed joint resolution the following:

"SEC. 2. That all franchises, privileges, or concessions mentioned in section 32 of said act shall be approved by the President of the United States, and no such franchise, privilege, or concession shall be operative until it shall have been so approved."

The question was taken; and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the second amendment.

The Clerk read as follows:

Amend by adding the following:

"SEC. 3. That all charters granting any franchises, privileges, or concessions, mentioned in section 32 of said act, to private corporations shall provide that the same shall be subject to amendment, alteration, or repeal; shall forbid the issue of stock or bonds, except in exchange for actual cash or property at a fair valuation, equal in amount to the par value of the stock or bonds issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, and for the purchase or taking by the public authorities of their property at a fair valuation. No corporation shall be authorized to conduct the business of buying and selling real estate, of issuing currency, or of engaging in agriculture, or permitted to hold or own real estate, except such as may be reasonably necessary to enable it to carry out the purposes for which it was created. Banking corporations, however, may be authorized to loan funds upon real-estate security, and to purchase real estate when necessary for the collection of loans, but they shall dispose of all real estate so obtained within five years after receiving the title. Corporations other than those organized in Porto Rico, and doing business therein, shall be bound by the provisions of this section so far as they are applicable."

The question was taken; and the amendment was agreed to.

The joint resolution as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DALZELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10301. General debate having been closed by order of the House, the Clerk will report the bill.

The Clerk read as follows:

For postal service in the newly acquired territory or territory held by military occupation, and for additional transportation to and from said territory, also including postal service for all military camps or stations, to be used in the discretion of the Postmaster-General, $200,000.

Mr. GAINES. I move to strike out the last word. I would like to ask the gentleman who reported this bill what evidence he had before the committee, or some of the evidence he had before the committee, upon which he bases this report and this appropriation.

The CHAIRMAN. The gentleman from Tennessee addresses the chairman of the committee.

Mr. LOUD. I did not hear the gentleman.

Mr. GAINES. I simply want to ask the chairman of the committee for any evidence, or some of it, upon which the committee bases the recommendation that they make in this bill, providing for postal service in these insular possessions.

Mr. LOUD. I will say, Mr. Chairman, that this is a temporary service, that grew out of the war; first in the establishment of camps in this country and while our forces were in Cuba, Porto Rico, and the Philippines. It is a service the cost of which can not be estimated anywhere near accurately. The Department asked for $300,000, and the committee recommend $200,000. It is a service that must go on.

Mr. GAINES. This service applies to Cuba and our insular possessions?

Mr. LOUD. I will say that the salaries of the employees in Cuba are paid out of the revenues of Cuba, and in Porto Rico so far as was possible; but, of course, in the Philippine Islands there are no revenues, substantially, and the payment for the service there has to come out of the public Treasury.

The Clerk, proceeding with the reading of the bill, read as follows:

For printing and binding a revised edition of the postal laws and regulations, consisting of not less than 100,000 copies, such edition to be prepared under the direction of the Postmaster-General and printed at the Government Printing Office; and the Postmaster-General may authorize the sale of copies of such edition not needed for the use of the Department to individuals at the cost thereof, and 10 per cent added, the proceeds of such sales to be deposited in the Treasury as part of the postal revenues, $39,862, to be immediately available: *Provided*, That of this amount the Postmaster-General may pay to the assistant attorney for the Post-Office Department, who has been designated by him to prepare and edit said revised edition outside of office hours, not exceeding the sum of $1,000 upon the completion of the work.

Mr. LACEY. Mr. Chairman, I move to strike out the last word, and I would like to occupy a few minutes, without following the bill. Some days ago I called attention to an error made in Judge Grady's book in regard to homesteads, in which he declared that a Confederate soldier could not take a homestead. It appeared by inquiry that he had received his information from a certain Congressman upon whom he relied. I was correcting his error in the House when some one insisted on giving the name of the ex-Congressman, which I did. Now, in justice to that ex-Congressman, Mr. Fowler, of North Carolina, I want to say that I am informed that inquiry was made of him by Mr. Grady as to what the law was, without attention being called as to the particular point, and in view of the complicated nature of the law he did not look up the direct question which was in the mind of the inquirer, and therefore, when he gave the information which was acted upon by Judge Grady, it was assumed that the law of 1862 still cut out Confederate soldiers from taking homesteads. The letter from Judge Grady to Mr. Fowler, which I have here, explains how it occurred, and in justice to Mr. Fowler I desire to print the letter in the RECORD.

Mr. COX. Does the gentleman say that is the law now?

Mr. LACEY. Ever since June, 1866, a few months after the war, that exception as against Confederates was repealed, and I called attention to the error in Mr. Grady's book.

Mr. GAINES. I did not hear the first part of the gentleman's statement. I remember I had occasion one pension night, when we did not have a quorum, to allude to the fact that one of the Tennessee ex-Congressmen, John H. Savage, an ex-Mexican and ex-Confederate soldier, was denied pension rights, while a Confederate soldier who had recently been in the Philippines was also denied the same pension right.

Mr. LACEY. That is not the matter I am alluding to at all. I called attention to an error in Judge Grady's book, in which he said a Confederate soldier could not take a homestead. He was led into it by Mr. Fowler, of North Carolina, and in justice to Mr. Fowler I think it is proper that this letter should go into the RECORD, because he says that Mr. Fowler's attention was not called to the particular point for the purpose of which the inquiry was made. I ask unanimous consent that I may print the letter in the RECORD.

Mr. THOMAS of North Carolina. Mr. Chairman, I want to say this: Mr. Grady is a former member of this House, formerly representing my district, one of my most esteemed constituents, and I would not have one word to say, but I hope that the gentleman from Iowa has in his former remarks absolved and will now absolve Mr. Grady from all intentional inaccuracy.

Mr. LACEY. Oh, certainly I did. He was mistaken.

Mr. THOMAS of North Carolina. There is no more accurate scholar, no better posted gentleman in my district, or in the State of North Carolina than is Mr. Grady, and I hope the gentleman will absolve him——

Mr. LACEY. I did entirely absolve him before. I ask unanimous consent that I may print this letter in the RECORD. It will show that Mr. FOWLER's attention was not called to the point in question, and hence in his answer he inadvertently misled Judge Grady. The charge that ex-Confederates were barred from homestead rights was a serious one, and I thought it my duty to correct it.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The letter referred to by Mr. LACEY is as follows:

DEAR MR. FOWLER: In answer to yours of this date I have to say that your letter was understood by me as I gave it to Mr. LACEY. I did not have a copy of the United States Revised Statutes and, while I had Brightley's Digest, it brought legislation no farther than 1865, and my supplement did not go farther back than 1874.

My letter to you did not reveal my purpose. I simply asked if any change had been made in the act of 1862, affecting the beneficiaries of the law. Here is your answer:

Homestead act of 1866, section 1, same as 1864, with this restriction: That until the expiration of two years from and after the passage of this act, no entry shall be made for more than a quarter section, or 80 acres, and in lieu of $10 required to be paid by said act the sum of $5 at the time of issue of each patent, and the public lands in said States shall be disposed of in no other manner after the passage of this act: *Provided*, No distinction or discrimination shall be made in the construction or execution of this act on account of race or color: *Further provided*, No mineral lands shall be liable to entry and settlement under its provisions.

Section 2. Amendment to act of 1862.

Section 3. Act of 1864 still in effect, except amendment contained in section 1, entitled "An act for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, June 21, 1866."

Homestead law of 1864 bears no members of the Army.

Hope this is what you wanted. If not, let me hear from you.

Have not been able to find copy of the Revised Statutes. Will forward it in case I can find one.

Very truly,

JOHN E. FOWLER.
Per KOONCE.

The date is June 7, 1897.

The law of 1862 excluded from the beneficiaries anybody who could not prove that he had been "loyal" to the North during the war between the States, and as your letter does not refer to any modification of this requirement, I took it for granted that the requirement was still in force.

I hope this is satisfactory.

Yours truly,

B. F. GRADY.

TURKEY, *April 16, 1900.*

The Clerk, proceeding with the reading of the bill, read as follows:

For compensation to assistant postmasters at first and second class post-offices: One at $3,500, 14 at $3,000 each, 2 at $2,500 each, 1 at $2,000, 8 at $1,900 each, 14 at $1,800 each, 26 at $1,700 each, 59 at $1,600 each, 68 at $1,500 each, 45 at $1,400 each, 124 at $1,300 each, 235 at $1,200 each, 219 at $1,100 each and 220 at $1,000 each; in all, for assistant postmasters, $1,312,000.

Mr. LOUD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 2, line 25, preceding the word "for," insert "salary and allowance division."

The amendment was agreed to.

Mr. LOUD. I also, Mr. Chairman, offer the following amendment:

Page 3, line 2, strike out "fourteen" and insert "sixteen;" also, strike out the word "two," after the word "each," and insert "one."
Page 3, line 3, strike out the word "one" and insert "three."
Page 3, line 4, strike out "fourteen" and insert "thirteen."
Page 3, line 5, strike out "twenty-six" and insert "thirty."
Page 3, line 6, strike out "fifty-nine" and insert "sixty."
Page 3, line 7, strike out "sixty-eight" and insert "eighty."
Page 3, lines 14 and 15, strike out the words "twelve thousand" and insert "forty-seven thousand seven hundred;" so that it will read "in all, for postmasters, $1,347,700."

The amendment was agreed to.

The Clerk read as follows:

One hundred and eighteen stamp clerks, assistant superintendents money-order division, superintendents money-order division, superintendents of registry, superintendents of stations, bookkeepers, finance clerks, superintendents of delivery, and superintendents of mails, at $1,700 each, $2,000.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, now that the provisions relating to clerk hire have been reached, I would like to ask the chairman of the committee what provision has been made in this bill for increasing the pay of the clerical force in the different post-offices of the country?

Mr. LOUD. The total increase for clerk hire is, in round numbers, $1,312,000, about one-half of which is for increase of force and the other half for increase of salaries, beginning at the lowest class of salaries and running clear up along the line.

Mr. FITZGERALD of Massachusetts. That would be, I understand, about $650,000 for increases in salaries, making $100 for each of 6,500 men. Will the chairman state offhand how many clerks there are in the different post-offices of the country?

Mr. LOUD. There are carried in this bill 15,880. Included in that number there are, of course, agents in charge of substations, of which there are a great number, at salaries of $100, $200, $300, $400, $500. Of post-office clerks there are, as I have said, 15,880; carriers, 15,266, and railway mail clerks, 8,388.

Mr. FITZGERALD of Massachusetts. That would call for an increase of salaries of less than one-half the force—about 615?

Mr. LOUD. That is about the course we have been pursuing. That was the policy outlined last year—to endeavor to bring up the salaries of the clerks to a reasonable amount by metes and bounds of this character.

Mr. FITZGERALD of Massachusetts. These increases are made on the recommendations of the postmasters in the different cities?

Mr. LOUD. They are.

Mr. FITZGERALD of Massachusetts. I would like to draw the attention of the House to the fact that as indicated in this bill there are only 66 persons in the postal service, as I read the bill, who are entitled to a salary of $1,600 a year; and in those 66 are included assistant superintendents of money-order divisions, superintendents of money-order divisions, superintendents of registry, and superintendents of stations. There are 118 included in this section, which would allow an average salary of $1,700 a year.

I know that clerks in our post-offices are paid very inadequately compared with clerks in custom-houses, and it seems to me—although I know that the chairman of the committee has given this matter very careful attention, and I know that the chief of the salary and allowance division in Washington is very friendly and favorably disposed to those clerks—that some arrangement might be made so as to give the clerks who have served a great many years better salaries.

I know myself of the case of a man in the Boston post-office who has worked there twenty years or more, and who, in the judgment of the different postmasters under whom he has served during the past eight or ten years, is perhaps the most efficient official in the whole department; yet he gets a salary of only $1,400.

It seems to me that with the great knowledge possessed on this matter by the chairman of the committee some provision might be made to give adequate salaries to men who have been devoting almost their whole lives to the service, and when we consider the fact—I would like to be corrected if I make any misstatement—that there are only 66 persons in the whole postal service of the United States, including not only clerks but assistant superintendents of the money-order divisions, superintendents of the money-order divisions, superintendents of registry, superintendents of stations, bookkeepers, finance clerks, superintendents of delivery, and superintendents of mails, who receive salaries of $1,600, it seems to me that we provide very inadequate compensation for a very faithful and efficient class of clerks.

Mr. LOUD. As an abstract proposition the gentleman's statement is a fair presentation of the case. There are but 66 who receive the salary he has named, yet there are quite a number who receive higher salaries.

Mr. FITZGERALD of Massachusetts. One hundred and eighteen.

Mr. LOUD. And when the gentleman goes beyond salaries of $1,200, he is getting into a class of salaries fixed by law a great many years ago.

Most of these salaries—in fact, 95 per cent of them, I may say—when you pass beyond the $1,200 limit, are fixed upon a certain percentage of the salary received by the postmaster. They receive the maximum salary received by the post-offices, and what might be regarded as good salaries in most cases.

The policy of the committee, Mr. Speaker, has been to increase these salaries from time to time. When we undertook the work we found that there was a large number of $500 clerks, while at the present time $600 is the lowest sum paid to any of them. We have been trying to bring them all up to between six hundred and twelve hundred dollars, as the business of the Department would warrant and justify.

Mr. FITZGERALD of Massachusetts. I admit, Mr. Chairman, that the chairman of the Committee on Post-Offices and Post-Roads has been fair to the clerical service in the Post-Office Department, and that the plan adopted by him in the committee to increase the salary of the clerk getting the small pay was an excellent idea.

But I wish to call his attention particularly to what I consider the unfairness in the matter of these salaries, and that is in this provision of the bill to which I have already referred, on page 9, of 66 stamp clerks, assistant superintendents of the money-order divisions, and so on, throughout the whole classification that I mentioned a moment ago, this number of 66 clerks who receive a salary of $1,600 per annum.

It seems to me, Mr. Chairman, that it is a very unfair distribution of salaries; and if I thought the gentleman would not make the point of order against the amendment, I would introduce an amendment at this point to increase the number who should receive $1,500 a year to 100, and the number who receive $1,600 to 100. And I ask the gentleman in charge of the bill if there is an objection to the introduction of such an amendment? It seems to be unfair that this provision should remain as it is in the bill.

I desire to make the following amendment: That in line 19, on page 8, the words "fifty-eight" be stricken out and "one hundred" substituted; and on page 9, line 1, the words "sixty-six" be stricken out and "one hundred" substituted; also, that in line 25 of same section "eighty-seven thousand" be stricken out and "$90,200" inserted; and in place of "$95,600" that there be substituted "$110,600."

Mr. LOUD. I hope the gent'eman will not attempt to amend several different paragraphs at the same time.

Mr. FITZGERALD of Massachusetts. I will offer the amendment to each paragraph in its proper order, Mr. Chairman.

Mr. LOUD. Mr. Chairman, I feel compelled to raise the point of order against the amendment. This is, however, a very fine question, because I am not entirely clear in my own mind whether the point of order would lie against the amendment or whether a portion of the amendment is subject to the point of order, and yet I know that it would apply in this particular because the present law provides the maximum salaries which the clerks shall receive for performing certain services which are specified in the law.

The question is whether the House would not have the right, under the law, to appropriate for a thousand clerks at any salary whatever within the limits of the law—within the limits of $3,000 per annum for assistant postmasters—as they might desire.

But I will say to my friend from Massachusetts that the amendment would not accomplish his purpose. The question is whether the House would not have the right, under the law, to appropriate for a thousand clerks at any salary whatever within the limits of the law, or within the limit of $3,000 per annum for assistant postmasters, as they might desire.

But I will say to my friend from Massachusetts that the amendment would do no good. No clerk can receive a salary beyond the limit of salaries specified by law; and if he received one hundred or two hundred or any other sum which you please, the number of persons would be entitled to receive the salary specified by the bill, and you simply increase the appropriation bill without accomplishing any good to these employees. It would not increase the number of employees, in other words, and it could not be done without changing the law as it now stands. It would simply result in nothing, and not in the modification as contemplated by the gentleman from Massachusetts.

Mr. FITZGERALD of Massachusetts. Then, what provision is made in the Post-Office bill for clerks in the big post-offices who get one thousand five hundred and one thousand six hundred dollars a year?

Mr. LOUD. I hope the gentleman will withdraw his amendment, in order to relieve the embarrassment. He can not accomplish anything in that direction.

Mr. FITZGERALD of Massachusetts. Do I understand the chairman of the committee to say that it is impossible in this bill for us to increase the number of clerks in the country who are to receive fifteen hundred dollars and sixteen hundred dollars a year, and that this House can not accomplish that through the medium of this Post-Office bill?

The chairman of the committee has just introduced an amendment which calls for an increase in the appropriation under the Office of the First Assistant Postmaster-General from $1,312,000 to $1,347,000, and he added three or four to the number of assistant postmasters and all down the line. Now, if it is possible for him to accomplish the purpose which he sought to accomplish by that amendment, why is it not possible to accomplish the purpose which I seek to accomplish through the amendment just read?

Mr. LOUD. Let me say, Mr. Chairman, in good faith, that that amendment was offered to increase the number of assistant postmasters. Yet the salaries of assistant postmasters are fixed by law. The Chief of Allowance Division was absent in Europe at the time the segregation was made, and when he came back he found that there were not enough assistant postmasters appropriated for to meet the increase in the number which had been authorized since he went away.

This does not affect the salaries fixed by law, and I will say to the gentleman from Massachusetts that in order for a mailing clerk to get the salary referred to he must be a member of a crew, under the statute now in existence. The gentleman is seeking to increase by indirection the salaries of superintendents of money orders and superintendents of free-delivery service in small offices where they are not receiving the maximum of salary allowed them by law.

Mr. FITZGERALD of Massachusetts. I think it ought to be apparent to every member of the House that an injustice is being done to clerks at the present time, when the chairman says that no matter how efficient a post-office clerk may be, or how long he

may have worked for the Government, or how faithfully he has served, he can not get more than fourteen hundred dollars a year.

Mr. BINGHAM. As long as he has that place.

Mr. LOUD. The gentleman misunderstood me. He may be promoted from the position he holds, but so long as he be a mailing clerk he can not receive more than the highest salary allowed the mailing clerks.

Mr. FITZGERALD of Massachusetts. To what position may he be promoted?

Mr. LOUD. He may be promoted to the position of bookkeeper or assistant superintendent, or, in some large office, to be a superintendent of one of the various divisions, and thereby he can get a higher salary.

Mr. FITZGERALD of Massachusetts. The gentleman has just admitted the point I was seeking to make. This clerk I speak of has been in the Boston post-office for twenty years, and he is the leading man in that office. He has charge, under all changes of Administration, of the functions of that office, and there is not a part of the post-office business in the entire postal district of Boston with which he is not acquainted; but he attends to his business and does not interfere in politics, and therefore can not be appointed to be assistant superintendent; and yet by the law of Congress he can not receive a salary higher than $1,400 a year.

In the customs service the clerks enter generally at a thousand dollars a year, and it is an easy grade of promotion until they receive eighteen hundred or two thousand dollars. The clerks here in the Departments at Washington, many of them are getting sixteen hundred, eighteen hundred, and two thousand dollars a year, and yet the chairman of the committee has admitted upon this floor that in our largest post-offices under the law it is impossible for a man to receive more than $1,400 a year.

Now, if that is the true condition of affairs, it seems to me that the sooner we remedy that condition the better, because it is neither fair nor just, it seems to me. We should have an equitable system in the payment of all Government clerks. What I say of the Boston post-office is true of every large post-office in the country. These employees work longer hours than the custom-house clerks and receive smaller salaries.

They work longer hours than the clerks in the Departments in Washington. They get but fourteen days' vacation, while the employees in the Departments here get thirty days' vacation and thirty days' sick leave. Yet these post-office employees can not receive more than $1,400 a year. What incentive or encouragement is there for a man to do efficient work or to continue in the post-office business at a salary of $1,400 a year, which is the limit of salary?

I know that what I say here this afternoon in regard to the pay of these clerks meets with the approbation of the Post-Office Department, because a few weeks ago, when the postmaster of Boston was down here, he tried to find some way to increase the salary of this clerk whom I have mentioned before, but under the law it was found impossible to do so.

It seems to me, as long as we are on this bill, and the chairman of the committee has admitted this inequality in salaries, some provision ought to be made, and I do not see why, if the amendment is carried on this bill, it will not have the force of law if passed by both Houses of Congress and signed by the President.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. FITZGERALD of Massachusetts. I desire to say in conclusion, Mr. Chairman, that I strongly favor the classification bill which is now before the Committee on the Post-Office and Post-Roads, and I think it ought to be reported in its present or amended form.

The post-office clerks are a faithful, intelligent class of public servants, and we should accord them decent treatment.

I do not think it comports with the history or dignity of this great Republic to have a law upon our statute books which prevents a clerk in the post-office, after he has spent the best portion of his life in this branch of the Government service, from receiving more than $1,400 a year. I have great confidence in the present head of the salary and allowance division, and I would be willing that he should assume this responsibility, and I am confident that justice would be done both interests.

Does the gentleman from California renew his point of order or make the point of order?

Mr. LOUD. Oh, Mr. Chairman, I do not think I can insist upon the point of order, because I do not think it would hold, but let me say to the gentleman, in good faith, that he can not accomplish the object he has in view by increasing the number of these clerks.

Mr. FITZGERALD of Massachusetts. Will the gentleman agree to bring a bill which will remedy matters so that as to clerks in the first and second class post-offices, wherever the Post-Office Department may think it wise, they can have these salaries increased?

Mr. LOUD. Well, I can not put myself under bond to determine a matter in the future. Of course I am only one member of the committee.

Mr. COWHERD. If the Chair will permit me, several gentlemen around me have asked a question which I think the gentleman from California can answer. Do I understand him that one objection to the amendment would be in effect that the law has provided, for instance, what offices shall have assistant superintendents, and, whether you double the number named in this bill or not, it does not make any difference in the number of officers, because that is fixed by law?

Mr. BINGHAM. Certainly not.

Mr. LOUD. I hope the committee will vote the amendment down, Mr. Chairman.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

On page 8, line 19, strike out the words "fifty-eight" and insert "one hundred;" and in line 25 strike out the words "eighty-seven thousand" and insert "ninety thousand two hundred."

The question was taken; and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

On page 9, line 1, strike out the words "sixty-six" and insert the words "one hundred;" and in lines 6 and 7 strike out the words "one hundred and five thousand" and insert "one hundred and ten thousand."

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Fifty-two assistant superintendents money-order division, assistant superintendents of registry, superintendents money-order division, superintendents of registry, superintendents of stations, bookkeepers, superintendents of delivery, superintendents of mails, and cashiers, at $1,800 each, $93,600.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill if he would not recur to page 3 of the bill, in reference to clerks in charge of substations, and inform the House whether the number of clerks in charge of substations is materially increased in this bill over former years, if he can? While the gentleman is obtaining his information, I wish to call his attention to the condition of affairs in my own district. I represent a large portion of the southern part of the city of Chicago. Up to the time of annexation, a few years ago, there were probably thirty, forty, or fifty small post-offices in that territory, in little hamlets and little villages.

When that territory was annexed to the city the Post-Office Department included it within the limits of the Chicago post-office and abolished all these local post-offices. Up to a year ago they had stamp agencies located in all of these territories, so that parties could purchase stamps and other post-office supplies there; but in the last bill the stamp agencies were all abolished and in their place a few substations have been located. I understand that the Department proposes to ask for quite an increase in the number of substations, if they do not receive authority to relocate stamp agencies, and that is the reason why I asked the gentleman the question.

Mr. LOUD. I will say to the gentleman that I have sent for the table. But the gentleman from Pennsylvania [Mr. BINGHAM], on the margin of his bill, shows for that class of clerks we increased it 150. We have given every clerk that the Post-Office Department has asked for. My recollection is from one to five hundred dollars, which includes these substations; that there is an increase of some six or seven hundred, as many as the Department has asked for. I have not the exact figures, but will have them later.

Mr. MANN. I will call the attention of the gentleman to it, privately, later.

Mr. LOUD. We have given all they asked for and all they thought could possibly be used.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

In all, for clerk hire in post-offices, $12,754,700.

Mr. LOUD. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

Page 11, line 16, after the word "dollars," add: "*Provided*, That the Postmaster-General may in the disbursement of this appropriation allow postmasters at first-class offices to employ temporary clerks at the rate of 25 cents an hour during the rush or busy hours of the day."

The amendment was agreed to.

The Clerk read as follows:

For rental or purchase of canceling machines and motors, and power therefor, $150,000.

Mr. LOUD. I desire to submit the following amendment.

The Clerk read as follows:

Page 12, line 18, after the word "dollars," insert: "*Provided*, That 5 per cent of the foregoing appropriation for the salary and allowance division of

the First Assistant Postmaster-General's bureau may be available interchangeably for expenditures on the objects named, but no one item of the appropriation shall hereby be increased more than 5 per cent."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Free-delivery service: For pay of letter carriers in offices already established, and for substitute letter carriers, and for temporary carriers at summer resorts, holiday, election, and emergency service, $14,787,600.

Mr. DRIGGS. I move to strike out the last word.

Mr. Chairman, we have heard many warm and eloquent tributes paid upon the floor of this House to the boys who have worn the blue of Uncle Sam's Army; we have heard many words of kindness expressed for the boys who wore the blue of Uncle Sam's Navy; and I propose now on the floor of this House to say a word in behalf of the boys who wear another blue of Uncle Sam, and that is the gray blue of Uncle Sam's letter carriers. Mr. Chairman, I believe in economy in governmental matters, but I believe that economy can be carried too far.

I believe it is not always the best service that is procured for the least money. When the letter carriers of this country ask us to increase their salaries, I think they are only asking what is just and right, for of all classes of skilled labor I know none so poorly paid as the letter carriers. But we are told that in the free-delivery service we have a tremendous expense on the Government. Is it known to the members of this committee that it is officially stated that about 70 per cent of the official revenues of the United States from the Post-Office Department—about 70 per cent of the gross revenues, of the entire receipts of the post-office—are from the free delivery? In addition to that I might say that at present there are 777 free-delivery offices. I was informed this morning at the Post-Office Department that by the 1st of July there would probably be 800 free-delivery offices. There are about 72,000 other offices, leaving a difference of about 71,000 offices not first-class post-offices.

Now, Mr. Chairman, it has been demonstrated that wherever a free delivery has been placed, wherever the letter carriers are carrying around the mail, that the intermural mail, and by that I mean the mail that passes in the city and that does not go out of it, more than pays the expenses of the entire service of these free-delivery offices in all first and second class post-offices. While I have not the figures to prove that, I was informed this morning at the Post-Office that such was the fact. Take the rural free delivery in Carroll County, Md., and the receipts increased $1,500 on a quarter of $6,400, or about 23½ per cent. Comparison between that and the city free delivery would show a larger proportion of increase, for if it increases in the rural free delivery, it certainly would increase in the free deliveries in the city. Therefore I contend that this branch of the service is the most prosperous and most profitable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRIGGS. I would like five minutes more.

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DRIGGS. I would like to say, Mr. Chairman, that in this the most profitable branch of the service it seems to me that this great Government can well afford to increase the pay of the letter carriers of the United States. The present system is such that they receive $600 the first year, $800 the second year, $1,000 the third year, and after that $1,000 per annum.

Now, what do they ask? The only difference is that for the fourth year and thereafter they may receive $1,200. It does not seem to me that this is unreasonable. We are told by the chairman of the committee that they have increased the salaries of a number of clerks in the post-offices and have arranged for more clerks. I am told by the gentleman from Minnesota [Mr. TAWNEY] that there is also a proposition to increase the salary of the railway mail clerks. While we have a surplus in the Treasury, if it is to be the policy of the Administration to expend it on various matters of great and minor public importance, I say let us go into the business of increasing the salaries of these poorly paid post-office clerks and carriers, so that they may derive some of the benefit of this surplus. Certainly if the clerks in the post-offices are to have their salaries increased and the railway mail carriers are to have their salaries increased, the letter carriers ought to receive the same benefit.

Back in the Fifty-fourth Congress the gentleman from Connecticut [Mr. SPERRY] reported favorably a bill increasing the pay of the letter carriers, and in that report, which is very strong, he says:

The free-delivery service is now a source of quite a large income to the Government, and should this bill become a law it would still be more than self-sustaining. It is believed that the carriers, who are faithful and who are to be advanced under the provisions of this bill, having full knowledge of their duties and the residences of those they serve, would be willing to continue in the discharge of their duties and would not be looking for other positions if this change in salaries could be obtained. It would put the service on a more stable foundation, and the benefits intended to be derived from the civil-service laws would be realized in part should this bill become a law.

A carrier enters the service as a substitute at a salary of $1 per year and the pro rata salary of the carrier whose route he serves. Several years may elapse before he receives a regular appointment, and is entitled to the lowest pay provided by this bill.

The carrier's life is a hard one. He is exposed to all kinds of weather—the summer's heat and the winter's cold. The service they perform is a severe tax upon their constitutions, and they grow old very fast in the service.

We quote from the report of Postmaster-General Wanamaker for the fiscal year ended June 30, 1889:

"From the inauguration of the free-delivery system, July 1, 1863, until June 30, 1874, the cost of the service exceeded the receipts from local postage. On June 30, 1875, the system had become self-sustaining, with a balance over of $67,517.55. From that day the balance on the credit side increased from year to year until, on June 30, 1889, it had reached the sum of $2,578,979.92, an amount far in excess of the expectations of its founders.

"It will be noticed that the number of pieces of mail handled by carriers during the last fiscal year was 3,085,805,510, an increase over the preceding year of 454,943,782. Notwithstanding this almost fabulous result, it is proper to state that the complaints which reach this office on account of misdelivery of mail, delay in delivery, delivery to wrong address, and other errors of the carrier will not exceed 300 per year."

It is believed that the amounts named in this bill for their salaries are not too large when we take everything into consideration. We therefore believe the bill to be a just and proper one and cheerfully recommend its passage.

The above report was an indorsement of a bill providing for the same rates of pay as stated above.

The carrier's life is a hard one. Under the hot rays of the summer sun, in zero weather, in winter amid the ice and snow and rain, these men, each and every one, go out day by day delivering their messages of weal or woe. Mr. Chairman, I contend, in consequence of their exposure to all kinds, sorts, and conditions of weather, that the natural length of their lives is shortened; and even if they do arrive at a period of old age, after they have spent years and years in the postal service of the United States, they have had little opportunity to lay aside anything for that old age.

Mr. Chairman, I am heartily in favor of increasing the salary of the letter carriers. My friend near by suggests that I offer an amendment to the bill providing for an increase of their salaries, but realizing that under Rule XXI of this House there is no opportunity whatever for such an amendment being accepted by this committee, I know it would be useless.

The rules of the Post-Office Department for the governing of letter carriers are, of necessity, very strict, for, above all others, the delivery of the mails is the one branch of the Government service requiring absolute accuracy.

In every mercantile pursuit every employer overlooks errors occasionally made by their most competent and reliable employees, but the United States Post-Office Department seldom overlooks even the slightest errors of letter carriers.

The position requires honesty, capability, industry, the best of references, character, certificates, sobriety, and courteousness. Surely men possessed of all these attributes are worth more than $1,000 maximum yearly salary.

It is, too, to the mutual advantage of the Government and citizen alike to have these men remain in the service, for, traveling daily over the same route as they do they become familiar with the names of all the people over the route so traveled, the mail service consequently being much more satisfactory through increased punctuality of deliverance of mail, and much more accurate through increased familiarity with the residents.

The increased expenditure of Governmental money would not be so great when the fact is taken into consideration that there are but 15,266 letter carriers and 3,500 substitute carriers in the United States.

We who represent districts which are blessed with the free-delivery system know full well the character of the men whose cause we are espousing, for the vast majority possess the qualities mentioned above, and they perform their arduous duties in a manner creditable alike to the Government and the people.

Mr. CUMMINGS. Mr. Chairman, I would like to ask the gentleman in charge of this bill whether or not there is a bill before his committee providing for the increase of the salaries of letter carriers?

Mr. LOUD. If my recollection serves me correctly, there is such a bill there.

Mr. CUMMINGS. I would like to ask whether the committee has granted the carriers any hearing on that bill?

Mr. LOUD. There has been no hearing before the committee in relation to that subject.

Mr. CUMMINGS. Has there been a request from the letter carriers for a hearing?

Mr. LOUD. There has been a request lately from a gentleman, I believe by the name of Parsons, who desires to be heard on behalf of the letter carriers.

Mr. CUMMINGS. A gentleman who was formerly president of the Letter Carriers' Association. Now, I wish to ask also whether it is the intention of the committee to give a hearing on this question?

Mr. LOUD. I think it very probable. We give about everybody a hearing that wants one. No one can deny that.

Mr. CUMMINGS. Is it not true that such a bill has been twice within the last eight years reported from that committee favorably?

Mr. LOUD. I think so; once or twice, I believe, when the gentleman's party had control of Congress.

Mr. CUMMINGS. There was one favorable report while Mr. Reed was Speaker, made by the Hon. N. D. SPERRY, of Connecticut. This was while you were chairman of the committee. Now, I would make this request: If the gentleman's committee should again see fit to report the bill favorably, will they not be kind enough to ask the Committee on Rules for a special order providing for the consideration of the bill in the House, and not hang it up by a string where it will be possible for the House to see it and impossible for the House to reach it?

Mr. LOUD. Does the gentleman ask me that question?

Mr. CUMMINGS. Yes, sir.

Mr. LOUD. That is a hypothetical and contingent question which at the present time I am not prepared to answer.

Mr. CUMMINGS. I am grateful to the gentleman for the information which he has given me, and which I understand is correct. It is well known, Mr. Chairman, that if such a bill can be brought before this House it will be passed, and that is the reason it has always been held up.

Mr. CORLISS. I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

Insert at the end of line 23, page 12, the following:

"That substitute letter carriers in cities of the first class, who may be now or hereafter employed as such, shall serve a probationary period not to exceed six months, and shall then become eligible to appointment as regular carriers, at a salary of $600 per annum; and if not so appointed regular carriers at the expiration of one year additional, they shall then become eligible for appointment to the next highest grade, when, if not appointed regular carriers for one year additional, or at the end of two years or thereafter, they shall then become eligible for appointment to the next highest grade. That in second-class cities substitute letter carriers shall serve a probationary period not to exceed six months, and shall then become eligible for appointment at the salary of $600 per annum, when, if not so appointed at the expiration of one year additional, they shall then become eligible to appointment to the next highest grade. When a substitute carrier is promoted to a regular carrier at any time between the minimum and maximum periods of eligibility, in any grade, then the time employed as substitute carrier over the minimum period of eligibility in that grade shall count as a factor in his favor by promotion to the next highest grade."

Mr. LOUD. I raise a point of order against that amendment as new legislation.

Mr. CORLISS. I ask the gentleman to reserve that point of order for a few moments till I can be heard.

Mr. LOUD. I have no objection to the point of order being reserved.

Mr. CORLISS. Mr. Chairman, it is possible that a point of order can be sustained against this amendment, but I desire to call attention to the necessity of legislation along the line suggested by the amendment.

It is well known that in all the large cities the service requires a large number of substitute letter carriers. To-day they receive simply the compensation that they can obtain in consequence of the illness or absence of the regular letter carriers.

I have filed with the chairman of the Committee on the Post-Office and Post-Roads a tabulated statement showing the service of the 25 letter carriers of my city and the amount of money received by them during the last year, from which it appears that only about $30 a month has been paid to the substitute letter carriers—less than the wages of a common laborer. Yet these men are compelled to serve the people, to be in attendance every day at the post-office; and they are prevented from obtaining a livelihood in any other vocation, and compelled to serve one, two, and possibly five years before they can be promoted to the regular service as letter carriers.

I am strongly in favor of the recognition of public service. We are constantly passing legislation here giving increased compensation to various officers some of whom already receive liberal salaries. In this bill I find an increase of superintendents' compensation, to which I do not object. But I submit that of all public service rendered in our country there is none that is so poorly paid as that of substitute letter carriers. They have no salaries attached to their office. Their positions are not permanent, as everybody understands. They depend solely upon conditions, depend upon vacancies, and the absence of the regular carriers.

I think so far as that is concerned that the letter carriers themselves are most inadequately paid, when compared with the services rendered by them with pay given to other employees in the various other branches of the Government; and I call the attention of the committee to the fact that I represent a district on this floor which is deeply interested in this matter. I have asked the Committee on the Post-Office and Post-Roads to consider two measures presented before them, one for the increase of the salary of the regular letter carriers, and the other for the consideration of the very measure which I have presented. I have asked a hearing for these two measures.

I have filed statements showing that the substitute letter carriers received only about $1 a day on an average for their services, a totally inadequate compensation. It is outrageous, and I hope and trust the chairman of the committee will recognize the merits of the amendment as a matter of justice in behalf of the letter carriers and will withdraw the point of order and not insist upon his objection to the amendment. I hope at least that he will permit the amendment to come before the committee and be acted upon without any technical objection.

[Here the hammer fell.]

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I certainly hope the chairman of the Committee on the Post-Office and Post-Roads will withdraw the point of order upon the amendment which has just been proposed. It seems to me that something ought to be done in this bill in the matter of regulating the salaries of the substitute letter carriers, as well as taking some action on the increase that the letter carriers who have served four years or more have been asking for the past half dozen years.

In the large cities throughout the country I venture to say that there is not a member representing any of them upon the floor of this House who has not seen the necessity and the justice of this increase of the salary of the letter carriers, and I venture to say there is not a member who has not agreed to support this increase when the matter came before the House for consideration. Of course it may be suggested that the rules of the House forbid such an amendment if the point of order is made.

But yet, Mr. Chairman, it would be easy enough if the amendment were offered here, and the point of order was made by the gentleman from California in charge of the pending bill, to appeal from the decision of the Chair and let the House have a direct vote upon the proposition. The hypocrisy of the House and the rulings of the Chair from time to time or from day to day and from one end of Congress to the other are discreditable to this House and an offense to the intelligence of the people of the United States.

If the majority side present an amendment and wish it passed, there is no trouble about it. It is in order, no matter what suggestions may be made against it; but if it is made by the minority and not wanted by the leaders on the majority side, it is held not to be in order and is ruled out on technical grounds. The conflicting decisions of the occupants of the Speaker's chair upon the different points of order raised here is discreditable to the House of Representatives, and it is about time that the House should stop it.

Now, in regard to the amendment proposed by the gentleman from Michigan [Mr. CORLISS], I know of cases myself in the post-office in Boston where young men who have served as substitute letter carriers for five years past are yet down fifty or sixty points in number on the eligible list. On the 1st of July they will get a notice to report to the post-office for about two months' work, and if they do not present themselves and unless excused their names will be dropped and they lose all chance of becoming permanent carriers, while if they do report and go to work for these two months they will lose the employment they were engaged in.

It does not seem fair, and it does seem to me, as a matter of justice and equity, that some remedy ought to be had and not compel these boys to remain on the eligible list six or seven or eight years before getting permanent employment, if even then they get it, while in the meantime they are given about two months' work in the summer time and are deprived of the opportunity of working in the business in which they have been employed; while they must purchase their own uniforms and serve Uncle Sam for fifty or sixty days a year.

Mr. GAINES. Will the gentleman permit an interruption?

Mr. FITZGERALD of Massachusetts. Certainly.

Mr. GAINES. Why is this done? Is it not because the people succeed in getting places who have a political pull, while those who fail have not?

Mr. FITZGERALD of Massachusetts. I will say, Mr. Chairman, that the postal service in the city of Boston is conducted fairly on the civil-service basis, and every man who takes the letter-carrier examination or the examination for the clerical service and succeeds has his name posted publicly on the walls; and there is not a case since the time of Mr. Cleveland's first Administration, then following through Mr. Harrison's, then the second Administration of Mr. Cleveland, and during the present Administration, where the rule has not been absolutely carried out.

I have watched the list time and time again, and never was a man or a boy passed over on the list after he had succeeded in passing the examination, no matter what the influence might be which was exerted in behalf of some one who was lower down on the list.

The men who are on the regular force are entitled to their vacation, and numbering eight or nine hundred, as they do, it requires about 125 or 150 substitutes to be ready to work for those two months in the year; and the point I make is that those boys are compelled to give up their regular employment, to leave their work, to buy their uniforms, work two months in the year, and then go out and look for some other employment, and I do not think that the process is fair.

Therefore, I hope that the gentleman from California [Mr. LOUD], who I know is willing to be fair in matters of this kind, will withdraw his objection to this amendment, and also withdraw his point of order on the question of the increase of the salaries of letter carriers, and let us do away with this hypocrisy that prevails in this House, from one end of it to the other, and this system of promising at election time to do this and that, and then when we get in the House refuse or neglect to do it or hide behind the point of order.

This Government is rich enough to afford decent salaries to the letter carriers, and I hope that this matter of increase in the salaries of letter carriers to $1,200 a year will be acted upon favorably to-day.

The members of the police and fire departments in all large cities in the country are paid twelve and in some cases fourteen hundred dollars per year, and why this recognition should be denied to as faithful and deserving a class of public servants as the letter carriers is more than I can understand.

I wish the gentleman from California would withdraw his point of order, if for no other purpose than to expose those members of the House who are profuse in their promises to the letter carrier about election time, but seem to forget the existence of the letter carrier when it comes to the redemption of the promise.

Mr. BROMWELL. Mr. Chairman, I merely rise as a member of the committee to reply to some of the suggestions and insinuations which have been made that the committee are tying up the classification bills which are before them, and that in collusion, possibly, with the Speaker of the House, as intimated, none of these measures are to come before the House. Mr. Chairman, I want to say that there is no committee of this House that has been more occupied with the public business brought before it than the Post-Office Committee during this present session. For a long time that committee met three and four times a week, not only in the morning during the regular hours devoted to committee meetings, but during the sessions of the House in the afternoon. They have had many important hearings upon various bills before the committee, and they have worked earnestly and laboriously to get the business that is brought to them before the House.

Now, when this appropriation bill was in preparation, the question was asked as to whether the incorporation of certain modifications of salaries in this bill would prevent the consideration of the classification bills, and it was announced and distinctly understood that these classification bills would, in due time, come before the committee and would be acted upon and reported to the House. The committee have no desire to smother any of these measures, and for one I want to say that while I am not in the habit here of getting up and talking of the poor boys in blue who carry the mails, or the poor boys who go out on the postal cars as railway mail clerks, or the other poor boys who stand in the post-offices as post-office clerks, while I am not in the habit of trying to make a little cheap claptrap effort to get the support of these post-office employees for myself in my district, I do not yield to the gentleman from Massachusetts [Mr. FITZGERALD] or to any other member upon the floor of this House in my desire to see every employee of this Government paid a fair living salary; but on the other hand——

Mr. CORLISS. Will the gentleman allow an interruption there?

Mr. BROMWELL. Excuse me just a minute. When a proposition is made, in violation of the rule of this House, to introduce amendments to this bill which are known to be contrary to the rule, and which the gentlemen who propose them know some member will make a point of order against, it seems to me it is an absolute waste of the time of this House to make them. The Post-Office Committee will, in due time, bring in proper reclassification bills for the consideration of this House, and I for one am ready and willing at any time to take up these bills and act upon them promptly and get them here, if possible, during this session.

Mr. GROUT. Will the gentleman allow a question?

Mr. BROMWELL. Certainly.

Mr. GROUT. Do you give the assurance of the committee that this bill shall have a hearing?

Mr. BROMWELL. I can give only my personal assurance that I am ready and willing at any time, as a member of that committee, to give a hearing to the substitute carriers, to the regular carriers, to the clerks of the Railway Mail Service, or to any other portion of the public service that wants to be heard upon the bills before that committee, and I am not only willing that they shall be heard, but I am willing faithfully, honestly, and conscientiously, as a member of that committee, to say that if their compensation should be increased, the committee ought to report a bill for that purpose.

Mr. GROUT. This is a proposition to fix compensation, not to increase compensation.

Mr. BROMWELL. All this talk about sympathy for these employees is, it seems to me, entirely wasted. It is just a question of business. If they are not as well paid as they ought to be, it is our duty to bring in a bill to increase their compensation. If they are as well paid for the service they render as they ought to be, then we ought to stand honestly up in behalf of the country and our constituents and say so.

From my personal standpoint, I think the substitute carriers are not paid enough; I think the regular carriers, perhaps, are not paid enough; and I want to say frankly that if I had it in my power, I would increase the pay of the railway mail clerks, who, of all other classes of Government employees, are the ones most entitled to our consideration, because every time they go aboard a train to fulfill their duties they take their lives in their hands.

Now, so far as these increases are concerned, it seems to me that it is a question that ought to be taken up in separate legislation, and not upon this bill.

Mr. FITZGERALD of Massachusetts. I would like to ask the gentleman a question.

Mr. MANN. Mr. Chairman, I realize the difficulty in the way of increasing salaries of all the Post Office employees. I realize the difficulties under which the Committee on Post-Offices labors in connection with these bills. But a moment ago the chairman of the committee himself introduced an amendment, which was adopted by this committee, though subject to a point of order, on identically the same lines as this present amendment in reference to substitute letter carriers.

The amendment so introduced and adopted by this committee was that postmasters may be permitted to employ extra labor at 25 cents per hour. I do not know whether that will do away with some of the present conditions in reference to substitute letter carriers; but, I say, Mr. Chairman, that it is a shame for this Congress and this Government to expect men to work as they now do on the letter-carrier force for two or three years at the rate of $15 to $20 per month, buying their own uniforms, and at the end of that time, if they are so lucky as to be appointed letter carriers, or at the end of twenty or thirty years' service receive only a thousand dollars per year.

How do gentlemen expect that letter carriers can be maintained honest in their opinions and actions working for $20 per month? In the city of Chicago I have ascertained that the substitute letter carriers obtain from $15 to $25 per month on an average. I instantly asked the question when this information was brought to me, "Why is it necessary to have so many substitute carriers; why should there not be a fewer number and let them employ their time more, so as to be paid better?" And I learned that it was necessary to have a large number of substitute carriers, in order to carry on business at particular times; that they could not do with a smaller number; and yet we expect these men to work for this small pittance, in uniforms purchased by themselves, at $20 a month.

Unless the amendment offered by the chairman of the committee in reference to permitting postmasters to employ labor temporarily at 25 cents an hour will do away with the present evil, I appeal to him not to insist upon the point of order to this amendment, his own amendment having been subject to a point of order; but to permit these men to receive $600 a year after the first year of service. In all justice it ought to be done. I appreciate the fact that the committee in the past have endeavored to remove the low salaries of post-office clerks of four or five hundred dollars per year. Let them now remove this low salary.

It is idle nonsense to talk about a bill coming out of that committee and being passed in this Congress on this subject. I make no reflection upon the committee. They have the railway mail clerks, they have the letter carriers, they have the post-office clerks, all of them demanding increases of salaries or a reclassification. All these bills will not be considered in this House during this Congress. It is time now to do a little justice to these men who are working for practically nothing; and I hope the House may be permitted to vote upon the question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CUMMINGS. Mr. Chairman, I heartily support the proposition of the gentleman from Michigan as to substitute letter carriers. I was very sorry, indeed, to hear my friend from Massachusetts refer to this House as hypocritical. This House is not hypocritical, Mr. Chairman. This is an honest House; and if you will give the House a chance to vote upon the letter carriers' bill, it will demonstrate to you the fact it is an honest House. It will do justice to the letter carriers if you will give it the opportunity.

In relation to what was said concerning the request of John Parsons for a hearing before the Committee on the Post-Office and Post-Roads, I say there is no man in the United States who can make such a request with more propriety than John Parsons. He was president of the Letter Carriers' Association for many years, and is now no longer a letter carrier. Orders issued from the Post-Office Department forbid any letter carrier from coming to the House of Representatives and importuning the committee, or even the Congressman who represents him, for a hearing upon this or any other question. They are forbidden to do so by the dictum of the Department. They are forbidden to make their appearance

here even when on their thirty days' leave of absence. How are they going to be heard except by proxy, and what better proxy could they have than John Parsons?

Mr. GAINES. Will the gentleman permit me to interrupt him?

Mr. CUMMINGS. Certainly.

Mr. GAINES. Do you say that there is a rule of the Department which prohibits these people from petitioning the lawmakers for a redress of grievances?

Mr. CUMMINGS. There is a rule of the Department which prevents them appearing here in the Capitol to seek legislative aid.

Mr. GAINES. That is in face of the Bill of Rights, which gives them the right to petition or remonstrate with the powers that be.

Mr. CUMMINGS. They are prevented from appearing before the committee in charge of their bill.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. CUMMINGS. Certainly.

Mr. MANN. Do I understand the gentleman to say that the Department has issued an order forbidding letter carriers——

Mr. CUMMINGS. You understand me to say exactly that thing.

Mr. MANN. To make appeals to members of Congress or to the committee?

Mr. CUMMINGS. Yes, sir.

Mr. MANN. I would like to have the gentleman call attention to the order, because certainly it is not enforced in the West.

Mr. CUMMINGS. The gentleman says it is not enforced in the West. Congress meets in Washington, and not in the West.

Mr. MANN. It is not enforced as to post-office employees in the West.

Mr. CUMMINGS. Have you had post-office employees here in Washington importuning you to interfere on their behalf?

Mr. MANN. I have had post-office employees who talked with me in reference to this—I will not say importuned.

Mr. CUMMINGS. Well, keep their names a secret or they will lose their places. [Laughter.]

Mr. MANN. They will not lose their places, and their names are not secret; they are known to the postmaster at Chicago.

Mr. CUMMINGS. These orders came from the Post-Office Department in Washington; they were made under an alleged Democratic Administration and are continued under a Republican Administration. As I said before, this House is not hypocritical; it will pass the bill if you give it an opportunity to do it; but for eight years it has been withheld from the House by the operation of the Reed rules, although twice reported to the House, the first time by Mr. Dunphy, of New York, and the second time by the Hon. N. D. SPERRY, of Connecticut.

Mr. MANN. I quite agree with the gentleman about that.

Mr. TALBERT was recognized.

Mr. BINGHAM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from South Carolina has been recognized.

Mr. TALBERT. Mr. Chairman, in considering this appropriation bill for the support of the Post-Office Department, however large it may be, we must admit that it is more general in its application than many others which have been made by this Congress, and I have sat here and listened very patiently to appeal after appeal in the interests of those who are employed by the Government of the United States not only in this Department, but in all the others. The gentleman from Illinois [Mr. MANN] made an earnest appeal, almost with tears in his eyes, a while ago to raise the salaries of the letter carriers in the large cities and towns, and he says it is a pity that they should be in the employ of the Government for twenty years and then at the end of the twenty years draw the same salary they did at the start, yet you rarely ever hear of one of them resigning, nor is it often the case in any of the departments of the Government. They hold on eternally, still crying for more pay, never satisfied, like unto the horse leach.

Why, my friend, here are Congressmen, some of whom have been here for forty years, like my friend from Illinois, Mr. CANNON, and is it a pity that he is getting no more than $5,000 a year now or ought his pay to be increased? I say no. Now, my friend, I want to say that these men in the employ of the Government, all of them from the President of the United States down to the humblest employee of the Government, are the best paid people in the world, and yet they are all crying out for an increase of salary, with but a few exceptions. Why, it seems to me there is nobody upon the floor here except the representatives of the tax consumers, and they push their claims earnestly. I want to ask this question in all candor, Has nobody a representative upon this floor except the office holder and Government employee? Have we all been elected here to advocate the claims of the salaried class? Important query and more important the answer. Let us see if we can not find some Representative here who will stand up and represent the taxpayers, the men who have to pay these enormous sums; am I to stand alone in this case as in pension frauds? I hope not.

I want to find some man who will stand up here and represent the men who follow the plow down in the cotton rows and the cornfields of the South. [Applause.] I want to find some man who will stand up here and represent the men who raise wheat and corn in the West, and I want to find some representative, some man on this floor, who will represent the blacksmith at the forge, the laborers in the factory, the men in the coal mines and iron mines, and the carpenter at the bench, as well as the tax consumers and the tax eaters—the salaried class—who are all getting more than they ought to now when you consider the ability of the taxpayer to meet these enormous demands. Why, Mr. Chairman, I have never yet known a warrant to be issued to force a man into the Government service, where you say he has to work so hard and gets so little pay for his service. [Laughter and applause.]

Why, sir, no corporation or business institution in the world can afford to pay such salaries as is paid by this great Government to its employees with so many privileges and so little labor.

No, sir; there are always nine more standing at the door trying to get in for every one already in; there are hundreds and thousands of them outside anxious and eager to get in where these men are serving such a laborious term of service for so little wages. Go to the Departments of this Government to-day and you will find them running over each other, in each other's way, and if you want to do some service to the taxpayers, introduce a bill that would turn out one-third and make the other two-thirds do the work, and then you can reduce the expenses, and maybe raise the salaries a little bit, but in the name of conscience stop this indecent haste in increasing salaries where in many instances they are already too high.

I want to say that I have no general criticism to make of the bill that has been brought in by the Post-Office Committee, except as to one or two items in connection with amounts to be paid railroads, and one or two others. I believe it is just, I believe it is right, because it is a service rendered all the people. Fourteen millions seems to be a large sum for free delivery in cities and towns; but when you extend the same privilege to the people in the country I make no objection. I took the position in the Fifty-third Congress that the people in the country had as much right to free delivery of mail as the people in the cities, for they are the bone and sinew of the country. I then began a war to that end, and, with others in the House, notably Mr. WILLIAMS of Mississippi and Mr. Moses, of Georgia, succeeded in that Congress in getting an appropriation of $20,000 for free delivery in the country to the men who work on the farms and in the workshops, in the fields and at the forge, and this was the beginning of the free rural delivery of any practical kind, which has already resulted in disseminating knowledge into the backwoods of the country home.

Since that time it has been increased by persistent effort, from Congress to Congress, to $100,000, then to $150,000, and then to $300,000, and in this bill they have increased it to $1,750,000. I favored and worked for each increase. I am willing to make it $250,000 more, or $2,000,000, to help the taxpayers a little—that class of people who seem to have no one to speak for them upon this floor, while so many are ready to speak for the tax eaters. Stand up here and advocate something in the interest of these taxpayers, and show by your legislation here that you recognize these farmers and laborers, which you only do now when the tax assessor and collector goes around. They seem now to be only recognized by the assessor and collector. You divide the country into two classes by your class legislation here, to be known as the skinner and the skinned. [Laughter.]

You are all standing to-day, it seems, upon the side of the skinner, and I want to see somebody say something in the interest of the skinned. [Laughter and applause.] I am one of the skinned myself, and of course I will dare to advocate their cause. I want to see somebody represent here the rights of the people who are being skinned, because it seems they have no one yet to represent them here while such lavish appropriations are going on. [Applause.]

Mr. Chairman, I ask leave to extend my remarks along this line. [Laughter.]

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. TALBERT. Now, then, Mr. Chairman, in all seriousness—for I am in earnest about this matter—I said a few days ago, in submitting some remarks upon the Army appropriation bill, that we were face to face with an age or period of extravagant appropriations. I repeat it now. It is a plain fact. It is necessary that appropriations should be made, and sometimes very large ones; but it is never necessary, sir, to make extravagant ones. It is necessary to appropriate sums of money sufficient to defray the

expenses of government economically administered, but whenever you take one single dollar from the pockets of the people more than is actually necessary to run the Government on a basis of economy, it is robbery pure and simple, nothing more, nothing less.

It does seem to me that this Congress has forgotten the fact that there are taxpayers as well as tax consumers, as I said in the opening remarks upon this bill, and I will say again that it seems to me that there is a conspiracy, so to speak, amongst members here to raid the Treasury in the interest of the tax consumers as against the taxpayers. We have heard a good deal about billion-dollar Congresses, and we have had them, but now we will soon begin to hear about billion-dollar sessions of Congress. In view of this fact should we not stop and reflect? Think of it, a billion dollars spent in only one session of Congress, making $2,000,000,000 for the Congress! Do you forget that every dollar of this enormous amount must come out of the pockets of the people before it can be appropriated? Look over the different appropriation bills that have been passed during this session and those yet to come and add the amounts together, if you please, and ponder a moment and see whither you are drifting if not toward bankruptcy and ruin.

I am not opposed to appropriating every dollar that is necessary to defray the expenses of the Government, but in the name of common sense let us be reasonable in these things.

I know that such talk falls upon deaf ears, but sooner or later you must call a halt. Several urgent deficiency bills have already been passed, amounting to over $10,000,000. The pension appropriation bill amounted to $150,000,000; the Indian appropriation to over nine millions; the diplomatic and consular appropriation to some seven or eight millions; the agricultural to some five millions; the legislative, judicial, and executive to some forty or fifty millions; the fortification bill to ten or fifteen millions; the Army appropriation bill to one hundred and twenty-five millions; the naval appropriation to some sixty or seventy millions; then the Post-Office appropriation, now under consideration, will run up to one hundred and twelve or one hundred and fifteen millions; then follows the sundry civil appropriation bill, amounting to anywhere from fifty to one hundred millions; and finally, the general deficiency, running up toward sixty or one hundred millions more. Then comes the ship-subsidy bill and Nicaragua Canal, amounting to millions more. So that in all we will get very nigh on to one billion for the session.

Then the President every now and then appoints a commission to draw thousands from the Treasury to do nothing but roam over the country and frolic. What has called for all these increased appropriations? Why, the Government of the United States is now in the hands of men who were placed in power by organized wealth, a combination of trusts, corporations, and monopolies, and now in turn they must be rewarded for services. Relentless and remorseless greed is enthroned in this great country of ours. The speculative and exploiting classes, backed up by the money power, have begun to place laws upon the statute books by which they may be enabled to rob and plunder the great mass of the people under the pretended need of taxation. The war with Spain, adroitly brought on by this very class, has given them a splendid opportunity to carry out their hellish designs, which they are using to overthrow our free democratic institutions and establish instead a despotism of corporate greed and wealth.

By this means they hope to establish an empire upon the ruins of this Republic which will enable them, under the pretended head of vast appropriations, to plunder both the people at home and those abroad, backed up by an immense navy on sea and a great standing army on land. They attempt to deceive the people by a simple prattle about our foreign trade. When you hear so much about foreign trade consult the trade statistics of every country in the world and you will find that the domestic trade and commerce of the United States greatly exceed that of all the nations of Europe combined. Then why not develop the resources at home, and build up our home industries, and let our foreign trade take care of itself and stand upon its merits in the future as it has done in the past? Our foreign trade will grow and expand in spite of all things else. So let it take care of itself, which it will do, and no nation will outdo our nation in that respect.

When you hear so much about the rich lands coveted in far-off islands, let your minds turn to our own Mississippi Valley, the garden of the West, so to speak, and then remember that those who see prizes in little spots scattered over two oceans under tropical suns are not likely to overlook the riches at home, of which their coffers have been filled and from which they are being constantly replenished. Anything now in order to put through Congress large appropriations pretendingly to build up our foreign trade, when really it means the march toward imperialism and the worst kind of miltarism, and from that to monarchy and ruin, despair and desolation. Let us develop our own country—North, South, East, and West.

I herewith insert a clipping from the National Watchman of recent issue, which is significant in itself. Let us study the sentiment there expressed and profit by it:

What attraction would the prizes of foreign conquest offer to the money kings, railroad barons, and trust magnates of the United States if, in order to acquire them, they would be forced to surrender their monopolies at home? None whatever. It is true that a small but exceedingly rich and powerful band of Americans have formed a copartnership with a small band of English capitalists for the purpose of building railroads in China, and that these men are goaded on by the alluring promise of gain, approximating a round billion of dollars by exploiting the Flowery Kingdom and putting labor-saving machinery into the hands of its teeming millions of efficient and docile laborers.

It is true that this power induced President McKinley to purchase the Philippine Islands and inaugurate a war of conquest in order that the naval and military forces of the United States might have occupation in Asiatic waters at a convenient distance from China, so that they might be used in connection with those of Great Britain to bully the Chinese Government and bluff European competitors. But it is also true that the small band of exploiters known as the American wing of the Anglo-American China Development Company could not hope to carry out their scheme of overthrowing the American Republic and erecting an empire upon its ruins without the aid of the confederated banks, railroads, and trusts, who see in the transition from republic to empire a pretext to strengthen the military arm of the Government and to have at the disposal of their servant in power a military force that can be used, when the occasion arises, to set aside a verdict at the ballot box adverse to their interests in order to retain possession of the government at home and to perpetuate their rule of plunder.

The country is now face to face with the new issues of imperialism and militarism. Hannaism boldly challenges the intelligence and patriotism of our people. The Republican party of Lincoln and Seward and Chase and Grant is no more. It was strangled at St. Louis in 1896 by Hanna and the monopolies, who arrayed themselves in the graveclothes of their honored predecessors and then, in a campaign of lying, deception, and through the brutal use of money, secured the election of McKinley.

The mask is now off. Deception is no longer possible if Democrats will arouse themselves to action and expose the purposes of the enemies of the Republic to the light of public discussion. It is openly proposed by the Hannaites to overthrow the Republic and erect an empire upon its ruins. The Declaration of Independence is publicly scoffed at by them, and the Constitution, the great charter of our liberties, is being spurned with contempt. The Administration at Washington knows no law, no Constitution, nothing but the will of the money kings and the monopolies.

For the first time in our history organized wealth is in absolute possession of the machinery of the Government. They hold one of the great political organizations firmly within their grasp, while the other is yet in the hands of the people. Organized greed has millions to purchase votes, but if the Democrats do their duty the Hannaites will receive but few votes in the next election that they do not pay for with cash or secure through corrupting men with patronage and office. They are powerless with all their millions and with all the offices at their disposal to carry the election if the loyal Democrats in every neighborhood accept the challenge that is now thrown down to them, organize their forces, and commence at once the work of the campaign.

The mask is now thrown off, as stated in this article, and the party in power boldly proclaimed by their votes upon the Porto Rican bill that they intend to continue the march to imperialism and colonial government. For a long time they hypocritically pretended they were in favor of bimetallism, but in the passage of the gold-standard bill through Congress they boldly proclaim they are opposed to bimetallism and intend to set up the golden calf and fall down and worship it. Thus, step by step, are they fastening the chains of slavery upon the great mass of the people of this country. Instead of fighting trusts and monopolies, they are boastingly upholding them and going forward in a way to breed from day to day more and more of them to destroy the interest of the toiling masses.

This war now going on in the Philippines is an Administration-made machine, and I believe is being carried on for purposes other than patriotic, as I have already stated. The President and the majority party in Congress must realize that they have it in their power to bring about peaceful conditions in the Philippines by pledging the Filipinos their independence and the right to organize their own government. There is no doubt in my mind that such a promise would immediately bring hostilities to an end and restore peace and prosperity. But no; that is not what they want. That will not serve their purpose. They seem to prefer murder and brigandage under the pretended head of protecting the nation's honor. Hypocrites, scribes, and pharisees they are and, like whited sepulchers, full of dead men's bones within, though white outside. Shame upon such people and upon such infamous policies!

Why do I say that the Republican party are playing the hypocrite? Because they declare one thing and do another. They are so effectively under the control of the trusts they make hypocritical declarations upon the subject and attempt to deceive the people by pretending to oppose them, while all the time working in their interest. They professed opposition to a gold standard while at the same time working for its establishment. These facts reveal the hypocrisy of the party and demonstrate further that no confidence can be placed in its professions. And now in the State conventions it is amusing to hear them denouncing trusts, suggesting strongly Satan rebuking sin to deceive the unwary. The devil may continue to quote scripture if he likes, but his antics are known to the people, and they will not be deceived, and sooner or later they will rise in the power of their righteous indignation and sweep them from power.

Amongst other expenses and extravagances, I will call attention to one in particular. Let us consult for a moment our enormous

outlay for pensions. As we are now still paying pensions to widows and daughters of the soldiers in the Revolutionary war, or over one hundred and twenty years after peace with Great Britain, is it not possible that we will be paying pensions on account of the civil war over one hundred years from now? As things are now running five or six billions will be a conservative estimate in the next fifty years. To this add the sum already expended of near three billions, and we have eight billions. Then to this add for the next fifty years what might be a fair estimate, and you have an enormous sum, far exceeding three or four times the entire cost of the civil war. Then to all this must be added the casualties of the Spanish-American war.

Our last appropriation for pensions was $150,000,000. Let us compare this outlay with other countries for like purposes. England has a standing army of over 200,000, to say nothing of her immense navy of possibly more than 100,000. She has been embroiled in wars, small and great, for the last fifty years, and she is the richest creditor nation of the world. Yet her estimates for pensions rarely ever reach over six millions, being about one twenty-fifth of those of the United States. There must be some reason for this. Great Britain does not pay pensions to men or widows who are rich. The United States does. The rich in England, disabled in their country's defense, get, maybe, a medal of some kind as a token of regard for such service. Here it is different. Rich men here get pocket money as pensioners.

And here let me say that both parties are responsible for these pension enormities, because both parties are attempting to raid the Treasury in order to electioneer with the old soldier.

If the pension list of the United States could only be published it would show many instances where men in receipt of large salaries are also drawing pensions for total disability. I believe it would show instances where men drawing pensions for total blindness are earning a living as night watchmen. I believe it would show instances where men drawing pensions for total deafness are earning a living by running telephone lines. It would show instances where men are drawing pensions and yet getting $5,000 salary as Congressmen. It would show thousands of cases where men are getting good salaries and yet drawing a good sum as pensioners. It would show that many soldiers cared for in the National Soldiers' Homes are drawing pensions also and asking for an increase, while many are real-estate agents and engaged in other lines of business, while being fed, clothed, and housed by the Government, yet hoarding money for themselves.

I have been told that a chief justice of a Southwestern State is drawing a pension of $72 a month with a salary of $4,000 a year. It is notoriously true that our pension list costs us more annually than the standing army of every country except Russia, whose army costs something over $175,000,000. Our Government pays more for pensions by $35,000,000 than the army of Germany costs. We pay more for pensions yearly by $28,000,000 than the French army costs. Now, mind you, this estimate is only as to the cost of European armies, to say nothing of their pensions. If you add to our pension cost the cost of our Army and Navy as it now stands, with all the expenses of our military and naval establishments, we bear the heaviest military burden of any people in the world. Already there are over 30,000 applications for pensions from soldiers of the Spanish-American war. I ask, then, as I said in the outset, is it not time to stop and reflect a moment or two, even long enough to ask who pays the fiddler while so many dance?

Relating to the Spanish-American war, I desire to insert a clipping from the Manila American which will explain itself:

"GET A PENSION."

Under the above caption, printed in deep black type among the reading advertisements of the Manila American, appears the following appeal by an American pension-claim agent to the soldiers and sailors now serving in the Philippines:

"Soldiers and sailors of the Spanish war and soldiers and sailors of the United States Army and Navy or their heirs, do you want a pension? If so, write for question blank and circulars to Charles J. Alden, 291 Grand avenue, Milwaukee, Wis. He is the most successful pension-claim agent in the United States. He has had twenty years' experience and has prosecuted thousands of pension claims to a successful issue. Mr. Alden was formerly a member of Company H, Twenty-first Regiment Wisconsin Infantry Volunteers, and was three years in the service, and his sympathies are with the boys who wear the blue."

It is this "get a pension" outcry which has so disgusted the people of all sections with the pension-attorney business. It has caused such a prostitution of patriotism that many men are led to believe that the pension is the first consideration of military service. Aside from its immediate effect of swelling the roll of applicants with unworthy claimants and eventually adding many undeserving men to the bounty list, it debases the spirit of the people. It reduces enlistment to the plane of an investment. It may be safely taken for granted that the men who really suffer and thereby earn rewards and sustenance from the Republic will find their rights without the intervention of these drummers, whose announcements, whether honestly meant or not, only too plainly suggest that no soldier or sailor need hesitate to believe that by hook or crook, whether deserving or not, he can—with the aid of a fee—"get a pension."

Now, here's a pretty kettle of fish, is it not? Gentlemen of the House, think of this!

You see by the tendency of this just which way the wind blows all the time. The cry is, "Get a pension! Then get it increased. If you fail at the Bureau, come to Congress and get a special bill." Who is to pay these bills? Why, the people. Then is it not right that somebody should say a word in their behalf? I will, for one, speak a word for the taxpayer, though the heavens fall. Various remedies may be suggested for reforming this evil. I believe it would be a good idea to publish a list of all the pensioners, so that the world could see the enormity for themselves. I believe it would be a good idea to do away entirely with pension attorneys and provide by law that no one having adequate means of support should have a pension except for the loss of limb, eyesight, or general physical deformity from active service.

I believe also that young women who marry aged pensioners only to get a pension at their death, and who were not sharers in their hardships while soldiers, should not be allowed pensions. And then I believe that the pension laws of the nation are sufficiently liberal to enable every person who deserves a pension to get it under the general laws, and hence I believe that all private pension legislation ought to be prohibited, except in a few extreme cases, where relief ought to be granted. With these views I want to say that I am in favor of every true, patriotic soldier who stood by the flag of his country drawing a proper, reasonable pension when he has received disabilities in the service of the same, and his widow after him; and, too, I believe the private soldier and his widow and children deserve as much consideration as the officer and his widow and children. The private soldier has always borne the heat and burden of the day, being always pushed to the front, while many a time the officer was in a bombproof position. How the simple, heroic, disinterested patriotism of the private soldier eclipses the laurels of a mere conqueror!

Now, sir, a word as to private pension legislation. I have taken the ground here that such legislation ought to be done with a quorum, as required by law. Carrying out that idea, I have, by insisting on a quorum from night to night, forced the House to abandon Friday night sessions. I believed I was right then; I believe so now. Then, in the consideration of these claims in the House, I further insist that the report accompanying each bill ought to be read before voting. For these positions I have been severely criticised, but am glad that I have testimonials here that I am upheld by the press of the country, both Republican and Democratic. Also, I have many letters from old soldiers themselves indorsing me in my course upon this question.

I insert here an editorial from the Washington Star of April 14:

A CHECK TO HASTY PENSION LEGISLATION.

The House resolved itself for several hours yesterday into a court of pension appeals, and passed fifty-four private pension bills. The occasion was edifying beyond the mere spectacle of the interruption of the legislative process in order that the laws might be ignored. It showed that if this proceeding is really necessary it can be made at least regular in its course. Mr. TALBERT, of South Carolina, deserves credit for instituting an important reform in this process. He has drawn upon himself the attacks of the special pension legislators by his persistent demands for a quorum whenever the House considers this class of bills.

He has even been threatened with expulsion from the House on a partisan vote in the next Congress under pretense of a contest, if he should be returned and the House should be Republican. His offense consists in demanding that the House observe the rules of order, that it understand the bills it passes, that it guard this highest privilege of special pension legislation as jealously as it guards any other feature of its work. For this service Mr. TALBERT is entitled to the thanks not only of those who have no special interest in the pension laws and their proper administration, yet are concerned for the best interests of good government, but of those who are personally friendly to the pension system. For every private bill hastily passed, bearing a taint of suspicion as to its worth, is a reproach to the entire system. It is another bid for popular indignation, another item in the long account which is rolling up against the abuse of a great national charity.

The friends of honest pension legislation should never demur at the demand that the House study these bills. Nor should there be objection to the expenditure of time involved in a careful consideration of each measure, not alone in committee, but in the House itself. An attempt was made yesterday to bring Mr. TALBERT into ridicule by calculating the cost of the time consumed as a result of his opposition to heedless legislation. The House and Senate must come finally to see that this business of violating the statutes in behalf of particular claimants is worthy the exercise of the greatest caution. When Congress steps beyond the bounds of law and administers charity out of pure sentiment, as yesterday to the helpless child of a soldier, who can not possibly be pensioned under the laws as they read, the situation calls for deliberation.

Once the gates are opened there is no checking the flood of these bills. Nor is it wise to rely too implicitly upon the committees. Too often these bodies are able to give the cases only perfunctory examination and the bills are pressed through at the instance of members who have been prodded by constituents to the point of demanding such favors.

To prate about the waste of valuable time does not square with the doleful waste of which members are guilty every day in the delivery of long-winded speeches, designed solely for the benefit of susceptible voters in the campaigns. The course of honesty and good government calls for even a greater waste of time over such matters, which require the keenest judgment of which a legislator is capable, regardless of his sympathies or his partisan fears.

This article speaks for itself. It is from an influential paper published in Washington City, and reflects the sentiment of the thinking public right under the nose of more pensioners and pension agents than anywhere else.

Following this I will insert an editorial from the Springfield Republican of the 18th of April, which will speak for itself, and comes from the great State of Massachusetts.

In addition to these testimonials of approval, I have many letters from old soldiers commending my course, but for the present I will content myself with inserting the newspaper clippings, though I have the letters here in my desk for any one to see who wishes to do so.

TALBERT, OF SOUTH CAROLINA.

A Congressman from South Carolina, Mr. TALBERT, has drawn upon himself the fury of those fellow-members who are interested in the passage of special pension bills at the rate of 50 or 100 an afternoon. He has even been threatened with expulsion from the House in the next Congress, it is said, under pretense of a contest for his seat. He must be a highly objectionable fellow to have incurred such unpopularity. On second thought, however, the country may decide that he is a national benefactor.

The magnitude of Mr. TALBERT's offending can be studied in the CONGRESSIONAL RECORD's report of the session of Friday last, when the Committee of the Whole took up the consideration of private pension bills. On January 19 the House had passed the general pension appropriation bill, carrying $145,215,250, but that was to meet the demands only of those who receive pensions under the laws of the United States, which, it is needless to say, are the loosest and most liberal known in the history of mankind. On Friday last the House turned its attention to those individuals whose cases are not, for the most part, provided for by the pension laws and which call for special legislation by Congress. When the first bill on the Calendar had been called Mr. TALBERT, of South Carolina, said:

* * * I think, in consideration of claims from Committees on Pensions, the reports accompanying the bill in every case ought to be read, so that the House can vote intelligently upon the claims at issue. I do not believe that these bills ought to be poured like corn into a hopper and run through without any consideration, without any criticism, and without any scrutiny. I shall, therefore, ask in every case that the report accompanying the bill be read. I hope the report accompanying the bill which has just been reported will be read in the hearing of the House. I ask for the reading of the report.

The report was read, and it appeared that the claimant for a special pension was the sick and destitute daughter of a Wisconsin soldier of the civil war, the daughter having received a pension until she was 16 years old, when it ceased under the law. Since then she had become unable to earn her living, but she now had no possible pensionable status. Whether the United States Government should help to support such unfortunate persons is a question upon which people may differ. Mr. TALBERT, of South Carolina, had merely demanded, however, to be made acquainted with the circumstances of the case before voting upon it. The bill went through.

Whenever a bill was read Mr. TALBERT asked that the accompanying committee report be read also. This reading of reports soon became very exasperating to many of the members present, because it "delayed business" and threatened to diminish very considerably the number of bills that could be rushed through that afternoon. None of these special bills get rejected, it would seem, if they once come before the House with the indorsement of the committee. It is in the interest, therefore, of every member who desires to secure the passage of a special pension neither to offer objection nor to cause delay when another member's bill is before the House.

The operation thus becomes the "You tickle me and I'll tickle you" in statesmanship. The trouble with Mr. TALBERT, of South Carolina, was that he was not in the tickling business. Before long, the patriotic General SHATTUC, of Ohio, arose and said that opposition to pensions came with ill grace from a former Confederate soldier. Then Mr. NORTON of Ohio delivered an eloquent speech, "In the name of God and humanity," against TALBERT. "I would be glad," said the impassioned NORTON, "if I could arouse you to a higher patriotism." But TALBERT doggedly insisted on asking for the committee's reports. He explained his position, in answer to Mr. LAMB, of Virginia:

"Oh, well, Mr. Chairman, I have no little petty claims to beg anybody for, or to ask any assistance to secure their passage. You are sitting here, and this man is sitting here, with these little petty claims that you are anxious to get through, and you will vote for almost anything in order to get that little infernal claim of your own through. [Laughter.] * * * This whole thing looks like a mere matter of 'logrolling,' each member voting to help the other, and all of them ready to use the taxing power of the Government in order to put pension claims through Congress, many of which, as I have said, I do not believe to be meritorious or have any warrant in law. I am absolutely opposed to it."

Some one admitted that he thought TALBERT was at least "honest and candid," whereupon Mr. FORDNEY, of Michigan, said he did not believe it. "I think," said the Michigander, "that TALBERT is a bitter enemy of the old soldier." And so the assault went on.

But as the bills kept coming up the irrepressible TALBERT continued to ask for the reading of the reports explaining the cases. Finally he became so much of a nuisance that the special pension party began to object whenever he asked for the reading. Under the rules an objection practically shuts out the report. At this point Mr. UNDERWOOD belatedly came to Mr. TALBERT's aid, and declared that "when a member stands in his place and desires a report to be read for the information of himself and members, it is as reprehensible to deny him that privilege as any filibustering tactics that can be pursued on either side."

Mr. TALBERT now wearied of the single-handed struggle, and bill after bill went through without a word of explanation or discussion. The work of the South Carolina member, however, had had some effect. The House, in Committee of the Whole, succeeded that afternoon in grinding through the hopper only 53 special pension bills, as compared with over 90 on a previous Friday afternoon.

Mr. TALBERT should hang on. He is as much of a patriot as any one in the House, and in fighting the manifest abuses of special pension legislation he is performing a real public service. It is unfortunate that there is only one of him in Congress.

Here are two editorials from two Pittsburg papers, one Democratic and the other Republican:

[From the Pittsburg Dispatch.]

THE HIGH STANDARD.

Representative JASPER TALBERT, who has stood manfully in the House at Washington against the unconstitutional injustice of passing bills without a quorum voting, keeps in close touch with public sentiment. He knows he is right, and he appreciates being upheld by the press.

Defending his stand on this matter the other day, he declared nearly all the big newspapers held the same view of the subject as himself, his desk being filled with clippings to prove his assertion. One of these, from the Dispatch, he had read with the comment: "Now, Mr. Chairman, the Dispatch is an influential and responsible newspaper, and you Republicans know that what it says is gospel truth, and you can not get away from it."

Mr. TALBERT knows a good newspaper when he sees one, quite as well as he knows right from wrong. The need of Congress is to have more men who will be equally conscientious in having each piece of legislation thoroughly scrutinized and passed only when a full constitutional majority attends to the duty of voting for it.

[From the Pittsburg Post.]

MORE PENSION ABUSES.

Nine Americans out of ten concede the abuses and profligate extravagance of our pension system, but whenever an attempt is made to reform it a plea goes out for the "old soldiers." There never was a question of conceding the most complete and liberal pension system to those who are fairly entitled to pensions. Any opposition that shows itself is to abuses of the system and the granting of pensions to those not entitled to them.

The best evidence of this is that the pension bill of the Government to-day amounts to nearly $150,000,000 a year, which is more than is spent by any European government for military purposes and pensions in time of peace. No such liberal system in the way of pensions has ever existed in the history of the world as the one in force in the United States. And yet the pension claimants, who as a matter of fact are the claim agents, many of whom have become millionaires by their share of the bounty to the old soldiers, are not content, and puzzle their ingenuity at every session of Congress in devising new schemes of pension outlay.

There was a sensational scene in the House of Representatives on Friday because of the opposition manifested to the rushing of special pension bills through by a few members in the absence of a quorum, and of course the usual nonsense about denying the old soldiers their just dues. These special pension laws are the worst abuse of the system. They take up and allow the claims that have been rejected by the Pension Bureau under our liberal laws. These claims have no standing under the general laws. Therefore they are whirled through Congress by the score and by the hundred in as many minutes, without proper examination or debate and with few members present. It is generally done by the log rolling plan of "you vote for my bill and I will vote for yours."

A conscientious member who objects to this procedure and insists on a quorum being present to vote on the bills is denounced as animated by the worst motives, as being ungrateful, and with no appreciation of the services of the veterans. Correctly put, this opposition should be rated as opposition to jobbery and the granting of pensions to those who have no just claim. "JOE" SIBLEY, in the spirit of unmitigated demagogism, took part in Friday's debate, claiming that opposition to these special pension bills cost the Government more than the granting of them. Of course this was a manifest falsehood, but it answered SIBLEY's purpose. Reduced to its proper proportions, it meant that all sorts of jobbing should go through Congress because they may cause debate, and the debating, counting the wages of Congressmen, who are paid by the year, costs more than the proposed grabs. This is getting down to the emptyings in the way of pension demagogism.

This shows that both the Republican and Democratic press are sustaining me in my position. These are from the North, and I will insert an editorial from the Savannah News as a sample from the South, of which I have a great many, considering it unnecessary to publish more:

TALBERT'S BRAVE FIGHT.

Representative TALBERT, of South Carolina, has called down upon his head the wrath of every member of the House who has pension jobs pending in Congress by insisting that there shall be a quorum present when pension bills are considered. He knows, and so does every other member of the House, that thousands of dollars are voted away at every session to pension claimants who are not able to show to the Commissioner of Pensions that they are entitled to pensions.

Only a few days ago that official made a public statement in which he showed that the pension attorneys succeed in getting vast sums out of the Treasury for pension applicants who are not entitled to anything from the Government.

No doubt there are some just pension claims allowed by Congress, but it is probable that the majority of them are based largely, if not wholly, on evidence that would not stand the test of a thorough investigation. These claims as a rule are approved by the House. It is the easiest thing in the world to get a pension claim through Congress. There is neither the time nor the means to investigate thoroughly the claims that are presented to that body.

Mr. TALBERT has no hostility to those who are entitled to pensions, but he has good reason to think that many of the pensions granted by Congress under the present system are based on fraudulent evidence. He is simply trying to protect the Treasury against a lot of people who have no claim on the Government. For that he is abused by some of his fellow-members—men who should hold up his hands instead of abusing him. He is seeking to do the country a service—a service that does not seem to be appreciated.

Now, then, Mr. Chairman, I ask if I am to stand alone in defending the taxpayers to-day from the cry of every official for increase of salary? I am opposed to all these increases in the bill. Coming back to the appropriation under consideration, I want to say that I shall vote against any further extension of the pneumatic-tube system in the cities because it can not be extended, as the free delivery of mail can, into the rural districts. I have already said that the free-delivery system in cities was right and proper because we are now extending it to the country people as well. Again, I am absolutely opposed to the $196,000 appropriation as a subsidy to the Southern Railroad and one other, because upon general principles I am opposed to subsidies and the Post-Office authorities plainly state they can get no better facilities with it than they can get without it.

Tnen, again, it is a significant fact that the railroad corporations seem to have a great many representatives upon this floor; and I want to say, without reflection upon anyone, that I honestly believe if there was a stringent law passed prohibiting any railroad from giving and any member of Congress from taking a free pass over their lines, the railroads would not get so many favors and the taxpayers would be greatly benefited. I notice whenever this appropriation is under consideration the railroad magnates—some of them—are generally around, and sometimes it has happened that a junketing trip has been taken soon after with members and their families.

Sir, you need not tell me that a human being is not a human being, and you need not tell me that a corporation does not expect a quid pro quo for everything given. So that when a man is

taken, with his family and friends, and placed upon a soft cushion and carried across the continent without pay, you need not tell me there will be no influence felt. I do not pretend to charge that any member of Congress would sell himself, but I do say we are all human beings, and that this free-pass business does have great influence sometimes upon legislation; and the great mass of the people are beginning to open their eyes to this abuse, as well as other great abuses now existing, and well they should.

Summing up the great burden of taxation, let us think of a government costing about $250,000 an hour, nearly six millions a day, forty millions a week, nearly one hundred and fifty millions a month, and possibly in the neighborhood of two billions a year—and ask yourself if it does not suggest something that would cause a sigh in the interest of those who are to pay it? These conditions have been brought about by the party in power. The issues are before us. These conditions may succeed for a time, but the intelligent millions of American people have ever recognized that the party founded by Jefferson is, in the broadest and fullest sense, the true idea of government, and they recognize the Democratic party as the bulwark of constitutional and personal rights. Money kings, monopolies, and trusts are the real supporters of the Republican party. Thus all the elements destructive of liberty favor the Republican party. Against this stands the eternal truths expressed in the Declaration of Independence and government founded upon the principle of our forefathers, backed up by the Constitution and laws of the land. Standing by these principles, let us move on with a determination to preserve them in their purity or perish in the conflict. [Applause.]

Mr. BINGHAM obtained the floor.

Mr. GAINES. Mr. Chairman, I was on the floor trying to raise objection to the gentleman from South Carolina [Mr. TALBERT] extending his remarks in the RECORD. I want to hear him in the House. But the Chair refused to recognize me.

Mr. TALBERT. As the gentleman from Tennessee [Mr. GAINES] hardly ever says anything, I would like to hear him. [Laughter.]

Mr. GAINES. That is one time when you have succeeded in saying something. [Laughter.]

Mr. TALBERT. The gentleman frequently makes "a few remarks" before he says anything. [Laughter.]

Mr. BINGHAM. Mr. Chairman, it is very easy to understand that when a body of the subordinate force of the Government, numbering between thirty-five and forty thousand, array their forces and ask of the American Congress increased compensation for labor performed, they should find earnest advocates upon this floor. They have found them here to-day, have had them in the past, and will have them in the future. To that I make no demur. Under the proceedings of this House these bills have followed the same course that all legislation follows. They have received, and no doubt will receive, at the hands of the Committee on the Post-Office and Post-Roads, of which I am a member, fair and full consideration at the proper time, and in some form, modified or changed, may or may not be reported to this House.

But it is proper that this House should know to what extent these appeals of from thirty-five to forty thousand members of this subordinate force reach in the increased compensation asked for. The amendment offered by the gentleman from Michigan [Mr. CORLISS] with reference to substitute letter carriers would amount annually, according to the official report upon the bill of which the amendment is a duplicate, to $246,500 as the force is now constituted, not only for the next fiscal year, but continuing for each fiscal year. And as the substitute force grows the amount of money involved will increase.

Another bill is for the classification of clerks of first and second class post-offices. The official statement of the Department is that this bill will increase their compensation $1,000,000, not only for this year, but for every year in the future.

The next bill relates to fourth-class postmasters, and makes an increase of $5,550,000. The next is a bill increasing our letter carriers, the increase amounting to $2,370,000; and if another bill submitted should be approved, one million more, making the increase on account of letter carriers $3,370,000. Then the bill providing for increase and reclassification of railway postal clerks would carry $1,400,000. In effect, the amount of increased compensation for this body of officials—less than 40,000—would be almost $12,000,000 for the next fiscal year and for every year in the future, plus the increase of force.

That these bills should receive considerate and watchful care on the part of your committee I believe every member of this House will concede. And as to the course of the chairman of this committee having these subjects under consideration in his committee, no one can question the wisdom of his course in objecting to any hasty legislation that this House may be inclined to adopt. And further, it will be conceded that he is warranted at all times in making points of order upon every proposition that is a part and parcel of this proposed annual increase of $12,000,000.

Mr. LOUD. Does the Chair desire to hear from me regarding the point of order?

The CHAIRMAN (Mr. DALZELL). The Chair is ready to decide the point of order.

Mr. LOUD. I hope the Chair will do so.

The CHAIRMAN. The point of order is sustained, as the amendment clearly embraces new legislation.

The Clerk read as follows:

For pay of letter carriers in new offices entitled to free-delivery service under existing law, $60,000.

The Clerk read as follows.

After the word "dollars," in line 25, page 12, add:

"*Provided*, That letter carriers may be required to work not exceeding forty-eight hours during the six working days of each week, and such number of hours on Sundays as may be required by the needs of the service; and if a legal holiday shall occur on any working day, the service performed on said day shall be counted as eight hours, without regard to the time actually employed. If any letter carrier is employed for a greater number of hours than forty-eight during the working days in any week, he shall be paid extra for the same in proportion to the salary fixed by law."

Mr. FITZGERALD of Massachusetts. I wish to inquire whether this applies to all post-offices?

Mr. LOUD. It does; and my understanding is that the letter carriers themselves have agreed that this will be an improvement in the method of managing the business of the carrier service, by reason of the fact that on some days the mail is extremely heavy and on other days quite light. This would permit the working of the carriers eight and a half or nine hours a day; but it is provided that they shall not work more than forty-eight hours during a week. The result would be, as suggested to me by many carriers, that on Saturdays, when the business in our cities is light, they would probably get the afternoon to themselves, that being a short working day of perhaps only four or five hours.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I am glad the amendment has been offered if it carries the remedy suggested by the gentleman from California. The reason I asked the question is because the amendment is made to a clause in the bill applying to letter carriers in new offices.

Mr. LOUD. My understanding is that it applies to all of the letter carriers.

I ask a vote.

The amendment was considered, and agreed to.

The Clerk read as follows:

For incidental expenses, including letter boxes, package boxes, posts, furniture, satchels, straps, marine service at Detroit, Mich., 15 mechanics, to be employed exclusively in erecting and painting letter boxes in cities containing post-offices of the first-class, where they are most needed, and expenses of assistant superintendents of free-delivery service, $200,000.

Mr. LOUD. I offer the amendment I send to the desk.

The Clerk read as follows:

Page 13, line 11, after the word "dollars," add "in all, $15,752,600: *Provided*, That 10 per cent of the foregoing amounts for free-delivery service may be available interchangeably for expenditure on the objects named, but no one item of appropriation shall thereby be increased more than 10 per cent."

Mr. LOUD. This is the usual item, which was left out in the preparation of the bill by an error.

The amendment was considered, and agreed to.

The Clerk read as follows:

For experimental rural free delivery, including pay of carriers, horse hire allowance, supplies, and mechanical appliances, $1,750,000.

Mr. CURTIS. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

That the carriers on rural free-delivery routes shall be paid at the rate of not less than $900 per annum.

Mr. LOUD. Mr. Chairman, I make the point of order upon the amendment presented by the gentleman from Kansas.

Mr. CURTIS. Mr. Chairman, this is one of the most popular branches of the postal service, and the carriers who have made it a success are entitled to the credit for that service, and yet they are paid only $400 per annum. They furnish a wagon and two horses and work from about 5 o'clock in the morning until late at night to perform the service required, during rain or shine, and I think that they are, without exception, the poorest paid of any class of employees in the service of the Government.

Mr. HENRY of Mississippi. Except the fourth-class postmasters.

Mr. CURTIS. Possibly with the exception of the fourth-class postmasters. I will make that exception.

Surely the House can not object to paying these carriers $50 a month for the valuable service rendered.

The honorable First Assistant Postmaster-General pays these carriers the following compliment:

The fidelity of carriers and their devotion to duty are most commendable. Rain or shine, they traverse their routes and perform their duties with wonderful exactness. The percentage of errors is infinitesimal.

Now, so far as the point of order is concerned, I do not think it is good against the amendment, because the salary of the carriers is not fixed by law. It is left wholly to the Post-Office Department.

Mr. GAINES. Is the gentleman alluding now to the men who are employed in the rural free-delivery service?

Mr. CURTIS. Yes.

Mr. GAINES. And the gentleman thinks that they receive too small a compensation?

Mr. CURTIS. I do, and the amendment is to increase their compensation.

Mr. GAINES. Well, I can tell the gentleman that you can get more men, if you will advertise the fact that you want them to engage in this service throughout the rural districts, than you will have need for under any appropriation bill that you could pass here.

Mr. CURTIS. Well, you may get them in your country, but you can not in Kansas.

Mr. GAINES. Oh, well, your people are no better off in that respect than the people throughout the rest of the country. I know as a matter of fact from recent experience that there will be no trouble in getting men to undertake the service at the pay given by the Government.

Mr. CURTIS. Perhaps you may be able to get them in your part of the country, but in Kansas men can not afford to work for such small wages and furnish their own horses and wagons, and the carriers should be well paid, for they give the public good service.

As I have said, Mr. Chairman, in connection with the point of order, these salaries are not fixed by law, and Congress has the right to fix them; and for that reason the point of order is not well taken.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the object of the committee in increasing, as they have liberally increased, the allowances for rural free delivery is to extend the system to parts of the country which have not had the advantage of it heretofore. The committee has increased the appropriation $1,450,000 for this service. Now, if out of that amount of increase—an immense lump sum—is to be taken and used for the purpose of increasing the compensation of the carriers in those sections where the free-delivery service is already established, it would of course cripple the extension of the rural free delivery in other parts of the country.

Furthermore, in spite of the opinion of my friend from Kansas [Mr. CURTIS], in which he is, of course, absolutely sincere, as he always is, it is a matter of fact that the Department has had no trouble heretofore in getting carriers at present salaries all over the country, and in putting the service on wherever it has been deemed desirable to inaugurate it. Throughout the rural districts of the United States the farmer boy would agree to take his father's horse and wagon to carry the mail at the compensation allowed by the Department, and this compensation is by no means a scanty allowance under the circumstances, and whether it be or be not a small sum, in comparison with other Government salaries, I am not willing to use the money appropriated for the extension of the system to increase the salaries of employees where the system already exists.

And I am not willing, furthermore, Mr. Chairman, to run the risk of giving the free-delivery system a sort of black eye at its very beginning. Wait until you have it established all over this country, from the Lakes to the Gulf and from the Atlantic to the Pacific, and then we will talk about equalizing salaries with other salaries in the Government. At present we are only too glad to get it. I hope the amendment will not be accepted by the committee.

Mr. LOUD. Does the Chair desire to hear anything on the point of order?

The CHAIRMAN. The Chair is ready to rule. As the Chair understands it, under existing law there is a discretion in the Post-Office Department as to the amount of salaries to be allowed to these carriers. Should this amendment be adopted, that discretion will be taken away from the Post-Office Department, and to that extent it is a change of existing law and new legislation. The Chair sustains the point of order.

Mr. DAVIDSON. I move to strike out the last word. I ask unanimous consent that I may print in the RECORD some remarks on this subject of rural free delivery and the experiment that has been tried in my district.

The CHAIRMAN. The gentleman from Wisconsin [Mr. DAVIDSON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LOUD. I have a similar request from my colleague [Mr. CROMER], who is compelled to be absent, and who requests ten days in which to submit some remarks on this subject.

The CHAIRMAN. The gentleman from California [Mr. LOUD] asks unanimous consent that his colleague, the gentleman from Indiana [Mr. CROMER], be allowed to print some remarks in the RECORD on the pending bill for ten days. Is there objection?

There was no objection.

Mr. LATIMER. I move to strike out, in line 14, on page 13, after the word "appliances," the word "one" and insert the word "two;" so that it will read "$2,000,000."

Mr. LOUD. That will make it read "$2,750,000."

Mr. GRIGGS. Does my friend desire to speak on this?

Mr. LATIMER. No; I do not care to speak on it at present.

Mr. GRIGGS. Mr. Chairman, upon this subject I may be permitted to say that I have been the consistent friend of rural delivery ever since I have been in Congress and have had service on this committee. The amount appropriated on the last bill for this purpose was $300,000. The subcommittee of the Post-Office Committee reported to the full committee the sum of $1,000,000 for rural delivery. I went to the Post-Office Department and asked the official in charge of free rural delivery to say to me how much he could use—not how much he would use, but how much he could use—in the extension of the rural delivery service during the next fiscal year. In reply to that he said, "I can use well for the service $1,750,000 and not a cent more." The committee would have given more had the Post-Office Department agreed that they could use it for the benefit of the service?

Mr. LATIMER. Let me ask the gentleman who made that statement?

Mr. GRIGGS. I said an official of the Post-Office Department in charge of this particular service. He said to me, "We can use a million seven hundred and fifty thousand dollars, and I do not believe we can properly use for the good of the service a cent more than that."

Mr. LATIMER. How long since that statement was made, I should like to know?

Mr. GRIGGS. Not over thirty days, when we had the bill under consideration before the committee. Now, we have given more than that. That is all they need. That is all they would use, and it seems to me it would be folly on the part of this House to force an expenditure by that Department where they say they can not expend it for the good of the service. I believe my friend will withdraw his amendment. We do not want any further row among ourselves on this subject. The gentleman and I are both interested in this thing. I hope the House will vote down the amendment if my friend does not withdraw it.

Mr. LATIMER. Mr. Chairman, I do not like to take issue with my friend from Georgia [Mr. GRIGGS], who is a member of this committee and has had an opportunity to look into this subject; but I had a conversation with one of the gentlemen who had charge of this rural delivery service, and he informed me that, so far as this rural delivery was concerned, they had divided the United States into four different sections. He said they would be able to use whatever amount of money we might appropriate for this service. It would only require an additional amount of labor. They would have to employ more men, but they could organize the United States, if necessary, if you would give them enough money, and I appeal to this House that any business man in this House knows that that statement made by that official is absolutely correct. It only requires the money and the time, and they can employ men enough to organize every district in every State in the Union. I am in favor of free rural delivery. I think we ought to extend it all over this country, and extend it as rapidly as possible, so as to reach the people who need this mail service.

Mr. CLARK of Missouri. Does not the gentleman think that the Post-Office Department makes the conditions and rules in the districts where they propose to have free mail delivery so stringent as to the condition of roads that it can only be applied to a few neighborhoods?

Mr. LATIMER. I do not.

Mr. CLARK of Missouri. If it will interest the gentleman, I will give him an example. Out of the city of Louisiana, in my district, there run three of the finest gravel roads in the United States. I undertook to get the free rural mail delivery for the neighborhood immediately surrounding that town, and the man that I wrote to, a very intelligent citizen, wrote back that the reason that they could not get it was owing to the condition of the roads. Well, that surprised me so that I wrote him to ask him if these three gravel roads were not still in existence, and he said that the trouble was that the dirt roads in between the gravel roads were not good enough to have the free delivery there, so the agent said. Now, I wish to say that I do not believe there is a district in the United States that has better roads than those that I refer to.

Mr. LATIMER. I will say that if you will give the people an opportunity to have this rural free delivery, they will go to work on the roads and make good roads. All through my district there is a demand for rural free delivery, and we have a good many good roads in my district.

Mr. CLARK of Missouri. Any rock roads?

Mr. LATIMER. My people would go to work and make the roads good, so as to get more rural free delivery.

Mr. CLARK of Missouri. I am in favor of free rural mail delivery, but I do not wish them to make the condition of the roads

so that it only applies to a few settlements around these old cities in the East.

Mr. LATIMER. So far as I am concerned, I am satisfied that the Post-Office have been so fair in establishing their rural free delivery that any section that will go to them and ask for free rural delivery in any section of the country that is suited for it they will get it. I do not think there is any section better fitted for it than this, and I think that if the House would appropriate enough money to give the Post-Office Department the power to create their free rural delivery they would establish it all over the country. Mr. Chairman, inasmuch as there is some objection to this amendment, and the Post-Office Committee have been very liberal, I withdraw the amendment. [Applause.]

Mr. MADDOX. Mr. Chairman, I move to strike out the last two words, and I just want to say a few words about this free-delivery system. I notice there are 41 States which have this free rural delivery system; a number of them 1. I notice that South Carolina has 21; New York, 24; Georgia, 4; Arizona, 1; Alabama, 1; Massachusetts, 11; and so on. So it would seem that if my friend's success in getting the free rural delivery system established in his State is to become at all general it would take several million dollars in order to keep it up in his State alone, if he keeps up his present advantage over other States. Now, the gentleman says it is an easy thing—that anybody who will apply can have them established. I can state to-day as a fact that there are better roads in the county in which I live and more macadamized roads than there is in any county in the State of South Carolina or perhaps in any county in the South. I have been applying for this system, and I have got one little wing of a concern. There are over 150 miles of first-class country roads in that county.

Mr. TALBERT. Will the gentleman allow me to ask him a question?

Mr. MADDOX. I have only a few minutes.

Mr. TALBERT. Have you made application?

Mr. MADDOX. I have made application for several other counties, but I have not got them, and for some reason I find South Carolina with 24 and Georgia with 4.

Mr. TALBERT. Did the gentleman apply by letter or go to the Department?

Mr. MADDOX. Massachusetts has 11 and New York 24.

Mr. TALBERT. Did the gentleman apply by letter or go in person to the Department?

Mr. MADDOX. I applied by petition, according to the instructions issued by the Department.

Mr. TALBERT. You did not go to the Department?

Mr. MADDOX. Yes; I have. And I say to members of this House that if they will examine this list as I have they will find that the rural free-delivery system was given to some favored localities; and if it is done that way, we had better stop it right now. I am in favor of something approaching a fair distribution of this matter.

Mr. CUMMINGS. In this case it seems that Georgia is the "skinned" and South Carolina the "skinnee." [Laughter.]

Mr. MADDOX. In this case, as my friend reminds me, Georgia is the "skinned" and South Carolina is the "skinnee."

Mr. WILLIAMS of Mississippi. The skun! [Great laughter.]

Mr. MADDOX. Now, gentlemen, there is something radically wrong about this business.

Mr. LACEY. Perhaps I can help my friend. Perhaps South Carolinians were early in making their applications for this rural free delivery. They were the very first to apply, and the appropriation was speedily exhausted. If you will look at your applications, you will find that they are pending and will be considered; but you came in after the appropriation was exhausted, and there is no question but what you will have better treatment later on.

Mr. MADDOX. Now, I will admit you——

Mr. LACEY. I say that because I have been there, and some applications were made earlier and some later on.

Mr. MADDOX. Now, when this first appropriation was made it was made for an experimental service; and it seems that we can only experiment in South Carolina, Ohio, Iowa, and Indiana, and what I asked was to experiment throughout the United States. My attention is called to some other sections. Here is Indiana with 44 and Ohio has 49. Now, what I contend is that the discretion exercised by the Department has been one of favoritism. It will be found upon investigation that four or five States have fully one-half of these routes that have been established. South Carolina lies between North Carolina and Georgia, yet this report shows there have been 1 route established in North Carolina, 4 in Georgia, and 21 in South Carolina—more than four times as many in South Carolina as in Georgia and North Carolina together. I will undertake to say that the conditions are just as favorable to experiment with this service in either Georgia or North Carolina as in South Carolina, and yet it is claimed that this discretion has been exercised wisely. This very illustration shows that it is a matter of favoritism; no discretion about it. Experimenting, you say? Yes; at the expense of my people for some favored section; and they tell us this is a wise discretion.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. CLARK of Missouri. Mr. Chairman, I am not opposed to free rural mail delivery, but unless the Post-Office Department comes down from its high horse about the kind of roads it is to be carried over it will simply go to the country in spots. You take a district like that which my friend from Iowa represents, one of the richest agricultural districts in America, and there is not enough rock in it——

Mr. LACEY. You know good land makes bad roads.

Mr. CLARK of Missouri. It is true good land does make bad roads. There is not enough limestone or gravel in his district to make a mile of road. One of the best counties in my district has very little rock and no gravel in it, and it is impossible to have a macadamized or gravel road in that county. They have fine dirt roads. You may take another county alongside of it, not so good, that has rock and gravel roads anywhere, and that would get all the free rural mail delivery.

Take central Kentucky, and nearly every generally traveled public road in that section of the State is of macadam, and under this system of distribution—according to good roads, as they say—Kentucky would get over one-half of the appropriation that is here made.

Mr. BALL. I want to say that the appropriation heretofore has been made for experiments.

Mr. CLARK of Missouri. Well, I want some of the experiments in my district. [Laughter.]

Mr. BALL. They took those parts of the country they thought best adapted to it on account of population, and in connection with that the Department hunted the best roads so as to see whether this thing would pan out or not. Now, if we go into the general free-delivery business, why, you can go into all the districts.

Mr. MADDOX. Will the gentleman allow me?

Mr. CLARK of Missouri. Yes.

Mr. MADDOX. I notice from the RECORD that Kentucky only has two.

Mr. CLARK of Missouri. Well, under this good-road theory Kentucky would have more than any other State in the Union, because it has more good roads than any other State in the Union, but it has not got more good roads in proportion than the county I live in.

Mr. BALL. You did not ask for it early enough.

Mr. CLARK of Missouri. Yes, I did. I asked for it early for the county I live in.

Mr. LACEY. What county does the gentleman live in? [Laughter.]

Mr. CLARK of Missouri. Pike County, the greatest county west of the Mississippi River; a county that has sent out into the world more distinguished lawyers and statesmen than any other county west of the Father of Waters.

Mr. CUMMINGS. And sent out Joe Bowers.

Mr. CLARK of Missouri. Yes, sir; and Joe Bowers.

Mr. CAPRON. And CHAMP CLARK.

Mr. CLARK of Missouri. Yes, sir; and CHAMP CLARK. [Great Laughter.] In Pike County is the largest dynamite mill in the world and the largest nursery.

Mr. GRIGGS. What kind of a nursery?

Mr. CLARK of Missouri. Oh, several sorts. [Laughter.] Now, what I want to insist on is that if we go into this costly experiment further of free rural mail delivery, it shall be distributed fairly, and a road that is good enough for an ordinary mail wagon to run over is good enough for a special rural free-delivery wagon to run over.

I can pick out places in the United States that are sparsely settled where they have the finest natural roads under heaven. Take a sandy country where it never rains, or where, if it does, the water is soaked up in a few minutes—take it down in southern Kansas, a fine agricultural country, and in two hours after the heaviest sort of a rainfall the road is dry, because the land is sandy; and under this system of playing favorites Kansas, certain parts of Oklahoma, certain parts of Texas, the arid part of Arizona, New Mexico, and Colorado would get this free rural mail delivery, while the rich alluvial districts, like those represented by my friend from Iowa, Mr. DOLLIVER, and myself, would be absolutely shut out on the ground that we have muddy roads in the country. We do have muddy roads sometimes, but notwithstanding that this appropriation ought to be distributed fairly. [Applause.]

Mr. SPERRY. Mr. Chairman, I move to strike out the last word, as I want to make a few general remarks upon the subject which we have discussed here this afternoon.

Now, it is very plain to me, as an old post-office man, that sooner or later we have got to take up this matter of classification.

Whether we do it this year or next, it is bound to come. You see the different interests which are represented here upon the different post-office subjects as they are presented. The Railway Mail Service, the clerks in the post-offices, the letter carriers, and the substitute letter carriers in time must, in my judgment, be properly classified, and the sooner we get at this the better it will be for the various departments, as well as for the good of the country. There is no doubt that the post-office employees are the poorest paid of any class of men in the Government service for the work they perform.

Take the clerks, for instance, who are employed upon the railroads. Why, sir, their death rate from accidents is larger than the death rate in the Army in ordinary times, and the same is true of those who are maimed. They are subject to discomforts, as well as to casualties, such as broken limbs, etc. Then take the case of the post-office clerks. They work early and late. Sick or well, they must be at their posts. So with the carriers. They are all doing an important service, and it is impossible for us to give any charity, so to speak, to the carrier who happens to be a little late on his route.

This subject must be taken up. These officials must be classified and justice must be done to the various employees in the Post-Office Department. The matter will not "down," and it ought not to. I hope to see the time when all of these clerks in the various departments will be amply and suitably paid, and they never can be until you classify this service and put it in such a shape that every clerk employed under the Post-Office Department, whether Republican or Democrat, shall know what to expect so long as he performs his duty.

Now, Mr. Chairman, one word in relation to the free rural delivery. Gentlemen here are talking of the millions of dollars that will be expended in free rural delivery.

Mr. TALBERT. Will the gentleman allow me a question—just one short question?

Mr. SPERRY. I have only a few moments.

Mr. TALBERT. I wish to ask only this question: If those men are poorly paid, why do they not give up their jobs and go to something else—go to plowing, for instance?

Mr. SPERRY. That is a question that people might ask you as a member of Congress. [Laughter.]

But in relation to this matter of free rural delivery, when gentlemen are talking about the millions which this system, if generally introduced, will cost, I wish to say that where the experiment has been tried, instead of the service promising to involve an increased expense of millions, it has nearly paid for itself. Take the county up here in Maryland in which this system has been recently organized. It is a mountainous country—a country hard to travel over. The system was established in that county about the 1st of January; and now what does the report for the last month—the month of March—show? I hold in my hand an official pamphlet just issued upon this subject. It shows that after the organization of the whole county of Carroll——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPERRY. I would like about three minutes more.

Mr. MANN. I ask unanimous consent that the gentleman have additional time.

The CHAIRMAN. Consent is asked that the gentleman from Connecticut be allowed to proceed for five minutes more. Is there objection? The Chair hears none.

Mr. SPERRY. Mr. Chairman, I will be as brief as possible. Here is the official report on the operations of the free rural delivery system in the county of Carroll, Md., for the first quarter of its existence; and what does it show? That after organizing the whole county, after dispensing with post-offices here and there the work of which could be covered by free delivery, the service during that quarter came within $236.02 of paying the postal expenses of the whole county.

Gentlemen, if you give the people in our country towns a chance to receive their letters and newspapers promptly; if you give them increased facilities for transacting their postal business; you will find that, according to the facilities you give, increased compensation will be sure to follow. I have noted this all along in the post-office business. I remember when the free delivery was established in the cities. I remember the howl that went up in all directions concerning it. And I remember that within a year after we had introduced letter carriers and after we had put up street letter boxes, after we had gone to a large expense to establish this free-delivery system, the free-delivery department of my city paid for itself, besides giving improved accommodation to the people. So it will be with the free rural delivery.

I like the remark made yesterday afternoon by the gentleman from Pennsylvania [Mr. SIBLEY]. Give the people a chance; develop what we have; make what we have worth having—and the only way to do it is to give proper facilities to the people—and in return they will bless you and the country will be more prosperous than ever because of what you have done. [Applause.]

Mr. LOUD. I have a proposition which I would like to make. I wish to get along with this bill; and I will ask unanimous consent that permission be given to insert remarks on this subject in the RECORD, if that will close the debate.

The CHAIRMAN. The Chair thinks that unanimous consent for general leave to print will have to be given in the House.

Mr. LOUD. All right.

Mr. GAINES. Mr. Chairman, I yesterday in this House made a statement, a part of which is correct and a part of which may be misleading if not incorrect. I desire to make the record entirely clear. In reply to the gentleman from Ohio [Mr. BROMWELL] I said that—

It—

The free rural delivery—

has increased the mail-service delivery decidedly—

Now that statement is entirely correct—

and has saved 23 per cent to the Government.

I said that in connection with this increase there had been a saving of 23 per cent. That in practical effect is true. But here is a report, which I got a glimpse of yesterday, issued to-day by the free rural delivery department, containing this statement—the one I had in mind yesterday—pertaining to Carroll County, Md. This report shows "the postal revenues" under this free rural delivery "increased 23.5 per cent" in one quarter—ending March 31.

I will insert it in the RECORD. It reads:

As the experiment progresses and the service improves the postal revenues will increase to such an extent that at the close of the first year the balance sheet will show a snug profit to the Government.

Such a prediction may safely be made for a rural free-delivery service that has, under adverse circumstances and unfavorable conditions, increased—

The quantity of mail handled 40.6 per cent;
The number of letters registered 57 per cent;
The number of money orders issued 40 per cent;
The postal revenues 23.5 per cent.

The fourfold object of the "Carroll County" experiment set forth in the beginning of this report has been attained, for the results demonstrate conclusively—

(1) That the rural free-delivery service within the territory covered by the experiment has successfully supplanted the old system, embracing fourth-class post-offices and star routes.

(2) It has proved an effective agency for the extension of the registry and money-order systems.

(3) It has increased the postal revenues of the county.

(4) Its net cost is insignificant.

That is to say, Mr. Chairman, that the postal revenues in the county of Carroll and the State of Maryland had increased to that extent.

Mr. BROMWELL. Has the gentleman from Tennessee a report from any other section of the country besides Carroll County, in Maryland, to which he is referring?

Mr. GAINES. I do not know that there is, sir, in this pamphlet. There may be, but I have not examined.

Mr. BROMWELL. The suggestion that I made on yesterday was that in this particular locality the facts alleged may be true, as an isolated case, but when you come to consider the matter as a whole, it is not my understanding that the rural free delivery has increased the revenues, but, on the contrary, has rather diminished them.

Mr. GAINES. I was saying that the data that I have here at hand refer to the rural free-delivery service in Carroll County, Md.

The output and income for the quarter is found on page 15, which I read:

Statement, quarter ended March 31.

Total cost of service for the quarter		$4,543.19
One-quarter of the annual savings effected by the service	$2,805.42	
Increase of revenue caused by the service	1,501.75	
		4,307.17
Net cost of rural free delivery per quarter		236.02

The net cost was $236.02.

Quite recently I had some experience with the rural free-delivery department of the post-office here in Washington. I went to see, sir, what could be done in response to the wishes of some of my people, and I wish to say, in answer to what my good friend from Missouri [Mr. CLARK] said a few moments ago, that I have made application by petition for the rural free-delivery service in my own home county of Davidson, in Tennessee, in Stewart and in Cheatham counties, inland counties—I mean where there are no railroads—and Montgomery County, and the system has been ordered to go into effect on the 1st day of May in Davidson County. In my old home district, the district where I was born and reared, a route was laid out last week from Wrencoe post-office.

This region is rocky and hilly and hard for horse or man to get over, as much so as most any other part of the entire country, I think, and yet I got an order for the establishment of this delivery service on that route a few days ago, to be started, as I have stated, on the 1st day of May.

So, Mr. Chairman, I am frank to state, when my good friend from Missouri goes and lays the matter properly before the Department, without reference to whether they have roads or whether the roads are filled with muck and mire, whether there are rivers and water courses to be crossed, and bad roads generally, that these considerations, generally, would not enter largely into the settlement of the matter, but that with a little attention he will secure the inception of the service.

Of course, Mr. Chairman, we have to take our turns, as we did at the old country mills—first come, first served.

We are told this is a good thing for the country people. Then let them have it. If it proves to the contrary, they will be first to condemn and finally nullify it. Their needs and wants are many. They get little succor at best; let them have this, at least for a fair trial.

Mr. LOUD. Mr. Chairman, I move to close debate on this paragraph of the bill and all amendments to it.

Mr. MADDOX. I hope the gentleman will allow me first to offer the amendment I hold in my hand.

Mr. LOUD. That may be offered after the debate is closed.

The motion of Mr. LOUD was agreed to.

Mr. MADDOX. Now, Mr. Chairman, I ask to offer the amendment I send to the desk.

The Clerk read as follows:

On page 13, at the end of line 15, insert:

"*Provided*, That this service shall be equally distributed among the several Congressional districts in the United States."

Mr. LOUD. I raise the point of order on that amendment.

Mr. MADDOX. What point of order?

Mr. LOUD. That it must be either new legislation or else it means nothing. It takes the discretion now vested in the Post-Office Department away from it; it enacts legislation which is not now on the statute books, and hence it must be subject to the point of order.

Mr. MADDOX. I do not know but what my good friend from California is correct; but he certainly did not hear the speech of the gentleman from Tennessee [Mr. GAINES] a few moments ago, with reference to the establishment of this service in some county down in his part of the world, where I think there is great truth in his description of the roads or want of roads. It seems that some of us must have "roads" in order to come up to the requirements of the Government, according to the distinguished gentlemen who have addressed the House to-day. And yet we are told by other gentlemen that there is a discretion resting in the Department to establish this service in certain localities whether there be roads or not, while in other sections, as I understand it, we are told that certain things have to be complied with and certain conditions must prevail before the establishment of the service.

Mr. BROMWELL. May I ask the gentleman a question?

Mr. MADDOX. As I understand, where gentlemen go and persist, and keep persisting and insisting, I have been advised that they can get these routes established.

Mr. GAINES. I want to say that I did not persist or insist.

Mr. BROMWELL. May I ask the gentleman a question?

Mr. MADDOX. Certainly.

Mr. BROMWELL. You propose to distribute this rural free delivery proportionately to each Congressional district?

Mr. MADDOX. Equally, outside of the cities.

Mr. BROMWELL. I was going to ask what the gentleman would do with those districts that are entirely city districts?

Mr. MADDOX. They already have free delivery. Now, I am frank to say that this amendment was drawn hastily, and I do not know whether my friend from California [Mr. LOUD] will allow us to consider it or not; but I think if he will withdraw the point of order that we could perfect it so that it would apply everywhere, as it ought to, equally.

Mr. LOUD. If the gentleman is appealing to me, I think it is bad and unwise legislation, and I think if it should be put upon the bill the gentleman himself, after mature deliberation, would admit that it was unwise. It would appear to the country that we had appropriated in this bill $1,750,000 and equally divided the plunder among the Congressional districts. If the Department can not be trusted to establish this service wisely, then it ought to be discontinued; but there can be no good argument that the Post-Office Department should be compelled to establish this service in a district where it would be impossible to establish it efficiently.

Mr. MADDOX. If what we have heard to-day is true, you must admit that they have not exercised that discretion wisely.

Mr. LOUD. Oh, I have heard a great many gentlemen complain of not having rural delivery in their districts, in most instances where there never has been any application from the people for the establishment of the service.

Mr. MADDOX. I have heard no such suggestion as that to-day. I have never heard of it. The general excuse is on account of bad roads. The gentleman from Tennessee [Mr. GAINES] does away with all that sort of business in his statement and shows that it is not a question of roads.

Mr. KLUTTZ. In some places it is and some it is not.

Mr. MADDOX. Yes, as my friend suggests, in some places it is and in some it is not. Now, I understand they have 83 of these rural free-delivery districts in Ohio, or had up to the 1st of December last, 1 in Texas, 4 in Georgia, 29 in New York, 11 in Massachusetts, 21 in South Carolina, and 1 in North Carolina. Do you mean to tell me that the Department has exercised that discretion wisely? That will not begin to do.

Mr. BROMWELL. In the two Cincinnati districts, which represent the country outside, as well as the city districts, half of the city being in each of the two districts, and half of Hamilton county outside of the city being in each of the two districts, we have not a single free rural delivery route, and have not asked for it, and do not want it.

Mr. MADDOX. Of course, if you do not want it, you ought not to have it.

Mr. BROMWELL. The gentleman spoke about 83 in Ohio. They are in some other part of Ohio.

Mr. MADDOX. I should think with 83 in Ohio you ought to wait a while until you let some of the balance of us catch up. That is what I am contending for. I do not want to have to go to this Department to see this officer, whoever he may be, and, as some gentleman has suggested here, be compelled to appeal and persist in order to get my rights.

Mr. TALBERT. Did not the gentleman appeal on the stump a good deal to his voters and promise what he would do?

Mr. MADDOX. And I got them, too; and I want to get them again.

Mr. TALBERT. The gentleman ought not to complain because others have been persistent enough to get them and he has not.

Mr. MADDOX. Now, if I may be permitted to go on, I will reply to that speech.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LOUD. Mr. Chairman——

The CHAIRMAN. The Chair is ready to rule on the point of order. The amendment of the gentleman from Georgia [Mr. MADDOX] proposes a limitation, not on the appropriation, but on the functions of the Post-Office Department. Under the existing law the Postmaster-General has a discretion to dispose of and apportion this free rural delivery system as he may think best serves the public interest. To adopt the amendment offered by the gentleman from Georgia would be to take away that discretion, and it is therefore obnoxious to the rule. The Chair sustains the point of order.

The Clerk will report the amendment offered by the gentleman from South Carolina [Mr. LATIMER].

Mr. LATIMER. I withdrew that amendment.

Mr. McRAE. I move to strike out the word "experimental." The gentleman in charge of this service said in his last report that it is no longer experimental, and that it had come to stay. Every member of this House knows that this appropriation of $1,750,000 is not made for experiments. It is for extending this service. Let us not make a false pretense here by calling it experimental. I believe that the use of this word is to keep these employees from coming under the civil service, and to enable those in authority to make political appointments throughout the country just before we begin a Presidential election. We should enact the proper legislation to make this service permanent or stop the expense.

Mr. CLARK of Missouri. If it is not an experiment, but is a system that has come to stay, then why not make an appropriation to carry this free rural delivery to everybody?

Mr. McRAE. That is what we ought to do. That is what I want done now, and this amendment is the first step in that direction.

Mr. CLARK of Missouri. What is the justice of making fish of one and fowl of the other?

Mr. McRAE. I heartily concur in every word that my friend from Missouri has said about it. As it is administered at present it is a system of favoritism. Some can get it and some can not, without regard to the conditions or demand for it; and this injustice must of necessity be continued as long as there is not money enough appropriated to make the service general.

I am in favor of the service if it is practicable to apply it to the whole country at a reasonable expense, and we are told that it is. I have asked that the box system be applied to star-route service in Arkansas when the contracts are let again, for the reason that I see but little hope of general rural free delivery there, as small appropriations are made for it.

Mr. BARTHOLDT. I raise the point of order. My point of order is that this section has been passed, and debate has been closed on it.

Mr. McRAE. Mr. Chairman, if it was passed, it is the fault of

the Chairman and not mine, for I was on my feet and addressed the Chair before the section had been passed.

Mr. LOUD. Mr. Chairman, I should have made that point of order myself, if I had not seen the gentleman was on his feet seeking recognition at the time we closed the reading of the last paragraph. I think the amendment is in order, and I want to appeal to the House one moment on the question of striking out this word "experimental." This question was discussed at great length——

Mr. McRAE. I did not understand what the gentleman from California said. Did he make a point of order against my amendment?

Mr. LOUD. I said in reply to the gentleman's point of order, that I should have made the point of order if the gentleman had not been on his feet. I claim that the gentleman was clearly in order. I want to appeal to the House one moment on this question. This question was discussed for a long time in the Post-Office Committee. Of course, the House may not recognize if the word "experimental" is striken out of this paragraph then all the employees will come within the classified civil service.

Some people may say "All right, that is a good and proper thing to do." Perhaps it is. But it is not a good and proper thing to do, Mr. Chairman and gentlemen, until you shall have perfected legislation to fit the case. That is, you must provide the salaries, and you must provide the officials, and the simple fact of striking out this word "experimental" would put this service in the classified service without any legislation to govern it; and I hope the House will not sustain the motion made by the gentleman from Arkansas.

Mr. MANN. May I ask the gentleman a question?

Mr. LOUD. Certainly.

Mr. MANN. How many rural free-delivery routes are there in existence?

Mr. LOUD. I have not the figures before me. I should say offhand some 1,750 or 1,800.

Mr. MANN. Can the gentleman, from his recollection, give us any idea of what proportion of the country is now served by rural free delivery?

Mr. LOUD. That I can not answer.

Mr. MANN. Is it a very small portion?

Mr. LOUD. Yes; it is a small portion as a whole. Of course, this service goes on gradually, according to the money that is appropriated. In many cases $400 may serve 1,500 people, and in another $500 may not serve more than 100 people.

Mr. MANN. Before the gentleman sits down, I would inquire of him in case we should strike out the word "experimental," and thereby determine that there should be proper service for all parts of the country, what would be the expense of furnishing rural free delivery to all communities throughout the country?

Mr. LOUD. I would not venture an opinion. I do not think that any person could express an intelligent opinion upon that question.

Mr. WM. ALDEN SMITH. Mr. Chairman, I hope that no amendment to this measure will be adopted that will embarrass the postal service. It seems to me that if there is anything that has been demonstrated to be of practical utility, it is the rural free mail delivery, and I do not want to see anything respecting the civil service, geographical divisions, or party politics mixed up with it. Let us give the best possible service we can to the largest number of people and vote whatever is necessary to that end. I am amazed at the statements contained in the report of the First Assistant Postmaster-General on the experimental rural service in Maryland.

I do not care where that service is performed; I do not care in what community it is tried; but I think that everybody who has read this report which was filed to-day must commend the results of the experiments in Carroll County. I hope a liberal appropriation will be made for its continuance, and believe that a liberal amount will be allowed for experimental service. I do not think any strictures can be justly made upon the administration of the Post-Office Department with reference to this branch of the public service or any other branch. It is the most popular branch of the Government and serving the most useful purpose. We ought to give the farmers of the country—and they are demanding it—the best possible mail facilities.

Every morning brings me some requests or petitions from my constituents to put this service into effect, and I hope there will be no legislation that will embarrass it in the slightest degree. I am anxious that it shall be done immediately in my district and State. Let it be put in practice wherever it may be best tried, and then, if it is admitted that it is a good thing for the whole country, let us establish it as a whole and liberally sustain it. The farmers demand very little for their special benefit, and what they ask should be granted.

Yesterday the chairman of the committee, in making some observations upon this bill, referred to the fact of the greatly increasing expenses of the Post-Office Department. I know the chairman of the committee is anxious to keep appropriations down. I think the vigilance that he has exercised must commend itself to every careful man. But, Mr. Chairman, the Post-Office Department is only expanding to the country's needs and necessities. I asked the Post-Office Department to-day to give me the earnings of the post-office at Grand Rapids, the city in which I live, covering the first quarters of 1898, 1899, and 1900.

In the first quarter of 1898 the receipts were $181,363.46; in the first quarter of 1899 they were $198,596.82; while in the first quarter of 1900 they were $228,898.95, showing a tremendous increase in the uses to which the post-office is being applied, and it is only in harmony with the growing commerce and prosperity of the country; and for one I hope to see liberal appropriations made for this branch of the public service for enough clerks to do the work and enough carriers to reach all classes of people, with salary enough to live decently and comfortably upon. The carrier goes in storm of winter and in the heat of summer. No day is too cold and none too hot for him to perform his task, and they should be properly compensated; a just appreciation demands it, and their necessities require it. It should be delayed no longer. The Post-Office is the great clearing house of the commerce of the country, and we should give the best postal facilities possible to all communities.

The reports show that the rural communities of the country have largely increased the use of the postal facilities. Under the rural free-delivery service I am sure that the farmers of the country will be brought into closer contact with the business world and will enjoy the new facilities thus afforded them of the daily mail and the periodical and newspaper at their own door. The new system contemplates the sale of stamps, registration of letters, and all the convenience of a modern post-office.

Mr. Chairman, I want to see wise liberality prevail in all branches of the Government. I do not believe it is time for cheese paring. I do believe it is time for prudence and conservatism, but we should keep up with the march of progress and with all the requirements of the time and maintain a mail service that will serve the people best and therefore the country best. [Applause.]

[Mr. McDOWELL addressed the committee. See Appendix.]

Mr. LOUD. Mr. Chairman, can we have a vote now?

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The question was taken, and the amendment was disagreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For stationery, for postal service, $55,000.

Mr. LOUD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 13, line 16, insert preceding the word "for" the words "supply division."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For postmarking, rating, and other stamps, and repairs to same, and ink and pads for stamping and canceling purposes, $30,000.

Mr. LOUD. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 13, line 22, after the word "postmarking," strike out the words "rating and other" and insert "and rating."

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. LACEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3539) authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate, the bill of the Senate numbered 1265, granting a pension to Elender Herring.

The message also announced that the Senate had passed without amendment House bill No. 9566, authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On April 18, 1900:

H. R. 65. An act to authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Charlottesville, Va.;

H. R. 2456. An act for the relief of the heirs and assignees of Philip McLoskey and John Hagan;

H. R. 4696. An act granting an increase of pension to Ruthven W. Houghton:

H. R. 963. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Greenbay, Wis.

On April 23, 1900:

H. R. 5435. An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof.

On April 23, 1900:

H. R. 1172. An act granting a pension to Rebecca J. Jones;

H. R. 1201. An act granting a pension to James McNutt;

H. R. 1946. An act granting a pension to Jane F. Chalmers;

H. R. 2170. An act granting a pension to Angeline Eyestone;

H. R. 3214. An act granting a pension to John S. Dukate;

H. R. 3454. An act granting a pension to Joseph E. Baldwin;

H. R. 3654. An act granting a pension to Calvin E. Myers;

H. R. 3941. An act granting a pension to Samuel B. Weeks;

H. R. 4089. An act granting a pension to Emily Burke;

H. R. 4562. An act granting a pension to Lois A. Fields;

H. R. 4657. An act granting a pension to Laura D. Portions;

H. R. 5170. An act granting a pension to Cyrus Johnson;

H. R. 6019. An act granting a pension to Mrs. Therese W. Hard;

H. R. 6089. An act granting a pension to Alfred T. Moreland;

H. R. 7264. An act granting a pension to Hannah C. Smith;

H. R. 8590. An act granting a pension to Ellen J. Williams;

H. R. 8605. An act granting a pension to Joseph Champlin Stone:

H. R. 625. An act granting an increase of pension to Wesley Reed;

H. R. 1147. An act granting an increase of pension to Luke H. Cooper;

H. R. 1677. An act granting an increase of pension to Missouri B. Ross;

H. R. 1681. An act granting an increase of pension to Isaac M. Locke;

H. R. 1768. An act granting an increase of pension to George J. Stealy;

H. R. 2303. An act granting an increase of pension to Lavinia M. Payne;

H. R. 3312. An act granting an increase of pension to Ellen V. Myer;

H. R. 3758. An act granting an increase of pension to Joshua Ricketts;

H. R. 3821. An act granting an increase of pension to Frances D. Best;

H. R. 3962. An act granting an increase of pension to Alanson C. Eberhart;

H. R. 4654. An act granting an increase of pension to Simon Van Der Vaart;

H. R. 4795. An act granting an increase of pension to John O'Conor;

H. R. 4836. An act granting an increase of pension to Wilbur F. Loveland;

H. R. 5134. An act granting an increase of pension to Joseph F. Allison;

H. R. 5171. An act granting an increase of pension to William R. Wallace;

H. R. 5961. An act granting an increase of pension to Charles A. Hausmann;

H. R. 6356. An act granting an increase of pension to Lewis R. Armstrong;

H. R. 6486. An act granting an increase of pension to Orange F. Berdan;

H. R. 6527. An act granting an increase of pension to George Myers;

H. R. 6731. An act granting an increase of pension to William F. Tait;

H. R. 6900. An act granting an increase of pension to Benjamin F. Kurtz;

H. R. 7323. An act granting an increase of pension to Harrison Canfield;

H. R. 7799. An act granting an increase of pension to Franklin M. Burdoin;

H. R. 8045. An act granting an increase of pension to Wilford Cooper;

H. R. 8339. An act granting an increase of pension to Charles H. Gates;

H. R. 8390. An act granting an increase of pension to Joshua Mitchell;

H. R. 8397. An act granting an increase of pension to John White;

H. R. 8466. An act to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia;"

H. R. 10449. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes; and

H. R. 6959. An act to extend the provisions of an act entitled "An act granting increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893.

On April 23, 1900:

H. J. Res. 235. Joint resolution authorizing the exhibit of Government relics at the New York Printing Exposition from May 2 to June 2, 1900; and

H. R. 8063. An act to legalize and maintain the iron bridge across Pearl River at Rockport, Miss.

[NOTE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For packing boxes, sawdust, paste, and hardware, $1,000.

Mr. GAINES. Mr. Chairman, I move to amend by striking out the last word. I want to say a word in reply to some remarks of my good friend from Georgia [Mr. MADDOX], who, I am sorry to see, is absent just now. He spoke about Representatives being compelled to go down to the rural-delivery department and "importune and beg and nag" the officials in order to have this service introduced. If that has been the gentleman's experience, it has not been mine.

I have never in my life met a public officer who was more pleasant or more responsive to everything that I asked than the gentleman in charge of this business. I have simply filed petitions with him asking the introduction of this system in four counties of the seven I represent. In one of those four counties the system has been adopted—not, however, until the Department had sent down there an agent to investigate as to the practicability of introducing the system there.

The officer in charge of this business has promised, as soon as practicable, to send down an agent and have a similar investigation made in regard to the other three counties; and he promises, if a favorable report should be made as to the practicability of the system, to introduce it there. I have never had to "nag" him. He has always treated me with great respect, and I have treated him in the same way.

He at no time has shown the least indisposition to respond to the prayer of my people for this service. If he had, I would have known why at once, and I am sure those who complain here to-day would receive like consideration under similar circumstances. I say all this, Mr. Chairman, in defense of this efficient officer, who has no voice in this body.

I withdraw my pro forma amendment.

The Clerk read as follows:

OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.

For inland mail transportation, namely: Inland transportation by star routes, including temporary service to newly established offices, $5,240,000: *Provided*, That hereafter the Postmaster-General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor.

Mr. STEPHENS of Texas. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "therefor," in line 25, page 14, insert the following:

"*Provided further*, That any person living on or near any star route who desires his mail deposited in a box on the line of the route by the carrier on said route may provide and erect a suitable box on the roadside, located in such manner as to be reached as conveniently as practicable by the carrier, and such person shall file with the postmaster at the post-office to which his mail is addressed (which shall be one of the two post-offices on the route on either side of and next to the box) a request in writing for the delivery of his mail to the carrier on the route for deposit in said mail box, at the risk of the addressee.

"That it shall be the duty of the postmaster at every such post-office, upon a written order from any person living on or near the star route, to deliver to the proper mail carrier for that route any mail matter, except registered mail, with instructions as to the proper mail box into which said mail matter shall be deposited; but no mail matter so delivered to a carrier for deposit shall be carried past another post-office on the route before being deposited in a mail box.

"That the carrier on the star route shall be required to receive from any postmaster on the route any mail matter that may be intrusted to him, outside of the usual mail bag, and shall carry such mail matter to and deposit it in the proper boxes placed on the line of the route for this purpose, such service by the carrier to be without charge to the addressees.

"That the mail carriers must be able to read and write the English language and be of sufficient intelligence to properly handle and deposit the mail for boxes along the routes.

"That every carrier of the mail shall receive any mail matter presented to him, if properly prepaid by stamps, and deliver the same for mailing at the next post-office at which he arrives, but that no fees shall be allowed him therefor.

"That the contract price shall cover all the extra service required of the carrier that is indicated herein."

Mr. LOUD. I make a point of order on this amendment. It is clearly new legislation.

Mr. STEPHENS of Texas. I hope the gentleman will not insist on that point of order. This amendment is simply a copy of an

order of the Postmaster-General that is now in operation in South Carolina, where it has been found to work well. The Postmaster-General has now authority under the law to extend this system wherever he desires, but I think we should provide in this bill that it be extended over the United States, instead of being applied only to individual States here and there.

The amendment provides for placing boxes at different points on any star route, so that people living several miles away from the post-office may have their mail matter delivered to or collected from these boxes. This will certainly be a great benefit in all the thinly settled portions of the country, and will be a great accommodation to thousands of people who now have to travel a great many miles to the regular post-office in order to receive or deliver their mail matter. The mail carrier will only have to stop a moment, unlock the box, drop his mail in, and take out the matter intended to be mailed, and carry it to the next post-office. In this manner the mail matter is delivered and received by the roadside. This will be a great accommodation to the people, and will expedite the carrying of the mails.

As I have stated, the amendment is in the exact language of an order now in effect in the State of South Carolina, where it has been found to work well. We want to extend this system over the entire West. In a great portion of that country it is impossible, on account of the sparseness of the population, to have the benefits of the free rural delivery. We ask you that in those sections of the country the people be allowed to place their own boxes by the roadside on any star route, and have their mail matter delivered to or collected from those boxes, the matter collected being carried to the next post-office.

Mr. BROMWELL. Would not the practical effect of this amendment be to convert every star route into a branch of the rural free-delivery system? And if such a provision should be enacted into law, would we not be obliged to revise the contract of every star-route contractor by reason of the additional trouble and expense which the system the gentleman proposes would involve? It strikes me that the proposition means practically the extension of rural free delivery to every star route in the country.

Mr. STEPHENS of Texas. The gentleman's view of the matter is correct; but that could be done at very small expense, and thereby people would be reached who could not be accommodated in any other way. As to the revision of the contracts of star-route contractors which the gentleman says would be rendered necessary, if this provision were made a part of our law the new contracts which may be entered into for star-route service could contain a provision for additional compensation. The contract price could be fixed with reference to this additional labor which would be imposed on the mail carrier. This additional labor would be very light. It would take but a moment for the carrier to drive up to the mail box, unlock, leave in it the mail which he was to deliver and take out the mail previously deposited for the purpose of being taken to the next post-office.

Mr. WILLIAMS of Mississippi. These boxes are placed at just the proper height to be easily accessible and convenient for a man in a wagon.

Mr. COX. Suppose he is riding a mule! [Laughter.]

Mr. LOUD. I want to say to the gentleman from Texas, in reply to what he has suggested, that I quite agree with him in some respects, although I am compelled to submit the point of order against the amendment. I think it might solve the question of the rural free delivery, but I do not believe in putting in this bill a measure that would compel the Post-Office Department practically to cancel every star-route contract and to establish this new service. I understand the Department intends and will, as they have the right to under existing law, establish such service wherever it is required or as it may be required.

Mr. STEPHENS of Texas. Then, Mr. Chairman, I would like to ask the gentleman from California a question: If the point of order is sustained, whether or not he will report favorably the bill which is before his committee?

Mr. LOUD. I do not think it necessary, Mr. Chairman. I think the service will come as fast as it is necessary to establish it, in the regular order of things, and will be put on by the Department as it may be required.

Mr. CLARK of Missouri. Do you think the Post-Office Department, with the authority which it now has by law, is able to require mail matter to be deposited and collected, as the amendment proposes it should be deposited and collected, by the carriers?

Mr. LOUD. I do not.

Mr. CLARK of Missouri. Then how could the work be done?

Mr. LOUD. My answer to the gentleman refers to the existing contracts. I think in submitting a new contract, or taking bids for new contracts, that provision might be inserted in them. It does not appear in existing contracts, and it could not very well be enforced in the present contracts. While the Department may possibly have the right to enforce such a regulation, it is manifest that they would be calling for additional service throughout the country.

Mr. LATIMER. That system is now in operation in some parts of North Carolina, and is satisfactory.

Mr. LOUD. I have no doubt of it; and, as I have suggested, it will doubtless be adopted generally after a while.

Mr. STEPHENS of Texas. I am entirely willing, Mr. Chairman, that an amendment shall be inserted upon my amendment that whenever a star-route contract is ended a succeeding contract shall contain this provision for the extra service contemplated.

Mr. LOUD. I am satisfied, Mr. Chairman, that the amendment is out of order, but that the work contemplated to be done will eventually be accomplished. I ask a ruling on the question of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CRAWFORD. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Amend by adding, after the word "dollars," in line 21 on page 14, the words:

"Of which sum $50,000 shall be used, under the direction of the Postmaster-General, in supplying temporary service to the newly established offices in cases where the establishment of star routes is contemplated."

Mr. LOUD. I must raise the question of order upon that.

Mr. CRAWFORD. I hope the gentleman will withhold the point of order for a moment and allow me to state the purpose of the amendment.

Mr. LOUD. Very well.

Mr. CRAWFORD. I desire to call the attention of the House to a very important branch of the postal service which is usually overlooked. It strikes me that this branch of the postal service has been more neglected than any other.

The object of the amendment, Mr. Chairman, is to segregate $50,000 from the general appropriation and specifically apply it for the purpose of extending the star-route service to the newly established post-offices. It contemplates the inauguration of this temporary service until the Postmaster-General can determine whether or not it is necessary to establish an office permanently in any particular community.

Now, I represent a district which has communities—rural communities—far beyond the line of the star-route service. I hope gentlemen will give me their attention for a moment. I am much interested in this matter, while gentlemen who are living in the great cities, the great centers of population, and have their free mail delivery six or eight times a day at their doors, and when that is not sufficient they have this pneumatic process—the air tubes, the pop-gun process [laughter]—by which they can, between times, get their mails, while we have to depend on a very different system. You are not interested as I am in this matter, because your wants are already fully supplied.

Under the general law the Postmaster-General can establish post-offices wherever, in his judgment, the public interest demands it. But there are communities, beyond the reach of the postal routes, which have no mail facilities whatever. Under the law the Postmaster-General can appropriate annually two-thirds of the salary allowed the postmaster of the new office for this particular service; but a new office in a small community is not as a rule a paying institution, and two-thirds of the entire compensation would not pay a man to carry the mails once a week even over the route to the supply office, and business interests can not afford to wait for the development of the enterprise.

This amendment seeks to give the Postmaster-General specific control of the $50,000, so that he may hire somebody to carry this mail until the experiment has been demonstrated; but you say, let the community pay for it. He pays two-thirds of the salary of the postmaster, which in no case can exceed 75 per cent of the cancellation of stamps at the new office, and perhaps will not amount to more than ten or fifteen dollars a year. Then it depends on the citizens of the community to take the money out of their pockets and pay somebody to carry the mail as an experiment.

I say that when this Government finds a community of people—twenty families, for instance, or ten families—that ought to demonstrate that they are entitled to the beneficent appropriations of Congress as well as other people. Supplying mail facilities is not a business in which the Government engages for the purpose of making a profit. You have reported here by the Postmaster-General a deficit for the present fiscal year of $6,610,000. Somebody has been benefited by it without paying anything in return.

Now, I hope this House will make it the duty of the Postmaster-General to use the $50,000 to pay for carrying the mail and not put the burden on the people. This amendment passed the House in the Fifty-third Congress; it went to the Senate, and as modified there it was so framed as to give the Postmaster-General the discretion to use it, but not a dollar has been used to this good day. I should like to have the chairman of the Committee on Post-Offices and Post-Roads accept this amendment and give these people this $50,000. It would be a great blessing. There was an unexpended balance of $95,000 last year covered back into the

public Treasury, not used, which had been appropriated to the star-route service.

Now, why not take that and pay some of it for this experiment? Business will not wait on experiments. The people who live out in those rural districts are patriotic citizens and deserve just treatment. They can not escape public burdens. They must pay taxes; they must work the public roads; they must render military duty when this great Government calls on them; so it is not fair or just to compel them to wait until they have demonstrated out of their private means whether the service should be established. The fact that they have located homes there is evidence to us that they need these facilities. They want to get into contact with the great, throbbing business world. Reading the newspapers and communicating with the outside world will advance civilization and elevate citizenship. Then the service will pay. If it does not, these people will at least be benefited.

I hope the chairman of the committee will accept this; and if not, I should like to have him state why he will not do it, instead of getting up here and exercising his prerogative by making a point of order. Anybody can do that without much effort. There is nothing strange or unusual about having brute force, but it is no credit to use it in the way that the brute uses it. I hope the gentleman will reserve his power.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAWFORD. I should like to have about five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to continue his remarks for five minutes. Is there objection?

There was no objection.

Mr. CRAWFORD. I am trying to induce the chairman of the committee to accept this amendment. He knows very well that in the Fifty-third Congress this same proposition was made, and he and I discussed it then, and it passed the House without his making the point of order. I certainly hope as the gentleman grows older he will grow better and more indulgent toward the people who live out in these back districts.

I ask the chairman of the committee if he will not accept it and allow the people out in the country districts to have this small consideration, since the money was not used this year? You have a surplus from that appropriation for this fiscal year. Let me say to the chairman of the committee that I had a conference with the Second Assistant Postmaster-General this morning, and he says that notwithstanding the wording of this amendment, he can not use a dollar of it as the law now provides and as this bill provides. I should like to ask the chairman of the committee if he will not accept this amendment?

Mr. LOUD. The gentleman pleads very hard; but if what the Second Assistant Postmaster-General says is true, what would it avail? He could not use it.

Mr. CRAWFORD. I say under the general law he can not use it unless it be segregated and set apart from the general appropriation.

Mr. LOUD. The gentleman must understand that the chairman of a committee is bound to protect his bill according to the wishes of his committee in the first place, and then, in the second place, you are seeking to enact a dangerous piece of legislation, because, if this amendment should pass, then you will place in the hands of the Post-Office Department the power to establish star-route service under such conditions and terms as they may choose to prescribe. If they wanted to give a friend $500 for carrying the mail once a year, they would be at liberty to do it under the gentleman's amendment. I regard the legislation as vicious. The present method has prevailed for more than sixty years, and the country has progressed under it.

Mr. CRAWFORD. I have more confidence in the Post-Office Department than the gentleman seems to have. There was a surplus from this appropriation, and it certainly can not invade the general appropriation so as to interfere with the efficiency of the star-route service generally. I am satisfied that the money would be used judiciously. The surplus from this item will be ample to meet this demand.

Mr. LOUD. The gentleman must not anticipate——

Mr. CRAWFORD. It is not an anticipation. There has been from year to year a surplus, as the gentleman will see if he will examine the citations. It is not anticipating; it is merely using a balance which has gone back into the public Treasury from year to year.

Mr. LOUD. Let me say to the gentleman that it is not a question of money. The sum of $50,000 on a bill that carries one hundred and fourteen or one hundred and fifteen million dollars is so insignificant that it is scarcely worth consideration, but it is the dangerous character of the legislation which makes it objectionable.

Mr. CRAWFORD. Yes, it is very dangerous when you undertake to benefit somebody away back in these back districts; you appropriate millions to facilitate the mails in the great centers. If star routes were established at once to every newly established post-office in the whole country, it would be a mere trifle in point of cost, and it ought to be done. No dangerous precedent would be established. One thousand five hundred and five offices were discontinued during the last year and mainly because of the lack of service.

Now, I do not think, Mr. Chairman, that it is subject to the point of order, because there is a general law providing for the Postmaster-General to employ service on these contemplated routes, and it is merely a segregation, a diversion, of an appropriation already made. It does not increase the appropriation. It certainly can not come as a point of order on account of an increase of an appropriation. There is an existing law for the appropriation, and I do not think the point of order is well taken by the gentleman from California. It is simply a limitation upon the appropriation, a diversion, and the general law provides for this service to supply those post-offices which have been newly established.

The CHAIRMAN. It is not a limitation upon the appropriation; it is a limitation upon the functions of the Post-Office Department. It takes away from the Postmaster-General that discretion that he now has and is therefore, in the opinion of the Chair, obnoxious to the point of order, and the Chair sustains the point of order.

The Clerk read as follows:

For transportation of mail by pneumatic tube, or other similar devices, by purchase or otherwise, $725,000.

Mr. LITTLE. I desire to raise the point of order against that paragraph, Mr. Chairman.

Mr. LOUD. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10301, and had come to no resolution thereon.

RETURN OF BILL TO SENATE.

The SPEAKER laid before the House the following request of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, *April 23, 1900.*

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3630) authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay.

ELENDER HERRING.

The SPEAKER also laid before the House the following concurrent resolution of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, *April 24, 1900.*

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill of the Senate numbered 1265, "granting a pension to Elender Herring."

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROSIUS, for two days, on account of important business.

To Mr. GILLETT of Massachusetts, for one week, on account of important business.

To Mr. FARIS, indefinitely, on account of important business.

To Mr. ROBERTS, from April 25 to May 2, on account of important business.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committeee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 4604. An act to amend the charter of the East Washington Heights Traction Railway Company; and

H. R. 9566. An act authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4051. An act to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky.;

S. 3924. An act to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss.; and

S. 3465. An act to provide an American register for the steamship *Garonne*.

WITHDRAWAL OF PAPERS.

Mr. ACHESON, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Taylor McFarland, Fifty-fifth Congress, no adverse report having been made thereon.

Mr. LOUD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Surgeon-General of the Marine-Hospital Service submitting an estimate of appropriation for maintaining the quarantine service in Porto Rico—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers submitting recommendations in relation to certain disallowances in the accounts of Maj. R. L. Hoxie—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a communication from the Light-House Board submitting an estimate of appropriation to reimburse George L. Long for losses of personal property—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3616) to authorize the payment of traveling allowances to enlisted men of the regular and volunteer forces when discharged by order of the Secretary of War and stated by him as entitled to travel pay, reported the same without amendment, accompanied by a report (No. 1115); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10505) to establish permanent camp grounds in the North, East, South, and West, and for other purposes, reported the same without amendment, accompanied by a report (No. 1116); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2499) to authorize needed repairs of the graveled or macadamized road from the city of Newbern, N. C., to the national cemetery near said city, reported the same without amendment, accompanied by a report (No. 1117); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 8) for the correction of muster of Adolph Von Haake, late major Sixty-eighth Regiment New York Veteran Volunteer Infantry, reported the same without amendment, accompanied by a report (No. 1118); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 28) to remove the charge of desertion from the military record of James H. Waters, reported the same without amendment, accompanied by a report (No. 1119); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10847) granting a pension to Betsey A. Summers; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HAMILTON: A bill (H. R. 10963) permitting the building of a dam across the St. Joseph River, near the village of Berrien Springs, Berrien County, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Arizona: A bill (H. R. 10967) to authorize the Arizona Water Company to construct power plant on Pima Indian Reservation in Maricopa County, Ariz.—to the Committee on Indian Affairs.

By Mr. WILSON of New York: A bill (H. R. 10968) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, in relation to certain express carriers—to the Committee on Ways and Means.

By Mr. CUMMINGS: A bill (H. R. 10994) to amend the law relating to copyright—to the Committee on Patents.

By Mr. COONEY: A joint resolution (H. J. Res. 242) to repeal the treaty between the Governments of the United States and Great Britain commonly called the Clayton-Bulwer treaty—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 10969) for the relief of Mrs. Jane W. Mason—to the Committee on Claims.

By Mr. BOUTELLE of Maine: A bill (H. R. 10970) granting pension to Dominicus J. Wardwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10971) granting increase of pension to Thomas Morang—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10972) granting increase of pension to Aaron W. Kelley—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 10973) for the relief of James K. Bowman—to the Committee on Pensions.

By Mr. CARMACK: A bill (H. R. 10974) for the relief of the estate of Richard Cox, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10975) for the relief of the Baptist Church at Bolivar, Hardeman County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10976) for the relief of Mrs. Ada G. Bankhead, Memphis, Tenn.—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 10977) granting an increase of pension to Almon Schellenger, late captain of Company K, Ninety-fifth Illinois Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 10978) granting an increase of pension to Gen. Augustus L. Chetlain—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 10979) granting a pension to W. D. Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10980) for the benefit of Peter Tribble—to the Committee on War Claims.

Also, a bill (H. R. 10981) for the benefit of John Wesley Eubanks—to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 10982) to grant a pension to Theresa Bonnaveau—to the Committee on Pensions.

By Mr. LIVINGSTON: A bill (H. R. 10983) to restore Charles H. Campbell to the Army and transfer him to the retired list—to the Committee on Military Affairs.

By Mr. McLAIN: A bill (H. R. 10984) for the relief of the estate of Isaac Jones, deceased, late of Adams County, Miss.—to the Committee on War Claims.

By Mr. NEVILLE: A bill (H. R. 10985) granting an increase of pension to Donald Smith—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 10986) for the relief of Mrs. Albertine Schoenecker, widow of the late Capt. John W. Schoenecker, Company C, Forty-fifth Regiment New York Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10987) for the relief of F. H. Driscoll—to the Committee on Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 10988) granting an increase of pension to Gilbert H. Putnam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10989) granting an increase of pension to William O. Warner, of Ann Arbor, Mich.—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 10990) authorizing the Secretary of the Interior to sell certain lands therein mentioned—to the Committee on the Public Lands.

By Mr. TATE: A bill (H. R. 10991) for the relief of Samuel Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10992) to correct the military record of John T. Fitzgerald—to the Committee on Military Affairs.

By Mr. ZIEGLER: A bill (H. R. 10993) to grant a pension to Samuel M. Pitzer, of Adams County, Pa.—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 10995) granting a pension to William Mitchell—to the Committee on Invalid Pensions.

By Mr. RIDGELY: A bill (H. R. 10996) for the relief of William C. O'Brien—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the Botanical Society of Pennsylvania, the Pennsylvania Mycological Society, and of the Drug Exchange of Philadelphia, Pa., urging the purchase of the Calaveras big trees of California by the Government and to set aside the grove as a national park—to the Committee on the Public Lands.

Also, resolution of the Trades League of Philadelphia, Pa., urging the immediate construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Philadelphia Board of Trade and the Trades League, of Philadelphia, Pa., favoring the passage of House bill No. 10035, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Starkweather Post, No. 60, of Monongahela City, Pa., to accompany House bill granting a pension to C. W. Hazzard—to the Committee on Invalid Pensions.

Also, resolutions of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., against bills to amend military records of soldiers of the civil war—to the Committee on Military Affairs.

Also, resolution of the Allegheny County (Pa.) Grand Army Association, for the passage of House bills Nos. 5018 and 5044, relating to Fredericksburg and Adjacent Battlefields Memorial Park in Virginia—to the Committee on Military Affairs.

By Mr. ALEXANDER: Petition of the Woman's Christian Temperance Union of Amherst, N. Y., asking for the passage of the anti-canteen bill and prohibiting the sale of liquors on premises used for military purposes—to the Committee on Military Affairs.

By Mr. BELLAMY: Petitions of citizens of New Hanover, and Pender, Onslow, and Duplin counties, N. C.; also resolutions of the Chamber of Commerce of Wilmington, N. C., to accompany House bill providing for the improvement of Shelter River—to the Committee on Rivers and Harbors.

By Mr. BOUTELLE of Maine: Papers to accompany House bill to increase the pension of Thomas Morang—to the Committee on Invalid Pensions.

Also, petition of B. H. Beale Post, No. 12, Department of Maine, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BROSIUS: Petition of citizens of Lancaster County, Pa., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. BROWNLOW: Petitions of McPherson Post, No. 4, of Kansas City, Mo.; Post No. 196, of Lawton, Mich.; Post No. 444, of Hannibal, N. Y.; Post No. 12, of Claremont, N. H., Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BULL: Views of Lieut. Commander C. P. Rees, United States Navy, on the effect of the passage of House bill No. 8002 upon officers now in the Navy—to the Committee on Naval Affairs.

By Mr. BUTLER: Resolution of the Presbytery of Chester, Pa., urging the passage of House bill prohibiting the sale of liquor in the Army and in Government buildings—to the Committee on Military Affairs.

Also, petition of Brookhaven Grange, No. 1173, Pennsylvania, in favor of rural free mail delivery, and other measures—to the Committee on the Post-Office and Post-Roads.

By Mr. CAPRON: Petition of the New England Anti-Vivisection Society, for the passage of House bill No. 1144, relating to the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, protest of the Union Veterans' Union, against the bill to confer the rank of major-general on the Adjutant-General of the Army—to the Committee on Military Affairs.

Also, petitions of the Young People's Christian Union of Rhode Island and of the congregation of Roger Williams Baptist Church, of Providence, R. I., urging the passage of House bill prohibiting the sale of liquor in Army canteens, Soldiers' Homes, or reservations used by the Government—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Petition of citizens of Broadhead, Wis., in favor of the Grout bill to increase the tax on oleomargarine—to the Committee on Agriculture.

Also, petitions of W. H. Miller, Edward Zahn, A. H. Harris, and others, Christian Endeavor, Presbyterian Church, and First Baptist Church, of Racine, Wis., against island saloons and canteens—to the Committee on the Territories.

By Mr. DALZELL: Petition of Charles R. Bright Post, No. 360, of Verona, Pa., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the Philadelphia Board of Trade and the Trades League of Philadelphia, Pa., favoring the enactment of House bill No. 10035, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Petition of O. W. Lowery and other citizens of Grand Junction, Iowa, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of Opedyke Post, No. 322, of Rockwell City, Iowa, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petitions of Frank Rand and other citizens of Duncan, S. Stenborg and others, of Radcliffe, Iowa, urging the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Ways and Means.

By Mr. GASTON: Petition of the Trades League of Philadelphia, Pa., urging the passage of a bill providing for the early construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Trades League of Philadelphia, Pa., indorsing House bill No. 10374, known as the Loud postal bill, and recommending the adoption of 1-cent local letter postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of Linesville (Pa.) Grange, in favor of extending free delivery of mail and certain other measures pending in Congress—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Woman's Christian Temperance Union of Waterford, Pa., and United Brethren Church of Union City, Pa., urging the passage of House bill prohibiting the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. GRAHAM: Resolutions of the Board of Trade, also of the Trades League, of Philadelphia, Pa., indorsing House bill No. 10374, increasing the postage on certain publications and favoring 1-cent local letter postage—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Trades League of Philadelphia, Pa., favoring the early construction, control, and ownership of the Nicaragua Canal by the United States Government—to the Committee on Interstate and Foreign Commerce.

By Mr. HALL: Petition of Samuel Shannon Post, No. 282, Department of Pennsylvania, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petitions of the Woman's Christian Temperance Union, First Congregational Church, and Free Methodist Church of Ridgway, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. HENRY of Connecticut: Petition of Lyme Grange, No. 147, of Hamburg, Conn., favoring the extension of rural free mail delivery, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Petition of Rev. S. W. Eaton and 86 other citizens, of Roscoe, and the Woman's Christian Temperance Union of Freeport, Ill., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 10334, to increase the pension of Nellie Powell Koehler—to the Committee on Pensions.

By Mr. JACK: Petition of the Methodist Episcopal Church, First Baptist Church, Presbyterian Church, of Kittanning, Pa.; First Baptist Church, United Presbyterian Church, First Presbyterian Church, and C. S. Whitworth Post, No. 89, all of Apollo, Pa., and Union of Churches of Big Run, Pa., and James O'Donald, of Kellersburg, Pa., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. LACEY: Protest of W. E. Davis, J. Brunk, and O. J. Devaney, committee of the Ottumwa, Iowa, Clerks Union, No. 87, against the passage of the Mondell desert-land bill, and favoring appropriation for geological surveys—to the Committee on the Public Lands.

By Mr. OLMSTED: Petition of J. Ezra Faltz and others, of Dauphin County, Pa., in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petitions of the Methodist Episcopal Church and Christain Endeavor Society of Duncannon, Pa., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. PAYNE: Petitions of Sodus Grange, No. 73; Willett Grange, No. 591, and Walworth Grange, No. 289, Patrons of Husbandry, of New York, in support of House bill No. 3717, to control the sale of imitation dairy products; also in favor of Senate bill No. 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. RIDGELY: Petition of the ladies of the Presbyterian Missionary Society of southeastern Kansas and southwestern Missouri, against saloons and Army canteens in our new insular possessions—to the Committee on Insular Affairs.

By Mr. SHOWALTER: Petitions of Post No. 561, of West Sunbury, Pa., and Post No. 557, of Clarkesville, Pa., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petitions of the Methodist Episcopal Churches of Sheakleyville, Greenville, and Jamestown, Pa., and United Presbyterian Church of Sharon, Pa.

By Mr. THAYER: Petitions of the Woman's Christian Temperance Union and First Congregational and Methodist Episcopal churches, of Leicester, Mass., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. WILSON of New York: Resolutions of the Trades League of Philadelphia, Pa., favoring House bill No. 10374, increasing the postage on certain publications and recommending 1-cent letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of South Carolina: Petition of druggists of Columbia, S. C., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. YOUNG: Resolutions of the Civil War Veterans' Association, Customs Service, Port of New York, asking favorable action on Senate bill No. 283 as amended, giving preference in appointments to honorably discharged soldiers, sailors, and marines who served in the civil war and in the Spanish and Philippine wars—to the Committee on Reform in the Civil Service.

Also, resolutions of the Philadelphia Board of Trade and the Trades League of Philadelphia, Pa., indorsing House bill No. 10374, known as the Loud postal bill, and recommending the adoption of 1-cent local letter postage—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Trades League of Philadelphia, Pa., favoring the early construction, control, and ownership of the Nicaragua Canal by the United States Government—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Drug Exchange of Philadelphia, Pa., urging the purchase of the Calaveras big trees of California by the Government and to set aside the grove as a national park—to the Committee on the Public Lands.

Also, resolutions of the Omaha (Nebr.) Commercial Club, in relation to the reclamation and settlement of arid lands, etc.—to the Committee on the Public Lands.

Also, petition of the New England Anti-Vivisection Society, urging the passage of House bill No. 1144, relating to the prevention of further cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, resolutions of the American Philosophical Society, of Philadelphia, Pa., urging the establishment of a national standards bureau—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the Central Labor Council of Cincinnati, Ohio, opposing the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of E. K. Tryon, jr., & Co., of Philadelphia, Pa., in relation to the hydrographic appropriation for Geological Survey—to the Committee on Appropriations.

By Mr. ZIEGLER: Papers to accompany House bill granting a pension to Samuel M. Pitzer, of Adams County, Pa.—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *April 25, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KENNEY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

REPORT OF INDUSTRIAL COMMISSION ON PRISON LABOR.

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Industrial Commission, transmitting the report of the commission on prison labor; which, with the accompanying paper, was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 3639) authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay.

The message also announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 1265) granting a pension to Elender Herring.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 9564) authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of sundry citizens of Hoisington, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, Soldiers' Homes, immigrant stations, and all Government buildings; which was referred to the Committee on Military Affairs.

He also presented a petition of the Young People's Christian Union of the Universalist Church of North Jay, Me., praying for the enactment of legislation to prohibit the sale of liquor in Alaska and Hawaii, and also to prohibit the importation of intoxicating liquors in Alaska and our new island possessions; which was ordered to lie on the table.

Mr. WARREN presented a petition of the Chamber of Commerce of St. Paul, Minn., praying that an increase in the appropriation be made for the United States Geological Survey for their hydrographic work to not less than $250,000 for the survey and platting of the irrigable lands and sources of water supply, and also for the preparation of plans and estimates of cost of the irrigation works necessary for their reclamation; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the Commercial Club of St. Paul, Minn., praying that all the remaining public lands be held for the benefit of the whole people and that no grants of title to any of these lands be given to any but actual settlers and home builders thereon, and also that an appropriation of not less than $250,000 be made for irrigation surveys and maps of irrigable public lands, with plans and estimates of cost of reservoirs, canals, and irrigation works necessary for their reclamation and for sinking experimental artesian wells; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. PLATT of New York presented petitions of Willet Grange, No. 591; Indian River Grange, No. 19; Pulaski Grange, No. 730; Orwell Grange No. 66; Sidney Grange, No. 729; Banner Grange, No. 539, and of West Leyden Grange, No. 620, all Patrons of Husbandry, in the State of New York, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Union League Club of Brooklyn, N. Y., and a petition of William H. Hubbell Command, No. 12, Spanish War Veterans, of Brooklyn, N. Y., praying for the enactment of legislation relative to the civil service and appointments thereunder; which were referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of Theresa Grange, No. 660, Patrons of Husbandry, of New York, praying for an extension of rural free mail delivery, for the establishment of postal savings banks, for the construction of the Nicaragua Canal, for the election of United States Senators by a popular vote of the people, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Webster, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any of the military possessions of the United States; which was referred to the Committee on Military Affairs.

He also presented the memorial of Wanda Travers and Ella Kaufman, representing the working women of New York City, remonstrating against the enactment of certain legislation for the protection of song birds; which was referred to the Committee on the Judiciary.

He also presented a petition of the National Association of Credit Men of the United States, praying for the enactment of legislation to establish a uniform system of bankruptcy throughout the United States; which was referred to the Committee on the Judiciary.

He also presented the petition of S. S. Hopper, of Coventry, N. Y., praying for an extension of the free rural mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 203, United Brotherhood of Carpenters and Joiners, of Poughkeepsie, N. Y., praying for the enactment of legislation increasing the appropriation for the support of the United States Geological Survey; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the Business Men's Association of Auburn, N. Y., praying for the passage of the so-called Loud bill, relating to second class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a resolution adopted by the senate of the State of New York, favoring an amendment of the war-revenue law relating to the stamp tax; which was referred to the Committee on Finance.

He also presented petitions of H. H. Upham & Co., of Isseks Brothers, of the Manhattan Strawboard Company, and of Rawson & Evans, all of the city of New York, praying for the enactment of legislation to establish another grade of letter carriers and to increase the salaries thereof; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Iron Moulders' Union, No. 274, of Binghamton; of Local Union No. 429, Cigar Makers' International Union, of Niagara Falls, and of Local Union No. 246, Cigar Makers' International Union, of Salamanca, all in the State of New York, remonstrating against the enactment of legislation increasing the tax on butterine, oleomargarine, and all kindred dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Willet Grange, No. 591; of Sidney Grange, No. 729; of Orwell Grange, No. 66; of Banner Grange, No. 539, and of West Seyden Grange, No. 620, all Patrons of Husbandry, in the State of New York, praying for the enactment of legislation to secure to the people of the country the advantages of State control of imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

Mr. MCENERY presented a memorial of the rice planters and sundry citizens of southwest Louisiana, remonstrating against the purchasing of rices from foreign countries by our Government; which was referred to the Committee on Finance.

Mr. LODGE presented a petition of the congregation of the Congregational Church of Sandwich, Mass., and a petition of the Florence Woman's Christian Temperance Union of Northampton, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange or canteen or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. NELSON presented a petition of Typographical Union, No. 42, of Minneapolis, Minn., praying for the Government ownership of the Pacific cable; which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Minnesota, praying for the establishment of a national park in that State; which were referred to the Committee on Indian Affairs.

Mr. VEST presented a petition of the Presbytery of St. Louis, Mo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. ALLEN presented a petition of Lodge No. 170, Brotherhood of Railroad Trainmen, of Lincoln, Nebr., praying for the enactment of legislation making railroad companies report the causes of all accidents; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Commercial Club of North Platte, Nebr., praying for an increase in the appropriation of the United States Geological Survey for their hydrographic work for the survey and platting of the irrigable lands, etc.; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the Woman's Christian Temperance Union of the First Methodist Episcopal Church of Spring Ranch, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and our new island possessions; which was referred to the Committee on Military Affairs.

Mr. SPOONER presented a petition of sundry citizens of Franklin, Wis., praying that the President be authorized to mediate in behalf of peace in the war between Great Britain and the South African Republic; which was referred to the Committee on Foreign Relations.

Mr. MCMILLAN presented a petition of the Detroit Dental Society, of Detroit, Mich., praying for the enactment of legislation to provide dental surgeons in the Army; which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Rollin, of the Woman's Christian Temperance Union of Adrian, of the congregations of the Presbyterian Church of Ishpeming, the Evangelical Mission Church of Ishpeming, of the Young People's Society of Christian Endeavor of the Swedish Mission Church of Ishpeming, and of the Young People's Society of Christian Endeavor of Ishpeming, all in the State of Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors on any premises used for military purposes by the Government; which were referred to the Committee on Military Affairs.

Mr. FORAKER presented the petition of John A. Bouvy and 9 other citizens of Cincinnati, Ohio, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of Jefferson Grange, No. 251, Patrons of Husbandry, of Ohio, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Jefferson Grange, No. 251, Patrons of Husbandry, of Ohio, praying for the enactment of legislation to secure the advantages of State control of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Wyoming, Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Wyoming, Ohio, praying for the enactment of legislation to prohibit gambling and the manufacture and sale of opium in our new island possessions and in the Territory of Alaska; which was ordered to lie on the table.

He also presented a petition of the Woman's Missionary Society of the Presbyterian Church of Wyoming, Ohio, praying for the enactment of legislation to prohibit gambling and the manufacture and sale of opium in our new island possessions; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Wyoming, Ohio, and a petition of the Presbyterian Missionary Society of Wyoming, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

WINYAH BAY, SOUTH CAROLINA.

Mr. TILLMAN. I present a paper, being an argument of the Board of Trade of Georgetown, S. C., before the Committee on River and Harbors of the House of Representatives in the Fifty-sixth Congress, showing the importance of making appropriations for the improvement of Winyah Bay, in that State, from its ocean entrance to the wharves at Georgetown, S. C., and the urgent necessity of placing that improvement on the continuous-contract system, insuring its economical and speedy finish. I move that the paper be printed as a document and referred to the Committee on Commerce.

The motion was agreed to.

AGRICULTURAL DEPARTMENT BUILDINGS.

Mr. GEAR. I present a letter addressed to me by the Secretary of Agriculture, relating to the rents for four separate buildings to accommodate the Bureau of Animal Industry, the Chemical Laboratory, the Division of Vegetable Pathology, and the Division of Soils, together with the pay for watchmen, firemen, and one engineer connected with these buildings. I move that the letter be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CARTER, from the Committee on Military Affairs, to whom was referred the bill (S. 3212) to grant certain land to the city of Miles City, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Public Lands, to whom was referred the bill (S. 1768) pertaining to and regulating certain additional fees to be allowed to registers and receivers of United States land offices, reported it with amendments, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on Foreign Relations, to whom was referred the bill (S. 4284) to authorize Capt. N. M. Brooks, Superintendent of Foreign Mails, Post-Office Department, to accept a decoration tendered to him by the Emperor of Germany, reported it without amendment.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the bill (S. 3734) to authorize Commander James M. Miller, United States Navy; Surg. Oliver D. Norton, United States Navy, and Mr. Edwin V. Morgan, formerly secretary of the Samoan Commission and now secretary of the legation of the United States at Seoul, Korea, to accept presents tendered to them by His Majesty the Emperor of Germany, reported it without amendment.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 4439) to authorize Hon. George D. Meiklejohn, Assistant Secretary of War, to accept a decoration tendered to him by the Government of Sweden and Norway; which was read twice by its title.

He also, from the same committee, reported an amendment proposing to appropriate $2,325 for repairs and improvements to legation buildings of the United State at Bangkok, Siam, and for care and preservation of same, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and

moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment proposing to appropriate $25,000 for the erection of a building for the use of the United States legation at Bangkok, Siam, and for improvement of grounds connected therewith, and for preservation and care of same, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2966) in regard to brevets in the Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2256) for the relief of John W. Gummo, reported it without amendment, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 2246) to correct the military record of Lake B. Morrison, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 8962) to authorize the New Orleans and Northwestern Railway Company, its successors and assigns, to build and maintain a bridge across Bayou Bartholomew, in the State of Louisiana; and

A bill (H. R. 10097) to authorize the Atlantic and Gulf Short Line Railroad Company to build, construct, and maintain railway bridges across the Ocmulgee and Oconee rivers within the boundary lines of Irwin, Wilcox, Telfair, and Montgomery counties, in the State of Georgia.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. DAVIS on the 20th instant, proposing to appropriate $1,750 for purposes of repairs and improvements to legation buildings for use of legation of the United States at Seoul, Korea, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. DEPEW, from the Committee on Claims, to whom was referred the bill (S. 272) for the relief of James E. Simpson, jr., Alfred H. Simpson, and Willie E. Simpson, surviving copartners of the firm of J. E. Simpson & Co., reported it with amendments, and submitted a report thereon.

Mr. McLAURIN, from the Committee on Claims, to whom was referred the bill (S. 2688) for the relief of Robert Adger and others, reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 3806) granting an honorable discharge to John W. Tiffany, reported it with an amendment, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 1876) granting an increase of pension to John J. Wilson, reported it with an amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 1923) for the relief of Henry Lane, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2300) for the relief of First Lieut. Benjamin J. Edger, jr., submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MONEY, from the Committee on Foreign Relations, to whom was referred the bill (S. 4283) authorizing P. A. Surg. William C. Braisted, United States Navy, and Luther C. Ellsworth, United States consul at Puerto Cabello, to accept decorations and orders tendered to them by the Government of Venezuela, reported it without amendment.

Mr. MARTIN, from the Committee on Claims, to whom was referred the amendment submitted by Mr. DANIEL on the 17th instant, directing the Secretary of the Treasury to resettle, readjust, and pay all claims of the States of New York, Pennsylvania, Delaware, Virginia, South Carolina, and the city of Baltimore for and on account of advances and expenditures made by said States and the city of Baltimore in the war of 1812, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BACON, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. DAVIS on the 20th instant, proposing to appropriate $25,000 for expenses of delegation of the United States to the proposed international conference of American States, to be held in the City of Mexico, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and be printed; which was agreed to.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 603) for the relief of Anna W. Osborne, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 740) for the relief of the Portland Company, of Portland, Me., submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. WARREN. I am directed by the Committee on Claims, to whom was referred the bill (S. 29) for the relief of Corinne Strickland, to report it adversely and to move its indefinite postponement, because a similar bill (S. 3473) for the relief of Corinne Strickland was reported by the Senator from Illinois [Mr. MASON] on the 18th instant.

The bill was postponed indefinitely.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. HAWLEY on the 14th instant, proposing to appropriate $200,000 for constructing an addition to the public building at Hartford, Conn., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill S. (3235) granting an increase of pension to Andrew Ferguson, of Louisville, Ky., reported it with an amendment to the title, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2831) granting an increase of pension to Adolph Cabbell, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3234) granting an increase of pension to Mary Yowell, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2830) granting a pension to Aslsie Bennett, reported it with amendments, and submitted a report thereon.

Mr. PLATT of New York, from the Committee on Naval Affairs, to whom was referred the bill (S. 2899) to remove the charge of desertion from the naval records now standing against John Glass, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, submitted a report to accompany the bill (H. R. 8582) making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901, heretofore reported by him.

ALBERT S. AUSTIN.

Mr. COCKRELL. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 3605) to correct the military record of Albert S. Austin, to recommend that it be indefinitely postponed, and to report a new bill for the same person.

The PRESIDENT pro tempore. The bill will be postponed indefinitely.

Mr. COCKRELL. I am directed by the Committee on Military Affairs to report a bill to correct the military record of Albert S. Austin.

This is a bill which has been pending for some time and the reports have been prepared for some time. It is a matter of great justice, and I ask unanimous consent for the present consideration of the bill. It is a very short one, and it will take only a moment.

The bill (S. 4324) to correct the military record of Albert S. Austin was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to review and revoke "General Court-Martial Orders, No. 9, Headquarters Army of the Potomac, April 1, 1864," approving the proceedings, finding, and sentence in the case of Albert S. Austin, captain and commissary of subsistence of volunteers, assigned to duty as chief commissary of subsistence, cavalry corps, with rank of lieutenant-colonel, and to disapprove the same, and to issue to him an honorable discharge as of date April 1, 1864.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATES OF ANN H. SHALER AND ELIZA LAWRENCE.

Mr. RAWLINS, from the Committee on Claims, to whom were referred the bill (S. 2975) for the relief of the heirs of Ann H. Shaler, of Campbell County, Ky., and the bill (S. 1136) for the relief of the estate of Eliza Lawrence, deceased, late of Shelby County, Tenn., reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 2975) entitled "A bill for the relief of the heirs of Ann H. Shaler, of Campbell County, Ky.," and the bill (S. 1136) entitled "A bill for the relief of the estate of Eliza Lawrence, deceased, late of Shelby

County, Tenn.," now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

FIELD OPERATIONS OF THE DIVISION OF SOILS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed from the stereotype plates now in the Government Printing Office an extra edition of 13,000 copies of Report No. 64 of the Department of Agriculture, entitled "Field Operations of the Division of Soils in 1899;" 2,000 copies for distribution by Members and Delegates of the House of Representatives; 1,000 copies for distribution by Senators, and 10,000 copies for distribution by the Secretary of Agriculture.

INVESTIGATION OF FOOD SUPPLIES FOR THE ARMY.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the Senator from Arkansas [Mr. JONES] on the 10th instant, to report it without amendment, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That there shall be printed for the use of Congress the usual number of copies of the "record of the court of inquiry, convened February 25, 1899, in accordance with the instructions of the President of February 3, 1899, to investigate certain allegations of the Major-General Commanding the Army in respect to the unfitness for issue of certain articles of food furnished by the Subsistence Department to the troops in the field during the recent operations in Cuba and Porto Rico," and that when the same is printed that the original record shall be returned to the War Department for file.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALLEN. Let it go over.

The PRESIDENT pro tempore. There is objection, and the resolution goes to the Calendar.

Mr. JONES of Arkansas subsequently said: The Senator from New York, from the Committee on Printing, a few moments ago reported a resolution favorably and asked for its consideration, to which there was objection made. I am sure that the objection was made from a misapprehension of what the resolution is. I ask that the resolution may be laid before the Senate again, with a view to its immediate consideration.

The PRESIDENT pro tempore. The Senator from Arkansas asks that the resolution reported by the Senator from New York from the Committee on Printing be again read.

The Secretary again read the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair calls the attention of the Senator from Nebraska [Mr. ALLEN].

Mr. ALLEN. I withdraw my objection.

The PRESIDENT pro tempore. There being no objection, will the Senate agree to the resolution?

The resolution was agreed to.

NOTES ON THE SPANISH-AMERICAN WAR.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. HALE March 28, 1900, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 4,500 copies of Notes on the Spanish-American War, Office of Naval Intelligence, Navy Department, with accompanying papers and documents, of which 1,500 copies shall be for the use of the Senate and 2,500 copies for the use of the House of Representatives and 500 copies for the use of the Navy Department.

NEW YORK PRINTING EXPOSITION.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 113) authorizing the exhibit of Government relics at the New York Printing Exposition from May 2 to June 2, 1900, to report it with an amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Printing was, in section 4, page 2, line 15, to strike out all after the word "authorized" and insert:

In his discretion to permit the removal for exhibit at said exposition of such articles now in the National Museum which are the property of the United States as may be of interest to the printing trade.

So as to make the joint resolution read:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to exhibit at the New York Printing Exposition, from May 2 to June 2, 1900, a geometrical scroll machine and such other articles now in the Bureau of Engraving and Printing as may be of interest to the printing trades; also "a picture of Governor William Allen, of Ohio, on a saw blade," now in the possession of the Secret Service Division of the Treasury Department; also copies of charts of Hell Gate, the Battery, and other New York City points, to be printed from original copperplates now in the possession of the Coast and Geodetic Survey, and such other articles in said bureaus as may be of interest to the printing trades.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and directed to exhibit at said exposition medical catalogues, old volumes, works in Russian and other foreign tongues, now in the possession of the Surgeon-General of the Army; also samples of work and manuscripts written on stumps, etc., by generals in the war of the rebellion, now in the possession of the Rebellion Records Division of the War Department, and such other articles as may be of interest to the printing trades.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized and directed to exhibit at said exposition such general exhibit of patents as may be of interest to the printing trades.

SEC. 4. That the Secretary of the Smithsonian Institution be, and he is hereby, authorized, in his discretion, to permit the removal for exhibit at said exposition of such articles now in the National Museum which are the property of the United States as may be of interest to the printing trade.

SEC. 5. That all expenses incurred in carrying out the provisions of this joint resolution shall be paid by the directors of the New York Printing Exposition, under such regulations as shall be adopted by the Secretary of the Treasury, the Secretary of War, the Secretary of the Interior, and the Secretary of the Smithsonian Institution.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF DENNIS O'DEA.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1565) for the relief of the estate of Dennis O'Dea, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 1565) entitled "A bill for the relief of the estate of Dennis O'Dea, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

ESTATE OF BENJAMIN D. CARPENTER AND OTHERS.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 2653) for the relief of the estate of Benjamin D. Carpenter, deceased;

A bill (S. 2940) for the relief of the estate of John Hebron, deceased;

A bill (S. 3195) for the relief of the estate of Sarah G. Smith, deceased;

A bill (S. 3228) for the relief of the estate of Louis Delatte;

A bill (S. 3592) for the relief of the estate of Susan H. Knight; deceased;

A bill (S. 3770) for the relief of Clement Calhoun, of Larue County, Ky., on the border of Nelson County, State of Kentucky, for supplies and stores taken from him by the military forces of the United States for their use during the war for the suppression of the rebellion;

A bill (S. 3872) for the relief of the estate of John Caruth, deceased;

A bill (S. 3969) for the relief of the estate of Mrs. Nancy Eddins, deceased;

A bill (S. 885) for the relief of Odile Deslende; and

A bill (S. 4131) for the relief of A. L. Dunlap—

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims represented by the following bills, to wit: S. 2653, 2940, 3195, 3228, 3592, 3770, 3872, 3969, 885, and 4131, for the relief of the estate of Benjamin D. Carpenter; for the relief of the estate of John Hebron; for the relief of the estate of Sarah G. Smith; for the relief of the estate of Louis Delatte; for the relief of the estate of Susan H. Knight; for the relief of Clement Calhoun, of Larue County, Ky.; for the relief of the estate of John Caruth; for the relief of the estate of Mrs. Nancy Eddins; for the relief of Odile Deslende, and for the relief of A. L. Dunlap, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

JAMES R. D. MORRISON.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 3147) for the relief of James R. D. Morrison, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 3147) entitled "An act for the relief of James R. D. Morrison," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. LODGE (by request) introduced a bill (S. 4325) to amend an act entitled "An act to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights," approved March 3, 1891; which was read twice by its title.

Mr. LODGE. This is a bill to which I am opposed. I introduce it by request. I move that it be referred to the Committee on Patents.

The motion was agreed to.

Mr. ALLEN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 4326) to remove the charge of desertion from the name of Frederick W. Joslin;

A bill (S. 4327) to remove the charge of desertion from the military record of Joseph P. Troyer;

A bill (S. 4328) for the relief of Peter Coyle; and

A bill (S. 4329) to correct the record of Heiskell Lofland.

Mr. ALLEN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4330) granting a pension to Roxie B. Salter;

A bill (S. 4331) granting an increase of pension to Isaac Hogoborne;

A bill (S. 4332) granting an increase of pension to Hiram T. Coffman;

A bill (S. 4333) granting an increase of pension to Deborah Perkins;

A bill (S. 4334) granting an increase of pension to Jerome B. Cassavant;

A bill (S. 4335) granting a pension to Charles B. Hart;

A bill (S. 4336) granting an increase of pension to William H. Norton; and

A bill (S. 4337) granting an increase of pension to Daniel B. Bailey (with an accompanying paper).

Mr. TILLMAN introduced a bill (S. 4338) for the erection of a public building at Georgetown, S. C.; which was read twice by its title.

Mr. TILLMAN. I present a memorial of the Board of Trade of Georgetown, S. C., to accompany the bill. I move that it be printed and referred, with the bill, to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. MORGAN (by request) introduced a bill (S. 4339) granting an increase of pension to George D. Hilton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 4340) to remove the charge of desertion from the military record of James L. Northcutt; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. TURNER introduced a bill (S. 4341) to provide for the refundment of certain moneys to the Republic of Mexico; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. SULLIVAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4342) for the relief of Smith Simmons, administrator of John Watrea, deceased;

A bill (S. 4343) for the relief of R. M. Lay, administrator of Henry Lay, deceased; and

A bill (S. 4344) for the relief of Joseph Harvey, administrator of Matilda Harvey, deceased.

Mr. SULLIVAN introduced a bill (S. 4345) to amend the charter of the Washington and Marlboro Electric Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4346) for the relief of the estate of Turner Merritt;

A bill (S. 4347) for the relief of François Muna Tauzin, Marie Amalia Tauzin, and Constance Sheppard (with an accompanying paper);

A bill (S. 4348) for the relief of the estate of William R. Wimbish;

A bill (S. 4349) for the relief of Adolph Hartiens;

A bill (S. 4350) for the relief of the estate of Robert M. Morrow, deceased;

A bill (S. 4351) for the relief of the estate of Valerie Breaux, deceased;

A bill (S. 4352) for the relief of the estate of J. R. Gayle, deceased;

A bill (S. 4353) for the relief of the estate of Pierre Jolivet, deceased;

A bill (S. 4354) for the relief of the estate of J. S. Douglass, deceased;

A bill (S. 4355) for the relief of the estate of John East, deceased;

A bill (S. 4356) for the relief of Mrs. Lucy Moore;

A bill (S. 4357) for the relief of Robert Bowmaker;

A bill (S. 4358) for the relief of the estate of Edward Sigur, deceased;

A bill (S. 4359) for the relief of the estate of François Breaux, deceased;

A bill (S. 4360) for the relief of the estate of J. B. Desire Landry, deceased;

A bill (S. 4361) for the relief of Mary A. Dennis, formerly McFarland;

A bill (S. 4362) for the relief of the estate of George E. Gillespie, deceased;

A bill (S. 4363) for the relief of the estate of Francis Menillon, deceased;

A bill (S. 4364) for the relief of the estate of Louis C. De Blanc, deceased;

A bill (S. 4365) for the relief of the estate of Henry Fassman, deceased;

A bill (S. 4366) for the relief of Washington West;

A bill (S. 4367) for the relief of Kate Gibbons;

A bill (S. 4368) for the relief of E. H. Flory;

A bill (S. 4369) for the relief of the estate of Louis Ursin, deceased;

A bill (S. 4370) for the relief of Felicite Monette;

A bill (S. 4371) for the relief of Leolede Le Blanc;

A bill (S. 4372) for the relief of the estate of John P. Walter;

A bill (S. 4373) for the relief of B. Glatt;

A bill (S. 4374) for the relief of the estate of Octave La Branche, deceased;

A bill (S. 4375) for the relief of Mrs. Victor Fabre;

A bill (S. 4376) for the relief of J. C. Mathiers;

A bill (S. 4377) for the relief of Henrietta Bauers;

A bill (S. 4378) for the relief of the estate of Valsin Vincent, deceased;

A bill (S. 4379) for the relief of Mary H. Anderson;

A bill (S. 4380) for the relief of Mrs. Frank Deslonds;

A bill (S. 4381) for the relief of Mrs. Sidonie de la Houssaye;

A bill (S. 4382) for the relief of the estate of Morty Lynch, deceased;

A bill (S. 4383) for the relief of Emile Honore;

A bill (S. 4384) for the relief of the estate of William Robert Buddendorff, deceased;

A bill (S. 4385) for the relief of Jules J. Broudreaux;

A bill (S. 4386) for the relief of T. B. Ulger Bourgue;

A bill (S. 4387) for the relief of Prospere Lopez;

A bill (S. 4388) for the relief of the estate of Jean Perre Landry, deceased;

A bill (S. 4389) for the relief of the estate of Dornville Fabre, deceased;

A bill (S. 4390) for the relief of the estate of Eliza A. Carradine, deceased;

A bill (S. 4391) for the relief of the estate of Mrs. Mary A. Meredith;

A bill (S. 4392) for the relief of the estate of Ozeme Viator, deceased;

A bill (S. 4393) for the relief of the estates of R. J. and Mrs. R. V. Packer, deceased;

A bill (S. 4394) for the relief of the estate of François Feray, deceased;

A bill (S. 4395) for the relief of Mrs. Celina Landry;

A bill (S. 4396) for the relief of the estate of Joseph Ursin Broussard, deceased;

A bill (S. 4397) for the relief of Charles T. Estlin, administrator of the estate of Robert Wilson Estlin;

A bill (S. 4398) for the relief of the estate of Henry J. Heard, deceased;

A bill (S. 4399) for the relief of Mrs. Dorcilie Rochon;

A bill (S. 4400) for the relief of the estate of Jean Louis Malvean, deceased;

A bill (S. 4401) for the relief of the estate of Jean Baptiste Malvean, deceased;

A bill (S. 4402) for the relief of the estate of Louis Malvean, deceased;

A bill (S. 4403) for the relief of James Rainey;

A bill (S. 4404) for the relief of the estate of Theodule Lattier, deceased;

A bill (S. 4405) for the relief of Stephen E. Beauchamp;

A bill (S. 4406) for the relief of the estate of Charles F. Gaule, deceased;

A bill (S. 4407) for the relief of the estate of Terence Chaler, deceased;

A bill (S. 4408) for the relief of Charlotte Foutenette;

A bill (S. 4409) for the relief of Eugenia and W. B. Duffy and John Elzey;

A bill (S. 4410) for the relief of Lessin Guidry;

A bill (S. 4411) for the relief of the estate of Francis E. Harding;

A bill (S. 4412) for the relief of L. C. M. McIntosh;

A bill (S. 4413) for the relief of the estate of Pierre Z. Doucet, deceased;

A bill (S. 4414) for the relief of the estate of John M. Tessier, deceased;

A bill (S. 4415) for the relief of Mrs. Emma L. Andrus;

A bill (S. 4416) for the relief of the estate of Francis Jean, deceased; and

A bill (S. 4417) for the relief of the estate of Mrs. Mary Morgan.

Mr. KENNEY introduced a bill (S. 4418) granting an increase of pension to Andrew J. Woodman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 4419) granting a pension to Samuel J., Christopher, and Jane Vickers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 4420) granting an increase of pension to James Irvine; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4421) granting an increase of pension to Albert Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WOLCOTT introduced a bill (S. 4422) granting a pension to George H. Root; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4423) granting an increase of pension to Willis J. Kendall; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4424) granting a pension to Simon D. Kohl; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 4425) to regulate the practice of homeopathic pharmacy in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4426) for the extension of V street NW.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4427) for the relief of George W. King; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4428) to incorporate the Washington Cooling Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SCOTT introduced a bill (S. 4429) granting a pension to Morgan Grimes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 4430) granting a pension to Adolphus Sterling; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4431) granting an increase of pension to James Irvine; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4432) to refer the claim of the owner of the brig *Robert and Mary* to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4433) for the relief of Ida M. Howell, Elizabeth Meagher, and Alberta H. Stephens; which was read twice by its title.

Mr. DEPEW. The bill involves some legal questions, and I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. WARREN introduced a bill (S. 4434) granting a pension to T. B. Hamilton; which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 4435) granting an increase of pension to W. C. Pollard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 4436) providing a means of acquiring title to two groves of Sequoia gigantea, in the State of California, with a view to making national parks thereof; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PETTIGREW introduced a bill (S. 4437) to ratify an agreement with the Yankton Sioux Indians of South Dakota, and making appropriation to carry the same into effect; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FORAKER introduced a bill (S. 4438) granting an increase of pension to D. P. Curry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY. I ask unanimous consent to call up a bill for consideration.

The PRESIDENT pro tempore. Will the Senator wait a few moments until the routine business is concluded?

Mr. McENERY. Certainly.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WOLCOTT submitted an amendment proposing to appropriate $15,731 to pay Robert J. Spottswood and the heirs of William C. McClellan, deceased, of Colorado, as additional compensation for transporting the United States mail from Morrison to Fairplay, and from Fairplay to Leadville, in the State of Colorado, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. BACON submitted an amendment directing the Secretary of the Interior to distribute to each place where circuit and district courts of the United States are held one complete set of Federal Cases and the digests of the Supreme Court reports, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. KENNEY submitted an amendment placing the cost of armor not to exceed the sum of $545 a ton of 2,240 pounds, including royalties, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CHANDLER submitted an amendment proposing to appropriate $45,000 for a railroad and rolling stock at the navy-yard, Portsmouth, N. H., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. TILLMAN submitted an amendment proposing to appropriate $55,000 for the construction of a building for equipment department at Port Royal, S. C., to be constructed under the Bureau of Equipment, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

SENATOR FROM MONTANA.

On motion of Mr. CHANDLER, it was

Ordered, That there be printed 3,000 extra copies of the report, without the testimony, of the Committee on Privileges and Elections in regard to the Montana Senatorial election; 2,000 copies for the use of the Senate and 1,000 copies for the use of said committee.

STATISTICS RELATIVE TO PUBLIC BUILDINGS.

Mr. TILLMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to send to the Senate a report showing by States the number, location, character, and aggregate cost of each of the public buildings already erected by the United States, and of each of the public buildings now authorized and under construction, with cost of same when completed, and also the cost of sites apart from cost of buildings in each case.

TERRITORY OF HAWAII.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 222) to provide a government for the Territory of Hawaii, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows:

Section 1, line 3, after the word "Hawaii," insert the words "in force."

Section 4, line 5, after the word "States," insert the words "resident in the Hawaiian Islands."

Section 4, line 6, strike out the words "in the Hawaiian Islands" and insert in lieu thereof the word "there."

Section 5, line 1, strike out all after the word "That" to and including the word "provided."

Section 5, line 2, after the word "Constitution," insert a comma; after the word "and" insert a comma and the words "except as herein otherwise provided;" after the word "States" insert the words "which are not."

Section 5, lines 2 and 3, strike out the word "applicable" and insert in lieu thereof the word "inapplicable."

Section 10, line 1, strike out the words "obligations, contracts."

Section 10, line 13, after the word "law," insert the words "No person shall be subject to imprisonment for nonpayment of taxes nor for debt."

Section 10, line 29, after the word "not," strike out the word "apply" and insert the words "modify or change the laws of the United States applicable."

Section 11, line 2, after the word "shall," insert the word "hereafter."

Section 18. Strike out the whole of said section and insert in lieu thereof the following:

"SEC. 18. No idiot or insane person, and no person who shall be expelled from the legislature for giving or receiving bribes or being accessory thereto, and no person who, in due course of law, shall have been convicted of any criminal offense punishable by imprisonment, whether with or without hard labor, for a term exceeding one year, whether with or without fine, shall register to vote or shall vote or hold any office in, or under, or by authority of the government, unless the person so convicted shall have been pardoned and restored to his civil rights."

Section 34, line 4, strike out the word "twenty-five" and insert in lieu thereof the word "thirty."

Section 37, line 1, after the word "vacancies," insert the words "in the office of representative."

Section 37, lines 2 and 3, strike out the words "general or."

Section 40, add at the end of said section the words "in the district from which he is selected."

Section 47, lines 3 and 4, strike out the word "chairman" and insert in lieu thereof the words "presiding officer."

Section 49, line 5, strike out the word "shall" and insert in lieu thereof the word "may."

Section 52, line 9, after the word "on," strike out the word "of;" also strike out the word "Hawaii" and insert in lieu thereof the words "the Territory of Hawaii."

Section 55, line 25, strike out the word "or," after the word "acquire," and insert in lieu thereof the word "and."

Section 55, line 37, after the word "allowed," strike out all to and including the word "allowed," in line 38, and insert in lieu thereof the words "nor shall spirituous intoxicating liquors be sold except under such regulations and restrictions as the Territorial legislature shall provide."

Section 55, lines 72 and 73, after the word "States," strike out all to the end of the section.

Section 60, strike out all of the fifth paragraph.

Section 60, line 16, strike out the word "Sixth," and insert in lieu thereof the word "Fifth."

Section 62, in the title of the section, after the word "Senators," insert the words "and in all other elections."

Section 64, lines 15 and 16, strike out all after the word "each," and in line 15 to and including the word "party," in line 16.

Section 73, line 5, strike out all after the word "provide" to and including the word "him," in line 17.

Section 73, line 17, after the word "that," insert "subject to the approval of the President."

Section 73, line 19, after the word "granted," strike out the words "in good faith."

Section 76, line 6, strike out all to and including the word "be," in line 7, and insert in lieu thereof "It shall be the duty of the United States Commissioner of Labor;" also, after the word "reports," in line 8, strike out all to and including the word "States," in line 9; also, after the word "Territory," in line 10, insert the words "of Hawaii;" also, in line 13, strike out the words "the legislature" and insert in lieu thereof the word "Congress;" also, strike out all after the word "to," in line 20, and insert in lieu thereof the word "Congress."

Section 80, in line 9, after the word "forestry," strike out the words "commissioner of labor."

Section 80, line 44, strike out all to the end of the section.

Section 82, line 2, after the word "and," strike out the words "not less than."

Section 85, line 6, strike out the words "house of representatives" and insert in lieu thereof the word "senate."

Section 86, line 1, strike out all after the word "that" to and including the word "States," in line 4, and insert in lieu thereof the following: "There shall be established in said Territory a district court to consist of one judge, who shall reside therein and be called the district judge."

Section 86, line 7, after the words "said district," insert the words "and said judge, attorney, and marshal shall hold office for six years unless sooner removed by the President."

Section 86, lines 7 and 8, strike out the words "The district court for the said district" and insert in lieu thereof the words "said court."

Section 86, line 10, after the word "court," insert the words "of the United States."

Section 86, line 11, after the word "court," insert the words "and said judge, district attorney, and marshal shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges, district attorneys, and marshals of district and circuit courts of the United States. Writs of error and appeals from said district courts shall be had and allowed to the circuit court of appeals in the Ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law, and the laws of the United States relating to juries and jury trials shall be applicable to said district court."

Section 92, line 4, after the word "dollars," strike out the word "and."

Section 92, line 6, after the word "and" insert the word "the;" after the word "justices" insert the words "of the supreme court," and after the word "each," in line 7, insert the words "and the judges of the circuit courts, $3,000 each."

Section 92, lines 9 and 10, strike out the words "Territory of Hawaii" and insert in lieu thereof the words "United States."

Section 92, line 11, after the word "thousand," insert the words "five hundred."

Section 92, line 12, strike out the word "two" and insert the word "three."

Section 96, line 9, after the word "in," strike out the word "a" and insert in lieu thereof the word "such."

Section 96, line 10, before the word "provided," insert the words "as may be."

Section 97, line 19, strike out all after the word "States" to the end of the section.

Section 98, line 2, strike out the words "permanent or temporary, on August 12," and insert in lieu thereof the words "on the 12th day of August."

Section 98, line 9, after the word "and," strike out all to and including the word "act," in line 10.

Section 98, lines 14 and 15, strike out all of said lines.

Section 99, line 3, after the word "on," insert the words "the 12th day of;" and in the same line, after the word "August," strike out the word "twelfth."

Section 101, line 12, strike out all after the word "certificates" to and including the word "acts," in line 22.

Section 104, line 1, after the word "effect," strike out the word "sixty" and insert in lieu thereof the word "forty-five."

Section 104, line 3, after the word "section," strike out the word "fifty-two" and insert in lieu thereof the word "fifty-three."

And the House agree to the same.

S. M. CULLOM,
C. D. CLARK,
JOHN T. MORGAN,
Managers on the part of the Senate.

W. S. KNOX,
R. R. HITT,
JOHN A. MOON,
Managers on the part of the House.

Mr. CULLOM. Substantially all of the report has been read twice before. Whether the rule requires that it shall be read in full again, I do not know. I can point out, if it is agreeable to the Senate, the exact changes that have been made by the last conference report, and it might save some time and some reading, if that course is satisfactory.

The Senate will remember that it was brought out in the discussion of the report some days ago that there was a provision which required that a person desiring to register and vote, should before a certain date, the 31st of March of the year, pay all his taxes, which was the provision in the bill as the conferees agreed to it.

During the discussion of that conference report it was found that two or three sections of the body of the laws which the commission and the committee had printed in the laws to be preserved contained a provision for imprisonment for the nonpayment of taxes or for debt. Therefore it was that the judgment of the Senate, as the Senate will remember, was manifestly against that provision and against the provision which required the payment of taxes before registration, and so, by the consent of the conferees, the report was disagreed to and sent back to the conferees of the two Houses.

The work of the last conference resulted in the striking out from the conference report of all the provisions requiring the payment of taxes before registration and also inserting a provision in the bill to the effect that no person shall be imprisoned for nonpayment of taxes or for debt.

Those two items are substantially the amendments as made by the last conference report. I will read them in the bill, so that there may be no mistake about them.

The provision which reads "That no person shall be subject to imprisonment for nonpayment of taxes nor for debt" was inserted by the conferees in section 10 of the bill referred to in the conference report. Then a provision, on page 26 of the reported bill, read as follows:

Fifth. Prior to such registration have paid on or before the 31st day of March next preceding the date of registration, all taxes due by him to the government.

That paragraph was stricken out entirely, and the other paragraphs renumbered. That provision being stricken out did away with the payment of taxes before registration and voting. Then the other provision in reference to imprisonment inserted in section 10 of the bill, that "no person shall be subject to imprisonment for nonpayment of taxes nor for debt," leaves the matter, so far as the payment of taxes is concerned, either before registration or at any other time, entirely out of the bill.

Mr. BACON. Now, I should like to ask the Senator, that having been done, what is the present requirement for the exercise of suffrage so as to show, as the bill remains, what is the change which has been stated by the Senator?

Mr. CULLOM. That provision was in the bill in connection with section 60, with reference to voting for representatives. I will read the whole paragraph:

SEC. 60. That in order to be qualified to vote for representatives a person shall—

First. Be a male citizen of the United States.

Second. Have resided in the Territory not less than one year preceding and in the representative district in which he offers to register not less than three months immediately preceding the time at which he offers to register.

Third. Have attained the age of 21 years.

Fourth. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for representatives for his district.

Fifth. Prior to such registration have paid a poll tax of $1 for the current year, due by him to the government.

That was stricken out; and the conferees inserted in place of it the provision that was in the bill as it was passed by the Senate. I can not put my eye on the provision inserted in the bill by the Senate at the moment, but the whole provision was stricken out requiring taxes to be paid before registration.

Mr. BACON. Even the poll tax?

Mr. CULLOM. Even the poll tax; and then the other provision in reference to imprisonment was put in in section 10.

That no person shall be subject to imprisonment for nonpayment of taxes nor for debt.

Mr. JONES of Arkansas. So that, if the conference report is adopted, there will be no requirement for the payment of any tax whatever as a prerequisite to the right to vote?

Mr. CULLOM. None whatever.

Mr. JONES of Arkansas. And there is no imprisonment for debt or nonpayment of taxes?

Mr. CULLOM. Not a word. The only other provision that the last conference committee made to the bill was to change the paragraph on page 9 of the conference report of the bill. I will read the paragraph as it stood with the amendment made before the last conference. The provision read:

Provided further, That the provisions of this section shall not apply to merchant seamen.

The conference committee changed that provision so as to read as follows:

Provided further, That the provisions of this section shall not modify or change the laws of the United States applicable to merchant seamen.

So as to extend the laws of the United States over those islands.

Mr. BACON. Now, as I understand from the statement of the Senator, all citizens of the United States and of the republic of Hawaii are authorized to exercise the elective franchise, and that according to the constitution of Hawaii all bona fide inhabitants——

Mr. CULLOM. Were made citizens when the republic was established.

Mr. BACON. Yes; all who were on the 12th day of August, 1898—the day fixed—then citizens of the republic of Hawaii now have the right to vote.

Mr. CULLOM. That is the provision in the bill.

The PRESIDENT pro tempore. Will the Senate agree to the report of the conference committee?

Mr. TILLMAN. There was a provision in the conference report in regard to the limiting of the appointment of the governor, the judges, and all Territorial officers to citizens of the Territory of Hawaii.

Mr. CULLOM. The bill remains exactly as it was when it was previously before the Senate on the question of citizenship. The bill originally provided that the officers should only be required to be residents of Hawaii. The House amended it so as to make all officers appointed by the President to be citizens of the Territory. The House conferees, I may be allowed to state, said that they could not yield that; that if they did, there would probably be

but two votes for the conference report, one of the conferees stating that he could not vote for it himself. Therefore the Senate conferees finally yielded on that question.

Mr. TILLMAN. I want the Senate to understand that we are making a difference in this Territory from any other Territory, by which the President is limited in the appointment of these important officers to residents or citizens of Hawaii, whereas he can send into Arizona or New Mexico or Oklahoma or Alaska a citizen from outside. I never could see the reason why this special favoritism should be given to the Hawaiians; but if the Senate is to support the conference report and the bill is to become a law with that provision in it I shall not resist it.

Mr. CULLOM. The Senator knows there has been a good deal of controversy upon the question whether the offices in a Territory should not be filled by persons living in the Territory.

Mr. TILLMAN. The only trouble is that we have just passed a bill for Porto Rico, in which we expressly provided for a large number of American citizens of this country to go down there to administer that government. I can not see why there should be this difference in the treatment of the two islands.

Mr. CULLOM. Mr. President, I do not know so much about the Porto Ricans as I do about the Hawaiians.

Mr. FORAKER. If the Senator will allow me——

Mr. CULLOM. In one moment. I merely want to say that I am not as familiar with the people of Porto Rico as I am with the people of Hawaii and with the qualifications of the men of those islands. I apprehend, however, there is considerable difference between the qualifications of a great many of the people in the Hawaiian Islands and those in Porto Rico. That may be the reason for dealing with one in one way and with the other in another. It certainly, in my judgment, is not a reason why this conference report should be rejected, because I am satisfied the President can find just as good men in Hawaii as he can anywhere else; and if he finds that he can not, we can change this law later on.

Mr. TILLMAN. I am equally satisfied we can find just as good men in Porto Rico to run affairs in Porto Rico as we can find in the United States to send there to run them, but in view of my irrepressible and inherited objection to carpetbagism, I fought that idea in regard to Porto Rico, and I am glad to see that the gentlemen in charge of this proposition do not propose to have any carpetbaggers in Hawaii.

Mr. FORAKER. I understood the Senator from South Carolina [Mr. TILLMAN] to say we have just passed a bill in regard to Porto Rico requiring that appointees be made from citizens of the United States.

Mr. TILLMAN. No, sir; I did not. But I said you did not protect the people of Porto Rico against the imposition upon them of appointees from here, as you do with the Hawaiians.

Mr. FORAKER. In so far as there is any provision at all on that subject that that could have reference to, it is that not less than so many shall be appointed from Porto Rico. All may be appointed from Porto Rico if the President sees fit.

Mr. TILLMAN. But the very fact that you make the limitation indicates that you expect the other thing to happen; and it has happened and will continue to happen.

Mr. FORAKER. Possibly it may happen; but it does not necessarily so follow. The President is at liberty to make all his appointments from the citizens of Porto Rico if he so desires, but I apprehend he will make some appointments from among the people of the United States.

Mr. PLATT of Connecticut. I will ask the Senator from Illinois if he will not read that clause with reference to the appointment of citizens to office as it will stand in the bill, if it is no trouble to him to do so.

Mr. CULLOM. It occurs in two or three places. For instance, in the clause providing for the appointment of a governor, the language is:

> He shall not be less than 35 years of age; shall be a citizen of the Territory of Hawaii; shall be commander in chief of the militia thereof, etc.

There is a similar provision as to citizenship in reference to the secretary of state and the supreme and circuit judges of the Territory; but it does not apply to the Federal judge, the marshal, or the district attorney.

Mr. PLATT of Connecticut. By whom are the other officers to be confirmed—the Senate of the United States?

Mr. CULLOM. The President appoints the governor, the supreme judges, and the circuit judges. They are all nominated by the President and confirmed by the Senate.

Mr. PLATT of Connecticut. Of the United States?

Mr. CULLOM. Of the United States.

Mr. PLATT of Connecticut. Mr. President, I know it is useless to attempt in the Senate to defeat this conference report on account of these provisions which have been assented to by the conferees, but I wish to enter my protest against that portion of the report which takes away from the President of the United States the right to appoint officers from the entire United States, excepting Hawaii, if that be in the United States, as I suppose it is brought in by this bill.

Mr. CULLOM. It will certainly be in the United States when this bill becomes a law, if language in a statute can bring it in.

Mr. PLATT of Connecticut. I think it is a question open to very serious constitutional doubt. I remember to have heard an argument made by a former colleague of the Senator, Senator Palmer, upon the subject of the right of Congress to limit the power of the President to appoint officers. It made a very great impression upon me, and from that time I have doubted whether it was in the power of Congress so to limit the President in his appointing power.

But whether that be so or not, I believe it extremely bad policy in every way in which it can be viewed. It does not at all answer the objections to it to say that there are good men in Hawaii to fill the offices. I have no doubt that is true; but there are good men elsewhere. There can be no reason in our system of government for excluding from the right to appointment in a Territory by the President all the people of the United States except those who live in the Territory.

As I have said, I have no idea that I can defeat this conference report, but I am not willing that this portion of it shall go without my earnest protest.

Mr. PETTIGREW. Mr. President, I have always believed that the officers of the Territories should be selected from the citizens thereof, but there is certainly less reason why this rule should apply to Hawaii than to any other Territory of the United States. There is there an exceedingly small group of people to select from, a very few Americans or people of American descent, and none have gone to Hawaii to make it their home since the annexation of that country. But, on the contrary, there has been added to the population over 30,000 contract laborers.

The group of Americans in Hawaii number about 3,000 people of American descent. Of that number about 2,000 are males of all ages, and from this group are to be selected the officers of that Territory. These are the men who have enacted contract or slave labor laws for Hawaii. These are the men who, in establishing the republic, limited the suffrage to people who are large property owners, and thus reduced the number of people who could vote under the monarchy from 14,000 to about 2,600. These are the men who enacted a law that if a man did not pay his taxes he could be imprisoned at hard labor until he earned enough at 50 cents a day to pay the indebtedness, and from this group of men are to be selected the officers of that Territory.

For judges we are to select from the two lawyers of Hawaii. Those lawyers, who are now on the bench and who under this law will be continued as the judicial officers of that Territory, are the men who decided that a contract for slave labor was a civil contract, and that for breach of that contract by one of the victims he could be imprisoned for life if he would not consent to go back and perform the slave service under the provisions of his contract, and that the Constitution of the United States was not in force in Hawaii. An exception is made, then, for the purpose of perpetuating, of continuing in office the men who have done these things. That is all I care to say about that branch of the subject.

But there is another provision in this conference report to which I object, and that is the provision giving an American registry to four ships.

Mr. CULLOM. Five ships.

Mr. PETTIGREW. Well, five ships. Before Hawaii was annexed several vessels were admitted to Hawaiian registry because the owners of the vessels believed that the islands would be annexed and that they would then obtain an American register. When we annexed the islands there is no doubt those vessels received an American register. But after we annexed the islands they continued the practice of issuing Hawaiian registers, and they issued registers to seven vessels. This was an unlawful act. There was no authority for it; they had no right to do it. Complaint was made to the President of the United States, and the practice ceased, although nine other vessels had applied for Hawaiian registers. The Attorney-General of the United States decided that it was unlawful to issue these registers; that it could not be done, and therefore the President issued orders that the laws of Hawaii should be suspended, and no more registers be granted.

In view of the fact that the Constitution of the United States and the laws of the United States will only apply to Hawaii after this bill becomes a law and goes into effect, which will be forty-five days from now, I wonder where the President got his authority to legislate for Hawaii and to repeal the laws of Hawaii? Certainly not under the provision that he shall execute the laws of the United States or the Constitution of the United States. If the theory of the imperialists in this body is correct, he did not get it under the war-making power, for we did not conquer Hawaii; we bought it; we annexed it; we absorbed it under an agreement not ratified or consented to by the people of Hawaii, but under an agreement made with those men who, with the assistance of our naval force, had overthrown the lawful government of Hawaii.

I ask, where does the President get his authority to issue an

order to the authorities of Hawaii not to issue any more American registers? It was done simply because the shipbuilders of the United States did not want competition. If he could do that, however, if there was any warrant of law or any authority from any source which authorized him to do that, he could equally as well have ordered that they should stop importing slave labor, but that he did not see fit to do. The property interests of the United States were the special interests which the President wished to guard and not the labor of the United States. Consequently after our flag went up there were imported into Hawaii 37,000 contract laborers, who were bound to perform service under taskmasters who could decide whether they were sick or well enough to work during a certain number of years. These men can now come to the United States from Hawaii.

The President did not see fit to protect the labor of the United States against this importation of contract laborers, but he did see fit to stop the registration of Hawaiian ships. Of course, Hawaii is a part of the United States under the provisions of this law, and these 37,000 Asiatic laborers can now come, without any hindrance whatever, to the United States, for under the provisions of this bill their contracts are declared null and void, and the United States is authorized to at once notify them of the termination of their contracts. So I see no reason why large numbers of these men shall not immediately come to our shores to compete with the laborers of this country.

This doctrine of imperialism, Mr. President, it seems to me, must drive the Republican party to the abandonment of the doctrine of protection. It practically has done it. That party must choose between their imperial colonies, which they govern against the will of the people of those countries, and the protection by law of the American laborer. The effort to do both will be a failure.

The feeble pretense in the case of Porto Rico will deceive nobody. Fifteen per cent of the Dingley duties is not a protection, and the importation of slave laborers is certainly not a measure of protection to the laborers of the United States. Of course I know the conference report will be adopted. We have eliminated from the bill many of its most pernicious features as presented here by the Committee on Foreign Relations. The bill as it came to us provided for a large property qualification in order to vote; it provided for the enslavement of men who did not pay their taxes, for imprisonment at hard labor, and, in my opinion, provided for the continuation of the labor contract system in that Territory. I think those objectionable features have been eliminated, and therefore the bill is much better than it was as it was first presented to us.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the report of the conference committee?

The report was agreed to.

SENATOR FROM WEST VIRGINIA.

Mr. PROCTOR. Mr. President, is the morning business concluded?

The PRESIDENT pro tempore. The morning business is concluded, and the Calendar under Rule VIII is in order.

Mr. PROCTOR. I ask that the agricultural appropriation bill, being House bill 10538, be now taken up.

Mr. MCCOMAS. I will ask the Senator to yield to me that I may call up the resolution which affects the seat of the junior Senator from West Virginia [Mr. SCOTT], which, I think, will not take very long. It is the report of all the Committee on Privileges and Elections except one member of the committee.

The PRESIDENT pro tempore. The Senator from Maryland moves that the Senate proceed to the consideration of resolution No. 213.

The motion was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution reported by the Senator from Maryland [Mr. MCCOMAS] from the Committee on Privileges and Elections, which will be read.

Mr. PETTIGREW. I should like to ask if the debate on the resolution is to be limited as to time?

The PRESIDENT pro tempore. It is not.

Mr. PETTIGREW. That is, the five-minute rule does not apply?

The PRESIDENT pro tempore. It does not apply. The resolution has been taken up on motion, and is a privileged question. The resolution will be read.

The Secretary read the resolution reported by Mr. MCCOMAS from the Committee on Privileges and Elections March 13, 1900, as follows:

Resolved, That NATHAN B. SCOTT has been duly elected a Senator from the State of West Virginia, for the term of six years, commencing on the 4th day of March, 1899, and that he is entitled to a seat in the Senate as such Senator.

Mr. MCCOMAS. Mr. President, the certificate of the junior Senator from West Virginia was in due form, and he was seated. Certain remonstrants protested that he is not entitled to retain his seat.

These memorials came in for decision by the committee upon the proceedings in the journals, agreed facts, and admissions of counsel.

It is true the remonstrants offered to prove declarations of a couple of State officials, of several members of the assembly, and of attorneys before committees, and certain acts of little significance detailed in certain ex parte depositions, or rather printed copies of them.

The committee was almost unanimous in the opinion that there was no proffer of evidence of frauds or intimidation to warrant any investigation of these vague and unimportant matters. I will briefly state the case made before the committee, confining myself to undisputed facts:

On January 24, 1899, the houses voted separately for Senator.

On January 25, 1899, both houses met in joint assembly. Ninety-five votes were cast. Mr. SCOTT received 48 votes, Mr. McGraw 46 votes, and Mr. Goff 1 vote. Mr. SCOTT received a clear majority of the votes cast, and was declared duly elected Senator, and the convention adjourned.

A quorum of the joint assembly, or quorum of each house, was present and voted. The proceedings were regular, and Mr. SCOTT was elected unless some or all of the objections I now recite invalidate his election.

1. The first objection assigned by the remonstrants is that there were 97 votes constituting the joint assembly, that 49 votes was a majority; but Mr. SCOTT received only 48 votes.

But the journal shows 25 senators and 70 members present and voting. The total was 95, and Mr. SCOTT received 48 votes, a majority of the votes cast. It is true that by the apportionment of West Virginia the senate contained one more and the house one more member.

Prima facie, from the journal, these seats were vacant or these members were not present. They did not, if present, vote, or claim the right to vote. Mr. SCOTT'S majority was a valid majority.

As was said in Lapham and Miller (Senate Election Cases, page 602):

> The ground alleged is that there was not a majority of the whole legislature actually voting for the members chosen. In our opinion that is not necessary. There was a quorum of each house present in the joint assembly; there was a majority of that quorum actually voting for the members chosen. In our opinion that was a valid election.

See also Clark and Maginnis *vs.* Sanders and Power (Senate Election Cases, 637); Davidson *vs.* Call (Senate Election Cases, 711).

The journals of the senate and house explain the nonparticipation of the senator from the Fourth senatorial district and the member of the house of delegates from Taylor County.

On January 20, 1899 (Senate Journal, page 66), a resolution was introduced in the senate declaring that Kidd, the sitting member, was not elected and that Morris was duly elected, directing that Kidd vacate his seat and Morris be sworn in.

On January 23, 1899 (Senate Journal, 91-94), this resolution was considered and a substitute was adopted reciting the contest between Kidd and Morris, the reference to and pendency of the contest before the committee on privileges and elections, and the opinion of the senate that Morris was entitled to the seat pending the contest, wherefore the senate resolved that Kidd was not entitled and that Morris was entitled to a seat in the senate from the Fourth senatorial district pending the contest, and that Morris be sworn in. Morris took the oath and was seated.

On January 25, 1899 (Senate Journal, page 1081), the senate adopted a resolution that the contested-election case of Morris *vs.* Kidd be the special order for February 7, 1899, with leave to either party to take testimony, and "that pending the determination of such contest neither Morris nor Kidd should be entitled to vote or sit as a member of this body."

The journal of the house shows that in the contest of Dent for the seat of Brohard a like course was pursued, and a resolution was passed that pending the decision neither Dent nor Brohard "be permitted to participate in the proceedings of this house." The judgment of the senate was a finality in respect of Morris *vs.* Kidd. The judgment of the house was a finality in respect of Dent *vs.* Brohard. Each house, by the constitution of West Virginia, is made "the judge of the election, returns, and qualifications of its members." Therefore on January 25 only 95 members had the right to participate and vote in the joint assembly. Of these Mr. SCOTT received 48, a majority. Therefore the first objection is unfounded.

2. The second objection is that Senators Getzendanner and Pearson, who voted for Mr. SCOTT, had forfeited their seats by accepting commissions in the regiment of State volunteers in the service of the United States during the Spanish war.

These two members were "hold-over" senators who between the session of the last legislature and the assembling of the new legislature in 1899 had accepted, had served under, and had resigned their commissions prior to the meeting of the legislature.

It appears by the journal of the joint assembly that Senators Getzendanner and Pearson were present therein and voted for Mr. SCOTT.

The constitutional provision is that—

No person holding a lucrative office under this State, the United States, or any foreign office * * * shall be eligible to a seat in the legislature.

On January 20, 1899, resolutions were offered in the senate declaring that by virtue of this constitutional provision and the acceptance of said commissions each of these senators "thereby became ineligible and forfeited his right to a seat in this body." These resolutions were referred to the committee on privileges and elections, and on January 23, 1899, that committee reported in lieu of said resolutions a substitute declaring that Getzendanner and Pearson are legally qualified and entitled to hold their membership in the senate, and have not vacated their seats therein under the provisions of section 13 of article 3. The senate adopted the substitute on January 24, 1899.

This judgment of the senate of West Virginia upon the title of Senators Getzendanner and Pearson to their seats therein is a finality. The Senate of the United States can not reverse it. As before said, the State senate is, under the State constitution, "the judge of the elections, returns, and qualifications of its own members." Such constitutional powers have effect, not only to make the members of each house the judge in each case, but also to forbid that the members of any other tribunal shall be judges thereof to review or reverse such original judgment. The jurisdiction of each of the houses of the State legislature is original and exclusive. (Case of H. A. Du Pont, Fifty-fourth Congress, first session, Report No. 289, page 104.)

The Senate of West Virginia is the only tribunal which could either hear or determine lawfully these objections to the qualifications of Senators Getzendanner and Pearson. Its judgment in their favor is final. The Senate of the United States has not authority to originate, hear, or determine any objections to the qualifications of those who acted and voted as members of the senate of the State. Where the title of an individual member of the legislature who has once been seated has been determined by a subsequent adjudication of the house to which he belongs, such judgment will not be here disturbed or inquired into. (Potter *vs.* Robbins, Senate Election Cases, 88; Clark and Maginnis *vs.* Sanders and Power, Senate Election Cases, 652; the case of David Turpie, Senate Election Cases, 625; the petition of H. A. Du Pont (minority report), Fifty-fourth Congress, first session, Report No. 289, pages 98–104; Sykes *vs.* Spencer, Senate Election Cases, 521.)

It should be noted that the Senate of the United States, in Stanton *vs.* Lane (Senate Election Cases, 180), upon a similar case came to a like conclusion with the senate of West Virginia. James H. Lane was elected a Senator from Kansas in April, 1861, and took his seat July 4, 1861. It appears that on June 20, 1861, President Lincoln appointed him brigadier-general of volunteers; that he accepted the appointment and qualified to perform its duties, but had resigned the office. The governor of Kansas appointed Frederic P. Stanton to fill the vacancy, but on January 16, 1862, the Senate voted that Lane was entitled to his seat in that body. Of the majority, some held that the office of brigadier-general did not exist on June 20, 1861; others that, although Lane held the office after he had been elected Senator, yet, having resigned the same before taking his seat in the Senate, he did not come within the constitutional provision (Article I, section 6). It profits little here to discuss the reasons or motives of State sentors or of the Senate.

It is well said in David Turpie's case (Senate Election Cases, 625), that—

This body is made by the Constitution the judge of the election, qualifications, and returns of its members. The senate of Indiana is likewise the judge of the election, qualifications, and returns of its own members. We must determine all questions arising out of the proceedings of the electors. But who sustain the character of electors is to be determined by the legislative body of the State. We can not inquire into the motive which controlled its judgment.

The third and fourth objections of the remonstrants may be considered as two parts of the same ground of objection. It is charged that Republican senators in the State senate threatened to unseat illegally certain Democratic senators unless the house acceded to demands (not stated), and did unseat R. F. Kidd, a Democratic senator, in partial execution of these threats; that thereby the Democratic members went into joint convention under duress; that this joint convention was not held under the law, but under a private agreement between the members of the two houses, ratified by both houses; that this agreement was void as against public policy and vitiated the election of Senator SCOTT. That the effect of this agreement was to disfranchise one Democratic senator and one Democratic member of the house of delegates, who, had they been permitted to cast their votes in the joint convention, would have voted against Mr. SCOTT.

It does not appear from the journal of the joint convention that the alleged Democratic senator Kidd and the alleged Democratic delegate Dent were present or offered to vote in the joint convention. Their names were not called. If present, as stated in brief and argument, they appear to have acquiesced, to have waived their alleged right as representatives.

It does appear that the State senate had a Republican majority and the house of delegates had a Democratic majority, and that when the joint convention met that body was comprised of 49 Republicans and 46 Democrats. All of the latter voted for Mr. McGraw; all save one of the Republicans, who voted for Judge Goff, voted for Mr. SCOTT, giving him 1 majority, as stated.

There were contests against sitting members from political motives. One Democrat in the senate, Kidd, had been unseated and a Republican, Morris, seated in his place. One sitting Republican in the house, Via, had been unseated, and a Democrat, Logan, had been seated in his place. Another sitting Republican, Brohard, of Taylor County, had been excluded from participation in the proceedings of the house on January 16, and on January 24 the committee had reported in favor of the seating of Dent in the house.

As the joint convention was to assemble at noon on the following day, it would appear difficult to unseat Brohard and seat Dent earlier the next morning.

At this juncture the Republicans would have had in joint convention 50 votes and the Democrats would have had 46 had the joint convention met without further action in either house.

As a result of conferences among adherents of the two parties, 5 Democratic members of the house, including Mr. McKinney, the speaker, and Mr. Davis, the leader of his party, signed the following proposal, which was thereafter presented to and signed by 5 Republican Senators, including Mr. Marshall, the president of the senate. This proposal, which purports to have been made by Democrats and accepted by Republicans, is as follows:

To the Republican Senators:

GENTLEMEN: In order to bring about a peaceful and orderly settlement of the differences now existing between the two houses of the West Virginia legislature, we submit to you the following propositions, viz:

(1) The election and qualification of the member of the House of delegates from Taylor County, to be heard and tried upon its merits.

(2) The election and qualification of a senator from the Fourth senatorial district, to be heard and tried upon its merits.

(3) These two cases to be finally voted upon in each house on the 7th day of February, 1899, after 2 p. m. of that day, with privilege to any party to take any evidence pertinent up and until noon of February 6, 1899, when the taking of evidence shall be closed.

(4) All contests and controversies as to the membership of each house other than the two above named to be dismissed, and no further contests or controversies respecting the membership therein to be brought or entertained by either house.

(5) Pending the investigation hereinabove referred to, neither Dent, Brohard, Kidd, or Morris shall vote, in joint assembly or otherwise.

(6) All resolutions now pending in either house, looking to unseating any member thereof, or questioning the seat of any sitting member, shall be dismissed.

(7) Each of the signers of this proposition pledges himself to vote and use all honorable means to have the stipulations herein contained faithfully carried out and observed.

O. S. MCKINNEY.
ISAIAH BEE.
W. L. MANSFIELD.
JNO. W. DAVIS.
R. W. MORROW.

We, the undersigned Republican senators, concur in the foregoing proposition.

R. E. FAST.
O. S. MARSHALL.
ALONZO GARRETT.
S. L. BAKER.
S. W. MATTHEWS.

Its first sentence declares its purpose to bring about a peaceful and orderly settlement of the differences now existing between the two houses. It is to be noted that those who are alleged to have acted under duress first signed and submitted the proposal, then those who it is alleged threatened them consented to accept the proposal.

This proposal stipulated that the case of Brohard, Republican, in the house, and the case of Kidd, Democrat, in the senate, shall be heard and tried upon their merits and finally voted on February 7, 1899; that pending the decision of these cases, neither Dent, Democrat, nor Brohard, Republican, in the house, nor Kidd, Democrat, nor Morris, Republican, in the senate, shall vote, in joint assembly or otherwise, and that all contests and resolutions looking to unseating of members shall cease in each house.

The signers pledge themselves individually to so vote and to use all honorable means to have those stipulations carried out. Five Democrats in the house and 5 Republicans in the senate were numerically sufficient to change the partisan majority in either house. As these men included the presiding officers of each house and the floor leaders of the majority in each house, their statement of the spirit and purpose of the proposal of these Democrats, accepted by these Republicans in the paper they signed, should be accepted as true.

In the senate, as a result of this conference, Senator Garrett the next morning offered the resolution postponing the Kidd *vs.* Morris contest, as before stated, and forbidding further participation of Morris in the voting for Senator of the United States. It was adopted unanimously.

In the house Mr. Davis offered a like resolution, postponing the discussion of the Dent *vs.* Brohard contest, as before stated. It was adopted unanimously.

Mr. John W. Davis, conceded by both sides to be a man of ability and high character, the leader of the Democratic majority in the house, who introduced the resolution, in a printed deposition (used by both sides in argument before the committee, and so used here) gives his own reasons for signing this paper and declares that the statement he makes for himself was in accord with conversations he had with other Democratic signers at or before the time the agreement was presented to him for signature. Mr. Davis's statement may, therefore, be taken as the statement of all the Democrats who signed this proposal.

Q. What was your understanding of the purpose of that agreement upon the part of the Democrats?

A. That agreement, as I understood it, was entered into for the purpose of avoiding further trouble between the two houses and in each house in regard to contests then pending, the situation having become very acute, rumors being current upon all hands of an intention upon the part of the Republican minority in the house to withdraw and organize a separate house and upon the part of the Republican majority in the senate to unseat various Democratic senators and it being believed that the best interests of the people of West Virginia and the proper conduct of the business of the legislature demanded an early and final settlement of these questions.

In the senate Kidd had been unseated by the Republican majority. In the house Via had been unseated and Brohard was about to be unseated by the Democrats. Other contests were pressed from partisan motives. The pacific understanding of these ten men ended this strife and enabled the legislature to proceed with its business.

There is no evidence of force or fraud in these transactions in the documents or facts before us. The unanimous vote in both houses upon resolutions postponing pending contests for seats disproves duress if the word "duress" has meaning in this remonstrance.

We can not say that such an agreement as this between ten men, and favored afterwards by all members, is "void as against public policy." We can not declare void the unanimous act of the senate or the unanimous act of the house, of like pacific purpose. Nor can we perceive how it "vitiated said election." Its immediate result was not "to disfranchise one Democratic senator and one Democratic member." Its immediate result, if any, was pacific and the subsequent action of both houses had as its immediate result the disfranchisement of Morris, the sitting Republican senator.

As the plan was unanimously adopted in both Houses the members manifestly considered it fair and in the public interest.

Therefore the third and fourth objections have no foundation, and the election of the junior Senator from West Virginia was peaceable, fair, and valid.

The fifth and last objection of the remonstrants is that Mr. SCOTT, at the time of his election, was a citizen but not an inhabitant of West Virginia. I think upon the ground of citizenship the committee were unanimous.

Mr. PETTUS. They were.

Mr. McCOMAS. The Senator from Alabama assures me that the committee were unanimously of opinion that there was no weight or merit in the objection that Mr. SCOTT was not a citizen and was not an inhabitant of the State of West Virginia at the time he was elected a Senator from that State. So the committee unanimously agreed that there was no ground for this objection and were unanimously of opinion that the junior Senator from that State was an inhabitant of West Virginia at the time of his election to the Senate.

Mr. PETTUS. Will the Senator permit me?

Mr. McCOMAS. With pleasure.

Mr. PETTUS. The Senator might just as well have said that the committee were also unanimous in holding that it did not require 49 to constitute a majority.

Mr. McCOMAS. I am very glad the Senator tells me that he agreed with the committee in that view.

Mr. PETTUS. I thought it was known at the time.

Mr. McCOMAS. If so, it escaped my attention. The Senator now tells me that in that respect the committee were unanimous, and that disposes of the first objection to which I would not have given the time I have done if I had remembered, what I perhaps ought to have remembered, the statement of the Senator from Alabama.

All of the members of the committee except the junior Senator from Alabama, I am authorized to state, agree to the following resolution:

Resolved, That NATHAN B. SCOTT has been duly elected a Senator from the State of West Virginia for the term of six years commencing on the 4th day of March, 1899, and that he is entitled to a seat in the Senate as such Senator.

I submit that I have stated all the material facts that appear in the record whereon the Senate must determine this question.

The distinguished Senator from Alabama has traveled outside of the record as he is not wont to do. Certain printed copies of ex parte depositions and other matters without verity, except that they appear in the brief of counsel for remonstrant, statements not under oath, not subject to cross-examination, are relied upon in the printed opinion of the Senator. The Senate will not try the right of a Senator to his seat upon the unsupported contents of the brief of attorneys who oppose him.

I will not now follow the Senator so far out of the record whereby we must decide the title of the junior Senator from West Virginia. Upon that record I confidently believe the Senate will adopt the resolution which is supported by all save one of the members of the committee which heard this case more fully than it can now be considered here. In respect of several of the objections the report is supported by the committee unanimously, to wit, the matter of the objection to the majority being 49 instead of 48, and the matter of the citizenship of the junior Senator from West Virginia. And so, Mr. President, with that statement I will not make further remark at this time upon the resolution.

Mr. PETTUS. Mr. President, I do not desire to continue the discussion at this time, and I will ask that the resolution go over until morning.

The PRESIDENT pro tempore. The Senator from Alabama asks that the resolution may go over until to-morrow.

Mr. McCOMAS. Of course if the Senator desires that action, I shall not object. I hoped that we might dispose of it during the day, but if that is the desire of the Senator, of course the resolution will go over.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Alabama? The Chair hears none.

STEAMER ESTHER.

Mr. PROCTOR. Mr. President——

The PRESIDENT pro tempore. If the Senator from Vermont will pardon the Chair, the Senator from Louisiana [Mr. MCENERY] was recognized by the Chair immediately before the close of the morning business, and was requested to wait until the business was closed, which he did. The Chair feels under obligation to recognize him.

Mr. PROCTOR. Certainly.

Mr. McENERY. I ask leave to call up the bill (S. 906) to provide an American register for the steamer *Esther*, of New Orleans.

The Secretary read the bill, and, by unanimous consent, the Senate as in Committee of the Whole proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment to strike out section 2, in the following words:

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to authorize and direct the inspection of said steam vessel, steam boiler, steam pipes, and the appurtenances of said boiler, and cause to be granted the proper and usual certificate issued to steam vessels of the merchant marine, without reference to the fact that said steam boiler, steam pipes, and appurtenances were not constructed pursuant to the laws of the United States and were not constructed of iron stamped pursuant to said laws; and the tests to be applied to the inspection of said boiler, steam pipes, and appurtenances will be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes, save the fact that said boiler, steam pipes, and appurtenances, not being constructed pursuant to the requirements of the laws of the United States, and are of unstamped iron, shall not be an obstacle to the granting of the usual certificate, if said boiler, steam pipes, and appurtenances are found to be of sufficient strength and safety.

So as to make the bill read:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer *Phœnix*, of Norway, purchased and wholly owned by an American citizen, and repaired by him, to be registered as a vessel of the United States.

Mr. PERKINS. I ask for the reading of the report on the bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. CLAY March 16, 1900, as follows:

The Committee on Commerce, to whom was referred the bill (S. 906) to provide an American register for the steamer *Esther*, have considered the same and accompanying papers, and report as follows:

The *Esther* (formerly the Norwegian steamer *Phœnix*) is owned by William Adler, of New Orleans, La., a citizen of the United States, who purchased her at public auction while she lay a wreck on False Cape Bank, about 34 miles northeast of Cape Garcius, Central America, for the sum of $2,600. The *Esther* (then *Phœnix*) was wrecked at the place named on November 1, 1898, abandoned by her crew, and was not floated until January 27, 1899, when she was raised by a wrecking crew sent from New Orleans by the purchaser.

The vessel was afterwards repaired at New Orleans, La., at an expense of $22,396.41.

As this vessel could be registered under the provisions of the general law with regard to wrecked vessels by reason of the facts as stated, except for the fact that the wreck occurred outside of United States waters instead of within the same, your committee believe that this technical bar should be removed in this case, and accordingly report back the bill and recommend that it pass with an amendment striking out all of section 2, the subject-matter of which has been provided for in the general law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

Mr. PROCTOR. Mr. President——

The PRESIDENT pro tempore. The Chair will lay before the Senate the unfinished business.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in and to the government of the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. LODGE. I ask unanimous consent that that may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the unfinished business be temporarily laid aside for the consideration of the agricultural appropriation bill. Is there objection? The Chair hears none.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I ask the Senate to proceed to the consideration of the bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. PROCTOR. I ask unanimous consent that the formal reading of the bill be dispensed with and that the committee amendments be considered as the bill is read.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Agriculture and Forestry was, under the head of "Department of Agriculture," on page 2, line 9, to increase the number of clerks of class 3 from 2 to 3; in the same line, to increase the appropriation for the salaries of clerks of class 3 from $3,200 to $4,800; in line 10, to reduce the number of clerks of class 2 from 2 to 1; in the same line, to reduce the appropriation for clerks of class 2 from $2,800 to $1,400; in line 23, to increase the number of messengers, at $840 each, from 5 to 6; in line 24, to increase the appropriation for messengers from $4,200 to $5,040; in line 25, after the word "dollars," to strike out "1 coachman, at $840;" on page 3, line 1, after the word "assistant," to strike out "coachmen" and insert "messengers," and in line 3, to increase the total appropriation for the office of the Secretary from $65,810 to $66,010.

The amendment was agreed to.

The next amendment was, on page 3, line 10, after the word "dollars," to insert "for extra laborers and emergency employment, $1,000," and in line 12, before the word "thousand," to strike out "three" and insert "four;" so as to make the clause read:

Office of the Secretary: Laborers and charwomen.—One laborer, at $720; 1 laborer, at $300; 3 charwomen, at $480 each, $1,440; 5 charwomen, at $240 each, $1,200; for extra laborers and emergency employment, $1,000; in all, $4,960.

The amendment was agreed to.

The next amendment was, on page 6, line 19, after the word "dollars," to insert "4 scientific aids, at $480 each, $1,920;" and in line 22, before the word "dollars," to strike out "six thousand five hundred" and insert "eight thousand four hundred and twenty;" so as to make the clause read:

Division of Vegetable Physiology and Pathology: One pathologist, who shall be chief of division, $2,500; assistant pathologist, who shall be assistant chief of division, $1,800; assistant pathologist, $1,200; 1 clerk, $1,000; 4 scientific aids, at $480 each, $1,920; in all, $8,420.

The amendment was agreed to.

The next amendment was, on page 7, line 5, to strike out "The Office of Soils Survey" and insert "Division of Soils;" in line 6, after the word "One," to strike out "director" and insert "chief;" and in line 7, after the word "assistant," to strike out "director" and insert "chief;" so as to make the clause read:

Division of Soils: One chief, $2,500; 1 assistant chief, $1,200; 1 assistant, $1,000; 1 clerk, $1,000; in all, $5,300.

The amendment was agreed to.

The next amendment was, on page 10, line 9, to increase the total appropriation for salaries in Department of Agriculture from $325,680 to $328,800.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," on page 10, line 19, after the word "books," to insert "necessary scientific and other publications;" so as to make the clause read:

Contingent expenses, Department of Agriculture: For the purchase of stationery, blank books, necessary scientific and other publications, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, matting; for lights, freight, express charges, advertising, telegraphing, washing, etc.

The amendment was agreed to.

The next amendment was, on page 11, line 25, after the word "statistical," to insert "and newspaper;" so as to make the clause read:

Collecting agricultural statistics: Collecting domestic and foreign agricultural statistics, compiling, writing, and illustrating statistical matter for monthly, annual, and special reports; special investigations and compilations; subscriptions to and purchase of statistical and newspaper publications containing data for permanent comparative records; maps and charts; stationery supplies, blanks, blank books, circulars, paper, envelopes, postal cards, postage stamps, freight and express charges, and necessary traveling expenses.

The amendment was agreed to.

The reading of the bill was continued to line 24, on page 12.

Mr. PROCTOR. On behalf of the committee, I move, after the word "economic," at the end of line 23, to insert the words "or poisonous;" so as to read:

Investigations relating to medicinal, fiber, and other economic or poisonous plants and seeds, etc.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 13, line 4, after the word "elsewhere," to insert "and in collating, digesting, reporting, and illustrating the results of such experiments;" so as to make the clause read:

Botanical investigation and experiments: Investigations relating to medicinal, fiber, and other economical plants and seeds, the collection of plants, traveling expenses, and express charges; the purchase of paper and all other necessary supplies, materials, and apparatus; for gas and electric current; for the employment of local and special agents, clerks, assistants, and other labor in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; subscriptions to, and purchase of, botanical publications for use in the division; and the preparation, illustration, and publication of reports, etc.

The amendment was agreed to.

The next amendment was, on page 14, line 4, after the word "elsewhere," to insert "and in collating, digesting, reporting, and illustrating the result of such experiments;" and in line 9, before the word "thousand," to strike out "twenty" and insert "twenty-two;" and in the same line, before the word "dollars," to insert "five hundred;" so as to make the clause read:

Entomological investigations: Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture; ascertaining the best means of destroying those found to be injurious, including an investigation into the ravages of the codling moth with a view of ascertaining the best method of its extermination; investigations in apiculture; purchase of chemicals, insecticide apparatus, and other materials, supplies, and instruments required in conducting such experiments and investigations; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; freight and express charges, and necessary traveling expenses; preparing, illustrating, and publishing the results of the work of the division, $22,500.

The amendment was agreed to.

The next amendment was, on page 14, line 15, after the word "elsewhere," to insert "and in collating, digesting, reporting, and illustrating the results of such experiments;" and on page 15, line 2, after the word "them," to strike out the following proviso:

Provided, That $2,000 of this sum, or so much thereof as may be necessary, may be used by the Secretary of Agriculture for the employment of student scientific aids, at an annual salary of $480 each;"

So as to make the clause read:

Vegetable pathological investigations: Investigating the nature of diseases injurious to fruits, fruit trees, grain, cotton, vegetables, and other useful plants; experiments in the treatment of the same; the employment of local and special agents, clerks, assistants, and other labor in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for gas and electric current, purchase of chemicals and apparatus required in the field and laboratory; necessary traveling expenses; the preparation of reports and illustrations; the rent of a building, not to exceed $960 per annum, and for other expenses connected with the practical work of the investigation, $38,000, of which sum $2,000, or so much thereof as may be necessary, may be used for the erection, heating, and equipment of a plant house upon the Department grounds, for conducting investigations and experiments on the diseases of plants and methods of preventing them.

The amendment was agreed to.

The next amendment was, on page 15, line 9, before the word "for," to strike out "and;" in line 10, before the word "an," to insert "for;" in line 13, before the word "the," to insert "for;" and in line 15, after the word "elsewhere," to insert "and in collating, digesting, reporting, and illustrating the results of such experiments; for;" so as to make the clause read:

Biological investigations: For biological investigations, including the geographic distribution and migrations of animals, birds, and plants; for the promotion of economic ornithology and mammalogy; for an investigation of the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for freight and express charges; for preparation and publication of reports, and for illustrations, field work, and traveling and other expenses in the practical work of the division, $17,500.

The amendment was agreed to.

The next amendment was, on page 15, line 24, after the word "for," to strike out "collecting, classifying, and naming cereals;" and on page 16, line 3, after the word "elsewhere," to insert "and in collating, digesting, reporting, and illustrating the results of such experiments;" so as to make the clause read:

Pomological investigations: Investigating, collecting, and disseminating information relating to the fruit industry; the collection and distribution of seeds, shrubs, trees, and specimens; and for collecting and modeling fruits, vegetables, and other plants; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for traveling and other necessary expenses, $9,500.

The amendment was agreed to.

The next amendment was, on page 16, line 13, after the word "elsewhere," to insert "and in collating, digesting, reporting, and illustrating the results of such experiments;" in line 19, before the word "thousand," to strike out "seven" and insert "ten;" and in the same line, after the word "dollars," to strike out "$13,500;" so as to make the clause read:

Laboratory, Department of Agriculture: Chemical apparatus, chemicals, laboratory fixtures, and supplies, repairs to engine and apparatus; gas and electric current, purchase of supplies and necessary expenses in conducting special investigations, including necessary traveling and other expenses, labor and expert work in such investigations, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments, $4,000; for rent of laboratory building, $2,500; for the employment of additional assistant chemists, when necessary, and for employment of not to exceed four laborers in division of chemistry, when necessary, $10,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 20, to insert:

To enable the Secretary of Agriculture to continue the investigation relative to the various typical soils of the United States, to determine their chemical characteristics and especially the nature of the nitrifying organisms contained therein.

The amendment was agreed to.

The next amendment was, at the top of page 18, to insert:

To enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned; and for all necessary expenses connected with such inspection and studies of methods of analysis in said foreign countries; for.

In line 10, before the word "preparation," to strike out "The" and insert "the;" in line 15, after the word "elsewhere," to insert "and in collating, digesting, reporting, and illustrating the results of such experiments;" in line 18, before the word "thousand," to strike out "ten" and insert "fifteen;" in line 19, before the word "thousand," to strike out "twenty-three" and insert "thirty-one;" and in line 20, after the word "dollars," to insert "$2,000 of which shall be immediately available;" so as to make the clause read:

To enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned; and for all necessary expenses connected with such inspection and studies of methods of analysis in said foreign countries; for the preparation of reports, the purchase of apparatus, chemicals, samples, and supplies required in conducting such investigations; the employment of local and special agents, clerks, assistants, and other labor required in conducting such experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for freight and express charges, and for traveling and other necessary expenses, $15,000; in all, for the division of chemistry, $31,500, $2,000 of which shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 19, line 7, after the word "elsewhere," to insert "and in collating, digesting, reporting, and illustrating the results of such experiments;" in line 10, before the word "thousand," to strike out "forty" and insert "eighty;" and in the same line, after the word "dollars," to insert:

Of which sum not to exceed $5,000 may, in the discretion of the Secretary of Agriculture, be used to investigate the forest conditions in the southern Appalachian mountain region of western North Carolina and adjacent States.

So as to make the clause read:

Forestry investigations: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on the subjects of forestry, forest fires, and lumbering; to advise the owners of woodlands as to the proper care of the same; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to collect and distribute valuable economic forest tree seeds and plants; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for the purchase of all necessary supplies and apparatus, for freight and express charges, and traveling expenses, $80,000, of which sum not to exceed $5,000 may, in the discretion of the Secretary of Agriculture, be used to investigate the forest conditions in the southern Appalachian Mountain region of western North Carolina and adjacent States.

The amendment was agreed to.

The next amendment was, on page 21, line 4, after the word "elsewhere," to insert "and in collating, digesting, reporting, and illustrating the results of such experiments;" so as to make the clause read:

Soil investigations: Investigation of the relation of soils to climate and organic life; for the investigation of the texture and composition of soils in the field and laboratory; for the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts; the investigation of the relation of soils to drainage and seepage waters, and of methods for the prevention of the accumulation of and injury from seepage waters in irrigated districts; to map the tobacco soils of the United States; to investigate the soils and conditions of growth in Cuba, Sumatra, and other competing countries; to investigate the methods of curing, with particular reference to fermentation; to originate, through selection and breeding, improved varieties of the principal tobacco districts of the United States, and to secure, as far as may be, a change in the methods of supplying tobacco to foreign countries; the location of the stations, and the rent of a building, not to exceed $600 per annum, for office and laboratory purposes; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; the preparation of drawings and illustrations.

The amendment was agreed to.

The next amendment was, on page 21, line 24, after the word "grasses," to strike out "and for experiments and reports upon the best methods of destroying prairie dogs;" on page 22, line 15, before the word "thousand," to strike out "seventeen" and insert "twenty;" and in the same line, after the word "*Provided*," to strike out—

That $6,000 of the amount hereby appropriated be used to purchase and collect seeds, roots, and specimens of valuable and economic grasses and forage plants, to be distributed to the various experiment stations in the several States and Territories, to be by them used, under the direction of the Secretary of Agriculture, to ascertain their adaptability to the various soils and climates of the United States: *And provided further;*

So as to make the clause read:

Grass and forage-plant investigation and animal foods, Division of Agrostology: To enable the Secretary of Agriculture to conduct investigations of grasses, forage plants, and animal foods; to employ local and special agents and assistants; to collect and purchase seeds, roots, and specimens of valuable economic grasses and forage plants for investigation, experimental cultivation, and distribution, and for experiments and reports upon the best methods of extirpating Johnson and other noxious and destructive grasses; to purchase tools, materials, apparatus, and supplies; to pay freight, express charges, and traveling expenses, and labor required in conducting experiments; to prepare drawings and illustrations for circulars, reports, and bulletins; and the agricultural experiment stations are hereby authorized and directed to cooperate with the Secretary of Agriculture in establishing and maintaining experimental grass stations, for determining the best methods of caring for and improving meadows and grazing lands, the use of different grasses and forage plants, and their adaptability to various soils and climates, the best native and foreign species for reclaiming overstocked ranges and pastures, for renovating worn-out lands, for binding drifting sands and washed lands, and for turfing lawns and pleasure grounds, and for solving the various forage problems presented in the several sections of our country, $20,000: *Provided*, That not more than $6,000 of the amount hereby appropriated shall be expended for salaries in the city of Washington, D. C.

The amendment was agreed to.

Mr. STEWART. I inquire if the amendment striking out the proviso on page 22 has been agreed to?

The PRESIDENT pro tempore. It has been.

Mr. STEWART. I should like to have some explanation as to that.

The PRESIDENT pro tempore. The amendment will be regarded as an open question, if there be no objection.

Mr. PROCTOR. The proviso was stricken out at the suggestion of the Secretary of Agriculture, because the same words were included in another portion of the bill.

Mr. STEWART. That is satisfactory.

The PRESIDENT pro tempore. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 24, line 17, after the word "index," to strike out "To enable the Secretary of Agriculture" and insert "And the Secretary of Agriculture is hereby authorized to expend $10,000 of which sum;" and in line 25, after the word "station," to strike out "$10,000;" so as to make the clause read:

And the Secretary of Agriculture is hereby authorized to expend $10,000 of which sum to establish and maintain an agricultural station in the Hawaiian Islands, including the erection of buildings, the printing (in the Hawaiian Islands), illustration, and distribution of reports and bulletins, and all other expenses essential to the maintenance of said station, which sum shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 25, line 4, before the word "to," to strike out "To enable the Secretary of Agriculture" and insert "And the Secretary of Agriculture is hereby authorized to expend $5,000 of which sum;" in line 12, after the word "languages," to strike out "$5,000;" and in line 13, after the word "available," to insert "in all, $780,000;" so as to make the clause read:

And the Secretary of Agriculture is hereby authorized to expend $5,000 of which sum to investigate and report to Congress on the agricultural resources and capabilities of Porto Rico with special reference to the selection of locations for agricultural experiment stations, and the determination of the character and extent of agricultural experiments immediately demanded by the condition of agriculture in that island, and to prepare, print, publish,

and distribute in Porto Rico circulars of inquiry and bulletins of information in the English and Spanish languages, which sum shall be immediately available; in all, $780,000.

The amendment was agreed to.

Mr. KENNEY. Do I understand that this is the formal reading of the bill, or is it being read for amendment?

The PRESIDENT pro tempore. The bill is being read for committee amendments.

The reading of the bill was resumed. The next amendment was, on page 25, line 20, to increase the appropriation for investigation and report upon the nutritive value of the various articles and commodities used for human food, etc., from $15,000 to $20,000.

Mr. STEWART. It seems to me that $20,000 is a small allowance for that item. That is one of the most important things in the bill. The Department is doing good work in that direction, and I think great attention should be paid to those investigations. I think we had better give about $30,000 there, or I will ask if that is all the Department desires? I am not informed in that particular. If I had my way, I would allow the Secretary to have plenty of money for that work.

Mr. PROCTOR. The estimate of the Department was only $15,000. This is an increase and is all that has been asked for. The committee heard from representatives of scientific bodies, and this was all that they asked for.

Mr. STEWART. That is satisfactory.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 26, line 18, to increase the appropriation for investigation and report upon the laws and institutions relating to irrigation and upon the use of irrigation waters, etc., from $35,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 27, line 2, after the word "elsewhere," to insert "and in collating, digesting, reporting, and illustrating the results of such experiments;" so as to read:

Public road inquiries: To enable the Secretary of Agriculture to make inquiries in regard to the system of road management throughout the United States; to make investigations in regard to the best methods of road making, and the best kind of road-making materials in the several States; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere and in collating, digesting, reporting, and illustrating the results of such experiments; for labor, traveling, and other necessary expenses, etc.

The amendment was agreed to.

The next amendment was, on page 27, line 12, before the word "thousand," to strike out "one hundred and five" and insert "eighty-five;" in line 13, before the word "thousand," to strike out "fifty-seven" and insert "forty-five;" and in the same line, before the word "dollars," to strike out "five hundred;" on page 28, line 19, before the word "thousand," to strike out "forty-seven" and insert "forty;" in line 20, before the word "dollars," to strike out "five hundred;" and in the same line, before the word "thousand," to strike out "one hundred and five" and insert "eighty-five;" so as to make clause read:

Publications, Department of Agriculture: For the preparation, printing, illustration, publication, indexing, and distribution of documents, bulletins, and reports, $85,000; of which sum $45,000 shall be available for the preparation and printing of farmers' bulletins, which shall be adapted to the interest of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to, or sent out under the addressed franks furnished by, Senators, Representatives, and Delegates in Congress, as each Senator, Representative, or Delegate shall direct: *Provided*, That the Secretary of Agriculture shall notify Senators and Representatives of the title and character of each such bulletin, and also of any other publication of the Department of Agriculture not sent to the folding rooms of the Senate and House, with the total number to which each Senator, Representative, and Delegate may be entitled for distribution; and on the face of the envelope inclosing said bulletins shall be printed the title of each bulletin contained therein: *Provided further*, That all such bulletins included in the quotas of Senators, Representatives, or Delegates not called for on or before the 30th day of June in each fiscal year shall revert to the Secretary of Agriculture, and be available to him, either for miscellaneous distribution or in making up Congressional quotas for the next fiscal year; for the pay of artists, draftsmen, and engravers, and of proof readers and indexers when necessary; for the purchase of manuscript for publication, and of tools, instruments, and artists' materials; for printing proofs, charts, and maps; for drawings, engravings, photographs, paintings, lithographs, other illustrations, and electrotypes, and for traveling expenses when necessary; for labor, paper, envelopes, gum, twine, and other necessary materials; for the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $40,000; in all, $85,000.

Mr. TILLMAN. Mr. President, I notice in the aggregate appropriation here that the Senate committee have added $82,320 to the House bill, and they have substracted $60,000, making an increase of $22,320. One of these decreases is right here, from $105,000 to $85,000, a decrease of $20,000.

It looks to me, if there is any desire to economize, that this is the place of all places where we ought not to economize. We spend every year some $780,000, I think it is, as to the various experiment stations, $15,000 for each State and Territory, amounting to something like $780,000.

The bulletins and reports which are issued by the Agricultural Department are the concrete or the substance and essence of thousands of experiments at these various stations which are reported to the Department and written up, and the information thus obtained is made available to the farmers of the country.

I need not expatiate upon the importance of the agriculture of the United States, because every Senator knows that our agricultural wealth is the basis of our prosperity and amounts in the aggregate to billions of dollars. When we consider how little the farmers of the country get from the Government in return, I think the little pittance of information which is furnished by these bulletins is the least that should be given them, and I can testify as a practical man that they are very valuable. Very often one bulletin, if it could be spread broadcast over the country, would be worth hundreds of thousands and even millions of dollars. I think this information is so valuable that we ought not to limit it; we ought to encourage its dissemination, and in nowise obstruct or decrease the appropriation. The House has increased the appropriation over the amount given last year.

Mr. SPOONER. How much?

Mr. TILLMAN. Twenty thousand dollars, and the Senate committee has simply restored it to the original amount; that is, to the usual amount. I hope the chairman of the committee will consent to have the committee amendment disagreed to and restore the House provision.

Mr. PROCTOR. Mr. President, I fully agree with what the Senator from South Carolina says in reference to the value of these bulletins. Heretofore there has been only $80,000 appropriated for this purpose. The Secretary of Agriculture estimated this year for $85,000, and has expressed no wish to have it go beyond that.

These bulletins are valuable, to be sure, in most sections of the country, but there are many members of Congress who do not take their quota. Under the law, after a certain time has elapsed, those which are in the Secretary's hands are reapportioned to other members of Congress who desire them, and thus their quota is considerably increased.

I think the Secretary of Agriculture is fully aware of the importance of these publications, and that we are safe in following his recommendation. The amendment of the Senate committee gives him all he has suggested that he would like.

Mr. KENNEY. Mr. President, I want to say that there is no publication of the Government that is so much desired as are these bulletins. I know that the allotment that comes to me as a Senator from the State of Delaware is largely insufficient to fill the demand. I do hope that the broadest sort of an appropriation may be given and that these publications, which help that class of people who are so seldom helped through any legislation of Congress and so little helped by legislation in the States, may have the most liberal aid that can be given by our appropriations.

Mr. STEWART. Of course we do not want to publish any more than are required; but I should like to make this remark in regard to these publications. They are very different from what they were formerly, when there was a good deal of criticism with regard to the agricultural reports. They are now of a very different character. Since we have established these experiment stations in the Department of Agriculture we have information constantly coming from their experiments, which is most valuable, and they are improving agriculture all over the country.

I do not want any more of these publications than enough, but I wish to bear testimony that there has been a great improvement in this Department, and that it is most useful. I say this having some little experience in the matter myself, for I have been reading the reports very carefully. I find the bulletins contain information which is very valuable to the whole country, and those publications can no longer be criticised on the ground that they are of no value. They are every year increasing in value.

The people are beginning to wake up to the fact that the experiments which they have been making or trying to make are already made for them. Thus vast expense is saved and blunders avoided by the information which the people get in these reports. That is one thing that commends these agricultural experiment stations. They are doing remarkably good work, and I hope there will be enough money appropriated to have that work continued. Unless the Secretary says this is all he wants for that purpose, I think we had better adhere to the House provision.

Mr. BERRY. Mr. President, on looking at the bill I notice that there are only two cases in which there is a reduction of the amount appropriated by the bill as it came from the House of Representatives. I take it for granted when the House put in the appropriation of $105,000 for these publications, and also the other one which follows directly after, that they had reason to think that that amount was needed. The chairman of the committee says that the estimate was less than that amount, the same amount that was put in by the Senate; but it seems to me that if the House of Representatives thinks it is necessary to appropriate such an amount for the distribution and circulation of the bulletins of the Department of Agriculture, the Senate ought not to cut down the appropriation made for that purpose by the members of the House.

I can not say anything in addition to what has been said in

regard to the importance of these publications; but I do say that this item in regard to the agricultural reports and bulletins, and the item which follows it in regard to the distribution of seeds, which was also reduced by the committee, are about the only things the farmers ever get out of this Government. They are about all that come to them. It is not much, and I know that it has been denounced as useless; yet the farmers regard it as valuable, and I think they should be distributed to the farmers throughout the country, and I think the most liberal allowance should be made. I do not think, after the House of Representatives, which is supposed to more directly represent the people of the country, have fixed the amount, that the Senate should reduce that amount while it increases a number of others.

I hope, therefore, that the amendment proposed by the committee will not be agreed to, either as to this item or the one that is soon to follow, in regard to seeds.

Mr. WARREN. Mr. President, I agree with a good deal that has been said in appreciation of the bulletins issued by the Department of Agriculture. So far as I am personally concerned, I regret that more of them have not been distributed, but consultation with the Department of Agriculture, with the Secretary, and with the House committee seems to disclose that the acute appreciation of these bulletins arose mainly after the bill was reported to the House. Heretofore there have been annually large numbers of these bulletins not taken; they have not been distributed; they have not been called for.

Mr. TILLMAN. If the Senator will permit me, I will say that after the 5,000 allotted to me had been distributed by my clerk the demand for them grew to such proportions that I made a request for more, and was notified that they were not to be had.

There may be members from States whose population is mainly urban or manufacturing who do not value these bulletins; but in my part of the country nine-tenths of the people are engaged in farming.

Mr. PROCTOR. I should like to ask the Senator, with his permission, if he did not receive the extra number he asked for?

Mr. TILLMAN. No, sir; I did not get them.

Mr. WARREN. I think the publications are held for a time, and then, if they are not called for, other Senators and Representatives who ask for them can obtain them.

Mr. SPOONER. I should like to ask——

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Wisconsin?

Mr. WARREN. Yes.

Mr. SPOONER. I should like to ask the Senator from Wyoming on what the Secretary of Agriculture bases his estimate in the distribution of these bulletins to the farmers of the country?

Mr. WARREN. In reply to that, I will state that the Secretary makes no estimate of what the farmers may want. He simply reports how the publications are called for and how the quotas are apportioned to members of Congress. I shall not feel badly at all if the Senate restores this amount, provided the Senators and Members of Congress think they are in urgent request, and that the large number proposed can be advantageously distributed.

But while I am on my feet I want to reply to one remark made by the Senator from Arkansas [Mr. BERRY]. I sometimes think, being a farmer myself, that the farmers do not get as much through legislation as other classes of people; but I am not willing to go so far as the Senator does and say that these seeds and bulletins are about all the farmers get, because this bill carries a very great deal besides that—for instance, the Bureau of Animal Industry is a blessing and a help to every man who owns a domestic animal in the United States. And there are numerous other substantial benefits of large proportions.

Mr. TILLMAN. Right there, if the Senator will allow me, I would tell him that I could distribute 20,000 volumes, and it would be considered by every man who could obtain one as the most valuable book he could get—the book on the diseases of the horse and the diseases of cattle. It is a publication by the very Bureau the Senator has just mentioned. We do not grudge money which has been paid for scientific investigations which have enabled the Department to publish so valuable a book as that.

But the point right here is as to the bulletins in regard to the everyday affairs of the farm, the handling of milk and butter, the best methods of raising poultry, and every possible thing connected with the farm. There are a hundred or more of these bulletins issued and printed and reprinted and reprinted, because they do not lose their value by reason of age. This, as the Senator from Arkansas has said, is an item that is more important to members of the House than it is to members of the Senate.

Let me call the Senator's attention to the fact that a Senator, representing a whole State, can not reach anything more than a small percentage of the agricultural population; but a member of the other House who sends to one man in his district and neglects to send to his neighbor, when he has not got it to send him, is brought face to face with the charge of having neglected and overlooked a neighbor and friend, and afterwards will be injured by not having enough to go around.

Mr. WARREN. I only meant to occupy the floor a moment, and I will proceed, if the Senator will allow me. I do not wish to be put in the position of opposing the distribution of these bulletins as fast as they can be properly edited, issued, and distributed, but I have thought, and I am of the opinion still, that the jump was too large a one from the amount estimated for to the one proposed on the floor of the House, and the House amendment did not seem to provide for the machinery or the expense of getting them out. There is something else to do besides the simple printing of the bulletins. Therefore I was of the opinion that we should cut the appropriation down in committee, and when the committee of conference meets, after the matter has been looked up sufficiently, if it transpires that this great number can be used and that there is machinery and facilities for producing them, I should perhaps want to reach the outside figure. With that view only, and not to repress in any way, and not to take away from the farmers, but simply to move up and forward in a methodical and systematic way, the committee adopted this amendment.

Mr. KENNEY. I should like to ask the Senator from Wyoming whether or not the $85,000 agreed upon by the committee is or is not an increase over what the appropriation was a year ago?

Mr. WARREN. Will the Senator kindly repeat his statement?

Mr. KENNEY. I ask whether the appropriation of $85,000 as agreed upon by the committee is in excess of what it was a year ago?

Mr. PROCTOR. I can inform the Senator that it is an increase of $5,000.

Mr. KENNEY. May I ask the Senator another question? Will the increase of $5,000 give anything like double the amount of bulletins to be distributed?

Mr. PROCTOR. I can not say just what the increase will be. But if the Senator from Wyoming will allow me a word of explanation, I will say of course there is only a limited number of these bulletins which are desirable in one section of the country. For instance, in the State of South Carolina it may be that bulletins in regard to the enemies of the cotton plant are desirable.

This work has been going on for some years, and these bulletins are reprinted year after year. Now, perhaps a certain percentage of his constituents have been supplied in a brief time; and without this very great sudden increase his constituency will be supplied. So it seems to us better to continue the work with something of an even hand and a gradual increase than to make this great jump.

We believe with the very able and earnest Secretary of Agriculture we have, who surely has shown that at every step he has the interests of the farmers at heart and knows very well their needs, that it was safer to take his estimate and that there will be no doubt but what the wants of the country will be well supplied.

Mr. BUTLER. Mr. President, the bulletins which are now being gotten out by the Department of Agriculture are most of them very valuable, and the farmers of the country are learning the value of those bulletins. They appreciate them. Realizing how few of them I had to my credit in comparison with the number of farmers in my State who wanted them, instead of sending them out indiscriminately, I published in the newspapers of the State a list and requested the farmers to select from that list the ones which they especially desired.

If a man was in the tobacco belt, he got only those relating to tobacco; in the cotton belt, those relating to cotton; in the wheat belt, those relating to wheat, and so on. The responses to that publication and the requests showed to what wide extent the farmers are studying the agricultural question from the scientific standpoint and desire to do something more than to move along in the ruts of their fathers; to understand the subject and to farm scientifically and intelligently and get all the information they can.

I have had the same experience that some Senators have had, as has been mentioned. I will send a few of these bulletins to a community, and at once get requests from other farmers that did not get them, saying that their neighbors called their attention to the bulletins containing valuable information and requesting copies. I have received requests of that kind which I can not supply.

It is a small amount that is appropriated here. If we make any mistake, let us make it on the side of furnishing this information. When the information has been gathered at great expense, it costs but precious little in comparison to increase the number of bulletins. The slight increase of cost in increasing the number, after we have gone to the great expense of having scientific men gather the information, is such a small increase in percentage of cost that we should not hesitate to make the experiment, if it is called an experiment. Let us vote the amount the House put on, and see next year whether or not a single Representative or Senator can be found, who does not live in a city or who has entirely a city constituency, who can say that he has not found a demand for

every one that was published. Let us try it and see. I know there will not be one left in my State if you double the number, for which there will not be a demand, and a demand from persons who will read them intelligently. The amount is so small compared with the other expenses of the Government, and compared with the expense we go to in order to gather the information and to get it ready to publish, that we should not hesitate to put out this increased number and see whether or not we have published too many.

Mr. President, has any motion been made?

The PRESIDENT pro tempore. The amendment reported by the Committee on Agriculture and Forestry is a motion.

Mr. BUTLER. That is a motion.

Mr. BERRY. Mr. President, I am a little bit surprised that the Senator from Wyoming should be inclined to cut down this appropriation. Looking over the report made by the chairman of the committee, I find that there has been an increase of $15,000 for the purpose of irrigation investigation. Now, that is an important matter; I do not object to it at all; it is important to his country; but while he is increasing that I hardly think he should cut down or feel called upon to cut down the amount for these agricultural reports.

Mr. WARREN. Will the Senator from Arkansas yield to me for a moment?

Mr. BERRY. Certainly.

Mr. WARREN. Right on that point I desire to say that the appropriation of which he speaks is one that carries everything in connection with irrigation with it, including the printing of bulletins on that subject. I do not wish the Senator to understand that I desire to cut down the number of bulletins to be printed if there is demand for them and they can be produced and advantageously used. If that can be shown, I have no objection.

As to the other subject, let me say one word further. Referring to the matter of irrigation, the $50,000 proposed there covers every dollar that is appropriated under the bill for two-fifths of the United States, or, I should say, the whole of the United States, on that subject. It takes in the salaries; it takes in the contingent expenses; it takes in the editing and publishing and mailing, and everything connected with it.

Mr. BERRY. I am not objecting to the increase in regard to irrigation, but I do object that the Senator from Wyoming should take that off this small amount which the House of Representatives has provided for the distribution of these farmers' bulletins and agricultural reports and matters connected with that subject in order to make the increase. I do not object to the increase of $15,000. I presume the committee thought it was necessary, and I have every disposition to vote most liberal appropriations for the purposes desired by the Senator with reference to the investigation of irrigation. I also find another matter there in which this country is largely interested—forestry investigation. That has been increased $40,000, while the other has been reduced.

Now, I repeat that I take it for granted that the distinguished Senators who compose that committee found that these increases were necessary, but I do not think the condition of the Treasury is such that it is necessary to reduce the other item in order to increase these. It is the reduction of the appropriation for these publications to which I object and to one that follows on the next page, where they have cut down the amount to be appropriated for the distribution of seeds throughout the country. I shall object to that reduction when we reach that paragraph in the bill.

The House of Representatives must have had evidence before them that this amount was necessary and that it could be used to advantage in the publication of these bulletins. If, as the Senator says, the Secretary can not use it, he is not compelled to use it. There is nothing in the bill which forces him to expend the entire amount of money. But I do think that the Senate should continue the appropriations made by the House and leave it to the Secretary of Agriculture to make the distribution of these documents and these seeds as the House of Representatives thought it proper to do.

Mr. WARREN. Mr. President, I do not desire to take anything from the argument of the Senator from Arkansas, but simply to correct him in one matter in which I think he is in error. Every raise or every cut in this bill has been made on its own merits. There has not been a raise of one item at the expense of another. I shall have to resent that charge, because, as every member of the committee knows, each matter was raised or reduced upon its own merits.

Mr. ALLEN. Mr. President, I am decidedly in favor of an increase of the appropriation for bulletins and for the purchase and distribution of seeds, and for everything, in fact, that may be said properly to go to the information or to the relief of the farming classes of this country. Without any special reference to this bill, which I approve in the main, I desire to say that I think these appropriations that are expended in the purchase and distribution of bulletins—in other words, in the dissemination of information upon agriculture and kindred subjects—can not be too large.

The chairman of the committee, the honorable Senator from Vermont [Mr. PROCTOR], made the remark a moment ago that of these bulletins some of one class were distributed in one section of the Union and some of another class in another section. I guess that is true; but even that is wrong.

Mr. TILLMAN. If the Senator from Nebraska will permit me, as I am more familiar with this possibly than he is, I will say that it is absolutely necessary that the Department should try to cover the entire field. In other words, the agriculture of the Northern States is not altogether similar to ours. We have bulletins on sweet potatoes and cotton, which are peculiarly Southern products, and there are other products of the Northern States which we do not raise at all. There is a bulletin on almost every imaginable subject in connection with agriculture, and a very valuable one, and I should be glad to have a hundred thousand of them for my part to send to the people of my State, and I know they would be very glad to get that many from me alone, much less from the Congressmen.

Mr. ALLEN. I am always delighted to note the superior knowledge of the Senator from South Carolina.

Mr. TILLMAN. I did not mean that in any such sense, but merely as a practical farmer I called his attention to the fact that the geography of the country required this very difference in bulletins of which I have spoken.

Mr. ALLEN. Perhaps I may remind the Senator from South Carolina that he is talking to a practical farmer.

Mr. TILLMAN. Then I apologize.

Mr. ALLEN. The apology is accepted.

I was about to observe that I think the chairman of the committee is in error, and I think the practice, if that be the practice, is an erroneous one, to distribute simply bulletins that cover the agricultural subjects of South Carolina, for instance, in South Carolina, and bulletins covering the agricultural subjects of Wisconsin in Wisconsin alone, but there should be a general interchange of these bulletins.

What is grown in South Carolina and how it is grown and whether it pays to grow it or not and how to grow it ought to be known in Pennsylvania and California and Nebraska and every other State of the Union, because it takes all this information to constitute a thoroughly educated farmer. The man who confines his knowledge of agriculture simply to the State or the locality in which he lives can not be said to be a thoroughly educated farmer any more than a lawyer who confines his knowledge of the law to the State in which he lives can be said to be a thoroughly educated lawyer.

Many of these bulletins are extremely valuable. Of course they are like other books; occasionally you may come across one that has no special value. They are like anything else; they have the good and the bad among them; but as a whole they are valuable, and the farmer in Maine who has his peculiar agriculture and agricultural interests ought to know about the agriculture of Florida or any other State of the Union.

Speaking generally, Mr. President, and I speak, sir, with some degree of feeling upon this subject, here is the parent occupation, the occupation of all occupations which if it failed for a year would destroy all other occupations, and it receives less attention at the hands of Congress than any other occupation or any other class of our people. The whole burden of taxation falls upon these people. Primarily everything rests upon the farmer. He is the foundation of all prosperity and all life. We tax him without limit. To-day the farmer of the United States is paying a hundred per cent more of taxes than he was two years ago on everything he consumes, on all agricultural implements. Nails, wire, hardware of all kinds, clothing, everything he consumes of a manufactured character costs him in round numbers a hundred per cent more than it did eighteen months or two years ago. Yet, when we come to bringing this class of people in touch in a slight degree with their Government by remembering them once a year by little packages of seed or a few bulletins, we begin to split hairs as to whether it is wise to do so or not.

Mr. President, if we would increase the appropriation for the bulletins 100 per cent over the amount fixed by the House of Representatives, we would not be able to reach 10 per cent of them. Why not increase it? Why not throw them out broadcast among the farmers of the country in all languages and in all tongues and in all sections of the country, that our agricultural classes may thereby become educated in the best knowledge respecting agriculture and enabled by that means to pursue their occupation with greater wisdom and greater effect and greater economy. Yet we hold out occasionally a mere sop. We talk about armies and navies and commerce, and we appropriate millions and hundreds of millions of dollars for these purposes; and yet when we come to this great class of people, who constitute 49 per cent of our population, we begin to split hairs on the number of bulletins they shall have and the number of packages of seeds they shall have. Such a thing ought not to take place in the upper branch of the Congress of the United States.

Mr. SPOONER. Mr. President, a single word. I hope the Senate will not agree to the amendment proposed by the committee reducing the appropriation placed in the bill by the House of Representatives for the printing of these bulletins. I think there is no publication issued by the United States Government of greater value all in all, and I say of as great value as these bulletins. The experiment stations have been a great success, greater probably in some States than in others. Their experiments are of little value except locally, unless the results of them can be generally distributed and placed within the reach of the farmers of the country. It is a part of the agricultural education of the United States, and there is less likelihood of our wasting money in this direction than in any other of which I know. I hope the Senator from Vermont will withdraw the Senate committee amendment. Perhaps he does not feel at liberty to do so.

Mr. COCKRELL. Mr. President, I heartily concur in the remarks of the Senator from Wisconsin. I regard these farmers' bulletins as the most valuable publications of the Agricultural Department, or in fact of any other Department, so far as the agricultural interests of this nation are concerned. They are exceedingly valuable. They are appreciated by the people. They are in such form that they can be made accessible to large numbers of people, and they are not so cumbrous but that anyone who gets them will read them through. I hope there will be no reduction made and that the provision as it came from the House may be retained.

Mr. PROCTOR. Mr. President, the committee fully agree with all that has been said in regard to the importance of these bulletins, but we felt it our duty to stand by the action of the Secretary, believing that his judgment was best as to how rapid this increase should be. It is evident to me that the Senate is opposed to the amendment, and on behalf of the committee I will withdraw it, and that takes with it the other amendment in line 12 and line 13 and the amendments in lines 19 and 20, on page 28.

Mr. COCKRELL. Oh, yes; those follow.

Mr. PROCTOR. Those follow as a matter of course.

The PRESIDENT pro tempore. Those amendments are withdrawn.

Mr. PROCTOR. They are withdrawn.

The PRESIDENT pro tempore. And in those parts the bill stands as it came from the House of Representatives.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 29, line 5, to strike out "seventy" and insert "thirty;" so as to read:

Purchase and distribution of valuable seeds: For the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere; transportation, paper, twine, gum, printing, postal cards, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, $130,000.

Mr. TILLMAN. Mr. President, what we have just said about the agricultural bulletins bears with as great or greater force upon seeds. While there has been an impression industriously created in some quarters that a great many worthless seeds are sent out, and in the past it may have been, when we had lawyers in charge of that Bureau, as we did under the previous Administration, under the present practical farmer I think I have had personal demonstration that none but thoroughly reliable and good seeds are distributed; and if Senators will consider for a moment the advantages of having in any neighborhood some new variety of corn or beans or cotton that is superior to the ordinary seed cultivated, I think they will at once see the importance of retaining the increased amount put in by the House. I hope the chairman will withdraw the amendment proposed by the committee.

Mr. PROCTOR. Mr. President, before this amendment is acted on I wish to say just a word. It seems to me—and I believe it did to the committee—that the use of public money for the purchase of mere commercial seeds is not a legitimate one. The great bulk of these seeds are just what can be bought at every corner store in the country. The provision is ample for obtaining rare and valuable seeds and plants, introducing new varieties.

Mr. KENNEY. May I ask the Senator from Vermont a question?

Mr. PROCTOR. Certainly.

Mr. KENNEY. I ask him whether under prior appropriations and the present one, as agreed upon by the Senate committee, the Department is introducing rare and unusual seeds, or whether it is introducing the seeds that are ordinarily purchased in the localities where they are sent.

Mr. PROCTOR. So far as the increase adopted by the House is concerned, it is a mere addition of common commercial seeds, and the provision in regard to the allotment for Congressional distribution shows that. It seemed to me that it is no more legitimate than it would be if we should purchase the tools with which to put the seeds in the ground. Any improved tool might as legitimately be appropriated for, it seems to me; an improved hoe. Possibly the Senator from South Carolina would like an improved pitchfork in his business.

Mr. TILLMAN. The Senator will permit me. I am not aware that the implement which I am charged with using sometimes is at all dull or out of order. I think it is in first-class condition.

Mr. PROCTOR. I am ready to admit that.

Speaking for myself, my own State is purely an agricultural State, perhaps as much so as that of the Senator from California or any other State. It is different from the other New England States in that respect. I have myself purchased additional seed, but I must confess that appropriating money for this purpose I do not consider a legitimate use of public funds.

Mr. STEWART. Mr. President, I hope this amendment will not prevail. I know that the dealers in seed are in favor of it, but the farmers are very much opposed to it. I have never enough seed to answer half the demands on me. The objection that commercial seed are distributed is not well taken. It is well known, as shown by your bulletins, that it is necessary for the farmer to change his seed, to make experiments with different kinds of seed, and the farmers throughout the country now, to my certain knowledge, are getting these seeds from the Agricultural Department and they are trying them. Very much improvement is made by the improvement of seed. The Department has discovered that by its experiments, and the farmer has not the time nor the means to send for these varieties. It is a great convenience to him and benefits the general public very much.

It is not true that it is useless to distribute seed, because they want variety, and they want to know what kind of seeds will grow best. I have received dozens of letters from Nevada in the last month for different kinds of seed with which to experiment—grass seed, etc.—and they want the seeds that grow elsewhere to experiment with. Nevada is a very good agricultural country. So far as it goes, it is the best in the Union. There is not very much of it: it is scattered. But 1 acre of irrigated land there is worth 5 acres of the best land in the State of the Senator from North Carolina, taking five years' production.

Mr. BUTLER. I will come and see it.

Mr. STEWART. Come and see it. We will show you some of the most beautiful valleys in the United States, and they are productive. The people there want the seeds, and they are writing for them daily, and I am answering their letters the best I can.

Mr. WARREN. Since the matter of irrigation has been touched again, I desire to say that since the reestablishment of that Division in the Agricultural Department the calls do not come entirely from the arid regions for inspection, for improvements, etc. We have had Louisiana, South Carolina, New Jersey, Connecticut, and Wisconsin among the States that last year asked for inspections in their States on the subject of irrigation. So it can hardly be charged that it is a Western and mountain affair, relating only to the arid States.

Mr. BERRY. Mr. President, referring to the increased appropriation for the investigation of irrigation, I expressly stated that I had no desire to cut down that appropriation; that I had no doubt it was entirely correct; and the Senator from Wyoming is entirely mistaken if he thinks I have any objection to the increase. What I object to is cutting down the appropriation for seed to use the money for the purpose of an irrigation investigation or for forestry or for any other purpose.

Now, one remark and I will not trouble the Senate further. In the matter of the amount to be appropriated for the distribution of seeds, I think the House of Representatives should be a better judge even than the Secretary of Agriculture, although he may not have estimated for that amount because he thought perhaps the House would be unwilling to appropriate it. I want to say, however, for the Secretary of Agriculture, that I know no man in public life who discharges his duty more faithfully or with greater ability than the Secretary of Agriculture, and I have every confidence in his judgment. But in this matter the House of Representatives have appropriated this amount of money to be used in the distribution of seed, and the farmers appreciate it. They get but little out of this Government except the small amount that comes in the way of this distribution, and I think the Senate should appropriate every dollar that the House is willing to give for that purpose.

Mr. KENNEY. If any amount of money is to be appropriated by Congress for the purchase of simple commercial seeds, then I contend that the amount of $70,000 named by the House ought to be adopted, and I hope the amendment agreed upon by the Committee on Agriculture of this body may be disagreed to. If it be simply a question as to whether commercial seeds shall be sent throughout the several States in this Union, then let us have enough to go around and let us not limit it so that there will be demand in excess of what we can supply.

I believe there ought to be an amendment to this section of the bill, and that amendment ought to be that this money shall be applied to the purchase of rare and extraordinary seed and not those that are grown in the several States.

Mr. TILLMAN. Will the Senator from Delaware permit me?

Mr. KENNEY. Yes, sir.

Mr. TILLMAN. If he will look on the preceding page, line 23, he will see that this money is appropriated "for the purchase, propagation and distribution of valuable seeds, bulbs," etc., and not the common, ordinary seeds.

Mr. KENNEY. Yes. I wish to say that my experience since I have been in the Senate has been that the seeds, bulbs, etc., allotted to me as a member of the Senate have been of the most ordinary kind, not of an extraordinary kind. I should be very glad that there might be new kinds so as to give an opportunity to the farmers in my State and throughout the country to try something new and out of the ordinary. I am in favor of disagreeing to the amendment of the Committee on Agriculture and Forestry and restoring the appropriation to the amount fixed by the House, $170,000.

Mr. BUTLER. Mr. President, I wish to say that if, unfortunately, the old system of distributing more or less of different seeds that at one time the country was afflicted with had been continued, I should have been in favor of discontinuing this appropriation. But I am glad to say in recent years there has been a marked change in that respect, and especially under the present Secretary of Agriculture.

Farmers are quick to know whether seed are worthless or whether they are good above the average, and I have heard nothing but praise and expressions of great satisfaction from the farmers since the present administration of the Agricultural Department has had the selection of seeds. They have been of rare quality, so much so that farmers eagerly take the samples that we send them. Take cotton, for instance. I live in a cotton district. They will put out several rows or a patch of cotton off to itself to try the seed that we send, and at once, if it proves satisfactory—and the seed was very satisfactory last year—they want to know where they can get more seed of that kind.

Now, the farmers of this country are experimenting with these seeds from one end to the other, and when they find they have a good one—and they have all been good, with few exceptions, in the last few years—they at once go in search of those seeds and plant that kind entirely the next year. So it is not a matter of using money simply to distribute ordinary commercial seeds.

The Secretary of Agriculture is, as I happen to know from a number of cases, always on a search for improved seeds. If he finds something that is better than the country has known before, he gets it. I know that in my State he was looking for a fine quality of rice that took a premium, and finding out how much he could get, and samples of it were sent to all the rice sections, which will result in an improved quality of rice. I cite that one item as an example.

Under an intelligent management of the Agricultural Department, as we have now, by a practical farmer, this distribution of seeds means much to the increased yield of every farmer in America as soon as he can sample a seed and find that it is better than what he had and knows where to order it. The farmer at his home toiling from morning to night, as most of them have to do, with little time for study or recreation, has not time to go out and search and look over the world for different kinds of seed and find the best quality. He has not the money to buy a dozen different kinds of seed and experiment with them. We send him a small package of seed, he puts it out, he stakes it off and puts the name down and waits to see the result. I know personally that farmers are doing that in large numbers. Then if that produces a better quality than his old seed he at once puts in all of that kind he can get the next year.

Can anything better be done for the farmers in this country for the amount of money expended? It is not a waste of money; it is a wise investment. It is not only doing something to improve the condition of the farmer, but the Government never made a better investment for the yield that the country makes. That, as well as the improvement in the condition of the individual farmer, should be taken into consideration.

Mr. PROCTOR. Mr. President, that the matter whether these seeds are rare and valuable may be understood, I wish to state that on page 31 there is a proviso for the use of $20,000 to collect, purchase, test, propagate, and distribute rare and valuable seeds, plants, etc. The seeds that are provided for by this increase in the appropriation are contracted for with the ordinary seed merchants throughout the country by advertisement. They are furnished just as they would be furnished to dealers all over the country.

Mr. ALLEN. It is discretionary with the Secretary of Agriculture, or not, where he purchase them?

Mr. PROCTOR. Certainly.

Mr. ALLEN. And he can refuse to purchase them if they are not exceptionally good seeds?

Mr. PROCTOR. So far as the supply is furnished by contract it is ordinary commercial seed. The valuable seeds are procured in another way.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. PROCTOR. That carries with it other amendments.

The PRESIDENT pro tempore. The amendment in line 8?

Mr. PROCTOR. Yes. I wish to propose in behalf of the committee, made necessary by agreeing to the House proposal, in line 6, page 29, to strike out, after the word "than," the word "twenty-two" before "thousand" and insert "twenty-eight;" so as to read:

Of which amount not more than $28,000 shall be expended for labor in the city of Washington.

The amendment was agreed to.

The PRESIDENT pro tempore. And in line 8 the amendment should be disagreed to?

Mr. PROCTOR. Yes; that goes out with the other.

The PRESIDENT pro tempore. The amendment in line 8, striking out "ninety" before "thousand" and inserting "fifty" will be disagreed to. The clause will then read:

And not less than $90,000 shall be allotted for Congressional distribution.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, in the appropriation for salaries and expenses, Bureau of Animal Industry, on page 33, line 18, before the word "products," to strike out "animal" and insert "farm;" so as to make the clause read:

And the Secretary of Agriculture may use so much of this sum as he deems necessary for promoting the extension and development of foreign markets for dairy and other farm products of the United States, and for suitable transportation of the same.

The amendment was agreed to.

The next amendment was, under the head of "Weather Bureau," on page 34, line 10, to increase the appropriation for the salary for one chief of Bureau from $4,500 to $5,000; on page 35, line 13, to increase the appropriation for salary for one chief mechanician from $1,200 to $1,400; and on page 36, line 7, to increase the total appropriation for the salaries of the Weather Bureau from $152,600 to $153,320.

The amendment was agreed to.

The next amendment was, on page 36, line 10, before the word "fuel," to insert "for;" and in the same line, after the word "repairs," to insert "pay of firemen, watchmen, messengers, and other;" so as to make the clause read:

Fuel, lights, and repairs, Weather Bureau: For fuel, lights, repairs, pay of firemen, watchmen, messengers, and other labor, and other expenses for the care and preservation of the public buildings and grounds of the Weather Bureau, $9,000.

The amendment was agreed to.

The next amendment was, on page 37, line 12, to increase the total of the general expenses of the Weather Bureau from $386,000 to $389,000.

The amendment was agreed to.

The next amendment was, on page 37, line 22, before the words "Secretary of Agriculture," to strike out "Chief of the Weather Bureau, with the approval of the;" on page 38, line 6, after the word "including," to strike out "assistance" and insert "pay of necessary clerks and other assistants;" and in line 8, before the word "thousand," to strike out "forty-two" and insert "forty-four;" so as to make the clause read:

All other expenses, itemized as follows: Maps, bulletins, stationery, and scientific and other publications for stations; and the maintenance of a printing office in the District of Columbia for printing the necessary circulars, weather maps, bulletins, and monthly weather reviews (including the hire of printers, lithographers, and other necessary working force); for traveling expenses; for freight and express charges; for instruments and shelters therefor; for telegraphing or telephoning reports and messages, the rates to be fixed by the Secretary of Agriculture, by agreement with the companies performing the services; for rents and other incidental expenses of offices maintained as stations of observation; for maintenance and repair of seacoast telegraph lines; for river observations and reports; for storm and other signals; for cotton-region observations and reports; for corn and wheat observations and reports; for aerial observations and reports; for supplies for climate and crop services, and for investigations on climatology, including pay of necessary clerks and other assistants and all necessary expenses, $444,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 7, to insert:

The accounting officers are hereby directed to settle all accounts for disbursements from former appropriations for the Department of Agriculture on account of salaries and services according to the terms and conditions of this act.

Mr. PROCTOR. From the committee I ask that this be added to the last line after the word "act:"

Except that no increase of compensation herein provided shall be allowed for the current and prior fiscal years.

Mr. CHANDLER. I wish the Senator from Vermont would explain this amendment. The amendment to the amendment as he proposes it may make it unobjectionable, and yet the amendment to the amendment seems to me to destroy the original text. As the amendment reads it would authorize any increase of salaries contained in the bill to be carried backward until the beginning of time, as I read it. Just as long as any office exists the

salary of which is enlarged by this bill that officer can draw back pay. That is the original language of the clause. Now, if the Senator will kindly explain what the object of the clause is, as he proposes to amend it, I shall be glad to hear it.

The PRESIDENT pro tempore. The amendment to the amendment will be read.

The SECRETARY. It is proposed to amend the amendment of the committee on page 39 by adding after the word "act," in line 11:

Except that no increase of compensation herein provided shall be allowed for the current and prior fiscal years.

Mr. PROCTOR. Mr. President, I will state the purpose of the amendment. The accounting officers had objected to the allowance of the disbursements of the Agricultural Department because, in the view of accounting officer, it conflicted with the statute restricting the use of money for employment of clerks and other laborers in the city of Washington. This amendment was drawn by the Department to cure that defect in the past. I will state that the amendment to the amendment which I have just submitted was drawn by the senior Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations. In his view it cured the defect.

Mr. CHANDLER. Of course there is no disputing the authority with which the Senator supplements his statement. I do not think the amendment objectionable as amended, being offered for the purpose for which it is offered—that is to say, to enable the accounts to be settled which have already been rendered for services actually performed but without any increase of salaries. The Senator understanding that the Senator from Iowa vouches for that state of things, I make no further objection to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TILLMAN. I desire to ask the chairman of the committee to accept an amendment on page 32. I will explain it briefly by alluding to the fact that the cotton crop of the South is prepared for market by being packed in bales which are clothed with jute bagging. About ten years ago the Southern cotton planters had a very lively fight with what was known as the jute trust. The owners of the factories which make cotton bagging formed a combine and raised the price of that article to double what they had been selling it for, which angered the cotton planters to such a degree that they formed a combine against this trust and, by the use of substitutes of one kind and another, largely bagging made of cotton which was much more costly, they for the time being won a victory over this combination, but at present the indications are that the jute trust has revived, and now, controlling and owning all the factories in the United States, there is a large increase in the price of bagging.

With a view to the possible solution of this matter, I want to have the Department of Agriculture experiment with hemp culture in the Southern States to see whether we can not grow something there in a profitable way that will enable us to furnish the clothing for our own cotton bales. I offer an amendment, which I send to the desk, appropriating $5,000 for the purpose of experimenting with hemp culture in the South.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Insert as a separate paragraph after the word "available," in line 7, page 32, the following:

Hemp culture: For all expenses necessary to enable the Secretary of Agriculture to investigate and report on the cost of growing hemp and the best method of cultivating and preparing the same for market so as to demonstrate whether it is practicable to introduce its culture in the Southern States as a profitable industry, $5,000.

Mr. TILLMAN. I hope the chairman of the committee will accept that amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from South Carolina [Mr. TILLMAN].

The amendment was agreed to.

Mr. PROCTOR. I omitted to propose a committee amendment on page 13, line 13, which I now offer. To strike out the word "twenty," before the word "thousand," and insert "thirty;" so as to make the appropriation there provided $30,000.

The amendment was agreed to.

Mr. MARTIN. I move the amendment which I send to the Secretary's desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 25, at the end of line 14, it is proposed to insert:

The Arlington experimental farm: To enable the Secretary of Agriculture to commence the necessary improvements to establish and maintain a general experimental farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the act of Congress approved April 18, 1900, entitled "An act to set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office," the sum of $10,000, of which $2,000 shall be immediately available.

Mr. MARTIN. I hope the chairman of the Committee on Agriculture and Forestry, in charge of this bill, will consent to this amendment. It has been recommended by the Secretary of Agriculture. It simply carries into effect the provisions of an act passed at the present session of Congress, setting apart 400 acres of the Arlington estate for an agricultural experimental station. It is to commence the work; and that amount the Secretary of Agriculture says is necessary. I have his letter here.

Mr. WARREN. What is the amount proposed to be appropriated?

Mr. MARTIN. Ten thousand dollars. It may be well to have read the letter of the Secretary of Agriculture.

The PRESIDENT pro tempore. The letter referred to will be read, in the absence of objection.

The Secretary read as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., April 20, 1900.

MY DEAR SIR: I have just returned from looking over the lands of the Arlington estate between the two railroads. I took with me our superintendent of gardens and grounds, as I intend to put the work immediately under his supervision.

It will be entirely practicable to make very great improvements over there and to make those lands very attractive. A good deal of tile must be laid to take away surface water. A good deal of grubbing must be done to get rid of brush, principally black locust. Surfacing must be done where gullies have been cut by the rains. Fertilizing must be done, because the soil is exceedingly poor.

So, if this work of reclaiming that land is to be gone about, I suggest $10,000 for tile draining, grubbing, surfacing, fertilizing, and fencing, and it would be well to make $2,000 of this immediately available.

Very truly, yours,

JAMES WILSON, *Secretary.*

Hon. THOS. S. MARTIN,
United States Senate.

Mr. PROCTOR. The committee make no objection to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9824) authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON, Mr. MORRIS, and Mr. LESTER managers at the conference on the part of the House.

The message also announced that the House insists upon its amendment to the joint resolution (S. R. 116) to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entited "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COOPER, Mr. CANNON, and Mr. JONES of Virginia managers at the conference on the part of the House.

SENATOR FROM MONTANA.

Mr. PETTUS. Mr. President, there is some defect in a proceeding to which I was a party. The Senator from Kansas [Mr. HARRIS] and I submitted some views as committeemen in reference to the Clark case. Our views were sent to the Printer, but the fact that they were submitted does not seem to appear on the Journal. I ask leave to have it entered on the Journal that two members of the Committee on Privileges and Elections submitted their views in reference to that case.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. CHANDLER. I will say to the Senator that the views referred to have gone to the Printer and will be printed with the report of the committee.

Mr. PETTUS. So I understand; but the Secretary has just reminded me that there is nothing on the Journal to show that fact.

LIGHT AND FOG SIGNAL AT DELAWARE BAY.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (S. 3639) authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay, returned from the House of Representatives in accordance with the request of the Senate. The bill, without objection, will be indefinitely postponed. The Chair hears no objection, and it is so ordered.

ARMY APPROPRIATION BILL.

Mr. HAWLEY. I wish to give notice that on Friday next after the routine morning business, I shall ask the Senate to proceed with the consideration of the Army appropriation bill.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I ask unanimous consent that the Senate now proceed to the consideration of Senate bill 3419, known as the Alaskan bill.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the Senate proceed to the consideration of the Alaskan bill. Is there objection?

Mr. STEWART. I object this afternoon; it is too late to undertake to go into that discussion now. It is not worth while. We had better have a day fixed for it. The Senator from Colorado who desires to make a speech on the bill is not here.

Mr. CARTER. I will state to the Senator from Nevada that the Senator from North Dakota [Mr. HANSBROUGH] apprised me of his desire to address the Senate briefly, and in view of that fact time will be saved by proceeding with the consideration of the bill now.

Mr. STEWART. Then I withdraw my objection.

The PRESIDENT pro tempore. The Chair hears no objection, and the Alaskan bill is before the Senate as in Committee of the Whole.

Mr. PLATT of New York. I ask the Senator from Montana to yield to me for a moment.

Mr. CARTER. I yield to the Senator.

PUBLIC BUILDING AT KINGSTON, N. Y.

Mr. PLATT of New York. I ask unanimous consent for the present consideration of the bill (S. 276) for the erection of a public building at Kingston, N. Y.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Kingston and State of New York; the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $100,000.

SEC. 2. That proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

SEC. 3. That proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to said proposed sites.

SEC. 4. That if, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they may deem necessary, and said commission shall, within thirty days after said examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all maps, statements, plats, or documents taken by or submitted to them in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department, and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

SEC. 5. That the compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

SEC. 6. That the building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEONARD I. BROWNSON.

Mr. PROCTOR. I ask unanimous consent to call up for consideration at this time the bill (S. 3189) for the relief of Leonard I. Brownson.

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Vermont?

Mr. PROCTOR. I will state that it is a soldier's relief bill, and will take but a moment.

Mr. CARTER. If the bill is very brief and does not lead to discussion, I will yield, but I do not feel authorized to yield further in view of the fact that certain Senators desire to speak on the Alaska bill.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent to proceed with the consideration of a bill, which will be read in full for the information of the Senate.

The bill was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President to revoke and set aside so much of General Orders, No. 21, Headquarters Middle Military Division, dated September 18, 1864, as dismissed First Lieut. Leonard I. Brownson, Company K, Fifth Vermont Volunteers, for absence without leave and for conduct prejudicial to good order and military discipline, and to grant and cause to be issued to him a certificate of honorable muster out of the service as of the date of September 18, 1864; but he shall not be entitled, by virtue of this act, to any pay or allowance.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OGDEN, UTAH.

Mr. RAWLINS. I ask unanimous consent for the present consideration of Senate bill 4200, for a public building at Ogden, in the State of Utah. It is a short bill.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent for the consideration of a bill, which will be read to the Senate for its information.

Mr. CARTER. Mr. President——

Mr. RAWLINS. I ask the Senator to yield for this very brief bill.

Mr. CARTER. I doubt not but that the remainder of the evening might be taken up with these unanimous consents. Certain Senators desire to address the Senate on the Alaskan bill, and I appeal to the Senator from Utah to withdraw his request for the time being, to the end that we may proceed with the Alaskan bill.

Mr. RAWLINS. I will do so.

CIVIL GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for the civil government of Alaska, and for other purposes.

Mr. HANSBROUGH. Mr. President, I understand that there are three or four Senators who desire to be heard on the pending amendment. I am informed that the Senator from South Dakota desires to make some remarks, and is prepared to go on this evening.

Mr. BATE. I believe I had the floor.

Mr. HANSBROUGH. I am also advised that the Senator from Tennessee [Mr. BATE] is ready to conclude the remarks begun by him a few days ago. Will the Senator who has the floor yield to me for just a moment?

Mr. BATE. Certainly.

Mr. HANSBROUGH. I desire to say that several Senators, who are in favor of legislation in regard to the Cape Nome situation along the lines laid down in the amendment which I have proposed, have suggested to me that perhaps that amendment is rather radical in certain respects; and, upon very careful examination, I am inclined to agree with them. I have given very close examination to the substitute offered by the Senator from Montana [Mr. CARTER], and I therefore withdraw the amendment which I proposed and accept the substitute offered by the Senator from Montana, with the understanding that he will insert therein the words "in the district of Alaska," instead of the words "on the public domain;" so as to make it strictly applicable to Alaska.

Mr. CARTER. Mr. President, I have no special desire to extend this amendment to the public domain, and in view of the Senator's desire to accept the amendment I offered in lieu of his own with the modification suggested, I am perfectly willing that my proposed amendment shall be amended by striking out the words "on the public domain" and inserting the words "in Alaska," if that will suit the Senator's views more fully.

Mr. HANSBROUGH. That will be satisfactory.

Mr. CARTER. I will modify my amendment by striking out after the word "location," in line 4, the words "on the public domain," and in lieu thereof inserting the words "in Alaska."

The PRESIDING OFFICER (Mr. KENNEY in the chair). That modification of the amendment will be made.

Mr. STEWART. I beg pardon of the Chair. We are not going to pass upon that just yet.

Mr. CARTER. It is for the purpose of perfecting the amendment.

Mr. STEWART. The Senator has the right to modify the amendment without asking anybody's consent about it.

The PRESIDING OFFICER. The modification as proposed becomes a part of the amendment of the Senator from Montana [Mr. CARTER].

Mr. STEWART. I do not understand that there has been a vote on it.

The PRESIDING OFFICER. There has been no vote at all, as the Chair understands. The Chair simply announces the fact that the Senator from North Dakota [Mr. HANSBROUGH] has withdrawn his amendment, and the amendment proposed by the Senator from Montana [Mr. CARTER] has been modified by the insertion of the words named by him.

Mr. STEWART. Then I understand the amendment is simply modified?

Mr. CARTER. The amendment is merely modified.

The PRESIDING OFFICER. The Senator has modified his own amendment.

Mr. CHANDLER. I understand it is agreed to by unanimous consent.

The PRESIDING OFFICER. It has been modified by the Senator from Montana. The question is on the amendment of the Senator from Montana as modified.

Mr. BATE. Mr. President, I had no purpose of speaking further than I have already spoken on this amendment. I had the floor when the discussion upon this question ceased a day or two since, when we gave way according to prearrangement for other matters to be taken up. I then had about concluded what I desired to say. I shall merely add a word or two and give way to other Senators who may desire to speak for and against this amendment.

It has always been the policy of this Government, Mr. President, to encourage immigration; and not only is that so, but it is the policy of the Government likewise to encourage mining. It so happens that the history of mining in this country shows a large portion of the successful element among miners of this country to have been foreigners; and the Government of the United States, not only seeing that, but finding it to its interests, adopted a policy to extend all the liberty possible to miners of foreign birth.

The intention of the amendment which has been presented by the Senator from North Dakota [Mr. HANSBROUGH] and also of the amendment now accepted as a substitute by the Senator from Montana [Mr. CARTER] is to strike, and it does strike, at the foreigner. If it should pass, the result would be that it would make an invidious distinction, a very broad one, between the rights of that portion of the miners who are aliens and that portion who are natives. That would be unjust to alien miners. We opened our doors to them. They have come and have proven to be the most enterprising class of people we have in this country.

I believe it has been the policy up to this time not only in legislation by the United States Government, but also in decisions of the courts, to give foreigners who are miners every possible liberty that a man could have for the purpose of aiding in the development of the mining interests; and that legislation has come down as late as 1897, when alien miners were put upon a par and given, virtually, equal rights with those given to natives.

I beg to read again that act. Here is the last act of Congress touching this question of the rights of aliens who are miners. It was passed March 2, 1897. It is entitled "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories." It provides as follows:

> This act shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim, in any of the Territories of the United States.

That relieves the situation, and puts all upon an equality so far as their investment in mining goes and so far as locating mining interests is concerned. That being so, they have gone forward and made their investments.

One point made here in regard to the matter under consideration is that this amendment is retroactive; and it is retroactive at the expense of the foreigner who has sought to develop our mining interests. To do so is wrong in principle as it is in morals, and I think the equities, if nothing else, upon the part of those who have already invested under existing laws by making their locations and in good faith working their claims should be respected and ought to influence the Senate to defeat the proposed amendment.

If the amendment should pass in its present form it would deprive not only the alien miner of his rights in the future, but it would also affect his rights as they already exist. It is retrospective and retroactive; and it is wrong in that as in other respects, and ought to be defeated. To enact the proposed amendment would be a reversal of the policy of the Government. If this amendment should pass, it would be unfortunate, not only as evidenced by legislation, but would also override the decisions of the courts, which is another reason why it should not be passed.

We see, Mr. President, that the development of the mines in this country has been to a great extent by foreigners. I believe some of the most noted characters known to the mining history of this country—and it is a wonderful development—were those who were born abroad. We have had one or two instances here in the Senate. Senator JOHN P. JONES, of Nevada, is foreign born. He is one of the largest and most successful as well as best informed miners ever known to the mining interests of this country.

Then there was Senator Fair, known as "Jim Fair, of Nevada," who formerly had a seat in this Chamber, and who made a vast fortune. Then there were Mackey and Flood and others, born abroad, of extended reputation. All of these men, and hundreds of others, aided in developing our mining industry, were men of great energy and force of character, and brought much success to themselves and prosperity to the country by the development of mines.

I do not wish to strike at them and such as they, who are foreigners, by legislative act when the courts are on their side and the former legislation of Congress is so favorable to the foreigner. We find now that this legislation is proposed because it is ascertained that those men owned some valuable mines that somebody else wants, and they can not be reached in any other way. As the law now is, the alien miner can not be deprived of the same rights which are possessed by natives unless those who would undo them come to the Congress of the United States and secure legislation, and that is proposed to be done in the amendment of the Senator from North Dakota. It would be to the detriment of the country generally, and to the injury of the mining interests particularly, should the amendment pass, and I therefore hope for its defeat.

The hardy adventurers of the pick and spade ought to have equal rights in mining, as they have had heretofore, which has been the recognized policy of the Government. I see no cause why that policy should be now changed.

Mr. JONES of Arkansas. Mr. President, if I am correctly informed, the Senator from North Dakota [Mr. HANSBROUGH] has withdrawn his amendment, and the amendment proposed by the Senator from Montana [Mr. CARTER] is now the pending amendment.

The PRESIDENT pro tempore. It is.

Mr. HANSBROUGH. I accepted the substitute offered by the Senator from Montana with the understanding that he would strike out certain words in his amendment and insert the words "district of Alaska," so that it would apply exclusively to the district of Alaska.

Mr. JONES of Arkansas. I should like to know the form in which the amendment as it is pending now stands.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 4, after the word "location," the words "on the public domain" have been stricken out and the words "in Alaska" inserted; so as to make the amendment read:

> That nothing in this act contained shall be construed as changing the existing mining laws of the United States, but in any suit, action, or proceeding hereafter commenced involving the validity of an unpatented mining location in Alaska any party alleging an interest in the subject-matter may put the competency of the locator in issue, and the court shall determine whether the locator was a citizen or had declared his intention to become a citizen of the United States at the time the location was made.

Mr. JONES of Arkansas. I move to amend the amendment by striking out all after the words "United States," in line 2.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment by striking out all after the words "United States," in line 2, as follows:

> But in any suit, action, or proceeding hereafter commenced involving the validity of an unpatented mining location in Alaska, any party alleging an interest in the subject-matter may put the competency of the locator in issue, and the court shall determine whether the locator was a citizen or had declared his intention to become a citizen of the United States at the time the location was made.

Mr. PETTUS. Mr. President, I do not desire to go into a general discussion of this amendment, but we are evidently here engaged in a very dangerous proceeding for a legislative body. It has become evident that we are trying a cause. I do not think we ought to do it. I think courts were made for that purpose. From all that has been said on both sides it is manifest that this amendment is nothing more or less than an attempt on the part of the Senate to adjudicate very important interests, which the courts of the country are abundantly able to take care of and which they were organized to take care of and decide. If the Senate converts itself into a court for the purpose of trying private law suits, as this is, there will be no end to the business we will have before us, and every man who prefers the Congress as a court will go to it in place of some court organized by Congress. If he can make his selection, if he is sued in one court, or if he has brought a suit in one court and does not like the forum, but thinks he will have some advantage by going into the court called the Congress, he will be certain to go. Such a proceeeding ought to be discouraged in limine. We ought not to decide causes.

Mr. PETTIGREW. Mr. President, as I understand the existing law of the United States, aliens are prohibited from staking a mining claim or pursuing it to patent. This amendment simply allows the question to be tried in the local courts, for the reason that the Supreme Court has decided that the Government is the only person who can complain where an alien has made a location. If the only person to complain be the Government, and the case had to be tried through the local land office and afterwards be appealed to the Land Office here, the mines could be worked out completely before the case was ever decided, and therefore their value entirely destroyed.

I understand that gold was first discovered at Cape Nome by a miner, accompanied by two people who were not miners; that after making the discovery they returned, and that the miner of the party, the prospector, agreed with the other two that they would say nothing about it, but would secure additional supplies and return; that the other two who accompanied him went to a settlement where quite a number of people were living who had been brought to the United States for the purpose of training and

caring for some reindeer. These people who were caring for the reindeer had brought their families, and agreed to serve at a certain compensation per month for a certain number of years, and every one of their contracts provided that under certain conditions the United States would pay their expenses and return them to their native country, which was northern Europe.

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Nevada?

Mr. PETTIGREW. I decline to yield.

The PRESIDENT pro tempore. The Senator from South Dakota declines to yield.

Mr. STEWART. I want to correct a statement.

Mr. PETTIGREW. The Senator can do it after I finish.

I understand that these people were not prospectors, that they were not miners, that they knew nothing about mining, and therefore do not come under the head of that class of people so highly eulogized by the Senator from Colorado. I believe that the American miner should be protected and the American prospector should be protected; but the two people who returned and notified these Scandinavians from northern Europe of this discovery of gold immediately went back and organized a mining district. These Laplanders made very many entries. They covered the whole country, even locating the claim upon which the original discovery had been made by the American miner. Some of them took as high as 40 entries; and under our mining laws a man can take 40 entries. When the miner who made the previous discovery returned, he returned to a camp of gold miners who were located at a point about 50 miles east of Cape Nome, where the gravel was poor and mining unprofitable.

Finding that these people had betrayed him and had gone ahead and organized the district, he notified the entire camp, and all the miners in the camp—and they were miners—went over and occupied the district, restaking the claims occupied by these people and claiming them. Afterwards some speculators, following in their wake, knowing that the Supreme Court had decided that the only person who could complain was the Government, bought the rights of the Laplanders to these claims, and hence the controversy arose.

The speculators knew, of course, that if the case had to go through the Land Office and the Government was the only person who could complain, they could take all the gold out of these placer claims before the controversy would be settled. They knew also that if the Government did complain, the entries of these aliens would be canceled, because they had no right under the law to make the entries. But that made no difference, because the value could be extracted before the controversy could be brought to a conclusion.

So it seems to me the case is simply this: The miners, the actual prospectors, the men who were in that country hunting gold, are in conflict with the speculators who have bought whatever rights these aliens may have, and they certainly should have the right to try the case in the local courts. That is all the change there is in this legislation as presented by the Senator from Montana. It seems to me this is a just request, a fair proposition, and one in the interest of the prospector and one which encourages the men who go forward and endure hardships in discovering the precious metals.

Some people from my own State are among these prospectors who have located in this country, and I have a statement in my hand from a man who has done more than any man I know as a developer of the mineral resources of the West. Many years ago he was a constituent of mine. He has since gone to Cape Nome. He has large developments. He made his own location. I do not think he is interested in any of the conflicting claims. He informs me that he is not. He has made a statement which I believe to be a truthful statement of the situation, and I ask the Secretary to read it.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Statement of facts with reference to the discovery and development of the placer mining fields in the Golofnin Bay and Cape Nome country.

In the years 1897 and 1898 three or four California miners, by name L. P. Mordunt, D. B. Libby, L. Melsing, and H. L. Blake, began prospecting in the Golovin Bay country. They made good discoveries on several of the tributaries of Fish River and the Neukluk, the principal discoveries being on Ophir and Melsing creeks. There were no other miners in the district at the time they commenced their operations. During the summer of 1898 the fact that gold was discovered at Golofnin Bay was made known to other miners who were then at St. Michael on their way into the Yukon country. Two or three hundred of these men turned back from the Yukon country and went into the Golofnin Bay district, where they established a camp which was named Council City. The men who did this and who made the original discoveries there were all American miners, using their own money and food and doing their own prospecting. The country owes nothing to any alien or foreigner for the discoveries in the Golofnin Bay district. No reindeer herders in the employ of the United States Government, no missionary supported by some church, no school-teacher under pay from the Government, had anything to do with the discovery and development of that country.

FACTS WITH REFERENCE TO THE DISCOVERY OF THE CAPE NOME DISTRICT.

One of the original miners in that country, Mr. H. L. Blake, a California miner, who had been with Libby and Mordunt and Melsing in the Golofnin Bay country, made the first discovery in the Cape Nome district. This discovery was made in the summer of 1898, either in June or July. On his prospecting trip to the Cape Nome country Mr. Blake had with him Dr. Taylor and one N. O. Holtzberg, a Swedish missionary from Golofnin Bay. These men went into the Cape Nome country in a small schooner, putting in at the mouth of Snake River. He prospected Snake River and its tributaries and panned out quite a little gold on the several streams which he tested.

By reason of not having but a small supply of provisions with them, as well as the fact that there were only three of them there, they did not stop to organize a district. They returned to Golofnin Bay with the understanding that nothing was to be said about the discoveries which they had made and that Mr. Blake would go to St. Michael to procure provisions and attend to some business matters at that point, and that on his return they would organize a party and go back and form a mining district, make the locations, and record their notices. During Mr. Blake's absence at St. Michael, Holtzberg, the missionary, sent word to the missionary at Unalaklik on the other side of Norton Sound, and disclosed to this man, whose name is Carlson, the discoveries made by Blake in the Cape Nome country. Through Carlson and Holtzberg, two reindeer herders, Jefet Lindeberg and John Brinteson, were informed of the fact, and they together, with one Eric Lindbloom, whom they picked up at the mission on Golofnin Bay, were sent to Holtzberg and Carlson to locate the ground which Blake had discovered.

These three men arrived in the Cape Nome district on Snake River in the month of September, 1898, and began their operations by staking one stream after another. These men, during that trip, staked at least 2,000 acres of placer mining ground on the tributaries of the Snake River. They were not miners, had never done any mining or prospecting, and are not entitled to any credit for the discoveries of the Cape Nome district. They got in there through the treachery of N. O. Holtzberg, and the discoverer of that district was not allowed to have so much as one claim on any of the tributaries of Snake River. These three men, after their making the first trip there, returned to Golofnin Bay and organized another party. This second party included the three men mentioned, Dr. Kittelsen, the mission doctor; H. P. Anderson, the mission school-teacher, and a California miner by the name of Price.

These men returned to this district again in October, when they staked all the ground which had been left by Lindebloom and Bryntson. Thus did six men, neither one of whom was entitled to any credit for the discovery, take up and stake all of the tributaries of the Snake River. Much of this alleged staking was done on powers of attorney or alleged powers of attorney. In many instances it is known that these powers of attorney were not genuine but were fraudulent, and in many instances were made out long after the claim had been staked. When Mr. Blake returned from his trip to St. Michael, he learned of what had taken place in his absence. The missionary, Holtzberg, had left the country in September, and the men who had profited by his treachery simply laughed at Blake.

Mr. Blake then disclosed to the miners at Council City the facts of his discovery in the Cape Nome district, as well as the manner in which he had been robbed of his discoveries. There was then a rush to the Cape Nome district from Council City, and many of the alien and power-of-attorney locations were staked over. The miners continued to go in there during the entire winter. The men who had robbed Blake of his discoveries went back to the mission and spent the winter comfortably around the fire, eating Government provision and drawing Government pay, feeding on reindeer meat and having their winter clothing made from the reindeer skin. With the exception of Price, who was a California miner, not one of these men had ever put a pick in the ground or carried a pan any distance for the purpose of trying to develop the mining resources of Alaska.

These men, being in the employ of the United States Government, under an arrangement which can be very well conceived, but which it would be difficult to prove without a thorough investigation by the Government, soon connected themselves with the military force at St. Michael. They were guaranteed the protection of these people, and the petition heretofore printed sets forth some of the acts which occurred in carrying out that protection. They arrested American miners for restaking alien claims; they dispersed miners' meetings at the point of the bayonet, and they posted public notices signed by the commanding officer that no miners' meetings would be held in the Cape Nome mining district. In the month of August, 1898, the United States district judge came to the Cape Nome district, presumably for the purpose of hearing and determining many of the disputed points. No cases were tried. The judge is now retained to try the cases and defend these aliens.

Mr. PETTIGREW. I have listened to the arguments in this case for several days. I listened to the eulogy pronounced by the Senator from Minnesota [Mr. NELSON] upon the Scandinavian race; and I indorse every word of it. There are no better people coming to America than the Scandinavians; there are no better people to settle in Alaska than the so-called Laplanders, than the people from the remotest northern region of Europe; but these aliens did not come as settlers to the United States or come to Alaska for the purpose of making it their home. They were careful to provide in every contract which they made when they were employed by the United States to introduce reindeer into that country for their return to Europe.

Mr. TELLER. Will the Senator allow me to correct him?

Mr. PETTIGREW. I will allow the Senator.

Mr. TELLER. I have taken pains to examine the contract. The Senator is mistaken about that proposition. The people of whom he is now speaking came to the United States with this provision in their contract: That when they wanted to return the Government of the United States, if they had not the money—that is the practical effect of it—would give them a continuation of their service until they could make enough money to get back. The Government never agreed to send them back. I have had occasion to look at it, although I have it not with me now. Mr. Jackson handed me the contract the other day to look over, and I looked it over. That is all there is of it.

Mr. PETTIGREW. I have examined the contract.

Mr. TELLER. If they have not saved money enough out of their wages up to that time they shall have work enough, not to exceed six months, to earn sufficient money to go home, if they want to go. Twenty-three out of some thirty took out their first papers at Port Townsend, in the State of Washington, and the rest of them attempted to take out their papers there. For some reason they were not able to do so, and went up into Alaska and

attempted to take them out there. These are the facts. I want the Senate to understand them. This last lot of Laplanders had no contract whatever to go back. They are the only ones who have never intended to go back.

Mr. PETTIGREW. I agree with what the Senator has said so far as it goes, but I have read the contract. The contract provides that if any of these people wish to return they can work six months, be boarded by the United States during the six months, and then for that six months' service the Government of the United States will pay the expense of their return.

Mr. TELLER. No; the Senator is mistaken. The Government is only to give them employment for six months. The Government assumes no obligation whatever to return them. Only one man has ever been returned. He was returned before he got to Alaska because the Government found that he was in bad health, and it sent him back.

Mr. BATE. Not only that, sir, but if the Senator will pardon me, I distinctly understand from what has been said here and I learn from other authentic sources that the Laplanders agreed to stay when they started out. They enlisted with that idea, and promised to remain here and become citizens.

Mr. PETTIGREW. They put in their contract a provision to return——

Mr. TELLER. There have been two lots of Laplanders brought to this country. One set of Laplanders returned, and they had a contract with the Government to return them. That is not the lot that is now complained of. These are the ones who came over when the large herd of reindeer were brought here for the purpose of relieving the miners at Point Barrow; and there is no contract, as stated by the Senator, whereby the Government is obliged to return them at all.

Mr. HANSBROUGH. Will the Senator from South Dakota allow me?

Mr. PETTIGREW. I yield to the Senator from North Dakota.

Mr. HANSBROUGH. I have here a copy of the affidavit made by Sheldon Jackson, an affidavit submitted by the Senator from Nevada, I think, in opposition to this amendment, and the language used by Dr. Jackson in that affidavit is as follows:

I found, upon the agreement being translated in this country, that a clause had been inserted that any of the parties desiring to return to Lapland at the expiration of their agreement would be sent back at their own expense.

Or, to quote the exact terms of the clause:

He shall then be at liberty to select between paying his own journey home, or that the Government pay such journey, provided that the respective man for such expense serves six months without salary.

That is the contract.

Mr. TELLER. That is very different from what the Senator from South Dakota seemed to think it is.

Mr. PETTIGREW. Not at all. I reassert that these men were careful to put in every one of their contracts a provision that if they would work six months without pay, except to be boarded by the Government, the Government of the United States would return them free of other expense to their native country. That is exactly what I said.

Mr. TELLER. That was upon condition that they chose to accept that or to make that claim upon the Government.

Mr. PETTIGREW. Most certainly. I suppose those who have got these gold locations, if they can hold them in violation of our law, will probably remain at least until they work the claims out.

These people did not come to America for the purpose of settling in Alaska and making it their home. They came for the purpose of securing the $23 a month which the Government was to pay them as salary, and they especially provided that if they wanted to they should be returned to their own country. After they had taken these mining claims, they returned to the camp where the reindeer were kept, on Golofnin Bay, and spent the winter in comfortable quarters and drew their salary. In the meantime these American miners, who were in that country searching for gold, and who had tramped the frontier all their lives, many of them, knowing that these aliens could not hold a mining claim, went and staked over the same ground. Speculators came along, and they know also that an alien can not hold a mining claim. They know also that under the decisions of the court if they can get the aliens' rights they can work out the mining claims and make them worthless, and therefore they propose to invest their money and take their chances.

Under these circumstances, I am for the American miner, for the prospector, for the man who takes upon himself the hardships and difficulties and exposure of that cold country and of the frontier, far beyond the confines of civilization. Let him try his case primarily. Therefore I favor this amendment. There is nothing to it but that he shall be allowed to go into the courts and settle the controversy; and that is what I want to do. That is what I believe is just and right and proper in this connection. I do not desire to discuss the question further.

Mr. STEWART. Mr. President, it may be well to correct the statement of facts for just a moment. I will not make a speech. The Senator from South Dakota is away off on his facts, these general, rambling facts. A Robin Hood or some kind of a story about somebody else being up there before was first exhibited here in a pretended memorial to the President of the United States as if there was any reality in it. It is dated Council City, Alaska, May 25, 1899, and is addressed to the President of the United States. The relators are the president and a secretary of a law and order organization situated at Council City, some 80 miles away from the place, and they tell a long story here; but no one knows or pretends to say that he knows the facts therein stated. This memorial to the President appears never to have gone to the President, and the Secretary of War says that he has not had it. If there had been anything of the kind presented that was so important, it should have gone there. The letter from the Secretary is dated April 20, 1900, and is as follows:

WAR DEPARTMENT, *Washington, April 20, 1900.*

SIR: I have the honor to acknowledge the receipt of your letter of April 21, inclosing Senate Document 272, inviting attention to page 10, on which is printed a memorial addressed to the President of the United States from citizens of Council City, Alaska, and asking whether a copy of the memorial is on file in the War Department, and in reply I beg to inform you that a careful search of the records of the War Department fails to result in the finding of the memorial referred to.

Very truly, yours,

ELIHU ROOT,
Secretary of War.

Hon. WILLIAM M. STEWART,
United States Senate.

Mr. NELSON. Will the Senator allow me to suggest that that is the same memorial which the Senator from Montana had read?

Mr. STEWART. Yes; it is the same memorial that the Senator from Montana had read, and the same memorial upon which all these pretended facts are based. It is in harmony with the statement in the affidavit that was presented just now. We find that the clerk who makes a note of every document that is sent to the President did not have it there. The memorial did not go to any of the executive officers.

Mr. HANSBROUGH. Mr. President——

Mr. STEWART. The point about the memorial is that somebody had to be there before to know something about it. If they had been there, of course they would have located claims, and so there is nothing in it. I do not believe a word of it. There is no person who was there and who could know something about it who has ever made any statement. The man who was there first has not said anything about it except that this is all hearsay. This is immaterial, only it shows the straits to which men are driven when they are trying to get other people's property.

Mr. HANSBROUGH. Mr. President——

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. STEWART. No; I do not yield.

Mr. HANSBROUGH. Just for a question.

Mr. STEWART. Yes; I yield for a question.

Mr. HANSBROUGH. I simply desire to ask the Senator how he accounts for the statement which the Senator from South Dakota had read, which conforms very accurately to the memorial and to the report of Major Ray to the War Department which was read the other day?

Mr. STEWART. I account for it on the palpable fact that all those who pretend to know anything about it tell a story. They were not there. They do not say where they were. They do not pretend to have been there. It is bosh. We present a statement from men of character who were there—six men who were there and made the discovery—the first men who located the claim.

Mr. BATE. Who organized it.

Mr. STEWART. Who organized it and located it. Here is the affidavit of Albert N. Kittelsen, a reputable man, the recorder of the district, who has been there all the time:

DISTRICT OF COLUMBIA, *City of Washington, ss:*

Albert N. Kittelsen, M. D., being first duly sworn, on oath says that he is a citizen of the United States—

Not a foreigner—

and has been a resident of the Territory of Alaska since 1896; that he arrived at Cape Nome, Alaska, about October, 1898; that prior to that time there were three men located at Cape Nome; two of them were Swedes by birth, but had been in the United States some ten to fifteen years; the third was a Norwegian.

Not a Laplander. The three first who went there were Swedes and Norwegians.

Two other persons went there with me; one of them a Laplander and one an American citizen.

Those who went with him. Those who preceded were Swedes and Norwegians, persons who had been in the country a long time and had declared their intention to become citizens.

The Laplander had declared his intention to become an American citizen in the early spring of that year—

Six months previous to this location—

and his declaration was filed before L. B. Shepherd, who was a United States commissioner at St. Michaels. The six persons who were then at Cape

Nome located claims; some of them had located previous to our arrival. We then formed a mining district and adopted rules and regulations under the laws of the United States. I was elected recorder.

These are men talking who were there. Here is a reputable man, and nobody questions his statement:

A few weeks after that miners from the surrounding country commenced coming in, and during the following winter the number rose to between 200 and 300. I recorded all their claims, and in every sense was recognized and acted as mining recorder. The first Laplander located three good claims—one for himself, one for his brother, and one for an associate, who arrived soon after and took possession and worked the claims. These Laplanders worked their claims during the working season of 1899, and sold out to Mr. Lane in the fall of 1899.

One Norwegian located claims on about six different streams, and has been in possession of them ever since. The claims of these Laplanders, while they were in possession and working them, were located by other persons called "jumpers."

Later on the claims of the Norwegian were relocated by "jumpers" and recorded by me, because it was my duty to record all claims presented for recordation. I was so instructed by the judge of the district court.

In the summer of 1899 three lawyers located themselves at Cape Nome, whose names were Hubbard, Beeman, and Hume. These relocators, although they did not take possession or work upon the claims they relocated or "jumped," employed Hubbard, Beeman & Hume as their attorneys. Mr. Hubbard, of the firm of Hubbard, Beeman & Hume, an attorney for the relocators, is in the city of Washington. I met him on the 5th of this month in the committee room of Senator HANSBROUGH.

I have no interest whatever in any of the "jumped" or relocated claims, either as original locator or relocator, and no private interest that would be affected by any of the proposed legislation.

ALBERT N. KITTELSEN.

Sworn to and subscribed before me this 6th day of April, 1900, at Washington, D. C.

[SEAL.] ELKANAH N. WATERS, *Notary Public.*

Here is another gentleman who is a trader up there. He tells who he is and where he has been. It ought to be known that these men were never up there and that they get up this kind of stories. They claim to have presented a memorial to the President of the United States which they never presented it to him:

DISTRICT OF COLUMBIA, *City of Washington, ss:*

John A. Dexter, being duly sworn, deposes and says: That I am an American citizen; 45 years of age; and was born in Richmond, Va. I have resided in Alaska for the past ten years. This is the first time I have left there during that time. My business in Alaska has been merchandising, having stations along the coast of Bering Sea, at St. Michael, Unalaklik, Norton Sound, Golofnin Bay, Cape Nome, and Fort Clarence. I established trading posts at these places with the Indians to buy furs. I have native agents at each of these places. I visited all of these points five or six times each winter in the course of my business. It was known from the first that there was gold along the shores of Bering Sea at various points, but it was not known that it was in sufficient quantities to pay for working until within the last two years.

There were several parties of prospectors fitted out at my store who went up and down the coast, but none of them found mines which they located previous to the fall of 1898. The first locators were Eric O. Lindblom, ——— Hagaline, and Jaf Lindenburg. They got their supplies at my store and they told me they were going up the coast prospecting. After these three men went there first and made their locations they returned for more supplies. They shortly afterwards went back, taking with them Dr. A. N. Kittelsen, Gabriel W. Price, and a Laplander, Jo Hahn, who had declared his intention in April, 1898, before United States Commissioner Shepherd, to become an American citizen. These six men organized a miners' district and made rules and regulations in compliance with the laws of the United States. I knew them all well. They were all citizens of the United States except the Laplander, who had in good faith declared his intention to become such before a United States commissioner. They all made my stations their headquarters, and I knew all the Laplanders well. They were industrious, sober men, and said that they had come to make that country their home.

I went to Nome in November, 1898, and made some locations myself. Everything was proceeding orderly, and Dr. Kittelsen was the duly elected recorder. A large number of people came there during that winter and located claims. Mr. Price, one of the original locators and organizers of the district, who went there with the first party, notified the people of Council City, about 80 miles from Nome, that good diggings had been struck at Nome.

Mr. Price notified them of good diggings and they went there. They were neighborly, and they notified them that good diggings had been discovered at Cape Nome.

Large numbers of people soon came over from Council City.

That is where the memorial issues from.

Some of the emigration during the winter located claims for themselves and some jumped claims that had been located by the original parties who discovered the mines, on all sorts of pretexts, viz, that the notices were defective, the claims were not in proper shape or size, etc. There was nothing said for a long time about any of the original locators being aliens. Nearly all the jumpers were men who had been dealing with me for some time. Many who came to Alaska represented English and other foreign companies.

You see they talk about aliens there. There was only one man who was an alien of the six who made these locations that all this trouble is about, and he had declared his intention in good faith. But here we have all this roundabout story about aliens.

Mr. PETTIGREW. I should like to ask the Senator, then, if this amendment will harm those people who were not aliens? We do not want to harm anybody.

Mr. STEWART. This amendment would not have come here if some man had had a good claim.

Mr. PETTIGREW. If they were not aliens, as you say they were not, the amendment does not harm them.

Mr. STEWART. These Laplanders went up with the first party and located two good claims on two different creeks and sold them to Mr. Lane, and you want to take advantage of the fact that he made a mistake before he made his declaration. There is the trick in it. There is always a "nigger in a wood pile" when there is such exertion made as this to pass a retroactive law.

Mr. HANSBROUGH. How about the exertion on the other side?

Mr. STEWART. There is an exertion to defend rights; and when you attempt to pass a retroactive law, there should be somebody here to oppose such a law and to denounce it. This should not be attempted here, and there ought to be indignation on the part of somebody. Nobody with a just claim is asking to have the laws changed. But somebody wants to get another man's property. Let these things alone as they are; let the courts decide them. I know Mr. Lane and other citizens up there. They are honest men, friends of mine and friends of everybody who is good and honest. There is no reason why they should have their property taken from them on a false pretense.

George Gardner was the agent of the English company, and as such grub-staked many of the jumpers at Cape Nome.

That is, the Englishman would grub-stake them. He would have to furnish them with money to go out prospecting.

Mr. BATE. Will you explain grub-staking?

Mr. STEWART. Grub-staking is where you start a man with tools and grub to go prospecting, and he goes out for that purpose.

The jumpers did no work on the claims because the original locators were in possession and would not allow them to enter on the claims. They simply recorded them in the recorder's office. I have seen the petition or memorial of the so called "Law and Order League" of Council City.

That is the one it was said had been sent to the President, but it did not go there.

Nearly all the signers are Council City men, and most of them belong to companies sent out from London, Chicago, San Francisco, and other places to locate claims. I know that some of the signers of the so-called memorial belong to the English company represented by Gardner, and that many of them were foreigners who had declared their intention to become American citizens before the United States commissioner, Judge Shepherd, the same officer before whom some of the Laplanders made their declarations.

Mr. BATE. Do I understand that the men who present this memorial are the same men who took the oath?

Mr. STEWART. They are the same men who have taken the oath there.

I know these facts of my own knowledge, and have seen the grub-stake contracts between Gardner, agent of the alien company or syndicate, and the jumpers. A large number of the signers of the memorial or petition are aliens. If there was a "law and order league" in existence at Council City, Alaska, I never heard of it before I came to this city.

Mr. BATE. He was living there?

Mr. STEWART. He was living there, a merchant. They all came there and traded with him.

I do know that no such league ever existed at Cape Nome or ever assisted in maintaining the laws in Alaska. When navigation opened in the spring, about the last of June or the 1st of July, about two or three thousand people came into Nome. They declared that everything that had been done was illegal. They were a turbulent set of men, not miners, but many had the reputation of being professional agitators. They called a meeting to change the mining laws, after they had stationed men all over the district to relocate the claims after the meeting had abrogated existing locations. After the meeting assembled and its purpose was made known, Lieutenant Spaulding, of the Army, dispersed it to avoid what would necessarily have led to bloodshed if persisted in, because it was well known that the miners would not give up their claims without a fight. Lieutenant Spaulding told them that they must wait until the courts decided in their favor before they took possession of claims which other people had located.

JOHN A. DEXTER.

Subscribed and sworn to before me this 20th day of April, 1900.

[SEAL.] HARVEY T. WINFIELD, *Notary Public.*

Such witnesses would be competent to testify in a court, but this round-about story should not be listened to by anybody. There are other matters connected with this question, but I think the Senate has heard enough for to-day, and I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Montana [Mr. CARTER].

Mr. PETTIGREW. I think we had better adjourn.

Mr. STEWART. I move that the Senate adjourn.

Mr. McCOMAS. Will the Senator from Nevada allow me to call up a bill that will give rise to no discussion?

Mr. STEWART. Very well; I withdraw the motion.

EDWARD KERSHNER.

Mr. McCOMAS. I ask unanimous consent for the present consideration of the bill (S. 2960) for the relief of Edward Kershner.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President be, and he is hereby, authorized and empowered to appoint Edward Kershner as a medical director in the Navy, to take rank at the foot of the list of medical directors, and the list of medical directors on the active list of the Navy is hereby increased to sixteen as long as said Edward Kershner remains thereon.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PETTIGREW. I move that the Senate adjourn.

The PRESIDING OFFICER. Will the Senator from South Dakota yield to the Senator from Minnesota to have a message from the House of Representatives laid before the Senate?

Mr. PETTIGREW. I will yield for that purpose.

LOOSE LOGS AND RAFTS ON RIVERS, ETC.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 9824) authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that the Senate insist on its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. NELSON, Mr. MCMILLAN; and Mr. BERRY were appointed.

MILITARY OFFICERS IN CUBA AND PORTO RICO.

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 21st instant, certain information relative to whether any officer of the Army of the United States who is now, or who has been, on duty either in Cuba or Porto Rico since the date of the declaration of war by the United States against Spain has received any compensation for any service of any kind whatsoever other than the compensation to which such officer of the Army is, as such, entitled by law to receive as his salary and allowance, etc.

If there be no objection, the communication will be referred to the Committee on Military Affairs and printed.

Mr. PLATT of Connecticut. Let it lie on the table.

Mr. BACON. Let it lie on the table, if you please.

The PRESIDING OFFICER. If there be no objection, the communication will lie on the table and be printed.

Mr. CARTER. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from South Dakota moves——

Mr. PETTIGREW. I renew my motion, then, to adjourn.

Mr. CARTER. I yield to the Senator from South Dakota for the purpose of making the motion.

The motion was agreed to; and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 26, 1900, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 25, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. LANHAM. Mr. Speaker, I rise to a matter of privilege. I hold in my hand the certification of the result of a special election held in the State of Utah on the 2d day of this month for Representative in this Congress. The gentleman bearing the certificate is present, the Hon. William H. King, who has heretofore served with many of us in the House of Representatives, and I ask that the certificate, which appears to be regular in form and issued by the proper authority, be read, and that the gentleman be sworn in as a member of this House from the State of Utah.

The SPEAKER. The Clerk will read the credentials.

The Clerk read as follows:

STATE OF UTAH, EXECUTIVE DEPARTMENT.

I, James T. Hammond, secretary of state of the State of Utah, do hereby certify that on Monday, the 2d day of April, A. D. 1900, at the special election held within and for said State, William H. King was duly elected Representative to the Fifty-sixth Congress of the United States of America from the State of Utah, as appears from the returns of said election, which have been duly canvassed and certified.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 20th day of April, A. D. 1900.

[SEAL.] J. T. HAMMOND, *Secretary of State.*

Mr. King thereupon appeared at the bar and the oath was administered to him by the Speaker. [Applause.]

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Post-Office appropriation bill.

The motion was agreed to: and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. DALZELL in the Chair, for the further consideration of the bill H. R. 10301, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk began the reading of the bill.

Mr. LITTLE. Mr. Chairman, I understood we had reached the pneumatic-tube proposition when we adjourned. I will inquire of the Clerk what part of the bill he is reading.

The CHAIRMAN. The Clerk had just finished the pneumatic-tube paragraph yesterday.

Mr. MOODY of Massachusetts. It was agreed, Mr. Chairman, that we should have two hours' debate upon this paragraph.

Mr. LOUD. The parliamentary status was that the Clerk had completed the reading of the pneumatic-tube paragraph, and a point of order was made by the gentleman from Arkansas [Mr. LITTLE], which was pending when the House adjourned, as the RECORD shows.

Mr. LITTLE. Mr. Chairman, I desire to state that at the request of several members who oppose this paragraph I will withdraw the point of order.

The CHAIRMAN. The gentleman from Arkansas withdraws his point of order. The Chair will recognize the gentleman from California [Mr. LOUD] and the gentleman from Tennessee [Mr. MOON] to control the two hours set apart for debate on this paragraph.

Mr. MOON. I yield twenty minutes to the gentleman from Arkansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman, in the beginning of this debate I will say that in my view of the postal service none of us desire to oppose any practical measure which will materially contribute to facilitate the mail service in the United States; but I believe that we can do that service insufferable harm by permitting certain projects and systems to be ingrafted upon the postal service which will prove an embargo on the service and bankrupt the service, as far as that is concerned.

Now, this pneumatic-tube service, in my opinion, contributes to facilitate the mail in such a small degree as to render its continuation or enlargement not the best thing to do. We have already 8.5 miles of this service, as I remember, and we are paying for that service annually a rental of $27,250 a mile.

After long and continuous hearings before the Committee on the Post-Office and Post-Roads, and carefully considering that testimony, I have been unable to find from that testimony where it materially facilitates the transportation of the mail. I find that in the passage of the mail where these tubes are established, say a distance of a mile, the wagon service is continued, and the wagon will make the trip in twenty minutes, as often as the service requires. It is claimed at some places that it facilitates the mail ten minutes, others fifteen minutes, twenty minutes, and the largest is thirty-five minutes. The truth is that when the mail is first received at the depot, they can begin to send it to the principal office, and the first delivery of the tubes will arrive there a considerable time before the wagon mail could. But the wagon can deliver the mail in from ten to twenty minutes at almost every station in the service.

If the Government be called upon to continue to pay the enormous prices it is now paying for this service, I believe it to be an outrage on the people and a disgrace to the service. Take the city of New York; in that city alone we are paying to-day for an 8-inch metal tube buried in the ground a rate of $37,738 per mile per annum rent. Now, that tube ought to be put in the ground for $2 a foot, which would be an enormous price for the laying of these pipes. And yet we are paying the enormous price, on an average, of $22,500 per mile, or $225,000 a year for 8.5 miles of this service. The service does not undertake to handle the paper mail, nothing outside of the first-class matter, and handles only about 80 per cent of that. But little of the paper or bulk mail ever sees these tubes. There is no material decrease in the wagon service.

Yet we are called upon to pay this price, which, if we extend the service throughout the cities of the country, will amount to untold millions, and, in my opinion, will not very materially facilitate the service. I believe the time has come when Congress ought to take a backward step on this proposition, if it can be called a backward step. It is a step in the direction of economic and honest administration of postal facilities. I believe, nay, I am sure, we ought to strike the appropriation from this bill. I believe that in doing this we shall relieve the mail service from a fungus growth that promises to bankrupt that service.

It is claimed that the use of this service will increase the amount of first-class matter. A similar claim is made on every proposition. It is advanced by the friends of second-class mail matter; it is claimed as one of the results of rural free delivery. The advocates of each scheme in its turn claim that the adoption of that particular scheme will largely increase the revenues of the Department.

Legislation adopted by Congress in 1898 provided that no additional appropriation should be made to extend this service until

authorized by law. In view of that provision of law, I interposed yesterday a point of order against this provision of the pending bill; but the opponents of this service, as well as its friends, believed it ought to be discussed in this House, so that the judgment of the House might be obtained upon it, and for this reason I withdrew the point of order. But if appropriations for this purpose are to be continued, I believe we ought to strike this appropriation from the bill and provide for the service by general legislation in such a way that the interests of the Government may be properly guarded and the expense of the service properly limited. But, under the present circumstances, to pay the sum of $27,000 a mile on a general average, or $37,000 a mile in some cities, for the use of this service is, I believe, an extravagance which we can not be justified in supporting.

I am willing to extend to the cities and the towns, as well as to the people of the country districts, every reasonable facility for handling their mails; but I can not justify myself in supporting this measure for the benefit of places which already have deliveries six, eight, or nine times a day.

If the apparatus for carrying on this service was a great expensive machine, greatly facilitating the mails, we might justify ourselves in some degree for this large expenditure; but this service requires, as I understand, simply a cast-iron pipe—I presume it is cast iron—8 inches in diameter and laid in the ground as you would lay a water pipe. To charge for a service requiring this simple machinery $37,000 a mile, or $225,000 for 8 miles, is, I believe, wholly unjustifiable. I do not believe this measure facilitates transportation of the mails in any degree comparable with the price demanded. If Congress wants to go farther in this direction, I believe we ought to call a halt on appropriations of this kind and adopt general legislation on this subject, to the end that the interests of the Government may be subserved and the service be properly cared for. I hope the appropriation will be denied.

Mr. Chairman, I return the remainder of my time to the gentleman from Tennessee [Mr. MOON].

Mr. MOON. I hope the gentleman from California [Mr. LOUD] will now use some of his time.

Mr. LOUD. If anyone on this side wants time, I am perfectly willing to yield it, but at present I have no applicants for time, and when I talk myself it will be to conclude the debate.

Mr. MOON. Then I will yield thirty minutes to the gentleman from Massachusetts [Mr. MOODY].

Mr. LOUD. I find there is a gentleman on our side who desires to occupy some time. I yield ten minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I appreciate the fact that the pneumatic-tube service is of particular interest, in the first instance, to the cities. Yesterday the House passed an item of $1,750,000 for the purpose of extending the rural free delivery. To that I make no objection. If it is possible to carry out that experiment in such a way as will conduce to the best interests of the Government and the people, so that we may have free rural delivery in various parts of the country or throughout the country, I shall be in favor of it.

But I want to call the attention of those gentlemen who are interested in rural free delivery to the fact that it is paid for by the receipts of the city post-offices. In no place where rural free delivery has been put in operation do the receipts pay the expenditures for that service, not to mention the other expenses in connection with the mail matter.

But, Mr. Chairman, in the city which I in part represent the postal receipts turned in to the Government as net receipts exceed several million dollars. In 1891 the receipts at the post-office in Chicago were $3,126,000. Last year they amounted to $6,352,000, having more than doubled in eight years; and nearly or more than one-half of this $6,000,000 was net receipts turned in to the Government for the general use of the Post-Office Department. It is true that a large share of that money is used for the expedition of mails by railroad routes and elsewhere; but it is also true that the cities turn in net revenues, which are used for the benefit of the rural districts in the expedition of the mails; and I insist it is only fair that in the experiments being made by the Post-Office Department those cities which turn in such vast amounts of revenue should have their share in the results of the experiments.

It is probably true that the pneumatic-tube service is more or less an experiment. I can not speak of that service in Boston, New York, or Philadelphia, but I know that in the city of Chicago it would be of great benefit, not only to the people, but to the service itself. And as I understand it, sir, it is not the purpose, if this item should be passed in the bill and any portion of it is set aside for use in the city of Chicago, it is not the purpose to use the service for the transmission of the mails between the main post-office and the various railroad depots in the city. Chicago is so situated with reference to the depots of the main lines of the railroads centering there that most of the depots are but a comparatively short distance from the main post-office of the city, and it may be true that this would not very much expedite the transmission of the mails between the post-office and the railway stations in that city; but it is also true that the great city of Chicago, covering a vast territory as it does, has many local centers where immense business interests are carried on, where vast interests are concentrated.

I might mention, or call the attention of the committee to the fact, that a vast business is transacted at the Union Stock Yards at Chicago, which has its own postal station. It now takes from one to two hours to transmit mail from the general post-office to the stock yards or from the stock yards back to the general office. If the pneumatic-tube system were inaugurated there and operated, the transmission of first-class mails would necessarily be greatly expedited between these points. It would be of immense value to the people doing business at the yards and with the city of Chicago, as well as those persons connected with that business in the surrounding country, because it must be remembered that these stock yards represent a very large amount of the business interests in the Western country—the Western farms and the farmers as well as the business men generally of the Western country—and it is to their interest that the mails shall be transmitted with as much expedition as possible between these points.

I might also cite the fact that the banking interests are largely collected in the center of the city, and other business facilities, to a large extent, are concentrated at the central points in the city, and it is necessary for the proper transaction of the business that the mails shall be expedited so that a letter can go from the general post-office to the stock yards and to other local centers in the city and an answer back again in a short time, not exceeding, say, a half hour, where, as now, it sometimes takes a day, and not infrequently a day and a night to perform the journey.

It seems to me, Mr. Chairman, therefore, that while the Post-Office Department is making some of these experiments for the purpose of adding to the expedition of the mails in rural districts, it might be well to enact a provision by which the pneumatic-tube service could be put in operation in the great city of Chicago, as manifestly so many interests there demand expedition in the mail service.

A few years ago the city of Chicago granted a franchise for the pneumatic-tube service, in connection with the Associated Press of the city of Chicago, to connect it with the various newspaper offices in different parts of the city. At the time it was said by people on the outside, it was said in the city council, of which I happened then to be a member, that it would be of doubtful benefit. I have had a conversation recently with Mr. Addison C. Thomas, the superintendent of the Associated Press in that city, and who has had an extensive connection with that service, who informs me that it has proved of great service to the various newspapers and the Associated Press in the city, in the expediting of the news furnished by the Associated Press, and in the transmission of news to the various newspaper offices. He informed me that in a very short time—almost instantly—they can send news dispatches to or from the newspaper offices in the city. It is very much more expeditious than the telegraph service, because they can handle the business more rapidly than it was formerly done by wire. They transact the business so readily and so rapidly by this system that it would be absolutely impossible to carry on the business satisfactorily without it. The same would be equally true as applied to the business of the Post-Office Department.

It is impossible in the city of Chicago and elsewhere throughout the country, in the larger cities, to send a letter from the general post-office to the outskirts of the city, or even to the inside local centers of the city, within anything like a reasonable time. In our city, which reaches, from end to end, a distance of from 30 to 40 miles, we are absolutely without proper mail facilities or service in this regard. The revenue that we pay for the postal service of Chicago—the immense amount paid annually there—goes for the benefit of other parts of the country instead of our own. Now, why is it not fair that we should have a little of our own revenues to develop our service and provide for the accommodation of our own people?

I will say, therefore, Mr. Chairman, that if these experiments are to be continued in New York, Boston, Philadelphia, and Brooklyn, it should also be extended to Chicago and to the other large cities of the West.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON. Mr. Chairman, I yield thirty minutes now to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. Mr. Chairman, the proposition contained in this bill, and to which the attention of the committee is now directed, is a very innocent looking one. It is of very little importance whether we increase this $115,000,000 appropriation bill by another half million of dollars, as proposed, or not. But as I took occasion to say recently on the floor of the House, I warn this committee that if we take the step we are asked here to take in connection with the pending bill, that it is not a question of a half million dollars expenditure, or of $1,000,000, but

that it will be in the future, and the very near future, a question of many millions of dollars annually added to the already swollen expenditures of the Post-Office Department of this country.

When we consider that in the last ten years that great cooperative undertaking of the people has run behind more than $110,000,000, and when we consider that this bill, for the first time and the first among all appropriation bills, proposes to expend the public money in sums in excess of those demanded by the Post-Office Department, it is our duty to pause long and to consider well before we travel further in the pathway which is proposed to us.

Mr. Chairman, let us consider for a moment what we spend for the transportation of mails. I will not weary the committee by a recital of figures, but I will place them in my remarks in the RECORD.

For transportation of mails.

Paid other agencies:	
Star routes	$5,240,000
Steamboats	545,000
Railroads	33,870,000
Railway post-office cars	4,561,000
Street cars	350,000
Special facilities	196,238
Total	44,762,238
Our own agencies:	
Mail messengers	950,000
Pneumatic tube	725,000
Wagon service	750,000
Railway Mail Service	9,761,300
Total	56,948,538

The bill appropriates, in round numbers, $57,000,000 for the mere transportation of the mails, without taking into account many items of appropriation for the purchase of material which is used only for that purpose.

Mr. LOUD. The gentleman had better segregate the items. He has got that total pretty high.

Mr. MOODY of Massachusetts. No; I have not.

Mr. LIVINGSTON. If my colleague will permit me, I should like to ask the gentleman a question for information.

Mr. MOODY of Massachusetts. I shall be glad to yield.

Mr. LIVINGSTON. Will the gentleman state to the House what the demand for mail facilities is in the United States and how that increase is carried along in comparison with the increased expenses? Let us hear both sides of it.

Mr. MOODY of Massachusetts. Oh, everybody knows that the demand for the privileges of mailing have increased, and increased greatly, but that does not relieve us from the duty of conducting the business of the Post-Office Department upon business principles.

Now, Mr. Chairman, I crave the attention of the House while I undertake to show how this ill-begotten appropriation began. I think it will be a warning to us to proceed with caution. Let me have your attention for but a few moments upon this proposition.

Mr. LOUD. Has the gentleman any objection to an interruption there?

Mr. MOODY of Massachusetts. No; I yield to the gentleman from California.

Mr. LOUD. I should like to call the attention of the gentleman from Massachusetts to one of his items in his transporation account, which I do not think the gentleman will hold is a legitimate transportation item. The gentleman is always accurate, but I see he has charged the salaries of the railway mail clerks into the item of transportation, and I do not think those salaries are legitimately chargeable to that.

Mr. MOODY of Massachusetts. Mr. Chairman, I know what the gentleman from California has in mind. I recognize the justice of his criticism in that respect. The railway postal clerks are engaged not only in transportation, but to a very large degree in the sortation and distribution of the mails, and so far as that part of my statement is concerned it is fairly subject to the criticism which the gentleman makes.

Now, Mr. Chairman, let me return to the origin of this appropriation. I trust I may have the attention of both sides of the House to this part of the remarks that I intend to make. Mr. Chairman, it does seem as if there were no sentiment either in this House or out of it in favor of economy in the public expenditures. By and by the representatives of the people and the people themselves will wake up to the abyss toward which we are running. In the last Congress more than one billion five hundred millions of the public moneys were appropriated. Appropriations are increasing upon every side. At the present time there is not a branch of the public service but what is knocking at the doors for an increase in its share of public money.

Now, as to the origin of this particular appropriation. The Post-Office bill for the fiscal year 1893 contained a very innocent provision for an inquiry into the process of transferring mails by pneumatic tube. There was a small appropriation of $10,000 and a direction that the Postmaster-General should report to Congress upon the subject. Whether he did report or not I do not know. I have not had the opportunity to find out. But the project remained silent until it appeared in the appropriation bill passed June 9, 1896, and I invite your attention to that date. Upon that date Mr. Wilson was Postmaster-General of the United States and Charles Neilson was the Second Assistant Postmaster-General of the United States. The Second Assistant Postmaster-General controls all transportation questions. In that bill was this appropriation:

The Postmaster-General may, in his discretion, use not exceeding the sum of $35,000 of this amount in the transportation of mail by pneumatic tube or other similar devices.

Up to that time there had been no appropriation for the pneumatic-tube service. There was a change of administration. Mr. Neilson left the office of Second Assistant Postmaster-General and was succeeded by the able and accomplished gentleman who now holds that office.

I call the attention of the committee to the subsequent history of Mr. Neilson's connection with this enterprise. In the testimony taken by the Postal Commission there is contained the testimony given by Mr. John E. Milholland on the 2d day of August, 1898. He was examined with respect to the question of whether any public men were in any way interested in the pneumatic-tube service. He said:

I also wanted to say in regard to one other public man, Mr. Charles Neilson, that after his retirement as Second Assistant Postmaster-General, he came here and an arrangement was made to have him represent the company at Washington for one year. He was made a director of the company—

That is, the Pneumatic Company of New York—

and was to look after matters at Washington. An arrangement was made for one year, and he was paid for that one year's service a thousand dollars, that being allowed him for traveling expenses, and he was also given $10,000 of the stock of the company.

Q. How long did this occur after his retirement from office?

Mr. LITTLE. I hope we may have order. I am very desirous of hearing the statement the gentleman has made, and I wish he would repeat it.

Mr. MOODY of Massachusetts. It is only from a sense of public duty that I speak of these things. It is unpleasant for me to do it, but I do so because I have been charged by this House as a member of the Postal Commission to investigate the question. If the attention of the House could be secured to its consideration, this appropriation would die the death it ought to. [Applause.]

Mr. LITTLE. I will say to the gentleman that if he will smoke the scoundrels out, this side of the House will stay with him.

Mr. MOODY of Massachusetts. I was stating that the first appropriation was made when Mr. Neilson was Second Assistant Postmaster-General.

Mr. COOPER of Wisconsin. Under whose administration?

Mr. MOODY of Massachusetts. I do not want to bring any politics into it at all. Within six weeks, at the outside, after he left the office, he was given a thousand dollars in cash and $10,000 in stock for his services at Washington during the succeeding year. What they were I do not know. What they could properly be I can not guess; but he was given this stock, and the testimony in regard to its value was this:

Q. Has it now an ascertainable market value?
A. The only sale of that stock that I can recall was in the summer; I think the stock was sold at 95 asked and 90 bid.

Mr. BINGHAM. Dollars or cents?

Mr. MOODY of Massachusetts. Dollars.

That was the only transaction that I can recall.

Mr. LIVINGSTON. Will the gentleman allow me to interrupt him?

Mr. MOODY of Massachusetts. Let me finish just here. I ought in justice to put in this question and answer:

Q. Was any arrangement made with Mr. Neilson at the time he was holding office?
A. None whatever.

Now I will yield to the gentleman from Georgia.

Mr. LIVINGSTON. What are you reading from?

Mr. MOODY of Massachusetts. I am reading from the testimony taken by the Postal Commission, given on the 2d day of August, 1898, the testimony of John E. Milholland, representative of the New York Pneumatic Tube Company.

Mr. LIVINGSTON. Now may I ask if we can get that report?

Mr. MOODY of Massachusetts. I know of no way that the gentleman can get that report except by borrowing it from some member of the commission.

Mr. LIVINGSTON. I would like to have the whole report.

Mr. MOODY of Massachusetts. I think the gentleman is entitled to have the whole report, and I think whatever else the Postal Commission does before this Congress adjourns, it ought to print and put at the disposal of members all the evidence that it has.

Mr. BINGHAM. Will the gentleman permit me to make an inquiry?

Mr. GAINES. What did this man do in this matter, and who employed him down here?

Mr. MOODY of Massachusetts. The Pneumatic Tube Company employed him.

Mr. SULZER. Is it not a fact that he is one of the editors of the New York Tribune?

Mr. MOODY of Massachusetts. I do not know whether he is or not, and I do not care whether he is or not.

Mr. SULZER. Well, he is.

Mr. MOODY of Massachusetts. That testimony was taken for the use of Congress, and taken in an attempt to remedy the evils which exist in our postal service, and it ought to be submitted to Congress and to the whole American people.

Mr. LIVINGSTON. I hope the gentleman will not say "Congress;" we have been shut out.

Mr. BINGHAM. Will the gentleman now permit me to make an inquiry?

Mr. MOODY of Massachusetts. Certainly.

Mr. BINGHAM. In view of the fact that the testimony before the commission seems to be, so far as the House is concerned, a sealed book, I would ask how many pages of that testimony pertain to the pneumatic-tube service?

Mr. MOODY of Massachusetts. It covers, I would reply, very many pages.

Mr. BINGHAM. I should like to ask that it be made a part of the RECORD, in connection with the gentleman's statement. It is pertinent to this debate, and it will be pertinent to the debate in the other Chamber. I think this House is entitled to have it in connection with the gentleman's statement, which I fully credit, and full information upon the subject. We may not have it otherwise until the close of the session, and I think we should have it in connection with the gentleman's statement.

Mr. MOODY of Massachusetts. I should be very glad that the House should have it, but I should not want to print all this testimony as an appendix to my statement. It would be an abuse of the privileges of the RECORD, an abuse that I have not been guilty of, and I will not abuse it; but as one member of the Postal Commission I will do what I can to present all the testimony to the public and to Congress before the close of this session of Congress.

Mr. BINGHAM. If the gentleman will allow me, I do not think it would be any abuse of the RECORD. In view of the charge that the gentleman has made, he ought to give the evidence of it to the House.

Mr. MOODY of Massachusetts. I have made no charge; I make no charge. I trust these facts may be explained consistently with principle of honest conduct on the part of public officials; but I say that these facts call for an explanation, and I say that these facts call upon us to hesitate in going further in this pathway.

But that is not all, Mr. Chairman; there was other testimony before the commission. I shall mention no names, and I regret extremely to have to speak upon this subject. But we found that the pneumatic-tube system in New York was constructed by contractors who took their pay in stock and bonds; that the only value which that stock and those bonds had was the contract with the Government. It was certainly unfortunate—I think nothing else, believe nothing else, but unfortunate—it was certainly unfortunate that a holder of the bonds and one of the contractors was a member of this House and a member of the Committee on Appropriations.

A MEMBER. Give us his name.

Mr. MOODY of Massachusetts. I decline to state.

Mr. LIVINGSTON. Does the report develop that fact?

Mr. MOODY of Massachusetts. It does.

Mr. LIVINGSTON. Will the gentleman state his name?

Mr. MOODY of Massachusetts. I will not. As showing the methods employed by the New York company, I will state that a large block of the stock of this company as a New Year's present was sent to a near relative of an important and influential member of the House. I am glad to say that the return mail was not allowed to depart from Washington without carrying back that dishonoring and dishonorable gift. [Applause.]

Before the Post-Office Committee there came a representative of the parent company, who said, "We want to extend it to twenty-seven cities in the Union," and he named them. My friend from Ohio, Mr. BROMWELL, pointed out the coincidence that he had happened to include every member of the committee except my friend from Connecticut, Mr. SPERRY, and I do not know how he happened to be overlooked.

I only quote from the statement of Mr. BROMWELL, and I know nothing more about it than that. If my friend supposes for a moment that I intended that as a reflection upon any member of the committee, or intended to suggest for one moment that anyone was influenced in any degree by that statement, I beg to withdraw it, because no committee in this House holds my respect in a greater degree than the Committee on Post-Offices and Post-Roads; and no man in this House, or out of it, holds my respect for his honesty, his integrity, his courage, every day in the year and in every contingency of his duty, to a greater degree than does the gentleman from California [Mr. LOUD]. [Applause.]

We are all of us courageous at times; he is courageous always. We all of us look to our duty at times; he follows it as the compass points to the North Star, and I would not say a word that could be construed to reflect upon him or any of his associates. I would sooner let my tongue wither and drop from my mouth than do that.

Mr. LOUD. I ought to suggest to the gentleman that the chairman of the committee represents a district in which it was not proposed to extend the service, and that quite a number of members of the committee are gentlemen who have no cities in which it was proposed to extend it.

Mr. MOODY of Massachusetts. I quoted from the hearing before the Post-Office Committee.

Mr. DOLLIVER. What cities now enjoy the pneumatic-tube service?

Mr. MOODY of Massachusetts. Philadelphia, New York, and Boston.

Mr. BINGHAM. And Brooklyn.

Mr. MOODY of Massachusetts. I included Brooklyn in New York. Now, Mr. Chairman, I think I shall not be accused of any feeling of locality when I point to the record before the Post-Office Committee, and the statement there of the Second Assistant Postmaster-General that if this appropriation should be granted, that its first use would be in the city of Boston. It is well conducted; it is honestly conducted there; it has a more valuable function in the city of Boston by reason of the relation of the post-office to the two great terminal stations which make it of greater use there than in any other city in the country.

My friends desire me to support the appropriation, and the public officials and some of the business community of Boston have written me asking me to support it. I can not do it. I believe it is fraught with evil, and I believe it will unduly swell the public expenditures. I would be glad to remain silent upon this proposition, and I wish I could; but, knowing these things, I could not remain silent and hold my seat upon this floor.

Mr. DOLLIVER. Does your argument go to the extent of abolishing the service in the places where it is now in operation?

Mr. MOODY of Massachusetts. My argument would go to the extent of keeping the contracts which we have with the companies, which run a year or two longer, and then stop it.

A MEMBER. Why should we do that?

Mr. MOODY of Massachusetts. Well, we have made the contract. If it is the judgment of the House that we should cut off this service altogether, I acquiesce. I simply stated what I would be willing to do and what I think we ought to do.

Mr. LITTLE. The gentleman understands, of course, that the contract depends upon the appropriation; and there will be no bad faith in discontinuing the service if we want to do so.

Mr. MOODY of Massachusetts. The contract, as I understand, is made conditional upon the annual appropriation; and if Congress should see fit to discontinue all these contracts, it can do so.

A few words more, and I have done. The experience of foreign countries has been quoted in favor of the pneumatic tube. There is no experience in those countries which warrants the course of conduct upon which we are entering. In Berlin, in Paris, and in London there are pneumatic tubes; but they are owned by the post-office department itself; and a special stamp—from five to six and a half cents—is required upon every piece of mail which goes through those tubes. That is an entirely different proposition from the one we have here.

The gentleman from California said the other day that he hoped we should not undertake to go into the business of owning and operating pneumatic tubes. Well, sir, our experience with the Post-Office Department is not such as would lead us to believe that the Government can manage any great undertaking very successfully from a financial point of view. Yet there is a difference between extending this pneumatic-tube service under Government ownership and entering upon an entirely new service. If there be places here and there where the pneumatic tube is useful in the public service, let us build it ourselves and operate it ourselves. It is not a new undertaking; it is part of the present equipment of the Post-Office Department.

Mr. CORLISS. May I ask the gentleman a question?

Mr. MOODY of Massachusetts. I have but a few minutes remaining, but I will yield for a question.

Mr. CORLISS. As I understand the argument of the gentleman, he is criticising the methods of introducing and operating these tubes rather than the use of the tube itself.

Mr. MOODY of Massachusetts. I want to say now a few words about the use of the tube. My remarks, as the gentleman from Michigan [Mr. CORLISS] has just indicated, have heretofore been directed to another view of this question.

Mr. CORLISS. I should like to hear what the gentleman thinks of the practicability and value of the pneumatic tube if operated honestly for the best service of the post-offices in the cities.

Mr. MOODY of Massachusetts. Well, Mr. Chairman, what is the proposition before us? I am afraid to enter upon it. We

shall have all this service controlled by one company before we get very much further into it. I have in my hand an advertisement of the American Pneumatic-Tube Service Company, which, as appears by this advertisement, has an authorized capital of $15,000,000. The prospectus states, among other things, that the company owns and controls the patent for constructing pneumatic tubes; that it controls the pneumatic-tube system in Boston, carrying mail from the general office to the Northern Union Station, and is constructing another system in that city. It has under negotiation, as the prospectus states, "franchises for the leading cities of the country, so as to own and manage the pneumatic-tube service for streets and inside buildings."

Gentlemen, do not come here and talk any humbug about "trusts" if you are prepared to set one of that kind upon its feet by your action here to-day. There is an incipient trust. This company does not control the entire pneumatic-tube service now, because there is another great company in Philadelphia, the Batchelder Company, which controls the other part. But suppose they get these contracts all over the country, how long will it be before there will be a single company that will get every bit of its sustenance from appropriations made by the representatives of the people?

It is the Bell Telephone theory over again, a great manufacturing company that does not operate a telephone; but there is a telephone system in every city and town throughout the country, these telephones being controlled in each instance by a local company which operates the telephone system. The Bell Company is interested in all of them and controls all of them. It is a monopoly, as it has to be under the circumstances, for that particular kind of service.

Here is what is being done: There is a local company in Chicago; there is a local company in St. Louis, I doubt not; there is a local company in Boston and in Philadelphia and in New York. These local companies are being gotten up all over the country; and they are coming and asking you to extend these appropriations for the use of those particular cities.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MOON. Does the gentleman wish more time?

Mr. MOODY of Massachusetts. I do not want to take up any other gentleman's time.

Mr. MOON. You will not.

Mr. MOODY of Massachusetts. Very well.

Mr. MOON. I yield the gentleman ten minutes more.

Mr. MOODY of Massachusetts. What does this proposition mean? Why, sir, a postmaster in the district of a colleague of mine—I have no objection to mentioning his name, my colleague Mr. GILLETT—saw in a newspaper the announcement to which I have referred. Seeing this announcement he wrote to my colleague, saying: "Why can we not have one of these pneumatic tubes for Springfield?" That is how it will be when this thing is fairly started. From each city will come the application, "Why can we not have the tube in our city?" And by and by somebody will get up, as was the case yesterday in reference to the rural free delivery, and propose to divide this up by Congressional districts.

Do you get economical expenditure of the public money under circumstances of that kind? I say no. If we are to use this pneumatic tube, the Government should own and construct the parts of that service which are desirable. If we start these local companies all over the country and have them managed by the mainspring of a great central company owning and controlling or interested in all the local companies, we shall have a bill on this subject which, in all its bad characteristics, will resemble the river and harbor bill. We shall have a bill that we can not dare to discuss in the House, and which we shall have to pass in the House under a motion to suspend the rules and without opportunity for amendment.

Mr. THROPP. Do I understand the gentleman to assume the position that the Post-Office Department, notwithstanding that contracts with the companies owning the patents have already been made to a certain extent, can go on and use this system?

Mr. MOODY of Massachusetts. I will state in response to the gentleman that the testimony of Mr. Dilloway, a lawyer of eminence, before the Postal Commission, is to the effect that the patents were old; that most of them had expired, and he thought it possible, without infringement, that the Government could construct its own lines.

Mr. THROPP. And in that way the Government could own its own tubes without paying the royalties which are proposed to be charged, and may charge an extra postage to facilitate the passage of letters through the tubes?

Mr. MOODY of Massachusetts. Of course that could be done, if I understand the testimony. That is the way to use the tubes, if we are to use them at all. Let us use them with the payment of extra postage upon letters or mail matter transmitted through the tubes, so that the people of the country generally who do not obtain the benefit of the tubes will not be burdened for their maintenance.

Mr. THROPP. I entirely agree with the gentleman in that regard.

Mr. BURLEIGH. Is the gentleman from Massachusetts going to introduce such an amendment to the pending bill?

Mr. MOODY of Massachusetts. Oh, no. I shall not do so. There is no opportunity to prepare such an amendment, and I do not think it would be of any avail in reference to the pending bill.

I believe the gentleman from Illinois desired to ask a question.

Mr. MANN. Mr. Chairman, I wanted to ask the gentleman from Massachusetts this question. He spoke of fostering a trust in this pneumatic-tube business, it being under the control of the trust. As I understand it, this appropriation would not authorize the Post-Office Department to bind the Congress as to future appropriations in connection with this pneumatic mail service. I ask him, then, if that is not his construction of the provision embodied in the bill?

Mr. MOODY of Massachusetts. Oh, Mr. Chairman, I suppose the Post-Office Department, in making additional contracts—for Boston, for instance—for this service, would be also required to extend it to Chicago, to Detroit, St. Louis, doubtless, and that there would be a pressure brought to bear from all of these cities and from other centers of business, demanding the inception or extension of the pneumatic-tube service. This pressure would come from all of the business centers of the country, and they would all be crying for more, more, more; and I tell you, gentlemen, that the time to stop is right now, in the very inception of the business.

Mr. MANN. Does the gentleman think the pressure would amount to anything unless the service was shown to be a success and of value to the people?

Mr. MOODY of Massachusetts. I do most emphatically. We examined this question in 1898. The postmaster at Brooklyn, Mr. Wilson, formerly a member of this House, a man of ability and character, said that, in his judgment, the pneumatic tube was of no practical use or value in that city. The postmaster at New York said that, in his judgment, it was a piece of extravagance; and the postmaster in Chicago, Mr. Gordon, said that he did not want it in that city. Generally, as far as we have been able to investigate the matter, we have reason to think that the service is of some value.

The demand for extension comes mainly from the people who are interested in organizing these companies and making a profit out of it. Now, that is all right. I have no objection to their doing so. That is a legitimate mode of transacting business. But we must distinguish between real and counterfeit.

Mr. MANN. If the gentleman will pardon me for a moment——

Mr. MOODY of Massachusetts. Certainly.

Mr. MANN. Is it not a fact that reports have come to the Department from the cities to which the gentleman has referred, or some of them, urging the establishment of the pneumatic-tube service in one way or another?

Mr. MOODY of Massachusetts. Yes; there seems to have been a change of opinion since the conversations to which I have referred. The trouble is, Mr. Chairman, that when the establishment of these local companies becomes a fact, they are enabled to bring influences to bear through business men who are willing to say that it is a good thing. The St. Louis business man says that it has been established in Boston, why should we not have it. Chicago says why should we not have what New York has; Baltimore thinks it ought to fare as well as Brooklyn, and so pressure is brought to bear upon the Department.

Why, Mr. Chairman, if we had a provision of law for the establishment of smallpox hospitals throughout the United States, to be located in different parts of the country, every district in the United States would want one of them. [Laughter.]

Mr. CORLISS. If the gentleman will permit me, as I understand it, Boston has now the pneumatic-tube service?

Mr. MOODY of Massachusetts. In a very small way; only about three-quarters of a mile.

Mr. CORLISS. Does the gentleman wish to eliminate that from the appropriation here?

Mr. MOODY of Massachusetts. Yes; I am, as far as I am concerned, entirely willing to eliminate all the pneumatic-tube service.

Mr. CORLISS. Is the service in Boston satisfactory, and is the service rendered by the company there to the Department of any value to the mail service?

Mr. MOODY of Massachusetts. I will state to the gentleman that I do not live in Boston, and represent no part of it. My district is some little distance away. But I have already stated what the recommendation of the postmaster in Boston was in regard to this matter. The postmaster recommends it, and the service, so far as I know, shows good results. Now, our friends say, does this do any good? Well, yes; it does. If you had a letter down town in New York that you want delivered up at Central Park,

if there was a pneumatic tube it would go up there a great deal quicker.

There would be some expedition of the mails as they arrive and depart at the great stations on their way farther along in the country—some, not a great deal. There would be some expedition of some small part of the whole mail, and a very considerable expedition of the local mail; but the expense would be entirely out of proportion to the benefits which would be obtained.

In New York, according to the testimony that was given to us, it cost $170,000 a mile, or a little over that, to lay their 5.85 miles of service, and, in addition to that, it cost over $150,000 a mile for what they paid for their patents to the Batchelder Pneumatic Tube Company, of Philadelphia.

There is benefit, it is true. You do not want to burn a house in order to boil an egg. You do not want to plunge your arm elbow deep into the public Treasury to get some good results to the public service. We have got to stop somewhere in this expedition of mails. Congress and the Department have considered expedition and never have considered economy.

I am not in favor of being mean with the public service, but I am in favor of that sound, economical business judgment which every man would exercise in his own affairs.

The whole pneumatic-tube question is before the Postal Commission. I agree that that commission ought to have reported before, but there are difficulties in the way, and the burden has been a heavy one, with all the other duties that we have all had to carry. If you do nothing more, I pray you, leave the question where it is until that commission report. Do not go ahead in the dark, in the face of the facts which I have stated to you, and which can not be obliterated.

Mr. FLEMING. May I ask the gentleman a question?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. FLEMING. I will yield time to the gentleman to answer. I wish to ask the gentleman from Massachusetts if it is not a fact, as far as he knows and believes, that the Postal Commission are more nearly unanimous in condemning the extension of this pneumatic-tube system than upon any other proposition before them?

Mr. MOODY of Massachusetts. The gentleman is entirely right. I believe that with a single exception they are all against it, and that exception is simply that of a doubter.

Mr. THROPP. Can we not strike out this entire appropriation, and does not that relieve the Government of the contract?

Mr. MOODY of Massachusetts. It does, as I understand. The contracts are made subject to appropriation.

Mr. Chairman, one other consideration, and I am done. If, whenever a question of appropriating the public moneys comes before Congress, we are to be chloroformed by the deadly influence of the fact that some part of that public money is to go to our own district or our own State or our own section, then there is no more health for the public Treasury, and the time will come when the people will rise up and say that we have been unfaithful in the administration of our great trust.

The control of the public money belongs to the representatives of the people, belongs to this House. It can not be effectively exercised anywhere else except in this House. I beseech you, before you take another step, to examine carefully and act with the same prudence that you would use if you were transacting your own business. [Applause.]

Mr. FITZGERALD of New York. Will the gentleman answer a question?

Mr. MOODY of Massachusetts. I have not the time. My time has expired.

Mr. FITZGERALD of New York. I wish to ask you whether you favor the discontinuance of the service as it now exists in New York?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. LOUD. I yield five minutes to the gentleman from Massachusetts [Mr. ROBERTS].

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROBERTS] is recognized for five minutes.

Mr. ROBERTS. Mr. Chairman, my colleague from Massachusetts [Mr. MOODY] seems willing to eliminate this pneumatic-tube service from the city of Boston; but, as a Representative in part of that city, I wish to enter an emphatic protest against any elimination of pneumatic service in the city of Boston.

The facts with regard to that service in our city are that it has been so successful as not only to have the indorsement of the postmaster, but it has earned the indorsement of the leading merchants of that city, and they desire not only a continuation of the service we already have, but extensions of it; and the men most earnest in desiring these extensions are the great retail dealers, who transact an enormous business each year by mail, who sell hundreds of thousands of dollars' worth of goods upon mail orders.

These mail orders do not come alone from the city of Boston, but from all the surrounding cities and towns—from my colleague's own district. Many and many of these orders are sent in from all over New England, and the people are enabled at the slight expense of a postal card or a postage stamp to order goods from merchants in Boston, who have a large assortment from which they can select. Now, anything that will expedite the receipt and sending out of these letters is a benefit not only to the business men of Boston, but to the housewives of all the surrounding towns, and to all who wish to transact business with the business men of a great city.

Something has been said, Mr. Chairman, about the service in Boston, and I shall take a part of my time in reading an extract from the Boston Transcript of April 23 of this year right on the subject. It is headed:

Mail-wagon service decreased—Boston post-office to demonstrate that the pneumatic tube can carry the paper and package mail.

I wish the committee to bear that in mind, in view of the statement of the gentleman from Arkansas that the tube service does not carry the paper mail.

All the mail-wagon trips between the post-office——

Mr. FLEMING. May I ask the gentleman a question at this point?

Mr. ROBERTS. Certainly.

Mr. FLEMING. Do I understand the gentleman to say that this 8-inch tube carries the paper mail?

Mr. ROBERTS. If the gentleman will wait until I have finished reading this article, he will find in it an answer to his question.

Mr. FLEMING. I would be very glad to hear it.

Mr. ROBERTS (reading)—

All the mail-wagon trips between the post-office and the North Station from 9 o'clock in the morning until about 11.15 o'clock have just been discontinued, and the entire mail passing between those points during that time is sent through the pneumatic tube. This is to demonstrate that the paper and package mail as well as the letter mail can go through the pneumatic tube and the wagon service can be reduced. It has worked to perfect satisfaction for three full days, which is almost sufficient guaranty for its continuance in this city. Between the hours mentioned the mail wagons used to make seven trips from the post-office to the railroad station, and eight trips in the opposite direction, handling the bulky mail for 61 trains arriving at and going out from the station. It requires about 75 additional dispatches through the pneumatic tube to handle this mail, and the machinery is in motion incessantly, although many more carriers could be shot through. An inspection of the character of the mail which now comes through the tubes was made recently, and it was found that one of the largest bundles contained 49 ten or twelve page newspapers. On the sorting tables there were only three packages too large for the tube, one of them being a calendar and another was a large photograph. These hours have been chosen for the experiment because it is the only time in the day that the wagon service can be dispensed with entirely. A little later the heavy paper mail begins to arrive, and the wagons have to make frequent trips.

Now, Mr. Chairman, in the moment or two left me I desire to address myself briefly to the remarks of my colleague. He informs this committee that the Postal Commission have discovered——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LOUD. I will yield the gentleman two minutes more. That is all I can give.

Mr. ROBERTS. The Postal Commission has discovered a condition of rottenness in the letting or procuring of contracts for this pneumatic service. However that may be, I am not here to justify or condone anything that is crooked or dishonest in the matter. Yet, admitting that it is true, it is no argument against the benefits of the service itself; and that service has demonstrated, at least in the city of Boston, that it is desirable to be continued and extended.

Mr. LOUD. I yield five minutes to the gentleman from Ohio [Mr. BROMWELL].

Mr. BROMWELL. Mr. Chairman, I rise principally to explain the statement made by the gentleman from Massachusetts [Mr. MOODY] in regard to a question that was asked of the representative of the Pneumatic Tube Company in the hearing before the Post-Office Committee. The representative of the company appeared before the committee with a proposition which he intended to submit to the Post-Office Department for the introduction of the pneumatic-tube service at a certain amount of money in 27 of the largest cities of the country. These 27 cities he named. They are: New York, Chicago, Philadelphia, Boston, St. Louis, New Orleans, Buffalo, Cincinnati, Cleveland, Detroit, Milwaukee, Pittsburg, San Francisco, Washington, Denver, Indianapolis, Jersey City, Kansas City, Louisville, Minneapolis, Newark, Omaha, Providence, Rochester, St. Paul, Baltimore, and Atlanta.

Mr. MOODY of Massachusetts. What occurred then is my justification.

Mr. BROMWELL. The gentleman is entirely right. I merely wish to explain that I followed his statement of the 27 cities with a sort of jocular remark, and the gentleman is entirely correct in the statement of it:

I suggest that you reach all but Mr. SPERRY'S, who is from New Haven.

Now, as a matter of fact, I want to say that the 27 cities did not reach all of the gentlemen who compose the Post-Office Committee. There are quite a number of them who have none of these

27 cities in their districts; and the remark was merely a facetious one, which ought not to have appeared as a part of the hearing. The gentleman from Massachusetts is entirely justified in saying what he did in regard to the matter.

Now, Mr. Chairman, having made a few remarks upon this subject yesterday, I wish to state my views briefly upon this pneumatic-tube service. I believe it does expedite the mails, but as to the extent is a question of doubt. In the hearings before the committee it was doubtful whether it expedited them a few minutes, half an hour, or an hour, or what length of time. I believe that it is a good thing for the expedition of the mails if the expense that attends it is not out of all proportion to what is gained in the saving of time. Personally, I am willing to have this expenditure carried on this year's bill. Personally, I am willing to have this experiment continued for the next year, where this pneumatic tube is located. And I should not object, perhaps, to extending it to one or two cities, but I am opposed, under the head of an experiment for increasing the rapidity of delivering the mails, of extending this indefinitely in all the large cities of the country until we know where we stand.

The gentleman from Massachusetts [Mr. MOODY] is entirely correct in saying that in going into this blindly, without any knowing what the expenditure is ultimately to be, we are planning the way to a deficit and an expenditure of enormous amounts of money for which we should not get anything like a fair return. I shall vote for the appropriation in this bill because it is limited in amount; but what I fear is that in the future it will be with the pneumatic tube as it is with the rural free delivery—you get it into a few cities, and the representatives of every other large city will be clamoring for an appropriation to introduce the tube in his city. Therefore I want this appropriation, so long as it is carried in this bill, to grow gradually with the experience of the Department, and if the time comes that it has been demonstrated that we are expending more money for the service than we are getting out of it, then I want it cut out of this bill altogether.

Mr. LOUD. I now yield ten minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Chairman, I do not know that I shall occupy the ten minutes, but I desire to submit to the committee, in view of the statement of the gentleman from Massachusetts, and in view of my inquiry made to him, as well as my request that he give to the House all the testimony in connection with the pneumatic-tube service that forms a part of the report of the commission of which he is a member, they having gone into this question fully. Why he is not willing to do it I do not know. If unanimous consent was given by the House, there could be no demur on his part that the privileges of the RECORD were in any way being abused.

Mr. MOODY of Massachusetts. Mr. Chairman, I should not object to unanimous consent if the House wants to print the testimony in the RECORD. If the clerk of the commission, who is clerk of your committee, will pick it out and put it in the RECORD, I have not the slightest objection.

Mr. BINGHAM. Thank the gentleman. As to the question of an Assistant Postmaster-General going into the employ of a corporate interest after he leaves his public employment I have nothing to do with, and this House has nothing to do with it. It is a question of morals with himself. The gentleman from Massachusetts has stated it and made it public, and it is for the gentleman himself to defend, and neither for me or this House to take issue with. Whether it was by virtue of the knowledge of the value of the patent to the postal service, or whether it was by virtue of a desire to become associated with a corporation which he believed would be largely in the future beneficial to him, is wholly for the ex-Assistant Postmaster-General to determine. This question, to my mind, rests wholly upon the issue as to whether this service shall bring a fair return, in view of the expenditure, to the Government for the benefits given to the people.

The contracts existing to-day and expiring in 1901 cover the four services of the city of Philadelphia, the city of Boston, and the city of New York, with Brooklyn included. They cover an annual expenditure of $225,000 by appropriation, and by contract of about $223,000. The Postmaster-General has recommended an extension of the service, an increase of $500,000. The Second Assistant Postmaster-General, Mr. Shallenberger, came before our committee and in detail submitted why this service should be extended to the extent of $700,000 in the sum total.

The committee in its bill has made that recommendation. To what cities the Second Assistant Postmaster-General would decide to locate the service he did not make the committee his confidant, but simply stated that the selection would be made in the best interests of the service. The committee believed that statement and made the appropriation as a part of their bill. The whole question to be considered is the question of the usefulness in the sense of expedition. Expedition in the mails is the basis and the secret of increased revenues. You find it running through all the economic questions of to-day, more especially in the matter of railroad transportation, appertaining not only to your mail, but in the carriage of freight and in the carriage of passengers.

To us in the postal service, identified with it in a great city like mine, with almost a million and a half of people—and the city of New York and the great centers—is affected by one specific result, not so much the quick delivery of the letter that comes from Chicago to Philadelphia or from San Francisco to Philadelphia, although it is a well-recognized necessity that that delivery be as speedy as possible, but it is the building up of intercommunication in the city between the people of one section and that of another. If we can deliver a letter from one particular section to another, and have it answered in the same day, it is the largest contribution that can be made to the postal service and the revenue, for the reason that the delivery of a letter from one section of a city to the other is the cheapest and most economical, so far as expense is concerned, in the delivery of mail matter.

In other words, if you give the great cities the opportunity by expedition, whether by mechanical devices or by the increase of subordinate force, as all communications go through the mails at the same rates of postage that it costs to transmit a letter from Maine to the State of Washington, you can readily see how local or city letter matter can be handled at minimum cost, for there is no railroad transportation to pay.

Mr. SIBLEY. I believe your postmaster at Philadelphia stated that the increased service, doing a way with special messengers, would, in his judgment, meet the entire cost of the service in that city.

Mr. BINGHAM. He so stated it, without a doubt. And it will do the same in all the great cities.

Mr. SIBLEY. And the same testimony was substantially given from Boston and New York.

Mr. BINGHAM. Now, without making any invidious distinctions, with full recognition that it is the purpose of this House in the future (I trust under carefully guarded statute) to develop the rural free delivery—to what extent it may go no man in this House can now predict; that it should go wherever the people require it I heartily concede—I say that gentlemen from those rural sections must not forget that the revenues of the Government, so far as your postal administration is concerned, are to-day more largely contributed by the great cities in the expeditious work of the local free delivery than from any other source of revenue under the administration of the Department.

The money of the service is made in your great cities; and it is made from the expedition of the local free delivery. And, gentlemen, as you hope for the development of the rural free delivery in the future, I say to you, you must not impoverish your central reservoir, that gives you the money for this development, by depriving the cities of any physical or mechanical device that will contribute to expedition. You have the postal cars on your street railways in this city and other cities. Why? Because it is the quickest way of handling your mails from station to office or vice versa. So you have your carriers riding on bicycles, at a cost of thousands of dollars. Why? Because in that way the work is done more quickly, and therefore a mechanical device or aid is justified. And so this whole question must run wherever expedition can be secured.

The proposition submitted by the gentleman from Cincinnati in reply to the gentleman from Massachusetts, to the effect that the question was before the Committee on the Post-Office and Post-Roads as to whether we would accept the proposition of the parent company in connection with the pneumatic-tube service, was somewhat qualified. Let me go more largely into that question. The proposition was to handle the mails in 27 cities—not because those cities were identified with the gentlemen on the committee; I suppose there was identification in five, six, or seven cases—but because in certain great cities of the Union they offer to do this work at an expense of, in round numbers, two and a half million dollars, excluding $900,000 paid for wagon service.

Mr. SIBLEY. No, including the wagon service.

Mr. BINGHAM. Including the wagon service. That would be a little over $1,600,000 for pneumatic-tube service in these 27 great cities of the country. The Second Assistant Postmaster-General submitted that all he desired to do was handling the proposition of $700,000 as a sum total. We conceded that, and we excluded the larger proposition, although so good a business man as the gentleman from Pennsylvania [Mr. SIBLEY] said that if the Government could secure a contract like that, the benefits to the people would be without limit and the compensation paid by the Government less almost than the word "reasonable" signifies.

Mr. RIDGELY. Does the gentleman favor extra postage for the use of these tubes?

Mr. BINGHAM. I am not in favor of extra postage; for the whole issue and trend to-day is toward uniform or lower rates of postage.

[Here the hammer fell.]

Mr. RIDGELY. I would like to ask the gentleman another question.

Mr. BINGHAM. I have no objection to answering it, if I be allowed the time.

Mr. RIDGELY. One minute will be sufficient.

Mr. LOUD. I yield the gentleman from Pennsylvania [Mr. BINGHAM] one minute, that he may answer the question of the gentleman from Kansas [Mr. RIDGELY].

Mr. RIDGELY. My question is this: In view of the fact that the gentleman objects to extra postage for the use of these tubes, and in view of the fact that a plea has been made for the cities because business centers there, does not the gentleman know that the cities and their business depend upon the people in the rural districts, and those people in the rural districts are taxed as heavily to keep up the expense of the mail service as are the people in the cities?

Mr. BINGHAM. The first part of the gentleman's proposition I will not enter into, because I think it wholly unnecessary; but my main argument is that the real profit in the great cities, coming from the interchange of letters in said cities, gives you the largest revenue for the minimum of expense; in other words, the intercommunication of a million or two millions of people renders a big return when it is located within the limits of a city, and not extended over a large range of country, as, for instance, between Maine and California, where railroad fare and transportation are a part of the expense.

Mr. RIDGELY. But that is only possible by reason of the rural population.

[Here the hammer fell.]

Mr. LOUD. I yield five minutes to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Chairman, this subject has been so ably argued by the gentleman from Pennsylvania [Mr. BINGHAM] and the gentleman from Boston [Mr. ROBERTS] that there is little left for me to say.

There is not a daily newspaper in the city of New York that has not its own pneumatic-tube service. It is an indispensable requisite for the newspaper business. The pneumatic tube, Mr. Chairman, like the elevator, is here, and it has come to stay. This House, for two Congresses, refused to appropriate money even to run an elevator. They laughed it to scorn; but things are changing; the world is progressing. The elevator is in universal use.

Now, sir, I have received from several associations in New York and from many business men—and shall doubtless receive many more such—letters and dispatches urging me to advocate this pneumatic-tube service. I know its value. The people of New York know its value. They have tried it, as I have said, in the newspaper offices in that great city, and no establishment which operates on any considerable scale can be considered as complete without this adjunct. Now, if it is good for the newspapers of the city, it is equally good for the business interests of the people. It increases the facilities of the postal service and increases business, and in time will become a source of revenue.

Mr. Chairman, the city of New York pays a net profit to this Government of $5,000,000 every year on the postal service. A portion of this money goes to South Carolina for free rural delivery; a very little goes to Georgia; more of it perhaps goes to the State of Ohio; but it is distributed throughout the whole Union for your rural free delivery and for other necessities connected with your postal system. You have your free delivery simply because of the money which the Government makes out of the large post-office receipts coming from the great cities of the country—post-offices like those of the city of New York.

Now, are you going to turn around and tell us that we are not to be allowed a modicum of these five millions for our own use? Are you going to say to us that we can not use any portion of the money to expedite and improve our service there? Are you going to refuse to allow us to expend $750,000 of the $5,000,000 that we pay annually for your benefit for the betterment of our service in that and other large cities? If you do, then, to use language that has been used on this floor, we are the "skinned" and you are the "skinnees." [Laughter.]

Now, Mr. Chairman, something has been said in regard to the postmaster at New York and his position on this pneumatic-tube service. Let me read what he does say:

In reply to your letter of the 3d of August, regarding electric and cable car service, I have to report that no service of the former character is in operation in this city. With regard to the latter, the cable-car service, I have to state that the only service of that nature which is in operation here is that performed on the cars of the Third Avenue Railroad route, No. 307013, and that no extension has been made therein during the past year; in fact, this service has been curtailed during that period to the extent that the separation of mail thereon has been discontinued (with the exception of that posted in the cars), and the service now performed consists of an exchange of closed pouches made up at the general post-office and at the various branch stations. This curtailment has been effected through the introduction of the pneumatic tubes, a large portion of the letter mail formerly dispatched via the cable cars now being sent via the tube.

When the tube system between the general post-office and Branch Station H is in full operation so as to embrace all of the intermediate stations, which I am informed by the Tubular Dispatch Company will be very shortly, service on the Third avenue cable cars can be discontinued below Forty-second street, as there will be practically nothing to be done on the cars, the letter mail being sent by tube and the bulky paper matter by wagon. Before this could be done, however, arrangements would have to be made for a switch at Forty-second street, there being none there at present. If it is deemed advisable to do this at any time, and it is found to be practicable to do so, it would effect a reduction in mileage of 418 trips per week of 3 miles each and a reduction in wagon-service route No. 407005 of 1,672 trips per week of 0.03 mile each and 836 trips per week of 0.27 mile each.

Mr. FLEMING. Will the gentleman yield at this point for a question?

Mr. CUMMINGS. No, I can not. The gentleman should not ask me to yield when I have only five minutes.

Mr. FLEMING. The gentleman need not lose his temper.

Mr. CUMMINGS. You know that I have only about five minutes, and I can not allow you to take up the little time that remains.

Mr. FLEMING. I am very sorry to have aroused the gentleman's indignation.

Mr. CUMMINGS. Of course the gentleman knows that I mean no discourtesy to him; but when I have but a very few moments left it must be apparent that I can not, in justice to myself, yield any of that time.

Mr. FLEMING. I did not know what time the gentleman had. He might have had a half hour as far as I knew.

Mr. CUMMINGS. Oh, well, I accept the gentleman's apology. [Laughter.]

Mr. FLEMING. I have offered no apology. None was necessary, as far as I was concerned, and none has been tendered. I simply asked a polite question.

Mr. CUMMINGS. I am sorry I can not yield.

The CHAIRMAN. The time of the gentleman has expired. [Laughter.]

Mr. CUMMINGS. With the permission of the House, I will extend my remarks in the RECORD.

Now, Mr. Chairman, a word as to the figures given in the minority report. With reference to this service in New York let me read:

The line is of double pneumatic tubes, and is over 58,000 feet long, not taking into calculation bends, switches, and special work. The pipe used by this company is not common pipe, but specially made pipe, and of a special grade of iron which can not be bought for less than 75 cents a foot; besides this, every foot of it has to be bored like an engine cylinder, which makes the cost of it over three times the figures mentioned.

The ditch is not an ordinary ditch, but specially planned, and the pipe buried as near as possible in a straight line, and is in some instances 16 feet below the pavement. In the laying of the pipe, water, gas, and other pipes have to be removed to enable it to be laid straight. It has to be laid on special foundations, and must be carefully tamped to prevent its settling or in other ways getting out of line. Drip pots for catching moisture, sewer connections, etc., to relieve the pipe of condensation, etc., have to be put in every few hundred feet. Manholes have to be constructed, at enormous expense, for the purpose of reaching the switches, drip pots, and bends. Every curve is a brass bend, and none of them costs less than $200 apiece.

In some districts the excavations cost not less that $8 a foot. This cost must be increased where solid rock is encountered or where the pipe is laid below tide water. The replacing of the pavement at the regular New York City rates costs over $1.50 a running foot, not calculating special work around manholes, etc. The machinery in one station (the general post-office) cost more than $34,000, the amount named by the committee as their minimum estimate of construction.

The statement in the minority report that only a single pipe is laid shows that the committee knows absolutely nothing about it. There are invariably two pipes laid, one in either direction. The pipe itself can not be connected in the ditch, with the special air-tight joint, for less than 50 cents a foot after it is put in place (which for two pipes will be $1 per running foot of the trench). This does not include the connecting up of drip pots, manholes, switches, and other special apparatus.

The company has spent in the last year over $34,000 in improvements on this line. The system requires the use of three power stations, one entire building being devoted to boilers, engines, and machinery. Power from two independent power stations of the company, exclusive of the post-office station, costs the company over $30,000 a year. The Government tried to run these lines at the beginning and it resulted in a dismal failure. The disbursement paid by the Government for the operation of this line was not less than at the rate of $30,000 per annum, and the amount of $10,000 mentioned by the committee as being allowed for operating expenses was only a compromise, so that the company could properly operate the line. On this item alone a company has relieved the Government to the extent of $20,000 per annum on their contract. Besides this, the company has installed the new power station, which reduces the amount of steam that the Government has to furnish under their contract, at an increased cost to the company of between $12,000 and $15,000.

The cost of operating this line, including double shifts of engineers and operators, can not be done for less than 60 per cent of its rental, which is then cheaper than electric roads are operated. The company pays over $12,000 per annum for taxes and percentages to the city for the franchise of the tubes. The company is not and never has been in position to pay anything upon its capital stock. Outside of the cost of construction of the line, it went to enormous expense in not only acquiring the patents but in obtaining its franchises, for which it is now receiving nothing. The total carrier mileage of the line to-day is 16,890 miles.

This information, Mr. Chairman, comes from official sources and is undoubtedly correct.

Mr. PEARCE of Missouri. Mr. Chairman, it is not my purpose to animadvert upon the remarks made by the gentleman from Massachusetts [Mr. MOODY], because I see that he is not in his seat at the present time. I simply desire to say that an argument made wholly by innuendo neither conveys to me any information

nor does it excite or prejudice me against an affirmative proposition.

This proposed appropriation comes to us from the committee having the matter in charge, guided by that most honest, painstaking, and patriotic of gentlemen [Mr. LOUD], its chairman. I believe that it might be possible once in a while to consider a bill in this House without encountering the opposition of the members of the Committee on Appropriations. I notice that everything which they formulate seems to them at least to be all right, and a great many things which other committees formulate seem to them to be all wrong.

Now, Mr. Chairman, up to a year ago, I was strongly prejudiced against this pneumatic-tube system. About a year ago I was led to make a careful examination of its features and also of the practicability of introducing it into the city of St. Louis, which I have the honor in part to represent, and after reading all the testimony available, and examining the system, I became convinced that it was one of the things we needed in St. Louis.

Now, Mr. Chairman, I have been an earnest friend and advocate of, and I have stood first and last by the free rural-delivery system. I believe it is a good thing, and that every measure which Congress can adopt which will bring the people into closer relations with each other, and that will facilitate the means of communication between them is a good thing, whether the Government makes any profit on it or not.

I observe in examining the statistics of the Post-Office Department that 16 cities of the United States, after paying all the expenses of their local postal systems, produce a net revenue to the Government of nearly $18,000,000 a year, and the city of St. Louis, where I live, produces and pays over to the Government a net profit of $1,200,000 every year. I think that inasmuch as this great accumulation of profit of nearly $18,000,000 from these 16 cities goes to develop and to carry on your rural free-delivery system, we are entitled to all the devices that the Government can bring into action, which will be fairly calculated to give us every facility which money can buy or genius can invent. [Applause.]

I am opposed, Mr. Chairman, to drawing this line of demarcation between country and city. What helps one class of people helps another in this country, and what injures one class of people injures another class. All these contracts are under the control of Congress, subject to appropriation, and if the frauds insinuated by the gentleman from Massachusetts exist in connection with this business it is within the power of Congress at any time not only to investigate them, but to put the heel of condemnation upon them by withdrawing the entire appropriation.

This system, Mr. Chairman, is beyond the field of experimentation. Its benefits have been proven by actual practice in four of the cities of this country and in a number of the great cities of Europe, and the system is entirely practicable. It has come to stay, and whether it costs $500,000 or $5,000,000, if it will facilitate the mails and bring the people of the country closer together then they have been before, I am in favor of the appropriation, whatever it shall amount to, if reasonable. There is no question, Mr. Chairman, about the benefits of the system.

[Here the hammer fell].

Mr. PEARCE of Missouri. Mr. Chairman, by consent of the House I add to my remarks a tabulated statement of the receipts and expenditures and profits realized from 16 cities of the country.

City.	Gross receipts.	Expenses.	Revenue.	Per cent of expense to gross receipts.
Brooklyn, N. Y	$1,325,047.83	$910,718.44	$414,329.39	*69
New York, N. Y	8,811,547.83	3,426,022.29	5,385,525.54	39
Baltimore, Md	1,063,115.23	575,781.09	487,334.14	54
Philadelphia, Pa	3,143,929.01	1,545,840.98	1,598,088.93	49
New Orleans, La	437,743.41	205,243.83	232,499.58	47
Boston, Mass	2,970,383.38	1,360,441.74	1,609,941.64	46
San Francisco, Cal	998,929.74	450,468.82	548,460.92	45
Buffalo, N. Y	775,323.22	336,377.48	438,945.74	43
St. Paul, Minn	482,761.58	204,745.19	278,016.39	42
Indianapolis, Ind	431,115.47	175,254.61	255,860.86	41
Minneapolis, Minn	607,342.75	247,753.36	359,589.39	41
Chicago, Ill	6,131,123.04	2,437,251.83	3,693,871.21	40
Cincinnati, Ohio	1,155,646.65	453,352.98	702,293.67	39
Pittsburg, Pa	835,671.42	330,060.78	505,610.64	39
Denver, Colo	382,753.37	148,508.93	234,244.44	39
St. Louis, Mo	1,826,742.99	647,185.28	1,179,557.71	35

* Average, 54.

Mr. LOUD. I yield five minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Chairman, I do not propose to argue the merits or demerits of the pneumatic-tube service. Its merits have been well established by its use in four cities of the country, and not only in our own country, but in all the civilized countries of the world where the pneumatic-tube system is now in practical operation. New York, Philadelphia, Brooklyn, and Boston have the benefits of that system. Can the opponents of the appropriation asked for in this bill assign a single reason why the system should not be extended to my city, when money has been appropriated for New York, Philadelphia, and other Eastern cities? If they have the benefits of that system, we want it in our city. We need it and we must have it.

In the near future we shall celebrate in the city of St. Louis a world's fair, and for the purpose of handling the vastly increased mail matter which will come to that city on account of the world's fair we must have increased postal facilities.

As my colleague from St. Louis [Mr. PEARCE] has truly said, the city of St. Louis is contributing $1,200,000 a year of net profit for the purpose of defraying the expenses of the mail service in the rural districts of this country. In other words, the revenues of the Government from the city of St. Louis are $1,200,000 in excess of its expenditures. This being the case, Mr. Chairman, we ask that whatever means science may afford for the facilitation of the mail we should have. We have a right to ask for it and should have it, no matter what the expense may be.

In order to show how important this pneumatic-tube service will be in my city, I send to the Clerk's desk and ask the Clerk to read a part of a statement made by the postmaster of St. Louis before the committee. He is one of the most efficient postal officials in this country.

The Clerk read as follows:

Pneumatic-tube service is not intended to make more deliveries in large cities. The pneumatic-tube service is not intended to advance only the local mail in cities. The mail principally advanced is the outgoing and incoming mail. The mails from Texas and other States are as important to our merchants as the merchants who mail the letters. The same applies to every part of the country. If you will allow me just to state the conditions and make a comparison between the present method and the proposed method, I think a few points will show you the advantage. First, the present method—hauling the mail by wagons—represents the handling of an accumulation of mail. The pneumatic service means the handling of mail by continuous service. The wagons are steady—the time is fixed for their leaving—but, if the language can be used, they go steady by jerks, but by the pneumatic-tube system it is one continuous flow.

Now, to begin, our Union Station is located just 1 mile from the post-office. The length of time required for the hauling of that mail is fifteen minutes, ten minutes allowed for terminal transportation from the wagon to the cars, making in all twenty-five minutes, but bear in mind it is not only a race with the twenty-five minutes to see if we can get the mail to this station or from the station quicker than twenty-five minutes, but that wagon service means an accumulation of mail for hours, from one to ten hours and longer sometimes, and consequently the wagon is loaded to the guards and it reaches then not only the twenty-five minutes, but the time saved by this continuous flow of mail either from or to the station. At St. Louis we have five deliveries through the business districts, three deliveries in the resident districts. We ask for no more and want no more. The mails, however, come in at a time when they are hard to handle, between the hours of 7.30 and 8.30 in the morning, and between the hours of 6.30 and 8 in the evening, 95 per cent of the mail received at St. Louis, 95 per cent of all the mail which comes in.

So far as the local mail is concerned, we simply seek to advance that through the handling from the office for outgoing trains so as to enable our merchants to close their mails later, and so on the incoming trains to get the mails delivered earlier. In all large cities the second morning delivery by carrier is the important delivery, especially to the banks and to the larger commercial houses, department stores, and manufacturers. It is necessary that all of these bankers, merchants, and large business interests deposit their checks in time for the clearing house. Right there is one important feature. All banks clear through the clearing house, and all checks must be in before 10 o'clock in the morning, or else one day's interest is lost. The amount of interest of those checks day by day at the end of the year would pay for the pneumatic tube itself. We ask for a pneumatic tube connecting our Union Station, the Relay Depot, East St. Louis, and certain important business districts.

Mr. BARTHOLDT. Mr. Chairman, the postmaster at St. Louis calls attention to two facts in that statement which I should like the House to understand. One is that the pneumatic-tube service is not only for the city, but is for the country as well. The country merchant is benefited by the facilities afforded by this system just as much as the city merchant is. The second point is the time saved and the money saved to the merchant when he is enabled to deposit his checks a day sooner than he would otherwise be able to do.

Mr. LOUD. I yield two minutes to the gentleman from Illinois [Mr. NOONAN].

Mr. NOONAN. Mr. Chairman, as to the pneumatic-tube service, my own observation in the city of Chicago leads me to believe that it is now time that that city should receive the benefit of a share of this appropriation for that purpose. I think gentlemen do not rise to the occasion when they oppose such a provision. I have not any doubt that a thorough investigation of the benefits of extending this system to Chicago would furnish proof in favor of the consideration of the appropriation.

Chicago is the largest city in the country in actual domain in square miles. We have five great depot centers; railroad termini at different points, miles apart; three great divisions of the city, separated by the Chicago River, the stock-yards interests being far remote from the center of the city. The convergence by the pneumatic-tube service of the postal facilities of these different points would enhance the value of business by its expedition. The exploits of genius in mechanical devices, in labor-saving devices, is to bring the minds of men together and to facilitate the manufacture and transportation of material from

producer to consumer. This pneumatic-tube service aids in this. We should take advantage of the opportunity. Not only do we bring the minds of men together by communication, but it facilitates the transaction of business in a large city, where time is of greatest value.

The Western Union Telegraph Company in Chicago use the pneumatic tube service to transmit messages between branch offices and the main office.

When a private corporation finds such a device and service successful and profitable, I think the Government should avail itself of some benefits for the transaction of postal business in Chicago.

I am in favor of the report of the committee for that appropriation.

Mr. MOON. Mr. Chairman, when the minority of the Committee on Post-Office and Post-Roads presented their report to this House, objecting to the continuation of the pneumatic-tube service, it was upon the idea that this House, having already appointed a commission to investigate the merits of this system and report upon the whole general postal system of the country, should be informed as to the facts, that commission having failed to report. We thought that this having been done, it was best that the House proceed no further in the extension of these alleged facilities to other cities until the report was made. It is not our purpose, then, to move to strike out of the bill all of this item, so as to deprive the cities of New York, Boston, and Philadelphia at present, where the service now exists, of the present service, but to call the attention of the House to the facts, in order that the House itself might determine, upon the threshold of the introduction of this new system of transporting the mails, whether it was wise to extend it or not.

In our judgment, the benefits to be derived are by no means commensurate with the cost of the system; yet we thought it was best, when the report was made, to await the results of the report of that commission before we abandoned that system entirely. Therefore at the end of this debate we shall move to strike out the words "seven hundred and twenty-five thousand" and restore the appropriation of $225,000, as it was before, unless developments shall justify the motion to strike the item from the bill.

It is insisted by gentlemen who represent large cities elsewhere in the country that it is a matter of injustice to them not to extend this system to their cities. Assuredly, if benefits are to be derived, or can be derived, in the cities in which it is now used for the people generally, the system ought to be extended throughout the country; but it means, when we do this, to duplicate the cost of the whole Post-Office Department.

When we look to the facts of the operation of this system in one city we can determine, as the minority determined, that the service is not worth the cost. It is a pure, simple business proposition. It is not a question of contest between country districts and city districts. The question is whether it is best for the whole people for the Government of the United States to inaugurate this system throughout the country or not. Let us take the city of New York and see the operations of the system there. The first proposition is, Are the benefits derived to the people of the city of New York worth the money that is paid for them? Take the testimony produced before the committee, scan closely the evidence of every man upon that subject, and we find the testimony to be about this: Some believe that the mails of that city are expedited by the use of the tube from ten to twenty minutes, some from twenty to thirty minutes. The highest figure, however, put it, according to my recollection, at fifty minutes. Now, the tube in New York City is 30,000 feet long. The tube is used in the heart of that great city only. A small, limited area of New York, therefore, is covered by it.

The tube cost anywhere from $34,000 to $300,000, quite a range in estimate of cost, judging from the evidence. The Government pays to-day to the owners of that patent the sum of $148,000 for the use of the tube, and the Government operates it itself and pays $10,000 for operating expenses. Now, in a great city where you have eight free deliveries daily, where the people can get their mail once an hour during the business hours of the day, what is the value of a tube that only expedites the mail ten minutes? We have no use for that tube. It gives us no benefit that we ought to take and pay the cost that we have to pay for it. If by the use of the tube any other expense in the carrying of the mail was diminished, there might be some reason for its use. But we are told by Mr. Shallenberger, the Second Assistant Postmaster-General, that the bicycle carriers are still in use; that the wagon carriage is still in use. The mail, the bulk of it, is still transported from one station to another by wagons. That wagon service has not been diminished one iota.

The Government to-day pays every dollar for the wagon service that it paid heretofore. The mail is expedited ten to twenty minutes by the pneumatic tube at an expense of $158,000 to the people of the United States, and that, too, in an area where you get eight free deliveries daily.

Now, if you propose to extend the system to the other cities and pay a like sum, you will run into hundreds and millions of dollars expenditure for the pneumatic-tube service. Our judgment is that it is a bad proposition of business, that at least for the present this House ought not to sanction any appropriation that looks to the continuation of this service. Let the House wait until the postal commission reports, when all the facts are before it, and then, if it seems wise and just, if it seems for the interest of this country that the system be continued, it is time enough to continue it. Therefore, I move, Mr. Chairman, that after the word "otherwise," on line 6, page 15, the word "seven" be stricken out and the word "two" inserted; so that the section will read: "for the transportation of mail by pneumatic tube and other similar service, by purchase or otherwise, $225,000."

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 15, line 6, after the word "otherwise," strike out "seven" and insert in lieu thereof the word "two;" so that it will read, "$225,000."

Mr. MOON. I reserve the remainder of my time.

Mr. LOUD. The gentleman should use all of his time now.

Mr. MOON. If the gentleman insists that we shall use all of our time, we will do so.

The CHAIRMAN. The gentleman from Tennessee has used all of his time. The remainder of the time belongs to the gentleman from California.

Mr. LOUD. Mr. Chairman, I can not agree with the position taken by the gentleman from Tennessee [Mr. MOON] regarding this appropriation. I listened with a great deal of interest to the remarks of the gentleman from Massachusetts [Mr. MOODY], and I want to say that so far as his remarks apply to the service in New York it is correct and nothing new. The House was substantially informed of as much of this matter one year ago as I thought at that time could safely be presented to the House in view of the fact that the testimony of the committee had not been published. I have stated before that the service in New York was conceived in sin and born in iniquity, and to that extent I quite agree with the gentleman from Massachusetts. But if that be a fact I can not anticipate why from year to year the House should continue this most iniquitous portion of this service.

Mr. MOON. May I ask the gentleman a question?

Mr. LOUD. Certainly.

Mr. MOON. The gentleman is a member of the Postal Commission. It was out of deference alone to that commission that I made the suggestion that we wait until the commission reports. If the gentleman, as a member of that commission, is of the opinion that he now expresses, I desire to change my motion to amend, and move to strike out the whole section.

Mr. LOUD. I do not care what the gentleman's motion is; I was only discussing the motion he had presented. I have been over this subject so many times and my position here is so well known that I do not care to say much about it. But as chairman of the committee of course the House must understand that I can not take a position antagonistic to this item in the appropriation bill. I have stated to this House for three years that they should either continue this service or strangle it. For three years they have continued the service, and, as I said the other day, I thought I knew when I was hit over the head with a club as readily as any man.

If three years is not long enough for this Congress to establish what it proposes to do, I would like, in God's name, to know how long you have got to continue an experiment of this kind? The committee had expected that after these years had passed by it was the policy of Congress to continue the pneumatic-tube service. Why, sir, New York, and Philadelphia, and Boston, and Brooklyn can not have all the good things there are in this world, if this be a good thing. As I said before, I believe we started this thing wrong. I have said the same thing regarding the perpetuation of the rural free-delivery service. But, as gentlemen understand, after you embark upon a proposition, and it becomes the settled policy of Congress, the Committee on the Post-Office and Post-Roads must then assume that you propose to continue it.

Now, when you come to analyze carefully this rural free-delivery service, you must see that under this service, so far as it is being established to-day, the average number of people served by a carrier is not in excess of 500. What does that mean? At least $1 per head for the father and mother and every child in the family. And I think if rural free-delivery service means, as it must mean (if that be a correct representation of the case), sixty or seventy million dollars to expedite the mails through the rural districts of the country, then the few millions that may be expended for pneumatic-tube service are so insignificant as hardly to be worthy of consideration.

I do not know what this is going to develop. I know there was a statement made before the committee—and it is now on file with the Second Assistant Postmaster-General—giving in detail the estimates, in which the Batchelder Pneumatic Tube Company said

that they would put into those 27 cities the pneumatic-tube service, including the wagon service, at a total cost of $2,522,000.

And that wagon service amounts to $900,000. I said at the hearing that if this could be done I was in favor of it. I question whether it can be done; but I know there is on file in the office of the Second Assistant Postmaster-General to-day a segregated, detailed statement regarding each one of these 27 cities. I have some faith in the Second Assistant Postmaster-General, and he has given me personally many assurances that he would not extend this service if it were to cost in any one city any more than the itemized amount presented to him by this company. And I never would have been brought even to the point of giving assent to this proposition until I had talked with both the Second Assistant and with the Postmaster-General. They believe this can be done; and I believe that if this project can not be carried out the Second Assistant Postmaster-General will not undertake to extend the pneumatic-tube service.

I have nothing further to say, Mr. Chairman, and am ready for a vote.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. My object in making this motion is first to call attention to this appropriation—where it began and where it now is. It had its inception in the Committee on the Post-Office and Post-Roads. The Committee on Appropriations has never directly had anything to do with the recommendations touching it. It is true that after it was started in the cities where it exists it became necessary under the contracts which had been made in pursuance of the appropriation to operate it; and the sundry civil bill for 1898 and 1899 carried this item:

> For supplying necessary power and repairs to power plants for operating pneumatic tubes for the transmission of mail matter, court-house and post-office buildings, Philadelphia, Pa., New York City, and Brooklyn, N. Y., and the post-office and subtreasury building, Boston, Mass., $20,000.

In other words, in these public buildings, in connection with the steam plants, they had to furnish the power for pneumatic-tube service under the contracts that had been made. The contracts were sent for, the whole matter was fully investigated, and as there was a legal liability under the law and under the appropriation and under the contracts, the sundry civil bill carried, and still carries, the items that I have referred to.

Mr. BINGHAM. The buildings being under the control of the Treasury Department.

Mr. CANNON. Oh, yes. Now, that is all the Committee on Appropriations has ever had to do with this whole matter.

Mr. Chairman, I have listened to this discussion. I will not take time in replying to my friend the gentleman from Missouri, who thought he would strengthen his case by making the chestnutty old fling at the Committee on Appropriations, because, forsooth, the gentleman from Massachusetts [Mr. MOODY] was a member of it. He might as well have taken his fling at the Postal Commission, of which the gentleman from Massachusetts is also a member, such membership charging him with a duty to the House which he has been performing.

But that is all "leather and prunella." I care nothing about it. So far as I am concerned, I am going to vote against this appropriation [applause], for the reason that I think our great blocks of population, that I have great pride in and respect for, are already reasonably supplied with mail facilities—four or five deliveries, and in some places six deliveries, a day by post-office carriers.

A MEMBER. In some places nine.

Mr. CANNON. In some places nine. That is proper; I am not complaining of it. In addition to that there are the substations scattered all over the cities, and the money-order stations and all that kind of thing. And we see, Mr. Chairman, when we come to the post-office at New York City—a big city covering a large area of ground—the post-office in some instances a long way from certain business or residence parts of the city, but substations abound all over the city, just as is the case in other cities everywhere throughout the land.

Here is the carrier service with its eight or nine deliveries a day. If that service is not enough, we find these various substations and branch offices to help out the service and to accommodate the people; and when we consider all of these things I think that the United States does just as much as it ought to do to give a prompt, proper, and efficient service. There can be no question of that. If, however, that is not sufficient, there is the telephone service and the telegraph service, which is available to all people. If a private citizen wants greater speed, or is not satisfied with the postal service, he can resort to the telephone service or to the telegraph service—and many of them do so. If he finds fault with the postal service, these are available to him. If he is not willing to rely upon the eight or nine deliveries a day in his district, he has got, in addition to the telephone and telegraph service, the messenger-boy service, and many business men use the messengers.

Now, in my judgment, we have gone just as far as we ought to go in response to public demands for rapid mail delivery in the great post-office cities of the country. We have gone as far as we ought to go in reference to the expenditures under the Post-Office Department in caring for speedy mails in the great centers of business and population—just as far as we ought to go in justice to the Treasury, and I may say, Mr. Chairman, in justice to that very population itself. All of our people are interested in this matter. These cities are a part and parcel of the general population of the United States.

All of our people, whether they live in the cities or in the rural communities, are interested in this service, and all want to see it improved, and the cities themselves would not prosper very long without the aid of the rural communities. What is good policy for us in the rural districts of Illinois is good policy for the teeming millions in New York or in Chicago. I do not separate them. They are all alike interested in this common cause. We are "all in the same boat" in that regard. When the taxes are collected and the expenditures are to be paid, we all should bear an equal share of them. I think, therefore, that this expenditure with reference to the postal service has gone far enough, and to be entirely fair I will vote to strike out all of this appropriation, and if that fails I will vote to wipe all out except the current appropriation. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FLEMING. Mr. Chairman, I move to strike out the last word.

I can see no reason whatever, in justice or in sound principles of taxation, why the Post-Office Department of the United States ought not to be self-sustaining at the present time. There is not another country in the world that does not make its post-office department sustain itself. Some of them, indeed, give large revenues to the government.

I can not understand, therefore, why, under proper management in the United States, our own Postal Department ought not to bear its own share of governmental expenditure, and become, as it ought to be, entirely self-sustaining. The Government furnishes buildings without rent for the service; it furnishes hundreds of clerks in the Auditor's department of the Treasury, the expenses of which are charged to the Treasury Department of the Government, and yet year after year the Post-Office Department shows up a deficiency. Only a year or two ago it was $12,000,000, and now they make an estimate of a deficiency reduced to the sum of some three or four millions of dollars. But, as I understand it, the committee was forced, by some pressure, to bring in an appropriation which would carry that deficiency up to seven or eight millions of dollars.

Now, Mr. Chairman, I am opposed to these extravagant appropriations not only in this, but in all of the other Departments of the Government. I do not mean to cast any reflection upon the efficiency of the postal service. It is unquestionably an efficient service. No one can deny that; but at the same time it is most costly, the least economically managed system in the public service and probably in the world. And if there is a crying need to-day in the management of our Government affairs, it is that some good, competent business man should be placed at the head of that Department to make it economical as well as self-sustaining and efficient.

Mr. COOPER of Wisconsin. Will the gentleman allow me to interrupt him for a question?

Mr. FLEMING. Gladly.

Mr. COOPER of Wisconsin. You say that the Post-Office Department is not economically administered. Now, do you think that there are too many clerks employed in that Department?

Mr. FLEMING. I will say, in response to the gentleman from Wisconsin, that I do not know exactly in what respect this money has been unwisely expended. I only know the general results which have come to the service. I do not now undertake to say in what specific manner extravagance has been shown in the management of the Department. I am speaking of the results which are manifest to us all.

Mr. COOPER of Wisconsin. Then do you concede that the clerks who are employed are too highly paid for their services?

Mr. FLEMING. I will not answer that question, for I do not know.

Mr. COOPER of Wisconsin. Somewhere, in either the one or the other of these items, must lie the extravagance of which the gentleman from Georgia complains. Now, will he state where that extravagance is to be found?

Mr. FLEMING. Yes; I will tell the gentleman some of the extravagant features of the administration of the Post-Office Department. We have a considerable amount expended, for instance, in this very service we are now considering, the pneumatic-tube service. A large amount is expended in the railroad rates—the pay for carrying the mails; and we have a large expenditure in the transmission of the mails of second-class mail matter that never was intended to go at the rate—so much of it is now allowed to go. I have now stated three particulars in which more economy should be practiced.

Mr. MANN. Does the gentleman think that last is owing to

the extravagance of the Post-Office Department or to the extravagance of the legislators who make the laws?

Mr. FLEMING. I will answer the gentleman. It was originally the extravagance of the Post-Office Department or the failure of the head of the Department to properly rule on the law as Congress passed it; and each succeeding Postmaster-General has followed that precedent until now it has become practically a law, and it seems that the members of this House are not willing to go back to the original status. The responsibility now rests on Congress.

Mr. COOPER of Wisconsin. Will the gentleman permit me right there?

Mr. FLEMING. Yes.

Mr. COOPER of Wisconsin. The gentleman says the initial error was in the construction put upon the law by the Postmaster-General. Now, does that refer to the fact that the Postmaster-General held as lawful the distribution through the mails as second-class matter of these serial books?

Mr. FLEMING. I understand the Postmaster-General dit it on the advice of the law officer of the Government.

Mr. COOPER of Wisconsin. Does not the gentleman know that that identical thing is what the gentleman from Illinois [Mr. CANNON] said was one of the prime objects of the law when it was first passed—the distribution of that matter—and instead of being a violation of the intention of the legislators when they passed it, it was exactly what they had in mind?

Mr. FLEMING. I do not know that the gentleman from Illinois [Mr. CANNON] can be appealed to as authority on all questions, but I think he is certainly right on this one (pneumatic-tube service), and he is generally right on the appropriations, for he has certainly made an honest effort in this Congress to hold them down. I want to say further, Mr. Chairman, that the people are going to send somebody here to put a stop to this extravagance if we do not stop it ourselves.

[Here the hammer fell.]

The CHAIRMAN. The Chair would like the attention of the gentleman from Tennessee [Mr. MOON]. Does he desire to amend the motion?

Mr. MOON. Yes; I desire the motion to be to strike out lines 5, 6, and 7, on page 15, carrying the whole appropriation for the pneumatic-tube service.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 15 strike out lines 5, 6, and 7, the matter to be stricken out being as follows:

"For transportation of mail by pneumatic tube, or other similar devices, by purchase or otherwise, $725,000."

The CHAIRMAN. The question is on agreeing to the amendment submitted by the gentleman from Tennessee [Mr. MOON].

The question being taken, on a division (demanded by Mr. THROPP) there were—ayes 87, noes 50.

Accordingly, the amendment to strike out was agreed to.

The Clerk read as follows:

For inland transportation by railroad routes, of which a sum not exceeding $40,000 may be employed to pay freight on postal cards, stamped envelopes, and stamped paper, and other supplies from the manufactories to the post-offices and depots of distribution, $33,870,000.

Mr. BINGHAM. I rise for the purpose of making a request of the House. I have some data upon this question, pertaining to inland railway mail transportation, which I should like to place in the RECORD, and not to delay the House. My remarks will be wholly pertinent to the question, not going outside of it. I therefore ask unanimous consent that I may have that privilege.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BINGHAM] asks unanimous consent to insert some remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

For railway post-office car service, $4,500,000.

Mr. TAWNEY. Mr. Chairman, the paragraph which the Clerk is just about to read is one on which an hour has been set apart for general debate.

Mr. LOUD. Had not the paragraph better be read?

Mr. TAWNEY. Well, I want to say——

The CHAIRMAN. The paragraph has not yet been read.

Mr. TAWNEY. I know it has not been read; but there are several propositions in the paragraph that are subject to a point of order, and I desire to know whether or not, in the event that the whole paragraph is read, the opportunity to raise the point of order to these particular parts of the paragraph will have been lost?

The CHAIRMAN. The paragraph may be read, with the understanding that the gentleman will make the point of order afterwards.

Mr. TAWNEY. As to any particular item in the paragraph?

The CHAIRMAN. Yes.

The Clerk read as follows:

Railway Mail Service: One General Superintendent, at $3,500; 1 assistant general superintendent, at $3,000; 1 chief clerk, office of General Superintendent, $2,000; 11 division superintendents, at $2,500 each; 11 assistant division superintendents, at $1,800 each; 21 assistant superintendents, at $1,600 each; 85 chief clerks, in charge of lines, at $1,600 each; 748 clerks, class 5, at $1,400 each; 479 clerks, class 5a, at $1,300 each; 938 clerks, class 4b, at $1,200 each; 694 clerks, class 4a, at $1,150 each; 3,405 clerks, class 3, at $1,000 each; 2,187 clerks, class 2, at $900 each; 525 clerks, class 1, at not exceeding $800 each.

Mr. TAWNEY. I desire to reserve the point of order on this paragraph; but pending that, I desire to state to the chairman of the committee that it is my purpose to offer as a substitute for this provision the bill for the reclassification of the rai way postal clerks, known as H. R. 2, upon which, of course, the chairman of the Post-Office Committee will make the point of order. At least, he has indicated his purpose so to do. Now, I ask that the points of order as to both propositions be reserved, and that both propositions be discussed on their merits, with a view to determining which is most equitable and just and which shall go out of the bill.

Mr. LOUD. That seems to be a very fair proposition, Mr. Chairman, but I shall have to insist on the gentleman making his point of order on this paragraph before we go any further, in order that we may know where we are.

The CHAIRMAN. What is the gentleman's point of order?

Mr. TAWNEY. Mr. Chairman, I hope that the gentleman will not insist upon that, as an hour has been set apart for general debate upon this paragraph. I simply wanted to reserve the right to make the point of order as to this paragraph at the end of the discussion instead of now. That was my only object.

Mr. LOUD. I am sorry to say to the gentleman that personally I could not make that agreement with him. If he wants to raise the point of order against this paragraph, I insist that it should be made before the debate comes on this subject; and if it is to go out, it had better go out, and then we will know where we are.

Mr. TAWNEY. Mr. Chairman, is it competent to do this by the unanimous consent of the committee—that is, that the question of whether or not this paragraph is in order be pending during the discussion of the bill and the proposition which I intend to offer as a substitute for it? If it is, I desire to ask unanimous consent that the question of whether or not this paragraph is in order be pending and considered at the expiration of the time allowed for general debate on the paragraph.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that he may reserve the point of order upon the paragraph just read until after the discussion thereof at the end of the hour. Is there objection?

Mr. LOUD. I object.

The CHAIRMAN. Objection is made by the gentleman from California.

Mr. LOUDENSLAGER. Mr. Chairman, I would like to ask unanimous consent for this, that the present paragraph and H. R. No. 2 be considered as pending, and that they be submitted to a vote in this committee at the expiration of one hour's debate.

The CHAIRMAN. House bill No. 2, the Chair will say, is not before the committee in any shape or form.

Mr. TAWNEY. Mr. Chairman, I then offer the following as a substitute for the paragraph which has just been read.

Mr. LOUDENSLAGER. That was contained in my request for unanimous consent.

Mr. TAWNEY. Reserving the point of order, and to be inserted after the word "each," on line 10, page 16.

The CHAIRMAN. The gentleman offers the following, which the Clerk will read.

The Clerk read as follows:

Insert after the word "each," line 10, page 16, the following:

"That on and after the 1st day of July, 1900, employees of the Post-Office Department known as railway postal clerks shall be divided into ten classes and be paid according to the following rates per annum: First class, not exceeding $800; second class shall receive $900; third class shall receive $1,000; fourth class shall receive $1,100; fifth class shall receive $1,200; sixth class shall receive $1,300; seventh class shall receive $1,400; eighth class shall receive $1,500; ninth class shall receive $1,600; tenth class shall receive $1,800.

"The Postmaster-General may, however, at his discretion, temporarily reduce the salary of any clerk as a penalty for delinquency or misconduct in such sum as he may deem necessary for the maintenance of discipline and efficient service; such reductions to be based upon a demerit system, which shall be uniform throughout the service.

"That the original appointments to the position of railway postal clerk shall be made to class 1 for a probationary period of six months from the date of the same, less such time as the appointee may have performed service as a substitute clerk, as provided by the postal laws and regulations and the civil-service laws and regulations; and no permanent appointment shall be made before the expiration of the probationary period, and then only when the appointee shall have shown himself proficient in his duties, fully competent to perform the same, and has made a satisfactory record.

"Promotions shall be based solely upon efficiency, faithfulness, and good conduct, and the clerk must serve at least six months in each class before being promoted to a higher class: *Provided*, That on lines upon which full railway post-office cars have been authorized by the Postmaster-General a clerk appointed to a crew of five or more shall, after having passed the probationary period, be appointed a clerk of class 2, and if he proves himself proficient in his duties and has made a satisfactory record, he shall, within a year after receiving his permanent appointment, be promoted to class 3, and shall not be further promoted unless there is a vacancy in a higher class; but if he is appointed to a crew of two, three, or four clerks, and continues to make a satisfactory record, then he shall be advanced one grade each year until he shall have reached the maximum class of the lowest grade in the car to which he is assigned, as hereinafter provided for.

"On lines upon which full railway post-office cars have not been authorized

by the Postmaster General, where but one clerk to a car is appointed to perform the duties and who runs an average of 110 miles or more per day, he shall be of class 5.

"If the daily average of miles run is less than 110 and not less than 100, the clerk shall be of class 4; if less than 100 and not less than 90, the clerk shall be of class 3; if less than 90 and more than 80, the clerk shall be of class 2. If the average distance run is 80 miles or less the clerk shall be of class 1, and the salary shall not be less than $10 per annum for each mile of the daily average of miles run: *Provided*, That the clerks of these classes, assigned as above, are employed exclusively by the Post-Office Department.

"On lines upon which full railway post-office cars have not been authorized by the Postmaster-General, where more than one clerk is assigned to duty in a car, the additional clerks shall be of classes lower than the clerk in charge, except where the clerk in charge is of class 1, and in no case shall such additional clerks be of a class higher than class 4. Where helpers are assigned to duty on such lines they shall not be of a class higher than class 3.

"On lines upon which full railway post-office cars are run by the order of the Post-Office Department, and to which 2 clerks to a crew are assigned, there shall be 1 clerk of class 8 and 1 clerk of class 6 or lower, as hereinbefore provided for.

"On lines upon which full railway post-office cars are run by order of the Post-Office Department, and to which 3 clerks to a crew are assigned, there shall be 1 clerk of class 8, 1 clerk of class 6, and 1 clerk of class 5 or lower, as hereinbefore provided for.

"On lines upon which full railway post-office cars are run by order of the Post-Office Department, and to which 4 clerks to a crew are assigned, there shall be 1 clerk of class 8, 1 clerk of class 6, 1 clerk of class 5, and 1 clerk of class 4 or lower, as hereinbefore provided for.

"On lines upon which full railway post-office cars are run by order of the Post-Office Department, and to which 5 or more clerks to a crew are assigned, there shall be 1 clerk of class 8, 1 clerk of class 6, 1 clerk of class 5, 1 clerk of class 4, and others of class 3 or lower, as hereinbefore provided for.

"On lines where more than one distributing car is run in a train there shall be 2 additional clerks of class 6 for each additional distributing car.

"The clerk receiving the highest salary in any crew will be designated clerk in charge.

"Clerks employed on steamboat lines shall be of class 1; the salary to be determined by the amount of work to be performed and whether they are employed exclusively by the Post-Office Department.

"Clerks employed as porters in railway post-offices shall be of class 1 and shall be paid a salary not exceeding $600 per annum.

"The General Superintendent may, when necessary, detail clerks of such classes as the character of the work may indicate to duty at important railway junctions; such clerks to be designated as transfer clerks in charge and assistant transfer clerks; and it shall be their duty to look after the handling and transfer of mails at railroad depots and perform such other work pertaining to the Railway Mail Service as may be required of them. When more than one clerk is needed for such duty at the same depot, the additional clerks shall be of classes below class 7, but in no case shall more than one clerk of the same class, above class 3, be so detailed at the same depot.

"Such clerks as may be assigned to duty in charge of one or more lines shall be of class 9, and be designated as chief clerks, and shall, when traveling on business of the Department, be paid from the appropriations for the transportation of mails on railroads their actual and necessary expenses, but not exceeding $3 per diem.

"There shall be one clerk detailed to duty in the office of each division superintendent, who shall be designated assistant division superintendent, Railway Mail Service, and who shall act as division superintendent in the absence of that officer. Such clerk shall be of class 10, and shall, when traveling on the business of the Department, be paid from the appropriation for the transportation of mails on railroads his actual and necessary expenses, but not exceeding $3 per diem.

"There may be detailed to duty in the office of the General Superintendent and of each division superintendent of Railway Mail Service as many railway postal clerks, in the judgment of the General Superintendent, as may be necessary to transact the business of those offices properly; but there shall be but one clerk of class 10 detailed to duty in the office of each division superintendent.

"That all railway postal clerks whose duties require them to work six days or more per week, fifty-two weeks per year, shall be allowed an annual vacation of fifteen days with pay.

"No clerk shall receive less salary after the passage of this act than he was receiving prior thereto, and no clerk shall be reduced from a higher to a lower grade after his assignment thereto unless such salary or grade is properly reduced by reason of his inefficiency to perform the duties of such higher grade, unless temporarily reduced as a penalty for delinquency or misconduct, as hereinbefore provided for, or unless the status of the line to which he is assigned may be so changed by the reduction of mileage, withdrawal of full railway post-office cars, reduction of force, or otherwise, as to bring him within a different class, as provided in this act, or unless he be transferred from one line to another at his own request or in the interest of the public service."

Mr. LOUD. Mr. Chairman, I make the point of order against that amendment.

Mr. LOUDENSLAGER. I want to renew my request for unanimous consent that this amendment be considered as pending, that an hour's debate be given to it, and at the end it be submitted to the House for its action.

Mr. TAWNEY. I desire to say, Mr. Chairman, that in view of the fact that this proposition has been given an hour for general discussion, that by having both propositions before the committee, the gentleman reserving the point of order he has made and I reserving the point of order on the paragraph which he has reported, the entire subject will be before the committee, and we will have an opportunity of considering the relative merits of those propositions. If the Chair strikes out the proposition which I have offered on the point of order, then the question will come up on the provision which the gentleman has reported in this bill.

Mr. LOUD. The gentleman is holding a post-mortem. We have commenced debate, and you have offered an amendment.

Mr. TAWNEY. I reserved the point of order pending the reading of the amendment.

Mr. LOUD. You did?

Mr. TAWNEY. And so stated to the Chair at the time of offering it.

Mr. LOUD. I stated that I insisted upon the point of order being determined.

Mr. LOUDENSLAGER. But it was not, Mr. Chairman.

Mr. LOUD. Let us see what the Chairman says about that. The Chair does not hold that a point of order can be reserved when a gentlemen insists that it shall be determined.

The CHAIRMAN. Of course a point of order could not be reserved by the gentleman from Minnesota against the objection of the gentleman from California. It can only be reserved by unanimous consent of the committee.

Mr. TAWNEY. I did not understand the gentleman from California objected when I said I reserved the point of order, when I offered my proposition as an amendment.

The CHAIRMAN. The gentleman from California had insisted that the point of order should be determined, and thereupon the gentleman from Minnesota offered an amendment.

Mr. LOUDENSLAGER. Did the Chairman decide the point of order then?

The CHAIRMAN. The point of order was not discussed at all. The gentleman submitted his amendment.

Mr. LOUDENSLAGER. Was it decided?

Mr. TAWNEY. The gentleman must have——

The CHAIRMAN. No; the Chair has not decided any point of order.

Mr. LOUD. What I thought I heard the gentleman say was that he withdrew it.

Mr. TAWNEY. No, no. Then, I ask the gentleman from California to reserve the point of order on the amendment until the expiration of the hour's discussion.

Mr. LOUD. Now, I will say, Mr. Chairman, that I am perfectly willing to do that on this amendment—the gentleman's proposition here to this section—if that is the last of it.

Mr. TAWNEY. That is all there is of it.

Mr. LOUD. The only object I have is that I would like to have it determined before we proceed to debate what we are going to vote upon; and if this is all the gentleman's proposition, I will reserve the point of order. I understand that is all of your proposition.

Mr. TAWNEY. I will state to the gentleman from California that the amendment which I have offered is offered as a substitute for all that part of the paragraph which has been read after the word "each," in line 10, down to the end of that paragraph.

Mr. BINGHAM. On what page?

Mr. TAWNEY. On page 16 of the bill. The proposition which I have offered as a substitute is the reclassification bill, known as H. R. No. 2. That is the only proposition except, in the event that this should go into the bill, it would be necessary to change the figures on page 17 as to the aggregate appropriation.

Mr. LOUD. I want to suggest to the gentleman that there is one hour set aside for debate. Is the gentleman willing to divide that hour?

Mr. TAWNEY. Certainly; that is the proposition.

Mr. LOUD. I ask that the gentleman from Minnesota control one half of the time and I control the other half.

The CHAIRMAN. The Chair understands that the gentleman from Minnesota moves to strike out all after the word "each," in line 10, to the end of the paragraph and substitute the amendment as read. Against that the gentleman from California [Mr. LOUD] reserves all points of order.

Mr. TAWNEY. Mr. Chairman, the two propositions now under consideration relate to the most important branch of our postal service—the railway postal clerks. In almost every city the telephone and messenger service have in a large degree taken the place of the postal service for local communication and the transmission of local messages. But for those who can not avail themselves of these more modern facilities, or whose business or interests demand the speedy transmission of mail matter, the highest possible efficiency in the railway postal service is of the utmost importance. No branch of the postal service has shown such marvelous development and progress in the last fifteen years as has this particular branch of that service.

This progress, this development, and the splendid Railway Mail Service we now have are due almost wholly to the intelligence, industry, and vitality of the men charged with the duty of handling our enormous mails while shut up in their railway post-offices, traveling at the highest possible rate of speed. In no Department of the Government service are the employees required to perform as many hours of continuous labor. In no Department of the Government service do employees assume the risk and danger assumed by railway postal clerks.

In no Department of the public service are the employees required to observe as strict rules and regulations, nor are they subjected to as severe discipline as they are in this service. In no Department of the Government service are the employees required to defray their expenses while traveling and away from their homes in the discharge of their duties, except in the Railway Mail Service. And in no Department of the Government service are

employees denied the privileges of citizens by reason of their service, nor are they denied the comforts and pleasure of home and association with their families to the extent that these privileges are denied to the railway postal clerks.

For many years the Department and the railway postal clerks have asked Congress to take all these things into consideration and reclassify this service and readjust their salaries, so as to meet the growing demands of the service and reasonably compensate these men for the increased labor, the increased danger, incident to the demand of the people for the rapid transit of their mail.

Thus far their appeal has received no consideration whatever at the hands of Congress nor at the hands of the Committee on Post-Offices and Post-Roads. The proposition which I have offered as a substitute for the one reported by the committee has twice passed the Senate, but in both instances has it failed to receive any consideration at the hands of the House.

I assert here and now that there is no class of Government employees who are harder worked or poorer paid than the men who are employed in this particular branch of the service. And no other class of Government employees has ever asked for an increase in their compensation whose appeal has met with such universal approval on the part of the people and on the part of the public press as the appeal of these men. Almost every newspaper of any prominence throughout the country has given their request the most hearty editorial indorsement.

Twenty years ago any man of any clerical capacity or business ability could in a very brief space of time master the duties of a then so-called "route agent." It is different now. It takes a bright man, a man of good education. It requires years to acquire the requisite expertness to become an expert railway mail clerk under our present system. It is a hard life, exacting, and in a majority of cases slavish. The employees of the Government in the Executive Departments of this city go to their offices at 9 o'clock in the morning. They work until 12, when they are allowed one-half hour for luncheon. They return to their offices and continue their work until 4, and then are free to employ the remainder of their time during that day and until the next morning at 9 o'clock as they may see fit. When they reach the offices in the morning they are clean; papers are all properly arranged; they have nothing to do but commence the discharge of their routine duties.

When the hour of 4 o'clock arrives they leave their desks, and laborers and messengers see to it that their offices are put in proper condition for them to resume the discharge of their duties on the following morning. It is not so with the railway postal clerk. He goes into his car, combining the laborer and, in intelligence, the highest type of the clerical force of the Government. He has no one to handle his heavy sacks of mail for him. He has no one to clean up his car when he leaves it. That duty, by the rules and regulations, he must perform himself. He must even take care of every particle of scrap paper as he goes along in the discharge of his duties, putting it into a sack and then sorting it when he reaches his destination.

In hundreds of instances they are required to do continuous work for twenty hours, and then, with only a short rest, start back on the return trip. In addition to all of his labor, in addition to the mental and physical strain upon him, when on duty, occasioned by the rapid and swaying motion of the train, he must, during his lay-off periods, apply himself to study in order to familiarize himself for the better discharge of his duties in this service.

A first-class clerk must be an expert, and in his periodical examinations must average 98 per cent or better in order to hold his position. These examinations include full knowledge of all rail and star routes within his district, of all railroad connections, on whatever lines mail matter will reach its destination the quickest; the name and location of every post-office in his district, which comprises in many instances from three to twenty-five States and Territories. In addition to all this, within the past two years he has been charged with the duty of making up mail in his car for distribution in our large cities, so that when the mail arrives in the city of Washington, for instance, all mail to be delivered in a certain carrier's district, or at a certain station or substation, must be ready for the carrier.

The proposition which I have offered as a substitute is the bill known as H. R. 2, or the reclassification bill, which has been recommended for passage by the Postmaster-General during the Administration of Mr. Cleveland, and has been repeatedly recommended for passage by the Postmaster-General under our present Administration. It also has the united support of every railway postal clerk in the United States. It deals justly by these men, who, in addition to their unremitting toil and never-ending study of the "schemes," instructions, and regulations, are under bonds as the temporary custodians of vast values, and for this reason the proposition should, in my judgment, be incorporated in this bill as a substitute for the one proposed by the committee.

It does not discriminate against any railway postal clerk or against any class of these employees, as does the proposition of the gentleman from California [Mr. LOUD]. It does not increase the salaries of a few, allowing the salaries of the remainder to stand where they were fixed almost twelve years ago, when this service was comparatively in its infancy, when a full railway post-office was unknown, when there were not to exceed five men in any railway postal crew, while to-day we have solid postal trains with five and six full post-office cars and crews numbering as high as twenty-five men.

The proposition reported by the committee and which is now urged by the distinguished chairman [Mr. LOUD] is unjust, inequitable, and will necessarily tend to create dissatisfaction and demoralize the service. This is so because he arbitrarily subdivides two classes, increasing the salaries of a portion of each of these classes and denies any increase whatever to the remainder of these two classes. The men in these classes all perform the same duties, they run over the same route, they travel the same distance, and to increase the salary of one and not the other will inevitably lead to dissatisfaction and result in injury to the service.

In opening the debate on this appropriation bill on Monday the chairman of the committee [Mr. LOUD], knowing that this was one of the most serious objections to his proposition, undertook to make the House believe that this would not be its effect. I hope the chairman of the Committee on the Post-Office and Post-Roads will remain, as I intend to call attention to a statement he made yesterday as to the effect of this provision in relation to railway postal clerks and the increase of their salaries. This is not a question of sentiment. If it was, we could confidently appeal to the extra hazardous character of their employment, the large number of clerks annually injured or killed in the service, and the loss of the many comforts and pleasures of home and family which they sustain, in support of that question. It is a question of justice and right, and therefore we need rely only upon the facts to justify our position. I shall appeal to the judgment of this House and not to sentiment.

The gentleman from Connecticut [Mr. HILL] interrupted the gentleman from California [Mr. LOUD] and asked him concerning the effect of this particular provision, and wanted to know whether or not it was his understanding that this provision increased the salaries of the railway postal clerks all along the line, or whether it discriminated in favor of some and against others. This was the answer of the gentleman from California:

> The promotion of those 748 clerks from the $1,300 class to the $1,400 class makes substantially the same increase down along the whole line—perhaps not in the exact number; that I can not say. This is a very intricate question. I do not suppose anyone outside the General Superintendent and his assistant could give exactly the number. But the bill provides for a general lifting up along the whole line—that is, if you lift up the top the rest must follow.

Then, he says the increased appropriation for railway postal clerks is about $900,000.

Now, from this statement I take it that the distinguished chairman of the committee in charge of this bill intended to do substantial justice to all classes of the Railway Mail Service, and I confidently hope and expect that when it is shown to him conclusively, as it can be, that instead of increasing the salaries of the railway postal clerks by $900,000, the increase is only $140,000, and that when he says he is lifting up all the railway postal clerks, he is benefiting only 21 per cent at the expense of the remaining 79 per cent, he will then consent to the proposition I have offered and which will accomplish what he says he and his committee intended to accomplish by this provision in the bill.

He also repeated that same statement in answer to a question put to him by the gentleman from Pennsylvania [Mr. OLMSTED], and I submit to him and to the committee that unintentionally he has misled the members of this House in respect to the actual effect of his provision. As a matter of fact, as I have said, he increases the appropriation of salaries of railway postal clerks only $140,000 instead of about $900,000.

[Here the committee rose to receive a message from the Senate.]

Mr. TAWNEY. Mr. Chairman, as I was saying when the committee rose, if the distinguished chairman of the committee intended to increase the appropriation for the railway postal clerks, as he said in his speech on Monday last, $965,000——

Mr. LOUD. "The gentleman from California" did not make any such statement, and the gentleman from Minnesota has no right to misinterpret any remark that I made.

Mr. TAWNEY. I read from the RECORD of April 23, page 4565, in which this statement was made by the chairman of the committee:

> The increase for railway mail clerks this year is $965,000.

Mr. LOUD. That is very true, but not the increase of salaries. Do not misinterpret me.

Mr. TAWNEY. I did not say for salaries. I will read further what the gentleman said:

> In this segregation that we have made there is probably about $500,000 for increase of salaries of the railway mail clerks.

Mr. LOUD. I said that.

Mr. TAWNEY. If the gentleman intended to give or believed that he was giving this increase of $500,000 for increased salaries, and if he believed that he was increasing the salaries, as he said, "all along the line," I repeat that if he can be convinced that his provision will not accomplish either of these two results, then, being, as I know him to be, a fair-minded man, he ought to accept the proposition I have offered, for that will accomplish both results.

Now, let us see whether the gentleman has increased this appropriation $500,000 for increase of salaries of these clerks. Here is an analysis of that provision of the appropriation bill prepared by the statistician in the Railway Mail Service, which I will print as part of my remarks.

Statement showing increase of salaries under the Post-Office appropriation bill (H. R. 10301).

Items.	Salary.	Increase salary.	Number.	Annual rate.
General Superintendent Railway Mail Service	$3,500	.....	1	*$3,500
Assistant General Superintendent	3,000	.....	1	*3,000
Chief clerk, office General Superintendent	2,000	.....	1	*2,000
Division superintendents	2,500	.....	11	*27,500
Assistant superintendents	1,600	.....	21	*33,600
Assistant division superintendents	1,800	$200	11	*19,800
Chief clerks in charge of lines	1,600	200	85	136,000
Class 5b clerks on night lines	1,400	100	748	1,047,200
Class 5a clerks on day lines	1,300	.....	479	622,700
Class 4b clerks on night lines	1,200	50	938	1,125,600
Class 4a clerks on day lines	1,150	.....	694	798,100
Class 3	1,000	.....	3,405	3,405,000
Class 2	900	.....	2,187	1,968,300
Class 1, not exceeding	800	.....	525	420,000
Granting annual leaves	.....	.....	.....	50,000
For acting clerks in place of injured	.....	.....	.....	25,000
Expenses of chief clerks and railway postal clerks	.....	.....	.....	15,000
Expenses of General Superintendent, assistant general superintendent, and division superintendents	.....	.....	.....	*25,000
Per diems, etc., of assistant superintendents	.....	.....	.....	*34,000
Total	.....	.....	9,107	†9,761,300

Statement showing new classification and salaries under the proposed amendment to bill H. R. 2.

Items.	Salary.	Increase salary.	Number.	Annual rate.
General Superintendent Railway Mail Service	$3,500	.....	1	*$3,500
Assistant General Superintendent	3,000	.....	1	*3,000
Chief clerk, office General Superintendent	2,000	.....	1	*2,000
Division superintendents	2,500	.....	11	*27,500
Assistant superintendents	1,600	.....	21	*33,600
Class 10	1,800	$200	11	*19,800
Class 9	1,600	200	105	168,000
Class 8	1,500	200	1,207	1,810,500
Class 7	1,400	.....	.....	.....
Class 6	1,300	150	1,632	2,121,600
Class 5	1,200	200	3,251	3,901,200
Class 4	1,100	100	793	872,300
Class 3	1,000	100	1,339	1,339,000
Class 2	900	.....	425	382,500
Class 1 not exceeding	800	.....	328	183,680
Granting annual leaves	.....	.....	.....	50,000
For acting clerks in place of injured	.....	.....	.....	25,000
Expenses chief clerks and railway postal clerks	.....	.....	.....	15,000
Expenses of General Superintendent, assistant general superintendent, and division superintendents	.....	.....	.....	*25,000
Per diems, etc., of assistant superintendents	.....	.....	.....	*34,000
Total	.....	.....	9,107	†10,938,180

*Now paid out of "Transportation of mails by railroads."
†Of this amount $148,400 paid out of "Transportation of mails by railroads."
Average increase under H. R. 10301 is $15.31.
Average increase under H. R. 2 is $150.97.

According to this, there are 11 assistant division superintendents whose salaries are increased $200 per annum. I also see that the salaries of 85 chief clerks in charge of lines are increased $200 per annum. I find that a portion of class 5, a class fixed by existing law, have their salaries increased $100, the exact number being 748. I find, too, that a portion of class 4, a classification fixed by law, have their salaries increased $50, and the aggregate number receiving an increase of salary is 938. I also find that there is not one man in the Railway Mail Service who will derive any benefit whatever in the way of increase of salary except these. So that there is no general lifting up of salaries "all along the line," as he says, by reason of the increase of salaries of a part of class 5 and a part of class 4. There can be none, for the simple reason that the present classification is fixed by law, which reads as follows:

That persons in the Railway Mail Service known as railway post-office clerks, route agents, local agents, and mail-route messengers shall, on and after the passage of this act, be designated as railway postal clerks, and divided into five classes, whose salaries shall not exceed the following rates per annum: First class, not exceeding $800; second class, not exceeding $900; third class, not exceeding $1,000; fourth class, not exceeding $1,200, and fifth class, not exceeding $1,400.

Now, Mr. Chairman, that is the present classification, and the salary for each class is likewise fixed by law.

The gentleman pretends to justify his action and will in his reply say that some years ago, because of a deficiency in the appropriation, class 5 did not receive the maximum salary, and that he now proposes to remedy this. In doing this he claims also that he is lifting up all below class 5.

But in order to accomplish that what does he do? By this provision he makes an arbitrary classification. He subdivides class 4 and class 5, which is new legislation, and is just as obnoxious to the rule of this House as the amendment I have offered. There is no "class 5a" or "class 5b" under existing law. There is no "class 4a" and no "class 4b." In these two classes there are a little over 2,800 railway postal clerks. He increases the salaries of about 1,700, and he allows 1,100 or more in the same classes to continue to work at the salary they are now receiving.

As an administrative officer, sir, as a legislator, I appeal to him to say whether in his judgment it is for the interest of the service to discriminate in favor of 1,700 men of a given class and against 1,100 men of the same class?

His proposition is clearly a discrimination in favor of a part of class 4 and class 5. There are no other employees in the railway postal service except the office force who will derive a particle of benefit from the passage of the proposition reported by the committee. This is necessarily so for the reason that the salaries and classifications are fixed by law. The General Superintendent of the Railway Mail Service can not "boost up" a man in one class unless there is a vacancy in a higher class.

The proposition of the gentleman from California [Mr. LOUD] does not take anybody out of class 5. It does not take anybody out of class 4. It allows those two classes to remain as they are to-day. It is true he increases the salary of those whom the gentleman arbitrarily calls class 5b and class 4b, but he does not change their present classification. This provision, therefore, can not increase the salary of any clerk in the lower classes until they are transferred from the lower to the higher classes. The proposition of the gentleman [Mr. LOUD] does not and can not affect the salary of any man in the service, except those specifically named or those in classes 4b and 5b.

The proposition, therefore, does not accomplish what the gentleman declared upon the floor of this House to be his purpose. He did not explain or pretend to explain how it was possible for the General Superintendent of the Railway Postal Service to increase salaries of men in classes 3, 2, or 1 or how it was possible for him to increase the salaries of those in classes 4 and 5, whose salaries he does not propose to increase.

This proposition, therefore, I say does not accomplish what the gentleman from California seeks to accomplish. If he is sincere in the statement which he made on the floor of the House on Monday, he should accept my amendment, which does increase the salaries all along the line.

Now, Mr. Chairman, I call attention to what the Second Assistant Postmaster-General himself has said in regard to this proposition. Before quoting what he has said I want to state that the proposition I have offered as an amendment has been recommended by the Post-Office Department, and the railway postal clerks have for years endeavored to secure its enactment into law.

They came here in the Fifty-third Congress, they came again in the Fifty-fourth Congress, and their bill was reported to this House, but it could not receive consideration because there was a great deficit in the Treasury at that time. They returned in the Fifty-fifth Congress, backed by all their superior officers, but the war with Spain came on and the necessities of the Government for revenue were so great that the railway postal clerks, in a spirit of patriotism, returned to the discharge of their duties without further pressing their claims in that Congress.

In 1898 the Second Assistant Postmaster-General incorporated in his report the bill which I have offered as a substitute for the committee provision, and he accompanied it with the most hearty and favorable commendation.

Mr. LIVINGSTON. Will the gentleman yield for a moment?

Mr. TAWNEY. I will.

Mr. LIVINGSTON. I understand, Mr. Chairman, that the gentleman who has charge of the bill says that if these assistant division superintendents and chief clerks are promoted, it makes vacancies below them, and thereby in that way lifts up the entire list. Now, can that be done unless you fill up at the bottom with new or different men?

Mr. TAWNEY. Certainly not; but the mistake the gentleman makes there——

Mr. LOUD. I had hoped that the gentleman from Minnesota would correct the gentleman from Georgia, so that I would not be called on to do it.

Mr. TAWNEY. If the gentleman will permit me, I want to

say that the proposition contained in this appropriation bill does not contemplate the promotion from one class to another of any of the men in the Railway Postal Service. They continue to perform their duties in the classes in which they now are; and if this proposition passes, they will remain in those classes just as now. The only difference will be that 748 men in class 5b will receive an increase of $100, and 938 men, I think, in class 4b will receive an annual increase of $50. It does not permit any man——

Mr. LIVINGSTON. Then it makes no vacancies.

Mr. TAWNEY. It makes no vacancies; and there can be no "lifting up" of the classes below 4 and 5, because nobody is taken out of either one of those two upper classes.

Now, Mr. Chairman, the Second Assistant Postmaster-General in his last report says, concerning the substitute which I offer for the provisions contained in the appropriation bill:

Reorganization and reclassification.—The bill for the reclassification of the clerks of the Railway Mail Service, which has been before Congress for some time and is referred to at length in the report of the General Superintendent, should appeal more strongly than ever to the favorable action of Congress at its coming session. The last reorganization occurred in 1881.

Many important changes have occurred in the service since that date. Present salaries are not equitably adjusted to the nature of the work performed. Higher grades of work call for additional classes to secure proper supervision. In comparing salaries and compensation of the clerical force it must be remembered that salaries of railway postal clerks include the per diem or travel pay. The net compensation, after deducting extraordinary expenses of travel, is in many cases inadequate to support their families and properly educate their children. As a result, applications for transfer to clerical positions in the Department and in the local post-office are numerous and pressing.

Notwithstanding the increased cost of living in a large city, railway postal clerks are willing to accept transfer at a reduction of from $100 to $250 per year in salary. Several such transfers have been made to this office within the past year. Clerks in local positions are at home with their families. They avoid the risks incident to exposed travel; save wear and tear of clothes and other incidental expenses. In foreign countries a specific allowance is made to all officials and clerks who travel. In Great Britain railway postal clerks are taken chiefly from the London office, and when under such detail receive from 30 to 80 per cent increase in salary.

Mark! When they are taken out of the London post-office and put upon the road to discharge the duties which our railway postal clerks are discharging, they are given an increase in salary of from 30 to 80 per cent, which shows how the labor in this branch of the postal service is regarded in comparison with the labor in the office by European countries, and should be regarded by the American Government.

In France a specific allowance for travel expenses ranges from $140 to $300 a year, which amounts to from 15 to 40 per cent increase in their regular salaries. In Germany a graduated allowance is made based on the number of miles traveled, number of hours at lie-over points, etc. Indeed, in the case of all other Government officials and clerks in this country the necessary traveling expenses are provided for by an allowance of from $2 to $4 per day.

Not a dollar is allowed to a railway postal clerk for travel subsistence, although when he is on duty he is away from home half the time, incurring the same expenses that other employees of the Government incur; but he is not reimbursed for a dollar of that expense, while every other employee of the Government who goes out of his office, and performs duties outside of that office, is reimbursed for the expenses incurred incident thereto. Not so with our railway postal clerks. The Second Assistant Postmaster-General further says:

If the present salaries of our clerks seem higher than those prevailing in foreign countries, it must be remembered that the amount of work performed by 1 clerk in our service equals the work of 2 and sometimes of nearly 3 clerks in European countries. For instance, the number of railway post-office cars reported in France is 468, and the number of clerks performing service in them 2,852, an average of over 6 clerks per car. As compared with this, in our country we have 7,662 railway postal clerks performing the service in 3,506 cars and apartments, an average of 2.18 clerks per car.

Contrasted, Mr. Chairman, either in regard to the amount of compensation or in regard to the amount of labor required there are no postal clerks in the service of any civilized country to-day who receive less compensation, deducting the expenses which they must necessarily incur, than the railway postal clerks of the United States. I have here a statement showing just what the average salaries are.

The average salary of each one of the 9,061 clerks under the proposed bill—that is, the estimates for the next fiscal year (the proposition which I have submitted is based on the needs of the service for the next fiscal year)—is $1,037.43, and the average salary under the provision presented by the gentleman from California [Mr. LOUD] is $1,060.91, while under the proposition which I have submitted as a substitute for this proposition the average salary will be only $1,175.35. So that under the reclassification proposed by the committee the average annual salary would be $23.48 more than they are now receiving, while under the proposition which I have submitted as a substitute the average salary would be $114 more than under the committee's proposition and only $137.92 more than they are now receiving.

Now, Mr. Chairman, these statements are all verified by the statement furnished by the Superintendent of the Railway Mail Service and prepared by the statistician of that Department, which is the statement I have before referred to. It was prepared at my request for the purpose of analyzing and enabling members of this House to fully understand both propositions and then determine from the facts which of the two is the more just, which of the two provides for an equitable division of the appropriation made by the Government for the purpose of compensating them for their services.

Mr. BROMWELL. Will it interrupt the gentleman for me to make a request at this time?

Mr. Chairman, in view of the interest we all take in this matter, and the fact that a great deal is being presented that will be of value to the Committee on Post-Office and Post-Roads when this matter comes before that committee for consideration, I ask unanimous consent that the time for discussion of the proposed amendment shall be extended one hour, half an hour to be controlled on each side by the same gentlemen that have the control of the debate that has already been agreed to.

Mr. LOUD. I hope, Mr. Chairman, that the gentleman will not insist on that. I will yield to the gentleman part of the time that I have. I do not care to beat the air myself particularly, and I will yield a great deal of my share of the time to gentlemen to speak in reference to an amendment that they know can not pass.

Mr. BROMWELL. Whether it can pass or not, it is a matter of a great deal of importance to others.

Mr. LOUD. I would like to get through with this bill before Friday. The gentleman knows that Friday will be wanted for pensions.

Mr. BROMWELL. I have no doubt that we will get to a vote to-morrow.

Mr. LOUD. I fear from the way that we are progressing that we will not get through before next winter.

Mr. BROMWELL. I would like to have my request submitted, but from what the gentleman says it seems he will object; but I renew my request.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend the time for debate on this paragraph one hour, thirty minutes to be controlled by the gentleman from Minnesota and thirty minutes to be controlled by the gentleman from California. Is there objection? [After a pause.] The Chair hears none.

Mr. CUMMINGS. Mr. Chairman, I ask unanimous consent that I be allowed fifteen minutes' time in addition.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he be allowed fifteen minutes in addition.

Mr. PAYNE. I hope my colleague will not ask that. I think he can get all the time he wants from the gentleman from California.

Mr. LOUD. What is the request?

The CHAIRMAN. The gentleman from New York asks unanimous consent that he be allowed fifteen minutes in addition to the time already given. Is there objection?

Mr. LOUD. I shall not object if the House wants to extend the time for a month. That is for the House to determine. If you want to sit on this bill all summer, that is for the House to determine.

The CHAIRMAN. The Chair hears no objection.

Mr. TAWNEY. Now, Mr. Chairman, in order to make clear to the members of the Committee the difference between the proposed reclassification of the distinguished chairman of the Committee on Post-Office and Post-Roads and the proposition proposed by the Department and the railway mail clerks, I will restate what I said a moment ago relative to the effect of the committee bill. That it increases the salaries of 11 superintendents, $200; 85 chief clerks in charge of lines, $200; 740 clerks of class 5, $100, and 938 clerks of class 4, $50. Out of a total of 9,107 railway postal clerks this provision will benefit 2,800 of them.

Under the proposition which I have submitted you would increase the salaries of class 10, the chief clerks in charge of lines, $200; class 9, $200, and there are only 105 in this class; class 8, $200; there are 1,207 in that class; class 6—and I wish to say here that I omit class 7, because there are no employees in class 7 at this time. The proposition which the Department proposes, and which the railway postal clerks favor, is to create another class, to meet an emergency that has existed for a long time—namely, the appointment of transfer clerks in our large cities; and they propose that these transfer clerks shall hereafter be designated as class 7 instead of being known as transfer clerks. Then class 6 is increased $150; there are 1,632 in this class. Class 5, one of the hardest-worked classes in the service, where there is only one man to a car, and a class in which there are 3,251, the increase is $200.

Class 4, the increase is $100, and there are 793 in that class. Class 3, the increase is $100, and there are 1,320 in that class. Class 2 and class 1, their salary is not increased at all, for the reason that in the judgment of the Department and the clerks the salary fixed by law for these two classes is an adequate compensation for the service they render upon entering the service. So that under this provision we benefit 91 per cent of all the clerks, while under the committee's provision we benefit only 21 per cent. We benefit, in other words, under the provision which I have submitted, all the employees in the Railway Postal Service who, in the judgment of

the Department and in the opinion of the clerks themselves, are entitled to any increase of salary; while under the committee's proposition we discriminate in favor of one-third and against the remaining two-thirds.

Now, what is the aggregate result? The aggregate amount of this appropriation reported by the committee is $9,761,300, and in the proposed division of that appropriation among these clerks we will injure the service by discriminating against 79 per cent of the men in that arm of the service. Under the amendment I have offered we would divide that appropriation equitably and do justice to all of them, and then only make their average salary $1,175.43. This would increase the appropriation only $1,235,880 over the amount proposed by the committee.

Mr. GAINES. Why do they make this invidious distinction between the 91 per cent and the 21 per cent?

Mr. TAWNEY. I can not explain to the gentleman why they make the invidious distinction that he refers to.

Mr. BROMWELL. May I ask the gentleman a question?

Mr. TAWNEY. Certainly.

Mr. BROMWELL. It has been some time since I looked over this part of the bill which the gentleman offers as a substitute, and so I am not as familiar with its provisions as I ought to be. I see on page 2 it says that promotions shall be based solely upon efficiency, faithfulness, and good conduct, and the clerk must serve at least six months in each class, etc. Before that I find there is to be a probationary appointment of six months in the lowest class—class 1. Now, at the end of six months does the bill provide that, having served his probation, he shall then be promoted to class 2?

Mr. TAWNEY. Yes.

Mr. BROMWELL. And at the end of another probationary period he shall be promoted to the next—class 3?

Mr. TAWNEY. Yes; he may be, but he would not be entitled to the second promotion at the expiration of that period as a matter of right.

Mr. BROMWELL. But beyond class 3 he shall not be promoted unless there are vacancies?

Mr. TAWNEY. That is as I understand it.

Mr. BROMWELL. Now, what would be the effect of this if there were no deaths or removals in class 3? Will it not require the appointment of new clerks in classes 1 and 2 to fill the vacancies caused by promotions of those in classes 1 and 2 to class 3? In other words, will there be a lot of supernumerary appointments in the two lowest classes to take the place of promotions into class 3?

Mr. TAWNEY. No; that is not my understanding. I asked the Superintendent of the Railway Mail Service this morning and he informs me that will not be the effect of it; that when the promotions are made in the higher classes, these men, if there are many in the lower classes, will be promoted into the higher classes from classes 1 and 2, and when vacancies occur in classes 1 and 2, they will fill them by examination as they fill all other positions under this bill.

Mr. BROMWELL. The gentleman will recognize the difference between classes from 3 up and classes 1 and 2. From 3 up there can not be a transfer from the lower classes unless there is a vacancy. Classes 1 and 2, on the other hand, are on probationary service that entitles them to promotion. Now, in case there are only a few vacancies in classes 3 and above, and a large number in classes 1 and 2, will not the result be that you will double classes 1 and 2 by the transfers into upper classes and make it necessary to put new men into classes 1 and 2 where the service does not require it?

Mr. TAWNEY. Superintendent White assures me that the bill does not operate in that way.

But, however that may be, I feel quite confident that the committee of this House will be justified in relying upon the judgment of the Department, and that the Department and the clerks having worked out this reclassification to their satisfaction, we may confidently accept their judgment.

Mr. HOPKINS. As I understand, the increase of salaries provided for in this appropriation bill has not been recommended by the Department, and does not represent the wishes of the clerks.

Mr. TAWNEY. It has been recommended by the Department for the last three years. I mean this substitute offered by myself has the full and entire approval of the Department.

Mr. HOPKINS. I am talking about the bill presented by the committee.

Mr. TAWNEY. No; that is not recommended by the Department.

Mr. HOPKINS. The substitute offered by you has been approved of by the Department and by the Superintendent of the Railway Mail Service?

Mr. TAWNEY. Yes; the bill offered by me was incorporated in the Second Assistant Postmaster-General's report in 1898, and referred to again with approval in the report of 1899.

Mr. HOPKINS. Is it not a fact that it meets with the approval of the Second Assistant Postmaster-General, the Superintendent of the Railway Mail Service, and men all along the line?

Mr. TAWNEY. All of them, every one of them, from class 10 down. I want to call attention to a statement which was made by the chairman of the committee on Monday, that by this segregation the aggregate increase of salary is $500,000.

To explain this I would invite your attention to this remarkable fact: In order to make it appear that he was giving an aggregate increase of $500,000, the gentleman includes the salaries of the General Superintendent, of the assistant general superintendent, of the chief clerk in the office of the General Superintendent, the division superintendent, the assistant division superintendent, all of which salaries have heretofore been paid out of the fund for the transportation of the mail by railroads—never before included in the general appropriation bill. The gentleman includes $148,400 heretofore paid out of the fund for transportation of the mail, and then on the floor of this House undertakes to charge that amount to the railway postal clerks as an increase of salary.

Now, the chairman of the committee said a moment ago that he "did not want to beat the air." Yes, as a friend near me suggests, he wanted to "beat" the railway mail clerks instead of beating the air. I suppose he referred to the fact that the Chairman of this committee would rule this proposition out of order. On that point I call the attention of members of the House to this fact: He knows as well as I do—as well as the Chairman of this Committee of the Whole and other members of this House—that his proposition is as obnoxious to the rule as the proposition which I have offered.

I want to ask the members of this House whether it is a greater crime for a member sitting in his committee room to violate the rule in order to discriminate against about 7,000 railway postal clerks for the sake of benefiting only 1,700 than it is for us, sitting in Committee of the Whole, to violate the rule of the House in order to do absolute and complete justice to all of them. Wherein is the distinction? That rule is violated by the Committee on the Post-Office and Post-Roads and by the Appropriations Committee every time they incorporate in an appropriation bill a provision which is either new legislation or which increases appropriations beyond the amount fixed by law. That is done in this very provision. That is why I wanted to reserve the point of order on the paragraph and thereby put both propositions before the House in order that members might determine which of the two was the more equitable, the more just, and calculated to benefit the service most.

But the gentleman refused me that opportunity. I was therefore forced to abandon the point of order, so as to get any consideration of this proposition at all. And I think that if we vote to put my amendment in the bill as a substitute for his proposition, we are simply voting to strike out something which is as obnoxious to the rule as the substitute and to put something in its place that is infinitely better. I claim, Mr. Chairman, that that rule is no more sacred in this House or in the Committee of the Whole than it is in the committee rooms of the House; and if the committee can violate the rule with impunity, I can not see why we can not violate it when we see that an absolute injustice is being done by the violation of the rule in the committee room.

I want to call attention, further, to this remarkable fact: The chairman of the committee stated on Monday in his opening address that the railway postal clerks were the best paid men in the service of the Government. We all know the discomforts and hardships they must endure; we are aware of the danger and risk they assume. It is not necessary for me to dwell on this branch of the question to prove the unusual character of their employment. This is not a question of sentiment; it is a question of justice and equity, and a question of business. Let us examine the provisions of the bill reported by the gentleman from California [Mr. LOUD] and ascertain whether his own bill will sustain his assertion that the railway postal clerks are the best paid men in the Government service. Here are 14,032 assorters in the post-offices, general-delivery clerks, inquiry clerks, supply clerks, paper distributers, etc., all allowed a salary of $1,000 a year by this appropriation bill—only $175 less than the average salary the railway postal clerks would receive under my amendment.

Here are 500 assorters, general-delivery clerks—men who stand at the general-delivery window and hand out the mail—who receive $1,100 annual salary, only $75 less than the average salary paid under this proposed amendment of mine to the railway postal clerks; 692 assorters, general-delivery clerks, inquiry clerks, etc., including stenographers, $1,200 year—$25 more than the salary of the railway postal clerk, the employee who takes his life in his hand when he shuts himself up in a box car to perform the service which the Government requires when out on his railroad run.

Mr. GAINES. Day and night, too.

Mr. TAWNEY. Day and night at that.

Here are 178 dispatchers, mailing clerks, including stenographers, at $1,300—$125 more than the average salary paid to the railway postal clerks.

The gentleman also provides for 125 dispatchers, letter distributers, mailing clerks, etc., including stenographers, $1,400; and then he provides for 58 stamp clerks, including stenographers, at an annual salary of $1,600. Compare the salary services and the hours of employment of the employees of the Post-Office, which the gentleman from California [Mr. LOUD] has provided for so bountifully in his bill, with the salary, service, and nature of employment of the railway mail clerk, or make the comparison in other lines of employment, and the injustice of the Government toward these clerks will be still more manifest.

Take the run from Chicago to Minneapolis, a distance of 423 miles, on train 57. On that train railway postal clerks commence work in the yards at Chicago at 1 p. m., and finish in Minneapolis the following day at 9 a. m. Total hours continous labor, 20. They are then off duty 7 hours. Returning on train 56, clerks commence work at yards at Minneapolis at 4 p. m.; finish at Chicago the following day at 8 a. m. Total hours continuous duty, 15. This constitutes a round trip, and requires 35 hours of work, consuming 3 days' time, for which clerks receive, fifth class, $10.80; fourth class, $9.60; third class, $8.25.

Engineers, of which there are four changes on same runs, are employed 11 hours on train 57, and 13 hours on train 56, for which they receive $3.70 per hundred miles, or $31.22 for the round trip, embracing 24 hours active labor, while the highest grade clerk receives but $10.80 for the same period, notwithstanding he was on duty 11 hours longer.

Train 58, clerks commence duty at Minneapolis at 12 m.; finish the following day at Chicago at 3 a. m. Hours employed, 15. Off duty 18 hours, returning on train 55.

Train 55. Clerks commence work in yards at Chicago at 9 p. m. and finish at Minneapolis the following day at 4 p. m. Hours on duty, 19. Total time for round trip, 34 hours. Highest compensation, $10.80. Engineers on same runs are employed 12 hours on train 58 and 12 hours and 50 minutes on train 55. Total hours employed on round trip, 24 hours and 50 minutes. Compensation for same, $31.22. This, bear in mind, is time actually employed on the road, and does not include time off duty devoted to study, making out reports, checking up schemes, checking up receipts for registered matter handled, or preparing slips for next tour of duty.

This requires on an average about 2½ hours of each day off duty. This average will apply to nearly all clerks in the service.

COMPARISON WITH DEPARTMENT CLERKS.

A railway postal clerk on an average trunk line works 14 hours per day one-half the time; that is, he is on the road one-half the time and lays off half the time, or he works, including Sundays, 7 hours per day for 365 days in the year.

In addition to this he is obliged to keep up on his distribution and be prepared to do his work properly.

A Department clerk is allowed 52 Sundays, 7 holidays, 30 days' leave of absence, and 30 days' sick leave. If he uses only half of his sick leave, he will then have for his own purposes 99 days out of the 365. A railway postal clerk works 7 hours per day for 365 days—2,555 hours. Two and one-half hours per day (time off duty) preparing for case examinations, making reports of work done and irregularities that occur on his run, checking up records of registered matter handled, correcting schemes, examining order books, preparing supplies for the next term of duty, 182 days, or a total of 3,010 hours per year.

A Department clerk works 7 hours per day for 267 days, or 1,869 hours per year. A railway postal clerk works 1,141 hours (or 163 days) per year more than the Department clerk, or a year and a half more than his more fortunate brother.

In view of all these facts, how can any man justify paying an office stenographer who works 7 hours a day $1,600, and then deny to the railway postal clerk, who works continuously 20 hours a day, when on duty, an average annual salary of $1,175 a year. [Applause.]

Mr. CUMMINGS. Mr. Chairman, I give notice now that when the bill comes into the House I shall ask for a yea-and-nay vote on an amendment which affects the eight-hour system as applied to the letter carriers.

In the first session of the Fiftieth Congress the Committee on Post-Offices and Post-Roads reported and Congress passed almost unanimously an act to limit the hours that letter carriers in cities shall be employed per day. The following is the language of that act:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter eight hours will constitute a day's work for all letter carriers in cities or postal districts connected therewith, for which they shall receive the same pay as is now paid for a day's work of a greater number of hours. If any letter carrier is employed a greater number of hours per day than eight, he shall be paid extra for the same in proportion to the salary now fixed by law.

This act became a law on May 24, 1888. Notwithstanding the expressed wish of Congress, as contained in this act, that the hours of labor of this branch of our Government service should be limited to eight per day, the letter carriers did not immediately enjoy the benefits of its provisions because the Post-Office Department, through its officers, in defiance of the expressed will of Congress, deliberately set the act aside.

This defiance was clothed in subterfuges and in misconstruction of the law. They compelled the letter carriers to go to the courts for a judicial definition of the language of the act. The effort to misconstrue the act has cost this Government up to date more than $3,000,000 in overtime claims paid by the United States for time that the letter carriers were forced to work in excess of eight hours per day.

The letter carriers did not appreciate in any way the advantages that apparently came to them because of these large claims. It was the only means within their power whereby an observance of the law could be enforced. Notwithstanding the plain language of the act and the intention of Congress so ably expressed in its consideration as to what was really meant to be accomplished, the ingenuity and skill of the very best talent that the Department could command was employed for years to prevent the operation of the law. That great statesman, since deceased, whose sincerity of purpose in relieving the condition of the letter carriers so endeared his memory to every letter carrier of the United States that they bow with reverence at the mention of his name.

His keen perception and accurate knowledge of the law was shown in this measure, which his own hand drew. It has stood the test of all these years of assault, and no judicial tribunal before whom it has been brought has placed any but the plain construction upon it which he intended it to convey. This was the work and might be said to be part of the crowning efforts of the life of the late Samuel S. Cox.

From 1888, when this act was placed upon our statute book, until 1894, no attempt had been made by the Post-Office Department to observe its provisions, hence the accumulation of the excessive time for which the $3,000,000 already referred to has been paid.

In 1894 an imperative order was issued by the Postmaster-General forbidding the accumulation of overtime by letter carriers and fixing as a penalty that any officer of the Post-Office Department who permitted overtime to be made would be liable to dismissal from the service. This effectually stopped the accumulation of overtime, showing conclusively that the overtime which had previously accumulated was through the connivance and with the knowledge of the officers of the service who, prior to the order referred to, were not made responsible in any way for it.

By their direction, letter carriers working nine and ten hours per day were compelled to falsify the records of the Department to make it appear that they were only working eight hours per day. When, by order of the Court of Claims, a judicial investigation was made of the records, and the testimony of the officers of the Department in the respective cities was taken under oath, it showed plainly that the records had been falsified with the knowledge and through the connivance of those officers.

After all this experience and just at the time when the letter carriers were being permitted to enjoy the benefits of this eight-hour law, again the Department, through its officers, want to disturb this condition by repealing virtually this eight-hour law and substituting in its stead what is termed a forty-eight hour a week law. This, too, is being done by misrepresentation to the members of this House, by the statements made concerning the amendment and by the methods employed to secure its adoption. They show that the proposed change can not stand investigation. During the consideration of the Post-Office appropriation bill yesterday, and while the following provision of this bill was under consideration, quoting from the CONGRESSIONAL RECORD, this transpired:

The Clerk read as follows:

"For pay of letter carriers in new offices entitled to free-delivery service under existing law, $60,000."

The Clerk read as follows:

"After the word 'dollars,' in line 25, page 12, add '*Provided*, That letter carriers may be required to work not exceeding forty-eight hours during the six days of each week, and such number of hours on Sundays as may be required by the needs of the service. And if a legal holiday shall occur on any working day the service performed on said day shall be counted as eight hours, without regard to the time actually employed. If any letter carrier is employed for a greater number of hours than forty-eight during the working days in any week, he shall be paid extra for the same in proportion to the salary fixed by law.'"

Mr. FITZGERALD of Massachusetts. I wish to inquire whether this applies to all post-offices?

Mr. LOUD. It does; and my understanding is that the letter carriers themselves have agreed that this will be an improvement in the method of managing the business of the carrier service, by reason of the fact that on some days the mail is extremely heavy and on other days quite light. This would permit the working of the carriers eight and one-half or nine hours a day; but it is provided that they shall not work more than forty-eight hours during a week. The result would be, as suggested to me by many carriers, that on Saturdays, when the business in our cities is light, they would probably get the afternoon to themselves, that being a short working day of perhaps only four or five hours.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I am glad the amendment has been offered if it carries the remedy suggested by the gentleman from California. The reason I asked the question is because the amendment is made to a clause in the bill applying to letter carriers in new offices.

Mr. LOUD. My understanding is that it applies to all of the letter carriers. I ask a vote.

The amendment was considered, and agreed to.

Mr. MOODY of Massachusetts. Will the gentleman pardon an interruption?

Mr. CUMMINGS. Yes.

Mr. MOODY of Massachusetts. I agree with the gentleman that that provision was passed yesterday without sufficient consideration, and I do not think it would have been passed if it had been properly considered.

Mr. CUMMINGS. I should have raised the point of order against it if I had been present. I was at work in the Committee on Labor.

Mr. MOODY of Massachusetts. Does the gentleman propose to ask a separate vote on that provision?

Mr. CUMMINGS. I do.

Mr. MOODY of Massachusetts. I trust the gentleman will do so.

Mr. CUMMINGS. Now, in this manner it is proposed to attach to this bill an amendment which has no relevancy whatever to the measure under consideration and, if adopted, will virtually repeal the existing statute enacted by the Fiftieth Congress providing eight hours a day for the work of all letter carriers in the United States.

If this measure had any merit, why was it not made a separate bill? Then hearings could have been given and evidence taken as to its necessity. An opportunity would also have been afforded of placing upon record those who favored this backward step in that great eight hour a day movement, approved by many of the best men in this country. Why adopt such methods as this? Was it to disguise the real purpose of those who seek to promote such legislation? What consistency is there in the rule of this House that has excluded from consideration, in connection with this appropriation bill, many important amendments that were germane to its provisions on the mere point of order that they were new legislation, and would at the same time permit of the adoption of this amendment, which is not only new legislation but repeals an existing statute law.

The provisions of this amendment are also vague and indefinite, as is shown by the fact that while the hours of labor for letter carriers are limited to the forty-eight hours provided for the six working days of each week, no limit of hours is provided for Sunday work, except as the language of this amendment prescribes: "And such number of hours on Sunday as may be required by the needs of the service."

And again, too, the vagueness of the provisions of this amendment is found in its provisions for the work to be performed on a legal holiday that may occur on any working day. This is the language of the amendment:

> And if a legal holiday shall occur on any working day the service performed on said day shall be counted as eight hours without regard to the time actually employed.

Hence it will be seen that on Sunday or legal holidays there is no limit fixed by the provisions of this amendment to which letter carriers might not be employed.

While no reasons have been given to the House for this radical change, a hurried inquiry elicits the information that the basis for it is the large amount of time not consumed by letter carriers in the performance of duty each day, and which can not be overcome under the existing statutes because of the infrequency and lack of uniformity in the burdens of mail matter creating what are termed light days and heavy days in the letter-carrier service.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CUMMINGS. I ask five minutes longer.

The CHAIRMAN. The gentleman from New York asks unanimous consent to continue his remarks for five minutes. Is there objection?

There was no objection.

Mr. COWHERD. Mr. Chairman, I should like to ask the gentleman one question.

Mr. CUMMINGS. Very well.

Mr. COWHERD. Has the gentleman any information on the statement which was made that this was advocated and wanted by the carriers themselves?

Mr. CUMMINGS. I challenge any man to produce one letter carrier in the United States who says that he desires this amendment—one man.

This created what are termed "light days" and "heavy days" in the letter-carrier service. This theory as to loss of time to the Government because of lack of work is very much exaggerated, if not purposely misrepresented. It is not due in any sense to the necessity for more latitude in the application of the law which causes this accumulation of undertime.

It is chargeable more directly to the pernicious practice that has grown up of permitting some favored few in every office to enjoy the advantages of having light districts to cover while others, and they are in the great majority, are burdened to the fullest extent of their capacity. The amendment will extend the opportunity of further favoritism in the interests of those who are to be favored, and at the expense of those who have always been required to perform their full task. This is shown conclusively in the evidence submitted in support of this amendment, where the average undertime of all the carriers employed in each city is submitted.

If investigated it will show that the great proportion of that undertime was chargeable to the restricted duties required of some few, while the others are employed every minute of the time permitted by law. If there is any remedy needed to secure the use to the Government of this undertime, why not secure it through a readjustment of the service required from each individual letter carrier at the office where he is employed? There is not an office in this country to-day where letter carriers are employed, and where undertime has accumulated, or where mail has been returned for lack of time to complete a delivery, that all this could not be overcome by a readjustment of the districts apportioned to each letter carrier.

What will be the effect of this amendment upon the service so far as its efficiency to the public is concerned? Let me tell you what will happen: Wherever now the schedule of service provides for two, three, or more trips to be made by a letter carrier, and which is now covered even imperfectly for each of those trips, a schedule of duty will be arranged which will permit of the number of trips now made to be continued only on those heavy days, so called, and on the lighter days whole trips will be dispensed with entirely, so that the carriers may be kept within the time prescribed by this bill. Those who are unfortunate enough to have their mail arrive for delivery at those times and on those days which are considered light and thereby can be dispensed with will be compelled to do without their mail at all, thereby deliberately detaining said mail in order that the work may be completed on the heavier days.

Again, too, what is the necessity for this amendment? By its provisions it is proposed that if any letter carrier is employed for a greater number of hours than forty-eight during the working days in any week, he shall be paid extra for the same in proportion to the salary fixed by law. If that provision was in existence to-day, the Postmaster-General would have the right to employ the letter carriers whatever number of hours would be necessary for them to complete their deliveries any day, and pay them for such extra service, for by the provisions of the existing law letter carriers may be so employed.

Mr. Chairman, I give notice once more that I shall call for a yea-and-nay vote on this amendment in the House. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the Chair, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to joint resolution (S. Res. 116) to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FORAKER, Mr. PERKINS, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 222) to provide a government for the Territory of Hawaii.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed from the stereotype plates now in the Government Printing Office an extra edition of 13,000 copies of Report No. 64 of the Department of Agriculture, entitled "Field Operations of the Division of Soils in 1899:" 2,000 copies for distribution by Members and Delegates of the House of Representatives, 1,000 copies for distribution by Senators, and 10,000 copies for distribution by the Secretary of Agriculture.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 4,500 copies of Notes on the Spanish-American War, Office of Naval Intelligence, Navy Department, with accompanying papers and documents, of which 1,500 copies shall be for the use of the Senate, 2,500 for the use of the House of Representatives, and 500 copies for the use of the Navy Department.

The message also announced that the Senate had passed with amendments the bill (H. R. 9824) authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams, in which the concurrence of the House of Representatives was requested.

CIVIL GOVERNMENT IN PORTO RICO.

The SPEAKER. With the unanimous consent of the House, the Chair will lay before the House the action of the Senate on the amendments of the House to Senate joint resolution 116, to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes." Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Speaker, I move that the House insist on its amendments to the joint resolution 116 and agree to the conference asked for.

The SPEAKER. The gentleman from Wisconsin moves that the House insist on its amendments to joint resolution 116 and agree to the conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. COOPER of Wisconsin, Mr. CANNON, and Mr. JONES of Virginia.

The SPEAKER. The Chair also submits the following action of the Senate on the bill (H. R. 9824) authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of War shall have power, and is hereby authorized and directed, to prescribe rules and regulations to govern the floating of loose timber and logs, and sack rafts, so called, of timber and logs and general navigation, on any one or all of the navigable rivers or waterways of the United States, wherever in his judgment such regulations are necessary to equitably adjust and govern the conflicting interests of logging and other forms of navigation; and such regulations, when so prescribed and published, shall have the force of law, and any violation thereof shall be a misdemeanor, and every person convicted of a violation thereof shall be punished by a fine of not exceeding $2,500 nor less than $500, or by imprisonment (in the case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in the case of crimes against the United States.

"SEC. 2. That the Secretary of War may, at any time, alter or modify any rules and regulations prescribed by him under the provisions of this act; and he may rescind such rules and regulations whenever in his judgment the necessity for their continuance no longer exists.

"SEC. 3. That whenever rules and regulations shall have been prescribed by the Secretary of War for any waterway, in pursuance of section 1 of this act, and until such rules and regulations shall have been rescinded by his order, the said waterway shall be exempt from the prohibition contained in section 15 of the river and harbor act approved March 3, 1899, against floating loose timber and logs, or what is known as sack rafts of timber and logs, in streams or channels actually navigated by steamboats.

"SEC. 4. That the right to alter, amend, or repeal this act at any time is hereby reserved.

"SEC. 5. That this act shall not, nor shall any rules or regulations prescribed thereunder, in any manner affect any civil action or actions heretofore commenced and now pending to recover damages claimed to have been sustained by reason of the violation of any of the terms of said section 15 of the act of March 3, 1899, as originally enacted, or in violation of any other law."

Amend the title so as to read: "An act authorizing the Secretary of War to make regulations governing the running of loose logs and rafts on navigable waters."

Mr. MORRIS. Mr. Speaker, I move that the House disagree to the Senate amendment and ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. BURTON, Mr. MORRIS, and Mr. LESTER.

POST-OFFICE APPROPRIATION BILL.

The Committee of the Whole on the state of the Union resumed its session, and proceeded with the consideration of the Post-Office appropriation bill.

Mr. TAWNEY. I desire to have the chairman of the Committee on Post-Office and Post-Roads occupy some of his time.

Mr. LOUD. I do not desire to speak now.

Mr. TAWNEY. I have reserved the balance of my time until you use some of yours.

Mr. LOUD. When I take the floor I shall conclude.

Mr. TAWNEY. I have the affirmative of the proposition, and I suppose I have the right to close the debate.

Mr. LOUD. I think the universal custom of the House gives the closing of the debate to the committee. I never knew it to be otherwise.

Mr. TAWNEY. I understand the rule is that when the debate lasts more than one day, that the side having the affirmative of the proposition has the right to close.

Mr. LOUD. I insist that the gentleman use his time, if he wants to, Mr. Chairman.

Mr. TAWNEY. I desire to use the balance of my time, and I do not think it is exactly fair for the gentleman to insist that I shall do so now. I have the right to close debate.

The CHAIRMAN. The Chair thinks the gentleman from Minnesota would have the right to close debate.

Mr. LOUD. Does the Chair think that the committee is not entitled to close debate?

The CHAIRMAN. So far as this proposition is concerned, the burden is on the gentleman from Minnesota, and he is entitled to close debate upon this proposition.

Mr. LOUD. That is the first time I have ever heard of such a ruling.

The CHAIRMAN. The gentleman will understand that this debate is proceeding by unanimous consent out of the ordinary rules. Under the ordinary rules the gentleman from Minnesota, as the proponent of the measure now being debated, would have the right to close.

Mr. TAWNEY. It is the same ruling that applies to any of our debates that proceed by unanimous consent for two or three days, but I do not take away from the committee any right that it may have.

The CHAIRMAN. The Chair thinks the gentleman from Minnesota is entitled to close debate on this proposition.

Mr. LOUD. Mr. Chairman, I will not take any great length of time in discussing this proposition. The gentleman has made a good speech on this subject and made a very good presentation of his case. The gentleman, of course, is but human, and when he states his proposition as a lawyer he does not desire to state the weak points of his case; and if perchance he can make his case stronger by stating one part of it, why he simply pursues the course that every other lawyer pursues. Then it is for the other side to present their side of the case.

Now, the gentleman got emphatic when he told you how many hours a day railway mail clerks worked. He cited to you several instances, although I did not follow him closely as to what routes; but he left the impression on this House that the railway mail clerks worked over seventeen hours a day, because he gave the time that was occupied in the run out, in the lay over in these places, and the time of the run back, and yet the gentleman forgot—as all people forget when they desire to argue a case—to state another perhaps important factor in the case. He did not tell this House how much lay over these clerks got when they had completed that run.

Now, I make the statement, without fear of successful contradiction, that there is not a railway mail clerk in service to-day, or ever has been, that averages working eight hours out of twenty-four for thirty days consecutively. I am willing to admit that the railway mail service is a hard service, but it must be admitted, on the other hand, that they are well paid. I have made the statement that they were paid more than any other branch of the postal service, and I reiterate that statement to-day. The gentleman, in his argument, of course took a few of the higher paid officials in the post-offices and attempted to average from that.

Why, the House is not going to be deceived by any statement of that character. You can only strike averages by taking the whole; and the gentleman knows as well as any other man on the floor of this House that the post-office clerks to-day include in their average assistant postmasters, receiving a salary in many instances as high as $3,000, and that under the law they are not receiving an average of over $720 a year. And he made the statement here that the railway mail clerks were receiving an average salary of one thousand and—I do not recollect what.

Mr. TAWNEY. A thousand and thirty-seven dollars now, $1,080 under the proposition of the gentleman, and $1,175 under my proposition.

Mr. LOUD. And he made some comparisons with the foreign service, and read something from the Second Assistant Postmaster-General or General Superintendent's report. The gentleman forgot to tell you what the pay of the clerks were in the London post-office when they were taken out and put on the train. The maximum salary paid to the postal clerks in the London post-office is 30 shillings a week, and he must work ten years to secure that pay. It is true when they are taken out of the London post-office and put into the railway mail service they do receive an extra allowance to pay for their meals. I do not remember the remainder of his argument.

Mr. TAWNEY. If the gentleman will read it in his own time, I will furnish it to him.

Mr. LOUD. I do not care anything about what there is there. I have read every word of it. The writer of that article says there was an increase of salary, but he forgot to say how much. I say there is no increase of salary. I know who wrote that article. He was with me in Europe in the investigation of this postal service. They do receive extra compensation—what you would term compensation; it is extra "allowance"—when detailed to perform railway mail service; and I believe if a man here only received 30 shillings a week and was detailed to go on the road, he ought to receive an allowance of fifty to seventy-five dollars a year, which they do allow in those countries.

The gentleman from Minnesota [Mr. TAWNEY] says I have deceived this House—not intentionally, he says. When I spoke of

lifting up along the whole line, the gentleman was inclined to be technical. I state again there is an increase along the whole line, or else where comes the increase? The gentleman says there is an increase here of how much?

Mr. TAWNEY. One hundred and forty thousand dollars.

Mr. LOUD. Let us take the increase allowed by Congress for a number of years. The increase for the year 1897 over 1896 was $306,000 for Railway Mail Service; for 1898 over 1897, $351,000; for 1899 over 1898, $325,000; for 1900 over 1899, $371,000. Now, I did make the statement on the floor of this House that this was the largest increase in amount that ever had been given. Whence comes the amount of $965,000? Where does it go to when we have never before given an increase greater than $371,000? Now, the gentleman from Minnesota undertook to convince the House that there is an increase here of only $140,000.

Mr. TAWNEY. How does the gentleman explain his statement made on Monday that there was $500,000 increase in the railway postal clerks?

Mr. LOUD. Because, if the gentleman will carefully dissect this—I do not think he can—but if the gentleman who gave you the figures had given you all the facts, you would find that there is an increase in the salaries here of $500,000.

Mr. TAWNEY. He has given me the facts.

Mr. LOUD. He has given you the facts the way you give the facts. He gave you the facts he wanted to, but he did not give all the facts.

Mr. TAWNEY. Wherein in your bill do you provide for an increase of salaries, except in class 5b and class 4b?

Mr. LOUD. We do not provide for any increase in classes, because we did not propose in that particular to go beyond the present law. I am free to say that I believe $1,400 is enough for a railway mail clerk. You have my position on that. The Post-Office Committee have more things to contend against, perhaps, than the gentleman from Minnesota knows. He can make a speech on the floor of this House and advocate the increase in salaries of the railway mail clerks, and he would not be responsible if the increase was made.

We can afford among ourselves, if we imagined that there was no reporter here or a single person present in the gallery, to be honest and frank with ourselves. Let us assume for one moment that we are placed in the same position here that we would be placed in in the committee room. As chairman of the Post-Office Committee I shall do my duty fearlessly as I see it. I am a Republican, and I have the interests of the Republican party at stake. I am a citizen of this country, and I have the interests of the whole country at stake.

There is pending, as the gentleman well stated, a bill increasing the salaries of the railway mail clerks, and it has been pending a number of years; not this particular bill, but another bill. Last year was the first time that this bill was ever presented to Congress. Oh, I know the gentleman will deny it.

Mr. TAWNEY. In the Fifty-fourth Congress was it not reported from your committee?

Mr. LOUD. I think the last Congress was the first time this particular bill was ever presented. That bill involves an increase of salaries of the present force in the Railway Mail Service of more than $1,000,000. There is before the Post-Office Committee a bill to increase the salaries of the post-office clerks, and, permit me to say, the most equitable measure for an increase of salaries ever presented to this body. That bill will involve an annual increase of salaries for five years of more than one million and a half dollars a year outside the amount for increase service.

There is a letter carriers' salary bill which proposes an increase of salary to every letter carrier in the country of $200 a year, and in every city of 75,000 inhabitants and less of $350 a year. There are over 15,000 letter carriers. You can understand what that means—three million and a half dollars. There is pending before the Post-Office Committee, with a greater backing on the floor of this House and outside of it than any other measure here, and perhaps as equitable a measure as any of them, a bill to increase the salaries of fourth-class postmasters. Most of these provisions are supported by the Department. Another provision supported by the Department, which I am of the opinion this House might pass on the eve of an election—and it is noticed that these questions come up always preceding an election, and at the short session nobody is particularly anxious about them—a proposition to remove competition in star-route contracts.

And let us see how far we should follow the recommendation of the Post-Office Department. The Department has sought here for some years to get Congress to strike out that provision and remove competition entirely, placing in the hands of the Post-Office Department the power to let star-route contracts to persons who must agree to perform personally the service and who must live on the route. Notwithstanding the fact that the Second Assistant Postmaster-General stated that upon a test it was found that on 56 per cent of the star routes in this country there was no local bidder, and on the other 44 per cent, if the local bid had been accepted, it would have increased the amount of the star-route contracts 50 per cent—in the face of that the Post-Office Department advocates the elimination of that provision of law providing for competition in the bidding for star-route service.

The Post-Office Committee is confronted with these propositions. Members of Congress are naturally timid preceding an election, and particularly preceding a Presidential election. These propositions involve an increased expenditure of from fifteen to twenty-five million dollars annually. No man can accurately determine the exact amount. If they come to this House, they will all come together. You might as well meet this question like men. You can not deal with this proposition in detail. If you want to do what you term an "act of justice" to the highest paid officials in the Post-Office Department, then you must extend your action down along the whole line.

Let me say one word to the Republican party as represented by members on this floor. Can you afford to go to the country, particularly on the eve of an election, with an increase of salaries along the line amounting to from fifteen to twenty-five million dollars on your Post-Office appropriation bill? And let me say to gentlemen on the other side of the House, who claim that they are going to have control of the next Congress, can you afford to have this increase placed upon you, which you can not shake off? It is true that you can now condemn the Republican party for extravagance, as you did after the Fifty-first Congress; but when you came together in the Fifty-second Congress, you found that you could not shake off the increases that had been placed upon the Government.

I do not desire to stop Congress from doing what it wants to do. Sometimes Congress tries to deceive the country; sometimes Congress tries to deceive itself. It is a well-known fact that there have been petitions presented to the Speaker of this House in days gone by containing more than 300 names of members of this House; yet when the Speaker asked the membership of the House generally as to whether they were agonizing to pass those measures, the general reply was "That is with you; we do not care."

Your Post-Office Committee thought it advisable to restore in a measure the salaries that existed fifteen years ago in this service. And, mind you, these men are paid to-day as much as they were in 1884. And no man can contend that the prices of articles which these men consume are higher to-day or that wages throughout the country are higher to-day than they were in 1884 or for six or seven years succeeding that date; and of these men who are now pressing for an increase of salary all along the line, many of them back in the days when greenbacks were worth but 70 cents on the dollar were content to fill these places, but now, when our money is worth more than the money of any nation on the earth, they have suddenly discovered that they are underpaid. The trend of wages in this country has been on the whole downward for the past twenty years; the tendency of the salaries of Government officials has been upward.

Mr. HOPKINS. If that is true as to clerks that get $1,000 and under, why is it not equally true of assistant division superintendents, who, according to this bill as I see, have their salaries increased $200 a year? Why is it not equally true of chief clerks, whose salaries under this bill are also increased $200 a year? And why is it not equally true of clerks of class 5, whose salaries are increased $100 a year, and clerks of class 4, whose salaries are increased $50 a year?

Mr. LOUD. Now, let me say to the gentleman from Illinois—and I would like to have the attention of the gentleman from New York [Mr. CUMMINGS], who has agonized to-day a good deal over an amendment offered here in good faith, upon which any gentleman could have raised a point of order if he had wanted to—that in my opinion—I speak only for myself—all men are not worth the same amount of money. We did go beyond the present law in increasing the salaries of chief clerks, first, because there never was such an office as a chief clerk; and the service within the last few years has grown to such an extent that the chief clerk of a line has in many instances charge of three or four hundred men.

Now, we took 748 clerks and put them up to $1,400, the maximum salary allowed by law. The committee thought that, as we had increased the men, it was but proper and just that those having charge of the men should have higher salaries. That proposition was subject to a point of order. The gentleman from Minnesota could have made it; he did not have the nerve to do so.

He did not fool me any when he was parleying with me here.

Mr. TAWNEY. Will you now, after the proposition that I have presented is disposed of, afford me an opportunity to let you know whether I have the nerve or not?

Mr. LOUD. If you want to raise the point of order against this whole paragraph, I am perfectly willing that it shall go out. You need not worry about that.

Mr. TAWNEY. I should like to know why you did not increase the salaries of the remainder of class 5?

Mr. LOUD. I will tell you why. This segregation was drawn by a man who, I assume, knows his business a great deal better than I know it. This segregation was drawn by the General Superintendent of the Railway Mail Service upon certain suggestions from our committee that we could afford to increase the salaries this year some, but that we could not afford to go to the extreme limit.

Now, if the gentleman will keep his seat a moment, I will be perfectly fair and frank with everybody. I stated to him—the gentleman evidently did not hear me, because he was too anxious to interrupt—that the suggestion was made to the General Superintendent; and I will relieve him from any responsibility, because I think he would be very glad to see every man in his service receive $1,800 or $2,400 a year. He gets $3,500 himself, more than any man occupying a similar position under the United States Government, and can afford to be very generous. He has a large heart, a large salary, and feels kindly toward mankind, especially postal clerks.

Now, all the men in class 5 do not do similar work. The General Superintendent told me—and I suppose he told me the truth—that he had taken out all of the night runs and all of the hard runs, and he thought this was a fair point on which to make the division, and hence we increase those $100. He did say to me that there was a great distinction between those two classes that we have created here, and the very bill that the gentleman from Minnesota proposes makes that distinction more marked. If you know what that bill does contain, you have taken this very character of men yourself and made a distinction of salary of $200 a year, and yet you seek to criticise the Post-Office Committee because they have made a distinction here of but $100.

The gentleman has claimed that we did not do what was right in increasing the salaries of class 4b. We did increase the salaries of a portion of class 4, just the same as we did in classes 5 and 4, because all of the men in each of those classes do not do the same work. That is just what you propose to do in your bill, only you make the distinction more marked.

The General Superintendent told us that these men in class 4 were not all performing the same character of service or the same amount of service, and he picked out of that number of about 1,600, 938 men who were performing extraordinary service above the others. Oh, there is more equity in this bill than the gentleman imagines.

Now, when it comes down to the lower classes, we could not increase their salaries without infringing upon the law; and permit me to say, personally, I do not think their salaries should be increased. Let us see what the railway mail clerk is receiving. His minimum salary is $800 a year. In six months he goes into the $900 class, or if he has been a substitute for six months he goes into the $900 class at once. Do you understand? If he has been on the substitute list under the present regulation for six months, he receives his appointment at $900, and almost immediately at the end of one year he goes into the $1,000 class. I ask, in God's name, what vocation is there in this world where a man can go to work and at the end of one year receive a thousand dollars?

The gentleman says there are no increases. Let me call his attention to the fact that this bill carries $600,000 more of increases than ever were made for the Railway Mail Service before. Yet the gentleman tells this House there is but $147,000 of increase, and he agonizing for a million. In this estimate the gentleman has lost sight of the fact that the General Superintendent has estimated that men will go up; that is, that men will go from class 1 to 2, from class 2 to 3, from class 3 to 4, and from class 4 to 5, as they do under the present regulation, and there is where the money goes.

I do not believe, Mr. Chairman, that I care to talk longer upon this subject. I do not see the gentleman from New York [Mr. CUMMINGS] here. Is he present?

Mr. CUMMINGS. Yes; "the gentleman" is here.

Mr. LOUD. I want to say to the gentleman that with great emphasis he laid much stress upon the fact that no man could bring here a letter carrier who was in favor of the provision to which he refers. Now, let me say that I could bring a great many.

Mr. CUMMINGS. Produce one.

Mr. LOUD. Why, I can not produce a letter carrier here now. The gentleman well knows that.

Mr. CUMMINGS. The Department will not let one come here.

Mr. LOUD. I do not think they could come on the floor of the House under our rules. You are daring me to do a thing that you know can not be done.

Mr. CUMMINGS. Do you mean to tell me that a letter carrier dare not express his convictions with regard to this matter?

Mr. LOUD. Well, the gentleman is the special champion of labor organizations throughout this country.

Mr. CUMMINGS. I do not claim to be anything of the kind.

Mr. LOUD. I assume that men who are members of labor organizations will take one position personally and another position when they are speaking through their organizations. Let me say to the gentleman that no less a personage than the general superintendent of the free-delivery service, who was an attendant upon the annual meeting of the Letter Carriers' Association, came back to me and said, "The general consensus of opinion—I can not say it is unanimous, but the general consensus, so far as I am able to ascertain it—is in favor of this proposition," a proposition, let me say, which our Postal Commission has been discussing ever since its appointment. Our commission had many people before it, talked with many carriers personally, and personally I have never yet found a carrier who opposed this proposition.

Mr. CUMMINGS. Did you have a carrier before your committee?

Mr. LOUD. Oh, yes; we had quite a number.

Mr. CUMMINGS. Did you print the hearings? I should like to see the name of one of them.

Mr. LOUD. The hearings are in print. The gentleman knows all about that, and does not care to take my time on that, and I have referred to what the Postal Commission has done in a very small degree, as the gentleman knows.

Now, that amendment was offered here yesterday on my own personal responsibility. There was no secrecy about it. The gentleman from Massachusetts [Mr. FITZGERALD], who I believe is the friend of the carriers, as well as the gentleman from New York—for that seems to have been his special field ever since he has been a member of Congress—the gentleman from Massachusetts knew what the provision was.

Mr. CUMMINGS. I was not here when it was brought up. I was in committee at work.

Mr. LOUD. The gentleman from Massachusetts [Mr. FITZGERALD] was here, and the good sense of the gentleman from Massachusetts, at least at first blush, told him that that was good legislation and was what should be done.

Mr. FITZGERALD of Massachusetts. If the gentleman will allow me just here, I only yielded to allow that proposition to go into the bill because of the fact that the gentleman from California [Mr. LOUD] said that the proposition was satisfactory to the letter carriers.

Mr. LOUD. I made that statement yesterday, and I make it again to-day.

Mr. FITZGERALD of Massachusetts. I wish to state at this time——

Mr. CUMMINGS. On behalf of the letter carriers' representatives, I deny it.

Mr. FITZGERALD of Massachusetts. The representatives of the letter carriers here in Washington have waited upon me, and say that they are absolutely and totally opposed to that proposition, and they want it stricken out, and I propose at the proper time, if I can get consent, to ask that that thing be done.

Mr. LOUD. It is not so much what one letter carrier wants or what they all want as it is a question whether it is a good business proposition—that Congress should determine whether it is a good business proposition or whether somebody wants it.

Mr. FITZGERALD of Massachusetts. Well, Mr. Chairman, the gentleman——

Mr. LOUD. I have but a few minutes left. There is not a member on the floor of this House but what knows that this is a proper thing to do.

Mr. CUMMINGS. Here is one who does not.

Mr. LOUD. The letter carriers of this country do not work and can not work under an eight-hour schedule more than seven hours and twenty minutes a day. Let me say to the gentleman, although, of course, he is much closer to them than I am, more than a hundred have told me that on some days they were compelled to make such speed in order to come within the time that they were exhausted, while on other days they had plenty of time at their disposal; and they thought, and the Department thinks, that if they were permitted to deliver their mail and complete the delivery, if it took ten, fifteen, twenty, or thirty minutes over the eight hours on one day, no one would be seriously injured and the people would get their mail.

But it is a common occurrence now that on certain days of the week mail must be brought back to the office because they can not deliver it on some trip in the time stipulated. The Department do not and would not take any unfair advantage of them. The gentleman laid some stress on the fact that they might be compelled to work on Sundays. They are now, permit me to say. The gentleman represents some 1,500 or 1,800 letter carriers in New York, each of whom has a vote. If they wanted them to work on Sundays, they can compel them to work.

Mr. CUMMINGS. They are not enforcing it there.

Mr. LOUD. Oh, yes; they are. The amendment went in in such shape that I supposed it was the unanimous wish of Congress. Yesterday, I believe it was; to-day somebody has heard from a carrier, and he has changed his mind. Yesterday it was

wise legislation, and to-day it can not go, because you have heard from the carriers.

Mr. FITZGERALD of Massachusetts. Because it was put in under false pretenses.

Mr. LOUD. It was not put in under false pretenses. Yesterday it seemed to be the unanimous wish. And let me say to you in perfect good faith that I have not heard a single carrier yet object to it.

Mr. FITZGERALD of Massachusetts. The representatives of the carriers' organization object to it.

Mr. CUMMINGS. Is this not distinctly a violation of the provision of the eight-hour law passed in 1888?

Mr. LOUD. I do not know in what respect. It is simply provided that they shall not work in excess of forty-eight hours in the six days. If they work on Sundays under the amendment——

Mr. CUMMINGS. They do not.

Mr. LOUD. I read the provision to you. The Post-Office Department to-day can under the law work these carriers eight hours on Sundays if they see fit to do so. The provision is simply that they may work them eight and a half hours one day and seven and a half hours another.

When I was in New York I talked with many of the carriers, and they said that "Saturday afternoon is light, and we have very little to do. We would like to get Saturday afternoon off if we could work half an hour more three, four, or five days in order to have Saturday afternoon off." There is no man here, I believe, that would not rather work a little while longer Monday, Tuesday, and Wednesday in order that he might have half a day off on Saturday.

Mr. FITZGERALD of Massachusetts. If that plan is carried out, how would the mail be distributed on Saturday afternoon?

Mr. LOUD. In many of the large cities but a small amount of business is done on Saturdays. There is in many cities no business done whatever in the afternoon during the summer. Ninety-nine per cent of the business houses are closed up and nothing going on; and yet the carrier must sit around his eight hours, with nothing to do, and on Monday he can not deliver all the mail.

Mr. FITZGERALD of Massachusetts. Are people living in residences not to be considered, or are business people only to be considered?

Mr. LOUD. Oh, they would be considered, and get their mail.

Mr. FITZGERALD of Massachusetts. I desire to call attention to the gentleman's amendment. It provides that the carriers can be worked any number of hours that may be required by the needs of the service. In the latter part of his amendment it states:

> If any letter carrier is employed for a greater number of hours than forty-eight hours during the working days in any week, he shall be paid extra for the same in proportion to the salary fixed by law.

And it says nothing about the extra hours on Sunday.

Mr. LOUD. Well, they can not anticipate that the post-office will work them more than now.

Mr. FITZGERALD of Massachusetts. There is no provision here if they do work them.

Mr. LOUD. We must assume that they would be reasonable.

Mr. CUMMINGS. It was not reasonable after the passage of the law.

Mr. LOUD. Well, now let me say that perhaps I know as much as the gentleman does on that subject, for at the time the overpay question first came up for consideration I was a postal employee, and of the more than three millions paid for overtime much was paid for the time that letter carriers lay around the office and were not working.

Mr. CUMMINGS. And were they not paid in accordance with the judgment of the court?

Mr. LOUD. Why, yes; there is no doubt about that.

Mr. CUMMINGS. And the Department forced them to go to the court to get what was theirs under the law.

Mr. LOUD. The men were not working, and the Department did not think they ought to be paid; but the court held they were working if in the office; and out of that came an order of the Department which was unfortunate for the carriers. It forced them into the cold in the winter, because if they permitted them to remain in the warm room they would go to the Court of Claims and charge for the time that they were there.

Mr. CUMMINGS. A printer has to stay in the office until he gets copy.

Mr. LOUD. I do not think I have anything further to say. So far as I am concerned, I am perfectly willing, if the gentleman from New York wants to raise the point of order against that amendment, that we should go back to it, and let it go out on a point of order. If the friends of the letter carriers do not want this provision here I am perfectly willing that it should go out on the point of order.

Mr. FITZGERALD of Massachusetts. If the gentleman will give way for a request for unanimous consent that that may be done, I will raise the point of order.

Mr. LOUD. I am perfectly willing.

Mr. FITZGERALD of Massachusetts. Then I ask unanimous consent, Mr. Chairman, that we may go back to that paragraph.

Mr. LOUD. Wait until we get through with this paragraph. I do not know that I have anything further, Mr. Chairman, to say to the committee. I feel justified in what the committee has presented on this bill, not only on behalf of the railway mail clerks, but on behalf of the post-office clerks. We have gone as far as we thought it was wise to go at this time.

Mr. TAWNEY and Mr. FITZGERALD of Massachussetts rose.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] is recognized.

Mr. FITZGERALD of Massachusetts. Will the gentleman from Minnesota yield to me for a moment?

Mr. TAWNEY. Yes.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I ask unanimous consent that we may go back to the paragraph in the bill where the amendment was offered——

Mr. WILLIAMS of Mississippi. A point of order, Mr. Chairman. The point of order is that we can not hear what the gentleman from Massachusetts is saying.

Mr. MAHON. The regular order.

The CHAIRMAN. The regular order is finishing the debate already fixed by the House on this paragraph. The Chair will suggest to the gentleman from Massachusetts that this can be done better after debate on this paragraph is finished.

Mr. FITZGERALD of Massachusetts. Very well, Mr. Chairman, I will wait.

The CHAIRMAN. The gentleman from Minnesota has eight minutes remaining.

Mr. TAWNEY. I yield three minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. I do not care to occupy the floor for three minutes.

Mr. TAWNEY. How much time does the gentleman want?

Mr. LIVINGSTON. I do not know, but what I have to say I can not say in three minutes.

Mr. TAWNEY. I yield five minutes to the gentleman from New York [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, during the debate I have heard a great deal about the cost of this service, but I have not heard a word about justice. I think all agree with me that too often very much is said about cost and too little about justice and fairness. The substitute offered by the gentleman from Minnesota [Mr. TAWNEY] is a fair provision. It is founded upon justice and should be passed because in it the railway mail clerks are treated precisely as the post-office and other clerks in the Departments are treated. A clerk is not eligible to that title until he is paid $1,000, the lowest rate of compensation. The next class is $1,200, the next $1,400, the next $1,600, and the next $1,800.

Now, why shall we place the clerks in the Departments, who work from 9 in the morning until 4 in the afternoon, with a half an hour for lunch, on classified salaries from $1,000 to $1,800, and put mail clerks, into whose work enters the element of danger, upon the lower salaries now paid? I can not understand wherein lie fairness and justice in such an arrangement. It seems to me that men who travel upon railroads day and night are certainly as worthy the consideration of this House as the clerks in the Departments of Washington, who work in pleasant rooms during pleasant hours.

The civil service came into life in 1881 by covering Departments in Washington. It did not then cover the Railway Mail Service. Under the first Cleveland Administration these railway clerks were thrown out and new men given their places, resulting in chaos. The mails were improperly delivered and everything was in confusion. In 1889 it was absolutely necessary to cover this branch of the service by civil service in order to keep trained and disciplined clerks in postal cars as well as in the Departments. It was demonstrated that the mail service demanded men skilled in the work and that such skill could come only by long training.

The gentleman from South Carolina [Mr. TALBERT] said yesterday that the doors of every Department were crowded with people willing to come in and do the work for less than they are now receiving. Gentlemen, that is true of doors in front of every dry goods establishment and every factory throughout the country. There is a waiting list of hundreds of people willing to go into the factories and stores and work for less than those employed.

Mr. TALBERT. I do not know that I took the position that there were men willing to do the work for less money; my remark, I believe, was that they would gladly accept the salary and do the same laborious work.

Mr. ALEXANDER. I understood the gentleman to say that they were willing to do the work for less money.

Mr. TALBERT. Possibly I did say that. If I did not, I will say so now. [Laughter.]

Mr. ALEXANDER. But this is no argument why those at work should not be paid proper wages and placed upon an equality with others doing no better grade of work. It takes time to discipline and organize a working force, whether it be in the dry-goods business or in a Government Department, before a body of men can be made of the highest use. Indifferent, careless, lazy men must be weeded out and the worthy molded by education and experience into a company of good workers. This takes time and costs money; but after this process such a corps is worth much more than an undisciplined and an unselected throng at the door of a private business establishment or a Government Department. A man with a hoe is one thing; a man with a hoe who has learned to use it is quite another.

The railway mail clerks, next to the soldiers of our Army, are the best organized and disciplined body of men in the Government service, and, except that of the soldiers, their work is the most tiresome and dangerous, while its character is fully up to the standard of many clerical positions. They must pass a civil-service examination as difficult as that submitted to a first-class clerk, and promotion must come by hard, continuous service, good habits, and fidelity. Does any reason exist, therefore, why such men should not receive the pay and be entitled to opportunities for promotion the same as men in the Departments? House bill No. 2 only places them on an equality with Department clerks.

[Here the hammer fell.]

Mr. TAWNEY. Mr. Chairman, the gentleman from California [Mr. LOUD] asked me why I do not cite the salaries paid to railway postal clerks in London. I want to read from an article written by the gentleman referred to, Mr. V. J. Bradley, who was in London and Europe with the distinguished chairman of this committee:

It is to be noted that all promotions are based upon the length of time in the service, good conduct of course being presupposed. An ordinary postal clerk who would be on duty four-fifths of the time in an average year would secure a subsistence allowance, at 75 cents per trip, of about $219 per annum. His minimum salary, plus the subsistence allowance at the beginning, would be $479 per annum; and his maximum salary, plus the subsistence allowance, would be $1,019 per annum.

Just the average salary of a railway postal clerk in the United States who, as General Shallenberger says, is doing as much work as two railway postal clerks in England perform—that is to say, the Government of Great Britain pays $2,000 for the same service for which the Government of the United States pays $1,000.

The hours of duty and the amount of work performed are apparently much easier than in the United States. For example, night work is limited to seven hours per day, and day work to eight hours per day. Any service over this allows of overtime claim of one and a quarter rates for all time over forty-eight hours a week. Sunday work and work on Christmas and Good Friday counts one and a half rates. The employees who have been over five years in the service get an annual vacation of twenty-one working days; those of less than five years' service get a vacation of fourteen working days. The employees also have a sick leave for six months with pay, if necessary; but there is a medical investigation if an employee is absent over nine days on account of sickness in any one year. They all receive in due course a free pension of as many sixtieths of the last salary held as the employee has had years of service, but not exceeding forty-sixtieths.

The gentleman from California has tried to scare the Republicans of this House to induce them to vote against this proposition. He tries to frighten them by calling their attention to the fact that we are on the eve of a Presidential election, and he tries to make it appear that gentlemen who advocate this proposition do so because an election is coming and they want the assistance of railway postal clerks. Why, sir, the gentleman knows as well as every other member of this House that there is only one class of Government employees that are unable to exert any political influence, and that class is the railway postal clerk. Nine-tenths of these men do not vote at all. They can not vote. What opportunities have they to exert any political influence, shut up as they are in their box cars from morning till night and from night till morning?

No, Mr. Chairman, those of us who favor this proposition do not do so for the purpose of securing the political influence of the railway postal clerks, but for the purpose of doing an act of justice, simple justice, by giving to these men a sufficient allowance of salary to enable them to maintain themselves and their families and to educate their children as other employees of the Government are able to do with the salaries they receive. When on duty these men are away from their homes and their families half the time. They are obliged to pay the expenses incident to such enforced absence. Why, sir, there are men sitting here at the front doors of the different Departments to see that members of Congress and Senators are not admitted into the presence of the heads of the Departments unannounced, who are receiving larger compensation than the average salary paid to the railway mail clerks, the custodians of the people's property, and who on entering this service, take their lives in their own hands. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. On the point of order I submit that the provision to which my proposition is offered as an amendment is itself out of order—is obnoxious to the rule. But it has been passed; it is before the Committee of the Whole; and that being so, it is competent and entirely proper to amend it.

I read from Hinds's Parliamentary Precedents:

A proposition which is before the House, even though of such a nature as to have been ruled out on a point of order, had one been made, may be projected by amendment.

On June 14, 1884, the House was considering Senate amendments to the Post-Office appropriation bill, among which was the following:

"For special facilities on trunk lines, $185,000."

It was moved to recede and concur in this amendment with an amendment making the sum $250,000.

Mr. William S. Holman, of Indiana, made the point of order that this amendment was not in order.

The Speaker held: While the Chair supposes there is no permanent provision of law authorizing this expenditure, still the proposition to expend a certain amount of money for that purpose is now properly before the House; and the Chair thinks that the proposition, being properly before the House, is amendable without regard to the rule applying to an original amendment proposed in the House. In other words, as an illustration, if the Committee on Appropriations should report a bill containing within it a provision not strictly authorized by law—

Which is identical with this proposition—

amendments proposed to such a proposition should not be ruled out upon a point of order, because the subject upon which they are predicated, being virtually before the House, is a legitimate subject of amendment, either by increasing or diminishing the amount of appropriation. The Chair therefore overrules the point of order.

I think, Mr. Chairman, this proposition comes directly within that ruling. Here is a proposition increasing the salaries of certain railway postal clerks, providing for an entirely new classification, different from existing law. It is obnoxious to the rule, but has been passed, and is properly before the House. My amendment simply seeks to strike out a part of that reclassification and amend the proposition. I submit that the amendment is in order.

Mr. LOUD. I move that the committee do now rise.

The CHAIRMAN. The Chair is ready to rule.

Mr. LOUD. Then I withdraw my motion.

The CHAIRMAN. The Chair has no doubt that the proposition of the gentleman from Minnesota [Mr. TAWNEY] is correct, that where a committee on a general appropriation bill undertakes to legislate in violation of the rule the Committee of the Whole has the right either to make the point of order or, passing the point of order, has the right to perfect that legislation by amendment.

It must, however, be perfected by some amendment or proposition that is germane to the paragraph to which the amendment is offered.

The Chair does not think that in the paragraph under consideration there is any reclassification. There is a change of existing law with respect to at least one salary, but so far as classification is concerned there is no change of existing law. That is to say, the salaries in the classes which are mentioned in the paragraph are all as to amount within the limit allowed by existing law.

It is perfectly competent under existing law to authorize salaries at one rate to a portion of a class and salaries at another rate to another portion of that class, and that is all that is attempted to be done here. There is no reclassification. The terms "a" and "b," as used in the paragraph, are used simply for the purpose of convenience, and they may be stricken out without affecting the legislation in any respect. So that, so far as classification is concerned, there is, in the judgment of the Chair, no new legislation in this paragraph. There is new legislation, however, with respect to the increase of salaries outside of the classes named, and this makes the paragraph amendable, provided the amendment offered is germane.

Now, the subject-matter of this paragraph is simply an appropriation for salaries to certain Government employees, recognized by law. The amendment offered is an independent bill now pending before the Committee on Post-Offices and Post-Roads, entitled "A bill to reclassify postal clerks and prescribe their salaries," and it undertakes to establish an entirely new system. The provisions of the bill, after the first paragraph, perhaps, have no relation to reclassification or increase of salaries, but have relation to the duties of the Postmaster-General and to the duties of employees and to a great many details that are not germane to the paragraph now under consideration. To be admissible the amendment must be germane as a whole. It is not so germane. Therefore the Chair sustains the point of order.

Mr. LOUD. Now, Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. DALZELL, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10301)

making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901, and had come to no resolution thereon.

SENATE RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate concurrent resolution was taken from the Speaker's table and referred to its appropriate committee:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 4,500 copies of Notes on the Spanish-American War, Office of Naval Intelligence, Navy Department, with accompanying papers and documents, of which 1,500 copies shall be for the use of the Senate, 2,500 copies for the use of the House of Representatives, and 500 copies for the use of the Navy Department—

to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BARTLETT, indefinitely, on account of sickness.

To Mr. WHITE, for three days, on account of important business.

And then, on motion of Mr. LOUD (at 5 o'clock and 5 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for education of children in Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Fish and Fisheries submitting an estimate of appropriation for repairs to the station at San Marcos, Tex.—to the Committee on Appropriations, and ordered to be printed.

A letter from the chairman of the Industrial Commission, transmitting the report on prison labor—to the Committee on Labor, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting schedules of claims allowed by the several accounting officers of the Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of David A. Cleage and L. W. Rose, administrators of estate of David Cleage, against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3430) to increase the efficiency of the Subsistence Department of the United States Army, reported the same with amendment, accompanied by a report (No. 1151); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10149) providing for commutation of transportation and subsistence of officers and enlisted men when honorably discharged from the service of the United States, reported the same with amendment, accompanied by a report (No. 1152); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WARNER, from the Committee on Revision of the Laws, to which was referred the bill of the House (H. R. 7844) to provide for the revision and codification of the permanent and general laws of the United States, reported the same with amendment, accompanied by a report (No. 1153); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9236) to grant a pension to Herman S. Soules, reported the same with amendment, accompanied by a report (No. 1120); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4577) to increase the pension of John D. Craig, reported the same with amendment, accompanied by a report (No. 1121); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8236) granting an increase of pension to James M. Dennison, reported the same with amendment, accompanied by a report (No. 1122); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8235) granting an increase of pension to Daniel Metcalf, reported the same with amendment, accompanied by a report (No. 1123); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4627) granting a pension to Rachel M. Harvey, reported the same with amendment, accompanied by a report (No. 1124); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6091) granting a pension to Mary A. Fullerton, widow of Hugh S. Fullerton, first lieutenant of Company C, First Regiment Ohio Heavy Artillery, reported the same with amendment, accompanied by a report (No. 1125); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10719) granting a pension to Elizabeth S. Seymour, reported the same with amendment, accompanied by a report (No. 1126); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9752) granting a pension to Margaret Thornberry, reported the same with amendment, accompanied by a report (No. 1127); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2703) to pension Frances A. Jones, reported the same with amendment, accompanied by a report (No. 1128); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6494) to increase the pension of Dorus M. Fox, late colonel Twenty-seventh Michigan Infantry Volunteers, reported the same with amendment, accompanied by a report (No. 1129); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4086) granting an increase of pension to Jeremiah Lockwood, reported the same with amendment, accompanied by a report (No. 1130); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9207) granting a pension to John F. Kelly, reported the same with amendment, accompanied by a report (No. 1131); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5508) granting an increase of pension to Jennie C. Taylor, reported the same with amendment, accompanied by a report (No. 1132); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3068) for the relief of Evan M. Woodward, reported the same with amendment, accompanied by a report (No. 1133); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8114) granting a pension to Annie E. Bell and Florence M. Bell, reported the same with amendment, accompanied by a report (No. 1134); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9775) granting an increase of pension to William A. Hempstead, reported the same with amendment, accompanied by a report (No. 1135); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3267) granting an increase of pension to Jacob W. Moar, reported the same with amendment, accompanied by a report (No. 1136); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10612) granting an increase of pension to Richard Hardin, reported the same with amendment, accompanied by a report (No. 1137); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9424) granting an increase of pension to George Cronk, reported the same without amendment, accompanied by a report (No. 1138); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9898) granting a pension to Edward J. Trussler, reported the same with amendment, accompanied by a report (No. 1139); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3513) awarding a pension of $50 per month to Edwin Hurlburt, reported the same with amendment, accompanied by a report (No. 1140); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4355) granting a pension to Oren E. Barber, reported the same with amendment, accompanied by a report (No. 1141); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 289) granting a pension to John B. Turchin, reported the same without amendment, accompanied by a report (No. 1142); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4030) granting a pension to Helen M. Glenny, reported the same without amendment, accompanied by a report (No. 1143); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3748) granting an increase of pension to Washington Baker, reported the same without amendment, accompanied by a report (No. 1144); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3075) granting an increase of pension to Marie J. Blaisdell, reported the same without amendment, accompanied by a report (No. 1145); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2983) granting an increase of pension to Isaac H. Lynn, reported the same without amendment, accompanied by a report (No. 1146); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3380) granting an increase of pension to Hamilton K. Williams, reported the same without amendment, accompanied by a report (No. 1147); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1031) granting an increase of pension to Thomas H. Kearney, reported the same without amendment, accompanied by a report (No. 1148); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 316) granting an increase of pension to Louann A. Perry, reported the same without amendment, accompanied by a report (No. 1149); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 682) granting an increase of pension to Wilhelmina Hippler, reported the same without amendment, accompanied by a report (No. 1150); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SOUTHARD: A bill (H. R. 10997) to amend section 4414, Title LII, Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. LEVY: A bill (H. R. 10998) authorizing the Secretary of the Navy to purchase armor for battle ships by contract, and for other purposes—to the Committee on Naval Affairs.

By Mr. STOKES: A bill (H. R. 10999) to provide for the perpetuation and preservation of the archives and public records of the several States and Territories and of the United States—to the Committee on the Library.

By Mr. DE VRIES: A bill (H. R. 11000) providing a means of acquiring title to two groves of Sequoia gigantea, in the State of California, with a view to making national parks thereof—to the Committee on the Public Lands.

By Mr. TERRY: A bill (H. R. 11001) to control corporations and associations organized or conducting business for the purpose of controlling or monopolizing manufacturing and trade, and for other purposes—to the Committee on the Judiciary.

Also, a bill (H. R. 11002) in relation to monopolies, trusts, combines, devices, contracts, and combinations in the form of trusts or otherwise—to the Committee on the Judiciary.

By Mr. WM. ALDEN SMITH: A bill (H. R. 11015) to determine and fix the necessary proof and procedure to be required of claimants for pensions, and to establish the proper officers to determine the rating thereof—to the Committee on Invalid Pensions.

By Mr. NOONAN: A resolution (H. Res. 238) for the appointment of a special committee to investigate the closing of the American Steel and Wire Company's works—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 11003) for the relief of Joseph Ramsey—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 11004) granting a pension to Delila F. Russell—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 11005) for the relief of Wesley Rankins, of Shenandoah County, Va.—to the Committee on War Claims.

By Mr. LITTLEFIELD: A bill (H. R. 11006) to correct the military record of David Hurlburt—to the Committee on Military Affairs.

By Mr. MILLER: A bill (H. R. 11007) granting an increase of pension to Harriet A. Howard—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 11008) authorizing the Solicitor of the Treasury to quitclaim and release title and interest of the United States to Mrs. Lutie M. Nowlin—to the Committee on the Judiciary.

By Mr. PEARRE: A bill (H. R. 11009) granting a pension to Martha J. Speelman—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 11010) granting an increase of pension to James H. Eastman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11011) granting an increase of pension to David M. Gilman—to the Committee on Invalid Pensions.

By Mr. WATERS: A bill (H. R. 11012) granting an increase of pension to Robert Hendry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11013) granting a pension to Susan E. Clark—to the Committee on Invalid Pensions.

By Mr. BENTON: A bill (H. R. 11014) to carry out the findings of the Court of Claims in the case of John R. Henderson, administrator of Michael C. Henderson, deceased—to the Committee on War Claims.

By Mr. PAYNE: A bill (H. R. 11016) granting a pension to Stephen Chapin—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER: Petition of D. W. McVey and other citizens of Rising Sun, Md., favoring the passage of the Brosius pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BOUTELLE of Maine: Petitions of Lament Lagace, of North Lyndon, Me.; Andrew Ouellette, Joseph Ouellette, and Didier Ouellette, of Caribou, Me., urging the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

By Mr. BROMWELL: Petition of John H. Jackson Post, No. 689, Department of Ohio, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BUTLER: Petitions of the Woman's Christian Temperance unions of Cochranville, New London, Parker Ford, and Nottingham, Pa., and citizens of Delaware County, Pa., urging the passage of House bill prohibiting the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

Also, petition of George K. Barney and other farmers of Chester and Delaware counties, Pa., in favor of the Grout bill

to increase the tax on oleomargarine—to the Committee on Agriculture.

By Mr. CANNON: Papers to accompany House bill for the relief of Joseph Ramsey—to the Committee on Military Affairs.

By Mr. CARMACK: Petition of James L. Coleman, of Chambers County, Ala., relating to his claim—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: Petition of druggists and citizens of Racine, Wis., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. CRAWFORD: Petition of Letter Carriers' Association of Asheville, N. C., praying for an increase of salary of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Petition of substitute letter carriers of Des Moines, Iowa, in favor of House bill No. 1051, relating to grading of substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GARDNER of New Jersey: Petitions of citizens of Asbury Park and State of New Jersey and surfmen of the Life-Saving Service, for legislation to increase the terms of service and pay of the Life-Saving Service along the Atlantic coast and Great Lakes—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of Green McCurtain, chief of the Choctaw Nation, and D. H. Johnston, governor of the Chickasaw Nation, Indian Territory, in opposition to the passage of House bill No. 9995, as affecting the treaty with the Choctaw and Chickasaw Indians—to the Committee on Indian Affairs.

By Mr. HAMILTON: Petition of Thomas Maning Post, No. 57, Department of Michigan, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HAY: Paper relating to the claim of Wesley Rankins—to the Committee on War Claims.

By Mr. HOFFECKER: Petition of members of Capital Grange, No. 18, Patrons of Husbandry, State of Delaware, for State control of imitation dairy products as provided in House bill No. 3717—to the Committee on Ways and Means.

By Mr. KAHN: Petition of the Board of Trade of Oakland, Cal., favoring the passage of House bill No. 10374, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLER: Petition of the teachers and students of the Kansas State Normal School, favoring the passage of House bill No. 5457, known as the Spalding bill—to the Committee on Military Affairs.

By Mr. PAYNE: Paper to accompany House bill No. 10987, for the relief of F. H. Driscoll—to the Committee on Claims.

By Mr. PEARRE: Affidavit of Hon. William T. Malster to accompany House bill No. 9328, in relation to a certain claim—to the Committee on Claims.

By Mr. SCUDDER: Petitions of H. A. Barnum Post, No. 656, and George Huntman Post, No. 50, Department of New York, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SHERMAN: Resolution of Conference of the Evangelical Association of New York, relating to divorce laws, etc.—to the Committee on the Judiciary.

By Mr. SHOWALTER: Petitions of the Methodist Episcopal churches of Sheakleyville, Greenville, and Jamestown, Pa., and United Presbyterian Church of Sharon, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky (by request): Petition of Downey Post, No. 122, Department of Kentucky, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. STARK: Papers to accompany House bill No. 8241, to increase the pension of James W. Black, of Belvidere, Nebr.—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 8945, increasing the pension of William G. Winslow, of Friend, Nebr.—to the Committee on Invalid Pensions.

By Mr. WEAVER: Petition of Darby Grange, No. 779, of West Jefferson, Ohio, Patrons of Husbandry, in support of House bill No. 3717, to control the sale of imitation dairy products; also in favor of Senate bill No. 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG: Petition of the National Association of Railway Postal Clerks, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Philadelphia Board of Trade, favoring the enactment of House bill No. 10035, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *April 26, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

VESSEL SLOOP BETSEY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law, filed under the act of January 20, 1885, in the French spoliation claims, set out in the annexed findings by the court, relating to the vessel sloop *Betsey*, Benjamin Rhodes, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MILITARY OFFICERS IN CUBA AND PORTO RICO.

Mr. BACON. Yesterday there came to the Senate a reply from the Secretary of War in response to the inquiry of the Senate as to payments made to certain officers of the United States. It was read at length at the desk, and I supposed from that fact it would be printed in the RECORD, and therefore made no request to that effect. I am informed, however, that under such circumstances an executive communication is not printed in full in the RECORD without a request, and I now make the request that that reply may appear in the RECORD.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent that the communication from the Secretary of War touching the pay of certain officers in Cuba and Porto Rico be printed at length in the RECORD.

Mr. COCKRELL. And as a document.

Mr. BACON. It has already been ordered printed as a document.

Mr. COCKRELL. All right, then.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

EXTRA COMPENSATION PAID TO ARMY OFFICERS IN CUBA AND PORTO RICO.

WAR DEPARTMENT, *Washington, April 25, 1900.*

To the Senate of the United State

I have the honor to reply to the following resolution, dated April 21, 1900, received April 23:

"*Resolved*, That the Secretary of War is hereby directed to report to the Senate the following information:

"First. Whether any officer of the Army of the United States who is now, or who has been, on duty either in Cuba or Porto Rico since the date of the declaration of war by the United States against Spain has received any compensation for any service of any kind whatsoever other than the compensation to which such officer of the Army is, as such, entitled by law to receive as his salary and allowances.

"Second. If any officer of the United States Army has, during said period, while on duty in either Cuba or Porto Rico, received from any source any compensation other than that which he is, as such officer, entitled by law to receive as his salary and allowances; what is the name and rank of each such officer, and what the amount or amounts received by him; the date or dates on which each said amounts was so received; on what account the said amount or amounts were paid; by whom said payment or payments were authorized, and out of what fund or funds said payments were made."

Pursuant to the orders of the Secretary of War, dated respectively March 1, 1899, April 19, 1899, and May 9, 1899, copies of which are annexed hereto, allowances have been paid to four officers of the Army who have been required to live in the city of Habana and to perform important civil functions in connection with the administration of the government of Cuba, as follows:

To the military governor of Cuba, at the rate of $7,500 per year.

To the military governor of Habana, at the rate of $5,000 per year.

To the collector of customs for the island of Cuba, at the rate of $1,800 per year.

To the treasurer of the island of Cuba, at the rate of $1,800 per year.

These payments were in addition to the salary and allowances which the said officers were entitled as such to receive out of the Treasury of the United States. I am not aware of any other payments of the character described in the resolution to any officers in Cuba. I annex hereto a report received some months since from the Headquarters, Division of Cuba, showing that none other have been made. The payments have been made monthly from the dates stated in said orders until the present time. The precise dates of payment will appear in an itemized statement of receipts and expenditures now in course of preparation under a previous resolution of the Senate. Payments to the military governor of Habana will cease with the termination of that office on the 1st day of May, 1900. The names and ranks of the officers receiving the payments were, as military governor of Cuba, Maj. Gen. John R. Brooke, until the 13th day of December, 1899, and Maj. Gen. Leonard Wood, U. S. V., since that time; as military governor of Habana, Brig. Gen. William Ludlow; as collector of customs for Cuba, Maj. Tasker H. Bliss; as treasurer of the island of Cuba, Maj. E. F. Ladd, U. S. V.

No allowances have been made to any officer in Porto Rico other than the statutory salary and allowances out of the Treasury of the United States.

The payments specified were made out of the revenues of the island of Cuba, on account of government thereof, and they were made on that account for the reason that it was impossible for the said officers to properly perform the necessary duties pertaining to their positions without the expenditure of the full amount of such allowances in addition to their statutory salaries and allowances out of the Treasury of the United States.

The aggregate of the payments thus made prior to the 1st day of the present month was $17,441.66. The total receipts of the island of Cuba collected by these officers during the period covered by the aforesaid expenditure therefrom amounted to $21,026,572.76, and the total disbursements under their direction amounted to $19,280,512.21.

Similar allowances to officers of the Army performing civil functions in Mexico and California were approved by Congress by the act of March 3, 1849, and the act of February 3, 1853. (A copy of the second section of the said first-mentioned act is annexed hereto.)

The said payments were authorized by the President of the United States upon the oral advice of the Attorney-General that the same were in all respects lawful.

Very respectfully, ELIHU ROOT, *Secretary of War.*

HEADQUARTERS DIVISION OF CUBA,
Habana, January 23, 1900.

SIR: I have the honor to acknowledge receipt of your telegraphic instructions of the 19th instant, and in reply thereto to report that the records of the office of the treasurer of island of Cuba show the following as the only allowances from insular funds made to the officers of the United States Army in the island of Cuba since the beginning of the military occupation.

These allowances are now in force:

	Year.
Military governor of Cuba, beginning January 1, 1899 (error for March 1, 1899)	$7,500
Military governor of Habana, beginning January 1, 1899 (error for March 1, 1899)	5,000
Collector of customs for Cuba, beginning January 1, 1899	1,800
Treasurer of the island of Cuba, beginning May 1, 1899	1,800

Very respectfully,

W. V. RICHARDS,
Assistant Adjutant-General.
(For and in the absence of the division commander.)

The ADJUTANT-GENERAL OF THE ARMY,
Washington, D. C.

WAR DEPARTMENT, *Washington, March 1, 1899.*

Whereas the commanding generals of the Division of Cuba and the Department of Habana and the collector of customs for the island of Cuba and the port of Habana are, respectively, performing, in addition to their ordinary military duties, civil functions in connection with the administration of the government of Cuba which require outlays and expenses to maintain the proper dignity of their respective positions in excess of the amount of salary which they receive as officers of the United States Army:

Ordered, That for his services as military governor of the island of Cuba, the commanding general, Division of Cuba, shall receive an annual salary, out of the revenues of the island, at the rate of $7,500 a year; that the commanding general, Department of Habana, for his services as military governor of Habana, shall receive, out of the revenues of the island, an annual salary at the rate of $5,000; that the collector of customs for the island of Cuba, as collector of the port of Habana, shall receive, out of the customs revenues at Habana, an annual salary at the rate of $3,500 (revoked by order of April 19, 1899), these to be in addition to their regular salaries as officers of the United States Army, the allowances to begin March 1, 1899, and to be paid monthly, and evidenced by duly executed vouchers.

R. A. ALGER, *Secretary of War.*

WAR DEPARTMENT, *Washington, April 19, 1899.*

ORDERS.

Whereas the collector of customs for the island of Cuba and port of Habana is performing, in addition to his ordinary military duties, civil functions in connection with the administration of the government of Cuba which require outlays and expenses to maintain the proper dignity of his position in excess of the amount of salary which he receives as an officer of the United States Army:

Ordered, That for the payment of the necessary expenses incurred, and to be incurred, incident to his representative capacity, said collector of customs for the island of Cuba and port of Habana shall receive, out of the customs revenues at Habana, an allowance at the rate of $1,800 per annum, beginning with January 1, 1899, and to be evidenced by duly executed vouchers. So much of War Department order dated March 1, 1899, on the same subject as relates to the collector of customs is revoked.

G. D. MEIKLEJOHN,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, May 9, 1899.*

ORDERS.

Whereas the treasurer of Cuba is performing, in addition to his ordinary military duties, civil functions in connection with the administration of the government of Cuba which require outlays and expenses to maintain the proper dignity of his position in excess of the amount of salary which he receives as an officer of the United States Army:

Ordered, That for the payment of the necessary expenses incurred, and to be incurred, incident to his representative capacity, said treasurer of Cuba shall receive, out of the revenues at Habana, an allowance at the rate of $1,800 per annum, beginning with May 1, 1899, and to be evidenced by duly executed vouchers.

G. D. MEIKLEJOHN,
Assistant Secretary of War.

[Section 2 of an act to provide for the settlement of the accounts of public officers and others who may have received moneys arising from military contributions or otherwise in Mexico. (Approved March 3, 1849. Stat. L., volume 9, page 413.)]

SEC. 2. *And be it further enacted*, That where an officer has had the supervision of the collection of the military contributions at any of the ports in Mexico, and has at the same time exercised civil functions under the temporary government there established, or where an officer or other person shall have performed the duties of collectors at such ports, such officer or person shall be allowed a compensation which shall be assimilated in amount as nearly as may be, including the regular pay and emoluments of such officer, to that allowed by existing laws to officers of the customs in the United States where the services are similar in amount and importance; such allowance, in all cases, to be determined by the President of the United States. And all officers of the Army and other persons in public employment who have received payment for their services in collecting, keeping, or accounting for said moneys, and for other necessary services, are authorized to retain so much of the amounts so received as in the opinion of the President of the United States may be a fair compensation for said services.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a memorial of Local Union No. 103, Painters and Decorators, of Flushing, N. Y., remonstrating against the enactment of legislation imposing a tax on oleomargarine, butterine, and all other kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Musicians' Protective Association, American Federation of Musicians, of Dunkirk and Fredonia, N. Y., praying that the United States Marine Band be not allowed to take away the means of livelihood of civilian bands by the refusal of leaves of absence for the purpose of participation in public events, expositions, etc.; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Central Labor Union, American Federation of Labor, of Binghamton, N. Y., praying for the enactment of legislation increasing the salaries of machinists employed at the Government Printing Office; which was referred to the Committee on Printing.

He also presented the petition of T. R. Eddy, of Moira, N. Y., and the petition of E. E. Cummings, of New Woodstock, N. Y., praying for the enactment of legislation to increase the salaries of fourth-class postmasters; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of A. Schroeder, of New York City, praying for the enactment of legislation to increase and equalize the salaries of letter carriers, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KENNEY presented a petition of the Woman's Christian Temperance Union of Sussex County, Del., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Alaska, Hawaii, Porto Rico, Cuba, and the Philippines; which was ordered to lie on the table.

Mr. CULLOM presented a memorial of Watch Workers' Union No. 6961, American Federation of Labor, of Elgin, Ill., remonstrating against the cession of the public lands to corporations or individuals; which was referred to the Committee on Public Lands.

He also presented a petition of Alfred King Post, Department of Illinois, Grand Army of the Republic, of Andalusia, Ill., praying for the enactment of legislation granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor; which was referred to the Committee on Pensions.

Mr. MCMILLAN presented a petition of the Central Labor Council of Traverse City, Mich., praying for the enactment of legislation authorizing the building of war vessels in the Government navy-yards; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Central Labor Council and Cigar Makers' Union, of Traverse City, Mich., remonstrating against the enactment of legislation to increase the revenue tax on oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Central Labor Council and Cigar Makers' Union, of Traverse City, Mich., remonstrating against the cession of the public lands to corporations or individuals; which was referred to the Committee on Public Lands.

Mr. FORAKER presented a petition of Griggs Grange, No. 1467, Patrons of Husbandry, of Ohio, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Griggs Grange, No. 1467, Patrons of Husbandry, of Ohio, praying for the enactment of legislation to secure the advantages of State control of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. QUARLES presented a memorial of sundry musicians of Racine, Wis., remonstrating against allowing the Marine Band to compete with civilian musicians; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Union Veterans' Union, Order of Union Battle-Men, remonstrating against the promotion of Brigadier-General Corbin; which was referred to the Committee on Military Affairs.

Mr. FRYE presented a petition of the American Oriental Society, praying for the extension of the work of the Bureau of American Ethnology to the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a memorial of the Republican convention of New Mexico, remonstrating against the enactment of legislation disapproving the act of the legislative assembly of New Mexico entitled "An act to create McKinley County;" which was referred to the Committee on Territories.

He also presented a petition of the American Chemical Society, praying for the establishment of a national standards bureau; which was referred to the Committee on Mines and Mining.

AMENDMENT OF CHEROKEE TREATY.

Mr. COCKRELL. I present a letter in the nature of a petition addressed to me by Isaac Mode, of Vinita, Ind. T., praying that the Cherokee treaty be amended. I move that the petition be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

TAXES IN INDIAN TERRITORY.

Mr. COCKRELL. I present a letter, in the nature of a memorial, addressed to me by Green McCurtain, principal chief of the Choctaw Nation, and D. H. Johnston, governor of the Chickasaw Nation, remonstrating against the passage of House bill 9995, levying certain taxes for the education of children residing in the Indian Territory, and for other purposes. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (S. 4291) to constitute Durham, N. C., a port of delivery in the customs collection district of Pamlico, and to extend the privileges of the seventh section of the act of Congress approved June 10, 1880, to said port, reported it without amendment.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 7945) to amend an act entitled "An act permitting the building of a dam across Rainy Lake River," reported it without amendment.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1009) for the relief of the New York, New Haven and Hartford Railroad Company, reported it without amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Interstate Commerce, to whom was referred the bill (S. 338) to prohibit the giving of free railroad passes contrary to provisions of section 22 of the act to regulate commerce, reported it without amendment.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2928) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 4226) to amend an act entitled "An act to authorize the construction of a bridge across the Yellowstone River, in the county of Dawson, State of Montana, reported it with amendments.

Mr. CULLOM. I am directed by a simple majority of the Committee on Interstate Commerce, to whom was referred the bill (S. 1439) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, to report it adversely. I ask that it may be placed upon the Calendar for consideration hereafter. I desire to state that while I make this report adversely, I am in favor of the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

THE SMITHSONIAN INSTITUTION.

Mr. PLATT of New York, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to.

Resolved by the Senate (the House of Representatives concurring), That there be printed of The Smithsonian Institution: Documents Relative to its Origin and History 7,000 copies, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Smithsonian Institution.

NEW YORK PRINTING EXPOSITION.

Mr. PLATT of New York. I move to reconsider the votes by which the joint resolution (S. R. 113) authorizing the exhibit of Government relics at the New York Printing Exposition from May 2 to June 2, 1900, was ordered to a third reading and passed by the Senate yesterday. I find that the item had previously passed both Houses in an appropriation bill.

The motion to reconsider was agreed to.

Mr. PLATT of New York. I move that the joint resolution be postponed indefinitely.

The motion was agreed to.

BALTIMORE AND POTOMAC RAILROAD.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia to ask for a reprint, with the amendments of the committee, of the bill (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein.

The PRESIDENT pro tempore. The Senator from Michigan asks that the bill shall be reprinted with the amendments. Without objection, it is so ordered.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 4440) granting an increase of pension to Charles Stewart; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4441) granting a pension to Gertrude B. Wilkinson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 4442) granting a pension to Walker L. Willmore; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims.

A bill (S. 4443) for the relief of Samuel G. Laycock;

A bill (S. 4444) for the relief of Elizabeth A. Pendleton;

A bill (S. 4445) for the relief of Alphonse Desmarc; and

A bill (S. 4446) for the relief of the estate of Mrs. R. A. Kenner.

Mr. McMILLAN introduced a bill (S. 4447) to regulate electrical wiring in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FOSTER introduced a bill (S. 4448) to provide an American register for the ships *Star of Italy* and the *Star of Bengal;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURROWS introduced a bill (S. 4449) to reward distinguished service in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SPOONER introduced a bill (S. 4450) to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4451) granting an honorable discharge to William S. Dunn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FORAKER introduced a bill (S. 4452) relating to the library of the United States circuit court of appeals for the Sixth circuit; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PETTIGREW introduced a bill (S. 4453) to remove the charge of desertion from L. L. Flory; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4454) for the relief of the First Baptist Church, Suffolk, Va.;

A bill (S. 4455) for the relief of Makemie Presbyterian Church;

A bill (S. 4456) for the relief of Bethlehem Church;

A bill (S. 4457) for the relief of Lewinsville Presbyterian Church; and

A bill (S. 4458) for the relief of St. James Episcopal Church, Accomac, Va.

Mr. DANIEL introduced a bill (S. 4459) removing the charge of desertion against the name of Mitchell Hughes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4460) for the relief of William Lee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4461) for the relief of the heirs of Edward A. Wyatt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

GOVERNMENT OF CUBA.

Mr. MASON. I introduce a joint resolution, and ask that it be read at length and referred to the Committee on Relations with Cuba.

The joint resolution (S. R. 119) requesting the President of the United States to turn over the civil and military governments in Cuba to the people thereof on the 4th of July, 1900, was read the first time by its title and the second time at length, and referred to the Committee on Relations with Cuba, as follows:

Whereas the United States of America, when entering upon war with Spain, for humane reasons, declared, by act of Congress, as follows:

"Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people," approved April 20, 1898; and

Whereas the United States has been in possession of Cuba since the signing of the protocol between Spain and the United States on the — day of ——, and since the treaty of peace in Paris on the — day of ——, the United States

has been under treaty agreement to give absolute independence to the people of the island of Cuba; and

Whereas the continuance of the United States in possession of the said island and possession of the government thereof has excited the attention of the world, and is exciting the apprehension of the people of Cuba, many of them not hesitating to state that we are attempting to procure possession, ownership, and government of said island by diplomacy and fraud; and

Whereas the people of the United States and said island should both have free and untrammeled opportunity to express themselves as to what, if any, should be our mutual relations in the future; and

Whereas under the Monroe doctrine the said island is safe from foreign invasion; and

Whereas the Cubans have shown a disposition to make their best effort to govern themselves, and can undoubtedly do so without endangering life and property; and

Whereas the Government of the United States has done all that could be expected of it in keeping of its promise for the independence of Cuba, and the people of the United States do not desire to hinder or delay self-government, and which can only come to that brave people by actual experience: Therefore, be it

Resolved by the Senate of the United States (the House concurring therein), That the President of the United States be, and is hereby, requested to withdraw the forces of the United States as rapidly as may be done with convenience and safety, and that on the 4th day of July, in this year of our Lord 1900, all civil and military power of the United States of America be turned over and surrendered to the people of the island of Cuba.

AMENDMENTS TO NAVAL APPROPRIATION BILL.

Mr. MARTIN submitted an amendment proposing to increase the salaries of electricians in charge of plants at the New York, Mare Island, Norfolk, and Washington navy-yards from $1,200 to $2,400, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. DANIEL submitted an amendment proposing to appropriate $2,000 for one agent to be selected by the Secretary of the Navy from the officers of the late confederate navy by reason of his personal experience and special aptitude, in connection with the work of collecting and compiling the Naval Records, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. TILLMAN submitted an amendment proposing to appropriate $1,200 for one clerk at the Naval station, Port Royal, S. C., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

TRADE RELATIONS WITH FRANCE AND ALGERIA.

Mr. PERKINS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury is hereby directed to communicate to the Senate, at the earliest practicable day, a statement showing the imports, by months, to the latest date obtainable, from France and Algeria under the provisions of the reciprocal commercial agreement which went into effect June 1, 1898, such statement to show the quantities and values wherever practicable and the duties paid on each article imported.

CHIPPEWA INDIAN INVESTIGATION.

Mr. JONES of Arkansas submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby instructed to inquire into the present condition of the Chippewa Indians in the State of Minnesota, and the legislation required and appropriate to meet the needs and welfare of such Indians, and especially the rights of the Indians and white settlers dwelling on the Mille Lac Indian Reservation; and also the present system of examining timber on the Chippewa and ceded diminished reservations, in the State of Minnesota, and the sale thereof; and to visit the reservations of said Indians in the State of Minnesota, to employ a stenographer, to examine witnesses under oath, and to send for persons and papers; and to report the result of such inquiry, with recommendations for legislation; the actual expenses of such inquiry, including necessary assistance, to be paid on vouchers approved by the chairman of said committee out of the contingent fund of the Senate.

ORDER OF BUSINESS.

Mr. CARTER. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 3419, known as the Alaska bill.

Mr. PETTUS. Mr. President——

Mr. ALLEN. I should like to ask the Senator from Montana to suspend a moment until I can call up a little bill that will not lead to any discussion.

Mr. CARTER. Let my request be granted and I will, with pleasure, yield.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

Mr. PETTUS. I desire to inquire in what condition the resolution is in reference to the Senator from West Virginia. I happened to be out of the Chamber at the time it was taken up yesterday.

The PRESIDENT pro tempore. It was understood that that resolution should be taken up this morning whenever the Senator from Alabama was prepared to proceed.

Mr. PETTUS. Well, sir, I am prepared now.

Mr. CARTER. Then I withdraw my request.

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. PETTUS. I do not know what the business is. Is it for any formal business?

Mr. ALLEN. It is simply to call up a small bill, that is all. I will not insist on it.

Mr. PETTUS. Very well; I yield.

OLIVER H. PERRY.

Mr. ALLEN. I ask for the present consideration of the bill (S. 2974) for the relief of Oliver H. Perry, administrator of the estate of Mary Scott, deceased.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It refers to the Court of Claims the claim of Oliver H. Perry, administrator of the estate of Mary Scott, deceased, for a finding of facts under the act of March 3, 1887, commonly known as the Tucker Act—first, as to the loyalty of the claimant; second, the value of the property taken by the United States Army, and third, the amount paid and the balance due claimant.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIGHT OF SUFFRAGE IN NORTH CAROLINA.

Mr. PRITCHARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. PETTUS. I think I had better proceed, as this is the regular order.

Mr. PRITCHARD. I simply want to have a resolution referred which is on the Calendar.

Mr. PETTUS. If it is merely formal business, I certainly yield.

Mr. PRITCHARD. I desire to call up Senate resolution No. 68, declaring certain proposed amendments to the constitution of North Carolina in contravention of the fourteenth and fifteenth amendments to the Constitution of the United States, with a view of having it referred to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. The resolution will be so referred.

SENATOR FROM WEST VIRGINIA.

The Senate resumed the consideration of the following resolution, reported by Mr. MCCOMAS from the Committee on Privileges and Elections March 12, 1900:

Resolved, That NATHAN B. SCOTT has been duly elected a Senator from the State of West Virginia for the term of six years commencing on the 4th day of March, 1899, and that he is entitled to his seat in the Senate as such Senator.

Mr. PETTUS. Mr. President, if the Senator from New Hampshire [Mr. CHANDLER] has correctly stated that Senators voted against seating Mr. Mantle because he was a Silver Republican, and that Senators voted against seating Mr. Corbett, by way of retaliation, because he was a Gold Republican, then this Senate is in a sad condition of mind to act as judges, in any case. I can not believe these hard words of the Senator from New Hampshire against other Senators. If Senators vote in great cases, like the Mantle and the Corbett cases, on the grounds stated—well, they are unfit for judges, and unworthy to be in this body.

I desire in this case to speak only to Senators who can and who will decide the cause according to their best judgment, and not on a mere whim or personal caprice.

And, Mr. President, I claim that it has been my habit in discussing law questions to deal fairly with my own mind and to assert no proposition of law which I do not believe to be true. I do this as a matter of policy if for no better reason. For the man who is in the habit of advocating false propositions of law will so debauch his own mind, no matter what may be his learning or brain power, that he can not see the truth, though he meet it at noon in the public road. He makes "such a sinner" of his intellect "as to credit his own lie."

The question now submitted for your judgment is whether, according to the law of the land, the Hon. N. B. SCOTT is entitled to a seat as a Senator from West Virginia. The Committee on Privileges and Elections have given their report to the effect that he was so entitled. But that report is now to undergo the scrutiny of the Senate.

The learned and accurate lawyer who made the report and has ably presented the argument to sustain it has discussed two questions not now in issue, because they were unanimously decided by the committee in his favor and were abandoned by the parties contesting. The first was the objection that Senator SCOTT was not an inhabitant of West Virginia; and the second was that 48 votes were not a majority of the entire legislature. Neither of these objections was well founded in law, and nothing will be said by me as to either of them.

The Senator in charge of the report in this case is a learned and careful lawyer, of large experience and most gracious manner; and it is a real pleasure to hear him argue a law case, for he has clear perceptions and an evident intention to deal fairly.

But in his opening he took me to task for commenting on certain depositions, which the committee had refused to receive as evidence. In so calling me to account, the Senator failed to remember that in his report he had quoted from one of the very same rejected depositions an entire answer of Mr. John W. Davis, and based much of his argument on that deposition alone.

Now, while it is plain that the Senator from Maryland has no right to use the rejected depositions to prove his propositions, because he, with a majority, rejected the depositions, I have a right to use these depositions, not to prove the facts therein stated, but to prove that the committee ought to have allowed witnesses to be examined, but refused to do so, and to prove that this case has not been fully or fairly investigated. These depositions were taken according to the rules governing the taking of depositions in the United States courts where there are parties to a suit—that is, notice was served on Mr. SCOTT that certain named witnesses would be examined at a certain time and place before a certain officer.

But Mr. SCOTT did not attend. So the committee rejected the depositions, not for want of notice, but on the ground that the depositions were not taken under the authority of the Senate or its committee. Then the contestants asked to have the same witnesses examined before the committee, and that was refused. Then the contestants asked to be allowed to retake the depositions, and that was refused. So contestants were denied the privilege of producing any testimony except that which the counsel of Mr. SCOTT consented to admit.

And now, Senators, one of the questions you are to decide is whether this great cause ought not to be fully and fairly investigated on all such legal evidence as may be offered by either side. That it has not been so investigated as yet will be made manifest.

Surely for that purpose I have a right to speak of these depositions. I do not pretend that I have a right to use them to establish the facts stated in the depositions, but I have a right to use them to show to the Senate that this cause has never been fully or fairly investigated.

Mr. President, I took pains to write that much of what I had to say because I wanted to limit every word I said to the exact truth, and I did not want to make a mistake about it.

Now, Mr. President, let us examine this case first on the little evidence which has been allowed to be put in the cause. You ought to know, Senators, that this case does not come before you in an ordinary way. It does not come before you on the application of a man who claims to have been elected to this seat. It comes before you on the protest of a majority of the members of the legislature of the State of West Virginia. It comes before you on the protest of the majority of those who were members when this election was declared to have taken place.

So it is not one man seeking an office which another man holds; it is a State protesting against the wrong that has been done to it by this election. I beg all Senators to come up to the dignity of the question and decide this cause as judges, not because one man was a Gold Republican and the other man was a Silver Republican.

The facts from the evidence as received by the committee are as follows: On the 11th of January, 1899, the legislature of West Virginia assembled. Each house was organized. In the senate the Republicans had about two-thirds of the members, but two Republicans would not vote for Mr. SCOTT.

Mr. MCCOMAS. Will the Senator from Alabama allow me to interrupt him a moment?

Mr. PETTUS. Yes, sir.

Mr. MCCOMAS. The Senator from Alabama, I think, will find that he is in error in saying that two members of the senate would not vote for Mr. SCOTT. Every member of the senate who was a Republican voted for Mr. SCOTT. The journal shows it. I think that is an error of printing, perhaps, in the views of the Senator.

Mr. PETTUS. Who was Mr. Haptonstall?

Mr. MCCOMAS. A member of the house, a delegate from Fayette County.

Mr. PETTUS. I only said that there were two Republicans. I did not say two senators.

Mr. MCCOMAS. I thought you said two members of the senate.

Mr. PETTUS. No, sir; I said there were two Republicans who would not vote for Mr. SCOTT.

Mr. MCCOMAS. Well, on that matter I think the Senator will agree with me he is in error in the end.

Mr. PETTUS. It is possible that I am, because, now I recollect it, there is a man named Whitaker, who it was said voted for somebody else, but when I came to look for his name, now that I remember it, I could not find it.

Mr. MCCOMAS. If the Senator will allow me, Whitaker and Ashby—Whitaker, a senator, and Ashby, a member of the house—were absent on the first day of voting separately in the houses, and they were two Republicans. That gave Mr. SCOTT on the first day 46 votes and Mr. McGraw 46 votes. But on the next day, Whitaker and Ashby appeared, the one in the senate and the other in the house, and voted for Mr. SCOTT, giving 48 votes for SCOTT to 46 for McGraw and 1 for Goff. I know the Senator desires to be accurate in his statement.

Mr. PETTUS. Why, certainly I do, and I know the Senator from Maryland is a fair man, and he wants to deal fairly with all subjects. But it is absolutely immaterial in the cause and as to whether they were Democrats or Republicans. This man Haptonstall is one of the protestants here on this paper. It is immaterial who it was who voted or did not vote, so far as that is concerned; the question is as to their right to vote. But I thank the Senator for having corrected this inadvertence on my part.

The house of delegates was Democratic by a small majority. I beg Senators' attention to this part of the statement. In the senate objection was made to H. C. Getzendanner and E. G. Pierson being admitted to seats as senators on the ground that each of them after election in November, 1896, and after serving as senators in 1897, had accepted commissions as officers in the United States Army, an office of profit, and served as such officers, one as captain and the other as lieutenant.

At first these objections were laid on the table and the two persons objected to took their seats. Afterwards the matter was referred to the committee on privileges and elections, and the committee in substance found the facts as stated in the objection. But the committee found that each one of these Army officers had been discharged before the legislature met in January. Therefore the committee reported that Getzendanner and Pierson were still members, and this report was adopted by a party vote on the 24th day of January, 1899. This decision was made on a demand for the previous question and without debate.

It is proper to state here that the 24th day of January, the day on which this vote was taken, was the day on which each of the houses was to vote separately for Senator.

Now, it is insisted that this is no disqualification, or, if it is, that the senate of the State of West Virginia was a proper judge of the election and qualification of its own members.

Now, that, as a general rule, is a correct proposition. Furthermore, it is a general rule that when the senate of a State decides on the election or qualification of its own members this body does not ordinarily inquire into it—not at all in ordinary cases. There comes up a contest, facts are heard, the matter is decided, and this body has time and again said that they will let it remain where it was decided.

But that is not this case. Here two Senators regularly elected appeared and offered to take their seats. It was objected that those two Senators had resigned their seats by accepting office under the United States and that they could not be properly received in that body.

Now, Mr. President, I do not dispute the proposition of law as asserted by the Senator from Maryland, that that is the general rule where you decide on the election and qualification of members, but in all cases in the law courts fraud vitiates every business transaction, if it is sufficiently brought to the attention of the court and in proper form. So fraud in this very matter we are considering vitiates every such proceeding. This body has so declared, and the courts have so declared, and the Senator from Maryland has so declared in this very report itself. To be sure, he did not seem to see exactly how it fit. I desire to read a paragraph from the report of the Senator from Maryland. I call it his report. It is the report of the committee, but it was prepared by him. Here is what the Senator himself says:

> A majority of the committee do not mean to decide that the Senate could not refuse a seat to a claimant who is elected by a legislature which is itself directly and plainly the result of force or fraud. If, on the eve of a joint assembly, a majority in either house should cease to be judges of the elections and qualifications of members of the minority and become revolutionary conspirators; if, for instance, a majority should imprison enough minority members on the day of the joint convention to reverse the majority therein, we do not assert that the Senate should not inquire into such violence, force, and intimidation or that it could not declare that there was a joint convention in form only, but not in fact, and that there was no election therefore. In the past—

Just listen, Senators—

> In the past the Senate has investigated fraud and corruption in elections where the proceedings were regular and the form was lawful, and then declared there had been no election.

Now, Mr. President, in that connection I beg to read another paragraph from another report of this same committee. I believe it is good law. The committee says it is and it cites many authorities. This is the writing of the distinguished Senator from New Hampshire:

> It is clear that if by bribery or corrupt practices on the part of the friends of a candidate who are conducting his canvass votes are obtained for him without which he would not have had a majority his election should be annulled, although proof is lacking that he knew of the bribery or corrupt practices.—*Pomeroy's Case, Taft Election Cases*, 330.

A number of authorities are cited to prove the proposition, and it is proved. Well, are you going to put a bridle on this Senate so as to prevent them from looking into all sorts of fraud and

corruption in the election of one of your body? If you are going to do that, you had as well abandon business and give it over to fraudulent men, and men who can buy what they want.

Mr. President, on this subject that I am at present considering—that is to say, whether those two senators had a right to seats in that body—it does not depend upon any statute law; it does not depend upon any constitutional law. It has been the law of England from the very foundation of the common law to the present day. It is now and always has been the law in the United States and of every one of the States where the common law prevails.

Mr. ALLEN. I should like to ask the Senator a question, with his permission.

Mr. PETTUS. Certainly.

Mr. ALLEN. Who denies that the right of the Senate to determine the election and qualifications of any one of its own members carries with it as an inseparable incident the right to review the proceedings of the legislature or body sending that man here?

Mr. PETTUS. It is denied in this report that we have the right to investigate this case.

Mr. ALLEN. Is it denied on any authority? I am speaking now entirely without reference to this case.

Mr. PETTUS. I do not know the authorities cited to that point, except one.

Mr. ALLEN. If the Senator will permit me, suppose the regularly elected and duly constituted senate and house of representatives of the State had been driven out of their respective houses at the point of the bayonet and a revolutionary body calling itself a legislature had been installed in its place, and they had elected and sent a man here, would the Senate be precluded by their action from inquiring into the regularity of the election?

Mr. PETTUS. I think not. This report says they would not in such an extreme case.

Mr. ALLEN. Then, if such fraud, in place of actual and open violence, were used as would destroy the legality of the legislature, would not that equally destroy the legality of the election, and would not this Senate, in the exercise of its power to inquire into the election and qualifications of an applicant, have what we may perhaps call, for want of a better term, the power as on a writ of error to review all proceedings of the legislature which had a tendency to vitiate their action in that respect?

Mr. PETTUS. Why, of course, that is my opinion, and that is what I am going to try to prove.

The Senator from Maryland [Mr. MCCOMAS] on this subject did injustice to his own very fair mind. He debated and cited for your consideration the case of General Lane, decided here during the civil war. The Senator ought not to have put that case here, as it is absolutely certain that a man of his great learning could not have believed a word in the decision of that case. It was a revolutionary case; it was in revolutionary times; it was in the midst of war. General Lane was a general, and he was a man who had to be considered; he was not a Silver Republican, nor a Gold Republican, and therefore his case had to be considered. It was considered. It was considered that it was necessary for the Senate to have him, and they had him.

But the Senator from Maryland knows that the case stands almost alone. He knows that the common law made that seat vacant; he knows that the Constitution of the United States made it vacant; he knows that the decisions all over the United States made it vacant; he knows that the report of the Judiciary Committee in the other body in the Wheeler case, a unanimous decision, declared that seat vacant. And the Senator from Maryland, as I say, did injustice to his great and fair intellect in even citing that case as an authority on a law question. He ought not to have done it. He ought to have stated, if he did do it, that the case was decided that way but that it was not the law. That was what he ought to have said, and that is the habit of the Senator because he comes from a judicial place where he has always been in the habit of declaring the law as he understood it.

Mr. MCCOMAS. Will the Senator from Alabama yield to me?

Mr. PETTUS. Certainly; I yield to the Senator.

Mr. MCCOMAS. If the Senator will allow me, I refrained from saying that I thought that a correct decision.

Mr. PETTUS. I notice that.

Mr. MCCOMAS. I do not think it a correct decision. I simply said that the Senate of the United States had once decided that question in the same fashion as the State senate. I am frank enough to say that I do not think the decision here was a correct one.

Mr. PETTUS. Mr. President, when you get along side of a great lawyer and see him act and hear him talk, you know where he is going. Although he may cite a case, he would be hung before he would declare that to be the law. So it is with the Senator from Maryland. He knew that it was not the law. He knew that it was an accidental, sporadic case which occurred here during the war.

Mr. SPOONER. Will the Senator permit me to ask him a question?

Mr. PETTUS. Mr. President——

Mr. SPOONER. Not by way of argument.

Mr. PETTUS. A question I will submit to, but not to debate. I tell Senators it is not fair and it is not just to interrupt an argument of a Senator merely for the purpose of seeing if you can not debate the question better than the man who is on the floor. If the Senator wants information or wants to ask a question, I am perfectly willing to yield for him to ask it.

Mr. SPOONER. I think it might have been quite as courteous for the Senator to have assumed that I only intended to ask a question.

Mr. PETTUS. No, sir; because I have heard you debate questions under the form of asking questions so often. It was a necessary precaution. [Laughter.]

Mr. SPOONER. I will not interrupt the Senator. I merely intended to ask a question for information. I agree with the Senator upon one proposition he was making.

Mr. PETTUS. No, Mr. President, I do not agree at all with the practice in the Senate. I believe any gentleman has a right to interrupt another for the purpose of obtaining information, or as the Senator from Maryland interrupted me a while ago when I made a mistake about the number of Republicans. Interruptions of that sort are natural and they are right, and gentlemen ought to indulge in them whenever they see fit; but this way of just bulging into the middle of the argument of another gentleman on the floor is excessively bad manners if it does occur in the Senate of the United States so often. [Laughter.]

Mr. President, we were talking about two military Senators. I will call them. The Senator from Maryland comes up like the brave and fair lawyer that he is and says that the decision in the Lane case was not the law. It has always been the law in England that where a man holds one office and accepts another inconsistent with the discharge of the duties of the first he thereby resigns his first office. That has been the law from time immemorial.

I recollect an old case, away back yonder in the black-letter books, where a justice of the peace in England concluded that it would suit his purposes if he had the office of a constable also, and thereupon he applied for the office of constable and was appointed constable of his bailiwick. The case came up for judgment, to ascertain whether he was a justice of the peace any longer, and the judges said he was not; that by accepting the office of constable, which was utterly inconsistent with the office of justice of the peace, he had resigned his first office; it was vacant, and he could not discharge any of its functions. That is a simple case. It is away back in the black-letter books, and there is nothing to the contrary of it since.

You talk about the constitutions of the various States. There have been some people—not the Senator from Maryland—but there have been some people who have actually tried to fritter away the constitution of West Virginia in reference to this subject, which says that a man who holds an office of profit under the United States, or any other power, is ineligible to the office of member of the legislature of West Virginia. If he is ineligible, he can not hold the office lawfully. A man can not go into an office and go out of an office and come back into the office at his will and pleasure. An office is a continued thing. One term of an office can not be broken in two and renewed at the will of the man who holds it. If any man be ineligible to hold an office after he is elected to it, he goes out. How did he ever get back? He gets back merely by force of will or the vote of such men as voted against Mantle because he was a Silver Republican. That is the way they get back; and the only way. I hope there was never such a man in this Senate.

Mr. President, it is absolutely demonstrated that these two Senators resigned their seats in the senate of the State of West Virginia. How did they ever get back? Now, mind you, I am not going on those suppressed depositions or anything of that sort. I am arguing this case on the scanty testimony that was admitted; to be sure it was pretty large in volume. Here it is, most of it [exhibiting the journals of both houses]; and therein the committee of the senate of West Virginia reported that these two men did accept those offices of profit under the United States; that they did serve in the offices, but were discharged from the offices before the next session of the legislature met.

I do not depend only on that, because the committee was gracious enough to allow it to be stated in an agreement that the facts as stated in the objection to those two senators were true, and that is a part of the record also. That was this side-bar agreement, when they took in another agreement, which I shall comment on hereafter. So it is an established fact that these two senators, after they were elected in 1897, resigned their seats, went into the war as officers, and received the pay of the United States as officers. Then they came back and they knocked at the door of the senate, as General Wheeler has been knocking on two occasions at the door of the House of Representatives. He has resigned now; and when he did resign one of the most useful men

Alabama ever sent to the Congress of the United States got out of place. But those two men came and knocked at the door. They were not told, "The judiciary committee finds unanimously that you have resigned." They said, "Walk in, gentlemen; we want you." They did not even refer the matter to a committee at that time; not at all. They said, "You are Republicans; you will vote for Mr. SCOTT. We want you. Walk in."

Anyone on the face of the earth who had intended to deal fairly would have referred that matter to a committee on credentials; but they did not do it. An objection was made; a protest filed; but it went on the table as quickly as the words came out of the mouth of the man who made the motion. Afterwards they did refer the matter to the committee on credentials, and they actually got a report. They acted on the report on the very day that the two houses were to vote separately; there were but two; they had no difficulty in the world in declaring that these two were all right. I wish to God that the argument made by the Senator from Connecticut [Mr. PLATT] in the Du Pont case on this identical question could have been laid before that senate of the State of West Virginia and that they might have read it to see that if they did give those men those seats for that fraudulent purpose, they were making a vast hole in the law of the land, to say nothing about their own oaths. The Senator from Connecticut argued this question in the Du Pont case, and he hardly left anything for any other man to say on the subject.

Now, Senators, here are two men who had resigned their seats and were reelected by the senate of West Virginia to vote for Mr. SCOTT. That vote, as I told you, was taken on the 24th day of January.

And on the same day—

Now, just look, Senators, for here is where the whole thing is colored and branded in letters that a blind man could almost see. Look at the fraud—

And on the same day (January 24, 1899) two petitions for contests of seats in the senate were presented to the senate as follows:
J. H. Collins, Republican, against J. H. Marcum, Democrat, and D. M. Shirkey, Republican, against Walter L. Ashby, Democrat.

On January 20, 1899, the following resolution was offered by Mr. White:

As there is a contest pending in this senate against Walter L. Ashby, a member of said senate from the ninth senatorial district: Therefore, be it
Resolved, That said Walter L. Ashby be suspended—

Notice the words, Senators—

be suspended from voting or discussing any matter that may come up before this body until said contest is settled.

Suspended! In the name of common sense and reason, where did any legislative body ever get the right merely to suspend a man because somebody had happened to claim his seat without any proceeding whatever to ascertain any fact in connection with it? That resolution was merely offered. Senators, I am speaking of it now as a preparation for the fraud that it was intended to commit. It is a very interesting subject for a man when he succeeds in a scheme of fraud and corruption like this.

This resolution, under the rules, went over. And at the same time, January 20, 1899, Mr. White offered another resolution in these words:

Resolved, That R. F. Kidd, from the fourth senatorial district, now holding a seat in the senate of the State of West Virginia, was not duly elected on the 8th day of January, 1898, but B. M. Morris was duly elected—

That is a mistake. It ought to have been the 8th day of November, 1898—

Therefore,
Be it resolved, That said R. F. Kidd vacate his seat in the senate of West Virginia, and M. B. Morris, of Gilmer County, be required to be sworn in as a member of said body.

That was not adopted, either. It went over under the rules. There is where they undertook to decide that Kidd never was elected, but the stomachs of the senators of West Virginia revolted at asserting in black and white any such miserable falsehood as that; and they would not do that—oh, no, they would not do that. They had not got up to the notch at that time.

On January 21 Mr. Latham offered the following resolution—

These are Republican senators offering Republican resolutions for Republican corruptions—

Whereas a contest has been instituted by J. H. Collins against James H. Marcum for a seat in the senate as a senator from the sixth senatorial district, and believing that, pending the further investigation of the case, justice and right dictate that said seat be declared vacant—

Pending the contest, justice and right required that the said seat should be declared vacant—

Resolved, That the seat in the senate now occupied by James H. Marcum as a senator from the sixth senatorial district be declared vacant; that the committee on privileges and elections be instructed to make a thorough investigation of the case and have power to send for persons and papers and any ballots in dispute, and to take such pertinent evidence as may be offered by either party, and that said Collins and Marcum be granted leave to appear before said committee in person and by counsel, and that pending such investigation neither James H. Marcum nor J. H. Collins be permitted to participate in the proceedings of the senate nor to occupy a seat therein.

Oh, Mr. President, the debauchery of such infernal proceedings can not be too strongly characterized. On January 23 White offered a resolution about Kidd, and the stomachs of his associates revolted at the nauseating dose; they were not willing to assert a miserable lie, and they all knew it to be a lie; and therefore they thought they would circumvent it, and here is the circumvention:

On January 23, 1899, the resolution offered by Mr. White, unseating Kidd and seating Morris, was called up and a substitute was offered by Mr. Smith.

Mr. Smith would do a lie, but he would not tell it. That is the amount of it, and here it is:

Whereas there is now pending in the senate a contest between R. F. Kidd and B. M. Morris for a seat as senator from the Fourth senatorial district of this State: and
Whereas said contest has been referred to the committee on privileges and elections, where the same is pending, and can not be determined for a considerable length of time—

That is a horrible state of affairs. A Republican came in and contested the seat of a Democrat, and the contest could not be decided for a considerable length of time. Therefore—

Whereas it is the opinion of the senate that pending said contest—

Just notice, Senators, "pending said contest"—

B. M. Morris should be entitled to said seat.

Pending the contest they wanted Morris's vote for SCOTT; he needed one; he needed it badly; and he needed it then. They determined to have it. Here is a man duly and legally and constitutionally elected, whom every man knew to be elected, who produced his credentials and was put on the list of the secretary of state, and went and took his seat, and was duly sworn; and he was never sworn any more—I want you to remember that also—he was sworn once, and he never was sworn any more; and they resolved that this good Republican, Morris, should occupy his seat pro tempore, pro hac vice—that is what it is—for the time; for the election of SCOTT; and for nothing else. That is what it was for; that is what it states in substance, until it is decided that Morris is to come in and Kidd is to go out. Well, if you search this thing a little longer you will find that that resolution was adopted; that Morris did go in, and Kidd did go out for the time being and for the purposes of SCOTT's election.

Just by way of winding up that subject, I will merely say, if you press it a little further, the election came off on the 25th day of January; and on the 7th day of February there was a unanimous report that Kidd was entitled to his seat. There had never been a particle of testimony taken after that time—not a particle—and there was a unanimous report to the senate that Kidd was entitled to a seat; and he was seated by a unanimous vote, but he was never sworn in any more; and he got his pay from the first day, or at least I believe he got pay from the first day—I ought not to say that, because I got it in the wrong place.

Mr. MORGAN. How did you get it?
Mr. PETTUS. How did I get it?
Mr. MORGAN. That fact about the pay?
Mr. PETTUS. I got it out of these mysterious depositions.
Mr. MORGAN. Out of the depositions?
Mr. PETTUS. I got it out of place; not in the evidence; and therefore I did not want to state it just now. But right here are the vouchers [exhibiting] and they are about as dirty a set as ever you saw in your life under the sun. Here they are. [Exhibiting the journals.] We were allowed to look at them; but no further, except into an agreement that was made by counsel. You know how much of an agreement counsel make. They will give you what they can not help giving you, a half loaf if they can not be required to give you a whole one; and they will give you a quarter of a loaf if the committee will require you to put up with that; and that is just about what it got here—a quarter of a loaf.

Kidd went back. He went back by the unanimous vote of all the senators there. He went back on the 7th day of February, after his absence from the senate had accomplished the very purpose for which he was sent out, to wit, the election of Mr. SCOTT. Keep the fact in mind, Senators, that Mr. SCOTT was elected by only 1 vote. And they say that in the Senate of the United States we can not examine into fraud like that. It may be so; it may be that Mr. SCOTT was neither a Silver Republican nor a Gold Republican and therefore we have no ground to vote against him—I do not know whether that is true or not—on the standard set up by the Senator from New Hampshire. I do not believe Senators can do such things as the senior Senator from New Hampshire charges them with.

Now, Morris went in, as I have shown, and took his seat under this resolution pro tempore et pro hac vice, and he voted for Mr. SCOTT in the election which was held in the separate houses. But it so happened that Mr. SCOTT did not get a majority on that occasion. SCOTT had 46 votes—I am speaking now of the votes in the two houses, the separate votes, on the 24th day of January—McGraw got 46, and 2 scattered. On the 24th day of January, when

the vote for United States Senator was taken in each house separately, there were pending contests in the senate and in the house. There was the case of Brohard *vs.* Dent, which was a contest pending in the house, and that was disposed of in the manner I shall speak of hereafter.

After this vote which was taken on the 24th day of January it was demonstrated that if Mr. SCOTT could get one more vote he could be declared elected. He got Morris's vote, but he had to get another vote, or he had to increase his proportion of the vote. He had to have one more vote. The question was how to get it. There are some very smart people in West Virginia. They went to bargaining. Those who framed the bargain are not very plainly seen. Oh, you can see them in the window, if you will look out. They do not stand in front. They do not do the negotiating. The subalterns have to do that. Then after the first vote for United States Senator five Democrats of the house and five Republicans of the Senate made a written agreement as to how the election should be conducted, and that agreement is copied into the majority report, and I propose to read the whole of it. That is another thing that Senator SCOTT's counsel graciously and indulgently allowed the committee to receive as evidence. So I am not going out of the record, as my friend the Senator from Maryland accused me yesterday. Here is the agreement made by the five Democrats in the house and five Republicans in the senate, and it made it a mathematical certainty that Mr. SCOTT would be counted in the next day, and you can see it on its face:

To the Republican senators:

And those very words used at the top make the fraud manifest, as I shall proceed to show hereafter if I get a chance.

GENTLEMEN: In order to bring about a peaceful and orderly settlement of the differences now existing between the two houses of the West Virginia legislature, we submit to you the following propositions, viz:

(1) The election and qualification of the member of the house of delegates from Taylor County—

That is Brohard against Dent—

to be heard and tried upon its merits.

(2) The election and qualification of a senator from the Fourth senatorial district, to be heard and tried upon its merits.

That is Kidd and Morris.

(3) These two cases to be finally voted upon in each house on the 7th day of February, 1899—

Just about twelve or fourteen days after the election—

After 2 o'clock p. m. of that day—

It was very precise—

with privilege to any party to take any evidence pertinent up and until noon of February 6, 1899, when the taking of evidence shall be closed.

It never commenced after that.

(4) All contests and controversies as to the membership of each house other than the two above named to be dismissed, and no further contests or controversies respecting the membership therein to be brought or entertained by either house.

(5) Pending the investigation hereinabove referred to, neither Dent—

The sitting member—

Neither Dent, Brohard, Kidd, or Morris shall vote, in joint assembly or otherwise.

"In joint assembly." What in the world was the use of putting in "joint assembly?" What did the joint assembly have to do with a member of the senate of that State? The words themselves carry along a world of meaning.

Pending the investigation hereinbefore referred to, neither Dent, Brohard, Kidd, or Morris shall vote, in joint assembly or otherwise.

(6) All resolutions now pending in either house looking to unseating any member thereof, or questioning the seat of any sitting member, shall be dismissed.

It left SCOTT a majority pro tempore et pro hac vice. His majority lasted long enough to vote for him and no longer, and here a majority of all the members of both houses of the West Virginia legislature tell you that that was a fraudulent transaction and you are asked to set it aside.

Mr. President, that agreement was carried out; that is to say, the senate enacted a resolution carrying out its part of it and the house enacted a resolution carrying out its part of it. Oh, but they tell us Morris did not vote. Morris did not vote. I know he did not. He had no right to vote. He never had a semblance of a right to vote. He did vote on the 24th. That showed the corrupt intent and motive of the thing, but when they could bargain him out and bargain it so that they did not have any use for Morris's vote, they turned him and Kidd both out. Kidd went out along with Morris for the time being.

In the house the Dent and Brohard matter went over. Thereupon Mr. SCOTT lost two adversaries at one blow. He got rid of two Democrats at one time by this agreement, and he had no longer any need for Morris, though he had been used corruptly the day before. Now, Senators, just look at this case on this aspect and on this little piece of testimony which has been allowed to go before you. I now intend to open the other end of the case. Senators, it is one of the most miserable things that ever was perpetrated on a free people. How did it begin? They had an election in November, 1898, for members of the senate and members of the house, about one-half of the senators, I believe, holding over. You would be astonished to see what sort of people participated in this transaction. The very first bounce was from the governor of the State. When I read it it made me sick, that the governor of a great Commonwealth should get down in the dirt of politics and mix up with this swindling thing. Here it is, the very first step that was taken in this programme.

There was a man named Pritchard, who ran against a man named Ash in Marion County. Ash was elected and Pritchard defeated. Ash went and took his seat in the senate and nobody objected to him at the time. That is one of these contests that I have been reading about, where they were going to suspend the fellow. Listen to the governor—how he talks, how pure, how elevating, what a grand, high plane he speaks from:

CHARLESTON, KANAWHA COUNTY, W. VA., *November 29, 1898.*

Capt. A. L. PRITCHARD:

Party interests demand contest in your case.
We will pay all expenses. Please wire Kendall to proceed immediately.

The governor of the State of West Virginia getting away down into the mudsills of the vile thing and inaugurating the proceeding himself!

Party interests demand contest in your case.

The contest did not get there until the 20th or 23d of January. They had in that State a secretary of state. He happened to be a Republican. It happened also—the civil-service rules ought to be amended and extended to West Virginia—that he was chairman of the Republican executive committee of the State as well as secretary of state. He did not have to go far for the seal. I beg of you gentlemen who are so much in favor of the civil service that you will send it over to West Virginia. It is badly needed in Charleston.

Mr. ELKINS. How about Alabama?

Mr. PETTUS. I am talking about Charleston. The Senator's picture is in this thing. Do not get impatient. I will get to you after a while.

Mr. ELKINS. All right.

Mr. PETTUS. Now, here is the secretary of state and chairman of the Republican committee, and also Mr. White, the secretary. He is the collector of revenue in that district, and he is secretary of the executive committee. You need the civil service very badly over there, and a little streak of honesty in your elections would do a good deal of good, too. This is to Capt. A. L. Pritchard, manager, dated the same day, the 29th day of November, 1898:

Republican State executive committee request you to allow the use of your name in contest proceeding to protect interests of Republican party. All costs and expenses will be paid by us.

Hiring a man to go into this dirty business and telling him, "We will pay all your expenses; do not be uneasy on that score." Mind you, I am talking from these suppressed depositions. That is where I get this from, not from hearsay, but from the very thing itself.

These two telegrams happened to go to the wrong man, that is all. There was a Capt. A. L. Pritchard, as I understand from the testimony, but the man who did not get elected was named A. N. Pritchard, and he was no captain, either. The captain, as you see, was a man who stood head and shoulders above his uncle, A. N., and he was a Democrat. These telegrams went to the captain, and they did not go to the defeated candidate. I think the testimony shows that that is the way they got here, else they never would have been talked of.

Now, that is the way the proceeding was commenced, and the testimony goes on to show that they invited all of the defeated candidates for senators to come to Charleston for the purpose of instituting contests and occupying their seats, if necessary, and the testimony further goes to show that they openly, publicly, and aboveboard threatened to turn out all of the newly elected senators in the State of West Virginia who were Democrats and to put Republicans in their places.

This is not a piece of testimony coming from one man or two men, but the whole air is full of it, and men testified positively to these threats. They declared that if the Democrats did not agree with them as to how this difficulty should be settled, they would disband the house of delegates and make a new house of delegates of their own with the members that they would take out of the old house. They had the governor, they had the attorney-general, they had the senate, and the house of delegates was by itself. "If the Democrats do not consent to what we propose, we will organize a house of delegates." More than that, the attorney-general of the State, who does not seem to like fraud near so well, went into this Brohard and Dent case.

The trial was before the committee in the house of delegates. They adhere to the old Virginia name. He went into the contest as lawyer in a disputed case pending before the committee on privileges and elections in the house of delegates, and he argued the case for his Republican friend. And right there in the committee, in the presence of men who used to be as brave as any who

ever lived—I do not know how they are now, but they used to be—he told them, in substance, "If you seat that man Logan, this city will run with blood," talking to a committee of a supposed independent branch of the legislative body. I am telling you now what is shown in these depositions that the committee never saw any point in or never allowed to be read or never allowed to be retaken; and they are not allowed to be talked about now.

There is one peculiar feature, and I call the attention of my friend the Senator from Maryland to it again. I did it before any of these things came up here. We talked about it when we were writing our several reports. You notice that the Senator from Maryland attaches a large degree of importance to the form in which that agreement was made. I will go back to that now. I promise you that I would have something to say about it.

To the Republican Senators:

GENTLEMEN: In order to bring about a peaceful and orderly settlement, etc.

We Democrats propose to you Republicans. The Senator from Maryland very justly says—he wrote that before I called his attention to it, and he lays emphasis upon it in his report—that the Democrats proposed that settlement. According to these depositions there is not a word of truth in that proposition. The Senator evidently attaches importance to it, else he never would have reviewed it in that way. He says: "Here it is, a proposition of the Democrats to the Republicans, and the Republicans merely accepted it; that is all." Well, anybody would say he has a pretty good theory to go on, but it only existed after the depositions were excluded. It did not exist in fact, and I will show you. It was a mere theory; and you can establish almost any theory if you will knock out all of the opposing facts. Now, just listen to one of these depositions on that identical point:

Very soon after the unseating of Kidd—

That is, on the 24th day of January—

Very soon after the unseating of Kidd I was met by Hon. Z. I. Vinson, of Huntington, chairman of the Gold Democratic State committee, at the Hotel Ruffner, who invited me to a conference with himself and John T. McGraw in John T. McGraw's room. He said that Senators Fast, Marshall, and others, though they acted with their party in unseating Kidd, did not approve of such revolutionary tactics and wished to make a compromise fair and just to all concerned under which they could break away from their party associations.

Just listen to this!

That is the proposition that comes to the Democrats. It came to the Democratic chairman and to the Democratic candidate.

He stated that if a sufficient number of Democrats in the house to carry the resolution through the house, in conjunction with the Republicans, would agree to the proposition he had to make, that enough Republicans in the senate would agree to such a resolution to carry the proposition in the upper branch of the State legislature. His proposition had the essential features of the agreement as it was finally signed.

He said at the time that should Senator ELKINS and Chairman Dawson learn what was going on before it was done they would put a stop to it, and urged that if the Democrats wished to retain their newly elected senators and to reseat Kidd, who had already been unseated, that they act with all speed, while those Republicans who had cooperated with their party in unseating Kidd were repentant and willing to act the part of honest officials and conscientious citizens. He was requested, either by myself or Mr. McGraw, to put his proposition in writing.

The Democrats made the proposition, it is said. This man who came from the Republicans was requested to put it in writing, and he did put it in writing.

He did so then and there, and the proposition filed herewith is the original proposition then and there drafted, except as to the striking out of the word "conservative" and the change of dates in section 3.

That is from the 10th to the 7th of February.

Figuring what the result would be under the compromise agreement it was seen at once that the Democrats could not elect a United States Senator by a party vote, but the advantage of retaining the legislature in its integrity and of preventing any further revolutionary tactics upon the part of the Republicans, and the undoing of the great wrong that had already been done Senator Kidd, was regarded by us as of too great advantage to be lightly thrown aside, particularly in the face of the evident purpose of the Republicans to further increase their majority by throwing out additional hold-over senators.

They call the hold-over senators there two ways. Before they come in the old ones are called "hold-overs." After they come in together the new ones are called "hold-overs."

I therefore, after discussing the length of time allowed for maturing the contests and objecting to any greater delay than February 4, which was inserted in the paper, took the paper to the capitol and in fifteen minutes had the necessary number of signatures of the Democratic members of the house of delegates. The paper was then handed to Mr. Vinson, and he stated that he would immediately obtain the signatures of the Republican senators. The next time I saw the paper was that evening, when it was handed to me by George W. McClintic, who had been acting as counsel for the Republican committee in the Republican contest cases. The dates of hearing the contest cases had been changed in the paper from the 4th day of February to the 10th day of February, Mr. McClintic stating that this much time was necessary in order to mature the contest cases.

The Democrats objected to this delay, as needed legislation had already been delayed too long. We were in the hall of the house of delegates, and there was a considerable dispute before the opening of the night session as to this change in date. Very much to the surprise of the Democrats, who supposed that the leaders of the Republican party were neither aware of the agreement nor approved of it, many of the latter appeared to participate in the discussion. W. M. O. Davidson, chairman of the Republican State committee, and the secretary of the committee, A. B. White, of Parkersburg, and others appeared as though interested in the proceedings.

The speaker of the house called the house to order, and, on motion, it was adjourned in a very few minutes; and by arrangement the signers of the agreement and those proposing the same agreed to meet at the Ruffner Hotel, and did later gather at the room of Speaker McKinney. Here were present Senator STEPHEN B. ELKINS, Congressman B. B. DOVENER, Chairman Dawson, and other leaders of the Republican party. All seemed to be fully cognizant of the terms of the agreement and fully advised as to the difference between the parties having it under consideration. After some discussion the change in time to the 7th of February was agreed upon, and resolutions carrying out the terms of the agreement were spread on the records of the two houses the following morning, which was the day of the joint convention.

There is the agreement. Six Democrats and 6 Republicans under their advisers agreed to turn out 2 Democratic votes, suspend them for the time being, in order that Mr. SCOTT might be elected.

Well, Senators, that is the case as presented by the evidence. I do not mean evidence; I mean the depositions.

Now, the question before this body is, Has that case been fairly investigated? I say it has not and that these facts demonstrate that it has not. Here a governor, a senate, an attorney-general, the secretary of state, and other high officials agree together to revolutionize that legislature, and give notice that they will do it if their propositions are not complied with, and they were complied with, and the 2 senators who had resigned their seats voted for Mr. SCOTT and 2 Democrats were hoisted up into the air so high that they could not vote against him.

Now, has that case been fairly investigated? There have been no witnesses; not one. Senators, until you believe that the class that the Senator from New Hampshire describes as men who vote on mere caprice and whim, vote against a man because he is a Silver Republican and against a man because he is a Gold Republican, until you get in that debauched frame of mind, you are bound to see that this case was not fairly investigated. Oh, you can send thousands of miles to the West and gather up hundreds of witnesses. When it suits your purpose, you can do that, and spend for the country thousands upon thousands of dollars without any stint of hand; but when it comes to investigate an arrant case of fraud right here at your door, you close the door to any testimony whatever except that which is admitted by the counsel for the Senator occupying the seat.

Senators, we ought to act as judges. We ought to strike a straight line. You are bound to do it, unless you are debauched, like the Senator from New Hampshire says you are. I never said it, and God forbid that I should ever have cause to say it.

Mr. President, before this case is ended I want to enter a motion. I will enter it now, if the Secretary will be so kind as to write it down.

I move that the report and resolution in the case of Senator N. B. SCOTT, from West Virginia, be recommitted to the Committee on Privileges and Elections with instructions to investigate the case fully by all such legal evidence as may be presented to them.

Of course I do not expect this motion to be acted on until you come to vote on the whole case.

I thank you, gentlemen, for your kind attention.

Mr. TURLEY. Mr. President, as a member of the Committee on Privileges and Elections who joined in the majority report, I wish to state briefly my views on the questions involved, especially as when I differ from the Senator from Alabama I feel as though there is some likelihood of my being in error. But I have never had clearer convictions about the law of a case and about the power of this body over the facts as presented here than I have in this case.

The case turns on three facts, I may say; that is, it turns on the action of the house of delegates of West Virginia, in a contest between a man named Brohard, who was a Republican, and Dent, who was a Democrat; the action of the senate in two cases, one the contest between Morris, who was a Republican, and Kidd, a Democrat, and the other the cases of the two senators who entered the United States Army during the Spanish war.

Now, in the case in the house, the case of Brohard against Dent, as I understand the records of the legislature of West Virginia, the house referred the claims of both these contestants to its committee on privileges and elections in a regular and formal way; that there were two reports brought in, and on those reports the house fixed a day when they should be considered; and that when that day arrived, they were considered and Mr. Dent was seated.

Now, that is the record, the judgment of the action of the house of delegates of West Virginia which is presented here. When we come to the case of Morris against Kidd in the house, it was a Democrat contesting a Republican's seat; in the senate it was a Republican contesting a Democrat's seat. That case, I believe, went to the committee on privileges and elections. I know it did at one time. But on the 23d of January, 1899, the house solemnly adjudged that Morris was entitled to the seat pending the contest, and it turned Kidd out and put Morris in.

Mr. PETTUS. That was the senate.

Mr. TURLEY. Yes, that is the senate. They turned Kidd out

and put Morris in. That is the judgment that is brought here before the Senate of the United States. A further provision of that judgment of the senate of West Virginia was that Morris was entitled to the seat pending the contest.

Now afterwards the resolution was passed in the senate and also in the house, as I understand it, fixing the days when these contests should be acted on and decided, reciting in the resolutions that that would give time for both sides to be heard, and when that day rolled around the contests were decided. Morris was ousted of the seat into which he had been inducted by the judgment of the senate during the pendency of the contest, and Kidd was restored, and Dent, as I stated, was placed in the seat in the house. In the house neither contestant was allowed to take the seat until the contest was over.

Mr. SPOONER. The house was Democratic?

Mr. TURLEY. The house was Democratic and the senate was Republican, but I never considered that in construing this case. I will say a few words about that view of it before I conclude.

Now, when we come to the two Senators who joined the Army of the United States——

Mr. PETTUS. I should like to have the Senator's view on one point, if he will allow a question.

Mr. TURLEY. Yes, sir; I will be glad to give it.

Mr. PETTUS. Do you believe a legislative body has power to suspend a sitting member and put another man in his seat without any investigation whatever?

Mr. TURLEY. Well, I believe it ought not to do it.

Mr. PETTUS. I am talking about the power.

Mr. TURLEY. Yes; I believe it has the power to do it. I believe it ought not to do it without an investigation and without evidence. But if the Senator wants my view on this question, it is that the legislature of a State, when we once find out that it is a constitutional, regularly organized legislature, has just exactly the same power over the questions as to who are entitled to seats in that body as this body has to determine who are entitled to seats here. In other words, they are coordinate courts.

The PRESIDENT pro tempore. Will the Senator suspend?

Mr. PETTUS. I wish to ask the Senator one other question.

The PRESIDENT pro tempore. The Senator will excuse the Chair while the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. CHANDLER. At the request of the Senator from Massachusetts, who, I think, is not in the Chamber, I ask that the bill may go over until to-morrow, retaining its place as the unfinished business.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the unfinished business may go over until to-morrow. Is there objection? The Chair hears none. The Senator from Tennessee will proceed.

Mr. PETTUS. May I ask the Senator also for his opinion on one point?

Mr. TURLEY. Certainly. I yield to the Senator from Alabama.

Mr. PETTUS. Do you believe that a legislative body in this country has a right, without any investigation, to turn a man out, temporarily suspend him, and give the seat to another man, without any investigation, when it requires two-thirds of the votes to expel him?

Mr. TURLEY. I believe it has the power. Of course it might appear on the face of the record that two-thirds did not join in it, but suppose that two-thirds do join, without investigation, I say that the legislature—the constitutional, regularly organized legislature of the State—has the power. Whether it is wisely executed or not, or whether it is corruptly executed or not, or wrongfully executed or not, is a different question. It has the same power that we have here. It is just like two chancery courts or two circuit courts of coordinate jurisdiction. If the record shows that the judge of a chancery court has tried the case, when another court comes to review it, fraud and corruption out of the way, it is not a question as to whether he has heard sufficient evidence, whether he has taken the testimony of a sufficient number of witnesses, whether he has unjustly ruled out evidence. That is a question to be reviewed in an appellate proceeding, and this Senate has no appellate jurisdiction over the legislature of the State.

Mr. CULBERSON. I desire to ask the Senator from Tennessee a question.

Mr. TURLEY. I would be glad to hear the Senator.

Mr. CULBERSON. Presuming that the constitution of West Virginia provides that the senate and house shall be the sole judge of the qualification and election of their members——

Mr. TURLEY. It does so provide.

Mr. CULBERSON. The Constitution of the United States provides that the Senate of the United States shall be the sole judge of the qualifications and election of members here, and it also provides that that Constitution shall be the supreme law of the land, any constitution or law of any State to the contrary notwithstanding. I will ask the Senator what figure that provision of the Constitution cuts, in his judgment, on the question he is discussing?

Mr. TURLEY. Do you mean the figure that Congress——

Mr. CULBERSON. That the Constitution of the United States shall be the supreme law of the land.

Mr. TURLEY. I do not think it has the slightest application to the question. I do not think it was ever intended to apply to any such question.

Mr. CULBERSON. Mr. President, I will ask the Senator another question, because I am only seeking information. I have no opinion formed upon the case. I will ask him to state what are the precedents in this body as to the right of the Senate of the United States to inquire into the organization of legislatures which have elected United States Senators.

Mr. TURLEY. I am just going to give one, one which is exactly a parallel to this, under which, if I remember, one of the most distinguished Senators who ever occupied a seat in this body took his seat here, and I will read a quotation from the report in that case. It is from David Turpie's case, and I understand there is no precedent in the Senate which is to the contrary.

> This body is made by the Constitution the judge of the election, qualifications, and returns of its members. The senate of Indiana is likewise the judge of the election, qualifications, and returns of its own members. We must determine all questions arising out of the proceedings of the electors. But who sustain the character of electors is to be determined by the legislative body of the State. We can not inquire into the motive which controlled its judgment.

Now, in that case, as far as the record shows, which is a part of the records of the Senate, two men were turned out and two others were put into the senate of Indiana, so far as can be seen, without one particle of proof being taken. This same attack was made there that is made here—that this Senate had, under the power of appeal or this doctrine of writ of error, revisory power over the acts of the legislature, and that it could review the acts of the senate of Indiana in seating these two men, because it was claimed here that it was done illegally and without evidence.

But the Senate decided in that case that it is exclusively for the legislature of the State to determine who are members of that legislature; that it is within the jurisdiction of this body to determine whether it is a constitutional and legal legislature, properly organized under the Constitution of the United States and of the State, but that this body can not go into the inquiry whether this and that member and that member and that member are properly entitled to their seats in the senate or house of the legislature of a State.

Why, think where the doctrine would lead. I appeal to Democrats on this doctrine, because, as I understand it, it is a cherished principle of our party that the State legislatures are as supreme within their jurisdiction as is the Congress of the United States. Think where it would lead us to. You never could have a contest over the right of a Senator to take his seat here but what charges might be brought.

Suppose it is a case, just as it is here, where 1 majority decided, and it is said, "This man who cast the deciding vote secured his election to the legislature by bribery"—in other words, that he bought his way into the legislature—and the record is produced here where the legislature had investigated that very question and decided it in the man's favor and held that he was entitled to a seat, under this doctrine here we are to reopen that investigation. So, too, if another man was alleged to be ineligible because he was under age and the legislature passed on that question, the Senate could open it up again; and if it was a case where there were 10 majority, as many causes of ineligibility as the law allows could be brought against 10 members, and the Senate be called upon to try every one of those cases, although the legislature of the State itself had tried them and rendered its decision.

Mr. SPOONER. The action of the legislature could not be changed in the State by a court or anybody else.

Mr. TURLEY. Nowhere; it is the last and final court of resort. There is no power on earth that can supervise it or revise it any more than there is power over the action of this body here when it once decides who is a member of it.

Mr. PETTUS. I will ask the Senator one more question, if he will allow me.

Mr. TURLEY. Certainly.

Mr. PETTUS. Suppose 10 foreigners and 10 infants compose part of a legislative body, and that fact appeared on the record of the legislature, what would you do then?

Mr. TURLEY. You might have a case of that sort where it would appear on the record of a legislature that it was not a legal and constitutional legislature. You are assuming facts that would destroy its character as a legislature. But let me put this case to

you: Suppose proceedings were had in the legislature on a contest over a Senatorship or any State officer who had to be elected by the legislature, and one side charged that 10 members of the legislature are foreigners and 10 over here are infants, and the record showed that the legislature investigated those charges and rendered a solemn judgment that the 10 were not foreigners and the 10 were not infants; I say if the facts were again realleged here in the Senate——

Mr. PETTUS. If the Senator will allow me, suppose the legislature determines on the record that 10 of them are foreigners and 10 of them are infants, and still seated them, what are you going to do then?

Mr. TURLEY. That is not this case here. You might have a case then where you would destroy the legal organization of the legislature by its own records. That is not the case here. The case here is that it is insisted that the Senate shall reopen this question, because it does not appear affirmatively on the record that evidence was taken in the trial of these cases.

Now, when you go into these depositions you can find a great deal in those matters, but I plant myself here in this report on the principle that the judgment of a State legislature on the qualifications of its members and their right to a seat is as conclusive on this body as it is on every citizen of the State in which that legislature exists. It is as binding on us as it is on the men who have to obey the laws of that legislature. Could a citizen of any one of these States say, when he is accused of violating some law of that State, "Ah, well, I am not guilty, because some man sat in that legislature and cast a deciding vote on it who was not entitled to vote," even though the record showed the judgment of the legislature that he was entitled to sit and entitled to vote? It is just as binding here as it is there. Now, the same principle applies to all these cases.

In the determination of the question as to whether the two soldiers were ineligible or not, the constitution of West Virginia was construed by the legislature. It was the final tribunal to decide it upon the facts. The facts were that between two sessions of the legislature these two members joined the Army, I believe went to Cuba, or at least served during the time for which they were enlisted, and were discharged from the Army before the legislature reassembled, so that during the actual sittings of the legislature they were not members of the Army. Now, whether the decision of the legislature was right or not is a question of law I am not going to discuss, but it is as binding as if it had been passed on by the supreme court of West Virginia.

Suppose there was a provision under the constitution of West Virginia, as there is in some States, that questions of this sort, instead of being passed on by the legislature, shall be referred to the supreme court, and that was the tribunal to pass on it, and it solemnly decided as a matter of law that the facts, as they existed with reference to these two men, did not render them ineligible to a seat, has this body got the right to revise that? Are we to institute a practice here by which appeals are taken and writs of error filed here with this body to supervise every step taken by a State legislature? If we are, we had better abolish the States to-day and make them simply counties or mere subdivisions of the General Government. Now, that is the case itself.

As to what was done there, as to whether the course pursued by these members of the legislature in the capital of West Virginia was wrong or was a crime against the citizens of West Virginia, I am not going to take time to go into it. The one body was Republican and the other was Democratic. It seems that the leaders on each side got to trading amongst themselves. Well, if we went into the history of these things I expect we would be surprised at the amount of important legislation and the number of important events which have resulted from informal agreements between parties on each side, afterwards ratified by the body in its constitutional and legal capacity, because what was done under this agreement was carried out by the judgment of the legislature itself. Whether it was wrongfully given or not, whether it was a crime against the citizens of West Virginia or not, is a question for the citizens of West Virginia to settle when they call these public officers to account in a subsequent election, and it is not a question for the Senate of the United States to go to West Virginia and overthrow its legislature and its government and investigate every act which occurred from the beginning of that legislature down to its end, because there is where it would lead to. There would not be a single transaction hardly, under this doctrine for which the Senator from Alabama contends, that would not be open to the supervision of the Senate of the United States.

I protest against any such doctrine as that. I do not justify what was done there. Whether it could have been avoided or not is a question that I do not know enough about to determine; whether those Democrats who went into that agreement were justified or not, whether the Republicans were justified or not, is a question that I do not consider. I plant myself on the broad proposition that the regularly organized constitutional legislature of a State is supreme on these matters, and that to hold differently would be absolutely destructive of the rights that are left to the States.

Mr. CHANDLER. Mr. President, I rose when the Senator from Tennessee [Mr. TURLEY] did, but I might well omit to speak, because he has stated the case so clearly. I shall, however, occupy a few moments in stating my view of the four points of objection that are made to the title of Senator SCOTT, of West Virginia. I shall not discuss the Quay case; that is in the past. I shall not discuss the Montana case; that is in the future. I will confine myself to the West Virginia case.

Mr. President, the first of the four objections to the title of the Senator from West Virginia was the claim that he was not a resident of the State. It appears that at one time while a resident of the State he came to Washington and served very creditably as Commissioner of Internal Revenue. The whole committee agreed that there was nothing to this objection.

The next point was that the seats of Senators Getzendanner and Pierson were vacant because they had been for a time officers in the Army. Mr. President, the constitution of West Virginia is very strong on that point; but Senators know perfectly well that many acts are characterized in the expressions of statutes and constitutions as void which are only voidable. In this case the question whether these officers had lost their seats in the senate because they had served in the American Army against Spain was taken up formally and deliberately by the senate of West Virginia, and it was decided that they had not. It seems to me that there can be no sound argument made to a modern tribunal, whether a court of law or the Senate of the United States, that these offices were so completely void that they could not be held to be filled by their original occupants by the judgment of the senate of West Virginia.

The third point is the one which has just been discussed by the Senator from Tennessee so fully; and that is the objection growing out of the agreement entered into by the leading Republicans and Democrats in the legislature, concerning the temporary disposition of certain contested-election cases which were to be taken up by agreement at a date fixed, which date would be after the vote had been taken for the election of a Senator.

There were not only pending the two cases of Morris against Kidd in the State senate, and Dent against Brohard in the house, but there were many other cases; there were eight in the house, and there were efforts being made to originate other contests. The Senator from Alabama has stated the efforts that were made to bring on other contests, and has severely criticised the governor of the State for his effort to bring on a certain contest. Whether this was or was not a comfortable condition of affairs need not be decided here.

The fact existed that two sets of excited men were facing each other; that contests were being inaugurated all over the State against Democrats in the senate and against Republicans in the house; and that there was very great danger that there would be such a conflict in West Virginia that there would be two legislatures, which would be very injurious to the State and very injurious to the United States.

So, Mr. President, under those circumstances an agreement was entered into. The Democratic senators proposed to the Republican senators in a signed paper, which the Republicans also signed, that there should be a suspension of hostilities, that there should be a stoppage of this work of disintegration and destruction, until after the election of a United States Senator.

Mr. President, I can imagine an agreement of that kind which would be so objectionable that the Senate would take notice of it. If it had been an agreement that was corruptly entered into, if that had been proved, we perhaps ought to take notice of it. If it had been an agreement that had been brought about through violence, or threats of violence serious in their nature, then I might perhaps agree with the Senator from Alabama that the Senate should take notice of it.

But, Mr. President, there is nothing to indicate that violence existed or was threatened, except a slight remark of the attorney-general, to which I shall allude when speaking of the fourth point. There was nothing of that kind, and the agreement, which is found in the committee's report made by the learned Senator and great lawyer from the State of Maryland [Mr. MCCOMAS], is an agreement commendable in every way. I have read it through carefully several times to see whether there is the slightest element in that agreement which makes it against public policy, and nothing of the sort can be discovered.

I ask Senators to read it on page 6 of the majority report. It was, as the Senator from Tennessee well suggests, like the agreements that are entered into in this body over and over again by the representatives of the two parties, perfectly moral, perfectly proper, perfectly judicious, and which are valid because they are subsequently carried into effect by the formal action of the Senate itself. Such action took place in this case, and it was settled that the contest of Morris against Kidd, in the senate, and the contest of Dent against Brohard, in the house, should be postponed and

considered on February 6, after the legislature had voted for a Senator.

Mr. President, one was a Republican case and one was a Democratic case, and both these were bona fide contests so far as I know. If either one was a bona fide contest, the other was a bona fide contest. There can be no doubt about that. So the two great political parties in that State, in an agreement which challenges my admiration, arranged that neither of those two contests should be disposed of until after the Senatorial election; and the agreement that was thus made was ratified by the senate and the house, and constitutes, as the Senator from Tennessee has shown us, an irrefragable judgment of the legislature of West Virginia, beyond which we have no right to go.

Almost the whole argument that we ought to go behind that decision of the legislature of West Virginia is based upon the fact that after the Senatorial election the Republicans in the senate concluded, upon an investigation, that Kidd was entitled to his seat and gave it to him, while in the house of representatives, which was Democratic, the Democrats turned out Brohard and gave the seat to Dent. If that proves anything, if there are any presumptions arising, the only presumption is that the Republicans in the senate were fair and that the Democrats in the house were unfair.

There is not anything in the whole record to challenge the good faith of either one of these decisions, so far as I know. If I am wrong, the Senator from Maryland will correct me when he speaks again. If the result of the action of the two bodies of the West Virginia legislature, after a Senator had been elected, had been to seat the Republican in the one house and the Democrat in the other, this case never would have been heard of, Mr. President; but because the Republican senate, after a careful investigation, concluded on the whole that Mr. Kidd was elected to his seat and gave it to him, therefore we have had this controversy, made wrongfully and unjustifiably, as I believe, against the right of the Senator from West Virginia.

Mr. President, the fourth point that has been made by the respected Senator from Alabama is that there were circumstances of violence in connection with this election which the committee ought to have investigated. The sole evidence on this point is a speech made by the attorney-general of West Virginia when the case of Via was being discussed before a committee.

The Senator from Alabama, I think, did not quite quote the speech correctly. The attorney-general was arguing an election case with some vehemence; the times were quite exciting in Charlestown; there was a great deal of feeling and a great deal of anger on both sides, and there were symptoms that there might be two legislatures. When this Via and Logan case was heard, the report is—I do not know whether it is an accurate statement—that the attorney-general in his speech before the committee charged that the committee had already agreed to decide against Via and in favor of Logan, and said that if they were to carry out this prearranged plan the committee need not be surprised "to see blood flow in the capitol on the next day, because plans had been formulated looking to the preventing of the seating of Logan, even at the cost of shedding of blood."

Mr. President, that one speech did not surround the legislature of West Virginia with any such violence that our committee thought it worth while to consider the question whether the organization of this legislature and this election of a United States Senator were void by reason of violence.

Mr. President, fiery orators are apt to say such things. When the views of eloquent speakers are likely to be met with disfavor they are apt to think that the Republic is numbering its last days, and they seem to hope that their partisans will follow up their fervid arguments and intense utterances by fighting for them. But they do not do so. When the case is over and decided, peace is resumed; and this impolitic and injudicious utterance of this attorney-general, if he made it, was a thing by itself and created no great excitement. It did not even deter the Democratic committee from unseating Via, and yet there was no bloodshed.

Mr. President, the utterance was exactly like the famous speech of Governor Waite, of Colorado, who said that his people would wade into blood up to their horses' bridles if something was not done. I forget what it was; perhaps the Senator from Colorado [Mr. TELLER] can tell. Perhaps it was if we did not have the free coinage of silver very soon. I do not suppose because Governor Waite said this that all the proceedings of the Colorado legislature at that time were void, or that therefore, if they had elected the Senator or his colleague at that time as United States Senator, the election of United States Senator would have been illegal.

Mr. President, this last point is hardly worthy of serious discussion; but having been presented by the Senator from Alabama, who is learned and able in his line of writing and discourse, it was due to the Senate that the Senator from Maryland should make the statement which he has made and that the point should be thus briefly discussed by the advocates of the majority report.

Mr. McCOMAS. Mr. President, the motion of the distinguished Senator from Alabama [Mr. PETTUS] to send back this subject to the Committee on Privileges and Elections has induced me to make some response to the points urged by the Senator with so much ability and earnestness. The committee, with the exception of the Senator from Alabama, were agreed that this was not a case for investigation by the examination of witnesses; that there was such a paucity of allegation of either intimidation or fraud that no matter was before the committee as an alleged offense to be in that manner investigated.

The Senator from Alabama has likened the inquiry and the finding of the West Virginia legislature to a judgment, a foreign judgment; but the very ground of the inquiry into a foreign judgment, in the case of Ritchie against McMullan, in 159 United States, on page 242, was stated with precision "to warrant the impeaching of a foreign judgment because procured by fraud, fraud must be distinctly alleged and charged."

There was nothing in the case before the committee to be examined except trifles, such as a heated expression of an excited attorney in a committee room, or an idle threat that unless the decision of contests for seats be fair, there might be dual legislatures—utterances of partisans, made in a moment and forgotten, made without responsibility.

When the counsel for the remonstrants in this case were urged by others of the committee and by myself to present a written proffer of the evidence they could produce and were again and again called upon by the chairman of the committee, the Senator from New Hampshire [Mr. CHANDLER], to present in writing their proffer specifiying matters they desired to be investigated tending to show either fraud or intimidation, they were unable to do so. At least they did not specify; they discussed, but never wrote out any offer of testimony; and well they might not, because after a long discussion it was apparent that there was no material testimony to be produced of either fraud or violence, and the committee, with the exception of the Senator from Alabama, agreed there were no matters in this case requiring or justifying any such fruitless waste of time.

And so the case came here to be decided. The committee reported to this House upon the record, which record is in the report. The case of the Senator from West Virginia is one of the simplest that was ever examined in this Chamber.

Some matters which the junior Senator from Alabama has urged would have made no difference in the result, but simply a difference in the majority of the Senator from West Virginia. Had the very agreement which the Senator has here with such vigor discussed never been made, had the vote proceeded without it, the vote for the Senator from West Virginia would have been one more, and the vote of Morris, by the agreement excluded, would have increased his majority by one.

I need not follow the learned and distinguished Senator outside of the record. He has discussed the matters in the pamphlet which I hold in my hand. What is it, Mr. President? It is a brief of the remonstrants, and it contains only print. The Senator from Alabama and myself can not be assured that here are correctly printed even these depositions. The original depositions——

Mr. PETTUS. Will the Senator excuse me for an interruption?

Mr. McCOMAS. Certainly.

Mr. PETTUS. The depositions themselves were submitted to the committee, not the print to which the Senator refers.

Mr. McCOMAS. The printed copy is all I could procure in the committee room.

Mr. PETTUS. The depositions themselves were there.

Mr. McCOMAS. Well, if they were, they are simply the depositions taken ex parte by Mr. McGraw, of his own motion, selected from people who were his partisans. All of them are ex parte.

Mr. ALLEN. Mr. President, I would like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. McCOMAS. I yield with pleasure.

Mr. ALLEN. I inquire if these were depositions taken on notice, or were they mere ex parte affidavits?

Mr. McCOMAS. They were taken at the instance of Mr. McGraw, who was the remonstrant, and taken at his own suggestion, without the presence of the other side, although he had notified Mr. SCOTT to appear. He took these depositions of his adherents in the legislature.

Mr. ALLEN. So that these are practically ex parte affidavits?

Mr. McCOMAS. Ex parte affidavits, without any authority of law; taken upon his own suggestion, and for his own purposes.

Mr. President, such matter is not worthy of consideration in the Senate; but because the distinguished Senator from Alabama, for whom I have very great respect and deference, has given the weight of his name and his recognized high position here to these parts of the brief of counsel, I think it becomes necessary that I should follow his example, should go beyond the record upon

which this case is to be determined, and advert to circumstances no better but just as worthy of credit as the brief of the remonstrant, so that the Senate may know that, apart from the record in this case, there was a full answer to these ex parte affidavits, that an investigation of the facts would vindicate the election of the Senator from West Virginia, which the record establishes.

But before doing so, I want to supplement the remarks of the chairman of the committee and of the Senator from Tennessee [Mr. TURLEY], so pertinent, so forcible, by reading an extract from the decision of this Senate in the case of David Turpie, the late distinguished Democratic Senator from Indiana. In that case the Republican remonstrants proffered testimony showing—

That before said alleged election—

That is, the election of the Senator from Indiana—

the senate wrongfully—

That means the State senate of Indiana—

and for the purpose of obtaining a majority for said Turpie in said joint convention declared two members, who had been duly and lawfully elected members thereof, not entitled to their seats, and declared two other persons, who had not been duly and lawfully elected, to be entitled to such seats, and thereupon seated such persons, and that this was done without right, without evidence, and without hearing or debate; and that said persons so seated thereafter were present and voted for Mr. Turpie in said convention, and that without such votes said Turpie would not have received a majority.

Here is the decision of the Senate of the United States in accepting the report and opinion of the committee in the case of Senator David Turpie, a case in which it was said that wrongfully and improperly two men were unseated without hearing, without debate, without the action of the assembly, and two others seated in their places, who voted and made a majority, whereby Mr. Turpie became a Senator; and this Senate voted in accordance with the following statement:

The committee are of opinion that the facts offered, if proved, will not warrant the Senate in declaring the sitting member not entitled to his seat. There can be no doubt that the body in question was the constitutional senate of Indiana. The journals of both houses of the legislature of the State have been submitted to us. It appears that the body was recognized as the senate by the governor and by the house of representatives. Statutes to which its constitutional assent was necessary were enacted and have become part of the law of the State.

It seems to us, therefore, that like decisions by the senate and house of the West Virginia legislature are final; and, as is said in the report of the committee and by the Senator from Tennessee, this is the finding of the body in the State legislature which had the power to find, to deliberate, to decide, and to declare; and that decision is binding upon us. But not only in this Turpie case, which was so well argued by the Senator from Colorado in support of these views, but in other cases the same point has been so decided again and again by this Senate.

In the case of the legislature of West Virginia, it appears, as it did not appear in Indiana, that in each case decided the matter to be decided was submitted, by the senate and the house, to a committee and acted upon by a committee, with how much or how little deliberation the journal can not show.

I grant the time was short; but all the forms to indicate deliberation were observed, and we may presume that the legislators there, as elsewhere, performed their duties. The committee reported back to the senate and to the house these matters, and in each instance there was a majority and minority report; and the assembly in each case, in either branch, voted and decided. That decision is a finality in each case; it is not reviewable by the Senate of the United States. The lawful houses of the general assembly of West Virginia had their power, exercised their authority and their function, and performed their office. It was original, exclusive, and final as to each decision upon the election returns and qualifications of its members.

Now, Mr. President, I call attention to a few facts in this case not in this record, but, I submit with great deference to the distinguished Senator from Alabama, as pertinent, as well founded, as worthy of credence as these other ex parte statements of these various witnesses, whose depositions have been made a part of the brief of the attorneys and now so forcibly argued here in behalf of the remonstrants.

The junior Senator from Alabama has gone outside of the case before the committee and based part of his remarks upon ex parte depositions printed as part of the brief of the remonstrants. This would not be evidence anywhere for any purpose. What I now say is relevant, but also ex parte and not in the record of the case before the Senate; but it is stated upon information quite as credible as that in these printed depositions. It is matter which would appear if the committee had considered those ex parte affidavits.

When the polls closed on election day in November, 1898, and the election officers certified the result to the county courts of the various counties and sent the ballots cast, sealed up, to the clerks of courts of counties in West Virginia, this was the result:

In the senate 17 Republicans and 9 Democrats were elected; in the house of delegates 36 Democrats and 35 Republicans were elected; therefore on joint ballot there was a Republican majority of 7.

If there was a conspiracy, which the junior Senator from Alabama says was engaged in by the Republican governor, secretary of state, attorney-general, and collector of internal revenue, there was a more daring conspiracy on the other side to defeat the election of a Republican Senator by unseating Republicans to obliterate their majority of 7 on joint ballot, and the chief conspirator was the Democratic candidate for United States Senator, who presents these affidavits. These Democrats not only attacked the right of the two sitting senators, Pierce and Getzendanner, to retain their seats. They sought to deprive eight Republican members elected of their seats in the house of delegates, viz: Dunnington, of Lewis County; Brohard, of Taylor County; Via, of Monroe County; Spencer, of Roane County; Cutright, of Upshur County; Scheer, of Preston County; Redmond, of Mason County, and Legge, of Marshall County.

Then it was that the secretary of state and the collector of internal revenue, who were chairman and secretary of the Republican State committee, sent out notices and employed attorneys to defend the seats won by their party at the polls. Then it was that Governor Atkinson telegraphed Mr. Pritchard, an old friend of his who was in a small minority in a large vote, and who it was claimed by his friends had been elected, to file his contest in time and before the last day to save his right and to notify him that he would be saved from the costs and expenses of a contest, if one should be made.

In the case of Via, the circuit court of the State, after a hearing, decided that he was elected from Monroe County. His competitor appealed to the supreme court, but the case was not there heard, and the Democratic house unseated Via and seated Logan, his Democratic competitor. The junior Senator from Alabama gives importance to a heated expression of the attorney-general in an argument before the legislative committee protesting against the theft of Via's seat.

Dunnington had been returned elected by 25 majority in the Fourth delegate district, composed of Webster and Lewis counties. The Democrats secured a recount in Webster County of the votes. The officials were Democrats, and the result was Dunnington was counted out and Talbott, a Democrat, counted in.

In Taylor County, Brohard, Republican, had received 81 majority.

The ballots were not well guarded in the court-house and upon a recount at the instance of Mr. McGraw, in this his own county, in precinct after precinct Republican ballots were found with the name of Brohard erased by the marking of a purple-blue pencil, not such as was used in the election booths of that county on that election day, and it is alleged that in the same handwriting in different precincts in place of the name of Brohard was written the name of his Democratic opponent, Dent. Election officers protest that no such marked ballots and no such ballots in the same handwriting had appeared when they counted and returned them. By these ballots a majority of 22 for Dent, Democrat, was substituted for a majority of 81 for Brohard, Republican.

The case of Brohard I believed, as the Senator from Alabama believed, ceased with the compromise in the legislature; but in the same county the Republican member elect of the county court procured his appeal and obtained his seat, though the case involved the same circumstances as Brohard, who lost his in the legislature. Here is the decision of the supreme court of West Virginia saying that Dent was not, but that Brohard was, entitled to the certificate of election. This was, however, too late to save Brohard.

I do not believe that when the Senator from Alabama made his statement he knew—I did not know until yesterday—that the matter had gone to the supreme court of West Virginia, and that the supreme court of West Virginia, after this contest for Senator, after the legislature had gone by, in due course, came to review this contest proceeding of Brohard and Dent and decided that the member of the returning board, Means, who had issued the certificate to the Republican, Brohard, had done his duty; that he had followed the returns of the canvassing board; that upon the face of those returns, as a member of a canvassing board, he was bound to give the certificate to the man who appeared on the face of the returns to have been elected.

That is most familiar law, but violated in West Virginia until, too late to keep Brohard in his seat, the supreme court reminded Mr. McGraw and his attorneys in this proceeding of this theft of one seat from Taylor County, where the remonstrant lives.

Chief Justice Brannon declared that Brohard was entitled to the certificate and he was entitled to the seat on the certificate issued to him in Taylor County.

Mr. PETTUS. I will ask my friend the Senator from Maryland, if he will allow me——

Mr. McCOMAS. Certainly.

Mr. PETTUS. Has he not got slightly out of the record, and is he not commenting on things we never heard of before?

Mr. McCOMAS. I am going quite out of the record. I am following the same inquiry as my honored friend the Senator from

Alabama. I said that I had confined myself yesterday in the statement of this case strictly to the record, but when the able Senator from Alabama went outside of the record to the brief of remonstrant's attorneys, I desire to bring to the notice of the Senate matters outside of this record, relating to the same questions treated in these ex parte depositions, and I believe as well founded as those statements. If I go outside of the record and do not rely upon mere statements of counsel in a brief, I may be pardoned for giving to the Senate a decision of the appellate court of West Virginia upon the very proposition argued by my distinguished friend the Senator from Alabama, and where Chief Justice Brannon declared that Brohard was entitled to his certificate, should have had his certificate, and should have been seated thereon.

It is true I am going outside of the record, but it seems to me the adjudication of the highest court of West Virginia, which declared that Brohard, whose vote was taken from him by the terms of this agreement, was entitled to his seat, the certificate, and his vote until ousted on the merits, should have great weight with the Senate, even though not in this record; much more weight than the matter in the brief of counsel for the remonstrants, which is also not part of the record. I proceed.

I am credibly informed that the grand jury investigated this ballot fraud in Taylor County, and that the sudden death of the officer who was the custodian of the ballots stopped further proceedings.

The junior Senator from Alabama discusses the contest of Morris vs. Kidd for a seat in the senate. I am informed that this contest was bona fide and instituted because out of a total of 6,608 ballots 386 were rejected by election officers in Wood County, and that most of these ballots were rejected for trivial defects, such as the omission of one clerk's name, or for the failure to draw the line on the tickets not voted down the whole length of the ballot. Thus the Democratic officials rejected hundreds of ballots where the intent of the voter was plain. Out of a total of over 14,000 votes, Kidd's majority was only 141; and the contest of Morris was instituted long before the Democrats had deprived elected Republicans of seats in the house. The Republican claim was that when all the proper ballots were counted Kidd was entitled to a majority of 163.

After the election of United States Senator the senate committee went to Wood County, and the result was that upon a recount of the 386 rejected ballots Kidd had a net gain of 70; but the contest proceeded no further, and thereafter Kidd was speedily seated. It appears that the Republican senate's example was not followed by the Democratic house, which unseated Brohard, who was elected.

The agreement I have already stated, and the agreement whereby strife was ended and the election of a United States Senator made peaceably I have already commented upon. I have shown that its immediate result was to give a net advantage of 1 vote to the Democrats by excluding Morris, Republican, from voting for United States Senator.

The record shows that independent of this there was a Republican majority of 2 on joint ballot without any such agreement, so that if all the Republicans voted for the candidate for the Senate, a Republican would be elected. This fact disposes of the argument of the junior Senator from Alabama that Republicans were seeking a fraudulent majority by fraudulent means. Why should they, when they already had a conceded majority of 2 on joint ballot if they could poll all their own for their caucus candidate? And they did poll all but 1, Halptenstal voting for Judge Goff. Still Mr. SCOTT had a majority of 1, and but for this agreement he would have received the vote of Morris, which was cast for him the day before, and he would have had a majority of 2 on joint ballot.

The Senator from Alabama is mistaken in his inadvertent statement in saying two would not have voted for Mr. SCOTT, for all the senators voted for Mr. SCOTT. Whitaker, of the senate, and Asbury, of the house, were both absent on the first day, but both were present in the joint assembly and voted for Mr. SCOTT. This was the reason that the vote on the first day was 46 to 46, as the junior Senator from Alabama states, but the return of Whitaker and Asbury increased the vote of SCOTT to 48, and the Senator from Alabama is thus in error in using the absence of two members as indicating some fraudulent proceeding.

Upon the record it is plain that the election of the junior Senator from West Virginia was peaceful, fair, and is valid.

If we go outside the record with the Senator from Alabama the well-attested facts tend to show that had it not been for a partly successful conspiracy to defeat the results of the elections at the polls by partisan contest, had Brohard, Via, and Dunnington been given the seats to which they were elected, the junior Senator from West Virginia would likely have had a majority of 5 instead of 1 over all.

Whether or not if the contest had been prosecuted to a conclusion Mr. Kidd or Mr. Morris would have been seated I do not know, but it is just to say in the case of Mr. Kidd, whose seat was contested by Morris, after the election of United States Senator the committee in charge of this contest did proceed with the inquiry, and they investigated the vote in one county. In Wood County, as I have said.

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield the Senator from Alabama?

Mr. McCOMAS. I yield to the Senator from Alabama.

Mr. PETTUS. According to the depositions—that is the only way in which I spoke of it——

Mr. McCOMAS. Yes.

Mr. PETTUS. According to the depositions the votes in that county were there at the beginning. They never did do anything more than to count those votes.

Mr. McCOMAS. In Wood County the senate committee recounted the votes after the senatorial election and Morris gained 70 votes.

Mr. PETTUS. In that county. That is all they ever did, according to the depositions. They reported afterwards.

Mr. ELKINS. Mr. President——

Mr. McCOMAS. I will yield for a moment on that point to the senior Senator from West Virginia.

Mr. ELKINS. If Senators will look at the report of the committee, page 300, senate journal, 1899, they will find that the vote was recounted in Wood County and Kidd lost 71 votes. I read from the record.

Mr. McCOMAS. In this case one-half of the majority had been wiped out by the proceedings in one county. Whether or not further proceedings could have changed the election result I can not tell, and I do not know, but it does appear on the face of these proceedings that the contest was commenced in good faith, that it was prosecuted with a considerable result, in the wiping out of a majority, except about 71, in a total vote of 14,000 before the contest had proceeded further.

Should we, as now suggested, send this matter back to the Committee on Privileges and Elections, we would have an inconsequent investigation. I have traveled out of the record, as has my honorable and distinguished friend the Senator from Alabama, giving you some of the matter of proof on the other side; but I repeat, as I began, upon the record as the case is made up it is clear and conclusive in favor of the sitting member from West Virginia. The committee, with but one exception, found nothing to investigate.

But I desired the Senate to know that if we should by the mandate of the Senate in voting for this amendment take up this case to investigate irrelevant facts, we would go back to an inquiry which would do no public good, which could not change the result of the election, because it is admitted that, whatever takes place, the legislature was Republican by at least 2 majority; and under the law of this Senate we would again report in favor of the junior Senator from West Virginia. It would make a fruitless inquiry, because it would not change the result of the election.

Therefore I hope the Senate, upon the merits—and I admit in stating them I have gone outside, having followed the example of the able and honored Senator from Alabama in going outside of this record—will vote down the motion. My clear duty here, and that of every other Senator, is to vote on this case upon the record whereon it depends, and upon that record no one can successfully contend that the right of the Senator from West Virginia to his seat is not absolutely plain; that both branches of that assembly were organized; that the governor recognized them; that all the laws of that term hang upon the action of these two lawfully organized houses, all the statutes and all the procedure of government in West Virginia; that no one questions or challenges the validity of these bodies; that they in orderly fashion proceeded to examine and adjudicate these questions.

Having adjudicated them, their finding is unreversable and unreviewable here. And yet had they gone further into the facts I have simply suggested, it might have increased the majority of the Senator from West Virginia. They could in no wise have defeated him or his majority of 1. They might in just fashion, perhaps, have increased his majority to 6; and as all of the committee have decided that vague proffers of testimony which could not help the matter should not be investigated, I with confidence appeal to the Senate to vote down the amendment of the Senator from Alabama and to vote promptly in favor of the resolution of this committee, in which all concur except the honored Senator from Alabama, and vote that the junior Senator from West Virginia is entitled to and should retain his seat for the term of six years from the 4th of March, 1899. I ask for a vote.

Mr. MORGAN. Mr. President, both of the honorable Senators who have argued this question here to-day have talked about going outside of the record, and have seemingly attempted to keep themselves inside of a certain record here which does not appear before the Senate at all. This is a motion now to recommit this case to the Committee on Privileges and Elections, as I understand it, for the purpose of bringing up the record; for the purpose of having

an investigation upon evidence aliunde, for the purpose of laying before the Senate of the United States the real facts in this case; not those that have been put on to a patched-up record, dressed for the occasion, but those that actually occurred and have passed under examination, upon oath of men who are supposed to be, and I believe are, alleged to be reputable. On a motion of that kind we do not get outside of the record at all by referring to these facts, and I am embarrassed in arguing this question before the Senate because the facts are not here.

Here is a motion in the nature of certiorari to bring up the complete record, and there is nothing now presented to this court, as it is called, to enable us to determine whether or not that writ ought to be allowed and sent down to this committee to bring back the record in full.

Mr. ELKINS. Let me interrupt the Senator from Alabama. What record does the Senator refer to?

Mr. MORGAN. These depositions.

Mr. ELKINS. The depositions?

Mr. MORGAN. Yes.

Mr. ELKINS. There were no depositions taken in this case by authority of the Senate.

Mr. MORGAN. I understand precisely the technical remark of the Senator from West Virginia. They are depositions sworn to before competent officers.

Mr. ELKINS. I understand the Senator wants these ex parte affidavits.

Mr. MORGAN. I am not sticking in the bark. I am trying to go right to the center of the subject.

Mr. ELKINS. I thought the Senator meant regularly taken depositions.

Mr. MORGAN. No; I do not mean anything except those sworn statements made before competent officers, upon which I dare say an indictment for perjury would lie. Whether it would or not, the moral question is all the same.

Now, sir, we are trying to get at the facts. I am trying to understand, in supporting the motion of my colleague, what the facts were that were aliunde, outside of this record, as it is called. I would be entirely justified in making such a motion upon my meager knowledge of the case, and I intended to make it. I would be justified by the fact that both of the reports here—the report of the majority of the committee and the report of the minority—expressly refer to these facts aliunde and quote them and use them on both sides as evidence material and important in the determination of this question whether or not Mr. SCOTT is entitled to his seat.

Now, when the committee itself goes outside of the record made in the legislature of West Virginia and brings in facts aliunde and makes them a part of the report, both for and against seating Mr. SCOTT, then of course the balance of the Senate wants to know, Are those all the facts that bear upon the question? You open the door; you go and make inquiry outside the record, and you propose to stop it just at convenience. We say "No; inasmuch as you are here before an appellate court, or rather a superior court, bring up your case for trial."

It never was intended, sir, to try this case in the committee. The Senate of the United States is the trial court here, the tribunal to determine this question; but the committee have usurped to themselves the right, after quoting a part of the facts aliunde, to leave the balance of them without being in reach of the Senate, unadmitted in evidence, unprinted, incapable of identification.

So, if I were trying to justify my vote in this case before my constituents and felt that it was my duty to resort to these depositions for that purpose, I could not do it; and yet I am one of the judges put here for the purpose of trying this case. I have to render a verdict upon a partial statement, not upon the whole record. I have to render a verdict upon those parts of the case which the Senators who make these respective reports see proper to select, and not upon the whole case; and that is not right.

This committee ought to be required, and every committee of this body ought to be required, to bring before this tribunal the evidence offered in committee, whether it is rejected or whether it is received, for they are not the judges whether it is right to reject it or to receive it. They are the judges of their own opinions and their belief about it, but they are not the final judges of the question, and therefore we are entitled to all of this testimony.

Mr. President, this is a very important matter. It will not do for the Senate of the United States to go before the people of this country as smothering inquiry into the facts which surround this transaction. That is their attitude here to-day. The majority of the committee put us in the attitude of smothering inquiry, cutting us off upon a question of law, upon a question that it is their opinion that at least not all but a part of the evidence aliunde is inadmissible. A part they say is admissible, but the balance of it not. We are unable to discriminate between the parts that are omitted from this report and the parts that are included and made the subject-matter of discussion and judgment also. Now, it will not do for the Senate of the United States to go before the country with any such record as that. We will be accused, and justly, too, of smothering the facts in this case for the convenience either of ourselves or of somebody else. I do not want the Senate put in any such shape as that.

Sir, this country is very rife and anxious, on the tiptoe of anxiety and expectation both, in regard to changing the organic, fundamental law of the United States in respect of the choice of Senators. It is objected all over the country that Senators ought to be chosen in all of the different States by direct vote of the people, and that proposition has passed the House and been sent to the Senate and is now before the committee. It is here by a vote of nearly all of the vast body of legislators in the other end of the Capitol, nearly the whole body voting that we ought to unite with them in carrying a two-thirds vote in this body, so as to submit to the different legislatures of the United States the direct question whether or not Senators are to be chosen by the people.

There never was a graver proposition presented to any body than that. It enters into the very organism of the Government. It ought not to be attended with any sort of feeling or any sort of excitement that would cause the people to come to a hasty or inconsiderate or incorrect conclusion. I repeat, Mr. President, there never was a more solemn, serious, dangerous question presented to this body than that. Without going into the argument of it at all or suggesting the various directions in which this question is solemn, serious, and dangerous, I will just cite one, if you please. It is applicable to my own State, and I have a right to make it.

Until the suffrage question in the South is put upon a permanent basis we had as well cut our own throats as to carry the question of the election of Senators by the people before the body of electors in the South. We had as well burn our houses and destroy our farms and run out of the country. We have never yet encountered any trouble or danger or irritation equal to those that would instantly arise whenever, in the State of Alabama, for instance, or in any of the other Southern States, a Senator of the United States was to be chosen by direct vote of the people. Until that question is settled in some form or other consentively by the people of the United States, and permanently, so long as I have the honor to remain on this floor I will resist any change in the organic law. I am bound to do it to save the rights of my people.

Now, Mr. President, how much weight are we adding to the argument in those States that are not troubled with these difficulties which my State has? When the people are heard to say, as they will say, the Senate of the United States judged of an election in West Virginia by the legislature, and in order to keep the facts from the country and in order to prevent a decision of this case upon its honest, actual merits, in order to shelter themselves under and escape into pure, cold technicalities, have suppressed depositions taken, if not according to law, after the forms of law, depositions of many men following up a report, a signed report of more than a majority of both houses of the legislature of West Virginia, that the particular election in hand was a fraud upon the State and the people, the Senate of the United States refuses a motion to bring up the record and insists upon deciding this case upon a narrow, cold technicality.

We can not, sir, afford to assume such an attitude toward this great question at this time. We had better hesitate about this matter. We had better send this case back to that committee and ask them to send up all the record here, so that the Senate can determine upon an examination of it whether it is relevant or irrelevant. We had better not force matters to a conclusion here to-day upon this proposition pending a motion to bring up all of this evidence from the committee. It is a very dangerous thing to do, Mr. President.

Now, looking at this case upon the face of it I know nothing else about it except what is presented here in these two reports. It appears to me that it is easy enough to make a statement of it that is undeniable. I will make a statement of what I conceive to be the case on one point, and that a vital point in the case; it certainly is a vital point.

Kidd was seated and sworn in the senate, Morris was put in his place and was seated and sworn, and both were prohibited from speaking or voting in the senate, for a time. This was done to enable SCOTT to carry the election for Senator, in pursuance of an agreement to that effect entered upon between five Democrats of the House and five Republicans of the Senate, which agreement was made to prevent civil commotions.

Now, sir, if that is a true statement of the facts, there is a legislative body which has been coerced. They have been coerced by apprehensions excited by a very heated wrangle, I may call it, a controversy which existed over there and at which Mr. SCOTT was present and knew all about it. That controversy involved the question of the organization of a separate legislature, the drawing out of certain members from the different houses, going off and organizing another body so that they would have had two legislatures, or bodies claiming to be such, in West Virginia.

Well, a more unfortunate situation can hardly be imagined in a State than one of these double-headed legislative establishments. There is hardly anything worse than that. If we pass by our vote to-day solemnly the declaration that that can be lawfully done by making the record to speak what it was not intended to speak and what was not the truth of the situation, we simply encourage and put ourselves on record as furnishing opportunity to such expedients as this whenever the heat of partisan politics may require it and seem to justify it. We can not afford, Mr. President, to make a record of that sort here. I have never yet heard of a judgment rendered by mortal man, unless it was by some supreme autocrat, an emperor, which could not be assailed for fraud.

Mr. CHANDLER. Will the Senator pardon a question?

Mr. MORGAN. Certainly.

Mr. CHANDLER. He is usually very clear in his statements. I should like him to be specific as to whether he holds that the report and the decision in the Turpie case were erroneous or not, because there the attempt was to assail the decision of the Indiana legislature in two cases for fraud.

Mr. MORGAN. I have not looked at that case lately, but as the Senator puts his question to me, I feel an old impression creeping over me that I did not think it was right.

Mr. ELKINS. But you voted for it.

Mr. MORGAN. Nothing is right in the sight of the American people or the Senate of the United States which forms a technicality to hold the truth in chains. Nothing is right which foists a falsehood upon the Senate. Although it may be done under the strictest formalities of a record and under seal, it is not right. The Senate ought always to feel that it has the power to break away from the false device and fasten its judgment upon the solid foundation of truth. It ought always to feel that way.

Now, here was a situation in West Virginia that was anxious, aggravated do doubt by a great deal of controversy and perhaps quarrel and friction, and it got hold of the popular mind in such a form there as to produce very great alarm. The quotations in this report show that there was a state of profound alarm there in regard to the State organism, the government itself. Both parties were involved in it. The Democrats were turning out Republicans from the house; the Republicans were turning Democrats out of the senate. Nobody knew where it was going to end. There were declarations made that blood would flow in the streets of Charleston unless that thing would stop. I do not know who was going to shed it or who ought to have shed it; under the circumstances it does not make much difference.

That was the situation, and it was a very trying one, and a very dangerous one, too. There was a means thought of to compose that situation, and that means was by an indirect and false judgment upon the records of the two houses. Now, what was that judgment? It was that out of each house a member should be removed and another put in his place, and both should be prohibited from voting for the present. It was the intention of everybody, and everybody knew exactly what it was, that these were not honest challenges of votes; that they were not sincere; that they were not intended to be carried into execution; but the judgment was made up that way. The record spoke as if it was an honest contest and that those men were actually ousted from their seats by a vote of the senate and a vote of the house, when that was not the fact.

How did they bring it about? Five members, five Democrats in the house and five Republicans in the senate, made a written agreement that these contests should be postponed until after the election of a Senator, and that such and such men should vote and such and such men should not vote. In other words, it was firmly agreed that the weight of the political parties should be so adjusted on that occasion as that Mr. SCOTT would be certain to be elected, and as soon as that election was over the gag was to be removed and these men were to have the rights that belonged to them under the constitution of West Virginia and under the oaths that they had taken to represent those people. Here, then, was a suspension of the functions of government by that legislature making a false record by an agreement entered into between ten men.

But I am answered that the record was made; what right have you to say it was a false record? I say it, Mr. President, because not intended to be true; it was not intended to remain; it was not a record of what the legislature actually did or intended to do. It was a false statement of a proposition made as a makeshift to get over a difficulty that seemed at the time to be insuperable under other conditions; that was all.

Now, we have had an investigation here and a report has been made to the Senate informally. It has not yet been printed, I believe, in full. It has cost, as was remarked on the floor to-day, thousands, perhaps hundreds of thousands, of dollars, great public scandals and anxiety, and all that. Character has been handled about here without the slightest deference or pity, or mercy, or anything of that sort, pro and con, and the effort of the Senate has been to find out whether the legislature of Montana was corrupted. I do not know whether the report shows that it was or was not; I do not know whether the report shows that some individual was concerned in corrupting it or not, for I have not read it; I do not know. But I know that those are the issues presented in that case.

Here is the action of that legislature called in question. It does not make any difference about the action of the parties concerned. They might have done what they pleased and behaved never, never so badly, and yet, unless that bad action, that evil influence, is traced to and located in the judgment of the legislature of Montana so as to produce a corrupt result, of course no harm has been done to the State or the country, no matter how much its manners or its morals or its sensibilities may be wounded.

Here is the very same question presented, but in a different form. Instead of its coming here now in the form of seduction of bribery and money, it comes in the form of threat and force. Well, poor humanity is amenable to all of these things more or less; and we may sooner expect to see a community in its anxieties give way to the supremacy of a political party or its managers on account of force or the threat of force or of disasters which might be fatal or might greatly hurt the people than to see them give way to the acceptance of bribes.

But, Mr. President, the question is exactly the same in both cases. Did the legislature of Montana act contrary to the Constitution and the laws of the United States and the public policy of the people of the United States in electing a man under the influence of alleged bribery and corruption? There is the record all straight. But we go now into the character of the action itself, and whether we trace it directly or only inferentially or perhaps in a very remote way to the man who is alleged to have got the benefit of it and the certificate of election in Montana, yet there was a legislature corrupted by the use of money, performing an official act under the influence of that corruption which we set aside because it is fraudulent and wrong in every moral sense.

That is the whole story in the Montana case. What is the difference between that and the case in West Virginia except that money was not used in the latter, but artifice, influence, chicanery, all manner of bargaining, threats? All these things were used. The record shows it. Enough appears on the record here now to show it My colleague, in the mere analysis of the agreement itself, proved that there could be nothing else true of the whole business except that the legislature of West Virginia had yielded to a condition of affairs induced there by the ruling and leading politicians, which threatened the peace of that sovereign State.

Now then, can we not go into that record for the purpose of finding out whether that judgment spoke the truth, or whether it was influenced by these outside facts, some of which appear in the reports, and others of which are held back and not shown to us at all?

Mr. President, we can not afford to shut our eyes to this condition. The Senate can a great deal better wait for a few days and have this committee bring up the evidence here than it can afford now to shut the door of inquiry and say, we stand upon the record, when that record is challenged here solemnly, for fraud and wrong, in the Senate of the United States by the report of the minority, and also by an argument which seems to be justly based upon the facts presented on the face of the record.

Mr. MCCOMAS. Now, Mr. President, the majority in their report were accurate in their statement. The case was submitted upon the memorials, the journals of the two houses, and agreed statement of facts, which included this signed agreement which the Senator from Alabama has just discussed, and upon certain concessions of counsel at the hearing. Upon that the committee proceeded.

But before they proceeded the memorialists and their counsel were requested to make specific proffer of either fraud or intimidation in respect of any step in this election of a Senator by the joint assembly. This was never given, and the only matters which were suggested by counsel, who seemed powerless even to make a proffer of evidence, are the vague statements in these rambling ex parte depositions.

It must be said that the senior Senator from Alabama [Mr. MORGAN] is quite wise when he says that he has simply skimmed over the face of the matter, because with his habit of thought, if he had searched these depositions and then found that the persons failed to make a proffer of the fraud or intimidation, he would say it would have been unworthy of the Senate that this committee should have wasted public time without some more significant evidence.

The only surprise and the only qualification I make is that if the able and distinguished colleague of the Senator from Alabama had not differed from the rest of the committee, I should have felt that he on this matter would have said it would have been a waste of public time to investigate such vague statements.

It will not do to call these ex parte depositions taken by Mr. McGraw parts of this record. It required the great ability and

the earnestness of the junior Senator from Alabama [Mr. PETTUS] to make these matters appear serious.

He is sincere about them; he is earnest about them; but when we look over these affidavits again and find how little there is, my great puzzle is that the honored Senator from Alabama—the colleague of the Senator who last addressed the Senate—should have given so much importance to them; and I am confirmed in my impression when I find that seven Senators on the committee concur with me in that judgment. That we did investigate fully, thoroughly, leaving nothing uninquired into which was worthy to investigate, and having done so, upon the undisputed facts, we found the resolution in favor of the election of the junior Senator from West Virginia.

Mr. MORGAN. The Committee on Privileges and Elections, like every other committee of the Senate, is not a judicial body. It does not pass any final judgment at all. It is the report of an investigation, and they have not any right to pass any final judgment except to express their opinions; and we are very gratified that they are usually so able and so well grounded. This is like a case sent by a chancellor down to a master to investigate the facts and make a report and proof. That master does not undertake to say to the chancellor, "I would not send up certain proof here before your honor for the reason that I had the right to decide this case myself, and my judgment is that that evidence which was offered by this plaintiff in the case down here was very improper, very irrelevant, and therefore I would not send it up."

Now, that party had the right to have all that evidence brought up to the court. This is the court. This court has not heard any of those depositions. This court does not know whether that is shown in those papers. The committee have cut them off, and insist peremptorily that their judgment upon that proposition shall be final and conclusive, conclusive against this court and conclusive against the party. That is the situation exactly. How can we do that?

The Senator evidently finds a very strong analogy between this and a trial of a cause in a court. He does not choose a certain bill of exceptions which contains a certain statement of fact because it is entirely irrelevant in his judgment or it might not have been offered in due form or there might have been a stipulation of counsel. Now, Mr. President, I want to object right here to the counsel before the Committee on Privileges and Elections or any other committee in this body having the right by a stipulation to cut the Senate off from an investigation of the facts in the case. We have got no counsel here that I know anything about. We have got no licensed and authorized advisers of our committees, authorized by law to go there and pronounce opinions like a judge-advocate in a court-martial. We have not anything like that. When counsel are admitted, they are all mere representatives, the mouthpieces of the parties who choose to employ them, and they get the permission of the committee to go there. But, sir, they have not any right to undertake by a stipulation to put certain facts in the case or keep certain facts out of the case, where those facts are questioned or where the absence of those facts is thought to be a matter of some importance by those concerned in the case. And I object to that.

I noticed that part of the report about the stipulations of counsel; I heard the remarks of the honorable Senator from Maryland upon them. They would have been very apt, indeed, in a court of nisi prius, perhaps, or in an appellate court; but this is a court, Mr. President, of first instance; this is a court which tries this case from the bottom up. We have got a right to have every fact that any Senator thinks is material to this case that was offered to the committee or was in the reach of that committee, or which may be brought before this body for consideration. That is all I have got to say about it.

Mr. MCCOMAS. Now, Mr. President, if there be no further remarks, I ask for a vote upon the amendment and the resolution.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). The question is on the motion made by the Senator from Alabama [Mr. PETTUS].

Mr. ALLEN. Let it be stated.

The PRESIDING OFFICER. The motion of the Senator from Alabama is to recommit the resolution to the committee with instructions, which will be read.

The Secretary read as follows:

That the resolution and report be recommitted to the Committee on Privileges and Elections, with instructions to investigate the case fully by all such legal evidence as may be presented to them.

Mr. BACON. Mr. President, I merely wish to say a word. I would not be willing by any vote of mine to appear to be put in the position of closing the door to any proper investigation, and therefore I want to state the reason which will influence me in my vote.

I understand the proposition of the majority of the committee, as stated by the Senator from Maryland [Mr. MCCOMAS] and the Senator from Alabama [Mr. PETTUS], to be this: That if all the charges with reference to the various individual legislators in the legislature of West Virginia are true, the committee enters a demurrer that, if true, they are not matters which can affect the judgment of the Senate, for the reason that they are matters within the control of the West Virginia legislature; not matters to be determined by the Senate. I ask the Senator from Tennessee if I am correct in that statement?

Mr. TURLEY. Mr. President——

Mr. MCCOMAS. Will the Senator allow me?

Mr. BACON. If the Senator from Maryland will answer, it will be satisfactory.

Mr. MCCOMAS. Mr. President, if the Senator from Georgia so understood me, then I did not understand myself. I do not think that what he says is accurate or correct. We heard every bit of matter that appeared to be appropriate. We simply held that as to the senate and house of delegates of West Virginia, they having jurisdiction in respect to the election of their own members, their final action was conclusive and not reviewable by this Senate; and in respect of vague suggestions of wrongdoing by A or B, we asked that counsel should proffer something which would be proved by somebody, and counsel failed to make any proffer of any evidence they might offer to sustain this statement; and when they were not clear, distinct, and specific, when they declined to make any proffer whatever, the committee, with almost unanimity, said there was nothing to investigate in respect to those matters.

Mr. BACON. Well, Mr. President, I possibly understood the Senator from Maryland better than he understood me. It may be that I was not felicitous in my expression. Of course I understood that there were other matters than the simple one involved in the question relating to the exclusive jurisdiction of the legislature of West Virginia.

Mr. MCCOMAS. For instance, if the Senator will allow me——

Mr. BACON. I hope the Senator will pardon me for a moment in order that I may complete my statement.

I understood from the Senator from Maryland, both in his argument and in his now repeated statement, that there were matters which the committee did not deem to be proper that the Senate should go into, which related to questions within the exclusive jurisdiction of the legislature of West Virginia; and that, therefore, they did not go further into those investigations, because such investigations would be profitless. If they were matters within the exclusive jurisdiction of the legislature of West Virginia, for instance, the question as to whether or not a legislator who had accepted a commission in the Army—that question having been passed upon by the legislature of West Virginia—I understood the committee to take the position that that was a question which could not now be again passed upon by the Senate of the United States.

Mr. MCCOMAS. That is true.

Mr. BACON. I use that simply by way of illustration. The same principle, as I understand, was applied to all other questions which were raised as to the competency of a legislator to vote where that question had been passed upon by the legislature of West Virgina. If I am correct in my understanding of the Senator's statement in that regard, I am very free to say as a proposition of law I believe it to be sound.

I only rose for the purpose of freeing myself from the slightest possible imputation of any design or wish to shut off any proper investigation. In other words, according to the report made by the committee, as I have read it, I understand the proposition to be one of sound law—that these matters having been so decided, further investigation can not possibly be justified.

I only make this statement because I believe in the utmost latitude of investigation. It is my understanding that the legal propositions involved have been stated by the Senator from Tennessee [Mr. TURLEY] and the Senator from Maryland [Mr. MCCOMAS], and so I shall vote against the amendment offered by the Senator from Alabama [Mr. PETTUS].

Mr. CHANDLER. Mr. President, there should not be any mistake in the minds of Senators about what took place before the committee. The counsel were notified to be present. The chairman stated:

The committee is now ready to proceed. There are sundry papers before the committee which I will read. On the 14th of December both sides entered into the following agreement.

That agreement was stated. Everything that was before the committee was stated in the presence of the counsel before they began their argument. This statement was then made:

The committee has not taken any action whatever in the face of these various papers. The object to-day is to hear freely argued the merits of the respective sides, and if after such argument the committee deem it necessary to justice and a proper investigation to take testimony, it will so decide.

A further statement was made to counsel——

Mr. ALLEN. May I interrupt the Senator for a moment?

Mr. CHANDLER. Not until I read this sentence, and then I will yield to the Senator.

The chairman then stated:

Then, in arguing in an informal way the merits of this case (we will hear both sides on the merits of the case), you may state what testimony you think should be brought before the committee in addition to what is now before us.

Full argument was made on those conditions; and after argument had been fully heard and the counsel had stated everything which they knew or imagined by any possibility could be proven to the committee, the committee concluded to make no further investigation, but to decide the case, as they have decided it, with one dissenting voice, upon the testimony which was then before the committee.

Now, I should be glad to answer any question the Senator from Nebraska may wish to put.

Mr. ALLEN. I wish to submit an observation in my own time.

Mr. CHANDLER. Then the Senator does not wish to ask me any question?

Mr. ALLEN. When the Senator is through.

Mr. CHANDLER. I thought the Senator wanted to ask me a question.

Mr. ALLEN. I have changed my mind.

Mr. CHANDLER. It is a judicious mind that the Senator employs.

Mr. ALLEN. The question which I desired to put to the Senator from New Hampshire—I was satisfied he was well prepared to answer it—was this: Is it conceded that the legislature from which the sitting member received a certificate was the de jure legislature of that State? Is that a conceded fact?

Mr. CHANDLER. There is no dispute about that.

Mr. ALLEN. If there is no dispute about that, then that ought to settle the question, Mr. President. There ought to be no running off into the brush and talking about affidavits and small technicalities and irregularities, because if that was the de jure legislature or even the de facto legislature of that State; if it was not a revolutionary body or an illegal body, then whatever that organization did in respect of the election of a Senator of the United States is conclusive upon this body, and I do not see how there can be any dispute about it.

Of course, Mr. President, the line of demarcation ought to be plain, and I think it is plain. If the de jure legislature had been overthrown, entirely driven out, for instance, at the point of the bayonet, or by violence, or completely overcome by fraud and destroyed, and a revolutionary body had been instituted in its place, which had elected a person who came here bearing the certificate of the governor, I think clearly the Senate of the United States would have the power to, and ought to, inquire into and to determine that question. But when his title comes through the de jure legislature, however irregular its proceeding may have been, and the governor certifies to his election, that question is solely within the jurisdiction of the State, and concludes the Senate of the United States.

The question of the right of the Senate to pass upon the election and qualifications of a Senator does not carry with it the right to go into all the minor details of regularity or irregularity. The qualifications which a Senator must have to permit him to occupy a seat in this body are the qualifications prescribed by the Constitution, and no others. All other qualifications—whether he has the ability, whether he has the character or the standing to represent a particular State in the Senate of the United States—are exclusively within the jurisdiction of the legislature of that State: but that he must have the requisite age, that he must have the other constitutional requirements, is within the jurisdiction of the Senate of the United States; and I have assumed all the way through, and I am going to vote upon that supposition, that the occupant of the seat from West Virginia comes here by virtue of the election of the de jure legislature of that State, properly certified by the governor.

Mr. TELLER. Mr. President, this case is on all fours with the case that was decided in 1888 from Indiana. There is scarcely any difference in the legal status of the two cases. In this case the senate of West Virginia was Republican, and in the Indiana case it was Democratic. The house in the Indiana case was Republican and in the West Virginia case it was Democratic. Each house did practically what has been done in this case. The Democratic senate removed a Republican and put a Democrat in his place, and the Republican house removed a Democratic member and put a Republican in his place.

The Senate committee then held, and the Senate indorsed it, that the position taken just a moment ago by the Senator from Nebraska [Mr. ALLEN] was the correct one. There was a legislature of the State of Indiana and there was a controversy in respect to the speakership of one of the bodies. That, however, clearly did not affect the contest. It was held then by the Senate that there had been a valid election. It was so held, as I understand, upon the ground that it was not a de facto but a de jure legislature; that it was a legal legislature when it convened. Both bodies exercised the constitutional right to determine who were members. It was claimed that the members of each body in exercising that right had gone beyond what they should have done. It was then decided, I think by a very large majority, that that was not a matter for the investigation of the Senate of the United States.

Of course, Mr. President, I distinguish between a case of that kind and the one which has been suggested here of revolution. There may be a case, as the committee have said, where it would be very proper for us to go into an examination, but that would be done on the theory, as I understand it, that there was really not any legislature at all. A regular legal, constitutional legislative body can not destroy—at least we can not assume that it can not destroy—its character by the exercise, even if it makes a mistake, of a function that can not be questioned which is submitted to it by the constitution of the State and by the general law governing legislative bodies in this country; nor, as the Senator from Maine [Mr. HALE] suggested to me, by bad behavior.

The legislature may do what we condemn, what we think is not good administration; but at the same time that does not justify this Senate in assuming the functions that the constitution of West Virginia or the constitution of any other State has left with the legislative body of the State.

I do not see, Mr. President, if all that has been said here by the junior Senator from Alabama [Mr. PETTUS] were true, how we can resolve ourselves into a body to determine what has been determined by the house and the senate of West Virginia, upon the theory that they were mistaken in their finding, or that they were not fair in their finding. So long as the conditions existing there left a legal legislative body capable of electing a Senator, and, as the Senator from Wisconsin [Mr. SPOONER] suggests, having jurisdiction to decide all these controversies—and they have decided them—there is no provision made anywhere for an appeal from that finding, whether it was right or not.

It seems to me that this case has been determined not only by the decision in the Turpie case and by the decisions in several other cases, but it must be determined upon the general principle that we are not authorized by the Constitution to make this inquiry. Therefore, if this resolution should be sent back to the committee, it seems to me that we would not be justified in subpœnaing witnesses and going into a further examination of this case.

The PRESIDENT pro tempore. Is the Senate ready for the question?

Mr. PETTUS. Mr. President, I hope it will not be insisted on that the vote shall be taken to-night. There are other Senators who desire to discuss the question.

Mr. MCCOMAS. I suggest to the Senator from Alabama that the hour is early and the Senate is quite full. Senators are here. We ought to have a vote this evening; it seems to me, and I trust the Senator will not object.

Mr. PETTUS. Is it your purpose to cut off further debate?

Mr. MCCOMAS. Of course not. If the Senator from Alabama desires further debate on his part, I do not ask for a vote.

Mr. PETTUS. Certainly I expect to reply to some of the things which have been said about this case.

Mr. MCCOMAS. I had hoped that we might get a vote this evening.

Mr. PETTUS. I did not suppose you would try this case just like you would an action——

Mr. CHANDLER. If the Senator from Alabama wants to debate the question further and is not ready to go on now, although it is not late in the afternoon, we can let this subject go over until to-morrow and do some other business.

Mr. LODGE. There is a bill assigned for to-morrow.

Mr. CHANDLER. Perhaps we might agree upon some time to-morrow when we may take the vote. I ask that the vote may be taken on this resolution to-morrow at 3 o'clock.

Mr. PETTUS. I will object to that. Why this indecent haste about this case?

Mr. CHANDLER. Will the Senator name a time when he thinks we can agree to vote upon this case?

Mr. PETTUS. No; I will not, because I do not know what Senators desire to speak.

Mr. CHANDLER. The Senator objects, does he?

Mr. PETTUS. I do.

Mr. JONES of Arkansas. I suggest to the Senator from New Hampshire that it is unusual, not to say extraordinary, to refuse to extend the usual courtesy to the Senator from Alabama, who has made a request. It seems to me there ought to be no conditions about it.

Mr. CHANDLER. If the Senator from Arkansas will allow me, in the first place, I extended the courtesy; secondly, I made no condition; and thirdly, I asked unanimous consent, when the Senator from Alabama said it was indecent haste to ask for unanimous consent. The Senator from Arkansas knows very well that it is not.

Mr. JONES of Arkansas. If the Senator from New Hampshire has agreed that the case may go over on the request of the Senator from Alabama, of course that settles it.

The PRESIDENT pro tempore. Is there any objection to the case going over until to-morrow? The Chair hears none, and it is not now before the Senate.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I ask the Senate to now proceed to the consideration of Senate bill 3419, known as the Alaskan bill.

Mr. CLAY. Will the Senator from Montana yield to me that I may ask to have a bill taken up that will not lead to any debate? It can not possibly do so, I think.

Mr. CARTER. When the Alaskan bill shall have been taken up, I will yield to the Senator.

The PRESIDENT pro tempore. The question is on the request of the Senator from Montana that the Senate proceed to the consideration of what is known as the Alaskan bill. Is there objection? The Chair hears none, and the bill is before the Senate.

Mr. CLAY. I ask the Senator from Montana to now yield to me.

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Georgia?

Mr. CARTER. I yield to the Senator.

BRIDGES OVER OCMULGEE AND OCONEE RIVERS.

Mr. CLAY. I ask unanimous consent that the Senate proceed to the consideration of House bill 10097.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent for the present consideration of a bill which will be read in full for the information of the Senate.

The Secretary read the bill (H. R. 10097) to authorize the Atlantic and Gulf Short Line Railroad Company to build, construct, and maintain railway bridges across the Ocmulgee and Oconee rivers within the boundary lines of Irwin, Wilcox, Telfair, and Montgomery counties, in the State of Georgia; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. HAWLEY. The Senator from Montana [Mr. CARTER] has kindly yielded to me that I may change a notice heretofore given. I gave notice yesterday that I should ask the Senate to consider the Army appropriation bill to-morrow; but I have been so urged to put off its consideration that I have yielded, and now give notice that I shall call up the bill on Monday next.

FESTUS DICKINSON.

Mr. BATE. I ask permission of the Senator from Montana to call up House bill 2331. I am sure there will be no debate about it.

The PRESIDENT pro tempore. Does the Senator from Montana yield?

Mr. CARTER. I yield for the purpose of this bill.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent for the present consideration of a bill, which will be read in full for the information of the Senate.

The Secretary read the bill (H. R. 2331) granting an increase of pension to Festus Dickinson; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Festus Dickinson, late captain's clerk, United States Navy, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLOUR INSPECTION IN THE DISTRICT.

Mr. KENNEY. I ask unanimous consent for the present consideration of Senate bill 4048. It is a very short bill, and is to correct an obvious oversight in the act for the inspection of flour in the District of Columbia, which was approved December 21, 1898.

The PRESIDENT pro tempore. The Senator from Delaware asks unanimous consent for the present consideration of a bill, which will be read in full for the information of the Senate.

The Secretary read the bill (S. 4048) to amend an act regulating the inspection of flour in the District of Columbia, approved December 21, 1898; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to strike out the last clause of section 6 of the act entitled "An act regulating the inspection of flour in the District of Columbia," approved December 21, 1898, and to insert in lieu thereof the following:

And no barrel, half barrel, or sack of flour not examined and branded by the inspector as aforesaid shall be sold within the District under fine of $1 for each and every barrel, half barrel, or sack, to be collected as other fines and penalties are collected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OGDEN, UTAH.

Mr. RAWLINS. I ask unanimous consent to call up the bill (S. 4206) to provide for the purchase of a site and the erection of a public building thereon at Ogden, in the State of Utah.

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Utah?

Mr. CARTER. The Senator was so kind on yesterday afternoon that I feel constrained to yield to him now, with the notice that I hope it will terminate the requests for unanimous consent.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to acquire a site and cause to be erected thereon a suitable building for the use and accommodation of the United States court, post office, and other offices in the city of Ogden, in the State of Utah, at a cost of not exceeding $250,000.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 13, after the word "thereof," to strike out:

And the Secretary of the Treasury shall cause appropriate sketches, plans, drawings, and specifications and detailed estimates for the building to be prepared by the Supervising Architect of the Treasury Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

Mr. CARTER. Mr. President, I find that certain Senators who desire to address the Senate briefly with reference to the pending amendment to the Alaska bill are not prepared to proceed at this time.

Mr. RAWLINS. I desire to submit a few remarks on that question, if I am in order.

Mr. CARTER. Then my observations are not in order.

Mr. JONES of Arkansas. Will the Senator from Utah yield to me for a moment?

Mr. RAWLINS. I yield.

HOT SPRINGS MOUNTAIN RESERVATION.

Mr. JONES of Arkansas. I ask unanimous consent for the present consideration of the bill (S. 982) authorizing and directing the Secretary of the Interior to examine certain claims of persons who owned or occupied buildings on the Hot Springs Mountain Reservation, which had been condemned by the Hot Springs commission and afterwards burned, and to fix a reasonable value thereof, and making appropriation for the payment of said claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 2, section 2, line 19, after the word "administrators," to strike out "or assigns;" so as to make the section read:

SEC. 2. That a sum of money sufficient to pay for such investigation and the claims so ascertained and fixed by the Secretary of the Interior be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated; and the Secretary of the Interior is hereby authorized and directed to pay to such person or persons, claimants, their executors, administrators, the sum or sums of money equal to the values so as aforesaid found by him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WELLS C. M'COOL.

Mr. PROCTOR. I ask unanimous consent for the present consideration of the bill (S. 2788) for the relief of Wells C. McCool.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $542.50, the amount of the pay and allowances of Wells C. McCool as first lieutenant of Company I, Twenty ninth Iowa Volunteer Infantry, from December 1, 1862, to April 30, 1893, less any amount McCool may have received for pay or allowances for such period, to be paid by the proper officers of the United States to Wells C. McCool, his heirs, executors, administrators, or assignees.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I wish to state that several Senators who desire to speak upon the Alaska bill not being present at the moment when the bill was taken up, I will consent that the matter may go over until to-morrow. I wish at this time to have read to the Senate for its information certain resolutions passed by the Chamber of Commerce of the city of Seattle, which very forcefully set forth the necessity for very prompt action upon the Alaska bill.

In connection with this statement which will be read, I desire to advise Senators who may have any interest whatever in any pending amendment or prospective amendment that it is the earnest desire of all, I believe, finally to dispose of this bill in the

Senate to-morrow; and immediately on the conclusion of the routine morning business to-morrow I now give notice that I will ask unanimous consent to have the bill taken up and to continue its consideration until a vote can be reached upon the bill and amendments, which I hope will be accomplished to-morrow afternoon.

Mr. TELLER. I do not want the Senator to understand that we agree to vote to-morrow. I do not know what the debate may be. There are objectionable features proposed in this bill, and we reserve the right to continue the debate.

Mr. CARTER. The Senator's observation would apply to a request for unanimous consent, which was not preferred nor intended to be preferred, and is therefore inapplicable to the remarks I made.

Mr. TELLER. I have no desire to retard the passage of this bill beyond what is fair to get a proper bill. That is all.

Mr. COCKRELL. What is it the Senator from Montana asks now?

Mr. CARTER. I ask that the communication from the Chamber of Commerce of the city of Seattle may be read for the information of the Senate, whereupon I contemplate withdrawing the bill for the evening.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

To the chairmen and members of the Committees on Territories in the Senate and House of Representatives.

GENTLEMEN: It having come to the knowledge of the Seattle Chamber of Commerce that the so-called "Alaska civil code bill" may fail of passage because of the many other important measures to be considered, we would most respectfully and earnestly renew our appeal for the early passage of this bill. Each day but furnishes additional reasons why more courts and a code of civil procedure should be given that Territory at once. The property interests on the Yukon and Bering Sea, already very large, will be increased many millions within the next few months. Mining property and ships and shipping interests aggregating more than a million dollars in value are now in dispute, and under the present law the one court provided for the Territory can not hear these cases, and while the people of Alaska warmly welcome the soldiers being sent to them, they feel that it is not only foreign to the American policy, but equally unfair to the Army and to the citizen, to compel the former to act in a judicial capacity and settle property interests and titles to mining claims, as they will practically be compelled to do should the proposed legislation fail to become a law.

Recognizing the demands made upon your time by the needs of the newly acquired islands, we still assure you that their necessities are not greater than those of the people of Alaska. While there should be at least three courts now open for business in that Territory, the fact remains that there is not one. The late judge of that district having resigned and his resignation having been accepted by the President, to take effect on the 1st day of April, and his successor having not yet reached the Territory, there is to-day no means of enforcing a civil right in Alaska. And even upon the arrival of the recently appointed judge but little or no relief can be given the residents of the Yukon Valley and vicinity. We would therefore most earnestly urge upon you the necessity of the passage of the pending measure; and this should be at the earliest possible moment, to the end that the officers provided for may reach their respective posts with the great crowds now preparing to go to that country.

JOHN P. HOYT,
JOHN L. NEAGLE,
J. A. MOORE.

The foregoing was prepared by a committee of the Seattle Chamber of Commerce, and at a regular meeting of the body April 18, 1900, was approved and ordered sent to both Houses of Congress.

[SEAL.] THOS. W. PROSCH,
Secretary.

Mr. BATE. From whom is the communication?

The PRESIDENT pro tempore. From the Chamber of Commerce of Seattle.

Mr. BATE. Seattle, Wash., and not Alaska.

The PRESIDENT pro tempore. Seattle, Wash.

WESTERN JUDICIAL DISTRICT OF TENNESSEE.

Mr. TURLEY. I ask unanimous consent for the present consideration of the bill (S. 4129) to detach the county of Dyer from the eastern division of the western district of Tennessee and to attach the same to the western division of the western district of said State of Tennessee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to add as a new section the following:

SEC. 3. That this act shall take effect thirty days after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GREER COUNTY, TEX.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (S. 2582) to provide for the establishment of the intersection of the true one hundredth meridian with Red River, to ascertain the amount of taxes collected by the State of Texas in what was formerly known as Greer County and the expenditures made on account of said county by said State, and for other purposes. It has been favorably reported by the Committee on the Judiciary with an amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, in section 4, page 6, line 17, after the word "one," to insert:

And may receive and consider any testimony which he may consider to be pertinent to the subject of such inquiry.

So as to read:

He may also receive and consider any testimony taken by either party in said cause entitled The United States against The State of Texas, in the Supreme Court of the United States, reported in 162 United States, page 1, and may receive and consider any testimony which he may consider to be pertinent to the subject of such inquiry.

The amendment was agreed to.

Mr. HAWLEY. I and perhaps some others would be very much obliged to the Senator from Texas if he would give us some little explanation concerning what this measure is. We do not comprehend what it is.

Mr. CULBERSON. I will be very glad to do so.

I will state briefly that for many years there was a controversy between the State of Texas and the United States as to the ownership of what is known as Greer County, a county embracing about 1,500,000 acres of land on the eastern border of our State and now in the Territory of Oklahoma. The case was finally determined by the Supreme Court of the United States, in 1896, against the claim of the State of Texas, and in the opinion of the court, delivered by Mr. Justice Harlan, it is said that what claim the State had upon the United States for maintaining law and order in that county from 1860, when it was created into a county, down to 1896, when the decision was rendered, was a proper subject for the consideration of Congress.

While the duty was devolved upon the State of Texas to maintain law and order in that county, and courts were organized there, schoolhouses built, and a system of public education was instituted by the State of Texas, the courts of the United States, following the political department of the Government of the United States as to the claim of ownership, enjoined the collection of taxes in that county by the State of Texas; and consequently the State, while exercising the powers of a de facto government in the county, was compelled to pay out of its treasury the salaries of the judges, all the fees of office for executing the criminal laws in that county, and for maintaining a system of education in the county, without any return in taxation except small amounts voluntarily paid.

The object of this bill—not to take too much of the time of the Senate—is to have the Secretary of the Interior inquire into and ascertain certain facts, so that hereafter the Congress may consider and pass upon the question whether or not, under all the circumstances, the United States, in accounting with the State of Texas, should pay that State anything in the premises. The bill does not commit Congress to the payment of any money at all except $7,500 to make this inquiry, nor does it commit Congress to any declaration that the State of Texas is entitled to any sum of money from the United States.

The bill proposes to ascertain these facts by a commissioner, rather than impose this onerous duty upon any committee of Congress; and after full consideration by the Committee on the Judiciary the bill was reported favorably by the unanimous vote of that committee.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. HAWLEY. I will inquire whether this lays the foundation for a claim by the State of Texas?

Mr. CULBERSON. Certainly. It is to ascertain the facts in the case, so that Congress may consider the question and determine for itself——

Mr. HAWLEY. The question of refunding these expenditures by Texas?

Mr. CULBERSON. Certainly.

Mr. HAWLEY. From 1860 up?

Mr. CULBERSON. Really from 1886, when the county was organized. It was created as a county in 1860, but it was not organized as a county until 1886, so that it actually covers about ten years.

I will state to the Senator from Connecticut that the bill, if passed, does not commit Congress to anything. It simply provides a method of gathering and ascertaining the information which it is necessary for Congress to have in order to pass intelligently upon the proposition.

Mr. TELLER. I wish to ask the Senator from Texas if this opens the controversy as to where that line is, and whether Greer County is in Texas or in Oklahoma?

Mr. CULBERSON. Not at all.

Mr. TELLER. It does not raise that question?

Mr. CULBERSON. Not at all. The Supreme Court of the United States decided where the line ought to be under the treaty, but it did not, by its decree, fix the location of the line on the ground. This bill provides that the Secretary of the Interior shall

locate the line actually on the ground, but it is not intended to disturb the boundary line.

Mr. LODGE. I should like to ask whether there is any report from the committee on this bill?

The PRESIDENT pro tempore. There is no written report. The bill is reported from the Committee on the Judiciary.

Mr. LODGE. There is no written report at all from the committee on the bill? What member of the committee reported the bill?

The PRESIDENT pro tempore. It was reported by the Senator's colleague from the Committee on the Judiciary.

Mr. LODGE. Without any written report?

The PRESIDENT pro tempore. Without any written report.

Mr. LODGE. It seems to me this is a pretty important bill, opening a very large claim against the United States. I should like to hear something from the committee in regard to it if there is present a member of the committee who reported the bill.

Mr. TELLER. I have not looked at this bill, and I was not present when it was reported. I do not know whether it commits us to paying anything or whether it leaves it to Congress to determine whether it will pay. The Senator from Texas can tell us that.

Mr. CULLOM. He has stated that twice.

Mr. CULBERSON. I have already stated that it does not commit Congress to the payment of a cent to the State of Texas. It is simply a method, determined upon after full and careful consideration, to ascertain the facts which must be in the possession of the Congress before it can determine the question intelligently.

Mr. TELLER. I suppose, then, it will be still left to the Congress whether there is any equitable claim on the part of Texas on the Government of the United States?

Mr. CULBERSON. Yes, sir.

Mr. LODGE. Mr. President, this lays the foundation, as I understand it, for a claim which may be of very great magnitude. It seems to me we should hear something in regard to it from the committee which has had it under consideration.

Mr. BACON. I suggest to the Senator from Massachusetts that the claim can be made without the ascertainment of the facts sought to be ascertained; and if the claim is to be made, certainly Congress ought to be furnished with the most authentic information which it is practicable to obtain.

Mr. LODGE. It seems to me this authorizes an accounting which may open up a very large claim. I know nothing about it except what I have heard this afternoon, but it seems to me to be a pretty important bill to pass under a unanimous-consent request. We have no written report from the committee in regard to it, and no member of the committee apparently is present to explain it to the Senate. I think it had better lie over, Mr. President, until we can examine it.

The PRESIDENT pro tempore. Objection is made.

Mr. PETTUS. If the Senator from Massachusetts objects, I should like to be allowed to state that the Judiciary Committee examined the bill carefully for a considerable time.

One of the purposes of the bill is to locate on the ground the exact parallel. The Supreme Court fixed a parallel as a boundary, but it did not locate that parallel and had no means of doing it. This is to locate the parallel at that spot, and also to ascertain facts by which Congress might be able, if it saw fit, to do justice in the matter according to its judgment. That is about the whole of it. The committee was careful in its consideration. I supposed the Senator from Massachusetts had put in a written report, but I am informed that he did not.

Mr. LODGE. By whom was the bill reported from the Judiciary Committee?

The PRESIDENT pro tempore. By the Senator's colleague.

Mr. LODGE. I think it would be better to wait until the Senator who reported the bill comes here.

The PRESIDENT pro tempore. Does the Senator object?

Mr. LODGE. Yes; I object.

The PRESIDENT pro tempore. The bill goes over.

MARY E. M'DONALD.

Mr. MARTIN. I ask for the present consideration of the bill (S. 2584) for the relief of Mary E. McDonald.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Mary E. McDonald and Stephen C. Brown, owners of the McDonald hatching jar and McDonald universal hatching jar, $2,468.11 each, the same to be compensation in full for the use by the United States of all hatching jars invented by the late Marshall McDonald, and for all rights in jars now possessed by Mary E. McDonald and Stephen C. Brown, and for the right of the United States hereafter to use the patents on the jars.

It further proposes to pay to Mary E. McDonald, widow of Marshall McDonald, late Commissioner of Fisheries, $5,000, the same to be compensation in full for the use by the United States of the McDonald egg-transportation crate, the McDonald improved cod-hatching box, the McDonald hatching bucket, the McDonald trout can, and of all other inventions of Marshall McDonald, and for their transfer to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN L. SMITHMEYER AND PAUL J. PELZ.

Mr. STEWART. I ask unanimous consent to call up the bill (S. 186) for the relief of John L. Smithmeyer and Paul J. Pelz.

Mr. JONES of Arkansas. I do not think that bill ought to be passed without more mature consideration than it can have here at this time, and I object.

The PRESIDENT pro tempore. Objection is made.

Mr. STEWART. I appeal to the Senator from Arkansas to withdraw his objection.

Mr. JONES of Arkansas. Not now.

Mr. STEWART. Then I give notice that I shall call this bill up immediately after the morning hour on Tuesday next, I will say, so that there will be ample time. I will make the motion then to call it up. I should like to state that this is a meritorious bill and one that ought to be passed. Great injustice has been done in this case, as I can show in five minutes, if I am given the opportunity. I shall move to take up the bill next Tuesday.

BRIDGE ACROSS BAYOU BARTHOLOMEW, LOUISIANA.

Mr. McENERY. I ask the Senate to proceed to the consideration of the bill (H. R. 8952) to authorize the New Orleans and Northwestern Railway Company, its successors and assigns, to build and maintain a bridge across Bayou Bartholomew, in the State of Louisiana.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT GRAND FORKS, N. DAK.

Mr. HANSBROUGH. I ask the Senate to proceed to the consideration of the bill (S. 159) to provide for the erection of a public building in the city of Grand Forks, N. Dak.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 2, line 2, before the word "thousand," to strike out "two hundred and fifty" and insert "one hundred and eighty;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States courts and post-office and other Government offices, in the city of Grand Forks and State of North Dakota, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $180,000.

The amendment was agreed to.

The next amendment was to strike out from line 21, page 3, to line 2 on page 4, in the following words:

So much of said appropriation as may be necessary for the preparation of sketch plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISSUANCE OF BONDS IN TERRITORIES.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (S. 4075) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and so forth.

The Secretary read the bill.

Mr. BATE. That is a very important bill, sir, giving power to the Territories to issue bonds, and it has property qualifications to enable citizens to vote. I do not think the bill ought to be disposed of in this manner this evening.

The PRESIDENT pro tempore. The Senator from Tennessee objects.

Mr. BATE. I am sorry to do it.

Mr. SHOUP. Then I ask that it may go over without prejudice.

Mr. BATE. Oh, certainly.

The PRESIDENT pro tempore. It does go over without prejudice.

PREVENTION OF FOREST FIRES.

Mr. BARD. I ask unanimous consent for the present consideration of the bill (H. R. 8585) to amend an act entitled "An act to prevent forest fires on the public domain," approved February 24, 1897.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

It proposes to amend an act entitled "An act to prevent forest fires on the public domain," approved February 24, 1897, so as to read:

That any person who shall willfully or maliciously set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States having jurisdiction of the same shall be fined in a sum not more than $5,000 or be imprisoned for a term of not more than two years, or both.

SEC. 2. That any person who shall build a fire in or near any forest, timber, or other inflammable material upon the public domain shall, before leaving said fire, totally extinguish the same. Any person failing to do so shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States having jurisdiction of the same shall be fined in a sum not more than $1,000 or be imprisoned for a term of not more than one year, or both.

SEC. 3. That in all cases arising under this act the fines collected shall be paid into the public-school fund of the county in which the lands where the offense was committed are situated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIMMONS REEF AND LANSING SHOAL, LAKE MICHIGAN.

Mr. MCMILLAN. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 168) for change in location of aids to navigation on Simmons Reef and Lansing Shoal, in Lake Michigan. It will take only a moment. It is merely to change a light-ship and remove a floating light.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Light-House Board to remove the light-ship No. 55, now on Simmons Reef, in Lake Michigan, near the Straits of Mackinac, to Lansing Shoal, and provides that the gas buoy on Lansing Shoal shall be removed so as to take the place of the light-ship to be removed from Simmons Reef.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANSON MILLS.

Mr. COCKRELL obtained the floor.

Mr. BATE. Mr. President——

Mr. COCKRELL. I yield to the Senator from Tennessee.

Mr. BATE. I ask the Senate to proceed to the consideration of Senate joint resolution 104.

Mr. ALLISON. I move that the Senate do now adjourn.

Mr. BATE. I hope the joint resolution I have indicated will be considered.

Mr. LODGE. The Senator from Iowa has moved that the Senate adjourn.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Iowa that the Senate do now adjourn.

Mr. BATE. I hope the Senator will withdraw the motion for a moment.

Mr. ALLISON. For what purpose?

Mr. COCKRELL. I yielded to the Senator from Tennessee in order that he might secure the passage of a joint resolution, intending to move to adjourn after that had been considered.

Mr. ALLISON. Very well; I will withdraw the motion in order that the Senator from Tennessee may present his case, whatever it may be.

Mr. BATE. I ask unanimous consent for the consideration of the joint resolution I have named.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution (S. R. 104) to amend the joint resolution permitting Anson Mills, colonel of Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States, approved December 12, 1893.

Mr. CARTER. I move that the Senate do now adjourn.

Mr. BATE. I hope the Senator will allow the joint resolution to be passed.

Mr. HAWLEY. I hope it may be passed.

Mr. CARTER. I think the Senator from New Jersey [Mr. SEWELL] should be present when this joint resolution is considered.

Mr. HAWLEY. Has he any objection to it?

Mr. CARTER. I am not aware that he has any.

Mr. HAWLEY. It has been favorably reported by the Committee on Military Affairs.

Mr. BATE. The joint resolution has already been read, and it can be passed in a moment if there are no objections to it. If there are objections to it, I can explain the matter satisfactorily.

Mr. HAWLEY. This is a matter of entirely simple, straightforward justice.

The PRESIDENT pro tempore. Does the Senator from Montana withdraw his motion?

Mr. CARTER. I move that the Senate do now adjourn.

The PRESIDENT pro tempore. The question is on the motion. [Putting the question.] By the sound the noes have it, and the Senate refuses to adjourn.

Mr. BATE. Now I ask that the joint resolution may be considered.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. PLATT of Connecticut. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Culberson,	Martin,	Spooner,
Allison,	Cullom,	Nelson,	Stewart,
Bacon,	Frye,	Pettigrew,	Sullivan,
Bard,	Hawley,	Pettus,	Taliaferro,
Bate,	Jones, Ark.	Platt, Conn.	Teller,
Berry,	Kean,	Quarles,	Tillman,
Burrows,	Lodge,	Scott,	Turley,
Cockrell,	McEnery,	Simon,	Warren.

The PRESIDENT pro tempore. On the roll call 32 Senators have responded to their names. There is no quorum present.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 27, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 26, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union, for the further consideration of the Post-Office appropriation bill.

Mr. ROBINSON of Indiana. Will the gentleman yield to me for a moment before that motion is submitted, so as to present a request for unanimous consent, made at the suggestion of my colleague [Mr. BRICK] and other gentlemen, that ten days' leave be granted to print remarks in the RECORD on the subject of rural free delivery?

The SPEAKER. Does the gentleman refer to those who took part in the discussion of the bill only?

Mr. ROBINSON of Indiana. No, Mr. Speaker, I refer to all gentlemen who may desire to exercise that privilege.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The motion of Mr. LOUD was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. DALZELL in the chair).

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the Post-Office appropriation bill, and the Clerk will proceed with the reading of the bill.

Mr. TAWNEY. Mr. Chairman, before that I wish to submit a request. In the course of my remarks on yesterday I had occasion to refer to several statements furnished me by the Post-Office Department. I now ask unanimous consent that I may be permitted to incorporate such statements in my remarks, and also to extend the remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. TAWNEY. Before proceeding with the next paragraph of the bill I have an amendment to the one now under consideration, on page 16. In lines 14 to 17, inclusive, I desire to submit an amendment in the following works: Strike out the words "seven hundred and forty-eight," and also the letter "b" at the end of line 14; and in lines 15 and 16 strike out "four hundred and seventy-nine," and also the words "at $1,300 each," and insert "twelve hundred and twenty-seven;" so that the total number in that class shall have their salaries increased to $1,400 a year.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Minnesota.

The Clerk read as follows:

Strike out "seven hundred and forty-eight" and insert "twelve hundred and twenty-seven;" so that it will read "1,227 clerks, class 5." Also strike out "b" at the end of line 14.

Mr. TAWNEY. Mr. Chairman this amendment is one which I think the chairman of the Committee on the Post-Office and

Post-Roads will not seriously object to. One thousand four hundred dollars is the maximum salary allowed by law to railway postal clerks of class 5. By the provisions of this bill we increase the salary of 748 of these clerks to the maximum, allowing the remainder, 479, to receive only the same salary they have been receiving heretofore, and I have as yet been unable to hear from the chairman of the committee or any other member of the committee any reason why there should be any discrimination between the railway postal clerks of the same class.

I can not understand why the chairman of the committee proposes this discrimination. It is certainly not in the interest of the efficiency of the service to require men of the same class to work at a different rate of compensation. The tendency will be to demoralize the service where you require the same duties of men and then discriminate against one portion of the men of that class and in favor of another portion by giving them $1,400 and requiring the remaining portion of that class to work at $1,300. That is certainly a discrimination that, in my judgment, would lead to inefficiency, rather than to efficiency, and would naturally tend to injure the service. I therefore hope the amendment will be adopted, increasing the salaries of all the men of class 5 to $1,400.

Mr. LOUD. Mr. Speaker, I outlined yesterday about as fully as I could the reasons why an amendment of this kind should not prevail. Of course if this amendment prevails, the gentleman proposes, I suppose, to offer the same amendment to class 4. I hope, Mr. Chairman, that I may have the attention of the committee. This is a matter of vital importance. The gentleman says that these men are all performing the same kind of service. That is not true. While there are very near this number now in what is called class 5, except, perhaps, 150 of them, yet gentlemen can readily see they can not be performing the same character of service, because we have not as many full railway postal cars as the gentleman proposes in the number here, and the gentleman must remember that on many trains there are four postal cars; and it will be found there are not to exceed 748, the number which your committee have recommended after a most careful investigation.

There are not to exceed 748 who have charge of cars on trains, and this segregation was made here on an equitable basis. The General Superintendent took the hardest runs—took all of the night runs and all of the long runs. He said, as any man must see, that this is a service far superior to that performed by the other 400, which the gentleman proposes to raise to $1,400.

Mr. LIVINGSTON. Will the gentleman allow me one question for information?

Mr. LOUD. Certainly.

Mr. LIVINGSTON. Then, I understand, you have provided for those who have charge of cars, and the helpers the gentleman proposes to provide for. Is that the distinction?

Mr. LOUD. That is what the gentleman substantially proposes. He proposes not alone that the men in charge of the cars receive the maximum salary, but some men in the same car, as helpers, as you may call them. The Post-Office Committee gave this question——

Mr. TAWNEY. I do not think the gentleman will insist that it is proposed to raise the salaries of helpers to $1,400. I will ask the gentleman this question: Is it your understanding, or do you wish the House to understand, that all the men in those night runs are of class 5?

Mr. LOUD. No; not all the men.

Mr. TAWNEY. Well.

Mr. LOUD. All in charge of cars are.

Mr. TAWNEY. All in charge of cars; yes.

Mr. LOUD. But there are other men working there in these cars who are of class 5.

Mr. TAWNEY. Well, does the gentleman propose to put them all on the same plane?

Mr. LOUD. Men in charge of cars receive the same salary.

Mr. TAWNEY. All of a class are supposed to be put on the same plane?

Mr. LOUD. The gentleman forgets that he does not take alone class 5, but his amendment will add a great many to it. Take the run from New York to Pittsburg, where there are four cars on one of its trains. On the run from New York to Buffalo there are four cars on one of its trains; and you will find on these two runs alone more than forty cars are on this one line.

Mr. TAWNEY. Will the gentleman answer this question: How many are there in class 5?

Mr. LOUD. I can not give you the exact number now.

Mr. TAWNEY. Twelve hundred and twenty-seven.

Mr. LOUD. Oh, no. The gentleman is mistaken about that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. There are, according to the report of the General Superintendent.

Mr. LIVINGSTON. There are 1,040 of these clerks.

Mr. BROMWELL. I ask unanimous consent that the time of the gentleman from California be extended for ten minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the time of the gentleman from California be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LIVINGSTON. I hope that conversation on the floor may cease, so that we can hear.

Mr. LOUD. Mr. Chairman, I want to say now that I will not take the ten minutes if not interrupted. I want to say that the most careful segregation has been made here, and that if the amendment of the gentleman from Minnesota shall prevail the effect of it will be to not alone put men who are in charge of cars at a salary of $1,400, but put men who might be termed helpers in that car at the same salary; and the same rule will apply to class 4, if the amendment be offered.

I know, Mr. Chairman, what the effort is to increase the salaries of these clerks. I have in my hand a postal card which might divulge, perhaps, the methods which have been practiced during the last few days; and I hope I may have the attention of the committee while I read it:

A letter from Mr. TAWNEY—

I suppose he refers to the gentleman from Minnesota—

just received, states that he desires every railway postal clerk to at once write or wire his member of Congress in substance as follows:

"Provision in Post-Office appropriation bill for railway postal clerks is not satisfactory, as nearly all of the increase of salary goes to the office force. Substitute H. R. 2 for this provision."

He also states:

I called on Captain White—

General Superintendent of the Railway Mail Service, evidently according to the gentleman's correspondence in league with him; an official receiving $3,500 a year in league with the gentleman from Minnesota to defeat this appropriation bill and increase the salary of the postal clerks.

I called on Captain White, and he informs me that neither Mr. LOUD nor any member of the committee consulted him or the Department in regard to the provisions of the bill, either before or since it was reported to the House.

That is false.

He states that Captain White is assisting him—

I suppose he refers to the gentleman from Minnesota—

in putting our bill in shape to be offered as a substitute for the Loud measure at the proper time. This information, it seems to me, should settle the matter as to the Department being back of the Loud measure. Now, let us stand together, for the Department is standing by their recommendation of H. R. 2; then why should we desert our own cause?

Circulate this information among the boys as much as possible and see to it that they act promptly, as Mr. TAWNEY says the bill is liable to come up at any day.

Now, Mr. Chairman, I hope that I may not be forced at this time to go into this whole proposition that is now confronting Congress. This is but a part of a scheme, and I say I hope, I plead with the gentleman from Minnesota, with the information in my possession, I hope he will not force me here to present to this House the form of concerted attack that is being made upon Congress to-day, and I plead with the gentleman to desist here.

The Committee on Post-Offices and Post-Roads have given this matter most careful consideration. The General Superintendent of the Railway Mail Service did make this segregation. While he did not make it of his own free will, he did make it at the suggestion of the committee, but he did say that this segregation was fair, that the men we proposed to pay $1,400 a year on this bill were performing a great deal more service than those that remained at $1,300, and so those relating to class 4.

This House is upon the very threshold of this proposition. Pass this amendment and you must pass other bills. Pass this amendment and you will have an opportunity to increase the Post-Office appropriation bill fully $15,000,000 this year. Now, I plead and beg this House to stop right where we are.

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. LOUD. Yes.

Mr. MAHON. This classification of salary in your bill is satisfactory to the Post-Office Department in charge of this matter?

Mr. LOUD. I might say yes, and I might say no. There is a great deal of conversation that has passed between the Post-Office Department and myself. I know that the General Superintendent of the Railway Mail Service wants these men to receive more salary than the gentleman proposes, but I know that the Postmaster-General wants this matter to stop where it is.

Mr. TAWNEY. I will ask the gentleman if it is not a fact that the Postmaster-General recommended the reclassification which was offered yesterday?

Mr. LOUD. The Postmaster-General, in a perfunctory way, without understanding the question, did indorse the report of the Second Assistant Postmaster-General. When I called the attention of the Postmaster-General—and I did contemplate even going beyond him—when I called his attention to the position taken by his assistant he was paralyzed to learn the condition existing, and he said that so far as it lay in his power he would stop it.

Mr. TAWNEY. Mr. Chairman, I am unable to understand how the gentleman from California [Mr. LOUD] construes the amendment I have offered so as to claim the result to be as he says it will be. He knows as well as any other man who has ever read the reclassification of 1881 that class 5, authorized by that reclassification, expressly provides that all employees in the railway postal service in that class should receive $1,400, and that that is their maximum salary. Owing, as I said yesterday, to the fact that there was a deficiency in the appropriation bill some years ago, the men in this class received only $1,300 one year, and their salary has never been restored from that time until now.

Now the gentleman from California comes in here with a proposition that restores the salary of only 748, leaving the remaining 429 to continue their service at the $1,300 rate.

If a part of that class is entitled to $1,400, then all of them are entitled to it. The law creating the class provides that the men of that class may receive $1,400 per annum, and why should a portion of them receive it and not all of them? That is a question the chairman of the committee has never answered and can not answer.

There can be no objections to it whatever, and I say that it is unjust for this House to discriminate in favor of 784 men of that class and against 479 men of the same class. These helpers who work in the cars are not in that class, as claimed by the chairman. It is only those who are in class 5 who receive the benefit of the maximum salary which the law allows these men, and not helpers. He knows better than any man that helpers are not in this class.

Mr. FITZGERALD of Massachusetts. Will the gentleman allow me a question?

Mr. TAWNEY. Yes, sir.

Mr. FITZGERALD of Massachusetts. I would like to ask the gentleman wherein the duties performed by men who are allowed $1,400 a year differ from those performed by the men who receive $1,300 a year? Is there any difference?

Mr. TAWNEY. The subdivision which was made by the chairman of the Committee on the Post-Office and Post-Roads was made on the assumption that the man who works on a night run is entitled to more compensation than the man who works on a day run. That is the only basis for that subdivision. Yet the gentleman knows that the man who gets up at 1 o'clock in the night to go upon his run is classed as a day man.

The distinguished chairman of the Committee on Post-Office and Post-Roads has seen fit to read a postal card. The author of the card I do not know; and I do not know that he has given his name. But he speaks of what I said in a letter to a friend of mine in the railway postal service, suggesting to him what the men in that service could do in order to secure consideration of the proposition which they have asked for and which the Department has recommended for the past six years.

I do not deny that I made the suggestion. I made it only as a friend of those who have never yet been able to receive any consideration whatever at the hands of the chairman of the Committee on the Post-Office and Post-Roads. I did so because I believe they are entitled not only to consideration, but that they are entitled to the reclassification they ask and which all of their superiors, including the Postmaster-General, recommend.

[Here the hammer fell.]

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I certainly hope that the amendment offered by the gentleman from Minnesota [Mr. TAWNEY] will prevail. I think the last statement he has made ought to clear the atmosphere sufficiently to show the members of the House the justice and equity of the amendment. As I understand, the amendment calls for an increase of $100 per annum for each of 479 men, which would involve an additional expenditure of $47,900—not the fabulous amount which the chairman of the Post-Office Committee said only a few moments ago would be the result.

I think it is admitted that these men all do the same character of work except that those who receive $1,400 a year work at night, while those who receive $1,300 a year are employed in the daytime. But, as was stated by the gentleman from Minnesota a few minutes ago, if these clerks start to work after 1 o'clock in the morning they are called day clerks and are allowed only $1,300 a year.

It may not have been made evident to members of the House that the increase to those who work at night is made by the present bill reported by the committee; and why any discrimination should be made between men doing the same character of work and who have been in the employ of the Government the same number of years and who are equally efficient as indicated by the fact that they are all put in class 1, merely because one class work at night and the other day, is more than I can understand.

I cheerfully commend and indorse the position taken by the gentleman from Minnesota, which has been complained of by the gentleman from California, in undertaking to see that the railway mail clerks in the different sections of the country called the attention of members of Congress to this condition of affairs and to the fact that certain classes of clerks are being favored at the expense of others.

It seems to me, as I have stated before, that some remedy ought to be had; and even if it does call for an appropriation—not as large by any means, I think, as the amount stated by the chairman of the committee—I believe we ought to make a start in increasing the pay of the employees in the various branches of the Post-Office Department.

It is admitted, but I have never seen the question brought before the House by the committee who investigated the matter, that the Government is paying millions of dollars more than the service is worth to the railroad corporations for mail transportation. If the money thus unfairly and unjustly paid to railroad corporations for the carriage of the mails were devoted to the proper increase of the salaries of the post-office clerks, and the railway mail clerks, and the letter carriers, we would not have any talk about a deficit in the revenues of the Post-Office Department or any scandal regarding the amounts paid railroad corporations.

Your deficit arises from the fact that you are paying exorbitant rates to railroad companies, while you pay insufficient wages to the men who work for the Government in the post offices and on the railway cars and as distributing carriers throughout the different cities and towns and villages of our country.

When the railway mail clerk enters upon his duty on the train every day, he does not know that he will ever return to his home alive. He risks his life every time he puts himself into that railway car to do the business of the Government. Statistics prove that the death rate among this class of employees is greater than in the Army, except when engaged in regular warfare. The man who enters the Government service as an employee in the railway mail post-office work takes a risk just the same as the man who shoulders his musket and goes forth to defend his country's flag.

The life is one of constant danger and peril, and the Government should be willing to give these men equitable salaries. The bill known as H. R. 2 is, in my judgment, the measure which we should consider at this time. This bill adjudicated the salaries of all classes of railway mail clerks and is a just and proper measure.

Inasmuch as this bill was ruled out on a point of order, I am heartily in favor of this present proposition increasing the salaries of all clerks in the first class to $1,400, which proposition, if it meets the approval of the House, will eventually prove beneficial to all the clerks in the lower grades. In conclusion, let me say, Mr. Chairman, if we are honest and not hypocrites, reduce the amounts paid to the railroads to a reasonable basis and pay the amounts thus saved in a just increase in the salaries of all underpaid employees of the Post-Office Department.

The question being taken on the amendment of Mr. TAWNEY, it was agreed to, there being on a division (called for by Mr. SHATTUC)—ayes 83, noes 32.

The Clerk read as follows:

For actual and necessary expenses of General Superintendent, assistant general superintendent, chief clerk office General Superintendent, division superintendents, assistant division superintendent, chief clerks, and railway postal clerks, while actually traveling on business of the Department and away from their several designated headquarters, $40,000.

Mr. LOUD. Mr. Chairman, on page 17 of the bill, in line 10, I move, after the word "superintendent," to add the letter "s;" so that it will read "division superintendents."

The amendment was agreed to.

The Clerk read as follows:

In all, for Railway Mail Service, $9,761,300.

Mr. LOUD. Mr. Chairman, I ask that the total amount carried by these various items be corrected. We have made an amendment which changes the provision somewhat. I will prepare it and hand it to the Clerk.

The CHAIRMAN. The Clerk will make the necessary changes or corrections in conformity with the action of the committee, if there be no objection.

There was no objection.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For necessary and special facilities on trunk lines from New York and Washington to Atlanta and New Orleans, $171,238.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., $25,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. MOON. Mr. Chairman, I believe that the item in the bill which has just been read is one of the items where by agreement two hours were to be allowed for debate—one hour on each side?

The CHAIRMAN. The gentleman is correct in that.

Mr. UNDERWOOD. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. UNDERWOOD. The item in the bill on page 18, beginning

with line 3 and ending with line 10, has been read by the Clerk, and the Clerk proceeded to read the next paragraph, beginning with line 11 and ending with line 17. Now, I understand the preceding paragraph to which I have referred is adopted by the committee, there being no point made, and no objection to it, and no amendment offered. I make the inquiry, therefore, of the Chair, whether or not that provision has been adopted and is a part of the bill without further action of the committee?

Now, two hours' debate was provided for by agreement on these two paragraphs of the bill, one of them relating to the fast-mail service and special facilities between New York and New Orleans, which provision was read through and the paragraph passed without an amendment offered or a point of order made against it. The next paragraph was also read. I desire to ask the Chair if the paragraph to which I have referred and to which no amendment or objection was made has not been adopted?

The CHAIRMAN. The Chair will state to the gentleman from Alabama that by unanimous consent the two paragraphs in question were set aside with the understanding that when they were reached for consideration in the committee, there would be two hours' debate upon them.

Mr. UNDERWOOD. But, Mr. Chairman, I understand that the two hours' debate was to be allowed, but no express order was made to consider these paragraphs together, as I remember it, under the rule.

The CHAIRMAN. But they embrace one and the same subject.

Mr. UNDERWOOD. They relate to different sections of the country and to different roads—different routes of railway—and they have been provided for as separate items heretofore. They have always been considered separately, and therefore I desire to submit the point of order that the first paragraph, beginning with line 3 and ending with line 10, has been read and passed without objection.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that after the expiration of the two hours' debate each paragraph will be taken up and considered under the rule for amendment and debate as provided for the consideration of other portions of the bill under the five-minute rule.

Mr. UNDERWOOD. But my point is that the first paragraph, having been read and passed without objection and without amendment, has gone beyond the control of the committee and it can not now be taken up again.

The CHAIRMAN. The Chair will state that the paragraphs have only been read, up to this time, for the purpose of bringing them before the House so that the two hours' debate can be had, according to the agreement.

Mr. UNDERWOOD. I would ask permission of the Chair to reserve the point of order temporarily until I can examine the RECORD in reference to the agreement.

Mr. COWHERD. Mr. Chairman, do I understand that the time allowed for this discussion is one hour on a side on the two paragraphs?

The CHAIRMAN. That was the agreement, and that one hour should be controlled by the gentleman from Tennessee [Mr. MOON] and one hour by the gentleman from California [Mr. LOUD].

Mr. HEPBURN. Mr. Chairman, I do not understand the request of the gentleman from Alabama to reserve the point of order.

The CHAIRMAN. The gentleman asked to reserve the point of order until he can examine the RECORD.

Mr. HEPBURN. I wish to interpose an objection to that, Mr. Chairman. I do not want to see the time of the committee wasted in a discussion of two or three hours, as we saw on yesterday, and then the whole subject disposed of on a point of order. If there is a point of order to be made against this provision of the bill, let us have it settled now.

I dislike very much to object, and do it without any disrespect to the gentleman from Alabama; but I think we ought to dispose of it now.

Mr. UNDERWOOD. Mr. Chairman, I think the gentleman from Iowa makes his objection at too late a date in this discussion.

Mr. HEPBURN. My point is that, if there is a suggestion of a point of order, it must be disposed of at once, and can not be held up indefinitely.

Mr. UNDERWOOD. But the objection is made too late. The gentleman did not make it in time.

Mr. HEPBURN. I do not know that there is any power, under the rules of the House, in any member, or a number of members, to reserve points of order indefinitely.

Mr. PAYNE. And the point of order can be renewed at any time.

Mr. LOUD. Will the gentleman from Iowa permit me a moment?

I do not think the gentleman from Alabama wants to take advantage of a technicality. The proposition was made in good faith, that there should be two hours' debate—one hour on each side—on the subject of fast-mail facilities. The Clerk is reading that provision of the bill which will be taken up in this order for consideration under the five-minutes rule after the two hours' debate. That is the complete proposition, embracing the two paragraphs, I will state to the gentleman.

Mr. HEPBURN. May I inquire what the point of order reserved by the gentleman was?

The CHAIRMAN. The Chair thinks the gentleman can not reserve the point of order in the face of an objection on the part of any member of the committee. If the gentleman from Alabama [Mr. UNDERWOOD] desires to insist on his point of order and the gentleman from Iowa [Mr. HEPBURN] insists that it shall not be reserved, it must be disposed of now.

Mr. UNDERWOOD. Mr. Chairman, I was not in the Hall when the agreement about debate took place. If it was agreed that these two paragraphs should be considered together, and that was the real intent of the agreement, why, of course, I do not want to take any technical advantage by raising the point of order. The reason I asked for the privilege of reserving it was to examine the RECORD and see what the exact agreement was; that was all.

Mr. LOUD. I will say to the gentleman from Alabama that I made the proposition.

The CHAIRMAN. The order was not with respect to the paragraph, but with respect to the subject of necessary and special facilities. That, of course, covers both paragraphs. Those paragraphs were read for the purpose of having them before the House for debate, and when the debate is concluded they will be considered under the five-minute rule.

Mr. UNDERWOOD. Then I will not insist on the point of order, if that was the understanding.

The CHAIRMAN. The gentleman from Arkansas [Mr. LITTLE] is recognized for twenty minutes.

Mr. LITTLE. Mr. Chairman, in order that the proposition may be before the House, let it be understood that the proposition is to strike out the two paragraphs for special mail facilities provided for in the pending bill.

The first of these propositions has been before Congress repeatedly. At every session, I believe, since I have had the honor to be a member of this House, we have been confronted with the proposition for special mail facilities on the route extending from New York to New Orleans. Later on, in one of the recent appropriation bills, special facilities were granted to the road leading to Kansas City.

I believe, Mr. Chairman, that both these propositions are fundamentally wrong, apart from the question whether they really contribute to facilitate or expedite the mails or not. I believe that these two paragraphs are relics of the most pernicious system of legislation that has ever invaded the Halls of Congress. If these special appropriations are good in this instance, there is no reason why they should not be applied generally, and, if applied generally, the result would be that the company with the greatest influence would get the greatest appropriation, and the company with the least influence would get the least appropriation, and we should appropriate the money and take chances on what we got for it.

I believe it ought to be a fundamental principle in the appropriation of the public moneys of the people that we ought to know precisely what we get for an appropriation and what we are paying for. One of the objections I have to the present railway mail system is that the best experts in the country disagree as to what we are now actually paying for the transportation of our mails. They differ all the way from 2 to 8 cents on the pound.

Mr. MADDOX. Mr. Chairman, will the gentleman allow me to interrupt him right there?

Mr. LITTLE. Why, certainly.

Mr. MADDOX. Did we not appoint a commission two years ago to investigate this matter and report to this House?

Mr. LITTLE. I will state that Congress did, but that unfortunately that commission have not been able, as they say, to complete their work and furnish Congress at this session with the information that they acquired in that investigation.

Mr. MADDOX. I hope the gentleman will tell us who that commission are and why they have not reported.

Mr. LITTLE. I can not name them all. I believe the chairman of the Post-Office Committee [Mr. LOUD] is one, the gentleman from Georgia [Mr. FLEMING] is another, the gentleman from Massachusetts [Mr. MOODY] is a third. The others I do not remember. But somehow we get this information in spots. We got some of it yesterday and some the other day that was really valuable; but neither the House nor the Post-Office Committee have had the benefit of this evidently very valuable information. Apart from that, we shall, therefore, have to proceed with the lights before us on this question.

Not only do I believe that these appropriations are pernicious in the principle involved, but I believe they are an injustice to the

other railway service of the country. I believe they add to the complications and difficulties in the way of the Department in making proper agreements and schedules with the other lines of railway through the country. If we pay the railways mentioned in these two propositions the extra pay of $196,000, why should we not pay like amounts to other railroads that have increased their speed to a like degree or would do so? Strange to say, notwithstanding the appropriations to these two railway systems, there have been increases of speed all over the country equal to the increases given by these roads, and that without any special appropriation. Let me read just for a moment. If you will examine the report of the Superintendent of the Railway Mail Service, you will find three or four pages here naming the railroads and showing the advances that have been made in the time and schedules of these roads without any subsidy and upon the pay that they already get. To give you a little more light on that question I will read a statement on this subject furnished in this report.

He says:

As the result of this improved schedule the mails arrive at San Francisco twelve hours earlier than previously.

Mr. COX. Mr. Chairman, it is utterly impossible to hear.

The CHAIRMAN. The committee will please be in order, and gentlemen will cease conversation.

Mr. LITTLE (continuing)—

Helena, seven hours; Spokane, eight hours; Seattle, ten hours; Portland, twelve hours; Chicago, three and one-half hours; Omaha, eight hours; Ogden, twelve hours; St. Paul and Minneapolis, six hours.

So, by an examination, if you take these schedules and go over them, you will find that the postal authorities have made arrangements in advancing these mails from east to west almost equal to, if not in some instances greater than, the advance made in the mail from New York to New Orleans. This schedule under which they are now operating I understand was first put in force eight or ten years ago when the subsidy was originally granted. The present schedule was made when the road put on the special train. At that time under the special schedule that it advanced the delivery of the mails on that line I do not deny. In doing that I believe that the company at that time did no more than its duty under the contract that it had with the Government. It is the duty of all railroads hauling mail to deliver it with all reasonable dispatch and facility under their contracts.

There has been no man upon this floor that I have heard in all this debate that has ever claimed that the present pay the railways get for the transportation of the mails is not ample and sufficient to guarantee them in delivering it with all reasonable practical speed and facility. If that be true, why should we give any preference to any particular line? Why should we award to these two lines of railroads specific appropriations for the purposes that are not awarded to other railways throughout the country? Why you will find.

Mr. DAVIS. If the gentleman will permit me to interrupt him. I will say that this train carrying the mails to Georgia and Florida leaves New York at an early hour in the morning, an hour too early to make it profitable as a passenger train. This train takes out the New York papers and gets them to Washington early in the morning, and leaving here at 11 o'clock proceeds southward, and if it were not for this train and this schedule that service would not be given. I mean that these facilities would not be given to the people of that section. There is no doubt about that.

Mr. LITTLE. I can answer that question by the language of the gentleman in charge of the Railway Mail Service, Mr. Grant. It was read the other day by the gentleman from Ohio [Mr. BROMWELL], and I will quote it again:

There seems to be no justification for the special-facilities payment, judging from results obtained. If we treated all lines on this basis—

That is the very proposition suggested on this early departure—

then we should pay the Northwestern Railroad for running an early morning train from Chicago at 3.45 a. m. to Fort Howard, Wis.; also for Cedar Rapids from Chicago. We should also pay the Chicago, Milwaukee and St. Paul Railroad for a train leaving Chicago at the same hour and running to Marion and the West; also the same road for a train from Chicago to Milwaukee and St. Paul; the Chicago, Burlington and Quincy for a train leaving Chicago at 3 a. m. and running to Burlington and Omaha; the Monon Route for a train leaving Chicago in the early morning for Cincinnati. The Illinois Central also has a train leaving Chicago about the same hour, as has also the Pittsburg, Fort Wayne and Chicago and the Lake Shore and Michigan Southern.

So in the increases that I have been calling your attention to, in almost every instance the early morning trains' schedules have been changed so as to leave most of the cities at a very early hour, some as early as 2.30 a. m.; and this that the gentleman speaks of at 4 o'clock a. m. And these superseded your period in being earlier; and I say, as the Department says, that it is an injustice to the other railroads that give the country equal service; and not only is it an injustice, but it is absolutely in the way of the Department in making these extra arrangements.

Mr. DAVIS. Why is that true?

Mr. LITTLE. Let me read from the Postmaster-General.

Mr. DAVIS. May I quote from the bill itself?

Mr. LITTLE. All right.

Mr. DAVIS. It says that if it is not necessary for him to use this money—that the Postmaster-General is not compelled to use it or any part thereof:

Unless the Postmaster-General shall deem such expenditure necessary in order to promote the interests of the postal service.

Mr. LITTLE. Yes; I will answer that.

Mr. DAVIS. If the Postmaster-General does not regard it as necessary, he would not use it. If he does regard it as necessary to give these people this fast mail, he ought to use it.

Mr. LITTLE. There is nothing in that argument. It has been repeated here time and time over in face of the declaration of the officers of the Department, when they had refused to recommend this appropriation, and Congress goes on and makes the appropriation anyhow; they felt that it was mandatory upon them; that it was an expression of Congress that "we want this money expended, whether you think it necessary or not." Here is the language of the Department, and I commend it to the consideration of my distinguished friend. It was the answer of the Postmaster-General, and this very question was covered:

Well, the Department would have power to withhold it, but having recommended to Congress the advisability of withholding it, the Department is bound to assume that Congress desires the appropriation to be expended so long as it is made.

Which is a sound proposition.

When the opinion of the Department is directly against the appropriation and Congress nevertheless makes the appropriation, it by that act overrides the opinion of the Postmaster-General, and he naturally feels bound to carry out this expressed will of Congress.

The Department comes this year with this language by the Postmaster-General:

In submitting the estimates for several years past this office has declined to include the item of special facilities, for the reason heretofore stated, but appropriations have, however, been made.

Now, in the face of that declaration, Congress walks up and makes appropriations after the Department has advised Congress that it is not necessary and they do not want it. It is equivalent to a command on the part of Congress to expend this money, whether it facilitates the mails or not.

But to the other point which I believe is important in this matter. I feel as friendly to the postal service as any man on the floor. I want all sections of the country to have as good service as it is possible to give them, but I say we ought not to adopt the theory of giving to any one line what we do not give to the others; we should treat them all alike by refusing this unqualified gift of the public moneys.

Now, the Department makes this statement, and I read from the evidence before that distinguished commission whose report we have not got, but a part of which has been put in the RECORD.

This question was asked of the Postmaster-General:

Is not the tendency, where we give subsidies to one line, for others to ask or expect the same kind of pay?

Does not that sound reasonable? That would be true in the case of men, and it is true in the case of corporations. Listen to the answer:

The tendency is to produce discontent and dissatisfaction, if not hesitancy on the part of the other roads in giving us similar service without special appropriation.

That declaration applies to every road in the United States where the Postmaster-General makes an appeal to them to advance their schedule, or to move their trains in the interest of expediting the mails through the country.

I regard that as one of the worst elements of that appropriation. Notwithstanding the discontent that it breeds, we have a large number of increases shown here in the report of the Assistant Postmaster-General. I hope the time is coming when this House on this proposition will meet the responsibility and put an end to this pernicious system of legislation. It is pernicious because it produces this system of favoritism under the law. Who can tell me that if this appropriation is stopped the service running to New Orleans will be stopped? They have got a paying train. They say they only make stops at great distances, but they evidently on that train gather all the long-distance travel. They carry on it tons and tons of mail for which they are paid under the appropriations in this bill a price that I believe is more than 100 per cent above what they ought to have. And yet we come here and are called upon, in the face of the recommendation of the officers charged with the responsibility in this mail service throughout the country, to drop in the pockets of this company $171,000 and in another one $125,000.

I do not believe we ought to do it; and as the House showed some small signs of reform yesterday, I think it is a good time to carry that reform out and put the knife to these last two examples of this character of legislation in an appropriation bill. I believe it is our solemn duty. If these lines should temporarily suffer some delay in their mails, I believe it would be more than compensated for by the good and substantial interest and honest service that they and the country would get. It stands in the way, it is a

menace to every proposition of the Postmaster-General to increase the expedition of the mails throughout the country. Why make an appropriation when we do not know whether the mails will stop or not? We do not know whether the trains will run or not, and we do know we are already paying a high price for the service they are rendering the Government. We do not know what we are paying for, whether we are paying for anything or nothing. In the name of common honesty, I protest. For the good of the public service, and for the honor of Congress, and in the name of just legislation, I urge that this appropriation should be stricken from the bill.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. LOUD. Mr. Chairman, I yield fifteen minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I come from the South. I believe in the South. We have been oppressed in many ways for over a quarter of a century, and I want to say to some of my friends from the South that if we ever expect to take our place, the place that belongs to us in this Union, not merely politically, but from an industrial standpoint, Representatives from the South must stand on this floor and demand what rightfully belongs to us. The old cry of the Republican party and the gentlemen from the other side of the House from the North used to be "The old flag and an appropriation." The South to-day is as much in favor of the old flag as our friends on that side of the House——

Mr. COX. Will the gentleman yield for a question?

Mr. UNDERWOOD. I have only fifteen minutes, and I ask the gentleman not to interrupt me. But I want to say the reason you find $30 per capita in New York State, large amounts of money in circulation in Ohio and Indiana, and five and six and seven dollars in circulation per capita in Alabama, in Georgia, in Mississippi, and Arkansas, is because you stand here on the floor of this House representing your people, and when the taxes are gathered from them to put in the Federal Treasury you are willing to let the appropriations go to the North. You are willing to let the expenditure of this money be put into New England and New York and Ohio and the far West, and for constitutional purposes or extreme economy you cut your own people out of their fair distribution of that part of the money.

You can not have prosperity without having a sufficient amount of money in the country and in your State to carry it on. If you will continue the policy of having this money, dragged out of the people of the country in the shape of taxes, put into the Federal Treasury, only to be distributed in the districts which are represented largely by gentlemen on that side of the House, and in your economy cut your own people out, then you need never expect to see real prosperity come to the Southern States.

Now, I am in favor of this proposition for two reasons. I am in favor of it because I believe it aids in building up the business interests of the Southern States; and I am in favor of it because it is an appropriation that goes to a Southern enterprise.

I see propositions in this bill reported by this same committee—reported without criticism or without opposition by gentlemen of this committee who come from the South and who yet oppose this appropriation going to the South. A certain paragraph below the one now pending—a provision for the transportation of foreign mails—appropriates $2,248,000. In that appropriation is carried—I do not say it is the whole appropriation—a subsidy to the foreign ships sailing to and from this country—the trans-Atlantic ships—a subsidy of $2 for every mile they run. And yet they do not have to carry the mail.

The Postmaster-General, in his report, says that although these vessels are paid $2 a mile for every mile they run at sea, to carry this foreign mail, he gives it to the first ship that touches the port, whether it be an American or an English ship; and if it be English, he pays them in addition for carrying the mail. Why? To expedite the mails—to facilitate the business of the country. And I think it is right. But that company is owned in New York; that country handles the foreign mails that we are not directly interested in. Yet since I have been in this Congress I have failed to see one of our Southern members attack that appropriation. But we do find them attacking the only appropriation that carries this money to our own section of the country.

Now, I believe in both appropriations. I believe that to facilitate the mail builds up business; and to build up the business of this country builds up the prosperity of the people.

The argument as to the necessity of this appropriation is very simple. Gentlemen have repeatedly within the last year or two asked, "Can anybody on this floor say that if this appropriation were withdrawn this train would not run?" Why, sir, I will ask in reply, Can anyone on this floor assert that if the $2 a mile that we are paying to these trans-Atlantic steamers were withdrawn, they would stop running? No, they would probably run anyhow; but they would not expedite the mails as is being done now. If you withdraw this appropriation, I do not charge that the Southern Railroad and the Pacific Railroad would not run two daily trains going south, but I do say that they would not run two daily trains going south at times when we want the trains to run.

Mr. LITTLE. I would like the gentleman to State what part of this money goes to the South.

Mr. UNDERWOOD. It goes to a Southern enterprise.

Mr. LITTLE. Does the gentleman say that enterprise is owned in the South?

Mr. UNDERWOOD. This railroad line carries the mails to the Southern people. From its operations wages are paid to men who live in the South and who work on this railroad.

Mr. LITTLE. And if this appropriation were discontinued, would not every one of them get every dollar that he gets now?

Mr. UNDERWOOD. I do not know that. This railroad not many years ago was in the hands of a receiver; it was unable to pay its running expenses and the wages of its employees, the men who worked along the line.

Mr. LITTLE. What road does the gentleman refer to?

Mr. UNDERWOOD. The Southern Railroad, running from Washington to Greenville, Miss.

Mr. LITTLE. And what is the present condition of the finances of the company?

Mr. UNDERWOOD. I am glad to say the finances of the road are now in excellent condition.

But I say that this appropriation does help to build up a Southern enterprise. The fault I have to find with my friend from Arkansas [Mr. LITTLE] is not on account of his ideas of economy, but I dislike to see that he and others of my friends on this side of the House, whenever they get ready to put the knife to what they consider extravagant expenditures or to apply rigidly what they consider the rules of economy, are always ready to stick the knife into a Southern enterprise.

Mr. LITTLE. I will say to my friend that while I am in Congress no scheme of this kind will get my approval, no matter where it comes from.

Mr. UNDERWOOD. I am not reproaching my friend on account of his ideas of economy; he is entitled to his own views. But I state as a fact that when a Southern Representative attacks any of these propositions, nine times out of ten he attacks the one that benefits his own people.

Mr. DRIGGS. Is it not the fact that Southern merchants are placed in closer communication with their Northern correspondents through the medium of rapid mail transportation on this railroad line?

Mr. UNDERWOOD. Unquestionably; and that is why we want this appropriation continued. I do not know a single city or town, from New Orleans to Washington, whose board of trade and representative business men have not petitioned that this train be kept on. Why? Because they want to be kept in close communication with the New York merchants and New York manufacturers with whom they do business.

Mr. GAINES. Will the gentleman be kind enough to state what particular train would be stopped if this subsidy were discontinued?

Mr. UNDERWOOD. There is no evidence that any train would be stopped. I do not say that any will be stopped. All I can say is this: That the Second Assistant Postmaster-General, under whose judgment this allowance is made, uses in a written communication this language:

> It is not possible to say exactly how far the schedule of the Washington and New Orleans railway post-office has been expedited by cutting out the local stops; but by reason of the fact that a third train is operated the whole distance from Washington to New Orleans, which was not the case in 1893, it is fair to conclude that the local passenger traffic is provided for by a third train, thereby relieving the principal mail train of the local stops.

Mr. GAINES. Is it not a fact, let me ask my friend from Alabama, that since the period to which he refers this Southern road has practically been rebuilt—that is to say, they have new tracks, new cars, new locomotive power, new blood in it generally, and that it is one of the leading, wealthiest roads now in the country?

Mr. UNDERWOOD. I am not discussing the condition of the Southern Railroad, Mr. Chairman, but am only alluding to the question as to whether this train can be run at all without the provision made in this bill. They may be, and no doubt are, in excellent condition. There is no doubt about that fact. But no railroad can operate or support a fast train, out of the great centers of our population, that starts at 4 o'clock in the morning, and expect to gain any passenger traffic at that unusual and unreasonable hour. While such a line would catch the fast mail and the early newspapers, yet it could not expect to derive any revenue from its passenger traffic.

Now, this communication between the great centers of New York and the Southern States, as far as the mail service is concerned, is one of immense importance to our people; and while this road can not support its fast train on passenger traffic, yet it affords unusual and very desirable facilities to our business people. It is certain that this line of road can not carry this mail without the extra compensation provided for in this bill.

Mr. BROMWELL. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. I have only a moment or two, Mr. Chairman, but will yield to the gentleman if he desires it.

Mr. BROMWELL. The train the gentleman speaks of leaves Washington at 11.15—I refer to train No. 35. Is that not correct?

Mr. UNDERWOOD. I so understand it.

Mr. BROMWELL. Now, I ask my friend whether that train did not run over this line between Richmond and Danville, Atlanta, and the South generally in 1893?

Mr. UNDERWOOD. No, sir——

Mr. BROMWELL. Well, I think I can show the gentleman by the time-table that that train was being run at that time.

Mr. UNDERWOOD. I will show the gentleman that it was not then run. I am talking now of the train that is leaving New York, and it is the New York connection—the Eastern connection—that we want for our mail service. If you start the train out of Washington—Washington not being itself a business center—it would be of very little value to our people as far as commerce is concerned. I ask the gentleman from Ohio if there is a place between Danville and Charleston, or any other place on the line of the road, anywhere in South Carolina or North Carolina, which may be regarded as a great commercial center like New York? Now, our people get the mail just that much earlier by this appropriation.

Mr. ALLEN of Mississippi. And is it not a fact that the people will be greatly disappointed if they did not get the CONGRESSIONAL RECORD regularly every morning? [Laughter.]

Mr. UNDERWOOD. Why, of course, Mr. Chairman, the constituents of my friend from Mississippi would consider themselves not only as being unjustly treated, but practically ruined, if they did not get his speeches the next morning. [Laughter.]

But seriously, Mr. Chairman, here is the schedule as it stood before 1893, when this appropriation was adopted. That train left New York at 12.15 a. m. It now leaves at 4.30 a. m., quite a number of hours earlier, and catches, of course, the morning papers and the late mail, and puts us in direct communication with the great commercial centers of the country, whereas when it left at 8 o'clock it did not make connection with these Southern roads going south and carrying the mails.

Now, of course we must have a fast train from Washington to New Orleans. For other parts of the road to have a fast train, without through connections, would be of little service, and yet that fast train from Washington to New Orleans would be of little service to our people unless we have a direct connection with New York.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. LOUD. Mr. Chairman, I yield ten minutes to the gentleman from Iowa [Mr. MCPHERSON].

Mr. MCPHERSON. Mr. Chairman, I am one of the members of the Post-Office Committee, representing an Iowa district, and I joined in the report recommending the passage of this bill, including the item under discussion. The Post-Office Committee is a nonpartisan and a nonpolitical committee, and at no session of the committee during this session of Congress have party lines been drawn on any question.

It is most amazingly strange to me that these facilities—special mail facilities—for the benefit of the South, with every Northern member of the committee urging the provision—that we should find the appropriation being opposed only by three gentlemen on the floor of the House, and all of them from the South. And, Mr. Chairman, I am very willing to believe that these three gentlemen who dissent from the provisions of the bill to which I am now referring do not represent the sentiment of the Southern people upon the question at issue.

This measure is not of the slightest concern to me personally, or to any of the people whom I represent, or with whom I am acquainted. But gentlemen came before the committee, and members of the committee urged, and the showing was made that without this appropriation, while the same number of trains was sought to be run, the same time-table could not exist, and that these mails would not be distributed over the South generally with the facilities that they have enjoyed for some years past, and which they will continue to enjoy if this appropriation is ingrafted into the law.

The reason I favor this particular appropriation is that it is my judgment that the South needs and wants the service, and in my judgment the South is entitled to it, and hence we have all, as a committee, with four exceptions, agreed that the appropriation ought to be made.

Mr. BROMWELL. May I correct the gentleman? I did not join in the minority report, but the gentleman knows that I have persistently opposed this appropriation.

Mr. MCPHERSON. I modify my statement. I had forgotten that fact. There were three members from the South who signed the minority report, and the gentleman from Ohio [Mr. BROMWELL] dissented at the time from this appropriation, although he did not join in the minority report. Now, if the South does not want these facilities, we of the North certainly ought to have no concern about it. If the South does not want these facilities, then, so far as I am concerned, I shall be perfectly satisfied to have the amendment prevail and the appropriation go out. But I voted in committee in favor of this appropriation, and am now trying to support it by argument, because I have tried to be consistent during my membership on this Post-Office Committee.

How two of the three dissenters can reconcile their present position with their position a few weeks ago is not for me to say, but for them to explain, if they can. One of the dissenters, the gentleman from Texas [Mr. BURKE], has been perfectly consistent. When the Loud bill was before this House a few weeks ago he took the position that this large deficit should be remedied by carrying into effect the reform that that bill sought to accomplish, but the other two dissenters were then insisting that this deficit should not be stopped in that way, but that those frauds should go on under the pretense of serving the people of the South by distributing matter carried as second-class mail matter. Here to-day we find them opposing this appropriation, upon the ground that our deficit is already too large.

I have favored this proposition, as I favored the passage of the Loud bill, for the reason that, in my judgment, as the postal system has been operative now for more than a century of time, it ought now to be reformed so that the people in all sections of this country can have legitimate mail matter carried and distributed by the most convenient methods, with the utmost speed to all sections of our country, North and South alike. That is the reason why I voted as I did; and I care nothing whether the yeas and nays are called on these propositions, or whether they are not. In committee I voted for the appropriation for the pneumatic-tube service, not because it is of any interest to me, but because I believed it to be for the interest of the postal service. Supplementary to what the gentleman from Massachusetts [Mr. MOODY] said upon yesterday, I want briefly to allude to that proposition, unless it be thought that the time has gone by for discussing it.

I want to call attention to the fact—and I exceedingly regret that the gentleman from Massachusetts [Mr. MOODY] is not in his seat—that this nonpartisan Post-Office Committee is made up of 18 members—17 Representatives and the Delegate from New Mexico. I want further to call the attention of that gentleman to the fact that there are but five members of the Post-Office Committee living in cities that could ever possibly hope to have the benefit of the pneumatic-tube service; and I want to call the attention of this House and the gentleman from Massachusetts [Mr. MOODY] to the fact that in the State of Iowa, from whence I come, we have no hope to have a pneumatic-tube service, and neither want nor need such, and it will not do for the gentleman to argue that this appropriation was reported to this House by reason of the benefits that were to go to certain cities.

Mr. GAINES. Will the gentleman allow me to interrupt him?

Mr. MCPHERSON. Certainly.

Mr. GAINES. I have been listening to the gentleman for some time and did not wish to interfere with the course of his argument. What I wish to ask the gentleman is this: Reference has been made by him to the effect that this fast mail train will be discontinued if this subsidy is stopped. Can the gentleman cite any testimony before the committee to that effect? I am, and others about me are, very anxious to get this evidence.

Mr. MCPHERSON. I can not refer to the particular testimony, but it was distinctly stated and represented before our committee, and especially, as I recall, by the gentleman from Virginia [Mr. SWANSON], who claimed to have information, that the schedule would be changed back to where it was. I was urging before the committee that for the life of me I could not, for the time being, see any reason why there should be an appropriation for the run between New York City and Washington, and I was answered with the statement, which seemed to me a complete and satisfactory answer, that there were no benefits asked as between New York and Washington, that the $25,000 for that portion of the line cut no earthly figure, and that the Pennsylvania Railroad much preferred to have it cut off rather than to have it retained; but that with that cut off the connections were destroyed, and we might just as well not undertake to have this increased facility from Washington to New Orleans.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. I suggest that the gentleman from Iowa [Mr. MCPHERSON] have unanimous consent to extend his remarks.

Mr. LOUD. Unanimous consent has been given to all members to extend their remarks in the RECORD.

The CHAIRMAN. If no member desires to be heard, the Clerk will read.

Mr. MOON. I yield ten minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Chairman, I think the attempt to turn the advocacy of this appropriation into a tune of

"Hurrah, for Southern rights, hurrah!" will fall by the wayside. This appropriation does not go to any Southern people anywhere upon the surface of the earth. It is an appropriation of $172,000 which goes into the pockets of the members of a railroad syndicate who reside partially in New York, partially in Great Britain, and partially in Germany; so that even if an appeal could be made to me to indorse what I believe to be a job and a wrong upon the ground that it was a Southern job, that appeal could not be made in this particular case.

Here, Mr. Chairman, we find all these propositions hanging together. Here is an appropriation for a railroad that runs down South and for one that runs out West. Here was the pneumatic-tube proposition that has gone out; and you will find as a rule that the man who is in favor of one will favor all three, and that they have formed a sort of inside combination for the purpose of overruling Congress and putting money into the pockets of these interested parties.

I am opposed to this proposition for two reasons. First, because it is fundamentally wrong. If you could prove that some of my constituents receive the mail a few hours earlier by this appropriation I would still oppose it, because I deny the right of any section of the country to receive special facilities at the expense of the entire country. Then I oppose it because it has not yet appeared to my satisfaction that it does any good.

Now, Mr. Chairman, in one part of Mississippi we have this subsidized line, running over from Birmingham, Ala., to Greenwood, Miss. In another part of the State we have the Illinois Central Railroad line. The subsidized line gives the poorer mail service, the slower rate of the two roads—that part of it which runs to Greenwood, Miss., from Birmingham, Ala., across the State.

Mr. KLUTTZ. Is that a part of the main line to New Orleans?

Mr. WILLIAMS of Mississippi. It is a part of the subsidized road.

Mr. KLUTTZ. Is it a part of the main line from Washington to New Orleans?

Mr. WILLIAMS of Mississippi. No; of course it is not. It is clear out of the way of New Orleans, but is a part of the subsidized lines. Now, then, Mr. Chairman, the gentleman says, "we of the South here ought to stand up for what rightfully belongs to the South." I hope that we always shall. To stand up for what the South can rightfully demand is a totally different proposition to standing up for rights, privileges, and favors wrongfully lobbied for by the railroads. I do not see what the two things have to do with the other. Now, it is attempted to be shown that the basis of the real prosperity of the South was this railroad subsidy of $172,000 a year. That is a little too absurd a proposition for discussion. If the South is to have any real prosperity at all, it is to come from its best manhood, its womanhood, its industry, and intelligence. [Applause.]

Its prosperous condition is owing to the fact that it has brought the mills nearer to the cotton fields and is able to manufacture the heavy cotton goods that are imported into northern China and Korea at a cheaper rate than the world ever knew before and can undersell Great Britain and all the rest of the world. The delivery of the daily RECORD at the town of Tupelo an hour earlier will not affect the prosperity of the South, upon my honor, I believe, 10 cents' worth. The argument ex abuso will not do. Because there are other provisions in this bill that are wrong we ought not to let this special wrong go any further unrebuked. Yesterday you started well. You got the pneumatic-tube appropriation out of the bill; now get the other out, and destroy the combination as far as you can. Then I agree, even if my friend from Alabama or anyone else wants to go further and strike what I believe to be a partial job out of the ocean mail service, I will go with them and do that. Take each one as it comes up.

I heard a former colleague of mine four years ago make a demonstration satisfactory to my mind that this service did not really expedite the mail to any part of the South. But let that rest as it may, Mr. Chairman, I shall not go into all that question. The gentleman from Alabama admits, and it is very strong—the gentleman from Alabama himself admits—that if this appropriation is cut off this very train that carries this mail will still go on carrying the mail, as now. The admission is fatal to the entire argument, and nothing further need be cited except to cite that alone. That ought to settle the question of making this appropriation. One gentleman on the other side——

Mr. COWHERD. The gentleman from Alabama does not seem to be present. You do not mean to misquote him, I know.

Mr. WILLIAMS of Mississippi. Certainly not.

Mr. COWHERD. The gentleman said that the train would go on to Washington, but they could not make the connection.

Mr. WILLIAMS of Mississippi. I listened to the gentleman very carefully, and he admitted that this train would still run; and if I am wrong in that, I will correct it in the RECORD. I listened to him very carefully.

Mr. BROMWELL. The train that connects with this train that leaves at 11.15 is a train that brings the mail from New York between midnight and 4 o'clock. It is entirely newspaper mail, and has but little mail that comes from New England.

Mr. WILLIAMS of Mississippi. A gentleman on the other side——

Mr. KLUTTZ. I beg to correct that statement. I live along the line of the Southern Railroad, in North Carolina, and I know that we get letter mail from New York.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I shall have to insist on the rule that gentlemen address the Chair and ask my permission to interrupt. A gentleman on the other side said the most astonishing fact was that objection should be raised to this appropriation by Southern men. Why, I hope we have not reached that stage yet in the decadence of the South that it is to be a remarkable or unusual thing that Southern men should object to anything that they consider wrong, even if it be a wrong profitable to the South herself. I believe that the greatness of the South in the past has been due to the fact that it has stood for fundamental principles, and if we have any glory in the Union—and sometimes I fear we have something like Ichabod, the day of our glory seems passing—if we have any glory in the Union it is in the Southern statesmanship, which has shown that the best aspiration of the South has never been that its statesmen should flicker from fundamental principles for the purpose of obtaining temporary advantages. [Applause.]

Now, Mr. Chairman, this is our first opportunity to break up these things. We won the preliminary skirmish yesterday when we killed the pneumatic-tube job, and I hope we will go right on with the glorious work and go on to conquer throughout the whole time.

Now, Mr. Chairman, in that connection, what do the railroads already get without any special subsidy? A great deal has been said about economy in the postal service of this country. There ought to be economy, not in the way of cutting off the reading matter of the people to an undue extent, not economy in the way of refusing the people in the rural districts the opportunity to get mail once or twice a week by free delivery, but economy where there is evident injustice. Now, what does the minority report of the committee say?

> We are satisfied that the main cause of the deficiency in the revenues of the Post-Office Department is largely due to cost of transportation allowed and paid to railroad companies on inland mails.
>
> These companies very properly secure the best terms they can from the Government to perform this service. We ought to pay them such price as will secure to them just and liberal profit commensurate with the risk and obligations assumed by them. We ought not to pay more than this. Your attention is called to the excessive pay for transportation of mails, not with the view of striking out this item of the appropriation bill, for that could not be properly done at this time under contract relations between the carriers and the Government, but that some action may be had by Congress before the beginning of another fiscal year.
>
> We pay an average, as shown by the Postmaster-General's report, for carrying the mails, of 8 cents per pound.
>
> The best estimate to be made from the proof on the hearings on this question is, that the actual expense to the transportation companies in carrying the mails is about 1 cent per pound, and that the express companies (which we are informed pay about 40 per cent of their earnings to railroad companies for hauling their cars) underbid the Government on second-class mail matter, and carry it at less than 1 cent per pound on hauls of less than 500 miles, and still make a profit.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MOON. I will yield the gentleman three minutes more.

Mr. WILLIAMS of Mississippi. Now, I want to put in some other things in this connection. I want to read this further from a report of the minority:

FACTS OF GROSSLY EXCESSIVE PAY TO RAILROADS FOR HAULING UNITED STATES MAIL.

Fixed rate for haul of 200 pounds of mail, average distance, a mile (365 days)	$94.77
Commutation rate for haul of one passenger and baggage (365 days), average distance, a mile	2.07
Commutation rate for haul of 200 pounds first-class freight, average distance, a mile	1.37
Fixed rate for haul of 300,000 pounds of mail, average distance, a mile	7,317.00
Commutation rate for haul of 300,000 pounds of passengers and baggage (365 days), average mail distance, a mile	3,121.02
Commutation rate for haul of 300,000 pounds first-class freight, average mail distance, a mile	2,048.76
Annual revenues of a passenger car	10,528.00
Annual revenues of a mail car	15,586.00
Decline in freight rates since 1878 per cent	35
Decline in passenger rates since 1878 do	17½
Decline in mail rates since 1878	Nothing

Now, our own employees handle the mail, and the railroad has nothing to do with it except to furnish us the standing room for them and for the mail.

Now, a special committee of this House was appointed for the purpose of investigating this matter and making a report to this House. That committee has never made any report, but we all understand——

Mr. LOUD. Will the gentleman from Mississippi allow me? I have branded the statement the gentleman has just now repeated as false, and permit me to do it again. I mean that the reduction

of the mail rates has been greater than passengers, and only 2 per cent less than freight rates during the same period.

Mr. WILLIAMS of Mississippi. I have before me the minority report of the Committee on Post-Offices and Post-Roads. The gentleman brands the statement I have just read from that minority report as false.

Mr. LOUD. That is true; I have.

Mr. WILLIAMS of Mississippi. I have nothing to do with the question of veracity between the gentleman and the fellow-members of the committee. I am well acquainted with the gentleman from California and have the highest regard for his veracity; but I hope the gentleman will not charge me with lèse-majesté or treason if I say that I have equal confidence in his fellow-members.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LOUD. Well, I will yield the gentleman one minute for the purpose of telling him that the quotation he has read was never taken from the Postal Commission at all.

Mr. WILLIAMS of Mississippi. I did not say that it was.

Mr. LOUD. Neither does it bear any truth upon its face. For the gentleman's information I will give him the reduction——

Mr. WILLIAMS of Mississippi. I shall ask an extension of my time, Mr. Chairman.

Mr. LOUD. Well, the gentleman's time has expired and he is talking in my time now. [Laughter.]

Mr. WILLIAMS of Mississippi. I did not know that; I was yielded further time by the gentleman from Tennessee.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS of Mississippi. Well, one minute further, because I do not want any misapprehension. I have not quoted from the report of that commission at all. The gentleman misunderstood me. I spoke of the commission and was going on to say that it had not made any report, but it was publicly noised abroad that in general they had come to the conclusion that the main reason for a deficiency in the postal service was the too great amount of money paid for railway transportation. I will ask the gentleman from California if that is not true?

Mr. LOUD. The Postal Commission has come to no conclusion.

Mr. WILLIAMS of Mississippi. And made no report.

Mr. LOUD. It has not.

Mr. WILLIAMS of Mississippi. I have read from the figures which I took to be true; and I shall continue to take them to be true, notwithstanding anything the gentleman from California may say, unless he first proves to me that his fellow-members of the committee have taken figures as official, and published them, which are not official.

Mr. LOUD. Now, Mr. Chairman, I will take one minute to put the accurate figures in beside the gentleman's figures. The passenger mileage has increased 224.65 during the period the gentleman mentioned; freight ton mileage has increased 313.01 per cent; mail ton mileage, 555.48 per cent. Passenger rates during the same period have decreased 21 per cent, freight rates have decreased 41 per cent, and the mail rate has decreased 39 per cent.

Mr. WILLIAMS of Mississippi. This report says there has been no decrease. I do not know what is the fact.

Mr. BELL. Will the gentleman from California allow me to ask him a question?

Mr. LOUD. Yes, sir; a short one.

Mr. BELL. Is it not a fact that the mail rate, if reduced, must be reduced by an act of Congress, and that no act of Congress has been passed since 1878?

Mr. LOUD. No. The very act which has been in existence since 1873 is reductive by its own operation and requires no further act of Congress. Just the same rule applies in this case as applies to the carrying of freight and passengers. The more business these companies do, the cheaper they perform it: the more mail a railroad carries, the less money it gets per pound.

I can not take up any more time on this question, because I have agreed to yield the balance of my time to gentlemen who want to support this measure. I yield ten minutes to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Did the gentleman say ten minutes?

Mr. LOUD. That is all I can yield the gentleman, as I find upon an examination of my list.

Mr. COWHERD. Mr. Chairman, this matter is one of great personal interest to me. It is one that the people I have the honor to represent believe to be vital to their welfare. I ask of this House at least the courtesy of a fair hearing.

Two gentlemen have arisen on this floor and said that this appropriation is fundamentally wrong. Yet one of those gentlemen was on a committee that brought in an appropriation for the distribution of a certain vaccine matter in order to help a particular class—a proper appropriation, in my opinion, yet how can the gentleman say it was not "fundamentally wrong?" Another gentleman favored an appropriation taking money out of the Treasury for a Government reservation, and others favor appropriations for building post-offices in towns where there are no United States courts or officers, and these are not "fundamentally wrong." I submit to this House that all these appropriations are more properly within the characterization of "fundamentally wrong" than an appropriation that facilitates the mail.

Gentlemen, what is our duty here with regard to appropriations? It is to distribute them in such a way as will best promote the general welfare. Is it not? We appropriate money to deepen our harbors—not because we want to help New Orleans or New York or Boston. I vote for such appropriations not because the people I represent do business with all those ports that receive aid, for with some of them they do no business. We support such appropriations in order to promote the general welfare. Now, I state here as a fact that never a dollar is expended under an act passed by the Congress of the United States that does so much to promote the general welfare as the money which is expended to improve the mail service of the United States.

Gentlemen say: "What difference does it make whether you get your mails once a week or twice a week, once a day or four or five times a day?" Why, gentlemen, you can no more return to the old method of getting mails once a day in the great business communities than you can go back to traveling up the Potomac by the canal that runs by the side of it. I say—and I believe no man can refute the statement—that if you stop the present method of receiving mail in the great cities and put them back to one delivery a day, or if you will even go back to where you were a generation ago and transport the mails over the railroads at the rate of 15 or 20 miles an hour, you will in six months bankrupt every great business organization in the United States.

I say, further, that this little $25,000 appropriation that we ask is paid for, in my opinion, every day in the year by the savings of the commercial men of the country who by reason thereof receive their mails twelve hours earlier and thereby save one full day on their discounts and interest at the banks. Talk about "subsidies!" Why, sir, every time you fight a fast mail you are working for the benefit of the banks and the telegraph companies. Every time you facilitate the mail service to the extent of one hour, you are taking something away from the interest that the banks have gathered from the people and the tolls that the telegraph companies have taken.

Gentlemen talk about "subsidies;" and almost every man who hears that cry, especially if he represents a district where there are no great cities, is inclined to "take to the woods" at once. I state here that every free rural delivery in the United States is "subsidized," in the sense that this is a subsidy.

My distinguished friend here from Mississippi [Mr. WILLIAMS], who has used that word so frequently, is one of the best friends of such "subsidies." I honor him for it because I believe in the rural free delivery, but they are not self-sustaining. This rural mail delivery is "subsidized" by the Government in the sense in which he uses the word; they could not be carried on otherwise. Why, sir, the star routes of the United States are "subsidized." I venture to say that my distinguished friend has in his district dozens, aye, hundreds of post-offices, that are maintained for the benefit of his people by a "subsidy." Who pays that subsidy? The people of my city give their full and generous share. .

Mr. WILLIAMS of Mississippi. Have you not free delivery in your city?

Mr. COWHERD. Yes, sir; and that city pays out of the receipts of local mails originating in the city and delivered to citizens of that city—never getting outside of it—every cent of the cost of its free delivery, and turns over in addition a large contribution to the general fund of the Post-Office Department. You can not charge that this is any tax upon the other sections of the country, for this service more than pays all its expenses, and there was turned in last year from the post-office of that city $432,213.86 to help take care of your free delivery and your subsidized post-offices. [Applause.]

And yet, Mr. Chairman, when we come to ask 5 per cent of this amount, not for the benefit of any railroad company, but for the great commercial interests of the people—commercial interests that are essential to a million and a half of our people—gentlemen rise on the floor of this House and cry out "Subsidy! subsidy!" when their districts draw $10 subsidy for every dollar that is asked here in this appropriation.

I have two letters here which I desire briefly to refer to and will publish in the RECORD. One of them is from a Democratic postmaster and the other by his successor, a Republican postmaster, of Kansas City, both of them bearing upon the same subject. I ask the attention of the House to them. The first writes:

KANSAS CITY POST OFFICE, OFFICE OF THE POSTMASTER.
Kansas City, Jackson County, Mo., January 25, 1898.

Hon. W. S. COWHERD, M. C.,
Washington, D. C.

SIR: In response to your request for information covering the value of the fast mail from here to Newton, Kans., leaving at 2.30 a. m. daily, will say this service accommodates over one and a half millions of people. This train

overtakes, at Newton, the night train leaving here at 9.20 p. m. on the Santa Fe road. At Newton the regular train is split up, one train going to Galveston and the other into western Kansas. In addition to Kansas City mail, the fast mail train carries mail from Omaha and connections and also mails from the South, arriving after departure of regular night trains. The accompanying map will show country covered by the new service.

In addition to making connections of great value to the service in the West, this train facilitates the commercial mail of this city almost beyond calculations. The crush of mail in the evening for years has been such that it has been impossible to work it up for evening trains. As a result a great volume of mail was continually held here over night. In the morning, again, the collections were so heavy it has been impossible to work up morning collections of mail for morning trains. As a result part of the great volume of local mail has been delayed in office twelve hours because of former conditions.

Congress in providing money, and the Department officials in establishing this service, brought greatly needed relief. The schedule time of the train is over 42 miles per hour, total run being 204 miles, which is understood here to be the fastest in the Railway Mail Service. In establishing the service in the beginning of the fiscal year the Department arranged a midnight collection of mail in this city. In this way all local mail accumulating, together with incoming mail, is made ready for the early morning service.

The Newton train over the Santa Fe gives service twelve hours earlier to over half of Kansas, practically all of Oklahoma, the western part of the Indian Territory, and central Texas, to Galveston, making valuable connections in that State.

Very respectfully,

HOMER REED, *Postmaster*,
By C. SEIDLITZ, *Assistant Postmaster*.

Here is another letter from a Republican postmaster, a successor to the one I have just referred to. Both of these men are Government officials not working for any political end, but endeavoring to do for the people what is best for them and for the best interest of the service:

KANSAS CITY POST-OFFICE,
OFFICE OF THE POSTMASTER,
Kansas City, Jackson County, Mo., January 21, 1899.

SIR: Yours of recent date concerning the value of fast mail west from here received. There can be no question as to its importance to the central West, the West, and South. On coming into office I found this service, and have no hesitation in saying that it has relieved the congested condition of the mails beyond calculation.

What is known as the western fast mail out of Kansas City leaves over the Atchison, Topeka and Santa Fe at 2.30 a. m., and at 7.10 a. m. overtakes the west bound train which leaves Kansas City at 9.40 p. m., 204 miles west, at Newton, Kans. At this point part of the train goes west and part to Galveston. The service throws mail from Omaha and the Northwest, from Memphis and the Southeast, into the West and Southwest at least twelve hours before time of delivery by former schedule.

In addition to mail accumulating at this point from other sections after the departure of the evening trains, the volume of local business is constantly increasing. The crush of local mail is beyond calculation and surpasses the ability of the Department to handle it. It is utterly impossible for the local office to collect and distribute the evening business in time to reach the early evening outgoing trains. Hence it is that for some years prior to the establishment of this service a great volume of the afternoon mail was delayed until next morning. Piling up on this comes the morning commercial mail, which was in consequence neglected, and this was held back from morning trains and was not disposed of until the departure of evening trains.

This congested condition of the mail service hampered the service and restricted the income from the same until relief was afforded by the establishment of improved facilities. The relief provided by Congress, and the execution of the same by the Department, has been of incalculable value to the postal service in this section. In this immediate vicinity it serves efficiently and well one and a half million people with important business mail, and this does not include many of the extensive Western and Southern connections.

The local and outside accumulation of mail at this point originally suggested and continues to demand the present railway mail service.

Very respectfully,

S. F. SCOTT, *Postmaster*.

HON. W. S. COWHERD,
Member of Congress, Washington, D. C.

I hold also in my hand, Mr. Chairman, resolutions which were unanimously adopted by the Commercial Club of Kansas City on the 31st of January of last year. This club represents a larger business interest than any other club of the same character between St. Louis and San Francisco. It has no connection with politics in any sense of the word. It is simply a representative club of the business men of the city. It has no connection with the railroads in any way, but one object of its existence is to maintain a transportation bureau, whose business is to keep railroad rates at a reasonable figure, to keep down freight rates. I will insert the resolutions in full. They are as follows:

THE COMMERCIAL CLUB OF KANSAS CITY,
EXCHANGE BUILDING,
Kansas City, Mo., February 3, 1899.

DEAR SIR: The inclosed are resolutions adopted by the Commercial Club at their meeting on January 31, 1899.

Yours, truly,

E. M. CLENDENING,
Secretary.

Resolutions unanimously adopted by the Commercial Club of Kansas City January 31, 1899.

Whereas the former action of Congress in providing improved mail facilities for the West and Southwest, thereby enabling the business men of Kansas, Oklahoma, Indian Territory, and Texas to receive their mail from all Eastern points from twelve to sixteen hours earlier, has been of the greatest benefit to all the business interests of the Southwest; and

Whereas this action of Congress has provided the means by which more than 1,500,000 people in Kansas, Oklahoma, Indian Territory, and Texas are directly reached; and

Whereas the former congested condition of all Western mails, caused by the unsatisfactory hours at which they were forwarded from Kansas City, has been relieved by the provision for an early mail from Kansas City west to Newton and its connections south and west: Therefore, be it

Resolved, That the Commercial Club of Kansas City takes this method of expressing its appreciation of the steps taken by Congress to improve the mail facilities in the Southwest and to respectfully petition that the present satisfactory conditions be maintained.

Resolved further, That the thanks of this club are extended to Senators and Representatives whose appreciation of the necessity for improved mail facilities in the West has resulted in the present conditions.

Now, Mr. Chairman, let me state briefly the conditions which confront us. I can not go fully into the matter, of course, in the very brief time allotted to me. Instead of this being an appropriation for the benefit of the railroads, as has been suggested here, when this appropriation was originally made we went to the railroad companies and asked them to put on this fast train, leaving at the hour and running at the speed necessary to serve the convenience of the public. We were informed that they could not do it at the price which was offered. The Santa Fe road at first refused absolutely to put on a train for this additional compensation.

After urging the Second Assistant Postmaster-General to establish the service, and, as I remember it, at his suggestion, the Santa Fe road was asked to make a bid for the service. They bid $50,000 annually more than the law allowed, and asserted that they could not undertake to run the train and to make the time required at a less rate. They claimed that they would lose money even at that. But the train was finally put on because the merchants of Kansas City, who furnished the road with its business, demanded it of them, and the road had to yield finally to their wishes. And yet gentlemen call this a "subsidy" for the railroad!

The CHAIRMAN. The time of the gentleman has expired.

Mr. COWHERD. I would be very glad if the gentleman could allow me a few minutes longer.

Mr. LOUD. I find that I have two minutes which I can spare to the gentleman.

Mr. COWHERD. I think the gentleman from Michigan [Mr. WM. ALDEN SMITH] the other day coined a very happy phrase when he said that the Post-Office Department was the "clearing house of commerce." I agree with him in that regard. I want to say to the gentlemen here, who have been talking of the postal service and the expenditures therein, that it should be remembered also that that is the one governmental service that is practically, or very nearly, self-sustaining. It is the service that comes more directly in communication with the people than any other. You can vote appropriations for a hundred million dollars for a Navy. You appropriate still more for the Army, and yet you continually oppose improvements in this service which comes directly to the homes of the people and is for their benefit and convenience.

It is a service, as I have said, that practically pays for itself. It is a service that goes to every homestead in the land, and every man, woman, and child in the United States, all are interested in it, every day in the year; and I warn gentlemen now that you can not lay your heavy hands upon it and throttle it; you can not force the people to go back to the time of the old canals and the slow stage coaches for their mail service and sustain yourselves before your people. I say to you they will not stand for it. This service is dearer to their hearts than any and all others performed by the Government.

This service not only carries on the commerce of the country, but it carries up its standard of intelligence and education; and in behalf of a community that turned in more than $400,000 net revenue last year from its post-office, in behalf of a million and a half of people who received almost nothing from the Government except what they get through the postal service, I appeal to you to give us back this small proportion of the money we gave, in order that our commerce may be benefited, in order that our mails may be expedited, in order that we may stand at our own door or on equal footing with the great cities, our rivals, that lie to the East, and whose mail is expedited, as ours should be. [Applause.] [Here the hammer fell.]

Mr. LOUD. I yield ten minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BINGHAM] is recognized for ten minutes.

Mr. BINGHAM. Mr. Chairman, the gentleman from Mississippi [Mr. WILLIAMS] has seen proper to quote the views of the minority. He did not read the preceding words of the statistics which he submitted, which I will read for the information of the House:

While the Postal Commission have not reported, yet the press credits their statistician, Professor Adams, as the author of a report, based on proofs taken before the commission on the question of transportation, which we quote, as follows—

And throughout that statement, based simply on "press reports," gentlemen submit to this House a body of statistics which the chairman of the committee [Mr. LOUD], familiar with the information contained in the official report, declares to be incorrect, and I trust when I make to this House that which the House gave me authority to submit yesterday, a statement pertaining to inland mail transportation, I will be able to prove that the deficiencies in the postal service are due to an entirely different cause.

I make this statement in view of the report of the Second Assistant Postmaster-General, of a reweighing of the mails from October 3, to November 6, 1899, which shows the fact that the free mail transportation made on behalf of the Government under the law creates a deficiency of upward of $19,000,000 per annum.

In other words, if that great customer of the postal system, the Government, should pay the rates that you, I, and everyone else have to pay, the Government would have to pay upward of $19,000,000 in the way of postage for matter which it transmits free, according to the weighing of five months ago. I believe every one of the details contained in the statement quoted by the gentleman from Mississippi [Mr. WILLIAMS] can be refuted, and I shall endeavor to refute them in the main.

Mr. WILLIAMS of Mississippi rose.

Mr. BINGHAM. I hope the gentleman will not interrupt me. I have not questioned his integrity of statement. I have simply questioned the authority of the statement which he quoted as being based on "general press reports," which words signify nothing.

Mr. WILLIAMS of Mississippi. This does not purport to be the general press. It purports to be a statement by Professor Adams.

Mr. BINGHAM. It is what the press says that Professor Adams has said.

Mr. WILLIAMS of Mississippi. Has not Professor Adams, the statistician of the commission, made any report?

Mr. BINGHAM. The allegation is simply on the part of the press that Professor Adams says so and so. Professor Adams does not say so and so.

Now, as to these special facilities: The Department takes before it the question, "How shall we transmit mail on a certain line or route between New York and New Orleans? Given at the same time a knowledge of how all the mails are transmitted, how can we by the use of this appropriation economically and efficiently facilitate this transportation?"

They do it in this way: The Post-Office Department makes up a schedule itself. It has the benefit of all the trains which run between these points, and it endeavors to ascertain where the service can be facilitated. I know of no better authority than the gentlemen along the line of the route as to the wisdom of Congress in making this appropriation, and the gentleman who has just spoken [Mr. COWHERD] has gone into full details with reference to the route to Kansas City, and other gentlemen will go into details as to the general route to New Orleans. I accept their statement.

Now, why do we have 80 trains from New York to my city of Philadelphia, carrying the mails every twenty or thirty minutes during the twenty-four hours of the day? Why does the Department do that? First, because the law allows them to do it; second, because in my city of a million and a half, and in greater New York, where there are three millions and a half, there are a sum total of 5,000,000 people—greater than the population of any other State in the Union except the States of Pennsylvania and New York. Those two cities interchange their mails continuously, expeditiously, and frequently. Why? Because of the commercial and industrial requirements of the business of those two great centers—larger, I say, than any States of the Union save the two that I have indicated.

These requirements demand the immediate delivery of all their mail in order that their business may be healthy, strong, quick, and certain. They do that under the general statute. If there were a hundred trains running between here and Philadelphia and New York, it would under the law be within the power of the Department to carry mail on every one of those trains. These are the two cities, with Chicago and the several other great cities, that render you your revenues. I have stated before that I have no objection, for the convenience of the people in their mails, to giving fair facilities in any section. I have none whatever to rural free delivery. I say again, as I have stated before, that it should be graduated and limited by statute.

I think, Mr. Chairman, that the people residing and enjoying mail facilities along the line of a railroad should be authority for this House to act, and if they come in good faith to us and say the business interests along the line need and require the service, that it is more expeditious than the general mail transportation, to my mind, and with my vote, not only upon this question but upon every other question that indicates expedition, it shall at all times be given, without regard to section or community. [Applause.]

Mr. LOUD. Now, Mr. Chairman, I will ask how the time stands between the two sides?

The CHAIRMAN. The gentleman from California has thirteen minutes and the gentleman from Tennessee has twenty-six.

Mr. LOUD. The gentleman informed me he had only fourteen minutes. If the gentleman has twenty-six minutes, I think he ought to consume some of his time.

Mr. MOON. Will you use some of your time?

Mr. LOUD. I would rather the gentleman from Tennessee used some of his time, if he has twenty-six minutes. I think there must be some mistake, for the gentleman said that he had but fourteen minutes.

Mr. MOON. I will yield ten minutes to the gentleman from Ohio [Mr. BROMWELL].

Mr. BROMWELL. Mr. Chairman, I do not know that I ought perhaps to take the time of the House to add any further to what I said in the general debate on this subject. I made a statement in the general debate bearing on this particular phase of the bill, because I feared I might not have an opportunity to discuss it in the two hours that were to be specially devoted to it.

I want to call the attention of the House to just a few facts in connection with this subsidy during the ten minutes that I have now allowed. I understand the gentleman from Tennessee is going to be kind enough to give me the remainder of his time following the gentleman from Virginia [Mr. SWANSON], who is going to talk next.

First of all I want to make this statement clear to the House that from the time the original grant was made of this original facility subsidy the Post-Office Department have absolutely refused in every instance to recommend their continuance. Let me quote to you from the report of the Postmaster-General for the last year, and the language is substantially the same in every report, running back for nearly ten years. He says:

> In submitting the estimates for several years past this office has declined to include the item of special facilities for reasons heretofore stated, but appropriations, however, have been made.

Then he gives a table showing how this subsidy has been expended. When I referred to this fact on the first day of the debate on this bill, one gentleman said, "How does it come, then, if Post-Office authorities refuse to recommend this appropriation; and how does it come when in their hearing before the commission that they think it does the general service of the country detriment rather than good, that they go ahead and expend this money, although by the terms of the bill it is placed within their discretion?"

The Assistant Postmaster-General, in reply to that very question, put to him by the gentleman from Massachusetts [Mr. MOODY], as stated in the general debate the other day, said:

> Although on its face it appears to be a discretionary power, yet when Congress, after full debate year after year, has put this provision in the bill and made this appropriation, the Post-Office authorities can not construe it otherwise than as indicating the wish of Congress that it shall be spent, and have understood it as mandatory.

Yet every utterance of the Assistant Postmaster-General, and the Postmaster-General, where he has made one, has been against the continuance of this subsidy. Now, I am not surprised that gentlemen who advocate this subsidy and who live largely along the line of these two railroads should be interested in keeping it in the bill. The influence of a great railroad corporation is known to every member of this House, not only the influence of the officers of the road, but the working force; and we all know——

Mr. COWHERD. May I ask the gentleman a question?

Mr. BROMWELL. I do not wish to yield at this time, and perhaps after I have made my statement you will not find it necessary. The gentleman from Kansas City speaks in defense of the $25,000 subsidy given to the train that starts from his city and goes to Newton, Kans. I am not surprised at it. The appropriation was put into this bill by a gentleman in the same locality, from a district in Kansas through which the train runs, a member of the Post-Office Committee. He found $25,000 of the original appropriation not being used. He thought it was a shame that the Government should save that $25,000 and suggested that it be put on the line running to Newton, Kans. He failed to get it on the bill in the House, because a point of order was made against it. He went to the Senate, and there the gentleman succeeded in getting it on the bill. When the bill came back with that amendment from the Senate, the point of order could not be made against it, and it has stayed on the bill ever since. I do not wonder the gentleman wants it continued. It helps the Kansas City newspapers to get out into eastern Kansas, and that was the sole and the only reason why this appropriation was put on.

The inference that might be drawn from the arguments of the gentlemen favoring this subsidy is that it is the sole compensation that these roads get for carrying the mails; in other words, that they carry the mail from Kansas City to Newton for $25,000, and the system starting from New York to New Orleans gets only $170,000 for the mails they carry. Let me state to the gentleman that the total amount that is paid for carrying the mail on these subsidized roads from New York to Philadelphia is $391,000; from Philadelphia to Washington, $307,000, making a total on the Pennsylvania system of $698,000.

The Southern road gets $318,000 for carrying the mail from Washington to Danville Junction, and from Danville Junction to Atlanta, $304,000; or, in other words, the Southern Railroad gets $722,000.

The Atlanta road gets $325,000, the Western Railroad of Alabama gets $54,000, and the Louisville and Nashville gets $186,000, so that this system of roads, including the $171,000 they get by the way of subsidies, gets an amount in full of $1,716,320 for carrying these mails. This is exactly shown in the table which follows, taken from the Postmaster-General's Report for 1899:

No. of route.	From—	Distance.	Ordinary annual pay for transportation.	Payment for postal cars.	Subsidy.	Total.	Name of railroad.
		Miles.					
109004	New York to Philadelphia	90.65	$310,255.97	$60,478.75	$11,331.25	$301,065.97	Pennsylvania, Philadelphia, Wilmington and Baltimore.
113001	Philadelphia to Washington	137.43	252,865.70	37,793.25	17,178.75	307,837.70	
114002	Washington to Danville Junction	238.20	231,563.74	57,168.00	29,775.00	318,506.74	Southern.
118013	Danville Junction to Atlanta	409.40	291,230.78	61,285.00	51,175.00	403,690.78	
121003	Atlanta to West Point	86.29	35,930.29	8,620.00	10,775.00	55,325.29	Atlanta and West Point.
124001	West Point to Montgomery	85.72	34,446.58	8,563.00	10,703.75	53,713.33	Western Railway of Alabama.
124012	Montgomery to New Orleans	318.27	114,570.41	31,827.00	39,783.75	186,181.16	Louisville and Nashville.
	Total					1,716,320.97	

Total length of subsidized lines, miles	1,365.78
Total subsidy	$170,722.50
Average subsidy per mile	125.00
Total compensation	1,716,320.97
Average compensation, nearly	1,257.00

Now, the great State of New York with its total mileage of 7,857 miles, nearly six times as great, gets only a little over two millions and a half for carrying all the mail over all the roads, or in other words, with a mileage six times as great as the entire length of this system, they get only one and a half times as much for carrying all the mails. The State of Pennsylvania with a total mileage of 7,038 miles, over five times as large as the length of this road, gets $30,000 a year less money than this system running through the Southern States. Illinois, with a total mileage of 10,316 miles, or seven and a half times as long as this system, gets one and a quarter as much money; and so I might go on and compare other States. Railroads greater in length, greater in extent, get only a very small amount comparatively, in some instances less than this system gets for carrying the mails. This system is being well paid for its service.

Now, a great deal has been said about the expedition and rapidity with which these trains are run. I want to say there are trains in this country making far greater speed which are not being paid any subsidies, trains making 50 miles an hour. On the New York Central and the Michigan Southern they average 38 miles an hour. I have selected a few roads at random. The distance from Washington to Charlotte is 380 miles. Train No. 35, the fast mail train, makes it in ten and a half hours, or about 36 miles an hour. Train No. 37 makes it in 35 miles an hour. I want to say that there are trains run over the Southern system that make faster time than the so-called fast mail train. Train 33 makes it in ten hours, or fifteen minutes less than the subsidized train. Train 31 makes the run in nine hours and forty minutes, or fifty minutes less than train 35, the subsidized train.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GAINES. Before the gentleman resumes his seat, I would like to ask a question of the chairman of the committee.

Mr. LOUD. I have not the floor, Mr. Chairman, neither do I propose to take the floor on this amendment.

Mr. MOON. I will yield the balance of my time to the gentleman from Ohio [Mr. BROMWELL].

The CHAIRMAN. Does the gentleman from Ohio wish to reserve the balance of the time?

Mr. BROMWELL. The gentleman in charge of the opposition [Mr. MOON] has given me the entire time left to him, which is sixteen minutes, as I understand, and I will reserve that until after the other side has finished.

Mr. LOUD. I understand the gentleman wishes to consume all of his time in closing. I will therefore yield the balance of my time to the gentleman from Virginia [Mr. SWANSON].

Mr. SWANSON. Mr. Chairman, this matter should be treated entirely as a business proposition. There is an appropriation of $171,000 to facilitate the mail from New York to New Orleans. The only question for this House to determine is whether enough people are interested in it and whether the mail is sufficiently facilitated to justify the expenditure, and whether the facilities would be gotten if the appropriation did not exist. It seems to me this is the right way to determine this matter. Let us first determine the number of people interested in it. The people of New England, New York, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas are interested in this; also the mail of Cuba and Porto Rico goes by this route. Thus between fifteen and twenty million people are interested—certainly a sufficient number.

Now, I want to say if they could get this mail, and as well and speedily, without this appropriation, there is not a member in this House who ought to vote for it. If it does not facilitate the mail, there is not a man who ought to vote for the appropriation, because it is not right, just, or proper. That is a fair proposition. Everybody will admit that, from the number of people interested, this is a small sum of money to appropriate if the mail is facilitated.

The best way to test that is to see what the time was before the appropriation was made and what the time has been since. Now, they say it has increased gradually since. I want to give you the time-table one month after the appropriation was made for this special facility and one month before. I have here a letter from Mr. Shallenberger, the Second Assistant Postmaster-General, giving the schedule of trains before the appropriation was made and the schedule since. Take the town of Danville, Va., in my district. Formerly it took eighteen hours and fifteen minutes to take a letter from New York City to Danville.

Mr. GAINES. When was that?

Mr. SWANSON. That was the very month before the appropriation was made.

Mr. GAINES. What year?

Mr. SWANSON. That was in 1893. But immediately after the appropriation was made the time was reduced to thirteen hours twenty-five minutes. In other words, there was a saving of five hours in the commercial communication between Danville and New York—nearly all in one month—on account of this appropriation.

Take the town of Greensboro. It used to take nineteen hours and fifty-five minutes to carry a letter from New York to that town.

Mr. GAINES. How long does it take to go from here to Danville?

Mr. SWANSON. Leaving here at 11 o'clock, the train gets there about 5 p. m.

Mr. GAINES. Six hours.

Mr. SWANSON. That train makes, I think, only two stops in the State of Virginia.

Take Tampa, Fla. At Tampa is accumulated all the mail that goes to Porto Rico and to Cuba. It is shipped across from there. It used to take, according to the report of the Postmaster-General, fifty-five hours and thirty-five minutes for a letter to reach there; now it requires only forty hours and forty minutes—a saving of fifteen hours on all the Cuban mail and the Porto Rican mail, this expediting having been gained by this small appropriation of $171,000. The like reduction has been made all along the line. Now it is greatly reduced. At New Orleans, at Atlanta, at Danville, and all these places is accumulated the mail to be distributed to the other cities.

These are the only trains in the United States for which the Post-Office Department makes the schedules to facilitate mail, instead of permitting the roads to make for facilitating passengers. What is the effect of this in Virginia? I want to give you an illustration from my own State. This through mail train makes but two stops, I think, in the State of Virginia—one at Charlottesville and one at Lynchburg. The Department fixes the very minute that the train shall stop at Danville, the very minute that it shall stop at Lynchburg, the very minute that it shall stop at Atlanta. Thus the mail is expedited instead of the passenger business.

If you were the owner of a train running through Virginia, North Carolina, South Carolina—running from New York to New Orleans—would you be willing that that train should do practically no local passenger business—stop at none of these smaller stations to take on passengers—without being paid for it? What does this railroad line do? It puts on local trains to pick up passengers from station to station. The Postmaster-General says that this third train has been put on from Washington to New

Orleans to do the local passenger business so that the mails may be facilitated and expedited.

This appropriation is not for the benefit of a single road. By its terms it is intended to facilitate mail transportation from New York by way of Atlanta to New Orleans. There are three routes—one by the Seaboard Air Line and the other by the Atlantic Coast Line and the other by the Southern. Up to 1893 the Atlantic Coast Line had the contract under this appropriation. What did they do? In 1893 they came to the Post-Office Department and said: "We give up this contract voluntarily; we do not want it; we will not accept the appropriation and enter into the contract that you require of us to run our trains without stopping at these local stations."

The Department required that they should start a train from New York City at 4 o'clock in the morning. They said that under such an arrangement they would lose more upon the passenger traffic than they would make upon the mail transportation. That railroad line gave up this business voluntarily. As a result, the whole mail system of the South was demoralized, and the boards of trade in these cities finally induced the Southern Railway to consent to accept this appropriation and give this section this facility.

Mr. McCULLOCH. Why did the Government require a train to be started at 4 o'clock in the morning?

Mr. SWANSON. I will tell the gentleman. Under the general law governing this business the railroad company simply presents its schedule to the Department, and it puts the mails upon that line or not, as it pleases. But in the present case the railroad does not fix the schedule for this train; the Department fixes it. The Department says: "We will not pay you a cent unless you run on this schedule, the object of which is to facilitate mail transportation, not passenger traffic." And the Department fixes 4 in the morning in New York, because that is the best time for mail trains.

Mr. McCULLOCH. At what time would the train leave Little Rock?

Mr. SWANSON. It does not leave Little Rock, nor touch there. It leaves New York at 4 o'clock in the morning, as I have said.

Mr. McCULLOCH. Why should it not leave at 11 or 12 o'clock?

Mr. SWANSON. Because the Department, acquainted with all the mail connections, thinks that is the best time, and requires it.

Mr. McCULLOCH. Why should not the train leave earlier than 4 o'clock in the morning?

Mr. SWANSON. Because there is a fast through train leaving at 4 o'clock in the afternoon, and a great deal of the mail business accumulates after that time. The whole New England mail does not come in until after that train leaves.

Mr. GILBERT. You say that one company gave up this contract voluntarily?

Mr. SWANSON. Yes, sir.

Mr. GILBERT. And this other company assumed the contract?

Mr. SWANSON. The Southern Railway assumed it, but the other company could take it at any time they were willing to do so without this extra compensation.

Mr. GILBERT. Was there any additional compensation provided for the company now operating this business?

Mr. SWANSON. Not a bit. They received exactly the same that was formerly given. The company is fined if it does not make the schedule. They forfeit pay for the trip.

Mr. BARTHOLDT. Will the gentleman yield for a question?

Mr. SWANSON. Certainly, I yield to the gentleman.

Mr. BARTHOLDT. I desire to ask a question for information. I am not a member of the committee, and I am open to argument on this subject; but I heard my friend from Ohio [Mr. BROMWELL] state here a few minutes ago that there are three or four trains making better time than these subsidized trains.

Mr. SWANSON. There is only one other train from New York to New Orleans, and there used to be only one before this appropriation was made. The train that did not get the appropriation was the one that existed before this appropriation was granted, running from New York to New Orleans by way of Atlanta.

Mr. BARTHOLDT. Then the logical conclusion to be drawn from the gentleman's argument is that as a result of this subsidy, which I consider wrong in principle, the train runs faster.

Mr. SWANSON. Why, the train which used to take the place of this special fast train took eighteen hours and fifteen minutes to get the mail to Danville, the town in which I live. The Postmaster-General tells you that now it only takes thirteen hours and twenty-five minutes. It used to take fifty-five hours and thirty-five minutes to get the Cuban and Porto Rican mail to Tampa. Now it only takes forty hours and forty minutes, a saving of fifteen hours to Tampa. The mail of 15,000,000 people is concerned in this.

The gentleman says, "Why do you not give it to other sections of the country?" I will tell you why. The gentleman from Ohio [Mr. BROMWELL] tried to get special mail facilities from Cincinnati to Atlanta. I favored it, but it went out on a point of order. He did not oppose this at that time, but every hour and minute since he could not get his appropriation he has fought this. He did not have this great antagonism until then. Now, I have always said that where you can facilitate the mail, if the service is sufficient to pay for it, if the number of people interested are sufficient, you ought to do it.

The gentleman says the Postmaster-General does not recommend this. He does not say that it is not beneficial, but he says that there is complaint on the part of other people who do not get it. He admits in his letter that is filed here that it facilitates the mail to the extent that I have told you. Now, let me read you what he says on cross-examination. He says:

I am not prepared to say that it would not be disastrous if that train should be taken off and nothing substituted for it.

When Mr. Shallenberger was before this commission he stated distinctly that he could not say that the Southern people could get this same service if Congress refused to make this appropriation. He simply said at that time that it was a special facility to the Southern people and that he thought that it ought to be general, or else that we ought not to have it.

Now, the conditions down South are different from those in other parts of the country. As I have told you, it is a sparsely settled country. The travel between New York and New Orleans is not as great as the travel between New York and Chicago. Every twenty minutes a train goes out of New York for Chicago and out of Chicago for other points. There used to be only one train, before this appropriation was made, running between New York and New Orleans, and it goes through a stretch of country thousands of miles in length; and when you take the aggregate of the miles traveled, it is a small compensation.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. SWANSON. I should like five minutes more.

Mr. LOUD. We have no more time on this side, Mr. Chairman.

Mr. GAINES. I ask unanimous consent that the gentleman's time be extended five minutes. I should like to hear the gentleman's statement.

The CHAIRMAN. The time in favor of this proposition is exhausted, under the order heretofore made.

Mr. BROMWELL. Mr. Chairman, how much time has the gentleman from California?

The CHAIRMAN. The time of the gentleman from California is exhausted.

Mr. BROMWELL. Mr. Chairman, when I ceased speaking a few minutes ago I was referring to some of the other trains in this country which are not subsidized, which make as good or better time than these subsidized trains, and I was also calling attention to the fact that this very Southern road has trains which are not subsidized that make faster time than those that are.

These figures are taken from the time tables. The distance from Washington to Atlanta is 648 miles. The time that train No. 35 makes is eighteen hours and forty minutes, or an average of 34.7 miles per hour, while train No. 37, which is not subsidized, makes, on an average, 36 miles an hour for that entire distance.

Illinois Central Railroad train No. 3 leaves Chicago at 5.30 in the afternoon and runs to Cairo, a distance of 365 miles, in nine hours and forty-five minutes, or an average rate of 37.4 miles an hour, and gets no subsidy. The same train runs the distance between Chicago and Memphis, 527 miles, in fifteen hours twenty-five minutes, or an average of 34.2 miles per hour, about the same rate that this Southern train, No. 35, makes. I want to remark right here that the gentleman from Virginia talks about the Southern trains running through a sparsely settled country. The Illinois Central train, between Chicago and New Orleans, runs through just about as sparsely settled a country as the Southern does. The distance from Chicago to New Orleans is 923 miles. The Illinois Central train makes this in twenty-six hours five minutes, or an average of 35 miles an hour, which is as good time as the Southern train makes, and it gets no subsidy for it.

If we take the entire subsidized line from New York to New Orleans, we have to count that train as leaving New York at 12.10 midnight. It is true that it waits in Washington for another train that leaves New York four hours later to reach it in Washington. But remember that that train that connects with No. 35 of the Southern brings out the mail from New York up to midnight, and leaves New York at 12.10, reaching Washington at 7 o'clock in the morning and lying here from 7 o'clock until 11.15 in the morning before it starts for the South. Yet that is given as a part of the subsidized system. That is the line that brings the passengers who go South over this Southern system. The train that leaves, not at 4 o'clock in the morning, but the one that leaves at 12 o'clock and 10 minutes at night is the train that brings the passenger travel.

Now, what does the 4.30 a. m. train bring? Nothing but the New York newspapers, or very little else. Gentlemen will say that it brings the New England mails. The New England mails come in just as much in the daytime as between 12 o'clock at

night and 4 o'clock in the morning. There is no one train that necessarily expedites the New England mail. It depends entirely on the running of the New England trains themselves whether they get the benefit of this part of the service or not.

Now, the Santa Fe train from Chicago to Kansas City, No. 17, runs a distance of 458 miles in eleven hours and a half, or an average of nearly 40 miles an hour, and yet that train is not subsidized.

Mr. COWHERD. Will the gentleman yield for a question?

Mr. BROMWELL. Not now. You will have your opportunity in the five-minute debate, and then I will answer your question.

Mr. COWHERD. I understand there is to be no five-minute debate on this.

Mr. BROMWELL. Yes; there is. The Burlington road runs a train from Chicago to Kansas City, a distance of 500 miles, in thirteen hours and fifty minutes, or an average of 36 miles an hour. The Baltimore and Ohio Southwestern train, running from Parkersburg to St. Louis, 537 miles, makes an average of 34 miles an hour, or the same as the Southern train, and yet it gets no subsidy. The Big Four road, running from Cleveland to St. Louis, a distance of 548 miles, averages 36 miles an hour, and gets no subsidy.

In other words, gentlemen, the pretense that this is a specially fast train, and is therefore entitled to the subsidy, is shown by these facts to be entirely without foundation, and you can get these figures for yourselves by looking at the Railroad Gazetteer. There are plenty more which show the same state of affairs.

But gentlemen say that this train leaves New York City at such an hour that it does not get any passenger travel. It leaves at 4 o'clock in the morning, and goes on through. As I have said to you, the passenger travel that goes over the Southern from New York goes on the train that leaves New York at 12 o'clock and 10 minutes at night, not the 4 o'clock train in the morning, and all that that train does is to hurry the New York newspapers over here to overtake that train that leaves at 12.10 at night, which lies over from 7 o'clock until 11 o'clock in the morning, when it is sent on.

Now, Mr. Chairman, just a few general remarks. We are being met, and particularly in this bill, with demands from all parts of the postal service for all sorts of extensions and improvements. The members of the House on both sides are demanding not merely $1,750,000 for free rural delivery but $2,000,000; and it will grow, I firmly believe, to ten or fifteen or twenty million dollars, if allowed, in this House inside the next two years. If the service is right, let it grow. We are called upon by the railway mail clerks, clerks in post-offices, and carriers of the country to reclassify them.

The chairman of the Post-Office Committee has said that if these classification bills were passed it would amount to $6,000,000 out of the revenues of the Government. If they are entitled to reclassification and increase of salaries, I say let them have it. They have my sympathy; but we can never do justice to them, we can never do justice to your districts or free rural delivery or any other improvements, if we shall lavishly and foolishly use the money of the Government as is done on this subsidy to give such service as that.

Gentlemen also say there is danger of this fast train being taken off if we do not give them this subsidy. I do not believe it for one moment. The great Southern Railroad, reorganized, and doing a profitable business, having the most important trunk line, perhaps, from New England and the Middle States to the Southwest, is not going to take off any one of its good trains merely because the Government pays $170,000 less for carrying the mails. That train will run on the same schedule time, and will deliver the mails that it carries on the same time to every point in the South without that subsidy that it will with it. That is nothing but a bugbear and bugaboo that gentlemen hold up before us, trying to frighten us by saying that it will lose five or six hours in the time of delivery.

Mr. GAINES. Will the gentleman tell us whether there is any proof in this record that this train would be taken off if this subsidy is not given?

Mr. BROMWELL. On the contrary, the Postmaster-General, while he said that he did not know—no man could know what is coming to pass—said that he believed the Government would get as good service by making arrangements with competing roads, if not better.

Mr. UNDERWOOD. Did he not say he could give it to this road or any road that will carry it?

Mr. BROMWELL. The gentleman has his answer. The same question was put by the gentleman from Massachusetts [Mr. MOODY] to the Postmaster-General in the hearing before the commission. He said, "If this is in your discretion, Mr. Postmaster-General, why can not you discontinue it," and the Postmaster-General said:

So long as Congress appropriated for it and so long as Congress authorizes me to expend the money, why, of course, we look upon it as an order to do so.

Mr. SWANSON. Will the gentleman permit me to read what the Postmaster-General stated?

Mr. BROMWELL. I decline to be interrupted.

Mr. SWANSON. I have here what the Postmaster-General did say.

Mr. BROMWELL. But I say to the gentleman from Virginia and to the members of this House I know what the Postmaster-General said. I have looked over it; I have read it over carefully. I know the gentleman can pick out a sentence or a part of a sentence which may appear to favor it, but the conclusion of what he said was this subsidy not only does no good to the service, but, in his opinion, it is a great injury and detriment to the service.

Mr. SWANSON. I have some places here where he says it will be a benefit to the service.

Mr. BROMWELL. You will have your five minutes to show that. The gentleman well knows he can take here and there a part of a sentence—and he has marked them—in his copy of the book; I saw them—little expressions, half sentences, and sentences which appear to give a favorable view to his side of this question; but I say to him and to you or to any person that, when brought back to the proposition on this subsidy, the Assistant Postmaster-General has said it was for the detriment and not for the benefit of the service of the Government.

Now, Mr. Chairman, I have here the Railroad Gazetteer for 1893, before this great combination of roads was made. I find in the time-table for 1893 a train leaving New York at about the same hour that this 12.10 train leaves now, or rather leaving Washington at 11.10, which got to Atlanta in a little less time than is allowed since this train under the subsidy. That was in 1893. Gentlemen can find it right here in the Railroad Gazetteer. It is very natural to find some gentleman here living along the line of these roads defending this subsidy. It is natural that they should. The influence of great railroad corporations naturally influences all of us.

I want to say that this question of the extension of the railroad facilities—of the amount that is paid for the transportation of mail—would not create so much of discussion and it would be settled if these railroads themselves would come to Congress and say they were satisfied with the regular mail pay that they get under the laws of Congress. We do not want the subsidy; we think we get sufficient compensation for carrying these mails, and I do not know the reason why these two lines of railroad should be picked out and made favorites by Congress.

Mr. SWANSON. Will the gentleman state why it was that he attempted to get a subsidy for a railroad in his district?

Mr. BROMWELL. I will. The Chamber of Commerce of my city, when I first became a member, saw that these two lines were getting subsidies, and they thought it would be a good thing to have the Cincinnati and Southern subsidized for a fast mail between Cincinnati and Chattanooga, and I tried to get it, but found I could not. I found, when I came to investigate it as a member of the Post-Office Committee, that I ought not to get it, and I never tried for it afterwards. I went to work and tried to make this thing as obnoxious as possible by proposing subsidies for every railroad that ran out of Cincinnati. I wanted them to subsidize the Baltimore and Ohio, the Chesapeake and Ohio, the Big Four, the Pennsylvania, and Southern, just to show the absurdity of the proposition. I know the gentleman from Virginia has come in here whenever this question has been up and said: "The gentleman from Ohio wanted a subsidy for his railroad." Of course I did, but I have learned wisdom since I have been a member of this House and learned to be honest about these subsidies.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The Clerk, proceeding with the reading of the bill, read as follows:

For necessary and special facilities on trunk lines from New York and Washington to Atlanta and New Orleans, $171,238.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. LITTLE. Mr. Chairman, I move to strike out that paragraph last read.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the last paragraph.

The question was taken; and on a division (demanded by Mr. LITTLE) there were—ayes 41, noes 92.

So the motion to strike out the paragraph was not agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., $25,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. LITTLE. Mr. Chairman, I move to strike out the paragraph just read.

The question was taken; and on a division (demanded by Mr. LITTLE) there were—ayes 32, noes 85.

So the motion to strike out the paragraph was not agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For miscellaneous items, including railway guides, city directories, and other books and periodicals necessary in connection with mail transportation, $1,000.

Mr. BELL. Mr. Chairman, the chairman of the Post-Office Committee a little while ago asserted most earnestly and vehemently that we had been reducing constantly the charges for carrying the mail. Now, I say with all due deference to him that there is not a shadow of foundation for that statement.

The law is so fixed that if a railroad company carries a small weight of mail, one price is fixed; if it carries a larger amount of mail, a cheaper price is fixed, just as the railroads carry carload rates cheaper than 100-pound rates. Now, the same rate has been in force for many years. The act of 1873 fixed the rate at so much for 200 pounds, so much for a thousand pounds, and so much for 5,000 pounds, etc., right along, as it is to-day.

In 1876, notwithstanding the arrangement was just as it is to-day, Congress reduced the general rate 10 per cent by a horizontal cut. Matters standing in the same way as they do to-day, Congress in 1878 made another horizontal cut of 5 per cent; and since 1878 Congress has not taken any action at all. The railroad has been reducing both the hundred-pound and the carload rate to the people, but nothing to the Government.

I say it is absolutely misleading to this House and to the country for the chairman of that committee to come here in the face of such facts and tell us there has been a reduction. He might as well have said, because the mail has increased in weight between 1873 and 1876, that there was a reduction beyond 10 per cent. Nobody has ever claimed that.

The weight of the mail was increasing from 1873 to 1876, yet in 1876 Congress passed an act providing that these rates fixed by the act of 1873 should be reduced by a horizontal cut of 10 per cent. The gentleman could well say that on the increase from 1876 to 1879 there was a reduction, because as a road carries more weight the price is less. But in 1878 Congress reduced the rate 5 per cent, and there has not been any reduction since 1878. I have the statute here before me, but the law is so plain that it is unnecessary for me to read it.

The gentleman hangs his statement simply upon the little technicality that the law itself says if a railroad carries only 200 pounds a day it shall have a certain price, and if it carries 5,000 pounds it shall have a less price for carrying by wholesale than for a little job lot. On that little technicality—a thing which existed from 1873 up to 1878, during which period we had two reductions, the chairman seeks to put before this House and the country the statement that the reduction has been 42 per cent since that time. I assert it has not been; that the gentleman's statement is false information based upon a technicality. Every tendency of railroads has been to lower the hundred-pound and the car rate to individuals, but no reduction has been made to the Government in twenty-one years.

Mr. LOUD. Mr. Chairman, there is no gentleman on the floor of this House for whom I have a higher personal regard than the gentleman from Colorado [Mr. BELL]. But I want to say that in this case he has built up a man of straw for the purpose of pounding him.

If the gentleman will repeat the words that I used, he will find that his speech was wholly unnecessary. It seems almost impossible to get the gentleman to understand what I say. Probably it is because I have not a clear manner of stating a question. I have stated, and will now state again to the gentleman, that I was giving the reduction of the rate per ton per mile on freight. I can not carry the direct figures in my mind now, but I think it was 41 per cent. The reduction in the mileage of passengers I think was 21 or 22, and the reduction in the ton miles of mail, as I stated, was 39 per cent. I hope the gentleman understands that. I also gave a statement of the increase amount of business, and while the increase amount of freight mileage has been about 331 per cent, the increase weight of mail had increased 555 per cent.

Now, Mr. Chairman, I hope we may have a vote.

Mr. BELL. May I ask the gentleman a question?

Mr. LOUD. I do not want to go any further on this question. My statement is in the RECORD, and I repeat it again here.

Mr. BELL. But the House will never understand it. Your increase was not under any of the legal weights of the Government.

Mr. LOUD. I made the statement emphatic, and now will make it again. The gentleman will find my statement to-morrow morning in the RECORD. I said the act itself was self-reductive.

Mr. BELL. Yes, I know you did; but I say it is not.

Mr. LOUD. Well, I say it is. Now, Mr. Chairman, I ask for a vote.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For transportation of foreign mails, $2,248,000, including additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to New Zealand and New South Wales by way of Honolulu, all mails made up in the United States destined for the Hawaiian Islands, the Australian colonies, New Caledonia, and the islands in the Pacific Ocean, $80,000: *Provided*, That the sum paid said Oceanic Steamship Company shall not exceed $2 per mile, as authorized by act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce:" *And provided further*, That hereafter the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding $55,000, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union; and not exceeding $40,000 for transferring the foreign mail from incoming steamships in New York Bay to the several steamship and railway piers, and between the steamship piers in New York City and Jersey City and the post-office and railroad stations, and for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers.

Mr. CUMMINGS. Mr. Chairman, I move to strike out the last word. I have received dispatches from New York requesting me to have read to the House the petition which I send to the desk.

The Clerk read as follows:

NEW YORK, *April 26, 1900.*

Hon. EUGENE F. LOUD, *Washington, D. C.:*

The Merchants' Association respectfully petitions Congress to reconsider its decision striking the item for pneumatic-tube service from the Post-Office appropriation bill. The following reasons are believed entitled to consideration:

First. There is no specific charge of bribery or corruption in connection with this matter. General charges should not be recognized.

Second. New York City is not simply a local post-office; it is the clearing house of the entire country for both incoming and outgoing foreign mails.

Third. New York received not one dollar extra appropriation for the service it renders the different trade centers of the country in doing this work.

Fourth. New York returned last year in excess of expenditure, $5,578,933.39.

Fifth. The present facilities for handling the mails, both local and foreign, are utterly inadequate for the business done. This country has made rapid strides in the past few years. Manufacturing industries have sprung up throughout the entire length and breadth of the land, and the great middle West is now the center of manufacture. The markets of the world are calling for our manufactured goods. Every facility should be given the clearing house for foreign mails. A few minutes' delay frequently means a loss of from one to five days' time. First-class mail earns a large revenue for the Government. The barnacles attached to the service cause a deficiency and should be removed.

This is an age of trade and commerce, and every improvement in the postal service should be adopted, no matter whether controlled by private individuals, corporations, or the Government. The city of New York locally can take care of itself with the present appropriation, but to be the effective clearing house of the entire country for foreign mails it should have every facility that human ingenuity can devise and money obtain, and not be hampered by either prejudice or parsimony. Every encouragement should be given to our manufacturing industries as they seek the markets of the world.

THE MERCHANTS' ASSOCIATION OF NEW YORK,
By S. C. MEAD, *Assistant Secretary.*

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4324. An act to correct the military record of Albert S. Austin;

S. 3189. An act for the relief of Leonard I. Brownson;

S. 2960. An act for the relief of Edward Kershner;

S. 906. An act to provide an American register for the steamer *Esther*, of New Orleans; and

S. 276. An act for the erection of a public building at Kingston, N. Y.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9824) authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. MCMILLAN, and Mr. BERRY as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following; resolution in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed of The Smithsonian Institution—Documents Relative to Its Origin and History, 7,000 copies, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Smithsonian Institution.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL.

For manufacture of adhesive postage and special-delivery stamps, $223,000: *Provided*, That out of the revenue arising from special-delivery business the

Postmaster-General may allow expenditures by postmasters at first-class post-offices, under regulations to be established by him, for car fare for special-delivery messengers in emergent cases where immediate delivery in the usual way is impracticable, not to exceed in the aggregate, for all offices, $10,000 a year: *And provided further*, That at first and second class post-offices the Postmaster-General may establish rules under which special delivery may be effected by any salaried clerk or employee thereof, and the lawful special-delivery fees allowed therefor, the same as is now done at third-class offices, in cases where such delivery can not be made by regular messengers.

Mr. DRIGGS. I should like an explanation of the "*Provided further.*" Is that the same as in the last bill?

Mr. LOUD. Yes.

Mr. HEPBURN. Mr. Chairman, several gentlemen about me have suggested, in view of what was said a moment ago, that it would be entirely proper for some member of the House upon this side to say that Mr. Dockery, during the sixteen years of his service here, secured the confidence and respect of all members upon this side of the House. Nobody believes that he would be guilty of any offense, or any official impropriety, and certainly not of a crime. I want to say for myself, having known him intimately, he being my neighbor, seeing him in Congress and out of Congress, that I have the utmost confidence in him, the greatest respect for him, and I know of no member whose departure from this House was more universally regretted than that of Mr. Dockery. [Applause.]

The Clerk resumed and concluded the reading of the bill.

Mr. CUMMINGS. I move to strike out the last word.

Mr. LOUD. Mr. Chairman, in order to protect my rights, I offer the following amendment at the end of the bill.

The CHAIRMAN. The gentleman from California offers the following amendment.

The Clerk read as follows:

Add the following:
"And that the sum of $20,000 be, and the same is hereby, appropriated, to be made available on the taking effect of this act, to maintain the postal service in Porto Rico during the months of May and June in the year 1900.

Mr. LOUD. Mr. Chairman, I offer this amendment here in order to protect my rights, but if I can get the unanimous consent of the House to offer it at another point in the bill, I do not desire to offer it here. I will ask unanimous consent to refer to page 2, and to offer it in a more appropriate place, and then I will state to the House the necessity for it.

The CHAIRMAN. The gentleman from California asks unanimous consent to recur to page 2, for the purpose of offering an amendment which the Clerk will report. Is there objection?

There was no objection.

Mr. LOUD. Then I will offer this amendment and withdraw the other. They are both substantially the same.

The CHAIRMAN. Without objection, the amendment first offered will be withdrawn, and the gentleman from California substitutes the following, which the Clerk will now report.

The Clerk read as follows:

Amend by adding after the word "dollars," page 2, line 2, the following:
"*Provided*, That the sum of $20,000 be, and the same is hereby, appropriated out of this appropriation to maintain the postal service in Porto Rico during the months of May and June in the year 1900, to be immediately available."

Mr. LOUD. Mr. Chairman, the Postmaster-General finds that this act that we have recently passed, which goes into effect on the 1st of May, turns the postal revenues of Porto Rico into the public Treasury, and that he would have no means of running the postal service in Porto Rico without a deficiency appropriation.

Mr. BELL. Is it the intention that this shall be at the expense of Porto Rico?

Mr. LOUD. Oh, no; let me say that when this act goes into effect Porto Rico, so far as the postal service is concerned, will become a part of the postal service of the United States.

Mr. BELL. Then, does this come out of our revenues, or out of the revenues of Porto Rico?

Mr. LOUD. I suppose that hereafter if the revenue of the postal service of Porto Rico are not sufficient to pay the running expenses of the offices there, we will have to pay the difference out of the Treasury, or out of the receipts of the postal service in the United States, just the same as we do in many portions of the United States to-day.

The amendment of Mr. LOUD was agreed to.

Mr. LOUD. I move that the committee rise and report the bill to the House with the amendments, and with the recommendation that as amended the bill do pass.

Mr. CUMMINGS. Mr. Chairman——

Mr. ROBINSON of Indiana. I wish the gentleman would yield for a moment.

Mr. LOUD. I yield for a moment.

Mr. CUMMINGS. I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana has just been recognized.

Mr. ROBINSON of Indiana. I desire to make a request for unanimous consent of the House, and ask the attention of the chairman of the committee in charge of this bill to this request. I will premise by saying that when the committee was considering the subject of rural free delivery the other day, the gentleman from South Carolina [Mr. LATIMER] presented an amendment providing for an appropriation of $2,000,000 for this service. It was withdrawn subsequently, largely upon the statement of the gentleman from Georgia [Mr. GRIGGS], who said that the rural free-delivery department had informed him that the amount granted by the committee and appropriated by this bill, $1,750,000, was all that they could use in that service. But it turns out that that statement was made to him some time ago, and relating to that time was correct, but since then members of Congress have sent so many petitions for this service to the Department that those in charge now inform us that it could usefully, profitably, and judiciously handle $2,000,000 for rural free delivery. The gentleman from South Carolina [Mr. LATIMER] was correct in his statement when he stated these facts on presenting and urging a total appropriation of $2,000,000. I ask unanimous consent to return to page 13, lines 12 to 15, for the purpose of offering an amendment in consonance with the wishes of the rural free-delivery department, my own judgment, and, I think, the sentiment of the House.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to recur to page 13 for the purpose of offering an amendment relating to rural free delivery. Is there objection?

Mr. LOUD. I object.

Of course I should not have withdrawn the motion that the committee rise.

The CHAIRMAN. The gentleman from California moves that the committee do now rise.

Mr. LOUD. The gentleman from New York seems to want some time, but I will not yield the floor for any further request or amendment.

Mr. CUMMINGS. The gentleman had the floor, but was cut off the other time.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CUMMINGS. I move to strike out the last two words of the paragraph. I think the gentleman yielded to me.

Mr. LOUD. If the gentleman does not propose to offer any amendment.

Mr. CUMMINGS. No; I do not.

Mr. LOUD. Well, I want to be recognized after the gentleman.

Mr. CUMMINGS. Mr. Chairman, the discussion yesterday developed the fact that the provision which practically amended the eight-hour law so far as the letter carriers are concerned was offered here, not by the Committee on the Post-Office and Post-Roads, but by the gentleman from California [Mr. LOUD], acting individually. If this fact had been known at that time, it is possible that the gentleman from Massachusetts [Mr. FITZGERALD] might have made the point of order against it. I want to say, further, Mr. Chairman, that when I asserted yesterday that no letter carrier could be produced who favored the amendment to the bill, and added that no hearing had been allowed them before the Committee on the Post-Office and Post-Roads, I understood the gentleman to say that such a hearing had been given and had been printed. It seems, however, that it was a hearing before the postal commission and not before the Committee on Post-Offices and Post-Roads. I shall insist upon a yea-and-nay vote upon the Loud amendment in the House.

I want to say further, Mr. Chairman, that in replying to me yesterday the gentleman from California made a statement that there was a general scramble all along the line for an increase of salaries, and among others he instanced the fourth-class postmasters. Now, Mr. Chairman, while that may appear to be an increase of salary, it is really not so. The fourth-class postmasters came into being many years before the establishment of the railway post-offices, and the mailing of letters in this railway mail has decreased the pay of the fourth-class postmasters. They are simply asking to-day that the Government shall stop this robbery of them, which has been going on ever since the beginning of the Railway Mail Service.

The cancellation of stamps in the offices and the sale of the stamps in the same offices show that every quarter there is over $100,000 decrease, and as the fourth-class postmasters are paid according to cancellation, and not according to the sale of stamps, their revenues are thereby decreased, so that it amounts to-day to over $300,000 a quarter. They simply ask that the Government shall stop this robbery of them. Now, there was an implied contract made with the fourth-class postmasters when they were first appointed that their allowance should be based on the stamps canceled in their offices. Since then the Railway Mail Service has come between them and taken a part of their receipts. It is a traveling post-office, robbing them of a large percentage of what belongs to them.

We have 70,000 fourth-class postmasters, and in some cases they

receive no more than $7 a year, furnishing their own lights, fuel, wrapping paper, twine, messengers, etc., at their own expense, and selling all the stamps absolutely free of cost to the Government. Of these fourth-class postmasters 21,130 receive less than $50 per annum, 16,838, less than $100 per annum; 14,570, less than $200 per annum; 12,770, less than $500 per annum; 5,079, less than $1,000 per annum. They do not ask for the return of the money that has been taken from them, but they do insist that hereafter the railroad robbery shall cease.

Mr. LOUD. I move that the committee rise and report the bill and amendments to the House.

Mr. FITZGERALD of Massachusetts. I rise to a question of privilege.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10301, and instructed him to report the same back to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

Mr. LOUD. I ask for the previous question on the bill and amendments.

Mr. FITZGERALD of Massachusetts. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FITZGERALD of Massachusetts. To a parliamentary inquiry. Mr. Speaker, I claim that there has been an injustice——

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. FITZGERALD of Massachusetts. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD of Massachusetts. The question of personal privilege, Mr. Speaker, is that the gentleman from California, the chairman of the Committee on Post-Offices and Post-Roads, made an agreement here yesterday in the presence of the House, before the bill was through its consideration in Committee of the Whole House, to recur to the paragraph which repeals the eight-hour law, so that the point of order could be made against it; and, Mr. Speaker, I desire to say that I allowed that provision to be voted on here, and had I understood the statement made by the chairman of the Committee on Post-Office and Post-Roads that this agreement——

The SPEAKER. The gentleman will suspend. No such matter has been referred from the Committee to the House, and the gentleman will readily see that the Chair can take no cognizance of any matter except it takes place in the House. The gentleman from California moves the previous question on the bill and amendments to its passage.

Mr. CUMMINGS. I ask for a separate vote on one of the amendments——

The SPEAKER. That is not the question now before the House. The question is on ordering the previous question on the bill and amendments.

The question was taken; and the previous question was ordered.

The SPEAKER. Is there a separate vote demanded on the amendments?

Mr. CUMMINGS. Mr. Speaker, I ask a separate vote on the amendment that was adopted at the end of line 25, page 12.

The SPEAKER. If there is no other separate vote demanded, a vote will be taken on all the amendments except the one referred to by the gentleman from New York.

All the amendments except the one referred to by the gentleman from New York [Mr. CUMMINGS] were then agreed to.

The SPEAKER. The question is on agreeing to the amendment referred to by the gentleman from New York, which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 25, page 12, add "*Provided*, That letter carriers may be required to work not exceeding forty-eight hours during the six days of each week, and such number of hours on Sundays as may be required by the needs of the service. And if a legal holiday shall occur on any working day the service performed on said day shall be counted as eight hours, without regard to the time actually employed. If any letter carrier is employed for a greater number of hours than forty-eight during the working days in any week, he shall be paid extra for the same in proportion to the salary fixed by law."

Mr. CUMMINGS. Now, Mr. Speaker, I ask for a yea-and-nay vote upon that amendment.

The question was taken.

The SPEAKER. Twenty-four gentlemen rising. There has been no vote by which it can be determined whether 24 is a sufficient number, and the Chair will ask the other side to rise. [After counting the other side.] One hundred and eleven rising, not a sufficient number, and the yeas and nays are refused.

The question was taken on agreeing to the amendment; and on a division (demanded by Mr. CUMMINGS) there were—ayes 74, noes 53.

Mr. CUMMINGS. Tellers, Mr. Speaker.

The question of ordering tellers was taken.

The SPEAKER. Twenty-eight gentlemen rising, not a sufficient number, and tellers are refused.

Mr. CUMMINGS. I make the point of no quorum.

The SPEAKER. Does the gentleman from New York make the point of no quorum?

Mr. CUMMINGS. I do.

The SPEAKER (after counting). One hundred and ninety-one; and a quorum is present.

Mr. McRAE. Mr. Speaker, is it in order to demand the yeas and nays again?

The SPEAKER. The yeas and nays have been refused by the House.

Mr. FITZGERALD of Massachusetts. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FITZGERALD of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD of Massachusetts. Is it in order to move to reconsider the vote by which the yeas and nays were refused?

Mr. PAYNE. Why, Mr. Speaker, we have had two votes since then.

Mr. FITZGERALD of Massachusetts. I am asking a question of the Chair. [Laughter.]

Mr. McRAE. Mr. Speaker, would it be in order to ask for tellers?

The SPEAKER. It would not, but the Chair is decidedly of opinion that the motion to reconsider is in order, and therefore the Chair will put the question to the House. The question is on reconsidering the vote by which the yeas and nays were refused.

The question was taken; and the Speaker announced that the noes had it, and that the amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. SWANSON. Mr. Speaker, I move to recommit the bill, and upon that I demand the previous question.

The SPEAKER. The gentleman from Virginia moves to recommit the bill, and upon that motion demands the previous question.

The question of ordering the previous question was taken; and on a division (demanded by Mr. LITTLE) there were—ayes 134, noes 23.

So the previous question was ordered.

Mr. LITTLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LITTLE. Is it in order to move to recommit the bill with an amendment?

The SPEAKER. It is not, after the previous question has been ordered.

The question on the motion of Mr. SWANSON to recommit the bill was taken; and the motion was lost.

The bill was passed.

On motion of Mr. LOUD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GARDNER of Michigan, for ten days, on account of important business.

To Mr. MCPHERSON, for two days, on account of important business.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 10. Providing for the printing of 3,000 copies of House Document No. 141, relating to the preliminary examination of reservoir sites in Wyoming and Colorado.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4324. An act to correct the military record of Albert S. Austin—to the Committee on Military Affairs.

S. 3189. An act for the relief of Leonard I. Brownson—to the Committee on Military Affairs.

S. 2960. An act for the relief of Edward Kershner—to the Committee on Naval Affairs.

S. 906. An act to provide an American register for the steamer *Esther*, of New Orleans—to the Committee on the Merchant Marine and Fisheries.

S. 276. An act for the erection of a public building at Kingston, N. Y.—to the Committee on Public Buildings and Grounds.

Senate concurrent resolution 49:

Resolved by the Senate (the House of Representatives concurring), That there be printed of "The Smithsonian Institution: Documents Relative to its Origin and History," 7,000 copies, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Smithsonian Institution—

to the Committee on Printing.

TWELFTH AND SUBSEQUENT CENSUSES.

Mr. HOPKINS. I ask the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois [Mr. HOPKINS], from the Select Committee on the Census, calls up for consideration the bill which will be read.

The Clerk read as follows:

A bill (H. R. 10696) relating to the Twelfth and subsequent censuses, and giving the Director thereof additional power and authority in certain cases, and for other purposes.

Be it enacted, etc., That in addition to the power and authority conferred upon the Director of the Census by an act entitled "An act to provide for taking the Twelfth and subsequent censuses," approved March 3, 1899, said Director of the Census shall have power, and is hereby authorized, to appoint and employ, as the necessity therefor may arise, one superintendent of printing, at an annual salary of $2,500, and to appoint and employ such number of skilled mechanics and other persons in the Census printing office as may be necessary to carry into effect the printing and binding provided for in said act, at the same compensation as is paid for similar work in the Government Printing Office.

SEC. 2. That the chief clerk of the Census Office shall act as superintendent, and have general charge of all buildings occupied for the purpose of carrying on the work of the census, and shall receive therefor the sum of $300, in addition to his regular salary.

SEC. 3. That the salary of the Director of the Census shall be $7,500 per annum.

The amendments reported by the committee were read, as follows:

In line 2 of page 2, before the word "printing," insert "preliminary."

Add the following as a new section:

"SEC. 4. That in addition to the sum provided to be paid to supervisors of census in section 11 of an act entitled 'An act to provide for taking the Twelfth and subsequent censuses,' approved March 3, 1899, the Director of the Census is hereby authorized and directed to pay to each supervisor, as further compensation, a sum equal to 2 per cent of the amount paid to the enumerators for taking the census in said supervisor's district."

Mr. HOPKINS. Mr. Speaker, this bill is reported——

Mr. McRAE. I make the point of order that the bill must receive its first consideration in Committee of the Whole.

Mr. HOPKINS. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. McRAE. That does not mean anything unless we are to have the right of amendment.

Mr. HOPKINS. I ask, then, that it be considered in the House as in Committee of the Whole, with the privilege of amendment.

Mr. McRAE. The previous question may be called in the manner of which we have just had an example.

Mr. HOPKINS. There is nothing in the bill to which the gentleman will object.

Mr. McRAE. I do not know about that.

The SPEAKER. Does the gentleman from Arkansas [Mr. McRAE] insist upon his point of order?

Mr. KLUTTZ. I will say to the gentleman from Arkansas that this is a unanimous report from the Committee on the Census.

Mr. McRAE. In view of that statement, I withdraw my point.

Mr. HOPKINS. Mr. Speaker, this bill is composed of four sections. The first relates to changes in the character of the employment of the printing department of the Census Bureau. Under the law at the present time the Director of the Census is required to hire mechanics by the month as clerks. This bill provides that he may hire such employees in the same manner as is now done at the Government Printing Office, and with the same compensation. This change entails no expense upon the Government; in fact, it is an economical arrangement. This provision of the bill has been examined by the Government Printer as well as by the Director of the Census, and is satisfactory to all interested.

The second section provides that the chief clerk of the Census Bureau shall act as superintendent of the building, and shall have for such service additional compensation to the amount of $300. The building which was provided for a large part of the work of the census has been found insufficient, and two buildings will be necessary for carrying out the work of the Census Bureau. The compensation proposed to be paid here is practically the same as is paid in all the other Departments. The superintendent of the Treasury Department gets a salary of $3,000, and for similar service in the Interior Department and in the Department of Justice an extra compensation of $250 is paid.

The third section provides for an increase of the salary of the Director of the Census. Under the opinion of the Attorney-General this Bureau is practically an independent bureau. The Director of the Census is responsible for the disbursement of more than $9,000,000 and has charge of the entire work of the Bureau, including the employment of more than 3,000 persons. After looking the matter over carefully it was the unanimous opinion of the committee that an increase of $1,500 in the present salary would be only adequate in view of the service which he is rendering the Government.

Mr. CURTIS. Allow me to ask what the appointment clerk is paid now.

Mr. HOPKINS. Two thousand dollars.

Mr. CURTIS. What is the objection to paying him the same amount that is paid to the appointment clerks in the other Departments?

Mr. HOPKINS. The amount which we have put in here was recommended by the Director; we did not go above his recommendation.

The fourth section was prepared in the committee; it is a committee amendment.

Mr. SHACKLEFORD. I did not catch distinctly the reading of the bill nor the gentleman's explanation. I should like to know whether this bill takes from the Public Printer the control of the printing and gives it the Director of the Census.

Mr. HOPKINS. Not at all. This relates simply to the preliminary printing provided for in the original act and has been provided for in all previous censuses. The provision has been examined at the Government Printing Office and is entirely satisfactory.

Mr. WHEELER of Kentucky. I should like to ask one question. I observe that section 4 provides for increasing the salaries of supervisors of census throughout the United States. I should like to know what that will amount to.

Mr. HOPKINS. I was just about to call the attention of the House to that amendment.

Mr. WHEELER of Kentucky. What does it amount to?

Mr. HOPKINS. It amounts to about seventy-five thousand or seventy-six thousand dollars in all, and the reason that that was prepared and recommended by the committee is that members of the committee and the Director of the Census have received a large number of letters from various supervisors, insisting that the amount of work they have to do is such that the salary proposed in the original act is entirely inadequate and that they will lose money by going on with this service, and many of them desire to go out of the service if no extra compensation can be paid.

Mr. WHEELER of Kentucky. Will the gentleman tell us how the salaries of supervisors of the Twelfth Census compare with the salaries of supervisors of the Eleventh Census?

Mr. HOPKINS. The salary as provided for here is something larger than it was in previous censuses, but in the taking of the Twelfth Census the supervisors are fewer in number and the amount of work imposed upon them is double or more than double that imposed upon the supervisors in the taking of the Eleventh Census in this, that their appointments have been made on an average more than six months prior to the corresponding appointments of the supervisors for the taking of the Eleventh Census, and they have been set to work at once by the Director to prepare their districts.

Mr. WHEELER of Kentucky. Is it not a fact that the duties of the supervisors thus far consist almost entirely in the selection of enumerators and the allotment of districts to the enumerators?

Mr. HOPKINS. I will say to the gentleman that each supervisor, under the arrangement by which the Twelfth Census is to be taken, will have an average work of from ten to eighteen months, and one reason why more work is imposed upon them is that in previous censuses the supervisor selected his own enumerators, without any trouble at all; but in order to insure an efficient census and to insure the best ability the present Director has required that blanks be sent out from the main office to the supervisors, and that every person in the supervisor's district desiring appointment as an enumerator must make a written application setting forth his qualifications for the office, and that must be passed upon by the supervisor and sent to the Director to look over and see for himself and then sent back to the supervisors.

A MEMBER. It amounts to an examination.

Mr. LIVINGSTON. There is a test schedule.

Mr. HOPKINS. And in addition to that, a test schedule has been made in order to secure the highest efficiency.

Mr. WHEELER of Kentucky. While the gentleman is on that subject, will he state to the House what will be the greatest salary to be paid to any supervisor under this act and what will be the least salary paid?

Mr. HOPKINS. I have not a detailed statement of them all here; but take, for example, the First New York district, which includes greater New York, one of the largest districts in the United States. That would increase the salary of the supervisor there $956.70.

Mr. WHEELER of Kentucky. What does he get under the present law?

Mr. HOPKINS. Well, he gets his $125 salary, and then a dollar a thousand, as I now remember. The figures, perhaps, in this New York district would reach $2,500.

Mr. WHEELER of Kentucky. About $2,500?
Mr. HOPKINS. It might reach that.
Mr. WHEELER of Kentucky. How long does he work?
Mr. HOPKINS. The supervisor in New York would probably work eighteen months.
Mr. McCLELLAN. And night and day at that.
Mr. WHEELER of Kentucky. Now, I will ask the gentleman if it is not a fact that in the cities where this increase takes place, much of the census work is eliminated from the duties assigned to the supervisor and assigned by the Director, under the act of Congress, to special agents selected by him?
Mr. HOPKINS. No; I will state to the gentleman that that information is not correct, because the enumeration of the population under the law is limited to the enumerators, and special agents can not be employed for that purpose.
Mr. WHEELER of Kentucky. Does the gentleman mean to say that the total duty of the enumerators is just taking the number of the people?
Mr. HOPKINS. Oh, no. Of course the gentleman remembers the law on that.
Mr. WHEELER of Kentucky. Yes; but is not a good deal of the work relating to manufactures, and so forth, in all the cities of the United States cut out of the regular duties of the supervisors?
Mr. HOPKINS. The statistics of manufactures is taken by special agents; but I will say to the gentleman that only a small percentage of what was taken by special agents in the Eleventh and Tenth censuses will be so taken in the Twelfth Census. The great bulk of the work is left with the enumerators and the supervisors.
Mr. PARKER of New Jersey. Will the gentleman allow me to ask him a question?
Mr. HOPKINS. Yes; I will yield to the gentleman from New Jersey.
Mr. PARKER of New Jersey. Does this first section give the power to the Census Department to establish a separate printing office?
Mr. HOPKINS. Oh, no; not at all. I have already answered that question two or three times, I will say to the gentleman. This is only the printing department that was established in the original act for doing the preliminary work.
Mr. PARKER of New Jersey. Was there a printing department?
Mr. HOPKINS. Oh, certainly.
Mr. PARKER of New Jersey. I find in the report here that you say that it seems proper that the head of the Census printing office shall receive a certain compensation.
Mr. HOPKINS. Certainly; and if the gentleman is familiar with the taking of the Tenth and Eleventh censuses he will remember that there was a printing department there and that we provided in the original act for the taking of the Twelfth Census that whatever was left of that should be turned over to the present office.
Mr. PARKER of New Jersey. But the difficulty that I know is felt by a good many of us is that we would like to know what it was that we debated and knocked out here some time ago.
Mr. HOPKINS. I can answer the gentleman fully upon that. The proposition that was made here in the House some time ago and voted down was a proposition to give the Director of the Census the authority to go outside and contract with private parties to print the Census reports. Now, the preliminary work is something entirely separate and distinct from the printing of the Census reports. It relates to the printing of these little bulletins that are sent out from time to time to aid in the taking of the census and to furnish early information to the general public; but it does not conflict at all with the printing of the Census reports proper.
Mr. PARKER of New Jersey. Has the gentleman the bill here, to show that that was contemplated by the original law to be done by a separate printing office in the Census Bureau? I certainly understood, when the bill was argued, that we expected to have the printing done in the Government Printing Office.
Mr. HOPKINS. The gentleman misapprehended the character of that debate entirely then, because all gentlemen understood that the law as it then existed was adequate to permit the Director of the Census to do all the preliminary work. The point that the Director of the Census made was that the facilities of the Government Printing Office were not such as to enable this work to be gotten out within the two-year limit—that is, the reports of the census proper; but I will say to the gentleman that this has nothing to do with that.
Mr. DALZELL. I understand the gentleman to say that this bill is entirely satisfactory to the Public Printer.
Mr. HOPKINS. Entirely so.
Mr. JAMES R. WILLIAMS. I should like to ask the gentleman a question.
Mr. HOPKINS. I yield to my colleague from Illinois.
Mr. JAMES R. WILLIAMS. Have you made any estimate as to the total increase in the expense of taking the census as the result of this bill?
Mr. HOPKINS. Well, I stated——
Mr. JAMES R. WILLIAMS. I mean the total increase. You stated what it would be for the supervisors.
Mr. HOPKINS. The total increase is less than $80,000
Mr. JAMES R. WILLIAMS. What is the present salary of the Director.
Mr. HOPKINS. Six thousand dollars.
Mr. JAMES R. WILLIAMS. And this increases it how much?
Mr. HOPKINS. This increases it $1,500.
Mr. JAMES R. WILLIAMS. Fifteen hundred dollars?
Mr. HOPKINS. Yes, sir.
Mr. MANN. Will the gentleman allow me to ask him a question?
Mr. HOPKINS. Yes, sir.
Mr. MANN. I understand the object of the amendment proposed by the committee is that the salaries of supervisors shall be increased?
Mr. HOPKINS. Yes, sir.
Mr. MANN. The salaries of the enumerators are not to be increased?
Mr. HOPKINS. No, sir.
Mr. MANN. I understand the enumerators were generally appointed in the different Congressional districts on the recommendation of the members of this House. That being the case, I suppose there would be no objection to the passage of the bill.
Mr. HOPKINS. Well, I am not able to answer that question.
Mr. RIDGELY. I have not had time to look up the bill, but is this increase in the salaries of supervisors uniform?
Mr. HOPKINS. Yes, sir; the supervisor gets his proportionate increase on the amount of work he has to do.
Mr. RIDGELY. It is 2 per cent on the whole amount you give him?
Mr. HOPKINS. Oh, no.
Mr. RIDGELY. One other question. It makes some change as to the printing, as I understood. The printing is to be done in the Census Office.
Mr. HOPKINS. Yes, sir; the preliminary.
Mr. RIDGELY. And not to be let out?
Mr. HOPKINS. Oh, no; not to be let out to private parties.
Mr. COX. I desire to ask the gentleman a question.
Mr. HOPKINS. I yield to the gentleman from Tennessee for a question.
Mr. COX. I desire to ask you simply this question. The Director's salary was fixed in the first instance at $6,000. Now, why do you increase it $1,500?
Mr. HOPKINS. The reason for the increase arises from the fact that under the present law—he being made the head of the department and made responsible for the entire work, and for the disbursement of the $9,000,000 appropriated for this purpose—the committee find that the first salary was inadequate, and that this increase would give him less than is given to other Government officials with far less responsibility.
Mr. COX. Pardon me. That simply means that when you fixed the salary at the start it was too low?
Mr. HOPKINS. We fixed it too low.
Mr. COX. That is the whole substance of it?
Mr. HOPKINS. Yes, sir.
Mr. SMITH of Kentucky. I want to ask the gentleman a question.
Mr. HOPKINS. I yield to the gentleman.
Mr. COX. I want to ask the gentleman one further question. When does this increase of salary take effect? Does it date back?
Mr. HOPKINS. It dates from the passage of the act.
Mr. COX. What was the salary of the former Director?
Mr. HOPKINS. Six thousand dollars, as I remember the law.
Mr. COX. I am at a loss to see why you make this $7,500.
Mr. HOPKINS. It is because of the extra responsibility and work being done.
Mr. COX. No more responsibility than the other man had.
Mr. HOPKINS. He has a great deal more responsibility.
Mr. SMITH of Kentucky. As I understand this bill, it gives the supervisor 2 per cent on the amount obtained by the enumerators within their respective districts?
Mr. HOPKINS. Yes, sir.
Mr. SMITH of Kentucky. Now, I want to know what are the limitations upon the powers of the supervisors to create enumerator districts?
Mr. HOPKINS. I will say to the gentleman that the law fixes that the supervisors' districts shall contain a definite population, or approximately a definite population. That is fixed by law. Their salaries have been fixed by the Director of the Census.
Mr. SMITH of Kentucky. That is what I wanted to know.
Mr. HOPKINS. Now, Mr. Speaker, I ask for the previous question on the bill and amendments to its passage.

The SPEAKER. The gentleman from Illinois demands the previous question on the bill and amendments to its passage.

The question was taken, and the previous question was ordered.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The question was taken on the passage of the bill, and the Speaker announced that the ayes appeared to have it.

Mr. McRAE. Division, Mr. Speaker.

The House divided; and there were—ayes 83, noes 34.

So the bill was passed.

On motion of Mr. HOPKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE SHIPPING BILL.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I move that the minority of the Committee on Merchant Marine and Fisheries may be given one week further to present the minority report on the shipping bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the minority of the Committee on Merchant Marine and Fisheries be given one week more to present their views to the House on the shipping bill. Is there objection? [After a pause.] The Chair hears none.

CIVIL GOVERNMENT FOR HAWAII.

Mr. KNOX. Mr. Speaker, I present a privileged report.

The SPEAKER. The gentleman from Massachusetts presents a privileged report, which the Clerk will read.

Mr. KNOX. Mr. Speaker, I ask unanimous consent to dispense with the reading of the report and that the statement of the House conferees may be read.

There was no objection.

The Clerk read the statement, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the Senate bill (S. 222) to provide a government for the Territory of Hawaii, submit the following written statement in explanation of the effects of the action agreed upon, and recommend it in the accompanying conference report, namely:

The Senate agrees to the amendment of the House in the nature of a substitute with the following amendments:

Section 1, line 3, after the word "Hawaii," insert the words "in force." This in no way affects the provision of the House bill and is merely for clearness.

The amendment to section 4 simply states with more clearness that persons then resident in the Hawaiian Islands are referred to.

The amendments in section 5 are to make the statement definite that the Constitution as a whole is extended to the Territory of Hawaii.

In section 10, line 1, the words "obligations and contracts" were stricken out, for the reason that they might be construed to continue in force existing labor contracts.

The provision in section 10, line 13, is a new provision, with the manifest purpose of preventing imprisonment for debt in the Territory of Hawaii. The succeeding amendment in section 10 was to make it definite that the laws of the United States affecting merchant seamen would not be changed or modified.

In section 18 the section is stricken out and the following is inserted: "No idiot or insane person, and no person who shall be expelled from the legislature for giving or receiving bribes or being accessory thereto, and no person who, in due course of law, shall have been convicted of any criminal offense punishable by imprisonment, whether with or without hard labor, for a term exceeding one year, whether with or without fine, shall register to vote or shall vote or hold office in, or under, or by authority of, the government, unless the person so convicted shall have been pardoned and restored to his civil rights." This amendment to section 18 was in the original Senate bill and in the bill reported by the commissioners appointed by the President, and was finally thought essential by the conferees.

The amendment to section 34, line 4, restores the provision of the Senate bill as to the age qualification for senators—30 years.

In section 37, lines 2 and 3, the words "general or," inserted in the House bill, were stricken out because no vacancy could be filled except at a special election.

The amendment to section 40 was to require the representative to be a resident of the district from which he is elected.

In section 49, line 5, "shall" was stricken out and "may" inserted to make it consistent with section 51.

In section 55, line 25, the words struck out and inserted were for the purpose of making it certain that the section should have no retroactive effect. In line 37 of the same section the amendment makes more general the provision of the House bill and puts the control of the sale of spirituous and intoxicating liquors in the legislature. In lines 72 and 73 of the same section the provision of the House bill was considered unnecessary.

Section 60. This amendment does away with all provision for the payment of taxes as a qualification for voting.

Section 62. The amendment in detail was made necessary by having the qualifications for voters apply to all elections.

Section 64. The amendment striking out the House provision was for the reason that the provision was inapplicable to Hawaii for the reason that there are no political parties.

The amendment to section 73 in effect put the sale, leasing, and transfer of the public lands in Hawaii under the laws of Hawaii, with the exception of the restriction upon the power to lease for a longer term than five years, until action of Congress and the provision of the House bill as to validating sales and transfers after July 7, 1898, is made subject to the approval of the President. The further amendment in the same section, striking out the words "in good faith," was for the reason that they were no longer necessary after the amendment making the transfers subject to the approval of the President had been agreed upon.

The amendment to section 76 places the duties required of the commissioner of labor to be appointed upon the United States Commissioner of Labor. It was thought that he had the machinery and past experience to enable him to make such comprehensive reports as the section provides for, and that it was unnecessary to appoint a commissioner specially for that purpose. It was also thought best that the reports should be made to Congress instead of to the legislature of Hawaii, presupposing, of course, that all reports to Congress would be in the possession of the Hawaiian legislature.

The provision stricken out of section 80 was objected to by the Senate as the statistics called for in such detail concerning lands, leases, etc., were already implied in the duties of the United States Commissioner of Labor as prescribed in section 76, and the penal provisions at the end of the section for mere failure to make reports in such detail were deemed harsh.

The amendment is section 82, striking out the words "not less than" was thought necessary as it was deemed sufficient to have two associate justices with the chief justice.

The amendments to section 86 in effect separate the Territorial from the Federal jurisdiction in courts of the Territory of Hawaii, as provided in the House bill, the provision for appeals from the supreme court of Hawaii to the ninth judicial circuit being stricken out and the jurisdiction of United States district and circuit courts is conferred upon the Federal court established.

The first amendment in section 92 provides salaries for the judges of the circuit courts at $3,000 each, and provides, further, that the salaries of the chief justice and associate justices of the supreme court and of the judges of the circuit courts shall be paid by the United States. This is made necessary by the change in the bill which provides that the appointments shall be made by the President of the United States and not by the governor of the Territory. Also, the marshal's pay is raised from $2,000 to $2,500, and the United States district attorney's from $2,000 to $3,000.

In section 97, line 19, the House provision was deemed no longer necessary.

The amendment in section 98, line 9, stricken out, was one postponing for a year the application of the navigation laws of the United States to the islands, restricting the coastwise trade to American vessels.

The provision in section 101 requiring the departure of Chinese laborers, 10 per cent per annum, was stricken out, as it was objected to by the Senate.

Section 104: The amendment to this section substituting forty-five days for sixty days as the time when the act should go into operation, was deemed a safe period.

W. S. KNOX,
R. R. HITT,
JOHN A. MOON,
Managers on the part of the House.

Mr. KNOX. Mr. Speaker, I move that the conference report be agreed to. I desire to state what the substantial differences are between this bill and the bill as it left the House, because they may not have been caught from the reading of the statement. The first substantial difference is the striking out of the provision for the payment of a poll tax as a requisite for voting. As the bill left the House it provided for the payment of a poll tax of $1, payable in the month of March previous to election. The result of the first conference was that the Senate provision was put in for the payment of a personal tax of $5. After that provision was inserted providing for the payment of the personal tax of $5, the bill came back to a second conference and, as a result, all provisions for the payment of a tax as a qualification for voting is stricken out. There is now no qualification but citizenship, age of 21 years, residence of one year, and the ability to read, write, and speak the English or Hawaiian language.

The next amendment that is of any consequence was the land provision, which was contained in paragraph 73 of the House bill. The House bill provided that hereafter all transfers of land in Hawaii, by lease or otherwise, should be reported to our Secretary of the Interior and have the approval of the Land Office, and that that must take place within a period of sixty days. A letter from the Department said that it would be utterly impossible to attend to such matters here within sixty days or six months even, and the effect would be virtually to tie up all land transfers in Hawaii. So as the bill stands now, all transfers of land in Hawaii are in accordance with Hawaiian law and the Hawaiian practice up to the present time, except leases of more than five years, and they can not be made till Congress shall make further provision.

As to the sales that took place between July 7 and September 28, their legality is made to depend upon the approval of the President. That is a provision which was contained in the Senate bill.

Mr. WILLIAMS of Mississippi. The gentleman says the conferees have stricken out the provision as to the poll tax. Does that mean no poll tax, or does it mean the old Hawaiian law is in force?

Mr. KNOX. There is no provision for a poll tax whatever.

Mr. WILLIAMS of Mississippi. The Hawaiian law in regard to that matter is not in force at all.

Mr. KNOX. Not at all; there is no requisite for the payment of a poll tax.

Mr. WILLIAMS of Mississippi. I asked the question for this reason: I thought if the Hawaiian poll tax was left as a tax, it might be in force and be overlooked if this provision was stricken out.

Mr. KNOX. Oh, no; in addition to that it was discovered that there was a Hawaiian law for imprisonment for debt, and an additional provision was put in so that there should be no provision of that sort or for the payment of a poll tax.

Mr. BALL. In the confusion I failed to catch the provision in regard to the labor contracts. Will the gentleman explain about them?

Mr. KNOX. That was section 10, and it was my fault that I did not mention it before, although the change is very slight. As the bill left the House all rights in law and equity were reserved. In conference we struck out the words "obligations and contracts," through fear that by keeping them we might preserve some of those labor contracts, which the bill entirely eradicates.

Mr. BALL. And there is nothing in the bill recognizing them?

Mr. KNOX. No; the labor contracts are not recognized in any way.

Mr. McRAE. I want to ask if the report has been printed in a shape so that we can get at it to know what it is?

Mr. KNOX. The agreement of the conferees was printed in the RECORD of the 16th of this month.

Mr. McRAE. Is the bill printed as agreed upon by the conferees?

Mr. KNOX. The bill substantially as agreed upon is in print. It is Senate bill No. 222, the print of April 18. The changes from what the bill was when it left the House are so slight and so few that I thought I could state them intelligently.

Mr. McRAE. Is the paragraph in regard to alien contract labor in the bill?

Mr. KNOX. Yes; the provision the gentleman offered in the House is in the bill.

Mr. TERRY. I notice that by the conference report the words "in good faith" are stricken out.

Mr. KNOX. Yes.

Mr. TERRY. I should like the gentleman to read the context of the bill in which those words appeared.

Mr. KNOX. That will be found in section 73:

That, subject to the approval of the President, all sales, grants, leases, and other dispositions of the public domain, and agreements concerning the same; and all franchises granted in good faith by the Hawaiian government in conformity with the laws of Hawaii between the 7th day of July, 1898, and the 28th day of September are ratified and confirmed.

It was the intention of both bills to ratify and confirm contracts for the sale and actual transfer of lands by the Hawaiian government between the date of the annexation resolution, July 7, and September 28. Those transfers were made when the parties supposed they had a right to make them, but the Attorney-General subsequently made a ruling that they could not lawfully be made. The intention was to validate them. The words "in good faith" were stricken out in conference and a provision substituted to the effect that these transfers must receive the approval of the President. We thus designated an officer who should decide upon the propriety and validity of those transfers.

Mr. TERRY. The only objection I have to that is this: That in the multiplicity of business on the hands of the President and in view of the hurried way in which these things would have to be transacted by him, he could not always inquire into the facts. The words "in good faith," which appeared in the bill as it went from the House, would make the validity of those transfers a judicial question that the courts might inquire into more fully than could the President of the United States. I think it unfortunate that the words "in good faith" have been stricken out.

Mr. KNOX. We thought it better to put this matter in the hands of the President to decide upon the validity of such transfers, rather than leave in the bill language which perhaps might require the courts to pass upon the question.

Mr. TERRY. My point is that it would be safer, where a question of good faith is involved, to vest the power of determination in a tribunal that could inquire into the facts, as the President can not very well do.

Mr. KNOX. We desired to avoid litigation as much as possible. The United States holds these lands upon a naked trust for the Hawaiian people. We have no interest in the proceeds of the sales of those lands.

Mr. TERRY. I know it was very important to preserve the rights which parties supposed they were acquiring when those grants were made after the country belonged to the United States.

Mr. KNOX. Unquestionably.

Another important provision was that in regard to the application of the coasting laws of the United States. Under the bill as it left the House it was provided that a year should elapse before those laws should go into operation with respect to Hawaii. It was insisted on the part of the Senate that those laws should go into operation at once; and on that point the House conferees yielded. It was shown that there had been preparation made over the entire country to engage in this coasting trade; and hence that provision was stricken out.

Another important matter in connection with the conference was the agreement of the Senate to the establishment of a legislative court—that is, not a constitutional court, but a court clothed with all the jurisdiction of a district and circuit court—and the taking out of the Senate bill the provision which allowed an appeal from the supreme court of Hawaii to the Ninth judicial district. By this action we accomplish the purpose of entirely separating the Federal from the Territorial jurisdiction, and we provide that Territorial litigation shall end in Hawaii.

Another material provision was an amendment offered by the distinguished gentleman from Nevada [Mr. NEWLANDS], which was not agreed to in conference. It was thought that the provision for the ascertainment of statistics in regard to labor in the Hawaiian Islands was ample in the bill as it stood and that therefore the amendment was unnecessary.

The other amendment which was stricken out was the amendment of the gentleman from Missouri requiring the deportation of the Japanese and Chinese laborers from the island of Hawaii at the rate, I think, of 10 per cent a year. The Senate insisted upon that provision being stricken out; and the reasons in favor of doing so were very forcible, from the fact that the moment these labor contracts are at an end a Japanese subject is as free a citizen of Hawaii as any other person, and we could not deport him without running in direct opposition to our treaty provisions with Japan.

Mr. NEWLANDS. The gentleman has referred to the amendments which I offered regarding labor and regarding agricultural statistics. I understand that the conferees on the part of the House have agreed that the amendment relating to agricultural statistics should be stricken out.

Mr. KNOX. The provision for the surveyor——

Mr. NEWLANDS (continuing). And stricken out, first, because you claim the provision for agricultural statistics was covered by that provision of the statute relating to the Commissioner of Labor?

Mr. KNOX. Precisely.

Mr. NEWLANDS. And also because the Senate objected to the penalties imposed on those who refused to make the statements required as to the number of laborers employed, the wages paid, etc. Now, did it occur to the conferees that they could leave that section as to agricultural statistics in the bill and strike out the penalty if it was offensive?

Mr. KNOX. It did; and I assure the gentleman that we stood by his amendment as long as there was any use to do it.

Mr. NEWLANDS. And do I understand that the gentleman abandoned it finally upon the assumption that those statistics were covered by the preceding section, relating to industrial statistics?

Mr. KNOX. That was part of it, perhaps, but the main reason was that we were finally obliged to yield in order to secure an agreement on the conference report.

Mr. NEWLANDS. Was objection made to the provision in relation to agricultural statistics?

Mr. KNOX. There was very strenuous objection to the multiplication of offices, and it was thought—and I submit that to the gentleman himself—it was thought that the very broad provision as to the statistics and all that the Commissioner of Labor is to ascertain would cover all that the gentleman desires to get at. It was also thought, if the gentleman will allow me, that the question of merely obtaining this information, which will be obtained and reported to Congress on the other provisions, was not one upon which we could afford to say that there should be no agreement upon this bill.

Mr. NEWLANDS. Will the gentleman refer me to any portion of the section relating to the Commissioner of Labor which authorizes him to collect statistics as to the area of landholdings and the character of the landholdings and the character of the cultivation?

Mr. KNOX. Well, I will call the gentleman's attention to this:

It shall be the duty of the United States Commissioner of Labor to collect, assort, arrange, and present in an annual report statistical details relating to all departments of labor in the Territory of Hawaii, especially in relation to the commercial, industrial, social, educational, and sanitary conditions of the laboring classes——

Mr. NEWLANDS. Does the gentleman claim that that language compels the Commissioner of Labor to make statements as to the area of agricultural holdings and the character of the cultivation?

Mr. KNOX. I did not quite finish—

and to all such other subjects as Congress may by law direct.

Mr. NEWLANDS. Hereafter.

Mr. KNOX. Certainly. We are not legislating now for all the future. I do not pretend that we have a bill here that no person can criticise. We should have been something more than human if we had that.

Mr. NEWLANDS. Does the gentleman recollect that the House, by its judgment, determined that it wished statistics as to the area of agricultural holdings and the character of cultivation?

Mr. KNOX. I do.

Mr. NEWLANDS. And that that part of the question relating to the collection of statistics has been left out of this bill and intrusted, as the gentleman says, to future bills?

Mr. KNOX. I do admit that, and I say to the gentleman that we tried in good faith to carry out the order of the House, but were finally compelled to yield.

Mr. NEWLANDS. I trust that the House, then, will vote down this report and give the conferees some idea of the consistency and fixedness of will of this House.

Mr. KNOX. Now, Mr. Speaker, I hope that the House will not vote down this report, providing, as it does, for the government of this Territory, which the gentleman's annexation resolution gave to this country and which has called upon us to provide a government. I hope the House will not vote down such a report as

this and such a great bill as this simply because it does not comport with the particular ideas of the gentleman from Nevada about land statistics.

Mr. NEWLANDS. I object to it because it does not comport with the view of this House.

Mr. KNOX. Very well; I yielded to the gentleman's amendment. I accepted it. No great consideration was given to it. I can give to the gentleman statistics as to every acre of land to-day in Hawaii. They are all accounted for, all the holdings, and they are in printed report No. 305. In Hawaii, in the land office, the information can be obtained as to the landholdings in the Territory of Hawaii.

Mr. NEWLANDS. Yes; the gentleman informs me that somewhere else this information can be obtained. What we want is a commissioner whose duty it shall be to obtain this information for the Congress of the United States.

Mr. KNOX. Very likely, but you can not expect to have this information placed upon your table at once. It may be that it would be well to have all that; I do not think it is of any very great consequence; but while all consideration should be given, of course, to a gentleman who has given so much time to Hawaii as the gentleman from Nevada has done, I do hope that no one will seek to vote down this final report. [Applause.]

Now, the net result of all this is that the Senate has agreed to our amendment, which was a substitution of the House bill, with these amendments which I have stated.

Mr. Speaker, how much time have I remaining in the hour?

The SPEAKER. The gentleman has forty minutes remaining.

Mr. KNOX. I will yield five minutes to the gentleman from Indiana [Mr. ROBINSON], but I do not wish to yield the floor.

The SPEAKER. The gentleman from Indiana [Mr. ROBINSON] is recognized for five minutes.

Mr. ROBINSON of Indiana. Mr. Speaker, I have carefully watched the course of this Hawaiian bill through its various trials and tribulations, its amendments and changes before the committee, and its changes in the House, in the Senate, and in conference. The Committee on Territories have devoted to it a great deal of study, and have spent long days, covering weeks of time, in a careful consideration of it. It was not easy to draft a measure suited to Hawaii or to the conditions then prevailing.

I have paid particular attention to the labor feature of the bill, and upon a former occasion I offered some observations to the House upon that subject. The labors of the committee, in conjunction with the proceedings of the House and Senate and the results of the conference, have brought into the bill what are to my mind the best provisions that could have been enacted upon the subject of labor. It was extremely difficult to get information on and understand the real conditions.

I believe that the result of the action of the conference committee on the subject of the appointment of judges of the courts by the President is highly satisfactory, and that it impresses upon the bill an American feature. The rights of franchise, as given by the combined judgment of the House and Senate and as finally molded in conference, give full and free rights to the people.

I very much regret that the provision on the subject of deporting the Asiatics from Hawaii was not also agreed to in conference. Nearly one-half of the population of the Hawaiian Islands are Japanese and Chinese, and they will be a constant menace to this country as long as they remain there. The Chinese have for a long time been breaking across the border of Canada to this country, and many false and forged certificates have been discovered from time to time. I believe a law like the Chinese exclusion act must be passed to protect our labor from the Japanese. I very much doubt whether the provision in the bill providing that the Chinese shall not come from the Hawaiian Islands to this country will stand the test of the courts when the question comes up on the subject of the right, under the Constitution, to have a law of that kind passed restricting persons to a certain part of our country.

But the general features of the bill, as finally agreed to and now before us, seem to be as good as under the present circumstances can be hoped for, while the bill as at first introduced contained too many Hawaiian traces. I believe that the bill in its present form is a good American bill, outside of the special features to which attention has been called by the gentleman from Nevada, and on which I am not informed. I desire to commend the committee of conference, and the House committee having the bill in charge, and Congress, and as well to congratulate the people of Hawaii upon having what in my judgment is a good measure for their first government.

Mr. KNOX. Mr. Speaker, out of my time I yield ten minutes to the gentleman from Nevada.

The SPEAKER. The gentleman from Nevada is recognized for ten minutes.

Mr. NEWLANDS. Mr. Speaker, I concur in the commendation which the gentleman from Indiana [Mr. ROBINSON] has bestowed upon this bill in its general features. It has been considered thus far in a nonpartisan way by the members of this House. There is not a man on either side who does not want to secure the best government that is possible for Hawaii.

There is not a member on either side that does not want to secure for that island the benefits of republican institutions; but I fear that we have lost sight of the fact that the maintenance of republican institutions in those islands will depend more upon economic conditions existing there than upon the form of government which we give them.

The form of government may conform to the highest theories of republican institutions, and yet, unless we have able, intelligent, courageous, and fearless men to discharge the official duties imposed upon them by this law, and unless we can have a constituency there, capable, courageous, determined to maintain their rights, free government may fail.

Now, what are the economic conditions which prevail there? First, a condition of land monopoly. The principal product of the islands is sugar. The exports of sugar amount to $20,000,000 annually, constituting substantially the entire export of the island, and the production of sugar is almost entirely in the hands of large corporations, whose land holdings aggregate in area from one thousand to five or six thousand acres.

By incorporating Hawaii in the United States we gave those islands the benefit of the enlarged markets of this country. We have added $10,000,000 to the annual value of their sugar product. The cost of sugar production there is $35 a ton.

The duty on sugar imported to this country is about $40 a ton. Thus the value of their products to them is doubled by free admission to our markets; so that they are receiving $80 a ton, and this extraordinary benefit given to the agricultural land there, by making these islands a part of the United States, is $10,000,000 of clear gain annually given to the landowners, and not a dollar is applied to the establishment there of a superior system of labor. And yet the very foundation stone of our protective system is that it protects and elevates labor.

Now, I make no reflection upon the capacity or honesty of the landowners of Hawaii. You can not expect a people who are the beneficiaries of an abuse to reform it. That statement applies to human nature universally, and the legislation must be inaugurated by this Congress which will reform it. Now, what was the purpose of these amendments which were introduced upon the floor of this House, debated by the House, and adopted after due deliberation? The purpose of the amendment was to select there from the people of Hawaii a labor commissioner who should report to the United States Commissioner of Labor here, giving all the statistical information relating to labor and relating to the industries there.

The conferees have changed all that. They have provided that instead of having a labor commissioner there, who would be selected by the people and who would be selected probably as a result of agitation of the labor question—and I think that agitation should be stimulated there, as well as here—instead of that they have determined that our United States Commissioner of Labor at Washington should discharge this duty.

Then what do you do with reference to landholding? We provided that the surveyor-general there should make an annual report to the United States Labor Department here and to the governor and legislature there covering the area of the various landholdings, the character of cultivation, the nativity of the laborers, and the wages paid. So that you see we aimed nothing at the vested interests there. Our legislation did not disturb existing conditions, but we simply planted the seed for action hereafter.

Now, what have the conferees done? They have left out the labor commissioner there and substituted the United States Labor Commissioner here, 7,000 miles away from the scene of inquiry and contemplated reform. They have stricken out entirely the section requiring annual reports as to the area of agricultural holdings, the character of the cultivation, the number of laborers employed on each holding, and the nativity of the laborers and their wages; and they have done so because it imposed a penalty of a hundred dollars upon the landowners for failure to respond to the demand of the surveyor-general for such reports.

A most reasonable penalty for a failure to furnish information necessary to future labor legislation is stricken out because it is alleged to be harsh and oppressive.

The landowner is to be protected from questions, whilst labor remains abject and servile. But assuming that they wanted to wipe out the penalty; assuming they did not wish to have the machinery of the law which would compel the enforcement of its mandates; would it not have been sufficient to strike out the penalty alone?

Instead of striking that out alone, they struck out also the portion of the same provision which compels the surveyor-general to make reports on the area of agricultural holdings, the character of cultivation, the nativity of the laborers, and the wages paid laborers. So far as I am concerned, I would have been content if they had united the duties of these two officers into one, provided that

in doing so they had imposed on the one officer the duties that this House by its solemn action imposed upon the two.

Now, we have this bill coming to us on the report of the conferees with some fifty or sixty amendments. I understand there is objection only to the amendment of section 76, covering the question of labor, and section 80, covering the question of land monopoly; and I understand that the only way that we can get at these amendments and insist upon the substance of the original sections is to reject the report, and then the matter will go back to the conferees, and they can easily shape these sections by consolidating the duties in one officer—a commissioner of labor, who can report annually both as to labor conditions and land monopoly.

The latter question is entirely eliminated from this bill, and yet the question of land monopoly in these islands of the Tropics is the most important question of the future. Heretofore the landowner has grown wealthy while labor has been degraded.

The aim of our legislation should be, whilst avoiding industrial disturbances, to provide gradually for a better system of labor; to promote small land holdings and to discourage the concentration of land ownership and the system of servile and degraded labor which it promotes. There are 120,000 people in those islands to-day, of whom 60,000 are Asiatics and about 40,000 Kanakas, 17,000 Portuguese, and 8,000 Americans and other whites.

The population of those islands will increase. Shall we so shape the land system as to promote the immigration of people who can become self-respecting citizens or shall we maintain a system which promotes peonage without rights in the soil?

We should so legislate that some of the increased profit of production, to which I have alluded, should go to self-respecting labor and not all go to land syndicates. We should encourage the immigration of the people from Porto Rico, which is the densest agricultural population in the civilized world, to the Hawaiian Islands. Seven-tenths of the population of Porto Rico are whites. The island is overcrowded.

The people are accustomed to the very pursuits which are common in Hawaii—the raising of sugar, tobacco, and coffee. We should see to it that gradually the standard of citizenship in the Hawaiian Islands is raised by discouraging the employment of Asiatics, by encouraging the employment of American citizens, either white or black; by the employment of the citizens of Porto Rico, the employment of Italians and Portuguese, encouraged by higher rates of labor than prevail, and who would gladly go to these islands. With such a system the maintenance of republican institutions in Hawaii is possible, but without reform in the system of land tenure you will have permanently a small, wealthy planter class and a large population of servile laborers, incapable of citizenship and a constant menace to free institutions. I hope that this important matter will go back to the conferees, and that they will be instructed to adhere to the spirit of the House's action as exhibited in the original bill.

The SPEAKER. The time of the gentleman from Nevada has expired.

Mr. KNOX. Mr. Speaker, I yield ten minutes to the gentleman from Washington [Mr. CUSHMAN].

Mr. CUSHMAN. Mr. Speaker, being a member of the Committee on Territories, which drafted this Hawaiian bill, I have no intention or inclination to criticise or belittle the labors of that committee. I believe the bill in its present form, as reported back to this House from the conference committee of the House and the Senate, is, generally speaking, an excellent one. I regret very deeply that some of the provisions which the House inserted in this bill have been stricken out in conference. I desire to call attention particularly to one of the provisions of the conference report, which appears in section 98 of the bill, wherein the conference committee struck out of the bill a part of the provision inserted by the House relating to the shipping laws.

In order to thoroughly understand this matter it is necessary that I should state in the first instance that the shipping laws of the United States provide that all shipping carried between American ports must be carried in American ships. A provision was sought to be placed in this bill extending unreservedly the shipping laws of the United States to Hawaii. That would mean, if adopted, that immediately upon the passage of such a provision all shipping between the United States and Hawaii must be carried by American ships.

Theoretically, that sounds very well, and nearly every one who has sought to place the provision in that form in the bill has defended it on theoretical grounds; but upon examination of this question before the House committee the fact was developed that there are not now enough ships available, especially on the Pacific coast, to carry the shipping between the United States and these islands if all the ships of any nationality now engaged in that trade were allowed to continue therein.

It was for that reason that the House committee inserted in this bill a provision that the shipping laws should not be extended to Hawaii for the period of one year; and during this period of one year Americans will have ample time and notice that they must provide American ships if they expect to continue in this trade. The reason for this provision, as I before stated, is that there are not now ships enough engaged in this trade to carry the tonnage between the Pacific coast and the Hawaiian Islands. That is the naked truth—the frozen fact! Members can theorize about it until we are tired, but, in the language of a distinguished and deceased(?) statesman, "It is a condition and not a theory that we are confronted with" on the Pacific coast.

American products are rotting on American soil and Hawaiian products are rotting on Hawaiian soil for lack of ships to carry them either way, and yet some gentlemen continue to rise and proclaim that there are plenty of ships, and they desire to strike out the one-year clause in order to encourage American shipping. I yield to no man on this floor the honor of being more anxious to encourage American shipping than I am, but, in God's name, is it necessary for the American Congress to destroy what we now have in order to give us something else, and especially to destroy what we now have before they are prepared to give us something else in its place? What are we of the Pacific Northwest to do if this conference provision is agreed to. We have built up a prosperous line of traffic between Puget Sound and Hawaii, now being carried in foreign ships. We expect to replace those foreign ships with American ships just as soon as money and men and a first-class shipyard can produce the vessels.

You can not build a ship in a day. It takes from a year to fifteen months to construct a ship. Now, if this law is passed in its proposed form, we can not continue to carry on that traffic in foreign ships, because that is against the law; and we can not carry it on in American ships, because we have had no time nor opportunity to build them. Now, when a man is ready to buy a new wagon, he does not burn up the old one until he gets the new one. I claim it is false in theory, and I know it is false in practice, to destroy by law the present commerce between the Pacific Northwest and Hawaii before you are prepared to give us something else in the place of what we now enjoy. The shipbuilders of our country expect to commence at once to build ships to carry on this trade, but it will take about a year to build these ships.

It is frequently asserted by those who oppose this one-year clause that if that clause is allowed to remain in the bill foreign ships will rush in and crowd American ships out of this traffic. Where will they come from? There is no provision in the law to-day that will prevent a foreign ship from engaging in this trade, and yet the fact stares us in the face to-day that there are not ships enough there to carry on the trade. Now, if the ships are not there under existing law, what makes any man think there will be a mighty rush of ships in the next year if the law is left just as it is now? They have not rushed in under that law in the past. What makes you think they will do in the future exactly what they have failed to do in the past?

As a slight piece of ex parte testimony, for the benefit of those gentlemen who are proclaiming aloud that there are plenty of ships to carry all the traffic, I might say that one of the distinguished Hawaiian gentlemen who appeared before our committee in relation to the Hawaiian bill said to me that it would in all probability be impossible for him to secure a stateroom from San Francisco to Hawaii on any of the steamers, and that he would probably have to pay an officer of the boat a hundred-dollar bonus for an officer's room on the voyage. And yet in the face of such facts as this the people who desire to monopolize this trade and be the beneficiaries of this legislation still continue to proclaim that "there are plenty of ships."

Mr. COOPER of Wisconsin. Will the gentleman allow me a question?

Mr. CUSHMAN. Certainly I will yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. I understood the gentleman to say a few moments ago that crops were rotting on the docks or shores of the Pacific coast and in the island of Hawaii. What are those crops?

Mr. CUSHMAN. Well, in my State we produce almost everything—lumber, coal, fruit, and grain, and a multiplicity of other products.

Mr. COOPER of Wisconsin. What disease is it that is rotting your coal? [Laughter.]

Mr. CUSHMAN. Perhaps that is a very fine point. I guess it is. It is so fine that it is not visible to the naked eye. When the products of the earth which are necessary for man's use, which need to be transported to a proper market, lie idle and useless because they can not be transported to a market, that is a condition of industrial paralysis and commercial rottenness, whether the products actually stink or not. [Laughter.]

As a matter of fact, the ships are not there to carry the products and the traffic back and forth. Every available craft on the Pacific coast, almost, has gone into the Alaskan trade by reason of the unprecedented rush to Cape Nome. Why? Because the

Alaskan run pays a great deal more than the Hawaiian run. Therefore the ships have been withdrawn, and they can not be replaced in a day, a week, nor a month. I hope that the members of this House will refuse to agree to the conference report, and when that is disagreed to a motion will be in order that this bill may again be sent to the conference committee with instructions to the House members to insist upon the House provision in the bill.

Some few men, who are trying to reap a rich harvest in the Hawaiian trade to the detriment and exclusion of others, have said that we were selfish because we wanted this provision in the bill.

Mr. Speaker, I say to you that had it not been for the hardy and heroic race who blazed a pathway through the primeval wilderness, and populated and built up the mighty and myriad industries of the West (that in the march of events has linked us to the East), that the American flag would not to-day be floating over Hawaii. And yet, when our people are actuated by an honorable ambition to reap a small portion of the benefits that their industry and push have helped to bring into being, some two-by-four statesman arises and proclaims that we are selfish. I deny it. The selfishness is on the other side of this proposition. [Applause.]

Mr. KNOX. Mr. Speaker, I wish to say one word in answer to the gentleman who has just taken his seat. I appreciate very fully his feeling in regard to this matter. As a member of the committee, he was given the privilege of reporting this amendment providing that the coasting laws of the United States extended to Hawaii should not take effect until the expiration of one year. Now, what is the trouble with the bill as agreed upon? It does perhaps affect somewhat injuriously his people in Seattle, because they have not got their ships ready; but the people in the rest of the United States have been at work. Knowing for almost two years that the coasting laws of the United States would be extended so as to operate between this country and Hawaii, they have been preparing for it; and the most magnificent steel ships have been built in Philadelphia and have gone to the Pacific coast, and many have been purchased. Not only is there no lack of ships on the Pacific coast, but there are so many now that they go to Hawaii in ballast.

Mr. GROSVENOR. Mr. Speaker, the gentleman will allow me to say that I have a statement from the representative of one of the largest shipping lines that they are short of business, and that the retention of this provision in the bill would let into our coasting trade a vast volume of foreign ships, to the absolute destruction of American-owned ships on that coast.

Mr. KNOX. Undoubtedly, Mr. Speaker, that is true. So far as Seattle is concerned, I believe they have there only one American ship. They have one with reference to which the House a few days ago passed by unanimous consent a bill granting an American register.

Mr. JONES of Washington. Is it not a fact that about 50 per cent of the traffic between the Pacific coast and Hawaii is carried on at this time in foreign-built vessels?

Mr. KNOX. That has been the fact.

Mr. JONES of Washington. Is it not so now?

Mr. KNOX. Oh, no; they are all prepared for this trade now. Some of our friends from California will tell the gentleman the condition of things in that regard.

Mr. JONES of Washington. One more question. Does the gentleman know of any ships built now that expect to engage in the trade from Puget Sound to Hawaii?

Mr. KNOX. I do not. In that particular locality you have been busy carrying on your trade with Alaska. You have had more than you could do.

Mr. JONES of Washington. Not at all.

Mr. KNOX. These other people in the rest of the country are prepared for engaging in the trade with Hawaii. It is impossible, in preparing a bill of this kind, to obviate the fact that some people on the coast, at some towns, some cities, some localities, will for a short time be injuriously affected. But their remedy is to buy or build American ships, as the people of other parts of the United States have done.

Mr. JONES of Washington. One further question. It was stated by the gentleman from Ohio that there are a great many foreign-built ships that will go into this trade if this provision be adopted. Now, what would induce vessels that are not in this trade now to go into it for a year or two?

Mr. KNOX. Oh, there are tramp steamers that would gladly enter into this business.

Mr. JONES of Washington. They will not take the regular trade?

Mr. KNOX. Mr. Speaker, how much time have I left?

The SPEAKER. Sixteen minutes.

Many MEMBERS. Vote! Vote!

Mr. KNOX. I move the previous question on agreeing to the report.

The previous question was ordered.

Mr. NEWLANDS. Mr. Speaker, would it be in order now to move concurrence in all these amendments except as to those sections that have been objected to?

The SPEAKER. The report must first be adopted or rejected as a whole.

The question being taken on agreeing to the report,

The SPEAKER said: The ayes appear to have it.

Mr. NEWLANDS. I call for the yeas and nays.

The yeas and nays were ordered, there being—ayes 27, noes 96.

Mr. PAYNE. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cheboygan Harbor, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law in the claims of the sloop *Betsey*, Benjamin Rhodes, master, against the United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES OF PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 5280) to continue the publication of the Supplement of the Revised Statutes, reported the same with amendment, accompanied by a report (No. 1154); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARSH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10726) for the appointment of assistant surgeons of volunteers, reported the same with amendment, accompanied by a report (No. 1155); which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the joint resolution of the House (H. J. Res. 172) to prevent the lease of certain Indian lands in Oklahoma Territory for a longer period than one year, reported the same without amendment, accompanied by a report (No. 1157); which said joint resolution and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the joint resolution of the House (H. J. Res. 232) concerning certain Chippewa Indian reservations in Minnesota, reported the same with amendment, accompanied by a report (No. 1158); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9237) granting an increase of pension to Robert J. Carr, a Mexican war veteran, reported the same with amendment, accompanied by a report (No. 1156); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 9204) to remove the charge of desertion from the record of Frank Gaffney, late of the gunboat *Crusader*, in the war of the rebellion; and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL (by request): A bill (H. R. 11017) to increase the efficiency of the military establishment of the United States—to the Committee on Military Affairs.

By Mr. LATIMER: A bill (H. R. 11018) to incorporate the Washington Cooling Company—to the Committee on the District of Columbia.

By Mr. LESTER (by request): A bill (H. R. 11019) to increase the rank and pay of the Surgeon-General of the Army—to the Committee on Military Affairs.

By Mr. FOSTER (by request): A bill (H. R. 11020) to establish a pantheon for illustrious women at Washington, D. C., and to appoint commissioners therefor—to the Committee on Public Buildings and Grounds.

By Mr. LACEY: A bill (H. R. 11021) to establish and administer national parks, and for other purposes—to the Committee on the Public Lands.

By Mr. RIDGELY: A bill (H. R. 11022) to construct a road to the national cemetery at Baxter Springs, Kans.—to the Committee on Military Affairs.

By Mr. TONGUE: A bill (H. R. 11072) for the relief of the Kathlamet band of the Chinook Indians, of the State of Oregon—to the Committee on Indian Affairs.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 11073) concerning the manufacture and sale of gold and silver articles—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11074) to limit the hours that letter carriers in cities shall be employed per day—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Mississippi: A memorial of the Mississippi legislature, requesting Congress to make further and additional appropriation to improve the navigation of the Homochitto River in the State of Mississippi—to the Committee on Rivers and Harbors.

By Mr. McLAIN: A memorial of the Mississippi legislature with reference to Ship Island Harbor and also the Gulf and Ship Island Railroad Company—to the Committee on Rivers and Harbors.

By Mr. WILLIAMS of Mississippi: A memorial of Mississippi legislature, requesting Congress to pass H. R. bill 3988—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROUSSARD: A bill (H. R. 11023) for the relief of L. P. Labarthe, administrator—to the Committee on War Claims.

Also, a bill (H. R. 11024) for the relief of Marian Simoneaux, administratrix—to the Committee on War Claims.

Also, a bill (H. R. 11025) for the relief of the heirs of Henry A. Shadel, deceased, of Iberia Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11026) for the relief of the estate of George W. Chapman, of St. Mary Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11027) for the relief of the estate of Pierre Jolivet, deceased, of St. Mary Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11028) for the relief of Charlotte Foutenette, of St. Mary Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11029) for the relief of the estate of John P. Walter, late of Lafourche Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11030) for the relief of the estate of Charles F. Gaule, deceased, late of Lafourche Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11031) for the relief of the estate of Valerie Breaux, deceased, late of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11032) for the relief of the estate of Pierre Z. Doucet, deceased, late of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11033) for the relief of Felicite Monette, of St. Mary Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11034) for the relief of E. H. Flory, Abbeville, La.—to the Committee on War Claims.

Also, a bill (H. R. 11035) for the relief of Leolede Le Blance, of Iberville Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11036) for the relief of Kate Gibbons, Franklin, La.—to the Committee on War Claims.

Also, a bill (H. R. 11037) for the relief of the estate of Louis Ursin, deceased, late of St. Mary Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11038) for the relief of Prospere Lopez, of St. Martin Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11039) for the relief of T. B. Ulger Bourgue, of St. Martin Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11040) for the relief of Jules J. Broudreaux, of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11041) for relief of the estate of Dornville Fabre, deceased, late of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11042) for the relief of the estate of Valsin Vincent, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11043) for the relief of J. C. Mathiers, Ascension Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11044) for the relief of Mrs. Frank Deslonds, of Iberville Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11045) for the relief of Mrs. Victor Fabre, Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11046) for the relief of the estate of Ozeme Viator, deceased, late of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11047) for the relief of Mrs. Celina Landry, Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11048) for the relief of estate of François Feray, deceased, late of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11049) for the relief of the estate of Joseph Ursin Broussard, deceased, late of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11050) for the relief of the estate of Jean Perre Landry, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11051) for the relief of Mary H. Anderson, widow of Hiram Anderson, of St. Mary Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11052) for the relief of Mrs. Sidonie de la Houssaye, of Franklin, St. Mary Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11053) for the relief of the estate of Francis E. Harding—to the Committee on War Claims.

Also, a bill (H. R. 11054) for the relief of Lessin Guidry, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11055) for the relief of the estate of Louis C. De Blanc, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 11056) for the relief of the estate of J. Aucoin, deceased, late of Assumption Parish, La.—to the Committee on War Claims.

By Mr. BRENNER: A bill (H. R. 11057) granting an increase of pension to Leonhart Miller, Company G, Twenty-third Kentucky Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 11058) for the relief of Ida J. Peixotto—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 11059) to provide an American register for the ships *Star of Bengal* and *Star of Italy*—to the Committee on the Merchant Marine and Fisheries.

By Mr. KAHN: A bill (H. R. 11060) for the relief of the widow and minor children of John W. Geering, of Vallejo, Cal.—to the Committee on Claims.

By Mr. LAWRENCE: A bill (H. R. 11061) granting a pension to Robert E. Clary—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 11062) for the relief of the trustees of Westover Church, Charles City County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 11063) for the relief of the trustees of Liberty Baptist Church, New Kent County, Va.—to the Committee on War Claims.

By Mr. ROBERTS: A bill (H. R. 11064) granting a pension to Mrs. C. M. Merritt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11065) granting a pension to Etta A. Humphrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11066) granting a pension to Mary F. Aborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11067) for the relief of John Crosby—to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 11068) for the relief of Benjamin F. Massie—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 11069) granting a pension to Sophia Mattoon—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 11070) for the relief of the heir of Hugh Worthington—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 11071) granting an increase of pension to Amyntas Briggs—to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 11074) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of churches of Connellsville, Pa.,

asking for the passage of the anti-canteen bill and prohibiting the sale of liquors on premises used for military purposes—to the Committee on Military Affairs.

By Mr. ADAMS: Petition of the Trades League of Philadelphia, Pa., relating to railway mail pay—to the Committee on the Post-Office and Post-Roads.

By Mr. BARBER: Petition of the Young Woman's Christian Temperance Union of Stroudsburg, and Woman's Christian Temperance Union of East Stroudsburg, Pa., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. BENTON: Petition of General Jo Bailey Post, No. 26, of Nevada, Mo., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BOWERSOCK: Petition of Post No. 282, of Edwardsville, Kans., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the American Philosophical Society, of Philadelphia, Pa., urging the establishment of a national standards bureau—to the Committee on Coinage, Weights, and Measures.

By Mr. BOUTELL of Illinois: Resolutions of General George A. Custer Post, No. 40, Department of Illinois, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BOUTELLE of Maine: Petition of L. E. Richardson Post, No. 75, and Asbury Caldwell Post, No. 51, Department of Maine, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of James H. Donnelly and other druggists of Bangor, Me., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. BUTLER: Petition of E. A. Pugh and others, of Oxford, Pa., urging the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

By Mr. CUMMINGS: Papers to accompany House bill No. 10873, for the relief of Ida J. Peixotto—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of General J. Bowman Sweitzer Post, No. 480, Department of Pennsylvania, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DE VRIES: Petition of organizations, presented by the California Club, of San Francisco, Cal., representing a membership of 22,934; also petitions of Sacramento Chamber of Commerce; Young Woman's Christian Association of Topeka, Kans.; Sorosis Society of San Francisco; Stockton Grange, No. 70; New York State Federation of Women's Clubs, of 30,000 members; Michigan State Federation of Women's Clubs, of 12,000 members; Native Daughters of California; Society of California Pioneers, and Pennsylvania State Federation of Women's Clubs, to accompany House bill No. 11000, urging the purchase of the Calaveras big trees of California by the Government and to set aside the grove as a national park—to the Committee on the Public Lands.

By Mr. FITZGERALD of Massachusetts: Petition of National League Fourth-Class Postmasters, W. H. Thomas, chairman, in relation to commissions on stamp cancellations, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of Hon. A. S. CLAY and Hon. L. F. LIVINGSTON, indorsing the work of C. P. Goodyear on the outer bar of Brunswick, Ga., and urging such legislation as will enable him to continue the work—to the Committee on Rivers and Harbors.

Also, resolution of the Commercial Club of Omaha, Nebr., in favor of the reclamation of the arid lands of the United States—to the Committee on the Public Lands.

By Mr. FOSTER: Petitions of General George A. Custer Post, No. 40, and Domenick Weller Post, No. 701, of Chicago, Ill., Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. GASTON: Petitions of George K. Rice and others, of Crawford County, and H. D. Bertram and others, of Teepleville and vicinity, Pennsylvania, in favor of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, resolution of the Commercial Club of Omaha, Nebr., with reference to arid and public lands—to the Committee on Irrigation of Arid Lands.

By Mr. HAUGEN: Petition of Ellison Orr and others, of the State of Iowa, in relation to fishing for clams by dredging in the Mississippi River and its tributaries—to the Committee on the Merchant Marine and Fisheries.

By Mr. HOFFECKER: Resolution of Pomona Grange, No. 1, Patrons of Husbandry, of New Castle County, Del., for State control of imitation dairy products as provided in House bill No. 3717—to the Committee on Agriculture.

Also, petitions of the Woman's Christian Temperance Union of Sussex County, Del., urging the passage of House bill prohibiting the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. HOPKINS: Petitions of C. H. Watt, G. W. Hunt, R. W. Griffith, Mrs. Lydia A. Edwards, Alma J. Morgan, May Morris, and others, of Dundee, Ill., urging the passage of House bill No. 5457, prohibiting the sale of liquor in Army canteens—to the Committee on Military Affairs.

By Mr. HULL: Petition of the Columbia Historical Society, for the enactment of a law prohibiting the use of the national flag for advertising purposes—to the Committee on the Judiciary.

By Mr. JACK: Petitions of the Presbyterian Church and Woman's Christian Temperance Union, of Elders Ridge, Pa.; United Presbyterian Church of Worthington, and John A. Hunter Post, of Leechburg, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

By Mr. JONES of Washington: Petitions of H. A. Miles Post, No. 45; General Grover Post, No. 51; R. G. Carlile, and H. C. Thompson, of the State of Washington, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolution of Pacific Post, No. 48, Grand Army of the Republic, Department of Washington and Alaska, favoring Senate bill No. 283, in reference to the civil service and appointments, as reported with an amendment—to the Committee on Reform in the Civil Service.

Also, petition of committee of the Seattle Chamber of Commerce, urging the passage of the Alaska civil code bill—to the Committee on the Territories.

By Mr. KNOX: Petition of Hon. Jeremiah Crowley, mayor of Lowell, Mass., and other citizens, protesting against the opening of the Colville Indian Reservation—to the Committee on Indian Affairs.

By Mr. LESTER (by request): Resolutions of the Medical Association of Georgia, fiftieth annual session, at Macon, Ga., favoring the passage of a bill granting the Surgeon-General of the Army the rank, pay, and allowance of a major-general—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: Petition of the Young People's Christian Union of the Universalist Church of North Joy, Me., urging the passage of House bill prohibiting the sale of liquor in Army canteens, Soldiers' Homes, reservations used by the Government, or in our new possessions—to the Committee on Military Affairs.

By Mr. LONG: Petition of the Woman's Christian Temperance Union of Heisington, Kans., urging the enactment of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. MAHON: Petition of citizens of Huntingdon County, Pa., urging the enactment of a law forbidding the sale of intoxicating liquors in our new possessions—to the Committee on the Territories.

By Mr. MANN: Resolutions of L. H. Drury Post, No. 467, of Chicago, Ill., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. NEEDHAM: Petition of McPherson Post, No. 51, of Hanford, Cal., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. OLMSTED: Petition of Keystone League of the Christian Endeavor Society of the United Evangelical Church of Myerstown, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, Soldiers' Homes, etc.—to the Committee on Military Affairs.

By Mr. SHOWALTER: Petition of the Methodist Episcopal Church of Sharon, Pa., for the passage of a bill to forbid the sale of liquors in canteens—to the Committee on Military Affairs.

By Mr. HENRY C. SMITH: Resolutions of the Farmers' Club of Deerfield and Summerfield, Mich., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. SULZER: Petition of the drug-trade section of the New York Board of Trade and Transportation, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. TAYLER of Ohio: Petitions of M. V. B. King and other druggists of Canfield, Ohio, and Gairing Brothers and other citizens of Youngstown, Ohio, for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. WILSON of Idaho: Petitions of E. E. Gill and others, of Peck; C. T. Waller and others, of Lewiston, and citizens of Nez Perce County, Idaho, for the passage of a free-homestead bill—to the Committee on the Public Lands.

SENATE.

FRIDAY, *April 27, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

COMMISSIONED NAVAL OFFICERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 18th instant, a supplemental statement showing the number of commissioned officers of different grades and corps on sea duty, on leave of absence or furlough, etc.; which was referred to the Committee on Naval Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 222) to provide a government for the Territory of Hawaii.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901; and

A bill (H. R. 10696) relating to the Twelfth and subsequent censuses, and giving the Director thereof additional power and authority in certain cases, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 10) providing for the printing of 3,000 copies of House Document No. 1041, relating to the preliminary examination of reservoir sites in Wyoming and Colorado; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. CULBERSON presented a petition of sundry citizens of Austin, Tex., praying for the enactment of legislation granting pensions to the surviving soldiers who served in the Indian wars from the year 1846 to the year 1860, inclusive; which was referred to the Committee on Pensions.

Mr. MONEY. I present a joint resolution of the legislature of Mississippi, urging that an additional appropriation be made for the improvement of the navigation of the Homochitto River, in that State. I ask that the joint resolution be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the memorial was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Joint resolution of the legislature of the State of Mississippi memorializing the Congress of the United States to make further and additional appropriation to improve the navigation of the Homochitto River, in the State of Mississippi.

Be it resolved by the senate (the house concurring), That the Congress of the United States be, and is hereby, respectfully memorialized and requested to make an additional appropriation supplemental to the amount already appropriated to improve the navigation of the Homochitto River. This river has its course through a populous and fertile country for a hundred miles or more, but its navigation is obstructed and prevented by rafts, timber jams, and shoal places of no great length and easily removable. Its course is from east to west, while the only trunk line of railroad through its section of country runs from north to south and leaves a large area of country without transportation. While an appropriation of $16,000 has already been made by Congress for improving the navigation of this river, the amount is insufficient to fully complete the work intended, and an additional appropriation is necessary not only to secure safe navigation of this river, but to prevent damage to and the destruction of the work already done by the amount so far appropriated.

Resolved further, That the secretary of state be, and is hereby, required to transmit certified copies of this resolution to the Senators and Representatives in Congress of the United States from Mississippi to be presented to Congress.

Passed the senate January 25, 1900.

JAMES T. HARRISON,
President of the Senate.

Passed the house February 5, 1900.

A. J. RUSSELL,
Speaker of the House.

OFFICE SECRETARY OF STATE,
Jackson, Miss., February 20, 1900.

I certify that the foregoing is a true and correct copy of the original filed in this office.

[SEAL.] J. L. POWER,
Secretary of State.

Mr. MONEY. I present a joint resolution of the legislature of Mississippi, urging the passage of House bill No. 3988, to reorganize and improve the United States Weather Bureau. I ask that the memorial be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the memorial was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Joint resolution memorializing the Congress of the United States to pass H. R. 3988, being a bill to reorganize and improve the United States Weather Bureau.

Whereas the Weather Bureau Service of the United States is of incalculable benefit to the maritime and agricultural interests of the Southern States of the Union; and

Whereas a bill is now before the Congress of the United States to reorganize and improve said Weather Bureau branch of the Agricultural Department of the United States: Therefore, be it

Resolved by the senate (the house concurring), That the Congress of the United States is hereby respectfully memorialized and requested to pass H. R. 3988, being a bill to reorganize and improve the United States Weather Bureau; and the members of Congress from Mississippi are earnestly requested to use their best efforts to have such a law enacted.

Passed the senate February 2, 1900.

JAMES T. HARRISON,
President of the Senate.

Passed the house February 5, 1900.

A. J. RUSSELL,
Speaker of the House.

OFFICE SECRETARY OF STATE, *Jackson, Miss., February 20, 1900.*

I certify that the foregoing is a true and correct copy of the original filed in this office.

[SEAL.] J. L. POWER, *Secretary of State.*

Mr. MONEY. I present a joint resolution of the legislature of Mississippi, urging that an appropriation be made for the improvement of the channel of Ship Island Harbor from the terminus of the Gulf and Ship Island Railroad Company to main deep water. I ask that the memorial be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the memorial was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

A joint resolution memorializing the Congress of the United States with reference to Ship Island Harbor and the Gulf and Ship Island Railroad Company.

Whereas the Gulf and Ship Island Railroad Company was incorporated by the State of Mississippi by act of the legislature approved February 23, 1882, which said act, among other powers, contained the following:

"SEC. 17. *Be it further enacted*, That the right, power, and authority to reclaim the submerged lands of said Mississippi Sound, for a distance of one-half mile in either direction east and west from the point of intersection of said line of railroad with the waters of said sound, extending 6 miles from the shore of the present mainland in a southerly direction, to take, have, and to hold said lands so reclaimed, and to enjoy, use, and control the same to special use and benefit of said company; to lease, re-lease, sell, convey, mortgage, or otherwise dispose of the same; to locate, construct, and thereafter to own and maintain and use suitable wharves, piers, breakwaters, basins, and depots, or other appurtenances, appendages, and buildings thereon necessary and proper for the loading and unloading, receiving and discharging freight and passengers from seagoing, lightering, and coasting vessels;" and

Whereas some question has been raised as to the validity of said grant from said State of Mississippi; and

Whereas it is expedient that the same should be confirmed unto the said railroad company by the Congress of the United States; and

Whereas the Gulf and Ship Island Railroad has been constructed for a distance of over 100 miles, and is being rapidly pushed to completion; and

Whereas it is only about 5½ miles from said pier to deep water leading to the main Ship Island Harbor; and

Whereas it is only a question of dredging a channel of sufficient depth for about 5½ miles in length to connect said terminus of said railroad with the deep-water harbor at Ship Island; and

Whereas Ship Island Harbor is recognized as one of the best harbors in the South; and

Whereas the great increase of exportation through Ship Island Harbor demands the opening of said channel from the terminus of said Gulf and Ship Island Railroad to deep water: Therefore, be it

Resolved, 1. That the Congress of the United States be, and is hereby, memorialized to make a suitable appropriation sufficient for the improvement of the channel leading from the terminus of said railroad to main deep water at Ship Island.

2. That the Congress of the United States be further memorialized and requested to confirm unto the Gulf and Ship Island Railroad Company the said grant recited in the preamble of these resolutions and contained in section 17 of the charter of said railroad company.

3. That the Senators and Representatives of the State of Mississippi and of the Congress of the United States be, and they are hereby, requested to use their best efforts to secure such appropriation as may be needed for the purpose above recited, as well as the ratification and confirmation of the said grant, at the present session of Congress.

Adopted by the senate February 8, 1900.

JOHN R. DINSMORE,
President of the Senate.

Adopted by the house February 14, 1900.

A. J. RUSSELL,
Speaker of the House.

OFFICE SECRETARY OF STATE,
Jackson, Miss., February 20, 1900.

I certify that the foregoing is a true and correct copy of the original filed in this office.

[SEAL.] J. L. POWER, *Secretary of State.*

Mr. MCMILLAN presented a petition of Pomona Grange, Patrons of Husbandry, of Branch County, Mich., praying for the extension of rural free mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Iron Molders' Union No. 10, of Albion, Mich., remonstrating against the enactment of legislation to increase the revenue tax on oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Central City Lodge, No. 95, International Association of Machinists, of Jackson, Mich., praying

for the enactment of legislation providing for the construction of the new war vessels at the Government navy-yards; which was referred to the Committee on Naval Affairs.

Mr. GEAR presented a memorial of sundry manufacturers and jobbers of Davenport, Iowa, remonstrating against the enactment of legislation prohibiting the use of alum in baking powders; which was referred to the Committee on Agriculture and Forestry.

Mr. SIMON presented a petition of Surprise Grange, No. 233, Patrons of Husbandry, of Oregon, praying for the adoption of certain amendments to the interstate-commerce law; which was ordered to lie on the table.

He also presented a petition of Surprise Grange, No. 233, Patrons of Husbandry, of Oregon, praying for the enactment of legislation to secure to the people of the country the advantages of State control of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. HAWLEY presented a petition of the Columbia Historical Society, praying for the enactment of legislation to prevent the desecration of the national flag; which was referred to the Committee on the Judiciary.

Mr. BURROWS presented petitions of the Christian Citizenship of Evart and the Christian Endeavor Union of Paw Paw, all in the State of Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

He also presented a petition of Company H, Third Infantry, Michigan National Guards, of Owosso, Mich., praying for the enactment of legislation providing for the better equipment of the National Guard; which was referred to the Committee on Military Affairs.

He also presented a memorial of Iron Molders' Union No. 104, of Albion, Mich., remonstrating against the enactment of legislation imposing a tax upon butterine, oleomargarine, and all kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Pomona Grange No. 22, Patrons of Husbandry, of Branch County, Mich., praying for the enactment of legislation providing for a liberal appropriation for the extension of free rural mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented a petition of the city council of Cape Girardeau, Mo., praying for the enactment of legislation authorizing the Southern Missouri and Illinois Railroad and Bridge Company to construct a bridge at or within 5 miles of the city of Cape Girardeau, in that State; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. PLATT of Connecticut. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 2030) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, to report a new bill as a substitute, which I ask may be twice read and placed on the Calendar, and that Senate bill 2030 be indefinitely postponed.

The bill (S. 4462) to amend an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes," approved June 10, 1896, was read twice by its title.

The PRESIDENT pro tempore. Senate bill 2030 will be indefinitely postponed.

Mr. QUARLES, from the Committee on Indian Affairs, to whom was referred the bill (S. 2642) for the relief of Robert F. Thompson for services rendered by him for compilation of the laws relating to Indian affairs, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 111) concerning certain Chippewa Indian reservations in Minnesota, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Appropriations, to whom was referred the bill (H. R. 9711) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, reported it with amendments, and submitted a report thereon.

THE CONGRESSIONAL RECORD.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 117) to furnish the daily and bound CONGRESSIONAL RECORD to the governors of Alaska and Porto Rico for distribution, to report it without amendment; and I ask for its present consideration.

The joint resolution was read, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Public Printer to distribute not more than 25 copies of the daily CONGRESSIONAL RECORD and 25 copies of the bound CONGRESSIONAL RECORD to persons, newspapers, or libraries designated by the governors of Alaska and Porto Rico, respectively.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT ON FISHERIES OF PORTO RICO.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 198) providing for the printing and distribution of the general report of the expedition of the steamer *Fishhawk* to Porto Rico, including the chapter relating to the fish and fisheries of Porto Rico, as contained in the Fish Commission Bulletin for 1900, to report it with amendments; and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendments of the Committee on Printing were, in line 4, to strike out "fifteen thousand" and insert "seven thousand five hundred;" in line 8, to strike out "nine thousand" and insert "four thousand five hundred;" in line 9, to strike out "three thousand" and insert "one thousand five hundred;" and in line 10, to strike out "three thousand" and insert "one thousand five hundred;" so as to make the joint resolution read:

Resolved, etc., That there be printed and bound, under the direction of the Joint Committee on Printing, 7,500 copies of the general report of the expedition of the steamer *Fishhawk* to Porto Rico, including the chapter relating to the fish and fisheries of Porto Rico, as contained in the Fish Commission Bulletin for 1900; 4,500 for the use of the House, 1,500 for the use of the Senate, and 1,500 for the use of the United States Fish Commission.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

BUREAU OF AMERICAN ETHNOLOGY.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 8,000 copies of any matter furnished by the Director of the Bureau of American Ethnology relating to researches and discoveries connected with the study of the American aborigines, the same to be issued as bulletins uniform with the annual reports, 1,500 of which shall be for the use of the Senate, 3,000 for the use of the House of Representatives, and 3,500 for distribution by the Bureau.

ESTATE OF WILLIAM DILLON, DECEASED.

Mr. MCCUMBER, from the Committee on Claims, to whom was referred the bill (S. 1659) for the relief of the executor of William Dillon, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 1659) entitled "A bill for the relief of the executor of William Dillon, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

TELEPHONE AND TELEGRAPH WIRES.

Mr. MCMILLAN. I am directed by the Committee on the District of Columbia to report a joint resolution, and I ask for its immediate consideration.

The joint resolution (S. R. 120) authorizing certain permits for telephone and telegraph wires was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized to grant a permit for such telephone wires as may be necessary for the purposes of the Agricultural Department, and are also authorized to grant temporary permits to connect any political headquarters in the District of Columbia with the trunk lines of any telegraph or telephone company operating in said District, which temporary permits shall terminate January 1, 1901: *Provided*, That nothing in this resolution shall be construed to authorize the erection of any telephone or telegraph pole in the District of Columbia, excepting as already provided by law.

Mr. PETTIGREW. Does that measure come from the House?

Mr. MCMILLAN. No; it is reported from the Committee on the District of Columbia. It is just a temporary arrangement for telephone wires to the Agricultural Department and also arrangement to connect any political headquarters in the District by telegraph or telephone.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. STEWART introduced a bill (S. 4463) relating to mining privileges on Indian reservations; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CULLOM introduced a bill (S. 4464) to provide for the purchase of a site and the erection of a public building thereon at Pekin, in the State of Illinois; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. WARREN introduced a bill (S. 4465) granting an increase of pension to William W. Lane; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4466) granting a pension to I. N. Bard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 4467) for an examination of the property of the Little Kanawha River Navigation Company; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SCOTT introduced a bill (S. 4468) to amend section 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 4469) to amend section 41 of an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890; which was read twice by its title, and referred to the Committee on Finance.

Mr. MCENERY introduced a bill (S. 4470) for the relief of the heirs of Pierre Sauvé; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PERKINS submitted an amendment intended to be proposed by him to the naval appropriation bill; which was read, ordered to be printed, and referred to the Committee on Naval Affairs, as follows:

Amendment intended to be proposed by Mr. PERKINS to the bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes, viz: Insert the following:

That the Secretary of the Navy be, and he is hereby, directed to cause to be made an examination of all-American cable route across the Pacific, beginning at the entrance to the Straits of Fuca, touching at Sitka and Dutch Harbor and extending along the Aleutian chain of islands, either on the north or the south side, as may be found expedient, thence along the most shoal waters available to the Philippine Islands. This examination shall be sufficient to show the availability of this route for cable purposes, the approximate depth of the water along the route, the most favorable points for cable landings, and the estimated cost of an all-American cable by this route, as compared with others which have been proposed, and the probable revenues to be derived from it.

Mr. CLAY submitted an amendment relating to the classification of employees of the Post-Office Department intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. MCMILLAN submitted an amendment relative to the pay and allowance of officers of the corps of chaplains, professors of mathematics, and civil engineers of the Navy, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

AFFAIRS IN THE PHILIPPINE ISLANDS.

Mr. PETTIGREW. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to inform the Senate whether General Torres, one of the officers of the Philippine army, came to General Otis with a flag of truce on February 5, 1899, the day after the fighting commenced between our forces and those of the Filipinos, and stated to General Otis that General Aguinaldo declared that fighting had been begun accidentally and was not authorized by him, and that Aguinaldo wished to have it stopped, and that to bring about a conclusion of hostilities he proposed the establishment of a neutral zone between the two armies of a width that would be agreeable to General Otis, so that during the peace negotiations there might be no further danger of conflict between the two armies, and whether General Otis replied that fighting having once begun must go on to the grim end. Was General Otis directed by the Secretary of War to make such an answer? Did General Otis telegraph the Secretary of War on February 9, 1899, as follows: "Aguinaldo now applies for a cessation of hostilities and conference. Have declined to answer?" And did General Otis afterwards reply? Was he directed by the Secretary of War to reply, and what answer, if any, did he or the Secretary of War make to the application to cease fighting?

The President is also requested to inform the Senate whether the flag of the Philippine republic was ever saluted by Admiral Dewey or any of the vessels of his fleet at any time since May 1, 1898. Did Admiral Dewey, at the request of Aguinaldo or any officer under him, send the vessels *Concord* and *Raleigh* to Subig Bay to assist Aguinaldo's forces in the capture of the Spanish garrison at that place? Did said vessels assist in the capture of the Spanish garrison, and after the surrender did they turn the prisoners thus taken over to the Philippine forces?

Mr. LODGE. Let that go over, Mr. President.

The PRESIDENT pro tempore. The resolution goes over under the rule.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the act (S. 3465) to provide an American register for the steamship *Garonne*.

HOUSE BILLS REFERRED.

The bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 10696) relating to the Twelfth and subsequent censuses, and giving the Director thereof additional power and authority in certain cases, and for other purposes, was read twice by its title, and referred to the Committee on the Census.

SENATOR FROM WEST VIRGINIA.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate a resolution which will be read.

The Secretary read the resolution reported by Mr. MCCOMAS from the Committee on Privileges and Elections March 12, 1900, as follows:

Resolved, That NATHAN B. SCOTT has been duly elected a Senator from the State of West Virginia for the term of six years, commencing on the 4th day of March, 1899, and that he is entitled to his seat in the Senate as such Senator.

The PRESIDENT pro tempore. The pending question is the motion of the Senator from Alabama [Mr. PETTUS], which will be stated.

The Secretary read as follows:

That the resolution and report be recommitted to the Committee on Privileges and Elections with instructions to investigate the case fully by all legal evidence offered to it.

Mr. MONEY. Mr. President, if there is to be debate upon this resolution, I ask consent of whoever proposes to take the floor to permit me to take the floor for a little while in explanation of a bill that I gave notice I would call up on last Wednesday and which I have withdrawn from time to time to suit the convenience of gentlemen in charge of privileged questions. I ask the Senator from New Hampshire if he will consent that I shall go on to-day?

Mr. CHANDLER. The Senator from Mississippi having given notice several days ago that he would ask leave to make some remarks that he now wishes to submit, I shall not interpose any objection, if no other Senator wishes to proceed now upon the resolution.

Mr. HALE. The Senator does not propose to bring this bill up for any purpose except to make remarks on it?

Mr. MONEY. I wish to present views to the Senate, to make a few remarks explanatory to go into the RECORD. I do not desire to push the consideration of the bill just now, of course. I do not expect any great delay about it, however; but I hope the Senators who are opposed to the bill will be prepared with their part of the debate as soon as they find it convenient to do so. I desire to submit some remarks to-day if I can get unanimous consent.

The PRESIDENT pro tempore. The Chair hears no objection.

ABANDONED PROPERTY IN INSURRECTIONARY DISTRICTS.

Mr. MONEY. I ask that Senate bill 602 be read by title.

The SECRETARY. A bill (S. 602) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States and acts amendatory thereof.

Mr. MONEY. Mr. President, I desire to give notice to the committee, and also to the Senate—and in this matter I have, I believe, the support of the committee—that in order to relieve any misconception of the purpose and intent of this bill I will submit an amendment to add another section, which I will ask the Secretary to read. The phraseology can be changed, of course, if it is objectionable.

I propose to add a new section to the bill, as follows:

SEC. 6. The provisions of this act shall apply exclusively to the cotton belonging to private owners seized by the agents of the Government of the United States under the act of March 13, 1863, called the captured and abandoned property act, which cotton was sold and the proceeds thereof placed in the Treasury of the United States, and shall not apply to any other property seized under said act.

Mr. President, that new section is intended to do away with any misunderstanding as to the class of people who are to be relieved by the provisions of this proposed act. It is also to prevent any misapprehension as to the number of claimants who may be admitted to a standing in the court to press any kind of a claim arising from the seizure or appropriation or destruction of property during the civil war.

I feel quite sure that there has been a misunderstanding of the bill, and I also am willing to admit that the misunderstanding comes quite naturally from its phraseology. The intent and purpose of this measure, however, has only been to give those claimants who owned cotton seized under the captured and abandoned property act of 1863 an opportunity to go into the court to prove their share of a trust fund now in the Treasury of the United States. The proof of the proceeds and sale of cotton, to whom it belonged, the price, the number of pounds, bales, and so on, are only to be found in the office of the Secretary of the Treasury of the United States, and consequently any claimant who shall present himself will have simply the task of proving the proprietorship of the cotton taken that went into the hands of the authorized agents, either military or fiscal, of the United States.

No other persons will have the right under this bill when that amendment is adopted (and there is no doubt about that) to have a standing in the court at all. Consequently it can not be construed by the most adverse Senator to mean that the door is to be opened to a general raid upon the Treasury. That opinion I know has been honestly entertained. I know it has been pressed by the distinguished Senator from Maine [Mr. HALE], whose general character for fair-mindedness we have all had occasion to respect, and who, on account of his personal character and about a third of a century of honorable and useful service in both Houses, I am inclined very much to yield to in matters of this sort.

Mr. President, this cotton was seized under the act of 1863 with no intention on the part of the Government to convert the proceeds to its own use. The law said that there should be an appeal to the Court of Claims on the part of any loyal owner of the cotton seized. The result of that was that the law expiring in 1868, the disloyal owners of cotton seized did not bring suit, because they were barred by the provisions of the act.

But later, after the expiration by limitation of the statute, the Supreme Court of the United States, in the cases of Pargoud, Padelford, Armstrong, Klein, administrator, and quite a number of other cases with which Senators are perhaps familiar who have studied this subject, declared that amnesty not only forgave the offender of disloyalty but condoned the offense and wiped it out as though it never had existed, and in its terms it restored him to his right of property. It is quite true that a month after that general amnesty proclamation Congress attempted to withdraw the authority which it had conferred upon the Executive to grant this general amnesty. The Supreme Court declared that the act was unconstitutional and that the order of amnesty must be recognized by the court.

Now, Mr. President, there are any number of cases which have declared that this sum of money arising from the sale of the cotton that belonged to private owners was a trust fund, and that the United States occupied no other relations to it except that one of a fiduciary character. The men who owned this cotton are the cestui que trusts, and this simply gives them permission to go into court and prove that so much of the money in that fund belonged to them. If they can not establish that fact (and they can only establish it from the papers, books, and records now in the office of the Secretary of the Treasury), then they are not entitled to anything whatever.

I for one am not considering now, and will not, the advisability and propriety of opening the courts generally to claimants of any kind or character of property. This bill has one single and sole purpose, and that is to distribute a trust fund.

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Nevada?

Mr. MONEY. Certainly.

Mr. STEWART. I wish to say one word, if the Senator pleases. While I agree with him that the United States should refund to the proper parties whatever there may be in this trust fund, I wish to suggest to him that the United States was supposed to have a very large interest in this fund originally. It results from the cotton belonging to the Confederate government, and it was supposed that that would amount to nearly a hundred million dollars. It has been given out from time to time to claimants until the amount left is only about $12,000,000, and it appears, and there is no doubt about it, that many honest claimants, perhaps more than would absorb the whole of it, have been left out.

I would not want to have the impression go to the country generally that the United States has made a large speculation out of it, because the United States has lost what it took from the Confederate government. It has lost by money being paid out that ought not to have been paid out, and those who ought to have received it have not received it. Undoubtedly they would be entitled to all this fund, and perhaps more. But if the claimants limit themselves to the fund now on hand I am willing that it should be paid out and distributed among those who can show themselves to be rightful claimants.

Mr. MONEY. Mr. President, in reply to the suggestion of the Senator from Nevada, there is no intention, as I understand it, to open the case of the Confederate cotton. It is generally conceded that the cotton which had been sold to the Confederacy was a legitimate prize of war to the United States.

Mr. STEWART. That is true, but——

Mr. MONEY. That matter is entirely dehors the whole thing.

Mr. STEWART. But I wanted to explain why the Government had held on to it up to this time. It was supposed that it belonged to the Government, but the bulk of it having been paid out to persons who probably did not have good claims, there are bona fide claimants most of whom have been ignored, and it ought to be corrected by the proper tribunal. I agree with the Senator in that respect, but I did not want to have it understood that the Government had been seizing upon this private property without any excuse, because the reason for holding it at all was because it was supposed that that and much more belonged to the Government in consequence of having been taken as captured and abandoned property; but that not being the case, the Government having administered it, and the rightful owners not having received it, the Government is responsible to them, I think, and ought to pay it back.

Mr. MONEY. The Supreme Court have settled that question, Mr. President. This subject has been under consideration ever since the Thirty-ninth Congress. Bills have been introduced over and over in both Houses. They have been reported in every instance favorably—favorably from the Claims Committee of the Senate, favorably from the Judiciary Committee and the War Claims Committee in the House. We have a dozen executive documents here that have been sent in answer to inquiries made upon the Secretary of the Treasury, explaining this whole subject. We have gone over it again and again. There can be no dispute whatever upon the fact. There can be no dispute upon what the Supreme Court has decided. Gentlemen may think that the Supreme Court has erred in its decision, but they can not doubt what the Supreme Court has said. We very frequently disagree with the opinion of the Supreme Court. I am in a chronic state of disagreement myself with some of the opinions of that great tribunal, yet I bow to them.

Now, Mr. President, there is no intention in this bill to open up any claim to any person except to those who really owned the property, where the property was seized by the authorized agents of this Government, whether military or fiscal. Where cotton was not sold and the proceeds placed in the Treasury, and the proceeds of which sale could not be accurately told by the records of the Department itself, the claimant can not go into the Department and find anything there, by the consent of the Secretary or the officers of the Treasury Department, to bolster up his claim. He comes to the court simply with the proof of proprietorship and the proof of the seizure of the cotton, and he must trust to the archives of this Government for the proof which establishes his claim to a distributive share of this fund.

I said there could be very little debate about the facts. There can be none; and I think there can be just as little debate about what the court has said. The decisions are very numerous; they are so uniform that there must be consent as to what the court has determined. The court has determined, first, that every disloyal owner had been, by the general amnesty proclamation of December 20, 1878, pardoned his offense, his offense condoned, and that he had been fully restored to his rights of property. That is the language of the amnesty proclamation, and the court has recognized that as binding upon them in their actions as would be an act of Congress.

Another thing, Mr. President, according to the laws of civilized warfare, this cotton was not the subject properly of capture and appropriation. We have just repeated in The Hague Convention, to which we had our delegates, that private property must be respected in war. In the military conference held at Berlin in 1874, according to the report of Sir A. Horsford, it was determined that private property of every kind must be respected by hostile armies, and in the Articles of War, drawn up by Dr. Lieber for the use of the United States Army, the same doctrine is laid down. For more than two hundred years belligerents have not taken private property except for use, and then always upon payment.

It requires the greatest emergency, like a siege or something of that sort, the beleaguring of a city or fortress, to authorize a military officer to violate this rule; and the cases which we have been paying under the Bowman Act have recognized this principle, and the payments have been made under the legal fiction of an implied contract. The court has laid down in 5 Cranch the fact that the General Commanding the Army of the United States could not seize this cotton, because it would have been a violation of international law, of the laws of civilized warfare, without a special authority of Congress to do so; that Congress gave these generals authority to seize this cotton.

They sent their agents through the country, to every nook and corner, and searched it out; they brought the cotton into Federal lines; they sent it to Nashville and to Cincinnati and to New York and it was sold at auction. A part of it was sold for gold and the

gold sold for a premium and was paid in the Treasury, a sum of over $2,000,000. In every instance the general sold it under the act of Congress.

Now, waiving the decision of the court, I do not believe that Senators in this Chamber will desire to put themselves in the attitude of advising any longer that this fund shall be retained in violation of the laws of civilized nations, the laws of humane warfare, the rights accorded to belligerents by the great publicists and by the example of nations.

Mr. President, not only is this true, but it is becoming expressed with more emphasis in every conference of nations on the subject of the rights of neutrals and the rights of belligerents and the rights of private parties. The United States has had the honor since it became one of the family of nations to lead in every effort that would mitigate the horrors of warfare. It has especially distinguished itself by refusing to sign the convention of Paris of 1852, for the sole reason, as expressed, that the same rule that exempted private property on land was not extended to private property at sea. With this glorious record I hope the United States will not be put in the attitude by objecting Senators of continuing a system of private seizure and plunder which is not justified by any civilized nation in the world or by any international law.

Mr. CHANDLER. Will the Senator allow me to ask him a question?

Mr. MONEY. Certainly.

Mr. CHANDLER. I understood the Senator to say that the seizures of cotton made by the Union troops during the war were contrary to the principles of international law if it was cotton which belonged to private parties.

Mr. MONEY. Yes.

Mr. CHANDLER. Does the Senator contend for that?

Mr. MONEY. I do, and I have got papers before me and the opinion of the Supreme Court of the United States on that.

Mr. CHANDLER. If the Senator will permit me, then I understand him to say that during the war if a Union commander knew that just beyond his lines or within his lines there were one hundred, or five hundred, or a thousand bales of cotton, notwithstanding the fact that cotton was the great source of revenue for the Confederacy, being either bought by the Confederate Government or taken by seizure or by taxation and sent abroad through the blockade, so as to give the Confederate Government money with which to purchase munitions of war in foreign parts to be brought in through the blockade—that notwithstanding that was the well-known situation, it was contrary to the laws of war as understood by the nations for the Union commander to go and seize such cotton and send it to New York or to Cincinnati and have it sold and the proceeds put into the Treasury. Does the Senator maintain that proposition in all its length and breadth?

Mr. MONEY. In answer to my friend from New Hampshire, I will say that, as is very well known to international law, there are emergencies that will warrant a commanding officer in seizing any kind of property or destroying any kind of property. He can, for instance, tear down a house that is private property which obstructs the range of a battery. He can do a great many things under an emergency, and, particularly, he can do that which the Senator has suggested. He can sap the resources of the country.

Mr. CHANDLER. Would not that destroy the Senator's proposition?

Mr. MONEY. As in the case the Senator has cited, if it was right over the line, he could make a seizure. I say he can do that, but I submit the question simply of the seizure of cotton which was abandoned by the owner or captured by force, it made no difference which, and the proceeds put in the Treasury.

Now, I desire to have read, in order to put it in a very much more authoritative manner than I could answer the question, the decision of the court of the United States; and I will ask the Secretary to read from where I have marked here in 5 Cranch, 231 United States Reports, United States *vs.* 1,756 shares of the capital stock of the Great Western Railroad Company of Illinois.

Mr. President, I believe, instead of reading that, I will give the substance of it. It was first declared by the court that a forfeiture of property is provided for only in case the property is employed, with the knowledge or consent of its owner, in and of insurrection. That is one answer.

Mr. CHANDLER. What is the name of the case?

Mr. MONEY. It is the case in 5 Cranch, 231 United States Reports, United States *vs.* One thousand seven hundred and fifty-six shares of the capital stock of the Great Western Railroad Company of Illinois, but I desire to direct the attention of the Senate to this point:

> The seizure of an enemy's property by the United States as a prize of war, on land, jure belli, is not authorized by the law of nations, and can be upheld only by act of Congress.

That was the statement I made. This decision is based not only upon natural reason, but upon the example of nations; and upon this decision of the Supreme Court of the United States I stand.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Maine?

Mr. MONEY. Certainly.

Mr. HALE. I do not wish to break in inopportunely on any particular point of the Senator's argument, but at some time I want to ask him a question.

Mr. MONEY. Will the Senator please ask now? I would just as soon have the question now.

Mr. HALE. I understand the Senator to claim that this bill should pass upon the force of decisions, perhaps the first being that of The United States *vs.* Klein, which took the ground that here is a fund, and that the whole question as to the disposition of that fund as affecting loyalty is settled by the general proclamation of amnesty.

Mr. MONEY. I say that.

Mr. HALE. Now, what does the Senator do with the joint resolution of March 30, 1868, which seems to have been unaccountably left out of the consideration of the courts and not even referred to; but which in terms covers all this money into the Treasury, and does not leave it as a fund. Has the Senator's attention been called to the joint resolution of March 30, 1868? I do not find in any investigation that has taken place into this question, in the arguments of counsel, or in the opinions of the courts, that any reference has been made to that joint resolution.

Mr. JONES of Arkansas. I hope the Senator will read that joint resolution.

Mr. HALE. But it has been treated as a fund, when in fact it was by the terms of the joint resolution of March 30, 1868, turned into the Treasury. Here is the provision:

> That all moneys which have been received by any officer or employee of the Government, or any Department thereof, from sales of captured and abandoned property in the late insurrectionary districts, under or under color of the several acts of Congress providing for the collection and sale of such property, and which have not already been actually covered into the Treasury, shall immediately be paid into the Treasury of the United States, together with any interest which has been received or accrued thereon.

I thought it proper to call the attention of the Senator to this act, which may have escaped him.

Mr. MONEY. It has not escaped me.

Mr. HALE. But which certainly he should consider before he goes on with the treatment of the subject, and not neglect it.

Mr. MONEY. If the Senator will please pardon me, I have observed that; but that does not relieve the United States of its responsibility as a trustee. The decision, in the first place, was subsequent to that proclamation and subsequent to that joint resolution, and the court has decided over and over again—especially in the Padelford case, in the Armstrong case, in the Klein case, in the Wilson case, and in many others—that that amnesty proclamation absolutely reinstated every one of the disloyal owners who were excluded by the captured and abandoned property act, which left the court open to an appeal by loyal citizens of the United States in the insurrectionary States, and this amnesty proclamation came subsequent to that.

Even if that were true, and there had been no subsequent amnesty proclamation, the decisions of the court are uniform and numerous to show that such disabilities have been wiped out, and those people have become loyal in the eye of the law.

The Senator knows the short duration of the act of 1863, permitting loyal citizens to go into court and make their claims for their distributive share of this trust fund. I say "trust fund" because that is the language of the court. The language of the court is that the United States is a trustee and that there was never any intention to divest the owners of their property rights, or to deny to those who could prove their rights a day in court.

The court having decided that if that is in full force to-day, it makes no difference what has become of the property. Suppose this fund is no longer segregated as the cotton-trust fund, but has been covered into the general fund of the Treasury—I call the Senator's attention to the fact that it has been done since the date of that act by, I believe, another provision; I think, in an appropriation act subsequent to that—and that it has not affected at all the rights of the cestuy que trust, and it does not in any degree remove the responsibility of the United States as a trustee.

Mr. HALE. Now, Mr. President——

Mr. MONEY. If the Senator will pardon me just one moment, permit me to add that in the time when under the statutes the loyal claimants made their claim good in the case, as they perhaps could with the proofs furnished them from the office of the Secretary of the Treasury, millions of this money were distributed exactly as the law had intended to loyal owners, but the disloyal owners, being barred by the express terms of the act, did not bring their suits; and it is very honorable to these claimants that they did not consent to perjure themselves in order to establish claims for their own profit.

But when the Supreme Court had declared that the general amnesty had wiped out all distinction between the loyal and the disloyal, it implied a full restoration to property rights. The act had expired by limitation, and there has since been no tribunal

wherein the claims of one who had been heretofore disloyal could have been presented. The object is to allow these people to go into the courts; to let them stand rehabilitated in their rights under the amnesty proclamation, so that they may go into some tribunal and present evidence of their right to their distributive share of this fund.

Mr. HALE. Let me ask the Senator in respect of a pardon or amnesty in the case of a fine which has been imposed and paid, does he believe that a pardon would restore the fine?

Mr. MONEY. Well, I will not go that far.

Mr. HALE. What I claim is that if that penalty had been completely enforced the money was not held as a fund, and months before the pardon or general amnesty was issued the whole thing had been closed and the money had been turned into the Treasury. A pardon would not affect that; a pardon could not restore that after that had been done, and general amnesty could not do that. However, I do not propose to discuss that matter.

Mr. MONEY. I will reply to the Senator right on that point, and I am very glad he has brought it up. I do not want to make a speech, but to explain this bill and to have it passed.

I am speaking for a class of people who have suffered destitution; many of them have been in poverty and have suffered for a very long while. Its effect upon them has been greater than can probably be appreciated on the other side of the Chamber. It has prevented many young men and women from having that advantage of education to which they were fairly entitled in the race of life. It has produced a condition among a certain class that has been detrimental to their elevation, their education, and their refinement; it has brought miserable consequences to those people without any fault of theirs.

I rest simply on what the Supreme Court of the United States has said. I do not go outside of the general class of cases to find exceptions. This is not a bill for exceptional cases; it is a bill for general cases, and no man can get a single dollar out of this fund, whether it be in the general fund or whether it be segregated, unless by the documents in the possession of the Secretary of the Treasury he can prove that the cotton was seized, that he was the rightful owner, that it was sold by the proper agent of the United States, and the proceeds placed in the Treasury, together with an account of the number of bales, the number of pounds, and the price paid per pound.

I say the court has determined this matter over and over again, not in the exceptional cases mentioned by my friend from Maine, but as to the general fact that restoration of the rights of those men has been absolutely accomplished by the amnesty proclamation and according to the very phrase of the amnesty proclamation itself, which was designed to restore them to their rights of property; which was designed to rehabilitate the disloyal citizen in every respect. In other words, there was not to be a particle of difference in the late insurrectionary States between the man who was loyal and the man who was disloyal, either as to civil, political, or any other rights.

I rest upon the decision of the Supreme Court of the United States. It has been repeated over and over again; and, as I said at the outset, gentlemen may differ with the court as to the correctness of the decision, yet they can not differ as to what the court has actually and really held. That is what I rely upon.

Mr. President, the several points that have been raised heretofore are distinctly and succinctly stated in the Klein case——

Mr. SULLIVAN. I suggest as to one point the Senator from Maine a moment ago made, before my colleague goes on to the next point, that this property had been covered into the Treasury before the amnesty, my colleague might give the Senator the dates of the various proclamations beginning back in 1863; May, 1865; September, 1867; July, 1868, and December 25, 1868.

Mr. HALE. That is the act upon which stress is laid—the act of December, 1868.

Mr. SULLIVAN. There was more than one which gave precisely the same right, except that the act of 1868 relieved the oath. The money was covered into the Treasury on the 28th of June, 1868, and the war having ended prior to that time the rights of claimants were complete, and the money was turned over. The only trouble was that they could not go into the court, being barred by the statute of limitations.

Mr. MONEY. There has been a subsequent act to that mentioned by the Senator from Maine [Mr. HALE], very much later on, and I believe it was in an appropriation bill. That covered this fund back into the general fund of the Treasury; but Congress could not work a forfeiture of property by law. It takes the process of the courts to say that a man can be deprived of his property. He must have due process of law; he must have his day in court. We can not seize a ship on the sea, according to international law, and condemn that ship until the case has been in the admiralty courts and adjudged a prize of war; and it is proposed now, because a resolution of Congress repealed an act heretofore passed, to take a segregated fund and put it into the general fund of the Treasury without any process of law whatever. If that can be done, any kind of property can be seized and appropriated to the use of the Government. I say that no Senator will insist upon that proposition, because it is contrary to every provision of the Constitution.

I was about to have read, Mr. President, as covering very nearly, if not completely, the decision of the court in the case of Klein, what I will send to the desk. I will ask the Senate to give their attention to the reading of this by the Secretary, because it really clears up every doubt on every point that can possibly be raised in this discussion. The argument in that case by the counsel of the Government covers everything possible, for they are generally very zealous in the defense of the public Treasury. The decision of the court was intended to eliminate every single doubt as to the right of these people to their property. I will ask the Secretary to read what I have marked on pages 3 and 4 of the report of the committee; and I hope that Senators will give their attention to that reading, because it really seems to me to make any further explanation unnecessary.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

1. That it was not the intention of Congress, by the enactment of that statute, that the title to property seized under it should be divested from the loyal owners.

2. That the proceeds of the property should go into the Treasury without change of ownership.

3. That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal.

4. That it was for the Government itself to determine whether those proceeds should be restored to the owner or not.

5. That the President's proclamation of pardon and amnesty, with restoration of rights of property, and particularly that of July 4, 1868, was a decision on the part of the Government which decided affirmatively the right of all the owners of such property to the proceeds thereof in the Treasury; and the restoration of the proceeds became the absolute right of the persons pardoned.

6. And that "the Government constituted itself the trustee for those who by that act were declared entitled to the proceeds of captured and abandoned property, and for those whom it should thereafter recognize as entitled."

And in its opinion the court uses this language:

"That it was not the intention of Congress that the title to these proceeds should be divested absolutely out of the original owners of the property seems clear upon a comparison of different parts of the act.

"We have already seen that those articles which became by the simple fact of capture the property of the captor, as ordnance, munitions of war, and the like, or in which third parties acquired rights which might be made absolute by decree, as ships and other vessels captured as prize, were expressly excepted from the operation of the act; and it is reasonable to infer that it was the purpose of Congress that the proceeds of the property for which the special provision of the act was made should go into the Treasury without change of ownership. Certainly such was the intention in respect to the property of loyal men. That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal, appears probable from the circumstances that no provision is anywhere made for confiscation of it, while there is no trace in the statute book of intention to divest ownership of private property not excepted from the effect of this act otherwise than by proceedings for confiscation.

"It is thus seen that, except as to property used in actual hostilities, as mentioned in the first section of the act of March 12, 1863, no titles were divested in the insurgent States unless in pursuance of a judgment rendered after due legal proceedings. The Government recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of noncombatant enemies from capture as booty of war; even the law of confiscation was sparingly applied. The cases were few indeed in which the property of any not engaged in actual hostilities was subjected to seizure and sale.

"We conclude, therefore, that the title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exceptions already noticed, was in no case divested from the original owner. It was for the Government itself to determine whether these proceeds should be restored to the owner or not. The promise of the restoration of all rights of property decided that question affirmatively as to all persons who avail themselves of the proffered pardon. * * * The restoration of the proceeds became the absolute right of the persons pardoned, on application within two years from the close of the war. It was, in fact, promised an equivalent. 'Pardon and restoration of political rights' were 'in return' for the oath and its fulfillment."

And then the court adds this strong language:

"To refuse it would be a breach of faith not less cruel and astounding than to abandon the freed people whom the Executive had promised to maintain in their freedom."

It will be observed that the court decides that the title to the proceeds of the property which come to the possession of the Government by capture or abandonment, with the exception of property used in actual hostilities, was in no case divested from the original owner.

The question therefore arises whether the Government ever determined that the proceeds of the sales of property under the captured and abandoned property acts which belonged to disloyal persons should be restored to them.

Whatever of occasion for dispute there may have been upon this question at one time, there seems to be none now.

Under the act of July, 1862, known as the confiscation act, the President was authorized at any time thereafter, by proclamation, to extend to persons who may have participated in rebellion in any State or part thereof pardon and amnesty, with such exceptions and at such time and on such conditions as he should deem expedient for the public welfare.

* * * * * * * *

Finally, on the 4th day of July, 1868, a proclamation was issued by the President extending pardon and amnesty to all, with some exceptions, who had participated in the rebellion, with restoration to all rights of property, except in slaves, and on the 25th of December, 1868, without exception, unconditionally, and without reservation. No oath was required. * * * In the language of the Supreme Court before quoted:

"The promise of the restoration of all rights of property decided that question affirmatively as to all persons who availed themselves of the proffered pardon. * * * The restoration of the proceeds of captured and abandoned property became the absolute right of the persons pardoned, on application within two years from the close of the war."

Those who had failed to avail themselves of the proffered pardon extended by the proclamations containing conditions (if there were any such) were covered and embraced by the proclamation of July 4, 1868, which extended pardon and amnesty to all, without condition, with full restoration to property rights.

And the following, taken from the decision of the Supreme Court in Padelford's case, reported in 9 Wallace:

"In the case of Garland this court held the effect of a pardon to be such 'that in the eye of the law the offender is as innocent as if he had never committed the offense;' and in the case of Armstrong's foundry we held that the general pardon granted to him relieved him from a penalty which he had incurred to the United States. It follows that at the time of the seizure of the petitioner's property he was purged of whatever offense against the laws of the United States he had committed by the acts mentioned in the findings and relieved from any penalty which he might have incurred. It follows, further, that if the property had been seized before the oath was taken the faith of the Government was pledged to its restoration upon the taking of the oath in good faith. We can not doubt that the petitioner's right to the property in question at the time of the seizure was perfect and that it remains perfect notwithstanding the seizure.

"But it has been suggested that the property was captured in fact, if not lawfully, and that the proceeds having been paid into the Treasury of the United States, the petitioner is without remedy in the Court of Claims, unless proof is made that he gave no aid or comfort to the rebellion. The suggestion is ingenious, but we do not think it sound. The sufficient answer to it is that after the pardon no offense connected with the rebellion can be imputed to him. If in other respects the petitioner made the proof which under the act entitled him to a decree for the proceeds of his property, the law makes the proof of pardon a complete substitute for proof that he gave no aid or comfort to the rebellion.

"A different construction would, as it seems to us, defeat the manifest intent of the proclamation and of the act of Congress which authorized it. Under the proclamation and the act the Government is a trustee, holding the proceeds of the petitioner's property for his benefit; and having been fully reimbursed for all expenses incurred in that character loses nothing by the judgment, which simply awards to the petitioner what is his own."

But for the bar made by the statute of limitations of two years, it seems that all persons, loyal and those who had been disloyal, might prefer their claims to this property, and upon proof of their right to the property obtain the proceeds.

Pardon and amnesty relieved claimants of captured and abandoned property from proving their adhesion to the Government of the United States during the late war.

The following is the whole of the opinion of the court in Pargoud's case, 13 Wallace:

"We have recently decided in the case of Armstrong against the United States that the President's proclamation of December 25, 1868, granting pardon and amnesty unconditionally and without reservation to all who participated directly or indirectly in the late rebellion, relieves claimants of captured and abandoned property from proof of adhesion to the United States during the late civil war. It was therefore unnecessary to prove such adhesion or personal pardon for taking part in the rebellion against the United States. The judgment of the Court of Claims dismissing the petition is reversed."

Mr. CHANDLER. Will the Senator allow me to call attention at this point to the dissenting opinion in that case?

Mr. MONEY. Yes, sir.

Mr. CHANDLER. I notice that the opinion of the court was rendered by Chief Justice Chase, who, singularly enough, while he was Secretary of the Treasury, had gathered in the proceeds of the sale of all this cotton, and as Chief Justice decided they could all be taken out of the Treasury. He gathered the money in under a law which provided that it might be restored to the loyal owners, and he decided that it could be taken out of the Treasury by disloyal owners, so far as the court could make that decision.

Mr. MONEY. There were no disloyal owners at that time.

Mr. CHANDLER. The majority opinion was presumably concurred in by Justices Nelson, Swayne, Davis, Strong, Clifford, and Field. The dissenting opinion was delivered by Mr. Justice Miller, with whom concurred Mr. Justice Bradley, and it will be found in 13 Wallace, page 148. I will not ask to have the text of the dissenting opinion inserted in the Senator's speech.

Mr. MONEY. I thank you very much.

Mr. CHANDLER. But I am sure the Senator wants a full record to go to the country with his speech.

Now, Mr. President, if the Senator from Mississippi will allow me a word further——

Mr. MONEY. Yes, sir.

Mr. CHANDLER. While the decision of the majority was binding in that case, yet the minority opinion is good enough to enable me to insist that the statute of limitations shall not be removed at the end of a third of a century.

Mr. MONEY. I am quite sure the Senator would not differ from me as to what the court has said. The Senator simply differs from the court in its opinion in this case.

Mr. CHANDLER. I think Mr. Justice Miller's opinion is a much stronger opinion than the opinion of the majority.

Mr. MONEY. I have no doubt of that, because it agrees with your opinion.

Mr. CHANDLER. I agree with it entirely.

Mr. MONEY. It makes it very strong, indeed, in the mind of the Senator from New Hampshire when the opinion agrees with the opinion of the Senator.

Mr. CHANDLER. With my concurrence it is very much stronger. It is good enough, at any rate, Mr. President, in view of the fact that for over a third of a century this money has not been taken out of the Treasury. In an humble and in a subordinate way I aided in caring for this fund in 1865 and 1866, and I am going to try now and see that this little portion of what is left in the Treasury shall remain there. It seems that the whole amount was $3.,000,000; that it cost $10,000,000 to get it into the Treasury, leaving $21,000,000. About $10,000,000 has already been paid out on judgments of the Court of Claims, leaving some $10,000,000; and the Senator expects to get $5,000,000 for the claimants for whom he now appeals.

If the Senator will allow me a few words more—and then I shall stop—it cost 300,000 human lives and six thousand millions of money to carry on the war for the Union. We seem to have got of all $10,000,000; and the South comes in now and wants $5,000,000 of that. It seems to me it would be a great deal more sensible at the end of the third of a century to let this little pittance of $5,000,000 be credited on the six thousand million dollars, and not now try to get the statute of limitations removed. I wish the Senator would let bygones be bygones, and let the Treasury have this little sum of money.

Mr. MONEY. Mr. President, certainly I have no doubt the Senator would be very much pleased to see this money remain in the Treasury, owing to the extreme poverty of this great Government. The Senator has no sympathy with the people who own this money which the Government holds as trustee; and it is a very singular fact that, having had a delay of justice for thirty-five years, we should have now a total denial of it by the Senator from New Hampshire or by anybody else. There was no laches on the part of the claimants in this matter. They have been asking all these years, and he who caused the delay should not complain of the lateness of the day.

Now, as to the singular fact that Mr. Justice Chase, who had been Secretary of the Treasury, delivered the opinion of the court which I have cited in 13 Wallace, I will say when he was Secretary of the Treasury he was an executive officer carrying out the will of Congress, which had passed the captured and abandoned property act; but he changed his character when he went upon the bench. He then had to decide what the act meant. The claimants who are now here are not disloyal, because they have been made whole and clean by the general amnesty proclamation.

It does not make a particle of difference whether this money is in a segregated fund or in a cotton fund or in the general fund. That is simply a trick of bookkeeping in the Treasury Department, and we all know it. The thing for you to consider is what the court said. Your reports show it, and every record in the Department shows it. To whom does the money belong? The courts say to those who are not disloyal, but who are loyal citizens of this country, and who have suffered for all these years because their own has been withheld, because you have refused to give them the tribunal which the courts said they ought to have to go to in order to show their right to have the proceeds of this property distributed.

If we have been doing wrong for thirty-five years, it is quite time we should turn around and retrace our steps and not say that we are going forever to be unjust to any man who is a loyal citizen to-day, whatever may have been his character before. We ought not to turn our backs upon the decision of the Supreme Court of the United States; and I am surprised that the Senator from New Hampshire should have made the argument he has. I sympathize very much with the distress of the Treasury of the United States. We are expending five or six hundred million dollars every year, and yet we want to keep this little $4,992,000 belonging to these loyal citizens in the South or to their heirs. Is that justice?

If the United States should assume the attitude in which the Senator from New Hampshire would put it, I could not better describe it than by quoting four words of Sallust's description of Catiline, in his history of the conspiracy, that he was a man profusus sui, appetens alieni—that is, a man prodigal of his own and greedy of the property of other people. I do not agree with the Senator from New Hampshire. I know that this great nation can not afford to occupy such an attitude as that.

This is a question of moral right. Can this great Government divest itself of its moral obligations? How scrupulous we are to pay all the debts we owe in dealing with the people who hold debentures of indebtedness issued to carry on that war. I want to tell the Senator from New Hampshire that my people pay taxes, too. The people of the South, these very disloyal owners, who for thirty-five years have had the courts shut against them, have been paying part of those taxes. Did they grumble? No. There has been no complaint whatever. These people have been living out of their own, because by the statute of limitations they could not go into court, although the court had decided that their rights were good and had decided that the money belonged to them; that it was never the intention at any time, even when the first act was passed, that they should be divested of their rights. All we want now is a tribunal which shall be open to them to distribute that fund. As shown by the Senator from New Hampshire, a large part, and very much the larger part, of that fund has been distributed to loyal owners, to men in the South who were loyal at the time the act was passed.

Senators, this is a matter that I do not think there can be any

great debate upon. I do not see how any man with a common sense of justice can deny longer that one of our own courts shall be open to our own citizens to plead a case which the Supreme Court of the United States has already prejudged in their favor. Somebody owns that money. It is not money which belongs to the United States; and it makes no difference what fund it may be in. It is but a mere trick of bookkeeping which will not avail you in attempting to get rid of the responsibilities as trustees in this case.

Who are the claimants? They are men stricken with age and young people who have grown up without the advantages they would have had if this court had been open to them.

But unfortunately, gentlemen, the court never made a decision that loyalty need not be proven, that the defense was wiped out by the general amnesty proclamation of July, 1868, until the act had expired. No longer could a claimant file his petition, and he was debarred not because he did not have the right to go, but because you sitting in this Chamber and the other refused to open the courts to him.

Now, I will ask my friend from New Hampshire, after having used other people's money for thirty-five years, do you not think it is time you should give us a chance to go into your own courts, after the Supreme Court of the United States has said it is their money and you are simply a trustee, and thus relieve yourself of the responsibility of any longer having the custodianship of money that does not belong to you?

Mr. CHANDLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. MONEY. Of course.

Mr. CHANDLER. I do not consider it their money. It was booty.

Mr. MONEY. I understand that you disagree with the court.

Mr. CHANDLER. It was captured property, and the Congress provided what should be done with it. It provided that it should be sold and the proceeds put into the Treasury, and any man who brought his suit within two years and proved that he had not aided the rebellion could get what belonged to him; and no man was so wild in those days as to dream that the time would ever come when it would be advocated that a man might go and sue for that property and by proving that he had aided the rebellion get the proceeds of it. I am not willing that this booty of war, that captured property, shall at the end of this time be taken out of the Treasury by repealing a statute of limitations.

Mr. MONEY. I am sorry my friend has made that remark. My friend, I think, on a little opportunity would revert to the original savage. There is a strong sentiment in human nature to do that. I will get there myself some time. Originally when belligerents invaded territory they killed the people and took everything they had. Then as the people became civilized they began to save the lives and sell them as slaves, and then, as we progressed in the upward scale, we held a few of the distinguished people for ransom or a few as hostages, or something of that sort.

Then we declined to kill people, to make them slaves, or to hold them as hostages or for ransom, and we took their property. Then we said we would not take their property, that it was contrary to humanity and civilization; and that is the attitude occupied by every nation within the pale of Christendom to-day, and nobody knows it better than the Senator from New Hampshire. And yet he wants to go back some hundreds of years in the history of the human race and seize the property of noncombatants, of private persons, and make it the "spoil of his bow and spear" and take it home in triumph and keep it. These tribunals of last resort are of no account to him. His great mind takes in the situation, and he differs with the courts. He is controlled by dissenting opinions.

I do not blame him for that, because, as I said, I disagree with the courts sometimes myself; but still I yield to them. I believe their decisions must stand until they are reversed by the same authority. We know of no decision of the court that is not good and binding until the court itself has reversed it. But, now, here we are with the proceeds of this property. My friend said he does not believe it is their property, and of course he will vote according to his convictions notwithstanding the fact that this law said that there shall be standing in court for two years for the loyal owners, and then the proclamation that they are all loyal owners, and they shall be fully restored to their property. Does the Senator deny the force and effect of the general amnesty proclamation? I ask him that question.

Mr. CHANDLER. No, I do not. I will make my position distinctly understood. The Supreme Court made that decision, with the dissenting opinion. I think it was a wrong decision, but I acquiesced in it. If the owners of this property, of this cotton mainly, which was the great mainstay of the Confederacy, can get it, they may have it for all me, but I will not vote to remove the statute of limitations. I plant myself upon the statute of limitations, which has barred these men for all these years, and I say that if there ever was a case in the world where the statute of limitations should not be removed by Congress it is this. That is all my position.

Mr. MONEY. I understand the Senator's position very clearly, and of course I have no desire to ask him to abandon his well-considered grounds of objection, but nevertheless I appeal to other Senators who have not made up their minds so fixedly against the opinion of the court and so fixedly against every law of common justice, in my view of the case. I do not mean to impeach the good intentions or moral purpose and integrity of the Senator from New Hampshire, but his view is so different from mine that if I had his view, I would think I was proceeding upon that good old rule, that simple plan, "Let him take who hath the power and let him keep who can," which I do not think applies to this age of the world's development.

In 9 Wallace there is a case reported. Speaking now of this proclamation, the court says:

> Under the proclamation and the act the Government is a trustee holding the proceeds of petitioner's property for his benefit and, having been fully reimbursed for all expense incurred in that character, loses nothing by the judgment which simply awards to the petitioner what is his own.

It is difficult to use language any plainer and simpler than that. There can not be any doubt about what the court means.

Now, if there was a full restoration to all the rights of citizenship, how is it that there should be made an exception in this one case? What particular good reason is there except that you have the money? If you did not have it, you would not take it. There is not a man on the other side who would say so. If you did not have this money belonging to these claimants, who have been restored to their right of citizenship, including the right of property, there is not a man on the other side who would say take it, and yet some of you hesitate to restore it.

Mr. President, there is something in being right. It is worth something to a great nation to be right, and I want to say that one of the highest achievements in statesmanship is to keep the people whom you rule satisfied with your government; to keep them warm in their affections to your government. When the time of war comes, when the flag is insulted, when the territory is invaded, when sovereignty is questioned, then you call upon your people to rush to arms and to make all the sacrifices usual in cases of warfare, to protect the flag, to protect the integrity of the territory, to protect the national honor and its national good name. You want a people responsive to that sort of a call when the emergency comes, and you can not get it by taking what they are entitled to under the decisions of the greatest courts of the country.

It is a very light matter, you may think, but there is something in keeping the people satisfied with their Government; and the greatest trouble in this country is that the people are too easily satisfied with the Government, and that very fact is to-day liquefying the solid foundations of this Government. The people are too easily satisfied, and will not make inquiry into the manner in which their affairs are being administered and the character of the laws that are being passed. Eternal vigilance is the price of liberty, and we do not exercise it. I wish the people were more vigilant and less easily satisfied, at least, than they are to-day. There ought to be more inquiry into public acts.

This whole sum amounts to $4,992,000, according to the statement made by the Secretary of the Treasury. I consider that authoritative. It binds me. I am not particular about the amount, whatever it is. Whether it is $400,000, or $1,000,000, or $6,000,000, or $10,000,000 matters not. The right exists just the same. It is a difference of degree and not in kind. If they are entitled to one, they are entitled to two, if it is theirs and they can prove proprietorship. This will not impoverish this Government. Our income in three or four days amounts to enough to pay it. The income of the National Government will liquidate the whole and relieve everybody in the course of four days.

I think there ought to be at least a persuasive power in the fact that every committee in either House that has ever had this bill in its hands, or one like it, has always reported upon it favorably, and, I believe, without dissent, so far as I have observed. There may have been dissent, but I have not noticed it. At any rate it has always received the favorable report of the committee. It has been exhaustively examined, and I think one of the ablest reports that I have ever read made in either House of Congress was made from the Judiciary Committee by Judge Culberson some eight or ten years ago upon this matter, and the reading of that opinion with its citations of the decisions by the courts and its arrangement of facts should be convincing to every mind that desires to deal with it in a straightforward way. Of course, if there is a preadjudication, if gentlemen are determined that it shall not be, they will have the opportunity to record themselves so when the right time comes.

I now appeal to my friend the Senator from New Hampshire

to at least let this come to a decision, not to-day, for I want everybody to be heard who desires to be heard. I want every argument advanced against this that can be put there by the ingenuity of the sophist. Everything that can be said against it I am willing to hear with patience, but I do ask that we shall not continue, as we have done for the last twenty-five years, the policy of mere delay which has been used as a club with which to brain this bill whenever it has been presented to either House of Congress. It is entitled to a settlement. The people who are here pleading for their rights are entitled to their day in court and to a judgment.

Now, we are simply to do what? Simply to open one of our own tribunals, that our own citizens may go therein by petition and prove that they own certain property in the hands of the United States which the Supreme Court of the United States has declared to be a trust fund held for their benefit alone. In respect of transferring it from one fund to another, that cuts no figure in this case at all. It does not affect the right; it does not affect the equity and good conscience of this matter. And I take it the Senate will honestly decide, whatever its decision may be, not that the war cost a great deal, not that we have held this money for thirty-five years, but whether or not the United States is morally entitled to keep the money, notwithstanding the terms of the act under which the property was seized, notwithstanding the amnesty proclamation of the President, and notwithstanding numerous and uniform decisions of their Supreme Court. That is the question to be decided.

I know that we are more or less the creatures of experience, and when a man makes a speech in the Senate nobody can tell what the propelling force is. There is a certain thing that is called building up your fences, invented, I believe, by a distinguished Senator from Ohio, where the practice of building up fences is quite common. But nevertheless, in a case of this sort, where the right of citizenship is involved, where the court has established that right, if he can make the proof necessary that he is the person who owned the property, there is a right of that citizen that we can not disregard without violating our oath of office and our own consciences.

Of course I do not mean to impeach the conscience of anybody or his motives or purpose. If a man will not agree with the United States Supreme Court, if he believes that the length of time of possession gives a moral right and title to a thing, of course he will vote against this bill. I do not expect his support, but I do ask of you that this case shall some time be decided, and if anybody adverse to the measure proposes to make a speech upon it, I ask him as a personal favor, if he wants to do so, to do it at as early a date as his convenience will permit, considering his other engagements.

I want to say to the Senate now that I shall take every opportunity to press this matter to a vote. I do not want to be importunate with the Senate; I do not want to interfere with its regular order of business or with privileged motions, but I shall ask for the consideration of this measure, perfectly willing that discussion shall continue until the speakers have exhausted the subject and themselves; but at last, in the name of these people who have so long been denied a court in which they can prove their rights, I shall ask, in common justice to them, that you will come to a decision upon this matter and either approve or reject this measure.

I hope Senators will bear in mind that I have added to the bill a new section which absolutely excludes from this court and deprives of any standing before the court any claimant to any kind of property, cotton or otherwise, except those in the particular cases mentioned—the owners of private property seized under the act of March, 1863, by order of the Government, by its regularly authorized officers, sold, and the proceeds placed in the Treasury of the United States and decided by the court to be a trust fund, held by the United States for the benefit of these owners.

Mr. CHANDLER. Mr. President, I ask unanimous consent, without detaining the Senate to read it, that the dissenting opinion of the court in the case of United States *vs.* Klein may be inserted in the RECORD without reading.

Mr. MONEY. If that is to be put in, I shall be very glad to have the opinion of the court go along with it.

Mr. CHANDLER. I understood the Senator to put in all that he desired of the opinion of the majority of the court.

Mr. MONEY. I only put in some excerpts from the opinion, but probably when one reads in extenso the dissenting opinion he would like to see in extenso the decision of the court.

Mr. CHANDLER. If the Senator requests permission to insert the decision where he had the few sentences read, I shall not object.

Mr. MONEY. I ask, if the Senator is to put in the dissenting opinion, that I may put in the whole decision of the court.

Mr. CHANDLER. I ask that the minority opinion may be printed, to which I have called attention.

Mr. MONEY. I do not think I will put in all of the decision. There are some matters which of course would not be pertinent, and I will leave those out, in order not to encumber the RECORD any further than is necessary.

The PRESIDING OFFICER (Mr. KEAN in the chair). Is there objection to the request of the Senator from New Hampshire and the Senator from Mississippi? The Chair hears none, and the matter will be printed in the RECORD.

The dissenting opinion is as follows:

Mr. Justice Miller (with whom concurred Mr. Justice Bradley), dissenting:

"I can not agree to the opinion of the court just delivered in an important matter; and I regret this the more because I do agree to the proposition that the proviso to the act of July 12, 1870, is unconstitutional, so far as it attempts to prescribe to the judiciary the effect to be given to an act of pardon or amnesty by the President. This power of pardon is confided to the President by the Constitution, and whatever may be its extent or its limits, the legislative branch of the Government can not impair its force or effect in a judicial proceeding in a constitutional court. But I have not been able to bring my mind to concur in the proposition that, under the act concerning captured and abandoned property, there remains in the former owner, who had given aid and comfort to the rebellion, any interest whatever in the property or its proceeds when it had been sold and paid into the Treasury or had been converted to the use of the public under that act.

"I must construe this act, as all others should be construed, by seeking the intention of its framers, and the intention to restore the proceeds of such property to the loyal citizen, and to transfer it absolutely to the Government in the case of those who had given active support to the rebellion, is to me too apparent to be disregarded. In the one case the Government is converted into a trustee for the former owner; in the other, it appropriates it to its own use as the property of a public enemy captured in war. Can it be inferred from anything found in the statute that Congress intended that this property should ever be restored to the disloyal? I am unable to discern any such intent. But if it did, why was not some provision made by which the title of the Government could at some time be made perfect, or that of the owner established? Some judicial proceeding for confiscation would seem to be necessary if there remains in the disloyal owner any right of interest whatever. But there is no such provision, and unless the act intended to forfeit absolutely the right of the disloyal owner, the proceeds remain in a condition where the owner can not maintain a suit for its recovery, and the United States can obtain no perfect title to it.

This statute has recently received the attentive consideration of the court in two reported cases.

In the case of The United States *vs.* Anderson (9 Wallace, 65) in reference to the relation of the Government to the money paid into the Treasury under this act and the difference between the property of the loyal and disloyal owner, the court uses language hardly consistent with the opinion just read. It says that Congress, in a spirit of liberality, constituted the Government a trustee for so much of this property as belonged to the faithful Southern people, and while it directed that all of it should be sold and its proceeds paid into the Treasury, gave to this class of persons an opportunity to establish their right to the proceeds. Again, it is said that "the measure, in itself a great beneficence, was practically important only in its application to the loyal Southern people, and sympathy for their situation doubtless prompted Congress to pass it."

These views had the unanimous concurrence of the court. If I understand the present opinion, however, it maintains that the Government, in taking possession of this property and selling it, became the trustee of all the former owners, whether loyal or disloyal, and holds it for the latter until pardoned by the President or until Congress orders it to be restored to him.

The other case which I refer to is that of United States *vs.* Padelford (9 Wallace, 531). In that case the opinion makes a labored and successful effort to show that Padelford, the owner of the property, had secured the benefit of the amnesty proclamation before the property was seized under the same statute we are now considering. And it bases the right of Padelford to recover its proceeds in the Treasury on the fact that before the capture his status as a loyal citizen had been restored, and with it all his rights of property, although he had previously given aid and comfort to the rebellion.

In this view I concurred with all my brethren. And I hold now that as long as the possession or title of property remains in that party the pardon or the amnesty remits all right in the Government to forfeit or confiscate it. But where the property has already been seized and sold, and the proceeds paid into the Treasury, and it is clear that the statute contemplates no further proceeding as necessary to divest the right of the former owner, the pardon does not and can not restore that which has thus completely passed away. And if such was not the view of the court when Padelford's case was under consideration I am at a loss to discover a reason for the extended argument in that case, in the opinion of the court, to show that he had availed himself of the amnesty before the seizure of the property. If the views now advanced are sound, it was wholly immaterial whether Padelford was pardoned before or after the seizure.

Mr. WARREN. Referring to the matter now before the Senate, it develops that there will be some differences of opinion, and that those who favor the general provisions of the bill will seek to amend it. I assume that Senators will all require the latest information that we have, and I ask unanimous consent to have printed in the RECORD the latest letters, including a circular from the Treasury Department referring to this subject-matter. I desire that it may be printed in the RECORD and also as a separate miscellaneous document.

Mr. MONEY. Would it not be well also to put in the circular letter?

Mr. WARREN. I include that.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent that the papers which he has submitted be printed as a document and also in the RECORD. Is there objection? The Chair hears none.

The papers referred to are as follows:

ABANDONED AND CAPTURED PROPERTY ACT.

UNITED STATES SENATE, COMMITTEE ON CLAIMS,
Washington, D. C., March 22, 1900.

DEAR SIR: As there is a bill pending in Congress to revive the abandoned and captured property act of March 12, 1863, will you please give this committee the information called for by the following questions?

What amount in the aggregate was paid into the Treasury under said act?

What amount in the aggregate has been paid or returned to claimants to said fund?

And what disposition has been made of the balance?

By doing so you will oblige,

Very respectfully, yours,

FRANCIS E. WARREN.

The SECRETARY OF THE TREASURY,
Washington, D. C.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 28, 1900.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d instant, in which you say that "there is a bill pending in Congress to revive the abandoned and captured property act of March 12, 1863," and you request that your committee be given the information called for by the following questions:

"What amount in the aggregate was paid into the Treasury under said act?

"What amount in the aggregate has been paid or returned to claimants to said fund?"

In answer to the first question, I have to state that the Register of the Treasury reported to the Secretary, February 4, 1888, that the receipts of the Treasury from captured and abandoned property were $26,887,584.39. There have been no receipts since that date.

It is proper to add that included in this amount are the profits on cotton purchased and sold by Treasury agents under the eighth section of the act of July 2, 1864 (13 Stat., 377), $3,444,715.14, and the premium on the gold for which this cotton was sold, $2,571,090.25, making the sum of $6,015,805.39, which was credited to the captured and abandoned property fund, although not a dollar of this amount was derived from the seizure and sale of captured and abandoned property.

In order, therefore, to arrive at the true amount derived from the sale of captured property and covered into the Treasury, this profit on the purchase of cotton under the above act should be deducted from the $26,887,584.39, which gives $20,871,779 as the true amount covered into the Treasury from the sale of captured and abandoned property.

It is also proper to add that this sum was derived from the sale of captured vessels, miscellaneous property, and cotton, and from rents, etc.

In answer to the second question I have to state that there has been paid out of this fund $10,888,314.27, as will appear from Circular No. 4, of January 9, 1900 (copy herewith). Nearly the whole of this amount was paid on cotton claims. Deduct it from the $20,871,779 found above, and there is found to be $9,983,464.73 of the fund which has not been paid out.

But you will notice from the circular that $4,991,114.81 were derived from sources other than the sale of cotton, thus leaving only $4,992,349.92 as representing the balance of the fund derived from the sale of captured and abandoned cotton.

Your attention is called to the statement in the circular that this sum about equals the amount in the fund derived from the sale of cotton which was captured after June 30, 1865, and which had been sold to the Confederate government, as shown by the Confederate records now in this Department.

Your attention is called also to Senate Ex. Doc. No. 56, Fortieth Congress, second session, page 28, from which you will see that the Secretary of the Treasury released, under the act which the bill proposes to amend, 9,556 bales of cotton and allowed claims and refunded $2,210,476.96.

You will see on page 4 of the circular a statement of the provisions of law made for the relief of all persons who claimed that their property had been unlawfully taken.

I have to state also that this captured and abandoned property fund was all carried into the general fund of the Treasury under the joint resolution approved March 30, 1868.

Respectfully,

L. J. GAGE,
Secretary.

Hon. FRANCIS E. WARREN,
Chairman Committee on Claims, United States Senate.

[Department Circular No. 4, Miscellaneous Division, 1900.]

INFORMATION RELATIVE TO COTTON AND CAPTURED PROPERTY CLAIMS.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 9, 1900.

To whom it may concern:

A statement originating in Washington that there is $13,000,000 in the Treasury belonging to the cotton fund has been extensively copied in the public press, especially in the South. This publication has undoubtedly caused parties, or their descendants, who lost cotton to make inquiries. The statement is erroneous and misleading.

To correct this statement a brief review of the transactions of the Treasury would seem proper, that parties interested and the public may not be misled by unauthorized and misleading publications.

By an act approved March 12, 1863 (12 Stat., 821), the Secretary of the Treasury was authorized to appoint special agents to collect captured and abandoned property in the States in insurrection. Nine districts were established and an agent appointed for each. All the property collected by them that was not returned to the owners was sold and the proceeds reported to the Secretary of the Treasury. The records show that in many cases the Secretary ordered the property collected by the agents to be restored to the owners before sale, and in other cases he returned the proceeds derived from the sale to the owners.

The Treasurer of the United States was appointed a special agent, and until March 30, 1868, was the custodian of the funds. It was treated as a trust fund under the control of the Secretary.

PROCEEDS COVERED INTO THE TREASURY.

By a joint resolution approved March 30, 1868 (15 Stat., 251), it was provided that all the moneys derived from the sale of captured and abandoned property (which included cotton), "which have not already been actually covered into the Treasury shall immediately be paid into the Treasury of the United States."

Since the passage of the joint resolution all the funds derived from the sale of captured and abandoned property have been covered into the Treasury, from which it can not be taken without an appropriation by Congress. There is, therefore, no "cotton fund" in the Treasury, carried on the books as such, nor as the "captured and abandoned property fund."

AMOUNT DERIVED FROM CAPTURED AND ABANDONED PROPERTY COVERED INTO THE TREASURY.

February 4, 1888, the Register of the Treasury reported to the Secretary that the receipts of the Treasury from captured and abandoned property were $26,887,584.39, and noted that in this amount was included $2,571,090.75 derived from premium on the sale of gold coin which had been received from the sale of cotton purchased by Treasury agents, and which was sold for gold. There have been no further amounts received from this source since the Register's report.

SOURCES FROM WHICH THE CAPTURED AND ABANDONED PROPERTY FUND WAS DERIVED.

There seems to be a general impression in the country, especially among those who claim that their cotton was taken, that the captured and abandoned property fund was all derived from the sale of cotton. It is important, therefore, to state some of the sources other than cotton from which the fund was derived.

By the terms of section 8, act of July 2, 1864 (13 Stat., 377), the Secretary of the Treasury was authorized to purchase cotton, and use the funds then already received from the sale of captured property, and not then covered into the Treasury, to pay for the cotton purchased.

The profits on this transaction were $3,444,715.14. As the cotton purchased was sold for gold and the premium on the gold (which was sold) was $2,571,090.25, the captured and abandoned property fund was increased by the transaction $6,015,805.39, which amount is included in the $26,887,084.39, supra.

SOME OTHER SOURCES OF THE FUND.

The report of the Secretary of the Treasury, made to Congress May 11, 1868 (Senate Ex. Doc. No. 56, Fortieth Congress, second session), states the sources from which the receipts for captured and abandoned property were derived to that date, when the amount covered into the Treasury was $25,257,931.62. This report shows that there was received from other sources than the sale of cotton—

For miscellaneous property	$1,309,650.69
Rents	613,284.96
Sale of captured vessels, etc	1,438,526.39

Since this report was made there has been covered into the Treasury $1,629,652.77, which was derived from other sources than the sale of cotton taken from individuals. This sum, added to the $25,257,931.62, makes the $26,887,584.39 reported by the Register in 1888.

AMOUNT OF THE FUND COVERED INTO TREASURY THAT WAS RECEIVED FROM THE SALE OF INDIVIDUAL COTTON.

To determine the amount of the captured and abandoned receipts covered into the Treasury that were derived from the sale of cotton belonging to individuals there must be deducted from the total amount received from captured and abandoned property the amounts received from other sources:

Amount received and covered into the Treasury		$26,887,584.39
Deduct items found above—		
Profits on cotton purchased	$3,444,715.14	
Premium on gold	2,571,090.25	
Miscellaneous property	1,309,650.69	
Rent	613,284.96	
Sale of captured vessels, etc	1,438,526.39	
Amount paid in since May 11, 1868	1,629,652.77	
		11,006,920.20
Leaving receipts from sale of individual cotton		15,880,664.19

Included in the amount is $4,886,671 received from the sale of cotton seized after June 30, 1865, which will be noticed further along in this report.

TREASURY PAYMENTS FOR COTTON OUT OF THIS FUND.

By the terms of section 3 of the act approved March 12, 1863 (12 Stat., 821), it was provided that "any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims."

It was decided officially and afterwards judicially that the rebellion closed August 20, 1866, so that the parties had until August 20, 1868, to file their claims in the Court of Claims. Under this act a large number of claims for cotton were filed in that court and judgments rendered. It appears from the report of the Register of the Treasury, February 4, 1888, that the judgments paid amounted to $9,864,300.75. Since that date there have been paid on judgments rendered by the court and under private acts of Congress $520,700.18.

Again, under section 5, act of May 18, 1872 (17 Stat., 134), the Secretary of the Treasury returned to the owners of cotton seized unlawfully after June 30, 1865, the sum of $195,896.21.

It will thus be seen that large sums have been paid on claims for cotton under the provisions made by Congress, and these amounts should be deducted from the sum derived from its sale, in order to determine what part of the fund covered into the Treasury under the joint resolution of March 30, 1868, represents the balance derived from the sale of individual cotton.

STATEMENT.

Amount covered into the Treasury derived from sale of individual cotton		$15,880,664.19
From this amount deduct payments judgment, Court of Claims under act March 12, 1863, to February 4, 1888	$9,864,300.75	
Judgments of court since February 4, 1888, and private acts of Congress	520,700.18	
Disbursed as expenses under section 3, joint resolution March 30, 1868, and subsequent acts	242,140.34	
Judgments against Treasury agents under act of July 27, 1868	65,276.79	
Claims allowed by the Secretary under section 5, act of May 18, 1872	195,896.21	
		10,888,314.27
		4,992,349.92

There is, then, only $4,992,349.92 left in the Treasury which was received from the sale of captured and abandoned cotton.

COTTON SEIZED AFTER JUNE 30, 1865.

Reference has been made above to section 5, act of May 18, 1872, which authorized the Secretary of the Treasury to return the proceeds derived from cotton seized after the 30th of June, 1865.

It appears from a report of the Secretary of the Treasury (Senate Ex. Doc. 23, page 58, Forty-third Congress, second session) that the proceeds derived from the sale of cotton seized unlawfully after—

June 30, 1865, amounted to	$4,886,671.00
And of this amount there was returned under act of May 18, 1872	195,896.21
Leaving covered into the Treasury from this source	4,690,774.79

There were 1,336 claims filed under the act of 1872 for 136,000 bales, of the estimated value of $13,600,000. (Letter of Secretary of Treasury, Ex. Doc. H. R., Forty-fifth Congress, second session, page 36.) As before stated, only $195,896.21 was allowed by the Secretary. The claims were nearly all disallowed, for the reason that the Confederate records in this division showed that the claimants had sold the cotton to the Confederate government, and it was not therefore individual cotton when seized after June 30, 1865, but was the property of the Confederate government.

It will be noticed that the amount received from the sale of this Confederate cotton about equals the amount of the proceeds of captured cotton which remained after the payments of the judgments, etc., as above stated.

It follows, therefore, that the balance of the fund in the Treasury received from the sale of cotton represents the proceeds of the sale of cotton that belonged to the Confederacy.

LAWS FOR THE RELIEF OF THE OWNERS OF CAPTURED AND ABANDONED PROPERTY.

It will be seen from the foregoing that ample provision was made by law for all persons who claimed that their property was unlawfully taken.

1. Until the fund was covered into the Treasury in 1868 the Secretary of the Treasury could return the property or the proceeds in all cases where a claim was substantiated by proper evidence.

2. The Court of Claims had jurisdiction for all claims filed before August 20, 1868.

3. The act of 1872 provided that claims for cotton could be filed with the Secretary of the Treasury until November, 1872.

CONFEDERATE COTTON RECORD.

The miscellaneous division has charge of all the Confederate cotton records, some of which were captured and others purchased. It appears from these records that the Confederate authorities burned much cotton to prevent it from falling into the hands of the Union forces. (See report of A. Roane, chief of the Confederate produce loan office to the Confederate secretary of the treasury, published in Mis. Doc. 190, H. R., Forty-fourth Congress, first session, p. 39. See also report of De Bow, general Confederate cotton agent for Mississippi and part of Louisiana, that cotton was destroyed by Confederate scouts.) Among the Confederate treasury records is a book containing the names of persons who had made claims on the Confederate treasury for cotton destroyed by their own forces, among whom was the President of the Confederacy, who made claim for 200 bales burned.

CLAIMS FILED WITH THE COMMISSIONERS OF CLAIMS, COMMONLY CALLED THE SOUTHERN CLAIMS COMMISSION.

By the terms of section 2 of an act approved March 3, 1871 (16 Stat., 524), three commissioners were appointed "to receive, examine, and consider the justice and validity of such claims as shall be brought before them of those citizens who remained loyal adherents to the cause and the Government of the United States during the war, for stores or supplies taken or furnished during the rebellion for the use of the Army of the United States in States proclaimed as in insurrection against the United States."

This commission came to be known as the "Southern Claims Commission." It expired by limitation of law March 10, 1880, when its last report to Congress was made. It appears from this report that there were filed with the commission 22,298 claims, amounting to $90,258,150.44, and of this amount there was allowed $4,636,920.69.

Claimants had eight years after the passage of the law to file and perfect their claims, Congress having extended from time to time the life of the commission. It appears from the report that in 5,250 cases no evidence whatever was taken by the claimants, and their claims became barred by section 5 of the act of June 15, 1878 (20 Stat., 566). These claims are not in this Department, but remain in the files of the House of Representatives.

The creation of this commission is another evidence, in addition to those before noted, of the liberality of Congress in providing a tribunal to adjudicate the claims of loyal citizens whose property was taken by the Union forces in the States in insurrection.

The Treasury Department has now no authority to consider and settle cotton and war claims, and relief, if any, must be afforded by Congress.

H. A. TAYLOR, *Assistant Secretary.*

UNITED STATES SENATE, COMMITTEE ON CLAIMS,
Washington, D. C., April 16, 1900.

DEAR MR. SECRETARY: S. 602, to revive and amend "An act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof," presented by Senator DAVIS, is liable to come up at any moment for consideration.

In order to act advisedly upon this bill, I desire, for my own guidance and for the use of the Senate, certain specific data or information, and must appeal to you to have the same collated and reported at the earliest possible practicable day. You will see that this bill relates to all captured and abandoned property of all kinds, cotton as well as all other property.

Please therefore state the aggregate amounts received from the sales of all kinds of property under the following or other proper headings:

1. Aggregate amount of the proceeds of the sales of all kinds of captured and abandoned property covered into the Treasury; then, under the heading "Cotton," the aggregate amount of all sales of captured and abandoned cotton the proceeds of which were covered into the Treasury; and under the other appropriate headings the aggregate amount of the proceeds of the sales of captured vessels, rents, and other kinds of such captured and abandoned property the proceeds of which were covered into the Treasury.

Then under the head of disbursements or payments from such fund state, under the head of "Cotton," all payments specifically, including profits on cotton purchased, premium on gold, judgments, private acts, judgments against Treasury agents, claims allowed by Secretary, expenses, etc., refunds by the Secretary of the Treasury, and explain the release of 9,556 bales of cotton by the Secretary of the Treasury, as stated in your letter of March 28, 1900, to me, whether the value of this cotton was included in the amounts of the cotton fund covered into the Treasury or was released in kind and returned to claimants, and especially the amount of the captured and abandoned cotton; proceeds covered into the Treasury which was shown by the books of the Confederacy to have been bought for the Confederate government, which is an important item.

And under proper headings the disbursements and payments from the other proceeds arising from sales of other property than cotton, specifying each as far as practicable—judgments, private bills, allowances by the Departments, by the Southern Claims Commission, etc. This statement should show as accurately as possible the exact balance in the Treasury from all sales of all captured and abandoned property now in the Treasury and from which any and all judgments which might be rendered under the pending bill could be paid after all proper deductions have been made for all disbursements, payments, expenses, etc., heretofore made to this date.

With such information and data intelligent action can be taken.

Please advise me of receipt and about the time which will be necessary to enable you to make the report indicated, and oblige.

Sincerely, yours,

———

Hon. LYMAN GAGE,
Secretary of the Treasury, Washington, D. C.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 21, 1900.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, requesting data and information relative to the captured and abandoned property transactions of this Department for use in the consideration of Senate bill 602.

A number of very full reports have been made by former Secretaries of the Treasury on the subject, and a reference to them will doubtless furnish nearly, if not all, the data and information that you request.

To make a reexamination of all the transactions and accounts of the Treasury agents engaged in collecting and selling captured and abandoned property would require the services of a number of clerks for several months.

February 4, 1888, the Register of the Treasury reported to the Secretary that the receipts from captured and abandoned property were $26,887,584.39, of which amount $2,571,090.75 was derived from premium on gold coin.

On page 1 of House Miscellaneous Document No. 190, Forty-fourth Congress, first session, you will find the names of the persons who paid into the Treasury $24,251,269.93. Since the date of that report there has been paid in $95,610.03 by different agents. Add to these amounts the premium on gold, and the total is the same amount reported by the Register.

May 11, 1868, Secretary McCulloch made an exhaustive report—Senate Ex. Doc. No. 55, Fortieth Congress, second session. You will find on page 52 a statement of the entire receipts and disbursements of agents of the Treasury.

At that date the total amount covered into the Treasury is stated at $25,257,931.62, which is $1,629,652.77 less than the amount reported by the Register in 1888, but which was received between the two dates.

You will notice, on page 53 of the report, that $6,468,657.28 of the receipts were in gold, and that the premium on this gold was $2,571,090.95.

For data as to the amount of profit realized on cotton purchased by Treasury agents and sold under the act of July 2, 1864 (13 Stat., 377), I refer you to page 3 of House Miscellaneous Document No. 190. You will see that the amount advanced out of the fund was $2,465,883.69, and the amount returned from sales of the cotton purchased was $5,910,549.13, thus showing that the profits were $3,444,715 44.

Add this to the premium on gold, and it is found that $6,015,805.39 was credited to the fund from these two sources, which amount is included in the $26,887,084.39.

It is supposed that the bill has in view principally the payment of cotton claims, and if such is the purpose it would seem that Circular No. 4 of this Department furnishes the data which should be considered in the discussion of the question.

The amount of cotton purchased by the Confederate government may be of interest to your committee in considering the question whether the amount of the fund which represents the sale of cotton seized after June 30, 1865, should now be paid to cotton claimants.

On page 37 of Mis Doc. 190 you will see that the agent of the Confederacy reports the total amount purchased as 430,724 bales, costing $34,525,209.14.

He says that the cotton was "scattered principally on the plantations in the several States," where the larger portion, on October 30, 1864, was still located.

When the 1,336 claims were filed under the act of 1872, the Confederate records were in possession of this Department, and it was found that most of the claims were for cotton that had been sold to the Confederacy. It would seem, from the report of the Confederate agent, that the parties had received pay for it.

You request an explanation of the release of 9,556 bales of cotton referred to in Department letter of the 28th ultimo. Under the act of 1863 the Secretary of the Treasury released cotton when he was satisfied that it should not have been seized, and if the cotton had been sold he refunded the proceeds.

On page 53 of Senate Ex. Doc. No. 56 you will see that he refunded $2,460,821.60.

Your attention is called to the statement in Circular No. 4 of the provision made by law for all persons who claimed that their property was unlawfully taken, viz:

1. Until the fund was covered into the Treasury, in 1868, the Secretary of the Treasury could return the property or the proceeds in all cases where a claim was substantiated by proper evidence.

2. The Court of Claims had jurisdiction for all claims filed before August 20, 1868.

The act of 1872 provided that claims for cotton could be filed with the Secretary of the Treasury until November, 1872.

Respectfully,

L. J. GAGE,
Secretary.

HON. FRANCIS E. WARREN,
Chairman Committee on Claims, United States Senate.

MEMORIAL ADDRESSES ON REPRESENTATIVE BAIRD.

Mr. MCENERY. Mr. President, I desire to give notice that on Thursday, May 10, at 3 o'clock, I will call up the House resolutions notifying the Senate of the death of the Hon. SAMUEL T. BAIRD, late a Representative in Congress from Louisiana, in order that appropriate resolutions may be presented to the Senate and considered.

JOHN F. CRAWFORD.

Mr. MCCOMAS. I desire to call up the West Virginia election case.

Mr. WARREN. Will my friend the Senator from Maryland yield to me for a moment that I may call up a House pension bill? It is very short.

Mr. MCCOMAS. I yield for that purpose.

Mr. WARREN. I desire to call up the bill (H. R. 7599) granting an increase of pension to John F. Crawford.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of John F. Crawford, late a private of Company B, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENATOR FROM WEST VIRGINIA.

Mr. MCCOMAS. I desire to call up the resolution in the case of the Senator from West Virginia.

The Senate resumed the consideration of the following resolution, reported by Mr. MCCOMAS from the Committee on Privileges and Elections March 12, 1900:

Resolved, That NATHAN B. SCOTT has been duly elected a Senator from the State of West Virginia for the term of six years, commencing on the 4th day of March, 1899, and that he is entitled to his seat in the Senate as such Senator.

The PRESIDING OFFICER. The question is on agreeing to the motion submitted by the Senator from Alabama [Mr. PETTUS], which will be stated.

The Secretary read as follows:

That the resolution and report be recommitted to the Committee on Privileges and Elections, with instructions to investigate the case fully by all legal evidence offered to it.

Mr. McCOMAS. I will yield to the junior Senator from Alabama if it is his desire to proceed.

Mr. PETTUS. I understood that the senior Senator from West Virginia had some remarks to make on this subject.

Mr. McCOMAS. I was not aware that the senior Senator from West Virginia desired to address the Senate. I understand that he does not desire to proceed.

The PRESIDING OFFICER. The question is on agreeing to the resolution of the Senator from Alabama.

Mr. CARTER. On that I ask for the yeas and nays.

Mr. PETTUS. Does the senior Senator from West Virginia decline to make any further remarks?

Mr. McCOMAS. The senior Senator from West Virginia tells me he has no desire to make any remarks at this time.

Mr. PETTUS. I will proceed now, Mr. President.

I do not propose this morning to enter again into a discussion of this case in extenso. My main purpose is to get before the Senate a mistake, as I conceive it, made by the Senator from Maryland [Mr. McCOMAS] and the Senator from New Hampshire [Mr. CHANDLER] in what they had to say. I would have attempted to correct it yesterday if I had heard it with any distinctness. I happened to be out of the Chamber when a portion of it was said. I will send to the desk and ask the Secretary to read the parts of the RECORD with the cross marks.

The Secretary read as follows:

[Congressional Record, April 26, 1900, pages 4709-10.]

Mr. McCOMAS. * * * In respect of vague suggestions of wrongdoing by A or B, we asked that counsel should proffer something which would be proved by somebody, and counsel failed to make any proffer of any evidence they might offer to sustain this statement; and when they were not clear, distinct, and specific, when they declined to make any proffer whatever, the committee, with almost unanimity, said there was nothing to investigate in respect to those matters.

Mr. PETTUS. Now, from the right-hand column, the remarks made by the Senator from New Hampshire [Mr. CHANDLER].

The Secretary read as follows:

Mr. CHANDLER. * * * Full argument was made on those conditions; and after argument had been fully heard and the counsel had stated everything which they knew or imagined by any possibility could be proven to the committee, the committee concluded to make no further investigation, but to decide the case, as they have decided it, with one dissenting voice, upon the testimony which was then before the committee.

Mr. PETTUS. Mr. President, the proceedings of that occasion happened to be in writing, taken down by your stenographers, and I have them before me. I propose to read from the minutes taken by the stenographers some extracts, to show that those statements are entirely mistaken. In the first place, there was a memorial presented, and in that memorial were contained copies of the depositions which had been taken in that case, and the depositions themselves were tendered to the committee and in the hands of the committee. Then Mr. Welles, who was of counsel for the contestants, after making a great many other statements as to what could be proved, said:

We want to prove those propositions. We want to prove this agreement—

Speaking of the agreement between the 5 Republicans and the 5 Democrats.

We want to prove those propositions. We want to prove that this agreement and the convention which was held under the agreement, and that all of this proceeding, including the temporary suspension of Kidd's vote (because he was not suspended from the senate, but simply suspended from voting), was a part of a fraudulent conspiracy, and that there was a condition of affairs existing in West Virginia that was as bad as the condition of affairs which unfortunately confronted the United States Senate in the days of reconstruction in the South. We want to show those facts. Those facts are not before this committee. Those are the facts on which we want some decision of the committee outlining what we can and can not prove. We do not believe this committee will decide that we can not go into motives, because that would shut out the investigation of all cases of fraud.

Now, further on in the proceedings of the same day:

The CHAIRMAN—

That is his deposition—

I have Morrow's and Fisher's. Those are referred to at page 131.

"The attorney-general's argument," in the Logan and Via case, "consisted of such ill-tempered declarations as that he charged that the committee had already agreed to decide against Via and in favor of Logan, and if they were to carry out this prearranged plan the committee need not be surprised 'to see blood flow in the capitol' on the next day, because plans had been formulated looking to the preventing of the seating of Logan, even at the cost of shedding of blood."

Morrow says the same thing. He was chairman of the special committee.

Mr. WELLES. I was mistaken about McKinney; he was not there.

The CHAIRMAN. Morrow says:

"Instead of attempting to remove this supposed prejudice by reason, he attempted to coerce the committee by threats of what would happen in case they acted in accordance with the dictates of judgment and conscience and contrary to his demands. He said, in effect, that they need not be surprised if upon the following morning blood ran in the capitol, and asserted that the plans were completed, in case the committee acted according to the evidence and not according to the intention, to organize the house of delegates that would be subservient to his will, no matter what the consequences might be."

That is Morrow, on page 70; and the request is here made by you that we take that testimony.

Senator HOAR. If you mean to say that your offer of proof is an offer to prove by witnesses what is here set forth in affidavits, that is an answer to my question.

Mr. WELLES. Our proposal is to prove all these declarations made in the memorial, and our offer of proof is not confined at all to the ex parte affidavits that we have filed. Of course, the Senate committee will very readily see that we could not ourselves subpœna the governor of the State of West Virginia, or these men. This committee can do it.

The CHAIRMAN. What deposition did you refer to besides those I have read?

Mr. WELLES. I was mistaken, Senator; I thought that Mr. McKinney had reference to that matter; but he did not.

The CHAIRMAN. Here are the affidavits which have been lodged with the committee.

Mr. WELLES. Yes; those are the ex parte affidavits. We want to go into that case simply this far: We are willing to be limited by anything the committee may deem proper in the way of the limitation of evidence. We have no desire to go into any long-continued investigation any further than the committee may deem it necessary to do so in order to get a full understanding of this case.

We are willing to make a statement of just the points we want to prove, the point of threats, the point of intimidation, the point of conspiracy and fraud throughout, and only to call those witnesses. We would want some witnesses whose affidavits we have not got, which we did not file and could not yet have filed. We want Republican affidavits. We want members of the State government over there. Upon that point we can only ask for some ruling, under any arrangement the committee may suggest, as to whether or not the committee wishes to go into the evidence in the case, and how far the committee wishes to go into it. We are perfectly willing to outline precisely what we can prove, or what we believe we can prove, by Republican and Democratic witnesses.

Now, that thing went on and it was talked about from time to time, and it finally wound up in this way:

The CHAIRMAN. The committee will now have a session with closed doors.

Mr. WELLES. Will the committee let us know its decision as soon as possible as to when we shall put in the evidence, if the committee decides to take evidence?

The CHAIRMAN. We shall let you know any conclusion we reach. We may not take the subject up to-night, but we shall let you know promptly any conclusion that we may reach.

Mr. WELLES. Does the committee want our statement filed as to what we want to prove?

The CHAIRMAN. You want to prove what is in these affidavits. We shall consider everything that is here as bearing upon the question.

The hearing (at 4 o'clock and 45 minutes p. m.) was closed.

I did not read the balance, because it was mainly a discussion of the questions in the cause.

Mr. MORGAN. Will my colleague allow me to inquire what paper it is he is reading from?

Mr. PETTUS. This is the minute made by the official stenographer of the proceedings of the committee.

Mr. MORGAN. Is that a part of the report now before the Senate?

Mr. PETTUS. I do not know whether it is or not. It has not been specifically mentioned that I know of. But it is a part of the official proceedings of the committee reduced to writing by the stenographer at the time, and printed by order of the committee.

Mr. MORGAN. If my colleague will allow me a moment, I had not supposed that there was any official paper here connected with the report except the report itself, the report of the committee and the report of the minority. Those papers have been upon our desks here; we have had access to them; and while that paper has been once or twice referred to in the debate here I had not supposed that it had any official connection with the report of the committee.

Mr. McCOMAS. It is the report of the hearing before the committee.

Mr. MORGAN. Is it a part of the report of the committee?

Mr. McCOMAS. It is the stenographic report of the arguments of counsel made before the committee. It is not a part of the report of the committee.

Mr. MORGAN. Is it a part of the record in this case?

Mr. McCOMAS. It is the report of the oral arguments in this case upon the record in the case—the arguments of counsel, with interruptions by Senators of the committee.

Mr. MORGAN. That paper, as I understand it, brings out the fact that a number of affidavits were offered there and were acted upon by the committee. Now, if that is a part of the record in this proceeding upon which the Senate is now acting, I desire, of course, to examine it in connection with the report. If it is a private paper, one intended for the information only of the members of the committee, of course we have not got anything to do with it. Yet it is referred to here and quoted from on both sides of the Chamber, by the minority and by the majority, and I merely want to know whether that paper now is to be considered as a part of the report in this case.

Mr. McCOMAS. I will say to the Senator that it is simply a stenographic report of the arguments of counsel upon the record in the case. It is no part of the report. It could not be any part of the report. We do not incorporate the arguments of attorneys to persuade the minds of the committee in the conclusions and findings of the committee.

Mr. MORGAN. If the Senator will allow me, I understand that this paper contains not only propositions of the attorneys, possibly some arguments of the attorneys, but it contains rulings of the committee.

Mr. McCOMAS. No: it does not. I will not interrupt the junior Senator from Alabama on this subject.

Mr. PETTUS. Mr. President, this is the official record of what the committee did on that day, and contains every word, so far as I remember, that was said by anybody on that occasion.

Mr. McCOMAS. That is exactly true. I quite concur. It contains the arguments of counsel and interruptions by members of the committee.

Mr. PETTUS. It especially contains this matter of the offer to prove certain things. It was demanded by the committee, as it will be seen in other parts of it, that they should state what they wanted to prove, and they did state what they wanted to prove; and the chairman of the committee in winding up did not speak of anything but the depositions, or the affidavits, he calls them.

You want to prove what is in these affidavits. We shall consider everything that is here as bearing upon the question.

And then the committee went into secret session.

Mr. MORGAN. Now, if my colleague will indulge me a second, I wish to say, if that committee did consider those affidavits, as they said they would, then those affidavits are a part of the record and ought to be before the Senate; and the paper that is here now ought to be printed for the use of the Senate as a part of this official proceeding. Whenever that is done I shall insist that those affidavits which were considered by the committee and passed upon by the committee are a part of what was done by that committee, and that the Senate has a right to resort to them for argument or whatever information they contain.

Mr. PETTUS. In one respect the Senator from Alabama is mistaken, because, although the chairman assured counsel, as I have read, at the conclusion of the day's proceedings that these depositions would be considered, the committee excluded them and decided that they would not consider them.

Mr. MORGAN. I just want to know what they are.

Mr. PETTUS. They are here as a part of the proceedings before the committee, in the memorial, as it is called, to the Senate by 49 members of the legislature, one of them a Republican.

Mr. TURNER. I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Washington?

Mr. PETTUS. Certainly.

Mr. TURNER. Did the committee, after having assured the counsel that the affidavits would be considered and afterwards declined to consider them, then give counsel any opportunity to supply the proof in any other way?

Mr. PETTUS. They did not.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded in Paris on the 10th day of December, 1898.

Mr. SPOONER. I ask——

Mr. McCOMAS. I ask that the unfinished business be temporarily laid aside without prejudice.

Mr. SPOONER. I was about to make that request, Mr. President.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Alabama will proceed.

Mr. PETTUS. Mr. President, I never asserted that the committee decided in the presence of counsel or otherwise that these depositions should be read. My assertion was, and it is here on the record, that the chairman of the committee made the assurance in the presence of the committee and at the time of the adjournment. The committee for itself (the chairman, you know, sometimes says things that he is not authorized to say; it very often happens) finally decided that they would not examine these papers. I suppose—in fact, I know—that the whole idea was that there was nothing in them worthy of consideration. That is the amount of it.

But, Mr. President, in the record here was a piece of testimony I did not allude to yesterday. I intend to call it to your attention this morning. I will say that it was officially stated by the attorney-general—no, I had better read it exactly out of the proof itself. I am merely stating now what the chairman read out of one of these affidavits:

The attorney-general's argument consisted of such ill-tempered declarations as that he charged that the committee had already agreed to decide against Via in favor of Logan, and if they were to carry out this prearranged plan, the committee need not be surprised "to see blood flow in the capitol" on the next day—

Why?

because plans had been formulated looking to the preventing of the seating of Logan, even at the cost of shedding of blood.

Well, it does look to me like that was one circumstance that ought to have been looked at, at all events. And further—

Instead of attempting to remove this supposed prejudice by reason, he attempted to coerce the committee by threats of what would happen in case they acted in accordance with the dictates of judgment and conscience and contrary to his demands. He said, in effect, that they need not be surprised if upon the following morning blood ran in the capitol, and asserted that the plans were completed, in case the committee acted according to the evidence and not according to the intention, to organize the house of delegates that would be subservient to his will, no matter what the consequences might be.

There are two distinct threats, proved by two distinct witnesses, made by the attorney-general of the State of West Virginia to a committee of that house sitting on the trial as you are sitting, in the trial of a contested-election case. Now, that would be a very pretty sentence for some Senator to get up here and repeat in reference to this case. But there it is.

But now, Mr. President, there is another matter that I omitted yesterday that I desire to read, and I will read it from this same book, as I have it here:

There is in the record itself a letter from one of the delegates—

A Republican—

to his wife showing that that was the intention—

That is, to break up the legislature—

unless by some means they could obtain a majority sufficient to elect NATHAN B. SCOTT. They already had a majority sufficient to elect a Republican Senator if he could get the entire votes of his party; but unless they could get a majority sufficient to elect NATHAN B. SCOTT they would organize a rump house. They would first turn out our hold-over senators and then organize a rump legislature and throw the State into anarchy and confusion; and they claimed that they would be backed in that by the State militia and by the organized government of the State.

That letter came into the possession of the Democrats, and they used it in this matter. There is no dispute about the writing at all. The member himself who wrote the letter got up and claimed as a breach of privilege that some man had taken his letter and carried it off. There is no dispute about the letter at all.

Well, that is one of the things this gentleman proposes to prove, and yet Senators tell us that they considered all these propositions and there was no offer of any evidence.

Now, Mr. President, I will make a few more remarks in reference to the other parts of this evidence, simply by way of recapitulation.

Mr. TURNER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Washington?

Mr. PETTUS. Certainly.

Mr. TURNER. There is one phase of this case I should like to have some information on, if it will not interrupt the Senator. I know nothing about the case except from the memorial which was presented to the Senate at the beginning of the present session by a majority of the members of the legislature of West Virginia. I remember it was alleged in that memorial, as to the agreement made between the two parties setting aside two members of the legislature and disallowing their votes in the joint convention, that those two members were present in the joint convention and that their names were not called under this agreement, and that if they had been counted as members of the joint convention, Mr. SCOTT would not have received a majority of the joint convention. I should like to ask whether the record discloses what the facts are in that respect; and if so, what the facts are?

Mr. PETTUS. Mr. President, the record does show exactly what the Senator from Washington has stated, and it proves it, I might say, mathematically. That was all gone over yesterday. This Via and Logan contest was decided in the house. There was another proceeding in the house in the case of Brohard and Dent. By this agreement Brohard and Dent were both suspended. They were not expelled. They did not decide who was entitled to a seat, but they were both suspended. In the senate there were three or four resolutions, three that I remember distinctly, to unseat certain senators whose seats were contested on that day; that is, about the 20th day of January. The election was to come on in the separate houses on the 24th and in the joint convention on the 25th. These resolutions were offered. They were offered really on the 23d, but they have got a mark on them of the clerk filed on the 20th. The proposition in these resolutions was not to suspend these two men, but just merely to give the other man the seat.

One of these resolutions included a man named Kidd, a senator, who had been duly elected, had his regular credentials, had been put on the rolls by the secretary of state, who himself was chairman of the Republican executive committee of the State of West Virginia, and had been regularly sworn in. The resolution as originally offered was that Kidd was not elected, but Morris was, and must take the seat and be sworn in. That resolution was never in that form acted on. But when it came up on the 24th day of January Mr. Smith offered a substitute, which was read in full here yesterday. The effect of that resolution was to suspend Kidd and Morris both, Morris having no vote and Brohard having no vote. Both were suspended—well, they did not say until after the Senatorial election, but they were suspended until the 7th day of February, on which day it was resolved that that resolution should be acted upon. So one Democrat in the house and one Democrat in the senate were suspended from the exercise of their function as members of that legislature.

Mr. TURNER. That was done not by resolution but by agreement, was it not?

Mr. PETTUS. It was done by resolution first.

Mr. MORGAN. By agreement first?

Mr. PETTUS. No, sir; it was done by resolution first, as to Kidd. But the resolution I speak of was that Kidd should be suspended and that Morris should take his seat and vote; and he did take his seat and voted on the 24th, when the separate houses voted. It was in that state of affairs as to Kidd when this agreement between 5 Democrats and 5 Republicans was made.

Mr. MORGAN. Now, if I understand my colleague, Morris had been sworn in and had been seated as senator.

Mr. PETTUS. Pro hac vice.

Mr. MORGAN. Well, he had been sworn in.

Mr. PETTUS. Yes, sir; and had his seat.

Mr. MORGAN. And had his seat.

Mr. PETTUS. And voted on the 24th.

Mr. MORGAN. And thereupon Kidd was sworn in?

Mr. PETTUS. Oh, no; Kidd had been sworn in when the legislature met.

Mr. MORGAN. Very good. Then I have got them reversed. Kidd had been sworn in and had taken his seat, and thereupon Morris was sworn in and Kidd was suspended.

Mr. PETTUS. No, sir; Morris was sworn in to occupy Kidd's seat.

Mr. MORGAN. And they were both suspended.

Mr. PETTUS. That was by the agreement afterwards. You confound the agreement that was made on the night of the 24th with the action of the senate on the morning of the 24th.

Mr. TURNER. Will the Senator from Alabama permit me to ask him a question?

Mr. PETTUS. Certainly.

Mr. TURNER. After Morris was sworn in, then, was not this agreement made between the committee of five of each party, that both Morris and Dent should not be permitted to vote in joint convention?

Mr. PETTUS. That is correct.

Mr. TURNER. But they were there in the joint convention; and if they had been counted as members of the joint convention, there would not have been a majority for Mr. SCOTT?

Mr. PETTUS. That is true.

Mr. TURNER. There was an agreement, to which these members were not parties, whereby they were denied their right to vote. So, although they were present in the convention, their names were not called and they did not vote, but counting them there would not have been a majority cast for Mr. SCOTT.

Mr. PETTUS. But for that agreement or the simple suspension of Kidd. If neither of those things had taken place, SCOTT could not have been elected. If only one of them had taken place, then it would have been a tie. SCOTT was declared elected by one vote and one vote only, and the votes are given and the names of the parties are given.

Now, the Senator asked me if Kidd and Dent were present at the joint meeting of the two houses. If you will allow me to speak from the sworn statements of Kidd and Dent themselves and others in the shape of affidavits that the committee would not receive, they were both present and both wanted to vote against SCOTT. The original depositions are in the committee room, and here are copies of them.

Mr. TURNER. That is shown by the affidavits which the chairman said would be considered.

Mr. PETTUS. Yes, sir. That was shown by the affidavits that the chairman informed Mr. Welles would be considered. Those facts are shown there. In other words, but for the fraudulent conduct of the senate of the State of West Virginia Mr. SCOTT could not have been elected at all. They had a majority of 1, counting all the Republicans, but Mr. Haptonstal, of the house, a Republican, would not vote for Mr. SCOTT, did not vote for Mr. SCOTT, and joined in this protest to the effect that that election was a fraud on the people. Suppose Dent and Kidd had not been suspended by this agreement. They were there in the joint convention ready to vote, but by the resolution in each of the houses they were suspended.

Senators may think there is no fraud in that, but how a man who is reared in a Christian country, even without education, could think it was not fraudulent seems to me a miracle. Mr. SCOTT got his seat by the fraudulent performance of the senate of West Virginia, backed up by the governor and the attorney-general with this threat of violence to the house of representatives, with a threat of bloodshed, with a threat that the militia would be called out and that the house of representatives would be broken up and a new house ordered or formed. The attorney-general made all these threats and said he was backed up by the authority of the government and the militia would be called out to enforce it.

Well, the Democrats yielded to the pressure and made this agreement, which has been read, and the agreement, if it had been really interpreted as the witnesses all swore that it was known to all men at the time the agreement was signed, would amount to this: "*Resolved*, That we let Mr. SCOTT be elected, but you must put our honest members back here in their seats after it is over." And they were put back.

There was a contest pending, which was inaugurated on the 23d, the day before the voting was commenced, against Mr. Kidd. That is, I say it was inaugurated so far as it was called to the senate's attention, but it had on it a mark of the clerk, "filed on the 20th." That man was suspended by the action of the senate before this agreement was ever heard of. But it had been talked about. The threats were made—made by officials, not by just one man. The history of the whole transaction is given in this letter of which I have been speaking, of the man to his wife. They wanted to examine him. He could give a history of the whole transaction, and he was distressed to death that they had got into that fix, but he said that they had resolved to elect Mr. SCOTT anyhow, and that they would turn out all the newly elected senators, and they would have a rump house, and how they would get the rump house, how they would govern, with the militia to enforce the law. He was quite sorry that they were getting into that dreadful condition. That is what they determined upon. Senators, if that is no fraud, if a man who was born within a thousand miles of a Christian country can say that that is no fraud, we are in a dreadfully bad fix. That is all I have to say.

There is one remark I wish to make on the law of the case before I sit down. Senators do not seem to comprehend, and if they do comprehend they do not seem to be willing to acknowledge that they comprehended, a distinction between a judgment of either house as to whether a certain man was elected or not elected, and a mere suspension of a regular member to answer a particular purpose. Of course the senate of West Virginia is the judge of the election and qualifications of its own members. That is the law all over the United States, so far as I know. That is the law here, if we would exercise it. But judge, mind you, of what? Of the election and qualifications of its own members. That is what it is the judge of. They are expressly prohibited from expelling a member, except for misconduct and on a two-thirds vote.

Of course we all know that in such cases, where the house in the legislature acts upon a contest, hears the evidence, and decides in favor of one or the other, that as a general rule is conclusive afterwards, provided always that fraud does not intervene to destroy the vitality of the proceedings. That has been the exception. It has been the exception that was founded away back when our ancestors were first framing their laws in England. It never was decided, and it never can be decided by a reasonable court or by a reasonable legislative body that fraud can not vitiate a proceeding in a State legislature. There never was such a decision. On the contrary, it is decided the other way. I would just appeal to these gentlemen to discuss that case to-morrow.

Mr. President, here was no judgment rendered by the senate of West Virginia on the qualifications of Kidd, on the election of Kidd; on the qualifications of Morris, on the election of Morris. No such proceeding was ever had. This proceeding on the 24th of the month, in the morning before the legislature voted on the Senatorship, was that Kidd should be suspended and that Morris should take his seat pending the contest, and that the contest was postponed indefinitely. There was no time whatever fixed for it to be considered.

Now, do Senators tell me that that is a judgment of the senate as to either the election or the qualifications of either of those men? It was not so. No lawyer can ever torture his mind into the belief that that was a judgment on either the election or the qualifications of either of those men. One is suspended and the other is to take his seat until after Mr. SCOTT is elected United States Senator. That very proceeding of the senate, as is proved in these depositions beyond all controversy, produced that agreement, together with the threats that had been made by officials and which had been communicated to everybody, and proved to have been made by officials themselves.

The attorney-general ought to be able to speak for the governor, especially after the governor had started this fraud himself, and he asserted that he would do all these things: that blood would flow; that they had made their plans to prevent the seating of Logan at the cost of shedding blood, and that the government—he did not say the governor, according to the testimony—would sustain what they were doing and he would sustain it by calling out the militia to enforce their orders, and they would break up the house and make a rump house for the purpose of electing Mr. SCOTT. That is the amount of it.

Senators say, Oh, well, that is mere rumor. Rumor! It is a rumor which is declared by the attorney-general of the State in the presence of a sworn committee of the house of representatives and proved mathematically by two of its members.

Mr. President, the distinction, in a lawyer's mind, is just as clear as noonday that while the senate of West Virginia could determine on the election and qualifications of its members, it had no

earthly power, to say nothing about right, to suspend a man temporarily for such a fraudulent purpose. It was just brute force of numbers, backed up by the governor and his militia, and his blood-thirsty attorney-general.

Mr. President, I have said all that I ought to say on this subject. If Senators want the law and want the authorities on this subject, they can find them all collected in the argument of the Senator from Connecticut [Mr. PLATT] in the Du Pont case.

Mr. TURNER. Mr. President, if the facts are as stated by the junior Senator from Alabama concerning the agreement to deny to two recognized members of the legislature the right to vote in joint convention, I am surprised at the report of the committee in favor of Mr. SCOTT. It seems to me it presents a question here which does not go back of the reorganization of the legislature, but one which raises the question whether Mr. SCOTT actually received votes enough in the joint convention to elect him a member of this body.

If it be true that the balance of the members of the legislature agreed that two of the legally admitted members should not vote in the joint convention; if it be true that they were present in the joint convention; that their names were not called by virtue of this agreement, and that if their names had been called and they had voted against Mr. SCOTT he would not have had a majority of the joint convention, then, in my view, under the Constitution and laws of the United States, he was never elected a member of this body.

Mr. McCOMAS. Will the Senator from Washington allow me just there to shorten his discussion on that point?

Mr. TURNER. Certainly.

Mr. McCOMAS. The sitting member in the senate was Morris, a Republican, who had been given the seat formerly held by Kidd, a Democrat; and the sitting member in the house was Brohard, a Republican. His seat was contested by Dent, a Democrat. Had there been no agreement and had Brohard and Morris voted it would have added two Republican votes. Had Kidd been allowed to be reinstated in the senate and Brohard to remain where he was, it would have been one Republican against one Democratic vote; so none of the things the Senator from Washington has stated could possibly have happened.

Mr. TURNER. How does the Senator know that they would have voted for SCOTT?

Mr. McCOMAS. Because Mr. Brohard said he would vote for SCOTT and because Morris did vote for SCOTT the day before.

Mr. TURNER. The day before.

Mr. McCOMAS. And intended to vote again until stopped by this agreement. The agreement did not stop anybody, in fact, but the formal and solemn resolution of a majority of the senate and a majority of the house—not only a majority, but the unanimous vote of the senate and house—acted upon the right of these two parties to vote in the joint convention or in the proceedings of the house to which either of them belonged.

Mr. TURNER. Will the Senator state how and where Brohard stated he would vote for SCOTT?

Mr. McCOMAS. Brohard?

Mr. TURNER. Where did he state that he would vote for SCOTT? How and when did he so state?

Mr. McCOMAS. He stated it frequently and to many persons.

Mr. TURNER. That is hearsay, is it?

Mr. McCOMAS. That is the statement, which was made to many people.

Mr. TURNER. Is there anything in the record here to show how Morris and Brohard would have voted?

Mr. McCOMAS. The journal shows not only how Morris would vote, but how he did vote.

Mr. TURNER. Oh!

Mr. McCOMAS. He cast his vote for SCOTT the day before.

Mr. TURNER. Do you not think he might have changed his mind between the day before and the day he was denied the right to vote?

Mr. McCOMAS. He might have changed his mind, and so might everyone who voted for McGraw. You understand that Mr. McGraw was the Democrat caucus nominee and Mr. SCOTT was the Republican caucus nominee. Mr. Morris had voted for Mr. SCOTT. Mr. Brohard would have voted for him. Mr. Dent, if he had been seated (he was simply a contestant, claiming the seat of Mr. Brohard, who was a Republican, elected by 81 majority) in the place to which apparently Brohard was elected, he would probably have voted for the caucus nominee. I do not doubt it. But at the time of the election the result would have been two votes for SCOTT; in any attitude, one for SCOTT and one for McGraw, and the result would not have been changed. It would have been inconsequent in respect of the final vote.

Mr. PETTUS. Will the Senator from Washington allow me? The Senator from Maryland ought not to have stated the facts that way. The truth is on the record, and I speak now by the record of the legislature itself, what are called the "journals." The Senator from Maryland says Morris had a seat already before the agreement was made. To be sure he had, but how did he get it? He got it on the morning of the 24th, by a resolution suspending Kidd and putting Morris in his place on the day after the contest was presented to the senate, though it was marked "Filed on the 20th." That is the way Morris got his seat. The Senator from Maryland ought not to have said Morris was already seated. He was seated, but he was seated by this damnable resolution that I have been talking about.

There is one thing about which I did not inform the Senator from Washington while I was up. The senate, two-thirds Republican, on the seventh day, the day appointed for the trial of this case, and after Mr. SCOTT was elected and after the fraud and they had got all the benefits of the fraud, acted upon the case of Morris and Kidd. They had not taken one particle of testimony from the time this agreement was made, except that they had counted some votes that the committee already had in their possession, and the senate of the State of West Virginia unanimously resolved that Kidd was entitled to his seat. They did not even go through the form of swearing him over again; he was merely suspended anyway.

Now, as to the proceeding in the house. The committee had investigated that case thoroughly. Neither of those men had their seats. One of them had a false certificate; I mean by that that he was fraudulently put upon the roll of members. Neither of them had a certificate, except from one of the returning board. Each one had a certificate from one member of the board. It had to be made by two, there being three members of the board. The house has gone into that case.

At first they had refused to seat either one of those men on the ground that they had no certificate; but they had gone into the transaction, had thoroughly investigated it, and the committee had reported to the house that Mr. Dent was elected and that Mr. Brohard was not elected; and it was ready to be voted on. All the forms had been gone through, all of the evidence that had been offered was taken, and the house would have voted on that resolution on the 24th day of January. That is another point, I would say to the Senator. So the Senator from Maryland ought never to have said that Mr. SCOTT would get the vote of Morris anyhow. He got the vote of Morris on the 24th, and both of these Democrats were suspended by the agreement on the night of the 24th.

Mr. TURNER. Mr. President, I do not think the Senate can act upon such evidence as the Senator from Maryland offers us here as to the way in which these members who were excluded would have voted. I do not think the fact that Morris voted for SCOTT on the 24th is evidence to the Senate that he would have voted for him on the 25th. It is no evidence of that fact at all. I do not think the fact that Brohard may have stated to individuals on the streets that he would have voted for SCOTT is any evidence of that fact here. Certainly both of the evidences on which the Senator from Maryland relies are very flimsy. If this case is to be made to depend upon a question as to how the excluded members would have voted, we ought to have better evidence than that which the Senator from Maryland presents. But I do not think we can have any evidence on that subject.

The facts appear to me to raise a plain legal proposition here which bars Mr. SCOTT; that is, that by private agreement between the other members of the legislature two members of the legislature, who were recognized as such by both houses, were excluded from their right to vote in joint convention. They were in joint convention, and their names were not called to vote for Senator on that day, and counting them as members of the joint convention, Mr. SCOTT did not have a majority of all the members of the joint convention.

Now, the act of 1866 requires that at this joint convention a majority of all the members then present shall vote for the successful candidate in order to insure his election. The matter is regulated by section 15 of the Revised Statutes of the United States. After providing for the balloting in the respective houses, it provides:

> At 12 o'clock meridian of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each house, or if either house has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose, by a viva voce vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected.

If the facts are as stated by the Senator from Alabama, in which the Senator from Maryland concurs apparently, then it is evident that there is a record here which shows that Mr. SCOTT did not on this day receive a majority of the votes of all the members of the legislature then in joint convention. It seems to me that we can not afford to adopt a resolution declaring that a man can be elected to this body under these circumstances.

A similar case would be if a close question were pending in this body on the passage of a bill, and the members of the Senate, for

some reason or other, should agree that I or some other member should not be permitted to vote on that question, and the yeas and nays were taken, and under that agreement the presiding officer declined to have my name called, and by reason of the failure to call my name a majority was apparently registered in favor of the proposed law. Would it be contended by anybody that a law could be passed in this body in that manner? And when it requires a majority of all the members of the legislature in joint convention to elect a Senator, can it be said that all of the members of the legislature except two shall rule out those two in order to accomplish an election?

That is the square legal proposition presented here. I have not heard it discussed by anybody in this debate. The members appear to have gone off on the proposition that this was an attempt to overturn the organization of the legislature and to overrule the decision in the Turpie case. Certain features may present that question, but this case is not at all analogous to the Turpie case. I do not understand that it has ever been decided in this body. I do not understand that such an extraordinary condition of affairs has ever been presented to this body in the election of a Senator.

Instead of overturning the organization of the legislature, this proposition recognizes the organization of the legislature, recognizes all of the members who were declared elected by the two houses of the legislature, and makes the test of Mr. SCOTT'S right to a seat in this body to depend upon an examination of the question whether he did in fact receive a majority of all the votes of the legally recognized members of the legislature then sitting in joint convention. It appears to be granted on both sides that he did not so receive those votes, because a majority of the legislature had determined that certain members should not have the right to vote in this joint convention.

I say that this proposition can not be wiped away by the Senator from Maryland getting up and saying that Morris would have voted for SCOTT if he had been permitted to vote, because there is only one way of determining how Morris would have voted, and that would have been by calling his name and permitting him to vote in the joint convention; and the same thing may be said with reference to Brohard.

I do not think this is a technical question. I think it is one which ought to appeal to every Senator, especially in view of the other facts in this case, which show a condition of duplicity and double dealing and fraud in connection with the organization of the legislature which would justify the Senate in seizing hold of any legal ground to say that there had been no election and to send the matter back in order to enable the legislature of West Virginia to elect a member to the Senate in a proper, legal, and constitutional manner.

Mr. CHANDLER. Mr. President, I am led to say something more in this case by the remarks of the senior Senator from Alabama [Mr. MORGAN], made yesterday. I asked him whether he thought the decision in the case of Mr. Turpie was sound or unsound, right or wrong. I understood the Senator—I am sorry he is not now in his seat—to say impliedly, if not directly, that he thought the decision was wrong. If that is correct, there is an important question now before the Senate. Ever since that decision was rendered it has been understood that it governed the Senate. It has governed the Senate. It has influenced the decisions of the Committee on Privileges and Elections upon cases before it.

In order not to do the senior Senator from Alabama any injustice I will read what he said. I asked him:

> I should like him to be specific as to whether he holds that the report and the decision in the Turpie case were erroneous or not, because there the attempt was to assail the decision of the Indiana legislature in two cases for fraud.
>
> Mr. MORGAN. I have not looked at that case lately, but as the Senator puts his question to me, I feel an old impression creeping over me that I did not think it was right.
>
> Mr. ELKINS. But you voted for it.
>
> Mr. MORGAN. Nothing is right in the sight of the American people or the Senate of the United States which forms a technicality to hold the truth in chains. Nothing is right which foists a falsehood upon the Senate. Although it may be done under the strictest formalities of a record and under seal, it is not right. The Senate ought always to feel that it has the power to break away from the false device and fasten its judgment upon the solid foundation of truth. It ought always to feel that way.

That is about as direct an answer as the senior Senator from Alabama ever gives to any question, and I feel justified in interpreting it to mean that the decision in the Turpie case was erroneous.

Mr. President, you will remember that in May, 1888, I questioned the report in that case. The Senate was asked then to assent to a very positive proposition of law, which is to be found in the debate at that time. It is also to be found in the report of the Senator from Maryland in this case of Mr. SCOTT. It was read to counsel in the Scott case when they were arguing before the committee.

> The CHAIRMAN. Let me read what they offered to prove in the Turpie case:
>
> "That before said alleged election the senate wrongfully, and for the purpose of obtaining a majority for said Turpie in said joint convention, declared two members who had been duly and lawfully elected members thereof not entitled to their seats, and declared two other persons who had not been duly and lawfully elected to be entitled to such seats, and thereupon seated such persons, and that this was done without right, without evidence, and without hearing or debate, and that said persons so seated thereafter were present and voted for Mr. Turpie in said convention, and that without such votes said Turpie would not have received a majority."
>
> I think that took place only a day or two before the Senatorial election.
>
> Senator HOAR. Yes; I myself wrote the report.
>
> Mr. ST. CLAIR—
>
> Mr. St. Clair was the counsel arguing the case—
>
> I will only say that I am a pretty good State rights man, but I would never vote for that proposition of law.

When there was before the Senate Mr. HOAR'S report, which was unanimously adopted by the Senate, declaring that Senator Turpie should not be disturbed in his seat, I thought that was a very doubtful legal proposition, and I raised the question whether, if the turning out of members of a legislature because of their politics, and the seating of other men because of their politics, were in such close proximity to the Senatorial election that the acts could be fairly treated as a part of that election, and if it appeared on the whole to the Senate that these acts were not a bona fide exercise of the right on the part of one of the branches of the State legislature to decide upon the elections, returns, and qualifications of its own members, the Senate was not bound to go beyond the decision of the legislature and to inquire into and judge concerning this unseating of members and seating of other members, as being a part, under the circumstances, of the Senatorial election; and my dissent there stands of record. But there was no one to sustain me. I entered only my personal dissent. The report was unanimously adopted by the Senate, and, as I have said, it has governed the action of the Senate and the action of the Committee on Privileges and Elections ever since that time.

Mr. President, if the senior Senator from Alabama represents the other side of the Chamber, and if he really means that in the interest of the assertion of Federal power against the State legislatures he is willing to cancel and wipe out the doctrine of the Turpie case, then I say I will join with him in his attempt. I am willing, in the interest of the national power, the power of the National Senate, in a case of this kind, to reopen this case. I think Senator SCOTT can stand upon the facts; and if the Senate of the United States, upon this report and upon the motion of the junior Senator from Alabama [Mr. PETTUS], wishes to assert the right of the Senate of the United States to reverse the deliberate judgment of the two houses of the West Virginia legislature as to the rights of Kidd and Brohard in the senatorial election, I personally am willing to join in the act if the facts warrant it. But before voting I wish to understand what are the views of the Senators upon the other side of this Chamber.

Mr. STEWART. The statement of the Senator from Washington has rather confused me. I want to know the facts. Is it a fact that two members of the legislature, who had been seated and recognized as such, were not allowed to vote, although present at the joint meeting; that their names were omitted and not called, although they had been recognized and seated as members? I understand that to be the substance of the statement of the Senator from Washington. I should like to know the exact facts in the matter.

Mr. CHANDLER. When I argue a question of law, some Senator wants to know something about the facts, and when I argue a question of fact some Senator interrupts and wants to know about a question of law. I will answer the Senator briefly before I get through, but my mind is now looking in a different direction.

Mr. STEWART. Very well.

Mr. CHANDLER. If this law of the Senate in the Turpie case, which is very strong law, which was a hard dose for me to take, which I, like the senior Senator from Alabama, have been groaning under ever since, is to be reversed in the Senate, I am ready for it.

Mr. President, there was a contest suggested here against the Senator from Idaho [Mr. HEITFELD] whom I now see in his seat, but the law in the Turpie case governed the committee, and no steps ever were taken to make an investigation of the Senator's case. There was a contest suggested in reference to the seat of the present Senator from Delaware [Mr. KENNEY], but the case was deemed by the committee to be within the decision of the Turpie case. Nothing was done about it.

Mr. PETTUS. Will the Senator allow me to ask him a question? Was there in any one of those cases a case where a member was suspended?

Mr. CHANDLER. I will answer the question of the Senator from Nevada and the question of the junior Senator from Alabama before I get through.

In 1896 there was an attempt made in this body—and the motion was not made by a Republican Senator—to investigate the right to a seat here of the senior Senator from Alabama [Mr.

MORGAN], not now present, the Senator who is in favor of tearing down this doctrine in the Turpie case. The resolution to make the investigation went to the Senate Committee on Privileges and Elections.

The committee reported that there ought to be an investigation; that we ought to inquire whether there was a legal legislature in the State of Alabama which had a right to elect the senior Senator from the State of Alabama. There was a long minority report made against right of inquiry, and it was signed by Senator Gray, of Delaware; Senator Pugh, of Alabama; Senator Turpie, of Indiana, and Senator Palmer, of Illinois; and they planted themselves upon the doctrine that it was not for the Senate of the United States to undertake to make an inquiry and reverse the decisions, the findings, and the conclusions of a State legislature. We did not succeed in even getting a vote of the Senate upon that resolution to make an investigation into the right of the senior Senator from Alabama to hold a seat in this body.

In the next Senate will be considered the credentials of ex-Senator Blackburn, who has been elected to the Senate by the legislature of Kentucky; and if the doctrine in the Turpie case is to be overruled, then it will be the duty of the Senate to inquire whether Kentucky had a legislature that was competent to elect Senator Blackburn. The Senate will be asked to go into the question whether it will reverse the decisions as to its membership of the legislature of Kentucky.

This whole field will be open. The whole question whether Federal power as exercised by the National Senate is competent to reverse the decision as to its membership of State legislatures will be reopened, and we shall not know until there has been discussion over and over again of this question what the rule of the American Senate is. I say very frankly that I for one am willing to reopen that question. I think the decision in the Turpie case went very far when it was held that we would not make inquiry if a legislature the day before a Senatorial election deliberately, as the decision said, without right, without proof, without debate, turned out two Republicans and seated two Democrats, and the next day Senator Turpie was elected by two majority.

That decision was a hard decision, an extreme decision in favor of the power of a State legislature, an extreme decision against the power of the Senate; and I shall be very willing myself, personally, if Senators upon the other side of the Chamber so demand, to reopen that question and make an investigation in the West Virginia case and see what the law is, and learn whether it is law which applies to all men alike who come here with credentials—to Democrats who come here elected by their legislatures, and to Republicans who come here elected by their legislatures.

That is all I have to say on the point. If Senators will frankly declare that they wish to reopen this case for the purpose of contesting the law in the Turpie case and having it reversed, and having a new rule established for the government of the Committee on Privileges and Elections, I shall be very glad to join them.

In this case, Mr. President, there is no doubt what the facts are. The two branches of the West Virginia legislature reached decisions. The senate decided that Mr. Kidd should not be treated as the sitting member and that Mr. Morris should be treated as the sitting member. I do not care whether you call it a suspension of Mr. Kidd or whether you call it an unseating. The next decision, that neither Mr. Kidd nor Mr. Morris should vote pending the contest, was a deliberate decision of the body of which each claimed to be a member. In the house of representatives Mr. Brohard was rightfully upon the rolls, but the house of representatives decided, in view of the crisis, the exigency that existed in the State of West Virginia, that he should not be treated as the sitting member and should not have the right to vote.

The agreement made between the two political parties cuts no figure. I do not claim it had any force. I do say this, however, that even if the two houses had not acted, and yet Messrs. Kidd and Brohard had refrained from attempting to vote in the joint convention, this would not have invalidated the election. One was a Democrat. The other was a Republican. If one had voted for Mr. McGraw the other would have voted for Mr. SCOTT. The Senator from Washington seems to think that he has a right to assume that Mr. Kidd would have voted for Mr. McGraw, but denies that there would be a similar assumption that Mr. Brohard would have voted for Mr. SCOTT. Those 2 votes were not necessary to make a lawful joint assembly. There were 97 members in the joint assembly. There need not have been but 50 in the joint assembly; and then 26 votes for Mr. SCOTT would have elected him; and if 2 men or 10 men or 20 men had sat silent and had not voted—unless there was a knife at their throats, unless there had been bribery or actual violence—this would not have made any difference in the result.

That is the whole of this case. It is whether you will undertake to reopen the decisions of the Senate that have been hitherto made and reject the report of the majority of the committee for the purpose of establishing, contrary to the decision in the Turpie case, a doctrine that there is substantially no limit to the right of the Senate in reversing a decision of a State legislature.

Mr. LINDSAY. I wish to ask the Senator whether either of these members offered to vote or demanded the right to vote?

Mr. MCCOMAS. They did not.

Mr. CHANDLER. I do not understand that either of them did. It is absolutely certain that if Mr. Kidd had risen and offered to vote for Mr. McGraw, Mr. Brohard would have risen and offered to vote for Mr. SCOTT. How can Senators pretend that what took place, the amicable and honorable agreement between the leaders on both sides in the West Virginia legislature, into which the best thought in the West Virginia legislature entered, can invalidate what was deliberately done in pursuance of that agreement, to wit, the postponement of the contests in those two cases, and the decision that in the meantime neither of the two men should vote? It was only a week before the election of the Senator was to take place.

Senators know very well that the two contests could not be fairly decided in so short a time. But the houses might have gone on, as in the Turpie case, and have unseated first one member and then another; first a Democrat in the senate and then a Republican in the house. They might have gone on for 10 days doing these things, and then they might have undertaken to cast their ballots for United States Senator. If they had undertaken that kind of a controversy the result would have been two legislatures, no election of United States Senator which we could have recognized, and chaos and perhaps civil war would have come in the State of West Virginia.

Under such circumstances the two political parties came to an agreement, just such an agreement as is made upon this floor every week in a session of Congress. The two houses, acting separately, ratified that agreement. It was an agreement which it was within their power to ratify. The decisions they made were decisions which it was clearly within the power of the legislature of West Virginia to make, and such decisions can not be reversed by this body without reopening the settled law of the Senate and making an assertion that the Federal power as against State rights in reference to State legislatures goes a great deal further than it has ever been contended in this body that it would go, until the junior Senator from Alabama and the senior Senator from Alabama demanded a reversal of the decision of the Committee on Privileges and Elections in this case.

Mr. BACON. Mr. President, I do not desire to enter into any discussion of this matter, but as I had a little to say about the subject yesterday I wish to make my position entirely clear.

I think, as a legal proposition, the report of the committee is correct. I think it is the only safe position to be occupied by those who do not desire to see the Senate of the United States enter into the details of the constitution of a State legislature by which a Senator is elected, and for that reason I shall vote against the amendment offered by the Senator from Alabama.

But, Mr. President, I think it due to myself to say that I am unwilling that that vote shall in any manner be construed into an approval of the things which are disclosed here as having occurred in the West Virginia legislature. On the contrary, I wish to assert most emphatically that I as emphatically disapprove of them and think they are not to be justified. I do not think, however, it is a matter that we can go into.

Mr. TELLER. Mr. President, I think this is rather an important question. I wish to call the attention of the Senate to some remarks made by the Senator from Massachusetts [Mr. HOAR] when he submitted this case to the Senate in reply to the Senator from New Hampshire [Mr. CHANDLER], who seemed to somewhat question the report, although he did not call for the yeas and nays, and the report was accepted nem con, I believe, everybody voting for it.

Mr. CHANDLER. The Senator means in the Turpie case.

Mr. TELLER. In the Turpie case. The Senator from Massachusetts, addressing the Senator from New Hampshire, called attention to the position that the Republican party had occupied in the Electoral Commission contest, that we had asserted with great earnestness that the decision of the State authorities as to who was elected was absolutely final, a doctrine that I think everybody is acquiescing in now. After that the Senator from Massachusetts says:

> Now, in the same way we have the right, undoubtedly, being the final judges of the election, qualification, and return of our members here, to see whether the elector in the legislature of the State of Indiana in casting his vote was corrupted, or was under duress, or whether his vote in any way was wrested so that it was not the true and lawful act of that elector; but in determining who has the right to cast the several votes we are bound by the conclusive judgment of the legislative body of the State of Indiana.

He makes there the distinction, and that is what I call the attention of the Senate to, to show that by this doctrine we are contending for we are not preventing ourselves from looking into the

honesty or character of an election. That is still left to us. Let me read it again. This is what he says we may do:

To see whether the elector in the legislature of the State of Indiana in casting his vote was corrupted, or was under duress, or whether his vote in any way was wrested so that it was not the true and lawful act of that elector; but in determining who has the right to cast the several votes we are bound by the conclusive judgment of the legislative body of the State of Indiana.

Now, Mr. President, it seems to me that is a well-stated proposition of law, and one upon which we can stand.

So we had only to inquire in determining whether the votes of these two men, Branahan and McDonald, were to be counted, which changed the result: whether the senate of the State of Indiana had pronounced them to be entitled to seats in that body; and we had no authority given us to say whether they did that against right, or against evidence, or for the purpose of changing the result of the election.

I will not read all the Senator from Massachusetts said, but I will ask leave to put it in my remarks.

A question came up of the lawful organization of that senate whether the lieutenant governor or the person claiming to be president pro tempore of the senate was the lawful and rightful presiding officer. But there was a senate there, a senate of unquestioned authority. The governor of the State was recognizing it as a senate, receiving and approving the laws which it undertook to pass. The other house, the Republican house of the Indiana legislature, was communicating with it as a senate, among other things inviting it to enter into this very joint convention in pursuance of the act of Congress; and it took its constitutional share in legislation and in laws which it passed, so organized and so presided over, by the entire acquiescence of the whole people of the State of Indiana, and is the law of that Commonwealth to-day. And in addition to that, and a still more important recognition than that, every single member, Republican and Democrat alike, of that body in his individual official action recognized it as a lawful senate, acting for all lawful and constitutional purposes.

Mr. PETTUS. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Colorado yield to the Senator from Alabama?

Mr. TELLER. Certainly.

Mr. PETTUS. I should like to have the opinion of the great lawyer who occupies the floor, as to whether the determination of the election and qualification of a member is not one thing, and suspending a member temporarily for a purpose is not another and a different proceeding?

Mr. TELLER. Well, Mr. President, I am not going into any discussion of this question. I rose simply to present what was the declared law of the Turpie case. I am going to quit then. I do not propose to go into any extended discussion of this case. After the Senator from Massachusetts had shown that everybody had recognized the legislature of Indiana as the lawful legislature of that State; that the Republican house had recognized the Democratic senate as the true senate, and that it had agreed to legislation, he concluded as follows:

Therefore, it seems to me, however much I may dislike the result, and however much I may disapprove the action of that body, if it be such as is set forth in this remonstrance, I do not see how, under my oath of office as a Senator, I can help giving effect to the votes of the persons whom that constitutional court—the senate of Indiana—declared, one by one, were entitled to act as electors on that occasion.

Now, Mr. President, there is the whole case in a nut shell. It belongs to the State of West Virginia to determine those questions, and they have determined them; and it seems to me there is nothing for us to do.

Mr. BACON. Will the Senator allow me?

Mr. TELLER. I want to say that in so declaring we do reserve the right to determine whether the votes that were cast have been corruptly cast or not.

Mr. BACON. I just wanted to remind the Senator from Colorado of the fact that in the Du Pont case the Senate also determined that it was for the legislature of Delaware to determine whether a man who had left the senate and had gone and was then exercising the office of governor should be considered a member of that senate and whether his vote should be counted, and the question whether Mr. Du Pont was elected or not turned on the question whether or not that vote should be counted. If it was not counted, he was elected; if it was counted, it was a tie, and he was not elected. We put the decision squarely upon the ground that the legislature of Delaware should determine that question and that the Senate of the United States would not undertake to go behind that determination.

Mr. TELLER. That is a fact. As I understand, the Senator from New Hampshire called the attention of the Senate to several cases where we had adhered to the doctrine laid down in the Turpie case. I do not understand it was the sole time, by any means, that that declaration had been made by the Senate.

Mr. PLATT of Connecticut. Mr. President, I only desire to say that I have never been satisfied with the Turpie case, and I think I expressed my opinion pretty fully on it when the Du Pont case was under consideration. I do not think the Turpie case and this case are by any means similar—certainly not in all points. But this discussion having taken a broad range, I do not wish by my silence to have it considered that I agree to the decision in the Turpie case.

Mr. MCCOMAS obtained the floor.

Mr. RAWLINS. Mr. President——

Mr. MCCOMAS. I will yield to the Senator from Utah, if he desires.

Mr. RAWLINS. I desire to ask the Senator from Maryland, and I am glad he is upon his feet, one question, that we may understand the facts in this case. I will state it as I understand it, and then ask the Senator if I state it correctly. As I understand it, there were 93 members in the joint assembly voting.

Mr. MCCOMAS. Ninety-five.

Mr. RAWLINS. And Mr. SCOTT received 49.

Mr. MCCOMAS. Mr. SCOTT received 48; Mr. McGraw received 46, and Mr. Goff received 1.

Mr. RAWLINS. If the two members who were suspended on the day prior to this convention by the votes of the two houses had been counted, there would have been 97 votes.

Mr. MCCOMAS. Ninety-seven.

Mr. RAWLINS. A majority of that number would have been 49.

Mr. MCCOMAS. Forty-nine.

Mr. RAWLINS. So, if those two had been counted as present, whether voting or not, Mr. SCOTT would have received a majority.

Mr. MCCOMAS. If they had voted.

Mr. RAWLINS. If they had voted. If they had been counted, he would still have had a majority.

Mr. MCCOMAS. He had 48 of the 95 votes cast. There were two other men to make 97 in the apportionment of representation in both houses of the legislature of West Virginia, but the journal of the joint assembly does not disclose anything about the other two men. There were 95 who met in joint assembly.

Mr. RAWLINS. The only point as to which I wanted to ascertain the fact was this——

Mr. MCCOMAS. If Kidd, the Democratic contestant in the senate who had been unseated, had voted with his party, it would have made one more vote for McGraw, but if Morris, the Republican, who had been seated instead of Kidd, had voted, it would have made in the senate one more vote for SCOTT. If Brohard, the sitting member in the house, had voted, it would have made one more vote for SCOTT. It would have increased SCOTT'S majority, but would not have changed the result.

Mr. RAWLINS. I was somewhat confused by the statement of the Senator from Washington [Mr. TURNER] that if there were two members——

Mr. MCCOMAS. The Senator from Washington mistook the facts.

Mr. RAWLINS. Suspended, present in the joint assembly, who did not vote, and who did not, so far as the record shows, ask to vote; but I think we can not say from the record whether they would vote one way or another.

Mr. MCCOMAS. No.

Mr. RAWLINS. The only thing that we would be entitled to do would be to count them as present, and then determine whether Mr. SCOTT had received a majority of those present, whether voting or not, and if they had been counted as present, as I understand the fact to be, Mr. SCOTT would still have received a majority.

Mr. MCCOMAS. That is true.

Mr. TURNER. Mr. President——

Mr. STEWART. I wish to ask a question.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Nevada?

Mr. MCCOMAS. I yield first to the Senator from Washington.

Mr. STEWART. I have been asking questions for some time, but could not get anybody to answer them. I want to know if all the men voted according to the resolutions of the two houses? Did the two houses determine who should vote, and was anybody there denied the right to vote who under the action of the two houses would have been entitled to vote if his name had been called? I want to determine that question.

Mr. MCCOMAS. I rose to answer that question. What is the inquiry of the Senator from Washington?

Mr. TURNER. The Senator from Utah spoke of the two men who were not permitted to vote as having been suspended. I wish to ask the Senator from Maryland whether they were in fact suspended by any resolution of either of the houses?

Mr. MCCOMAS. They were; and I rose to answer that question.

Mr. TURNER. Was there any suspension other than this agreement?

Mr. MCCOMAS. If the Senator will give me his attention, the fact is stated in the report of the majority. Under the apportionment the senate of West Virginia contained 1 more member and the house 1 more member, making 97 with all seats filled. I have said that there were 95 present in the joint convention. Now, the journal of the joint assembly discloses nothing concerning the 2 who if present and entitled would make the full representation of 97 in the legislature. It does not appear from the journal of either house or from the journal of the joint assembly if they were present or not. It does not show that they were entitled to vote, or that they in any manner claimed a right to vote,

or that they waived any right to vote. It is simply silent in respect of two persons who might be one a member of the senate and the other a member of the house.

Of course, prima facie, from the journal of the joint assembly they were not present. It is said in fact that they were in the hall. I do not know. It is certain that if they claimed any representative right, they did not claim it then and there, when it was their duty to claim it. And now, Mr. President——

Mr. TURNER. Mr. President——

Mr. McCOMAS. I will state why they did not claim it.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Washington?

Mr. McCOMAS. Certainly.

Mr. TURNER. I wish the Senator, before he gets away from this point, to answer my question, whether or not these two members were suspended by either house?

Mr. McCOMAS. Just when the Senator rose I was proceeding to say why and how it was that these two persons did not claim any right, did not make a demand of any right, because they knew their cases had been separately adjudged by the two houses. Here is the first case. The journals of the house and senate explain this matter very fully.

On January 20, 1899, by the senate journal, page 66, it appears a resolution was introduced in the senate declaring that Kidd, the sitting member, was not elected and that Morris was duly elected, directing that Kidd vacate his seat and Morris be sworn in.

Mr. PETTUS. That was not adopted.

Mr. McCOMAS. I am proceeding to say so. That was January 20. In orderly fashion the senate proceeded. On January 23 this resolution was considered by the senate, and a substitute was adopted reciting the contest between Kidd and Morris, the reference to and pendency of the contest before the committee on privileges and elections, and the opinion of that senate that Morris was entitled to the seat pending the contest, wherefore the senate resolved that Kidd was not entitled and that Morris was entitled to his seat in the senate from the Fourth senatorial district pending the contest, and that Morris be sworn in. Morris appeared, took the oath, and was seated.

That is the record of the proceedings of the senate. On January 25 the senate adopted a resolution that the contested-election case of Morris and Kidd be the special order for consideration and determination on its merits on February 7, 1899, with leave to either party to take testimony, "and that pending the determination of such contest neither Morris nor Kidd shall be entitled to vote or sit as a member of this body." The first two resolutions in pursuance of reports from the committee on privileges and elections were passed by a vote of 17 to 8, I think, and the last resolution depriving Morris of his right to vote was passed by a unanimous vote of the senate.

In the house, where Brohard was the sitting Republican member, he had a certificate which the supreme court of West Virginia have, since the legislature sat, declared was a valid certificate, and was entitled to be seated on that certificate. He was seated on that certificate.

On January 12 the house referred to the committee on privileges and elections the question of the right of Brohard, the sitting member, to be sworn in, with instructions to report the person prima facie entitled to be sworn in as a member from Taylor County. On January 16 the house adopted a resolution reported from said committee that, pending the determination of the title to the seat, neither Brohard nor Dent (the contestee) should "be permitted to participate in the proceedings of this house."

On January 24 the majority of that committee reported a resolution in favor of Dent, and the minority reported in favor of Brohard, the sitting member, and no action was taken. But on the 25th the joint assembly met. At that time the senate had regularly suspended the right to vote as to Kidd and Morris and the house had suspended the right of Brohard.

Mr. President, I appear to be much more of a State rights man than the junior Senator or the senior Senator from Alabama, or than the distinguished Senator from New Hampshire. It does seem to me that when each of these houses has passed upon the election, returns, and qualifications of its members, and by orderly procedure has conducted the contest and has unseated a man, and has thereafter said that pending the contest two persons may not vote, neither one nor the other in this house or in that, they have performed their functions, and the Senate has said very broadly in the Turpie case just referred to, and it has said in the Du Pont case, that a legislature has the jurisdiction and the power to do this thing. It was done in these two cases, in these two houses, and is an original exclusive jurisdiction belonging to the senate and the house of the legislature of West Virginia.

I know no other view to take, and I feel bound, and the committee, except the junior Senator from Alabama, felt bound, by the orderly adjudication of the matter which was solely within the jurisdiction of the two houses of the West Virginia legislature. They had these two cases; they passed upon them; but if they had not passed upon them on the day prior to the meeting of the joint assembly, the effect would have been to increase the majority of Mr. SCOTT.

My first proposition is that what they did they had the power to do; that we can not here ratify or repeal it or inquire into it.

My second proposition is that if you did undo what they did by resolution within their power, you would simply increase the majority of SCOTT and not change the result in the legislature. In that assembly in joint convention there sat 49 of one party and 46 of the other, and if you would wipe out this proceeding, which you have no power to do under many Senate rulings which I could cite here to the Senate, you would simply increase the majority of SCOTT and you would not change the result.

Now, Mr. President, one thing more in respect of the procedure of this committee. It is stated, I think adequately, when the committee reported, that the matter was submitted to the committee upon the memorials, the journals of each house, and according to statements of facts and certain oral arguments and admissions of counsel. The oral arguments and admissions of counsel are that this agreement of the 10 members, which appears in the report, should be taken as a part of the case, and that the statement of Mr. Davis, the Democratic leader of the house, as to the object and purpose of this agreement in the case, was a fair statement, authentic, from a man of good authority.

Those are the two oral admissions. The agreed statement of facts simply made certain memoranda not here of consequence a part of the case, and did what was not necessary; it made the journals a part of the case. They were necessarily part of the case. We were bound to take judicial notice of the proceedings in the journals.

The committee determined that the procedure of the two houses settled the question in respect of the two soldier senators, and the committee determined, and by almost a unanimous vote, that the action of the two houses of the assembly settled for this body the situation of the two contested seats, the one of Brohard and Dent in the house, and the other of Kidd and Morris in the senate.

Now, Mr. President, what further was there of the case? There was the whole of it. That settled the result of the election. That settled the election in favor of SCOTT. Senators here have discussed the matter somewhat as if the political majority in the legislature was questioned. That was never questioned before the committee and never questioned in West Virginia. The party vote was, as I said, 49 to 46. It had been 51 to a lesser number at an earlier stage.

Then the remonstrants offered to prove certain declarations of several State officials, members of the general assembly, and of attorneys in arguments before legislative committees.

Now, the committees were of opinion, and this is the matter I ask the attention of Senators to, that there was no proffer of sufficient evidence of either fraud or intimidation affecting the legislature to warrant such investigation by the committee.

The learned and able Senator from Alabama, in his views and in his remarks here, has made much, and earnestly and seriously made much, of those matters. I submit to the Senate they are trivial. When a Republican member of the legislature writes a letter to his wife and somebody finds and reads it, he simply finds that that Republican member was scared, not by the apprehension of a Republican conspiracy, but he writes to his wife and says:

MY DEAREST: I can not tell you when I can get away from here—perhaps not for many days.

Well, that is an excuse of a member of the legislature for not going home.

We are just going into the election——

Mr. TURNER. Mr. President——

The PRESIDING OFFICER. Will the Senator from Maryland yield?

Mr. McCOMAS. In a moment.

We are just going into the election of a United States Senator, and no man can tell what a day may bring forth. We are apparently upon the eve of a political revolution. The Democrats in the house seem determined to throw out all the Republican members; and if one more is thrown out, we will secede and form a new house of delegates.

Now, at that time the record shows that Via, a Republican, returned elected, had been unseated and Logan had been seated in his place, and a hysterical attorney, who happened to be attorney-general of the State, in arguing before the committee in a corner of the capitol, had said, "If you do this thing, blood will flow," and they had proceeded to do this thing.

Mr. PETTUS. Mr. President——

Mr. McCOMAS. They had turned out Via, the Republican, and they had put in Logan, the Democrat, and the blood did not proceed to flow. Then they proceeded to turn out Brohard, who had 71 majority and whom the supreme court says here should have been seated on a certificate, and he had been seated; and when they were about to turn him out then no blood flowed, and still peace prevailed, and Brohard was deprived of his vote; and

this man writes to his family that he could not get home in a day or two because the Democrats had formed a conspiracy to overturn the majority of that legislature.

It did not seem to the committee that that kind of evidence tended to prove a Republican conspiracy, and therefore it was treated very lightly. Then, further, when the attorney-general made a heated expression in his speech before the committee on privileges and elections of the house, that did not seem to be a very material thing; and when somebody said on a corner, "If this thing goes on we will have two legislatures," that did not seem material; and when the chairman of the committee telegraphed the people to get up their contests on one side, as they had upon the other, and the contests had gone on and the Republicans had unseated one, and the Democrats had practically unseated two, it did not seem to the committee that these things were worthy to be investigated, or that they were of sufficient weight or importance, or that, if they tended to prove anything——

Mr. TURNER. Mr. President——

Mr. McCOMAS. In a moment I will yield to the Senator.

That if they tended to prove anything they were of such little weight and persuasive force that the investigation would be expensive and of no benefit to the Senate; that the record action of the legislature of West Virginia had determined all the material questions, and the committee, except my distinguished and honored friend from Alabama [Mr. PETTUS], were unanimously of that opinion.

I now yield to the Senator from Washington.

Mr. TURNER. I find that I did not understand the Senator as others around me understood him as to the record from which he read, that the senate had passed a resolution that both Morris and Kidd should be suspended until the termination of the contest. I did not understand the Senator to read any record from the house showing that Dent and Brohard had been suspended.

Mr. McCOMAS. I will read it again.

Mr. TURNER. I am asking for information. I did not understand that the Senator had read any record of that kind.

Mr. McCOMAS. I have read it, and I am sorry the Senator did not hear it. I shall be glad to read it again.

Mr. TURNER. I did not hear the Senator read it; and I wish he would read it again.

Mr. McCOMAS. I will state it very briefly. This election took place on the 25th of January. In the senate on the 20th a resolution was introduced. Does the Senator understand the case in the senate?

Mr. TURNER. I understand the case in the senate.

Mr. McCOMAS. In the house the journal of the house shows that Brohard, when the house assembled, was sworn in as a member upon his certificate. On January 12 the house referred the question of the right of Brohard to a seat to the committee on privileges and elections. On the 16th of January the house adopted a resolution determining that, pending the contest over the seat, neither Brohard nor Dent, the contestee, should be permitted to participate in the proceedings of the house. Then, on January 24, a majority of the committee on privileges and elections reported in favor of Dent, and a minority reported in favor of Brohard, who from the 16th did not participate in the proceedings of the house under that order and resolution of the house itself. The whole proceeding was regular; the result was decisive, and the adjudication was of a matter in which each house had jurisdiction, original and exclusive, and not reviewable here.

Now, if there is nothing else to be said by any Senator, Mr. President, I trust we may have a vote.

Mr. PETTUS. If the Senator will be so entirely courteous as to answer one question, I shall be obliged to him.

Mr. McCOMAS. With pleasure.

Mr. PETTUS. Would it not be best to read that entire letter, instead of only a part of it?

Mr. McCOMAS. Which letter?

Mr. PETTUS. The letter from which you read the extract.

Mr. McCOMAS. If I do not weary the Senate, I will state that the letter here is not signed; but on page 50 it appears that this was a letter written by Delegate Oldfield to his wife. I will read the last two sentences of it:

> The Democrats in the house seem determined to throw out all the Republican members; and if one more is thrown out, we will secede and form a new house of delegates.

I had read so far. I now read the rest at the request of my friend from Alabama:

> If everything passes off smoothly and we elect a Senator this week, I will try and be in Washington.

I before omitted to read that.

Mr. STEWART. I believe I now understand the matter, although I could not get a direct answer to the question I put.

Mr. McCOMAS. I shall be glad if the Senator will ask any question he desires.

Mr. STEWART. I believe I understand the fact to be that all of the persons present who had been determined, in the respective houses, to be entitled to vote did vote.

Mr. McCOMAS. Every one of those voted.

Mr. STEWART. And no one was excluded in the joint convention who had the right to vote under the action of the house to which he belonged? If that be the case, I am satisfied with the record.

Mr. McCOMAS. That is the case.

Mr. STEWART. No protest was made?

Mr. McCOMAS. None whatever. No claim of any right was made by anybody. Now I ask for a vote upon the resolution, unless there be further speeches to be made upon it.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama [Mr. PETTUS] to recommit the resolution to the committee with instructions.

Mr. CHANDLER. I ask for the yeas and nays.

Mr. McCOMAS. I hope the Senator will withdraw that request.

Mr. CHANDLER. It is not material to me whether the yeas and nays are called on this vote or the other, but I am going to call for the yeas and nays on the final decision.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama, to recommit the resolution with instructions.

The motion was rejected.

The PRESIDENT pro tempore. The question now is on the passage of the resolution reported by the Committee on Privileges and Elections.

Mr. CHANDLER. I ask for the yeas and nays on the passage of the resolution.

Mr. ELKINS. It was my intention to have made some remarks on this question before its final determination, but Senators seem to fear that if further speeches are made the matter will go over until to-morrow. I am so anxious that the decision in this case shall be no longer delayed that I will refrain from speaking.

The PRESIDENT pro tempore. The question is on the adoption of the resolution reported by the Committee on Privileges and Elections.

Mr. CHANDLER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SULLIVAN. Let the resolution be read.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution reported by Mr. McCOMAS from the Committee on Privileges and Elections March 12, 1900, as follows:

> *Resolved*, That NATHAN B. SCOTT has been duly elected a Senator from the State of West Virginia, for the term of six years, commencing on the 4th day of March, 1899, and that he is entitled to a seat in the Senate as such Senator.

The Secretary proceeded to call the roll.

Mr. HEITFELD (when his name was called). I have a general pair with the senior Senator from New York [Mr. PLATT]. In his absence, I withhold my vote.

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "nay."

Mr. PROCTOR (when his name was called). I am paired with the senior Senator from Florida [Mr. MALLORY]. If he were present, I should vote "yea."

Mr. QUARLES (when his name was called). I have a general pair with the junior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "yea."

Mr. RAWLINS (when his name was called). I have a general pair with the Senator from Ohio [Mr. HANNA]. If he were present, I should vote "yea."

Mr. SULLIVAN (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MASON]; but as I understand, if present, he would vote as I vote on this question, I vote "yea."

The roll call was concluded.

Mr. PROCTOR. With the consent of the Senator from Alabama [Mr. PETTUS], I will transfer my pair with the Senator from Florida [Mr. MALLORY] to the Senator from Massachusetts [Mr. HOAR], so that both the Senator from Alabama and myself can vote. I vote "yea."

Mr. PETTUS. Under that arrangement I am at liberty to vote, and I vote "nay."

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY]; but as he was with the majority of the committee in making this report, he would vote with the majority; and so I feel at liberty to vote, and vote "yea."

Mr. BUTLER. I have a general pair with the Senator from Maryland [Mr. WELLINGTON]. I inquire if he has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. BUTLER. If any Senator on the other side of the Chamber

can tell me how the Senator from Maryland would vote, I shall be obliged to him.

Mr. BACON (after having voted in the affirmative). I inquire if the junior Senator from Rhode Island [Mr. WETMORE] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. BACON. Unless some Senator on the other side of the Chamber can state with certainty how the Senator from Rhode Island would vote, I shall be compelled to withdraw my vote.

Mr. ELKINS. The Senator from Rhode Island would vote "yea," if present.

Mr. BACON. If that assurance can be given, I shall allow my vote in the affirmative to remain.

Mr. BATE. I desire to state that my colleague [Mr. TURLEY] is not present. If he were here he would vote "yea."

Mr. McCOMAS. I will state that my colleague [Mr. WELLINGTON] would vote "yea" on this question, if present.

Mr. BUTLER. As I have already announced, I have a general pair with the Senator from Maryland [Mr. WELLINGTON]; but I am now assured that if he were present he would vote "yea." I therefore feel at liberty to vote; and I vote "yea."

Mr. RAWLINS. I transfer my pair with the Senator from Ohio [Mr. HANNA] to the Senator from Mississippi [Mr. MONEY], who is absent, which will permit me to vote.

Mr. QUARLES. That transfer of pairs will also enable me to vote; and I vote "yea."

Mr. RAWLINS. I vote "yea."

The result was announced—yeas 52, nays 3; as follows:

YEAS—52.

Allen,	Cullom,	Kean,	Proctor,
Allison,	Davis,	Lindsay,	Quarles,
Bacon,	Deboe,	Lodge,	Rawlins,
Baker,	Depew,	McComas,	Ross,
Bard,	Elkins,	McCumber,	Shoup,
Bate,	Foster,	McEnery,	Simon,
Berry,	Frye,	McLaurin,	Spooner,
Burrows,	Gear,	McMillan,	Stewart,
Butler,	Hansbrough,	Martin,	Sullivan,
Carter,	Harris,	Nelson,	Taliaferro,
Chandler,	Hawley,	Perkins,	Teller,
Clark, Wyo.	Jones, Ark.	Platt, Conn.	Vest.
Clay,	Jones, Nev.	Pritchard,	Warren.

NAYS—3.

Morgan,	Pettus,	Turner.

NOT VOTING—32.

Aldrich,	Fairbanks,	Kyle,	Scott,
Beveridge,	Foraker,	McBride,	Sewell,
Caffery,	Gallinger,	Mallory,	Thurston,
Chilton,	Hale,	Mason,	Tillman,
Clark, Mont.	Hanna,	Money,	Turley,
Cockrell,	Heitfeld,	Penrose,	Wellington,
Culberson,	Hoar,	Pettigrew,	Wetmore,
Daniel,	Kenney,	Platt, N. Y.	Wolcott.

So the resolution reported by the Committee on Privileges and Elections was agreed to.

SENATOR FROM MONTANA.

Mr. CHANDLER. I desire to give notice that on Wednesday next, after the conclusion of the routine morning business, I shall ask the Chair to lay before the Senate the resolution in the Montana Senatorial election case, and I shall request the continuous consideration of the resolution until it is disposed of. If no one shall then desire to speak against the passage of the resolution, I myself shall not say anything in its favor, but rest the case upon the written report of the committee.

Mr. ALLEN. I should like to ask the Senator from New Hampshire, the chairman of the Committee on Privileges and Elections, when the evidence in that case will be published.

Mr. CHANDLER. I am able to say—and I am glad the Senator has asked me the question, for I thought some Senator would ask it—that there are 100 copies of the evidence already in the committee room, and a full copy of everything can be furnished to every Senator who desires it.

Mr. ALLEN. I was not aware of that fact. I think we ought to have a longer time to enable us to read that evidence.

Mr. CHANDLER. I will say to the Senator that I will furnish any Senator with the three volumes—the whole thing.

Mr. ALLEN. I shall be very glad to get them.

Mr. CHANDLER. I shall send a bound copy to the Senator's room this evening.

Mr. ALLEN. I hope the Senator will not push the case until we have had an opportunity to read over the evidence and see what it contains, so as to be able to determine the proper course to be pursued.

Mr. CHANDLER. I shall call up the case on Wednesday next.

Mr. BACON. As the Senator from New Hampshire is quite familiar with this case, with these volumes of testimony, and the length of time it has taken the committee to receive it, I should like to inquire of him—he also having the familiarity he has with the ordinary duties of a Senator and the extraordinary duties also—how long, in his opinion, it would take a Senator to read over that testimony with the time that he could spare from other matters?

Mr. CHANDLER. These volumes have been in print for some time, and any Senator could have had one of them, as the testimony has been printed from day to day. There are 3,000 pages of testimony. It is summarized in the report, which has been unanimously agreed to by all the members of the committee, and there are also statements in reference to the testimony in the minority report. I hardly think——

Mr. BACON. I should prefer to read the testimony for myself, rather than to take the statement of others.

Mr. CHANDLER. I have not finished my sentence. I will send a copy of the testimony to Senators. I hardly think it would be reasonable to ask delay in the consideration of this case until every Senator can read 3,000 pages of testimony. If on next Wednesday any Senator has any request to make in reference to the manner of proceeding with the case, of course the Senate will then consider that request.

Mr. ALLEN. Does the Senator think the Senate would be doing itself justice by pushing this case to a conclusion before a reasonable time has elapsed within which the evidence can be read? I have respect myself for the opinion and the ability of the Committee on Privileges and Elections; and yet I think, after all, I would prefer reading the evidence and examining the questions of law involved for myself before I am required to vote.

Mr. CHANDLER. I shall be glad, in order to shorten the labors of any Senator, to wait upon him myself with the three volumes, and expound particular portions of them to him; and it will be very agreeable to me to do that so far as the Senator from Nebraska is concerned.

Mr. ALLEN. If the Senator from New Hampshire will curb his facetious spirit and withdraw his facetious language——

Mr. CHANDLER. I will take it all back.

Mr. ALLEN. And if he will realize that we are engaged in the transaction of business, and not engaged in sport, he will realize, as everyone should realize, that it is asking a good deal of any man who occupies a seat in this Chamber to take the mere conclusions of a committee without an opportunity to read the evidence upon which those conclusions are based.

Now, as I understand it—I have no interest in this case one way or another any more than any other Senator—the Senator proposes to push the Senate in two or three days into the consideration of this case, which it has taken the committee three months to consider and three months to determine what they ought to do, and that, too, without the slightest opportunity to read a syllable of the evidence submitted before that committee. That would be ridiculous in any court or in any other tribunal.

I should like to see this case taken up at an early day and determined, but I want to see it taken up and determined after Senators have had a reasonable opportunity to read the evidence and digest it for themselves, so as to be able to determine what they ought to do in regard to it.

Mr. CHANDLER. I agree to everything the Senator has stated. Senators should have all the opportunity they can reasonably ask for not only to read the report, but to consult the evidence.

The case will be brought up on next Wednesday; and either by arrangement or by vote there can, of course, be such postponement as may be reasonable. Perhaps there will be no difference of opinion as to the time.

Mr. ALLEN. And there may be.

Mr. CHANDLER. And perhaps there may be. If there shall be any, it can be settled by a vote of the Senate.

Mr. STEWART. I should like to inquire of the Senator if the testimony has been indexed, and if there is an index as to names?

Mr. CHANDLER. I will say to the Senator that there is a very carefully prepared and full index, not only an index showing the pages where the testimony of witnesses is to be found, but a subject index. I anticipated the Senator from Nevada. If there is any particular subject connected with the inquiry that he wishes to read about, he will not only find the names of the witnesses and the pages given, but he will find an index of the subject-matter. Everything will be ready, and any Senator can have a copy of the three volumes who wishes for it.

Mr. BATE. I do not understand that the Senator from New Hampshire asks for unanimous consent to take this case up on Wednesday morning and continue it to its conclusion.

Mr. CHANDLER. No, Mr. President; I withdraw my statement that I should ask for a continuous consideration.

Mr. BATE. That is what I desired to know.

Mr. CHANDLER. The subject can then be considered. Whatever may be fair and right in this case can be done, and whatever is important to the sitting Senator from Montana, of course, will be given fair consideration.

I now only give notice that I shall call up the resolution on Wednesday next after the routine morning business. I will furnish a copy of the three volumes to every Senator immediately;

and we shall determine on next Wednesday morning what will be fair and reasonable so far as action on the case is concerned.

Mr. BATE. The Senator withdraws his proposition for continuous consideration.

Mr. CHANDLER. I shall not then ask for continuous consideration.

ELIAS E. BARNES.

Mr. ALLEN. I ask unanimous consent for the consideration at this time of the bill (S. 33) for the relief of Elias E. Barnes.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent for the present consideration of a bill which will be read in full for the information of the Senate.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to pay to Elias E. Barnes $14,548.25, the amount found due him by referees acting under appointment of the then Secretary of the Interior, that amount being the loss and damage sustained by said Barnes by reason of the failure on the part of the United States to keep a contract made and entered into with him by the United States April 21, 1888, for putting in a concrete foundation for the Library building in the city of Washington.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALVADOR COSTA.

Mr. TALIAFERRO. I ask unanimous consent for the consideration of the bill (S. 3080) for the relief of Salvador Costa.

The PRESIDENT pro tempore. The Senator from Florida asks unanimous consent for the present consideration of a bill which will be read in full for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the claim of Salvador Costa be, and is hereby, referred to the Court of Claims, and jurisdiction is hereby vested in said court to hear and determine the same; and all the papers, proofs, evidence, and documents pertaining thereto on the files of the Senate shall be transmitted to the said court to be used at the trial of the cause, in conjunction with such other testimony and proof as may be produced at the hearing. And if the court shall find that the said Salvador Costa is justly entitled to recover anything for his said sloop *Mary Lawrence* or for the use thereof, then it shall render judgment in favor of the claimant for such amount as in the opinion of the court he is fully, fairly, and equitably entitled to, but without interest upon his said claim.

SEC. 2. That no statute of limitation shall apply to the right of recovery by said claimant, and each party shall have the right of appeal to the Supreme Court of the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I now ask unanimous consent that the Senate proceed to the consideration of Senate bill 3419, known as the Alaskan bill.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the unfinished business may be further laid aside, and that the Senate proceed to the consideration of the bill known as the Alaskan bill. Is there objection? The Chair hears none.

Mr. STEWART. I suggest to the Senator from Montana that if we take up the Alaska bill the hour is so late that we shall not have a quorum when the time comes to take a vote. We have not been to the Calendar for a long time, and I propose that we now go to the Calendar of unobjected cases.

Mr. CARTER. I understand the fact to be that the Senator from Utah [Mr. RAWLINS] desires to address the Senate upon the Alaska bill, and he may as well proceed now as in the morning.

Mr. STEWART. By the time he gets through it will be too late for any action in the way of a vote.

Mr. SULLIVAN. Pending that, I ask that the bill (S. 3918) providing for the erection of engine house and the purchase of a chemical engine at Congress Heights, D. C., may be taken up.

Mr. CARTER. I feel constrained to ask the Senator to withhold that request for the time being, in view of the fact that the Senator from Utah is ready to proceed with some remarks on the pending amendment to the Alaskan bill.

Mr. SULLIVAN. Very well.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

Mr. RAWLINS. Mr. President, I do not intend to detain the Senate more than a few minutes. I simply want to make a statement on the question of what I conceive to be the proper solution of this matter, which has involved considerable discussion.

The Committee on Territories in the Alaskan bill, by sections 72 and 73, have presented two propositions. By section 72 an unrestricted right is given to aliens to acquire, hold, and transfer mining property. By section 73 the validity of any location or the transfer of mining claims heretofore made is not to be open to question on account of the alienage of the locator or the grantor. The first proposition is a material departure from the settled policy of the United States as embodied in its mining law.

The second proposition is an attempt to give a retrospective operation to that policy, and to make valid void mining locations and transfers, and to make void valid mining locations and transfers. To attempt to do this latter is not legislation, in my judgment, but confiscation. Every location of a mining claim in the district of Alaska, whether originally made or by whomsoever made, ought to be determined with reference to the law in force at the time the transaction occurred.

Mr. STEWART. That is right.

Mr. RAWLINS. We ought not by legislation to seek to determine the rights in favor of one person or class of persons as against another person or class of persons. That is not the legitimate province of legislation.

For this reason these two sections, 72 and 73, ought, in my opinion, to be stricken from the bill. The amendment proposed by the Senator from Montana [Mr. CARTER] proposes to accomplish that result—to strike out these two sections—and I am in favor at least of that provision to that extent.

This amendment further provides that "nothing in this act contained shall be construed as changing the existing mining laws of the United States." I see no reason why those laws, which have operated so satisfactorily in all the years that they have been in force in this country in the settlement of these rights upon the public domain, should not be continued in respect to the district of Alaska.

It has been asserted here, I think, under a mistaken view of the law, that Great Britain or the Dominion of Canada and Russia allow aliens, citizens of the United States, an unrestricted right to locate and hold mining property within their respective dominion, and that the United States ought not to be less liberal than those foreign countries. There is no reciprocity of mining right or privilege accorded either by the Czar of Russia or by the Dominion of Canada to citizens of the United States. To show that that is true, I read from the latest report of the Commissioner of the Land Office:

UNITED STATES MINING LAWS AND REGULATIONS THEREUNDER.

Section 13, act of May 14, 1898, according to native-born citizens of Canada "the same mining rights and privileges" accorded to citizens of the United States in British Columbia and the Northwest Territory by the laws of the Dominion of Canada is not now and never has been operative, for the reason that the only mining rights and privileges granted to any person by the laws of the Dominion of Canada are those of leasing mineral lands upon the payment of a stated royalty, and the mining laws of the United States made no provision for such leases.

Mr. President, under the laws of the Dominion of Canada a lease may be obtained for a limited area of mineral land, not to exceed 1,000 feet square, for a period of ten years, upon compliance with certain conditions and the expenditure of certain amounts of money and the payment of a certain annual rental, with the right of renewal of such lease for another ten years upon certain conditions, and a further license, which may be granted to miners upon a certain consideration, to mine upon a similar tract of less than a thousand feet square, to continue only for the period of one year. This is the extent of the mining right or privilege granted under the laws of the Dominion of Canada to persons who are not subjects of Great Britain.

Last year Congress passed this law referred to by the Commissioner of the Land Office giving to native-born citizens of the Dominion of Canada precisely the same right or privilege accorded to citizens of the United States by the laws of the Dominion of Canada. But according to this report that law has been inoperative, not on account of any fault of the United States or of its laws, but because no such privileges are accorded under the laws of the Dominion of Canada.

Mr. President, the only other aliens whose rights seem to be in anywise involved in this controversy are subjects of the Czar of Russia. Russia does not permit to American citizens or any alien under any condition any mining right or privilege. Upon the application of certain citizens of my State I had occasion to make an effort in their behalf to procure a privilege to mine in Siberia. It is scarcely necessary to say that I found that such a privilege was not procurable.

These two propositions, as proposed by the committee, if carried into effect would not only be a reversal of the policy settled by our laws in regard to the operation of mines, but let us see what the effect would be. An alien is not authorized under the mining laws to locate a mining claim. A citizen, or one who has declared his intention to become a citizen, is authorized to locate mining ground, and as many claims of the dimensions prescribed in the law as he may be able to locate, complying with the provisions of the law. It is not true that an alien may make a valid location under the law. It is true that an alien may locate a mining claim.

If the alien, before a citizen, or one authorized by the laws of the United States, has located the same ground in compliance with the provisions of and authority conferred by the laws of the Government, has declared his intention to become a citizen, and thus qualified himself to hold, the decisions of the Land Department and the courts go to the extent of holding that that may relate back so as to validate his claim from the beginning, with this qualification: That it can not so relate back so as to cut out or destroy the validity of any intervening adverse right. A, an alien, locates to-day. To-morrow, a citizen, B, locates the same ground. The day after to-morrow the alien declares his intention to become a citizen of the United States. This does not render his original location valid, but the location of B is, under all of the decisions, both of the State and Federal courts, as well as of the Land Office, valid as against the location made by the alien.

This section 73 in that case proposes to make valid the location made by the alien and to make void the valid location made by the citizen.

That is the object sought to be accomplished, as I understand it, by the proposition as made by the committee in this bill, and it is to be the result of the contention of Senators who contend that this amendment offered by the Senator from Montana should not be adopted. That is amendable and subject to the very criticism which the Senator from Wisconsin and other Senators made in regard to the amendment offered by the Senator from North Dakota. We have no right to legislate retrospectively, to make void a valid location or transfer or to make valid a void location.

Mr. President, the proposition as embodied in the proposed amendment of the Senator from Montana, it seems to me, is entirely free from objection down to the point which I have read. It leaves the mining rights in the district of Alaska to be determined precisely as similar rights are disposed of elsewhere in the United States. It proposes expressly to perpetuate the policy adopted in years gone by and which has met with the approval of the Congress and has been adopted in the practice of the miners with the most satisfactory results. But the Senator from Arkansas moves to strike out this part of the amendment offered by the Senator from Montana:

> But in any suit, action, or proceeding hereafter commenced involving the validity of an unpatented mining location in Alaska, any party alleging an interest in the subject-matter may put the competency of the locator in issue, and the courts shall determine whether the locator was a citizen or had declared his intention to become a citizen of the United States at the time the location was made.

I have before me a digest of all the decisions of the State and Federal courts and the Land Office upon that subject. I have carefully gone over them. My view of it is that this last provision embodies nothing more than what is now in the law upon this subject. It may be claimed, therefore, that it is unnecessary, and I think that is true; because while a mere intruder or trespasser or person not connecting himself with the United States can not challenge the competency of a man in the peaceable possession of mining property, the decisions without conflict hold that if an alien locates mining ground before he has declared his intention to become a citizen or before he has transferred his possession to one competent to hold, and a citizen of the United States or one having declared his intention to become a citizen has located ground pursuant to the authority of the Congress of the United States, such qualified locator has a right, as representing the United States and the interest which he has thus acquired by the authority of the United States, to put in question the competency of the original locator, to say that he is an alien and under the law had no authority from the United States to make the location. In that way the second party, as to the ground located by the alien, stands in the shoes of the United States. That is what Lindley on Mines and other writers mean when they say that only the United States or a person connected with the United States in interest can raise the question as to the competency of the party who made the location of the mining ground.

Mr. President, the Senator from Nevada [Mr. STEWART] invited my attention to a recent decision rendered in my State on that subject. The Senator from Colorado [Mr. TELLER] invited my attention to a recent decision of the circuit court of appeals for the Eighth circuit. If the Senator will examine those cases, he will find that what I contend for is precisely what was held in those cases. I read from the opinion of the Supreme Court cited by the Senator from Nevada. I read from page 302, 56 Pacific Reporter:

> From a review of all of them—

That is, of the authorities—

> upon this question, we conclude that if Kappes, although not a citizen—

At the time he made the location of the claim—

> From a review of all of them upon this question we conclude that if Kappes, although not a citizen, performed all the acts necessary to a valid location of the claims and claimed to be the owner thereof, as the proof tends to show, and if he or his administrator performed the work necessary to keep his claims good, had he been a citizen, until the administrator, by order of the court and by consent of the heirs, conveyed the claims to the defendant or its grantors, and if the defendant was a citizen of the United States when it received the conveyance, and after the conveyance to it took possession and control of the claims and kept up the monuments and performed the necessary conditions to keep the claims good, its grantor, being a citizen, carried a good and valid right to the claims as against the plaintiffs from the date of the conveyance to it and its grantors, provided no other right attached in plaintiff's favor prior to such conveyance and the subsequent performance of the required conditions by it and its grantors.

In other words, if no intervening right accrued by the location of the claim prior to the transfer of the possession to a citizen or one qualified to hold, such transferee would be entitled to hold. If there had been an intervening location accruing, then such declaration of the original locator to become a citizen of the United States would not relate back so as to cut out the intervening claimant.

The same principle is affirmed by the decision in the circuit court of appeals in the Eighth circuit. It draws precisely the same distinction; and I call attention to the same principle, as embodied in the decision of the Land Department, which is as follows:

> A claim to public land illegally initiated by an alien may not be validated by a subsequent declaration of intention to become a citizen in the face of an intervening adverse right.

Now, the Wulf case, reported in 152 United States, in no manner conflicts with this doctrine. There the location was by a citizen of the United States, and of course valid. Subsequently it was transferred to an alien, and the court simply held that that did not operate as a forfeiture of the right which had been acquired by the citizen in the original location.

Mr. President, without referring to the numerous decisions upon this subject, I simply content myself by saying that I do not think there is any case where the question has been precisely raised in which it has been held that a party connecting himself with the United States by complying with the mining laws of the United States in the making of a mining location can not raise the question as to the competency of an adverse party, whether claiming by original location or otherwise. Such person indirectly represents the United States in raising the question.

It is true that the decisions go to this extent: That if an alien is in the possession of property, another alien can not raise the question as to his competency to retain possession of it. If an alien is in peaceable possession of property, his right to possession can not be questioned by a mere naked trespasser—a man who does not proceed under and by virtue of the authority conferred by Congress to take possession of and appropriate a part of the public domain for mining purposes.

But in every case in all the courts in California, Nevada, Montana, Utah, and Colorado the question has been permitted to be raised in every instance; and so it has been held in the Land Department where two parties were claiming the same ground, each claiming to have complied with the conditions of the mining laws to give him the right to it, where one of the questions involved was the competency of one or the other of the persons to make the location, it being contended that he was not a citizen or had not declared his intention to become a citizen. So if this be true, the latter part of the amendment offered by the Senator from Montana does not in any wise change the existing law. It is a reaffirmation of that which is found in every decision bearing upon this question.

To further illustrate this idea, in 83 California, the supreme court of California decided that where an alien located mining ground one day and it was relocated the next day by a citizen the citizen took as against the alien. It was held that he could raise the question, as he did raise it in the pleadings, and the decision was in his favor.

In a case, I think in 62 California, where precisely the same question was involved which was presented in the Wulf case in 152 United States, where a citizen located a mining claim and subsequently transferred or sold to an alien, it was held by the supreme court of California that in that case the sale to an alien did not operate to defeat the title so as to permit the relocation of the ground. It did not operate as a forfeiture. So a later decision made by the supreme court of California was regarded by that court as in strict harmony with its earlier decisions and in strict harmony with the decision rendered by the United States Supreme Court, and reported in 152 United States.

Mr. PETTIGREW. I should like to ask the Senator from Utah a question.

Mr. RAWLINS. Certainly.

Mr. PETTIGREW. Have the courts decided that where a citizen purchased a location made by an alien after the ground had been relocated by a citizen, the citizen purchasing from the alien can hold the claim?

Mr. RAWLINS. The courts, without exception, have held to the contrary.

Mr. PETTIGREW. I had been informed that they have so held.

Mr. RAWLINS. They have never so held. I am satisfied that no case can be found to that effect. I have requested the Senator from Colorado and the Senator from Nevada, both of whom have had great experience upon this question, to furnish me a case

holding any such doctrine; and I have been cited by the Senator from Colorado to the Utah case, from which I have just read and in which the court distinctly held that the ground located by an alien was subject to relocation by a citizen, and if so located before the alien declared his intention to become a citizen and thus qualified himself or transferred his possession to a citizen who was entitled to hold, the intervening locator's right would prevail.

Mr. PETTIGREW. That is the point.

Mr. TELLER. Will the Senator from Utah yield to me for a moment?

Mr. RAWLINS. I will.

Mr. TELLER. I wish to say to the Senator that I do not accept that as a correct statement of the law. I shall take occasion to say that he is not correct in that particular. I wish to call his attention, so that he may now make his reply, if he chooses, to this point:

If it is true that the courts have laid down the rule for more than two hundred and fifty years that nobody can take advantage of the alien ownership and holding except the sovereignty itself, which they have held very decidedly—that it is a question for the Government and the Government alone—is it not true that that rule is changed if he is correct when he says that the qualified locator of a claim has so connected himself with the Government that he stands in the place of the Government? If he makes that assertion, he must support it by some decisions, which I challenge him to do.

I can call attention to the case of Fairfax, lessee, *vs.* Hunter, which was settled in 1818, as I recollect, in which the question arose in this way: A grant had been made to Lord Fairfax while we were citizens or subjects of Great Britain. Fairfax adhered to the Crown. The colony of Virginia granted the same land to the Hunter heirs, and the controversy there was between them. That brings up squarely the case which the Senator cited.

Mr. RAWLINS. I understand——

Mr. TELLER. Wait a moment. The court there held that the State of Virginia could not in that method raise the question; that it must be by direct office-found. I shall present that case and have it considered, I hope, by the Senate, because it goes into the question very carefully and shows the reason why nobody but the sovereignty should be allowed to raise the question. I want to say to the Senator that he can not find a case where the courts have adjudicated property against an alien because he was an alien, where the Government itself was not concerned.

Mr. ALLEN. Will the Senator from Colorado permit me to ask him a question?

Mr. RAWLINS. Mr. President, I prefer to go on.

The PRESIDENT pro tempore. The Senator from Utah declines to yield.

Mr. TELLER. I will say that I have not been able to find any case which would cover the Senator's declaration in reply to the Senator from South Dakota.

Mr. RAWLINS. I do not intend to detain the Senate by referring to the numerous cases, a digest of which I have before me, that held precisely what I understood the Senator to dispute. For instance, the case in my own State——

Mr. TELLER. If the Senator will allow me, I do not mean to say that the States have not so held. It was so held in Nevada, so held in Colorado, so held in Utah, so held in Montana, but the Supreme Court, the court of final resort, has in every case set them aside every time they went up.

Mr. RAWLINS. I have here before me the case which the Senator cited, the very latest case, a rehearing of the case of Billings et al. *vs.* The Aspen Mining and Smelting Company. Their attention was called to a decision of the Supreme Court of the United States, and they quote from it.

Mr. TELLER. I have that case here.

Mr. RAWLINS. They say:

> It is true that the mineral lands of the United States are open to exploration and purchase only by citizens of the United States, or by those who have declared their intention to become such; and, had the objection been taken in the court below that such citizenship of the plaintiffs had not been shown, it might, if not obviated, have been fatal. There is, however, nothing in the record to show that it was raised below.

The court further proceeds to say:

> There can be no question, under the provisions of section 2319 of the Revised Statutes, that when application is made for the issuance of evidence of title to mining property it is necessary to show that the applicant is a citizen of the United States, or has declared his intention to become such, before a conveyance of title can be properly issued; and therefore, as was held by the Supreme Court in the case just cited, if a party is seeking to procure the title to mining property from the United States, if taken at the proper time, the objection of alienage would prevent the acquirement of title, and such objection may be made by any one adversely interested.

Mr. STEWART. Will the Senator allow me in that connection?

Mr. RAWLINS. In one moment. Let me complete reading this opinion.

Mr. STEWART. It applies to the applicant for a patent, not to a locator.

Mr. RAWLINS. No; it declares distinctly in this case—

> and such objection may be made by anyone adversely interested. In such cases the sovereign is a party in fact to the proceeding, which is a direct one, for the procurement of title, and the objection of alienage, no matter by whom suggested, is based solely upon the right of the Government to interpose the fact of alienage as a bar to procuring or holding an interest in realty. If, however, the grant of title, or the equivalent, is made to an alien, it can not be attacked by any third party.

Mr. STEWART. What case is the Senator reading from?

Mr. RAWLINS. I am reading from the decision of the circuit court of appeals, reported in 52 Federal Reporter.

Mr. TELLER. What is the case?

Mr. RAWLINS. It is the case of Billings et al. *vs.* The Aspen Mining and Smelting Company.

Mr. STEWART. The statute expressly requires the applicant for a patent to make that showing. In many cases that have come under my observation where an alien had made a location he would, before he made an application for a patent, declare his intention and relocate it. He must be a citizen or a person who has declared his intention in order to get title from the Government. That is another question. You will find in a subsequent section that that is required.

Mr. RAWLINS. Mr. President, I have invited the attention of both the learned Senators to this matter and invited them to produce authorities. They have produced the Wheaton case and the Wulf case.

Now, Mr. President, that involves the right of an alien to hold by purchase against a stranger to the Government, or the sovereignty. That was the Wulf case, in 152 United States. Those cases are cited in this case to which I have just called attention by the circuit court of appeals. Those cases are cited in the case from my own State. They are referred to in the decisions of the different States, in California, including all the mining States, and in each of those cases this distinction is drawn.

The mining laws of the United States are tendered to citizens or those who have declared their intention to become citizens upon certain conditions. The question of citizenship is one of the conditions upon which it grants this bounty. When the location has been made by a citizen and the other conditions have been complied with, there is a qualified right of property in the mining claim. An alien may come in and purchase that for a valuable consideration of the person who has made the location of it, being a citizen or one who has declared his intention to become a citizen.

In that case every requirement of the mining law has been complied with. The land is no longer open to location, because it has already been validly located. No citizen or alien can then come in and plant himself upon that ground with the license or authority of the laws of the United States. In every such case any trespasser is a mere wrongdoer, and he does not connect himself with the United States or with any authority conferred by the United States; therefore he can not raise the question as to the right of possession under those circumstances. In that case the Government alone can enforce the forfeiture by office found.

But take the case where an alien, when not having declared his intention to become a citizen, has located the mining ground, he does it in violation of the express provision of the act of Congress. The citizen of the United States has the right to go upon that and treat it as a void location and conform to the laws of the United States. When he goes there he goes by the authority or by the direction of the United States, the sovereignty, and in so far as he pursues that authority thus regularly conferred upon him he stands in the shoes of the United States, and for the purpose of effectuating the purposes of the United States and its policy he has a right, when the first locator, being incompetent, challenges his right, under the authority of the United States to say, "Here, you have no right from the Government, and I am in the shoes of the Government to show that you are not a citizen and have not declared your intention to become such, and therefore you are not entitled to locate this ground."

But, on the other hand, if an alien locates and after his location declares his intention to become a citizen, he has thus united his competency with the other conditions prescribed by the law and complied with them, and he is there then by authority of law in possession, and his mining claim is not then subject to relocation. A citizen goes in then as an intruder and does not connect himself with the United States. This has been liberally construed by the courts to the extent of giving a retroactive effect to a declaration of an intention to become a citizen, provided only that it does not interfere with any intervening adverse right; but if so, it can not act retrospectively so as to make valid a void location originally made as against an intervening right acquired by the location of a citizen.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Colorado?

Mr. RAWLINS. Yes; I yield.

Mr. TELLER. I wish to ask a question of the Senator. I understand him now to say that the location made by an alien is a void location. Does he understand that it is treated that way in the Departments?

Mr. RAWLINS. I do. I have here numerous decisions by the Land Office which hold precisely this proposition which I make. I have just read one, a decision rendered in 11 Land Decisions, 354, Central Pacific Railroad Company *vs.* Taylor:

A claim to public land illegally initiated by an alien may not be validated by subsequent declaration of intention to become a citizen in the face of intervening adverse rights.

Mr. TELLER. Is that a mining claim or is that under preemption and homestead?

Mr. RAWLINS. Well, the same principle is applied both to homesteads and preemption and to mining law.

Mr. TELLER. Will the Senator cite a mining case?

Mr. RAWLINS. Yes.

An alien may neither locate nor hold a mining claim.

That is supported by numerous decisions. I will call attention to one:

No act by an alien who has not declared his intention to become a citizen can confer upon him any right to public land.

That is in 14 Land Decisions.

Mr. TELLER. Referring to homestead or preemption entry?

Mr. STEWART. Do I understand the Senator to contend that when an alien has located a mining claim and is in possession working it, a citizen can go upon his place while he is in possession and make a valid location, and thus exercise the sovereign right himself and decide that the possessor is an alien and that the citizen has a right to take it?

Mr. RAWLINS. If he complies with the conditions of the mining law by staking the claim and posting his notice accordingly, and by preliminary work which he has performed upon land on which no one except an alien has begun to make a mining location, the location is valid and he stands in the shoes of the Government.

Mr. STEWART. Suppose he does the work and the other has not had an opportunity to do any work on it?

Mr. RAWLINS. I state the legal principle.

Mr. STEWART. Suppose also that he discovered it and was working it and a man comes along and says, "I am going to take your claim because you are an alien, and I confiscate your property."

Mr. RAWLINS. The laws and policy of the United States do not extend this bounty of free mining to any but citizens and those who have declared their intention to become citizens. Therefore, no alien can, with any kind of good faith, make any mining locations upon lands belonging to the United States. No person can buy of an alien in good faith, knowing him to be an alien, because he knows that it is an evasion or a violation of the settled policy of the United States as declared by the law.

Why, think of it in respect to Alaska. No country on earth gives aliens the right to mine. Very few countries permit them to mine on any conditions; the mines are operated on government account. In Canada they have only a limited right for a year, or a lease founded upon a consideration; in Russia not at all. Yet this proposition which has been contended here by some Senators is that during the Arctic night a few Laplanders in sufficient number from Russia can steal down into the district of Alaska and locate every foot of mineral lands within that immense territory and thereby shut out and exclude for all time the citizens of the United States. I say it is a monstrous proposition. I do not know any personalities in this matter or any cases. I am not here advocating any cases.

Mr. STEWART. The Senator wants to be accurate. Now, there never was any distinction made between an alien and a citizen in all Canada and British Columbia until 1899, and that they are going to repeal. They have practically repealed it by the council already. The same terms were applied in Australia. Thousands of our people went to Australia, and the same rules applied to them.

Mr. RAWLINS. I object——

Mr. STEWART. I am stating a fact. You said it never was done. I say it has been done.

The PRESIDENT pro tempore. The Senator from Utah declines to yield.

Mr. STEWART. Our people have had more benefit from it than anybody else.

Mr. RAWLINS. I have already called attention to the fact that this Government has acted as generously to the people of Canada as they can by any possibility demand. Last year we enacted the provision that native-born citizens of Canada could have the same mining rights that are accorded to citizens of the United States in British Columbia and the Northwest Territory by the laws of the Dominion of Canada. That law is still in force. If you strike out these provisions, it will still remain in force.

Now, what does the Commissioner of the Land Office say? He says that that has not been operative, not on account of any fault of the United States, but because in Canada the Dominion of Canada does not permit rights at all only by a lease or license. A man may go into Canada and he is restricted, in the first place, to less than a thousand feet square. If he succeeds in obtaining a lease he can only hold it for ten years on the payment of an annual rental and royalty, as stated here, and upon the expenditure of money afterwards for its development. I have examined the law.

Mr. TELLER. Will the Senator allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Colorado?

Mr. RAWLINS. For a question.

Mr. TELLER. I will call the attention of the Senator, if he does not know the fact, to the fact that a citizen of the United States, by taking out a license on the payment of $5 a year and paying $500, can get a fee-simple title to a claim in Canada.

Mr. RAWLINS. I know he can not.

Mr. TELLER. I know he can.

Mr. RAWLINS. If the Senator will examine the mining laws, the laws of mines in Canada, published last year, and which are in the library——

Mr. TELLER. I wish to say to the Senator that I speak from knowledge, because I have been up there in the mining country, and I know.

Mr. RAWLINS. When?

Mr. TELLER. I have examined the law, and I know that is the law. There can be no mistake about it.

Mr. RAWLINS. Yesterday I invited the attention of the Senator to a volume published last year containing the laws of mines of the Dominion of Canada now in force, and he will find that the statement made by the Commissioner of the Land Office is strictly accurate. What does the Commissioner say in his latest report? It is an official document. The Commissioner says:

Section 13—

Of our law, which I have quoted—

is not now and never has been operative, for the reason that the only mining rights and privileges granted to any person by the laws of the Dominion of Canada are those of leasing mineral lands upon the payment of a stated royalty, and the mining laws of the United States make no provision for such leases.

Mr. STEWART. The Senator is entirely mistaken. I examined the law last week, and I have had it here on my table.

Mr. RAWLINS. I want Senators, if they think I am mistaken, to bring in the law.

Mr. STEWART. I did have it here, and I read it. I had it here.

Mr. RAWLINS. I know the Senator read from a letter.

Mr. STEWART. I had a letter here on my table, and I read extracts from it. There never was any distinction between citizens and aliens in Canada, or any part of the country, until 1899, and then——

Mr. RAWLINS. Now, I will make this proposition to Senators. Of course they are experienced, and I dislike to put myself in opposition to them, and I only do it because I am prepared to verify the correctness of my statement. I ask those Senators to examine the Law of Mines of Canada of 1898, page 286, which they can obtain in the library, and they will find that there are only two classes of mining rights which can be procured. One is the lease of less than a thousand feet square, to continue not to exceed ten years, upon compliance with certain conditions and the payment of certain annual rentals, with the right of renewal upon certain conditions; and the other is the license to continue for but a year upon certain considerations for gold mining.

All the rights that our miners have in the Klondike are obtained by virtue of those licenses. They go there, and however much money they may expend, of however immense value the land they may develop by their labor and expenditure, the Dominion of Canada holds the right at the expiration of the year to take and appropriate that to itself. So in regard to the lease; no matter how much money is expended upon the lease for the term of ten years, at the end of ten years it goes to the Dominion of Canada. In the meantime the rents and royalties go to the Dominion of Canada. There is a right of renewal upon certain conditions for ten years, but when that expires the land belongs to the Dominion of Canada. I defy Senators, under the law now in force in the Dominion of Canada, to find where any permanent fee-simple title to mining property can upon any condition or any circumstances be acquired under their laws.

Mr. PETTIGREW. By an alien?

Mr. RAWLINS. Or by a citizen. Of course in the past they have allowed those rights which have been transferred. I am not disputing but that the Senator from Colorado at the time he speaks of may be entirely correct; but I invite attention to the latest policy as enacted into law in the Dominion of Canada, and after the Senator has examined this page to which I refer, if he can find anything in those laws bearing out the contention he makes, of course I shall be glad to withdraw my statement of the fact.

Mr. TELLER. If the Senator will allow me to interrupt him, I understand there was some recent legislation about the Klondike country which, as has been stated, has not been put in force, and which, we are assured, is to be withdrawn. Now, I speak of what I know, having gone both in 1893 and in 1898 into the British Columbia region.

Mr. RAWLINS. I will not dispute, because——

Mr. TELLER. I say there can be a fee-simple title obtained to mining land.

Mr. RAWLINS. Under the revised statutes of Manitoba there was a right to obtain title. I had occasion to examine it.

Mr. TELLER. And you can get title in the Territory of Victoria, too.

Mr. RAWLINS. The Senator is right. At that time under their laws mining rights might be acquired. But that policy has been reversed. There are certain citizens of the United States now owning rights under those older laws; but that policy has been reversed. They have refused our tender of reciprocity in regard to mining privileges.

Mr. President, under these circumstances I say it would be the grossest injustice to citizens of the United States, thousands of them who have taken their fortunes and their lives in their hands and gone to Alaska, to be shut out, excluded absolutely, by the subjects or citizens of Russia, or Great Britain, or any other country, when under our laws, so liberal, made so purposely, because limited to our own citizens or those who intended to become such, one individual may locate any number of claims upon complying with the conditions of those laws.

Now, in Alaska where gold was discovered a single man making the discovery can open and develop and disclose an immense wealth covering, it is estimated, millions of acres, perhaps, of mining lands. An alien, more advantageously situated, a little better adapted, having been supplied by our Government with the means of access so as to reach it at least a little sooner than citizens of the United States, could take the short cut, and that, too, in violation of the express provisions of our law. They do not take time to go to a competent court to declare their intention, but go before some incompetent tribunal to declare it, and by reason of taking the short and illegal cut they could cut out the American citizens, who are taking the lawful and right road pointed out to them by the laws of the United States. You are proposing by legislation to validate and confirm void locations, made under those circumstances, in favor of subjects of Russia, and give to that autocrat these immense treasures which we bought of them by the payment of money, and shut out our own people.

Now, I am not in favor of that. What we ought to do is to let each transaction, each location and its validity, depend upon the circumstances and facts surrounding it by the law in force at the time it was made, giving the rewards to those who have followed the law and conformed to it and not to those who have attempted to violate it by a short road and thus gain a monopoly and exclude those who are at least as meritorious in their efforts to secure this prize as they.

Now, Mr. President, this is about all I care to say on the subject. It is a plain proposition.

Mr. STEWART. Before the Senator takes his seat, I should like to inquire if he is willing that every provision in the bill in regard to mines shall be left out and leave in nothing but a civil code. That, I think, is what we ought to do.

Mr. RAWLINS. I am not prepared to pass upon the entire code.

Mr. STEWART. No; but——

Mr. RAWLINS. I am prepared to say this, that the amendment offered by the Senator from Montana, in my opinion, leaves the mining laws and policies of the United States precisely as they always have been. That amendment does not undertake to dispose of any right if an alien have a right. It does not propose to validate any right or give anything to him if he does not have the right by virtue of the law in force at the time of the transaction.

Mr. STEWART. But the Senator is not willing to leave the laws as they are, but contends that this amendment is harmless.

Mr. RAWLINS. I think that is just what the amendment does, to that extent.

Mr. STEWART. If the amendment leaves it where it is, why not leave out the amendment? What is the object of this legislation to give one man another man's property? If there is no need of legislation on the subject, why change it?

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 28, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 27, 1900.

COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

Henry B. F. Macfarland, of the District of Columbia, to be a Commissioner of the District of Columbia, vice John B. Wight, whose term of office will expire May 5, 1900.

John W. Ross, of the District of Columbia, to be a Commissioner of the District of Columbia—a reappointment—whose term of office will expire May 5, 1900.

SECRETARY OF LEGATION.

Sidney B. Everett, of Massachusetts, now consul at Batavia, to be secretary of the legation of the United States at Guatemala City, Guatemala, to fill an original vacancy.

UNITED STATES ATTORNEY.

William Wirt Howe, of Louisiana, to be attorney of the United States for the eastern district of Louisiana, vice J. Ward Gurley, jr., whose term will expire May 25, 1900.

PROMOTION IN THE NAVY.

Commander James H. Dayton, to be a captain in the Navy from the 29th day of March, 1900, vice Capt. Silas W. Terry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 27, 1900.

AUDITOR FOR PORTO RICO.

John R. Garrison, of the District of Columbia, to be auditor of the island of Porto Rico.

POSTMASTERS.

Luther M. Alleman, to be postmaster at Littlestown, in the county of Adams and State of Pennsylvania.

Ollie McKellar, to be postmaster at Corning, in the county of Tehama and State of California.

Granville F. Heathcote, to be postmaster at Glen Rock, in the county of York and State of Pennsylvania.

William H. Flora, to be postmaster at Wrightsville, in the county of York and State of Pennsylvania.

Andrew L. Bolger, to be postmaster at Philipsburg, in the county of Center and State of Pennsylvania.

Hiram Jelliffe, to be postmaster at Saugatuck, in the county of Fairfield and State of Connecticut.

Martin B. Allen, to be postmaster at Honesdale, in the county of Wayne and State of Pennsylvania.

Emma Lobb, to be postmaster at Luzerne, in the county of Luzerne and State of Pennsylvania.

Caleb D. Kinner, to be postmaster at Merrick, in the county of Hampden and State of Massachusetts.

Orick H. Kelley, to be postmaster at North Plymouth, in the county of Plymouth and State of Massachusetts.

Frederic E. C. Robbins, to be postmaster at Woodfords, in the county of Cumberland and State of Maine.

Edwin Smith, to be postmaster at Mittineague, in the county of Hampden and State of Massachusetts.

Frederic Robbins, to be postmaster at Watertown, in the county of Middlesex and State of Massachusetts.

Frank E. Nichols, to be postmaster at Warren, in the county of Worcester and State of Massachusetts.

Milton W. Newkirk, to be postmaster at Central Lake, in the county of Antrim and State of Michigan.

Willis M. Wellington, to be postmaster at Oxford, in the county of Worcester and State of Massachusetts.

Martin E. Stockbridge, to be postmaster at Dalton, in the county of Berkshire and State of Massachusetts.

Henry S. Wickware, to be postmaster at Cass City, in the county of Tuscola and State of Michigan.

Louis H. Tovatt, to be postmaster at Standish, in the county of Arenac and State of Michigan.

Ralph Taylor, to be postmaster at Clayton, in the county of Lenawee and State of Michigan.

Frank M. Rhomberg, to be postmaster at Alamogordo, in the county of Otero and Territory of New Mexico.

Theodore R. Hofer, jr., to be postmaster at Carson City, in the county of Ormsby and State of Nevada.

Godfrey Haldiman, to be postmaster at California, in the county Moniteau and State of Missouri.

James E. Rupert, to be postmaster at Conneautville, in the county of Crawford and State of Pennsylvania.

John H. Brubaker, to be postmaster at Elizabethtown, in the county of Lancaster and State of Pennsylvania.

John W. Rice, to be postmaster at Weatherford, in the county of Custer and Territory of Oklahoma.

William E. Homme, to be postmaster at Wittenberg, in the county of Shawano and State of Wisconsin.

Hulda J. Fessenden, to be postmaster at Saylesville, in the county of Providence and State of Rhode Island.

Samuel A. Smith, to be postmaster at Indiana, in the county of Indiana and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 27, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF PRIVILEGE.

Mr. LOUD. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. LOUD. This is a matter, Mr. Speaker, which involves the gentleman from Massachusetts [Mr. FITZGERALD], and I do not know whether he is in his seat or not. If he is not, I will wait a reasonable length of time——

Mr. RICHARDSON. I suggest to the gentleman from California that the gentleman from Massachusetts is not in his seat.

Mr. LOUD. Then I will let this matter go until we have concluded the consideration of the bill before the House last evening on which the yeas and nays were ordered, but no longer. The gentleman has maligned me——

Mr. RICHARDSON. I know nothing whatever, of course, of the question at issue.

Mr. LOUD. I will wait until after the vote is taken on the pending bill.

CIVIL GOVERNMENT FOR HAWAII.

The SPEAKER. The question before the House is on the adoption of the conference report on the Hawaiian bill, and on that the yeas and nays have been ordered.

The question was taken; and there were—yeas 138, nays 54, answered "present" 21, not voting 138; as follows:

YEAS—138.

Acheson,	Dalzell,	Lacey,	Russell,
Aldrich,	Davey,	Lane,	Ryan, N. Y.
Alexander,	Davidson,	Lanham,	Ryan, Pa.
Allen, Me.	Davis,	Lawrence,	Shattuc,
Bailey, Kans.	Denny,	Linney,	Shelden,
Baker,	Esch,	Livingston,	Showalter,
Barber,	Finley,	Long,	Sims,
Barham,	Fitzgerald, Mass.	Loud,	Smith, H. C.
Bartholdt,	Fletcher,	Loudenslager,	Snodgrass,
Bartlett,	Fordney,	Lybrand,	Spalding,
Bell,	Fowler,	McAleer,	Sperry,
Bellamy,	Gardner, N. J.	McClellan,	Sprague,
Benton,	Gibson,	McDowell,	Stewart, N. J.
Boutell, Ill.	Gillet, N. Y.	Mahon,	Stokes,
Bowersock,	Graff,	Mann,	Sulloway,
Bradley,	Graham,	Marsh,	Sulzer,
Bromwell,	Green, Pa.	Mesick,	Tawney,
Brosius,	Grosvenor,	Miller,	Tayler, Ohio
Brown,	Grout,	Mondell,	Thomas, Iowa
Burke, S. Dak.	Grow,	Moody, Oreg.	Tompkins,
Burkett,	Hall,	Moon,	Van Voorhis,
Burleigh,	Hamilton,	Morris,	Vreeland,
Burton,	Haugen,	Mudd,	Wadsworth,
Calderhead,	Heatwole,	O'Grady,	Wanger,
Cannon,	Hedge,	Olmsted,	Warner,
Capron,	Hepburn,	Packer, Pa.	Waters,
Carmack,	Hill,	Parker, N. J.	Weaver,
Clarke, N. H.	Hitt,	Payne,	Williams, W. E.
Cooper, Wis.	Hoffecker,	Pearce, Mo.	Williams, Miss.
Corliss,	Jack,	Pierce, Tenn.	Wilson, N. Y.
Cowherd,	Jenkins,	Ray,	Wise,
Crump,	Johnston,	Reeder,	Wright,
Cummings,	Joy,	Robinson, Ind.	Ziegler.
Curtis,	Kahn,	Rodenberg,	
Dahle, Wis.	Knox,	Rucker,	

NAYS—54.

Adamson,	De Graffenreid,	Little,	Shackleford,
Allen, Ky.	Dougherty,	McCulloch,	Sheppard,
Ball,	Gaston,	McLain,	Smith, Ky.
Brantley,	Glynn,	McRae,	Stark,
Brundidge,	Henry, Miss.	Maddox,	Stephens, Tex.
Burleson,	Howard,	Neville,	Swanson,
Burnett,	Jett,	Newlands,	Talbert,
Caldwell,	Jones, Va.	Noonan,	Tate,
Clark, Mo.	Jones, Wash.	Otey,	Terry,
Clayton, N. Y.	Kitchin,	Rhea, Ky.	Thomas, N. C.
Cooney,	Kleberg,	Rhea, Va.	Underwood,
Cox,	Kluttz,	Ridgely,	Vandiver.
Cushman,	Latimer,	Robinson, Nebr.	
De Armond,	Lester,	Salmon,	

ANSWERED "PRESENT"—21.

Allen, Miss.	Griggs,	Powers,	Thayer,
Campbell,	Hawley,	Rixey,	Wheeler, Ky.
Davenport, S. W.	Hull,	Shafroth,	Zenor.
De Vries,	Meyer, La.	Slayden,	
Gaines,	Miers, Ind.	Southard,	
Gilbert,	Norton, S. C.	Sutherland,	

NOT VOTING—138.

Adams,	Boreing,	Burke, Tex.	Cousins,
Atwater,	Boutelle, Me.	Butler,	Crawford,
Babcock,	Breazeale,	Catchings,	Cromer,
Bailey, Tex.	Brenner,	Chanler,	Crowley,
Bankhead,	Brewer,	Clayton, Ala.	Crumpacker,
Barney,	Brick,	Cochran, Mo.	Cusack,
Berry,	Broussard,	Cochrane, N. Y.	Daly, N. J.
Bingham,	Brownlow,	Connell,	Davenport, S. A.
Bishop,	Bull,	Cooper, Tex.	Dayton,
Dick,	Hemenway,	Moody, Mass.	Smith, Ill.
Dinsmore,	Henry, Conn.	Morgan,	Smith, Samuel W.
Dolliver,	Henry, Tex.	Muller,	Smith, Wm. Alden
Dovener,	Hopkins,	Naphen,	Sparkman,
Driggs,	Howell,	Needham,	Spight,
Driscoll,	Kerr,	Norton, Ohio	Stallings,
Eddy,	Ketcham,	Otjen,	Steele,
Elliott,	King,	Overstreet,	Stevens, Minn.
Emerson,	Lamb,	Pearre,	Stewart, N. Y.
Faris,	Landis,	Phillips,	Stewart, Wis.
Fitzgerald, N. Y.	Lentz,	Polk,	Taylor, Ala.
Fitzpatrick,	Levy,	Prince,	Thropp,
Fleming,	Lewis,	Pugh,	Tongue,
Foss,	Littauer,	Quarles,	Turner,
Foster,	Littlefield,	Ransdell,	Underhill,
Fox,	Lloyd,	Reeves,	Wachter,
Freer,	Lorimer,	Richardson,	Watson,
Gamble,	Lovering,	Riordan,	Weeks,
Gardner, Mich.	McCall,	Robb,	Weymouth,
Gayle,	McCleary,	Roberts,	White,
Gill,	McPherson,	Robertson, La.	Williams, J. R.
Gillett, Mass.	May,	Ruppert,	Wilson, Idaho
Gordon,	Meekison,	Scudder,	Wilson, S. C.
Greene, Mass.	Mercer,	Sherman,	Young.
Griffith,	Metcalf,	Sibley,	
Hay,	Minor,	Small,	

Mr. GRIGGS. Mr. Speaker, I desire to state that I am paired on all political questions with Mr. CROMER, of Indiana, and there appearing to be a division in the House on political lines, I withdraw my vote in the negative, and desire to be marked as "present."

Mr. HAWLEY. Mr. Speaker, I have a general pair with my colleague, Mr. COOPER of Texas. I voted "aye" on this proposition, but desire to withdraw my vote and be marked as "present."

Mr. WHEELER of Kentucky. Mr. Speaker, I am paired with my colleague, Mr. METCALF, and desire to withdraw my vote and be marked as "present."

Mr. HULL. I am paired with the gentleman from Virginia, Mr. HAY; and as I voted and he has not, I desire to withdraw my vote and be marked as "present."

Mr. SUTHERLAND. Mr. Speaker, I voted in the negative. I find that I am paired, and in order to observe that pair, I will ask to withdraw my vote and be marked as "present."

Mr. JAMES R. WILLIAMS. Mr. Speaker, I did not hear my name called. I was in the Hall, but did not hear my name.

The SPEAKER. Was the gentleman listening when his name should have been called?

Mr. JAMES R. WILLIAMS. I was listening when the roll was called. My attention might have been called away at the moment my name was called. I did not hear my name called.

The SPEAKER. The gentleman's name can not be called upon that statement.

Mr. THAYER. I will ask if the gentleman from Massachusetts, Mr. GILLETT, has voted?

The SPEAKER. He has not.

Mr. THAYER. I am paired, and wish to withdraw my vote and to answer "present."

Mr. ZENOR. I have a general pair with my colleague, Mr. BRICK. I voted on the roll call, and am inclined to think my colleague would vote just as I did, but not being advised on that point, I desire to withdraw my vote and be marked as "present."

Mr. FITZPATRICK. I desire to say that I am paired generally with the gentleman from Kentucky, Mr. BOREING. If he were here, I do not know how he would vote. I was present, but refused to vote, but if he were here, I should have voted "aye."

The SPEAKER. This statement is entirely out of order.

Mr. MIERS of Indiana. Mr. Speaker, I am paired with the gentleman from Indiana, Mr. HEMENWAY. I voted "no" and desire to withdraw my vote and to answer "present."

Mr. GAINES. Mr. Speaker, having voted in the affirmative, I wish to withdraw my vote and to answer "present," as I am paired with the gentleman from Massachusetts, Mr. MCCALL.

The Clerk announced the following pairs:

For the session:

Mr. HULL with Mr. HAY.

Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.

Mr. WRIGHT with Mr. HALL.

Mr. METCALF with Mr. WHEELER of Kentucky.

Mr. PACKER of Pennsylvania with Mr. POLK.

Until further notice:

Mr. ADAMS with Mr. BERRY.

Mr. GILLETT of Massachusetts with Mr. THAYER.

Mr. SOUTHARD with Mr. NORTON of Ohio.

Mr. STEELE with Mr. BURKE of Texas.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. PRINCE with Mr. GRIFFITH.

Mr. MINOR with Mr. RIXEY.

Mr. COCHRANE of New York with Mr. CROWLEY.

Mr. MERCER with Mr. CLAYTON of Alabama.

Mr. OTJEN with Mr. BRENNER.

Mr. LANDIS with Mr. LAMB.

Mr. PUGH with Mr. TAYLOR of Alabama.

Mr. HAWLEY with Mr. COOPER of Texas.

Mr. McCALL with Mr. GAINES.
Mr. BOUTELLE of Maine with Mr. COCHRAN of Missouri.
Mr. MOODY of Massachusetts with Mr. WILSON of Idaho.
Mr. WEEKS with Mr. SMALL.
Mr. ZENOR with Mr. BRICK.
Mr. LORIMER with Mr. CUSACK.
Mr. STEWART of Wisconsin with Mr. NORTON of South Carolina.
Mr. EMERSON with Mr. RUPPERT.
Mr. DRISCOLL with RIORDAN.
Mr. STEWART of New York with Mr. MAY.
Mr. MIERS of Indiana with Mr. HEMENWAY.
Mr. RANSDELL with Mr. SIMS.
Mr. ROBERTS with Mr. NAPHEN.
Mr. GILL with Mr. LEWIS.
Mr. GARDNER of Michigan with Mr. ATWATER.
Mr. HENRY of Connecticut with Mr. GORDON.
Mr. POWERS with Mr. BANKHEAD.
Mr. OVERSTREET with Mr. STALLINGS.
Mr. GAMBLE with Mr. ROBERTSON of Louisiana.
Mr. WATSON with Mr. ELLIOTT.
Mr. DOLLIVER with Mr. ROBB.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. McCLEARY with Mr. SPIGHT.
Mr. SHERMAN with Mr. DRIGGS.
Mr. CONNELL with Mr. STANLEY W. DAVENPORT.
Mr. BARNEY with Mr. ALLEN of Mississippi.
Mr. REEVES with Mr. SPARKMAN.
Mr. CROMER with Mr. GRIGGS.
Mr. BOREING with Mr. FITZPATRICK.
Mr. BISHOP with Mr. CAMPBELL.
Mr. DOVENER with Mr. CATCHINGS.
This day:
Mr. BULL with Mr. BREWER.
Mr. LITTAUER with Mr. LLOYD.
Mr. PEARRE with Mr. QUARLES.
Mr. KERR with Mr. LENTZ.
Mr. DAHLE of Wisconsin with Mr. GAYLE.
Mr. BUTLER with Mr. SUTHERLAND.
Mr. BROWNLOW with Mr. SLAYDEN.
Mr. EDDY with Mr. FITZGERALD of New York.
Mr. KETCHAM with Mr. MULLER.
Mr. YOUNG with Mr. BENTON.
Mr. BABCOCK with Mr. HENRY of Texas.
Mr. COUSINS with Mr. BREAZEALE.
Mr. DICK with Mr. CHANLER.
This vote:
Mr. WACHTER with Mr. RICHARDSON.
Mr. NEEDHAM with Mr. FOSTER.
Mr. LITTLEFIELD with Mr. BAILEY of Texas.
Mr. GREENE of Massachusetts with Mr. DE VRIES.
Mr. FARIS with Mr. DINSMORE.
Mr. CRUMPACKER with Mr. FOX.
Mr. CONNELL with Mr. STANLEY W. DAVENPORT until Tuesday next.

Mr. McCLEARY. Mr. Speaker, I find that I am paired. I did not know it at the time I voted. I ask leave to withdraw my vote and to answer "present."

The result of the vote was announced as above recorded.

On motion of Mr. KNOX, a motion to reconsider the last vote was laid on the table.

CORRECTION OF A REPORT.

Mr. LACEY. I would like to make a correction in the RECORD. By mistake, Report No. 1158, on the Minnesota National Park, was filed as coming from the Public Lands Committee, when it should have been filed as coming from the Committee on Indian Affairs. I ask leave to withdraw the report, and will file it as from the Indian Affairs Committee.

The SPEAKER. This is not a correction of the RECORD. The gentleman from Iowa asks unanimous consent to withdraw the report named for the purpose of making a correction therein. Is there objection?

There was no objection.

BENJAMIN D. GREENE AND OTHERS.

Mr. LOUD rose and was recognized.

Mr. RAY of New York. Mr. Speaker, the gentleman from California consents to allow me to present a privileged report. In view of the importance of the subject involved, I ask unanimous consent that the report and papers accompanying it may be printed in the RECORD.

Mr. SULZER. What is the report?

Mr. RAY of New York. It relates to the Gaynor matter.

The SPEAKER. The Clerk will first read the report to the House, so that they may understand what is before them.

The Clerk read as follows:

Whereas Benjamin D. Greene, John F. Gaynor, Edward H. Gaynor, and W. T. Gaynor were duly indicted by the grand jury of the United States for the southern district of Georgia, upon presentment to United States District Judge Emory Speer, at Savannah, Ga., for defrauding the Government of the United States of more than $2,000,000 in connection with Capt. Oberlin M. Carter; and

Whereas the said parties were arrested in the city of New York upon the requisition issued out of the district court of the southern district of Georgia, and upon the hearing before United States Commissioner Shields were ordered to be delivered to the custody of the proper officials to be surrendered to the officers of said district court for the southern district of Georgia; and

Whereas Judge Addison Brown, of the United States district court of New York, upon an appeal from said order of Commissioner Shields, overruled said order for the removal of said parties to Savannah, Ga., and ordered their discharge; and

Whereas the Attorney-General of the United States is reported in the public press to have stated that the decision of Judge Brown was "unwarranted by the law and the facts:" Therefore, be it

Resolved, That the Attorney-General be, and he is hereby, directed to inform the House of Representatives what further steps, if any, have been taken to cause Benjamin D. Greene, John T. Gaynor, Edward H. Gaynor, and W. T. Gaynor to be remanded to the jurisdiction of the district court of the southern district of Georgia for trial.

The Committee on the Judiciary, to which was referred the resolution H. Res. 234, a copy of which is annexed, report the same back with the recommendation that it lie on the table.

In view of the information given in the letters and papers, copies of which are annexed, the adoption of such resolution is unnecessary.

The Senate act on the subject has passed that body, and is now pending before the Committee on the Judiciary of the House. A hearing thereon is to be had Friday, May 4.

The SPEAKER. The question is on agreeing to the report.

Mr. LIVINGSTON. Mr. Speaker, I would like to have some definite statement from the chairman of the Committee on the Judiciary whether he intends to report that bill to the House or not.

The SPEAKER. Of course the House understands that debate is not in order on this motion, and anything that takes place will be by unanimous consent.

Mr. RAY of New York. My request was, Mr. Speaker, that this report and accompanying papers might be printed in the RECORD. That would give any information to the gentleman that he needs. There are two letters there from the Attorney-General giving full information about this matter.

The SPEAKER. The gentleman from New York asks unanimous consent to have the report just read and the accompanying papers printed in the RECORD. Is there objection?

Mr. WILLIAMS of Mississippi. I object to it until we can see what it is.

The SPEAKER. The question is on agreeing to the report.

The question was taken; and the report was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. EDDY, indefinitely, on account of sickness.
To Mr. SPIGHT, indefinitely, on account of sickness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 10097. An act to authorize the Atlantic and Gulf Short Line Railroad Company to build, construct, and maintain railway bridges across the Ocmulgee and Oconee rivers within the boundary lines of Irwin, Wilcox, Telfair, and Montgomery counties, in the State of Georgia;

H. R. 8962. An act to authorize the New Orleans and Northwestern Railway Company, its successors and assigns, to build and maintain a bridge across Bayou Bartholomew, in the State of Louisiana;

H. R. 8585. An act to amend an act entitled "An act to prevent forest fires on the public domain," approved February 24, 1897;

H. R. 2331. An act granting an increase of pension to Festus Dickinson; and

H. J. Res. 168. Joint resolution for change in location of aids to navigation on Simmons Reef and Lansing Shoal, in Lake Michigan.

PERSONAL PRIVILEGE.

Mr. LOUD. Under ordinary circumstances, Mr. Speaker, I would not detain this House on a question of personal privilege. I would not on one betrayal, at least, Mr. Speaker; but when it comes to two or three I think it my duty, especially where a gentleman has inserted a charge in the RECORD that the Reporter's notes do not contain. I refer to page 5097 of the daily RECORD, and will quote Mr. FITZGERALD of Massachusetts. This was on yesterday:

The question of personal privilege, Mr. Speaker, is that the gentleman from California, chairman of the Committee on the Post Office and Post-Roads, made an agreement here yesterday in the presence of the House which he has violated. In the discussion yesterday regarding the amendment introduced by him and passed by the House repealing the eight-hour law, he said he would offer no objection to the committee going back to that paragraph.

The amendment was passed under a misapprehension, owing to the statement made by the gentleman from California that it was acceptable to the letter carriers. This was not a true statement of the facts, as I afterwards found out, and in order that the House may preserve its rights in the matter I asked the gentleman from California to return to this paragraph. This he agreed to do; but he has since violated that agreement. I think, Mr. Speaker, that the House should take some notice of this action, and at any rate allow the members to consider this amendment anew.

Now, probably if that charge had been made upon the floor, I

should not have risen to a question of personal privilege, but I hold up to the attention of the House what has been injected into the RECORD by the gentleman from Massachusetts. He has entirely erased every word that the Reporter's notes credited him with saying, and has made up and written in what he thought last evening, probably in the seclusion of his home, the people of his State thought he should have said.

Now, let us go over this whole transaction; and while, Mr. Speaker, so far as this House is concerned, I am perfectly willing to leave my reputation and my statements to this House as between the gentleman from Massachusetts and myself, I believe the House does not think I would violate an agreement that was made; but, Mr. Speaker, the gentleman who made this charge is a member of the House of Representatives of the United States of America. Some people think that such a person is a great man. Some people, Mr. Speaker, may take this gentleman seriously, while, of course, I do not; and if it were not to go beyond this House, why, I would pay no more attention to it than a fly lighting upon my nose; and statements that the gentleman has made before, let me say, Mr. Speaker, I have not resented.

The gentleman has performed on my back, like a monkey performs on the back of an organ grinder, for years, and I have not resented it. It has amused him, and helped him, possibly, in his district to secure votes; and I was perfectly willing, Mr. Speaker, to have the gentleman perform once or perhaps twice. But you know that on a summer day when a fly lights upon your forehead once you brush him gently away. That furnishes employment and amusement for him; but when he persists, Mr. Speaker, the anger of the calmest man is aroused.

Now, then, we will go over this statement and see if "the gentleman from California," the chairman of the Committee on Post-Office, had broken any agreement that he made. This I will say, and after I get through I am perfectly willing to have remain in the RECORD what the gentleman did say. I turn to page 5050, because what I find in the RECORD on the matter I suppose is a correct transcript of what transpired before that. Now, the gentleman from New York quoted what took place in relation to the insertion of this amendment.

The chairman of the committee offered an amendment in relation to the eight-hour law which I will not read. The gentleman from Massachusetts [Mr. FITZGERALD] said: "I wish to inquire whether this applies to all offices?"

Mr. LOUD. It does; and my understanding is that the letter carriers themselves have agreed that this will be an improvement in the method of managing the business of the carrier service, by reason of the fact that on some days the mail is extremely heavy and on other days quite light. This would permit the working of the carriers eight and one-half or nine hours a day; but it is provided that they shall not work more than forty-eight hours during a week. The result would be, as suggested to me by many carriers, that on Saturdays, when the business in our cities is light, they would probably get the afternoon to themselves, that being a short working day of perhaps only four or five hours.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I am glad the amendment has been offered if it carries the remedy suggested by the gentleman from California. The reason I asked the question is because the amendment is made to a clause in the bill applying to letter carriers in new offices.

At that time the gentleman was glad to welcome this amendment, only fearful that it might not apply to the offices of the first class, a city from which the gentleman comes.

Then, on page 54, the gentleman from California [Mr. LOUD] in answer to the remark of the gentleman from New York said:

Mr. LOUD. Oh, yes; they are. The amendment went in in such shape that I supposed it was the unanimous wish of Congress. Yesterday, I believe it was; to-day somebody has heard from a carrier, and he has changed his mind. Yesterday it was wise legislation, and to-day it can not go, because you have heard from the carriers.

Mr. FITZGERALD of Massachusetts. Because it was put in under false pretenses.

Mr. LOUD. It was not put in under false pretenses. Yesterday it seemed to be the unanimous wish. And let me say to you in perfect good faith that I have not heard a single carrier yet object to it.

Let me say that the gentleman did not raise the point of order, and when he had finished asking the question of me, I proceeded to answer it. His right to raise the point of order had gone and the amendment was before the House. The gentleman, I know, will say that he did not attack the amendment then because I said it was acceptable to the carriers. I did make that statement, and I repeat that statement to-day that it was acceptable to the carriers as a whole.

Now, then, on the same page, in the next column, appears the following:

Mr. LOUD. I do not think I have anything further to say. So far as I am concerned, I am perfectly willing, if the gentleman from New York wants to raise the point of order against that amendment, that we should go back to it, and let it go out on a point order. If the friends of the letter carriers do not want this provision here, I am perfectly willing that it should go out on the point of order.

Mr. FITZGERALD of Massachusetts. If the gentleman will give way for a request for unanimous consent that that may be done, I will raise the point of order.

Mr. LOUD. I am perfectly willing.

Mr. FITZGERALD of Massachusetts. Then I ask unanimous consent, Mr. Chairman, that we may go back to that paragraph.

Mr. LOUD. Wait until we get through with this paragraph.

Now, then, that paragraph was passed. The House was in session for some time on that evening. The House was in session yesterday until about half past 3, and the gentleman had an opportunity to make this request, and yet he did not see fit to make it. Perhaps he thought it was my business to go and urge him to do it. Now, I will digress from the record. I hate to do it, because when you are dealing with a gentleman of this character—I am compelled by the rules of the House to call him a gentleman—it is dangerous to get away from the record, because then it becomes a question between man and man. But let me say that the gentleman from Massachusetts came over to this side and he heard two members say that if he did make that request they would object to it. The gentleman allowed the next day to pass until we had completed the bill.

It seems the gentleman from Indiana [Mr. ROBINSON] could get in; it seems the gentleman from New York [Mr. CUMMINGS] could get in, but finally at the last moment, when the Speaker had got into the chair, then the gentleman from Massachusetts was very anxious and claimed that I had broken an agreement that he said I made with him. There were four or five hours that the Committee of the Whole were in session while the gentleman could have made his request, and yet he made no request in relation to it, because he knew it would be objected to.

Now, then, Mr. Speaker, all I ask the House to do, and I make that motion, although it is a matter of small importance to me, is to insert in place of what the gentleman has so cunningly inserted what the Reporter's notes report him to have said.

The SPEAKER. Does the gentleman wish to send the Reporter's notes up to have them read?

Mr. LOUD. I do, although I do not know that anybody can read what was originally there; I can not. I will move, Mr. Speaker, to insert in the permanent RECORD what the Reporter's notes show the gentleman to have said, in place of what he has inserted in the RECORD.

The SPEAKER. The motion will cover the ground.

Mr. RICHARDSON. I hope the gentleman from California will have the Reporter's notes read, showing what the gentleman from Massachusetts said.

Mr. FITZGERALD of Massachusetts. I was about to make that request. Before that is done, Mr. Speaker, to show the courtesy that has been exhibited to me all through this matter, I wish to state that when I came into the House at quarter past 12 this morning this matter was brought to my attention by one of the members, who stated that the gentleman from California [Mr. LOUD] was going to take exception to my remarks as reported in the RECORD. I sent to Mr. LOUD and asked as a matter of courtesy that I be allowed to look at the original remarks which I had made upon the floor of the House, which he had in his possession, and he absolutely refused to do it.

I do not know at the present time the exact language of the remarks that I made on yesterday. The gentleman from California has not been courteous enough to read those remarks, so as to enable the House to understand their nature and to determine whether I departed from the ordinary practice of the House in making my revision. Now, Mr. Speaker, I ask that the copy of the remarks as they were made by me on the floor of the House be read from the Clerk's desk.

The SPEAKER. The stenographer has just been ordered to produce them.

Mr. FITZGERALD of Massachusetts. Well, Mr. Speaker, I will not delay the House while that is being done if it takes any length of time to reproduce those remarks, but I will ask that they be read a little later, while I have the floor. I wish to state that what I did yesterday in the revision of my remarks was done, as I thought, in accordance with the rules of the House.

The gentleman very well knows that I persisted here all day yesterday in an attempt to get recognition so as to ask the House to go back to the paragraph amending the letter carriers' bill, in order that I might make a point of order against the amendment which was originally introduced by the gentleman. Almost every member of this House was deceived by the gentleman when on Tuesday last he introduced this amendment, because it was a clear violation of the rules of the House. It was subject to a point of order; and after the fight that the gentleman from California had made upon the floor of this House against the amendments introduced by myself and other members in favor of an increase of the salaries of clerks and letter carriers—after the fight he had made against those amendments by raising points of order, we did not think the chairman of the Committee on the Post-Office and Post-Roads would a minute after descend to the low level that he did descend to by bringing into this House an amendment repealing the eight-hour law, which was clearly out of order.

The amendment was read very quickly by the Clerk, as is the case with all amendments presented when the House is in Committee of the Whole, and, as I said a few moments ago, there were very few members who understood what the amendment really was. As I stated before, nobody supposed that the chairman of the committee would so clearly put himself beyond the pale of the rules of the House by introducing as an amendment to the Post-Office bill a provision repealing the eight-hour law; but that is

just what he did. It seemed incomprehensible to me at that time that this amendment had that effect; and when I asked the gentleman if it applied to all post-offices (because when he offered that amendment it was offered to a paragraph relating to the institution of free delivery in new offices), he said, "Yes; it applied to all post-offices and that it was sanctioned by the letter carriers."

Thinking that the gentleman would not make any statement upon the floor of this House that was not true—willing to say now (I will not descend to the level that he has reached in his characterization of me) that he believed that statement to be true that the amendment was favored by the letter carriers—I offered no point of order. Later I was met in this Capitol by representatives of the Letter Carriers' Association—five of them—and they, speaking authoritatively for every letter carrier in the United States, protested against this amendment being carried in the Post-Office bill. They asked me to use every effort to get the matter properly before the House, so that the members could vote intelligently upon the proposition. [The members of the House know what followed as the gentleman from California having just stated the facts regarding what transpired in the House on the day before yesterday.]

I asked that the House be given the privilege of going back to that paragraph, and the gentleman said that he would make no objection. The gentleman from Pennsylvania [Mr. DALZELL], who occupied the chair at that time, said he thought that it would not be wise to break in upon the consideration of the provision regarding railway post-office clerks, which was under consideration at the time, and I waived the motion at that time so as to facilitate the business of the House. In consultation with members of the House it was then agreed that it would be better to let the Post-Office bill be completed and after the completion of the bill to ask unanimous consent to go back to that amendment. I went to the gentleman from California just as the bill was about to be passed, and he took no notice of the request I made. I walked down the aisle and stood on the floor here, and the gentleman from Pennsylvania who was in the chair at that time can verify this statement, and I think the RECORD will verify it—I called out, "Mr. Chairman, Mr. Chairman," two or three times, so as to get recognition on this matter before the House went from the Committee of the Whole into the House.

The gentleman from Pennsylvania then occupying the chair either did not see me, or else did not care to recognize me at that time, the motion was carried to discharge the committee, and accordingly the committee went back into the House. Immediately on the assembling of the House, when the Speaker had taken the chair, I rose to a question of privilege and made what I believed to be, and believe now to be, the same charges which were reported in the RECORD. I think, Mr. Speaker, that it is the privilege of the members of the House and has been the practice to make such minor corrections which do not change the substance of the matter. That has been the established practice of the House since I have been a member of it, for several years past. I do not think, although I can not remember the exact language, that I departed from any established practice of the House or that I added any new charge when I did, as has been the custom here, make some changes or modifications in the language. But it is plain that the changes do not affect the substance of what I said.

I knew that the gentleman in charge of the bill had not treated this matter in what I believed to be the proper way. I felt that I was not at fault, but that he, as chairman of the Committee on the Post-Office and Post-Roads, had not done what I regarded as exact justice. Now, Mr. Chairman, I wish to go further. When a member in charge of a bill, the chairman of the committee, comes into the House and uses a subterfuge as to the eight-hour law, he does not do an honorable act. I make the charge here; and if members in the consideration of that proposition were misled, it was not their fault, but the fault of the chairman of that committee.

Now, I went to the Reporter's desk on yesterday afternoon immediately after the colloquy to which the gentleman refers, in which I was engaged, and asked to see the official notes of the debate. The manuscript was not ready at the time, and a portion of it was brought to my house by the messenger about 7 o'clock. I asked him to bring the remaining portions of the debate when he called again. I saw him again after 11 o'clock, and he told me that the colloquies were written on so many different sheets, the matter of which was out among a great many members, that the Printing Office was not able to get them all together up to that time, but would have them presently. The hour being late, and not wishing to put the men at the Printing Office to unnecessary trouble, I told the messenger not to bother about the matter any more. I therefore made the correction in the RECORD, Mr. Speaker, with incomplete data before me.

Now, Mr. Speaker, I wish to say this, in justice to myself: If I have said anything that was offensive to the gentleman from California or to the House or that places him in a false position, I am quite willing to retract the words. But the gentleman from California himself has invited the issue. If I have infringed the practice of the House in this regard, I am entirely willing to make whatever correction is necessary; but I insist that my language as it appears in the RECORD is practically the same as that uttered on the floor of the House.

Now, Mr. Speaker, I ask that the original remarks used by myself on yesterday be read in this connection, so as to show precisely what was said on that occasion.

The SPEAKER. The Clerk will read the Official Reporter's notes of the remarks of the gentleman from Massachusetts.

The Clerk read as follows:

Mr. FITZGERALD of Massachusetts. The question of personal privilege is that the gentleman from California, the chairman of the Committee on Post-Offices and Post-Roads, made an agreement here yesterday, in the presence of the House, before the bill was through its consideration in Committee of the Whole House on the state of the Union, to recur to the paragraph which repeals the eight-hour law, so that the point of order could be made against it; and, Mr. Speaker, I desire to say that I allowed that provision to be voted on here, and had I understood the statement made by the chairman of the Committee on Post-Office and Post-Roads that this agreement—

The SPEAKER. That is the entire sentence as it appears from the RECORD.

Mr. FITZGERALD of Massachusetts. That is correct, Mr. Speaker. The statement that I was about to make was stopped by the fall of the gavel of the Speaker, who said that this matter was not properly before the House at the time, as the matter had not come from the Committee of the Whole to the House.

Now, I contend that the language used by me on yesterday afternoon, as read by the Clerk, and the language in the RECORD, as shown in this morning's report, is practically in the same line and within the scope of the changes allowed to be made by the members of this body.

That is all I desire to say.

The SPEAKER. The motion before the House is that the original language used by the gentleman from Massachusetts be inserted in lieu of what appears in the RECORD, and that the language as it now appears on the pages referred to by the gentleman from California be stricken out. Has the Chair correctly stated the motion?

Mr. LOUD. That is correct.

Mr. FITZGERALD of Massachusetts. Do I understand, Mr. Speaker, that the rules of the House are to be construed so that no member is allowed to have the right to change the language used by himself on the floor of the House in the correction of the RECORD or in the preparation of his remarks for publication?

The SPEAKER. Undoubtedly the rules of the House will not allow a member to change his remarks beyond merely verbal or grammatical changes, especially if they involve the status or the rights or position of any other member in any shape or form.

Mr. FITZGERALD of Massachusetts. If that is the ruling of the Chair, I will ask unanimous consent that the remarks printed in the official RECORD as coming from myself be withdrawn and the other to which I have referred be substituted.

Mr. RICHARDSON. Mr. Speaker——

The SPEAKER. The gentleman will suspend for a moment. The gentleman from Massachusetts [Mr. FITZGERALD] asks unanimous consent that his remarks as he prepared them be withdrawn from the RECORD and the remarks as he uttered them on the floor of the House be substituted. Is there objection?

Mr. FITZGERALD of Massachusetts. Mr. Speaker——

Mr. RICHARDSON. I only rose, Mr. Speaker, to say that while I do not take any exception to the announcement of the rule by the Chair in this case, I believe there was a general leave to print, and each gentleman might have the right as a general rule to add to his remarks.

The SPEAKER. That was not the question submitted to the Chair. The Chair does not know about that.

Mr. FITZGERALD of Massachusetts. I make that motion, so as to conform to the rules of the House as given out by the Chair; and if it is understood, and the Chair so rules, that no member of the House is allowed to change his remarks in any form, then I I think——

The SPEAKER. The Chair has not stated that.

Mr. FITZGERALD of Massachusetts (continuing). That the RECORD of the House as printed since I have been here has been uniformly wrong.

The SPEAKER. The Chair has not so stated to the gentleman from Massachusetts. Every one knows that it is allowable to make changes which affect the grammatical construction of sentences.

Mr. SHATTUC. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. The question is on agreeing to the motion of the gentleman from California.

The question being taken, the Chair announced that the ayes appeared to have it.

Mr. WHEELER of Kentucky. A parliamentary inquiry, Mr. Speaker. I understood the Chair to put the question first upon the request of the gentleman from Massachusetts.

The SPEAKER. The gentleman from Massachusetts [Mr. FITZGERALD] asked unanimous consent to have done exactly what the motion of the gentl man from California [Mr. LOUD] will do. When the matter was submitted and was about to go through the House, as the Chair thinks, the gentleman from Tennessee [Mr. RICHARDSON] made a statement, when the regular order was demanded. A demand for the regular order is equivalent to an objection to a request for unanimous consent, and brings the House to the consideration of the motion before the House. The ayes appear to have it, the ayes have it——

Mr. FITZGERALD of Massachusetts. I doubt that vote, Mr. Speaker.

Mr. LOUD. I hope the request of the gentleman from Massachusetts will be complied with, if it pleases him or anybody else. I do not care how the matter goes out.

Mr. SHATTUC. Regular order.

The SPEAKER. The regular order is demanded. The ayes have it, and the motion prevails.

Mr. FITZGERALD of Massachusetts. I doubt that vote unless the House is clear as to just how this matter proceeds. I was perfectly willing to comply with the rules of the House, and in order to do so I asked unanimous consent that the remarks as they were printed in this morning's RECORD might be omitted and the original copy of the remarks printed instead. Now, I do not understand there was any objection to that; but if there is objection and the gentleman's motion is voted upon, I wish to doubt the vote and call for a rising vote.

Mr. RICHARDSON. Mr. Speaker, may I be recognized for a moment?

The SPEAKER. Does the gentleman demand a division?

Mr. RICHARDSON. While that is pending may I be recognized, Mr. Speaker? These divisions of opinion arise here continually about changing words. We know that right is often asked, and I think it a little ungracious now to vote this matter out, when the gentleman asks unanimous consent to do what the motion seems to do. I do not see any use in visiting any kind of discourtesy upon the gentleman. The gentleman from California [Mr. LOUD] very properly says he has no objection. Now, why not let the change be made without undertaking to be discourteous to a member? It ought not to be done.

Mr. SHATTUC. As a courtesy to the gentleman from Massachusetts [Mr. FITZGERALD], who seems disposed to act fairly in this matter, I withdraw my request for regular order.

Mr. RICHARDSON. I hope there will be no objection to letting the matter go in that way.

The SPEAKER. A motion has been pending and declared carried; still it has not passed the point where a division might be demanded. The demand for the regular order having been withdrawn, the Chair will again submit what may be termed a request for unanimous consent by both gentlemen connected with this controversy. Is there objection to the request of the gentleman from Massachusetts [Mr. FITZGERALD] to print in the RECORD the language that he used and to exclude that which was in the RECORD this morning? The Chair hears no objection, and it is so ordered.

ORDER OF BUSINESS.

Mr. SULLOWAY. I move that the House resolve itself into the Committee of the Whole House on the Private Calendar, for the consideration of business under the special order.

Mr. MIERS of Indiana. Mr. Speaker——

The SPEAKER. Pending the motion of the gentleman from New Hampshire, the Chair will recognize the gentleman from Indiana.

Mr. MIERS of Indiana. Mr. Speaker, I desire the attention of the House for one moment, please. I ask that the Committee on Pensions be discharged from the further consideration of the bill (S. 2052) granting a pension to Mary L. Stotsenburg and that the bill be referred to the Committee of the Whole House.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the Committee on Pensions be discharged from the further consideration of the bill S. 2052 and that it be referred to the Committee of the Whole House.

Mr. LOUDENSLAGER. I object, Mr. Speaker.

The SPEAKER. Objection is made. The question is on the motion of the gentleman from New Hampshire, that the House resolve itself into Committee of the Whole for the consideration of pension legislation.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. LACEY in the chair.

The CHAIRMAN. The Clerk will report the rule for Friday's use for to-day.

The Clerk read as follows:

Resolved, That during the remainder of this Congress the second and fourth Friday in each month, after the disposal of such business on the Speaker's table as requires reference only, shall be set apart for the consideration of private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion. The provision herein made shall be in lieu of the evening session provided for by section 2 of Rule XXVI, and section 6 of Rule XXVI and section 1 of Rule XXVI are hereby modified to conform herewith. And on each bill considered under this rule there shall be allowed ten minutes of debate in favor of the bill and ten minutes in opposition thereto. (Order made March 8.)

The CHAIRMAN. The Clerk will report the first bill.

Mr. TALBERT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. TALBERT. I want to ask unanimous consent. There are about 200 bills on the Calendar. About one-half are for original pensions and the other half for increases. I desire to ask unanimous consent that the committee first consider those for original pensions before taking up those for increases.

Mr. SULLOWAY. I object. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded, and the Clerk will report the first bill.

WILLIAM F. RILEY.

The first business on the Private Calendar was the bill (H. R. 7975) for the relief of William F. Riley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Riley, of Company K, Fifth Tennessee Volunteers, Mexican war, and pay him a pension at the rate of $24 per month in lieu of all other pensions.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out "twenty-four" and insert "sixteen;" so as to make the rating conform to precedents in similar cases.

Strike out the words "all other pensions," in line 8, and substitute therefor the words "that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY L. STOTSENSBURG.

The next business on the Private Calendar was the bill (H. R. 4367) granting a pension to Mary L. Stotsenburg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Stotsenburg, widow of John M. Stotsenburg, late colonel of the First Nebraska Regiment, United States Volunteers, and pay her a pension at the rate of $100 per month in lieu of the pension she now receives.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "one hundred" and substitute therefor the word "forty."

Mr. TALBERT. I ask unanimous consent that after these bills are read the report accompanying them be read.

Mr. MIERS of Indiana. Or a statement of the facts made.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the reports be read.

Mr. CALDERHEAD. I object.

Mr. BURKETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

In line 9 strike out the word "forty" and insert the words "seventy-five;" so as to read "$75 per month."

The CHAIRMAN. The question is upon the amendment to the amendment offered by the gentleman from Nebraska.

Mr. BURKETT. Mr. Chairman, I want to say a few words in reference to this case. This bill is to pension the widow of the late Colonel Stotsenburg, of the First Nebraska Regiment. The report of the committee, which I hope will be read, shows for itself that the amount allowed by the committee will not provide for his widow and two children. Under the law she and her two children now draw $34 a month. The widow is in very bad health physically; she has no property, and is entirely dependent financially upon what she receives from her pension.

The circumstances surrounding the death of Colonel Stotsenburg are peculiarly sad and appeal to us more perhaps than most cases. Among all the men that fought in the war in the Philippines no man perhaps saw more bloody service than did Colonel Stotsenburg. It is saying nothing disparagingly of any of the soldiers who fought in the Philippines to say that none of them went through more bloody battles than the soldiers of the First Nebraska. They were continually on the firing line, and they probably lost more men than any other regiment that was engaged in the war. That their services were demanded is proof that they were competent for the undertaking, and that they were competent in large measure was due to the effective work of their now lamented colonel.

Colonel Stotsenburg's whole life has been given to the Government of the United States. He entered Army service, taking his education away back in 1877, and from that moment to his death he was continually in the service of his country. He was on the frontier during a great many of those years. He was in Arizona and New Mexico commanding a company of Indian scouts in the early eighties. He fought in the battle of Wounded Knee in the Sioux campaign. When the war broke out, he joined the First Nebraska Volunteers and fought in the Philippines. He was always commended for his efficient services in Indian campaigns, and in the

Philippine war his efficiency was no less apparent. He was soon promoted to be colonel of his regiment, and as such he died. It was a member of the First Nebraska Regiment, as history shows, that fired the first shot in that war around Manila, and from that time, the 4th of February, until the 24d of April, when Colonel Stotsenburg was shot down, every single day, he led his regiment to battle, and every day they were bearing the brunt of battle in that campaign.

You remember that the insurgents had collected around Manila, and as they retreated they filed down the railroad tracks, retreating to the right. Colonel Stotsenburg held the right of the Army, and bore the brunt of the battle from the 4th day of February to April 23. Now let me give you a little bit of the scene surrounding his death. On that fatal day Colonel Stotsenburg had gone back to Manila to see Mrs. Stotsenburg, or rather, as I believe, he had spent the night before with her at Manila. In the morning, before he had arrived in camp, some cavalrymen were surrounded by the insurgents. Three companies of the First Nebraska were sent out to relieve the cavalry. They went out into an open rice field, and as they marched across, all of a sudden they began to be fired upon by the insurgents from behind some bamboo. The boys dropped to the ground immediately to save themselves as best they could, and for three long hours they lay there with their noses rooted in the dirt, as it were, to escape the bullets of those insurgents from their places of security behind the bamboo.

There was no way for them to get back. The officers who were in the rear tried to get the boys back, but it was disastrous for the three or four companies in the open rice fields to try to return. For three hours the record shows they lay there in the burning hot sun. Some of them succumbed to the heat and some of them were shot. Finally Colonel Stotsenburg came up from Manila, and a hurried conversation was had, and Colonel Stotsenburg started off across the rice fields. The officers told him to bring them back. He said, "The First Nebraska can't come back," and he marched across the rice fields and gave the command, "Forward; march." Those boys arose in that open field and started for the trenches of the insurgents. The Mausers of the enemy poured forth volley after volley. The sight was unobstructed and the result was deadly, but those brave Americans never flinched nor halted. They went over those intrenchments, but Colonel Stotsenburg fell, shot through the heart, in front of the enemy's breastworks.

I say that these pathetic surroundings call for particular attention of the committee to this case. I believe, too, it is our duty to look after the welfare of this widow and these children. This country is big enough, and I hope good enough, to protect and shield the bereaved wives and orphans of its fallen heroes. If we are to have a schedule for pensions, let us raise the schedule. As the country grows richer and more prosperous let us take better care of our war veterans and their dependent widows. As I said, this man has given his whole life to the Government; he has been at the front all the while; there has been no opportunity for him to save up his substance, to take care of his family when he is dead and gone. I submit that $40 a month is not a sufficient amount to maintain this woman and these children under these circumstances. She is physically unable to do any work, as the record shows.

Mr. TALBERT. Will the gentleman allow me to ask him a question?

Mr. BURKETT. Certainly.

Mr. TALBERT. What pension does this lady draw now?

Mr. BURKETT. Thirty dollars a month of her own and $2 apiece for the two children, aged 9 and 11 years.

Mr. TALBERT. That is the limit under the general law?

Mr. BURKETT. Yes.

Mr. TALBERT. What has the committee brought in?

Mr. BURKETT. Forty dollars, and I ask to have it increased to $75. The committee has raised it $6.

Mr. LOUDENSLAGER. The committee has raised it $10. The children will get the $2 just the same.

Mr. BURKETT. She would get that under the law, anyway.

Mr. BROMWELL. Well, but the committee has raised the pension $10.

Mr. BURKETT. I understand that. Under the general law the children will get the $2 apiece, anyway. Now, Mr. Chairman, I have here a good many nice things that have been said by the officers who knew him, which I do not have time to read, but if gentlemen will take occasion to read the report, they will see what they are. I have also the report made by the Senate, and they all admit the deserving character of this claim.

Mr. GAINES. How much pension do you ask?

Mr. BURKETT. Seventy-five dollars a month.

Mr. LOUDENSLAGER. Mr. Chairman, there are no words I could utter which would give sufficient praise to Colonel Stotsenburg and the other gallant officers who have given up their lives for their country, nor do I think it is necessary to occupy the time of this House in attempting it. I bow to no man in my feelings of patriotism and love for them. But there is another question that should be considered by this House, and ought to be considered by the country, and that is the raising of these pensions. In my judgment it was not the intention of the general law, nor is it the intention of these special acts, to grant large annuities to widows or to the soldiers themselves.

The committee over which I have the honor to preside has carefully gone into this matter, taken into consideration the number of claims they would have to pass upon, and fixed upon a rule which, in their judgment, they deem is equitable and just. As I have stated before to the members of this House, that committee has now before it 80 claims for increase of pensions of the widows of officers, and it has but one for the widow of a private. True, the officers performed gallant services, accomplished great deeds of heroism, but they would not have brought to our arms the successes they have had without the boys.

I want to say to you that we ought to give to all of these cases equitable and fair consideration, and not pick out one case that has worked upon the sympathies of members and follow that sympathy, but we should keep to the line laid out by the committee and do substantial justice to all. I am in receipt of letters from all over the country, from applicants, asking that this Congress do not go too far in raising the pensions for the widows of officers. We have considered carefully this claim. She now gets $30 a month under the general law, and we have advanced it 33⅓ per cent and given her what the committee considered is the maximum amount that any widow ought to receive in that grade, and I trust that this committee will vote down this amendment and keep on that line that we have so laid out in the past—keep this down to an equitable point, and not by spasmodic acts give to one $75 and to another, equally meritorious, $30, simply because some able member has drawn particular attention of the House to the gallant record of the officer.

Mr. TALBERT. Mr. Chairman, I desire to indorse——

Mr. GIBSON. I rise to a question of order. The rule provides, I believe, that there shall be only ten minutes' debate on each side upon any one bill. Has not that limit been reached?

Several MEMBERS. There is no such rule.

Mr. GIBSON. If that be the rule, I ask that it be enforced.

Mr. TALBERT. Rip Van Winkle again!

Mr. GIBSON. I am not directing my point particularly at the gentleman from South Carolina.

Mr. TALBERT. But I say you have been asleep. That is not the rule.

The CHAIRMAN. Debate on the amendment has been exhausted under the rule.

Mr. SIMS. There is no such rule as that.

Mr. GIBSON. I call for the enforcement of the rule if there be one. I do not want that we shall spend all day on one bill.

Mr. SIMS. The clause to which the gentleman from Tennessee [Mr. GIBSON] has reference was reported as part of the proposed rule, but was withdrawn in the House by the gentleman from Pennsylvania [Mr. DALZELL].

The CHAIRMAN. The Chair was misinformed. The printed copy of the rule to which his attention was referred was erroneous. The gentleman from South Carolina [Mr. TALBERT] is recognized.

Mr. TALBERT. Mr. Chairman, as I was going on to say when interrupted by the giant from Tennessee [laughter], I indorse what the gentleman who has just taken his seat [Mr. LOUDENSLAGER] has said. I have no doubt that every word which the gentleman from Nebraska uttered in regard to this distinguished officer is true. He was a grand, a magnificent officer. But, Mr. Chairman, I am absolutely opposed to discrimination between the widows of private soldiers and the widows of officers. I would like to ask whether the widow of an officer suffers any more than the widow of a private soldier. I want to raise my voice here in the interests of the men who stood in the trenches and always bore the heat and burden of the day and their widows and children, while many times the officers were in bomb-proof positions or away behind under a tree. Of course we all recognize rank and the gallant services of officers, but no reason whatever can be given why the poor widow of a poor private should not receive as much consideration, so to speak, as the widow of an officer. Think of the position of the private soldier; how his simple, heroic, disinterested valor eclipsed often the laurels of an officer, or a mere conqueror. It requires as much for one widow as another under the same circumstances.

Mr. Chairman, I only wanted to say this much and to indorse what has been said by the gentleman from New Jersey. I hope the amendment of the gentleman from Nebraska will be voted down and that this bill will be allowed to stand as the committee has brought it in; and in doing this I want to say that the law has made a distinction between the rank and file, and the committee are only carrying out the distinction. The amount ought not to be raised. The law allows $30 and the committee has raised it to $40, and it should stand so.

Mr. GIBSON. I rise to a parliamentary inquiry. Is the rule as printed on the Calendar for Friday, April 27, correct or incorrect?

The CHAIRMAN. It is incorrect. The proposition was originally offered in that form, but as finally adopted by the House the limitation of time was omitted.

Mr. MIERS of Indiana. I move to amend by striking out "$75" and inserting "$50."

Mr. BROMWELL. I make a point of order on that amendment.

The CHAIRMAN. The point of order is sustained. An amendment to an amendment is already pending. The question is now upon the amendment offered by the gentleman from Nebraska to the amendment reported by the committee.

The question being taken, the amendment to the amendment was rejected, there being—ayes 21, noes 51.

The CHAIRMAN. The question is now on the amendment reported by the committee.

Mr. MIERS of Indiana. Mr. Chairman, I heartily approve the patriotic utterances of the gentleman from Nebraska. General Stotsenburg was an Indianian who emigrated to Nebraska. During the war he performed all the magnificent service of which the gentleman from that State has spoken. I also approve in the main all that has been said by the chairman of the committee; and I am inclined to welcome the patriotic utterances of my friend from South Carolina, and hope he will stand with us all day.

But, Mr. Chairman, while indorsing what has been said by the gentleman from Nebraska, I can not stand here and see this Committee of the Whole adopt the amendment reported by the Committee on Pensions—not so much because I object to that amendment; but here is a Senate bill which I sought unanimous consent to have considered in order that it might pass and that this widow might get something without further delay. The Senate has passed the bill pensioning the widow of this gallant soldier at the little sum—and I say "little" advisedly—of $50; and because the committee over which the gentleman presides has for some reason adopted the rule that these pensions should be limited to $40, some gentlemen here are willing to run the risk of the bill failing in conference or of its being entirely turned down in the Senate.

Shall this gallant soldier, Mr. Chairman, who did not skulk behind the trenches, but who led the boys in the open field in that Spanish war and who faced death on the battlefield, be treated with no more consideration than men who, while they were in the service, were not brought into such dangerous proximity to their foe as he was? He faced death on the field of battle. Now, the committee say that they carry out a rule which they have inaugurated in the committee, and they will give him but $40 a month pension. If that was an original proposition I would not have much to say about it. But here is a soldier who meets absolutely even all of the requirements of the gentleman from South Carolina [Mr. TALBERT] and all of the requirements of American patriotism; and the Senate has seen fit to do itself the honor of proposing a bill which gives him $50 a month, and the House is asked to reduce that sum to but $40 a month and put it in a position where there is delay and possibly defeat for the bill altogether.

Now, Mr. Chairman, let us be consistent and practical, at least. I agree with gentlemen that it is our duty to protect the Treasury. But let us be consistent, as suggested by the gentleman from Nebraska, who refers to the patriotism of the people. I believe in consistency in these matters. I believe, though, that we ought to do justice while we are being consistent. It is not patriotic to stand by the committee merely for the sake of consistency. The question goes far beyond that. Let us do the practical thing and give to the widow and children of this soldier the amount that the Senate deems they ought to receive for the gallant services rendered by him. Let us give them what will not only be a substantial recognition of the gallant services of this officer, but which will be to the widow and the children a substantial support.

I did not vote for the motion which proposed to fix the amount at $75, but I hope the House will adopt the Senate bill, and I will myself, at the proper time, offer an amendment to the bill to meet what I believe to be the requirements of this case.

Mr. NEVILLE. What is the amount proposed by the gentleman?

Mr. MIERS of Indiana. Fifty dollars; the amount in the bill as it came from the Senate.

Mr. BROMWELL. Mr. Chairman, I hope the amendment suggested by the gentleman from Indiana will not be adopted.

Mr. MIERS of Indiana. If the gentleman from Ohio will permit me, I have not made an amendment. I was only stating, in answer to an inquiry, what the amount proposed here was.

Mr. NEVILLE. That bill, as I understand it, however, is not on the Calendar.

Mr. BROMWELL. Now, Mr. Chairman, this House ought to be consistent, as gentlemen say, in dealing with these matters——

Mr. MIERS of Indiana. Will the gentleman from Ohio yield to me for just a moment?

Mr. BROMWELL. Certainly.

Mr. MIERS of Indiana. I had the impression that the Senate bill was here, but I am informed that it is not. If the gentleman will yield, therefore, I desire to offer an amendment to strike out in line 8 the words "one hundred" and insert in lieu thereof the word "fifty."

Mr. BROMWELL. Now, Mr. Chairman, I hope that the committee will not agree to this amendment. If this was the only case reported by the Pensions Committee for the action of the House, I might not raise my voice in opposition to the proposition. I concede that the services of this officer were gallant and most distinguished. I concede that if this House were to consider that case solely and independently there might be justice in the proposition of which we have heard. I concede further that if this were the only case presented for our action we might not oppose it, but in a patriotic impulse give either $50 or $75 or $100 a month, as the case might be, out of the generosity of our hearts and our feeling for this gallant officer on this floor. But this is not the only case that we are to consider.

We can not afford to set such a dangerous precedent. We have already started upon the consideration of cases reported from the Pensions Committee and the other committee which deals with kindred subjects, and the House will remember that we had the same fight in this body upon the Capron cases a few days ago, and the Committee of the Whole stood by the action of the Committee on Pensions and the rule was fixed in those cases. Now, there is just as much merit in going beyond the amount fixed by the committee on the two Capron cases as there is in this Stotsenburg case. They were equally meritorious. Both the officers named in the bills then presented were gallant and meritorious, and lost their lives in the service of the country; and yet the House, in fixing the pension, in justice and fairness to all of the pensioners on the roll, adopted the action of the Pension Committee, accepted the report of the committee, and adopted as their action in that case what I believed to be the true rule to apply in all of these cases.

Not only that, but we find upon the Calendar, following the case of Stotsenburg, other cases reported by the Pension Committee, and I will state to the gentleman from Indiana and to the gentleman from Nebraska that they are equal in merit in every respect as the Stotsenburg case, and yet the committee have failed to report anything like the amount asked in this case and have felt it to be their duty to cut the amounts down. We think it was their duty, and they have faithfully performed that duty in not singling out particular cases to give large pensions, and allow those who do not come here with influence or who have not a sufficient pull to get large pensions and receive only what the general law gives if they came within the provisions of the law.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. BROMWELL. Certainly.

Mr. MANN. I notice that the Senate asked for a conference on the Capron cases. Will the gentleman state whether any agreement has been reached by the conferees on those bills?

Mr. BROMWELL. I want to say that the conference has not yet been held, for the reason that members of the conference committee in the Senate are out of the city.

Mr. MANN. I was going to suggest that any action taken in those cases might help us to determine what action we ought to take in this case if any change was made.

Mr. BROMWELL. Now, Mr. Chairman, the chairman of the Pensions Committee has well said that we have before that committee many cases of officers' widows, growing out of this recent war. Out of the thousands, perhaps, that ought to come to us, we have but one case of a man who fought in the ranks as a private. Does this House propose to take the pension which is allowed to a private or the widow of a private and run it up from $12 to $50? The men who were behind Colonel Stotsenburg have just as much claim upon the consideration of this House as Colonel Stotsenburg. There were men in the front rank right behind Colonel Stotsenburg who were exposed to just as much danger, men who gave up their lives as he gave up his, and whose widows will get but $12 a month. Does this House propose to change the general law with reference to pensions, and say that in every one of the cases of those privates we shall vote to increase the pension allowed under the general law from $12 to twenty-five, thirty, or fifty dollars?

Mr. MIERS of Indiana. May I ask the gentleman a question?

Mr. BROMWELL. Excuse me just a minute. Under the general law this widow has been given a pension. That pension has been increased by the committee 33⅓ per cent—from $30 a month to $40 a month.

Mr. MIERS of Indiana. That is just the question I wanted to ask about.

Mr. BROMWELL. We give the maximum, and $4 more for the two children.

Mr. MIERS of Indiana. By this very bill you are changing the law, and if you change the law to make it forty, you will not violate the principle any more by making it fifty.

Mr. BROMWELL. We change the law by every bill that either of these committees brings in the House. If we were not changing the law, they would not be there. But the question is whether in changing the law we ought to make discriminations that will

ultimately come back to this House to trouble us? Now, I hope that the report of the Pensions Committee will be adhered to and the amendment voted down.

Mr. LOUDENSLAGER. Mr. Chairman, I think debate on this amendment is exhausted.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. NEVILLE. Mr. Chairman, I ask unanimous consent to talk upon this amendment.

The CHAIRMAN. The gentleman from Nebraska [Mr. NEVILLE] asks for five minutes. Is there objection?

There was no objection.

Mr. NEVILLE. Mr. Chairman, in departing from the law to increase this pension there is nothing that should be urged here as a reason for defeating this amendment upon the ground that there are other widows whose claims are upon this Calendar. I agree with my friend from South Carolina [Mr. TALBERT] that the private or the widow of a private ought to have just as large a pension as the widow of an officer. In free America I make no distinction upon the question of rank or standing of any individual, but I say that in every instance, whenever a man has gone forth to battle for the purpose of carrying out the will of the majority of the people of this country, as demanded by the Administration that sent him, when he bares his breast to the bullet of an enemy of the country and is stricken down, his widow and his fatherless children ought not to suffer.

That widow should be supported and those children should be educated, and so I am in favor of this amendment that this should be increased to $50 a month, so that it will accord with the provisions of the Senate bill.

Now, I did not vote upon the question of the $75 amendment, because I understood that there was an absolute rule in the Senate which would prevent a pension of over $50 a month to this widow, and for another reason, because I believe that $50 a month for this widow, together with the amounts which her children receive, would enable her not only to educate her children but to live without coming to want.

I believe in every instance that every old soldier who has fought for the flag of his country and helped to keep up its free institutions should be recognized to the extent that when he dies his orphan children shall not be left to the cold charity of the people of this or any other country. But this Government ought to maintain those children, and ought to maintain the widow, especially if, as in this case, she is incapacitated by reason of physical disabilities to work for her own livelihood or to help maintain her children. The Senate bill granting this widow a pension of $50 a month was passed by the Senate a litttle over three months ago, and has been hung up in the Pensions Committee of this House since that time. Now, for that reason, I believe that if this forty-dollar provision in this House bill goes through the House in the shape that it is now, and it goes to the Senate, the Senate will demand that $50 be reinstated or that the Senate bill should pass.

Now then if we pass the House bill, it has got to run the gauntlet of the Senate; but if we declare for this amendment by a majority vote of this committee, and then when we get into the House move to discharge the Pension Committee from the further consideration of the bill and substitute the Senate bill, it will become a law at once, and will only have to obtain the President's signature. If we take the other course, the bill will be hung up in the Senate, and by reason of that fact this poor widow will not get her pension as promptly at least as she ought to. I hope that the committee amendment will be voted down, and that the provision for $50 will be inserted, and then when we get back into the House that the Senate bill will be substituted, and it can pass and become law without danger of injuring the prospect of this poor widow promptly getting what justice demands that she should have.

Mr. CLAYTON of New York. I ask that I may be recognized for five minutes.

There was no objection.

Mr. CLAYTON of New York. Mr. Chairman, I am going to vote in favor of giving this pension of $50 a month, and shall do so because I believe that this widow is entitled to it under the operation of the general rule. That rule is where exceptional service is rendered a recognition should be made of it. Had Colonel Stotsenburg lived he would have been brevetted or received a medal of honor for the services rendered on the day that he met his death. For his services on that day and for his meritorious and gallant services during the campaign he would have received substantial promotion had he lived. But his life having been lost, I think that the same rule would justify us in giving an exceptional pension to his widow in recognition of his exceptional services. Now, it has been argued that we should not give it to this widow because she is the widow of an officer. I do not think that the question of rank should have anything to do with it. It is not a question of whether a man is an officer or a private. It is the character of the service which has been rendered; not the rank, but the exceptional character of the service.

Now, some question has been raised here about influence; that pensions should not be given to those having special influence. There has been no influence in this case that I know of. I did not know Colonel Stotsenburg had a wife until I found this bill was up; but I had known of his service as deserving special recognition, and this is the only way in which we can give it.

Mr. SHATTUC. I demand the regular order.

The CHAIRMAN. Debate upon this amendment is exhausted, and the regular order is demanded.

Mr. ATWATER. I ask for five minutes.

Mr. SHATTUC. You can have it on the next bill. I will have to object on this bill.

Mr. SIMS. It is this bill that he wants to talk about.

Mr. SHATTUC. I withdraw my objection.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Indiana.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHATTUC. Division!

The committee divided; and there were—ayes 33, noes 22.

Mr. LOUDENSLAGER. Tellers, Mr. Chairman.

The question was taken on ordering tellers.

The CHAIRMAN. Ten gentlemen have risen—not a sufficient number; tellers are refused; the ayes have it, and the amendment to the amendment is agreed to. The question is upon the amendment as amended.

The question was taken; and the amendment as amended was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. MANN rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MANN. I rise for the purpose of asking the chairman of the Committee on Pensions a question on a point that was stated by him. If the House will pardon me, I would like to call his attention to the statement made by him a few moments ago. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is called for, and the Clerk will report the next bill.

ANNA H. TUPPER.

The next business on the Private Calendar was the bill (H. R. 192) granting an increase of pension to Anna H. Tupper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Anna H. Tupper, widow of Tullins C. Tupper, late major of the Sixth United States Cavalry, upon the pension roll at the rate of $50 per month, such amount to be in lieu of the pension now received by her.

Mr. TALBERT. Mr. Chairman, I have not the report on that bill on my desk, and I ask that the report be read.

The CHAIRMAN. The gentleman from South Carolina asks that the report be read in his time. The Clerk will read the report.

The report (by Mr. BROMWELL) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 192) granting an increase of pension to Anna H. Tupper, beg leave to submit the following report and recommend that said bill do pass with amendments:

The claimant is the widow of the late Tullins C. Tupper, major, Sixth United States Cavalry, who died September 1, 1898, on the retired list, from disease of heart incurred in the service and line of duty.

This officer entered the service as private of Troop E, Sixth United States Cavalry, July 19, 1861; promoted second lieutenant, Sixth Cavalry, September 22, 1862; first lieutenant, September 28, 1864; captain, September 17, 1867, and major, October 19, 1887. He served with his regiment in the Army of the Potomac from September, 1862, to December, 1864. Subsequently he rendered arduous service at different points on the Western and Southwestern frontier, including participation in Indian wars up to and including the Sioux campaign in South Dakota in 1891.

The claimant is now receiving a pension of $25 per month. She is well advanced in years, and the evidence shows that she has very little means for the support of herself and young daughter.

Major Tupper's record was a most gallant one, and he was held in high esteem by his fellow-officers.

The following letter from Maj. Gen. Nelson A. Miles is one of many of the same tenor filed with your committee:

HEADQUARTERS OF THE ARMY,
Washington, December 16, 1899.

DEAR SIR: The military records of the War Department show that Tullins C. Tupper, late major, United States Army, from the time he entered the service of his country, July 19, 1861, as a private soldier, until his retirement in July, 1893, as major, made a record as a soldier rarely excelled. His gallant and meritorious conduct in the battle of Gettysburg, and throughout the war of the rebellion, and the arduous duties devolving upon him, and of which he acquitted himself most creditably, in the Sioux campaign, made a record most worthy of emulation. His retirement from the service, disabled by sickness, was a loss to our Government, to whose service he was so devoted. His death in September, 1898, after a long and useful life spent in the service of his country, leaves his widow, it appears, a proper subject for consideration, and I earnestly recommend, should she apply for a pension, that you give the subject that attention and care as her interests and that of the Government may demand.

Very respectfully,
NELSON A. MILES,
Major-General, Commanding United States Army.

Hon. THEODORE E. BURTON,
House of Representatives, Washington, D. C.

In view of the foregoing facts and in the light of numerous precedents your committee believe that a substantial increase of the claimant's present

allowance of pension is fully justified, and the passage of the bill is therefore recommended, with the following amendments:

In line 4, after the word "place," insert "on the pension roll, subject to the provisions and limitations of the pension laws."

In line 6 strike out "upon the pension roll" and insert in lieu thereof "and pay her a pension."

In line 6 strike out "fifty" and substitute therefor "thirty-five."

In line 7 strike out "such amount to be."

In lines 7 and 8 strike out "the pension now received by her" and substitute therefor the words "that she is now receiving."

Mr. MANN. Mr. Chairman, I rise for the purpose of addressing myself to this bill. I shall not detain the committee, but I wish to call the attention of the chairman of the Committee on Pensions to a statement made by him a few moments ago upon the last bill.

That statement was that if the bill should pass at the rate of $40 a month the two minor children of the widow would be entitled to an additional pension of $2 a month each, or that the mother would be entitled to $4 a month for the two children. I wish to call the attention of the chairman of that committee to order No. 365, issued March 1, 1899, which reads in this way:

In all special acts granting pensions to widows in which the amount of pension is fixed by special act no increase will be allowed for minor children unless provided for in said act.

Which order was issued by the Commissioner of Pensions and approved by the Secretary of the Interior, and, as I understand, is still in force. I simply call the attention of the chairman of the committee to that fact, because I heard that statement made on two Fridays here that the children would be allowed the additional pension.

Mr. LOUDENSLAGER. I will say that the Committee on Pensions has no desire to take away from that widow any money received for the children, nor do they understand that that money is taken away. The language in this bill, as I understand it, is the language that the Department of Pensions approved of, to give the pension or whatever rate may be fixed by Congress to her, and not disturb that which is allowed for the children.

Mr. MANN. I have no desire to enter into a controversy with the gentleman upon this matter, but I call his attention to the fact that the ruling of the Department that they will not allow pensions for the benefit of children where a special act is passed. That ruling is adhered to.

Mr. SIMS. Does that mean where the pension is granted by a special act originally, or where it is granted under the general law and then increased?

Mr. MANN. This refers to a pension granted by special act in lieu of the pension now received, and it covers, I understand, the case we have just had. In other words, the $2 a month is granted to the mother of the children as long as she lives, and when you grant a pension to the mother it wipes out the pension to the children.

Mr. SIMS. I am asking for information. Then it would be $40 instead of $34?

Mr. MANN. Well, that bill has been disposed of——

Mr. SIMS. I mean it would be $50 instead of $34, as it is now.

Mr. MANN. Yes.

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

LUCY D. YOUNG.

The next business on the Private Calendar was the bill (H. R. 527) granting a pension to Lucy D. Young.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy D. Young, foster mother of W. Harlan Young, and pay her a pension at the rate of $12 per month.

The following amendments, recommended by the Committee on Pensions, were read:

In line 6, after the word "Young," insert "late of Company I, First Illinois Infantry Volunteers, war with Spain."

Insert the following proviso:

"*Provided*, That in the event of the filing of an application for pension by the father of the deceased soldier, this pension shall be suspended pending the settlement of the said application, and if the father is granted a pension the allowance to the foster mother under this act shall cease and terminate from the date of such suspension; otherwise payment of this pension shall be resumed from the date of such suspension and shall continue in full force and effect."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM T. PRATT.

The next business on the Private Calendar was the bill (H. R. 5553) to correct the military record of William T. Pratt.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the record of William T. Pratt, late a private of Company A, Fifty-first Regiment Indiana Volunteer Infantry, and to issue a certificate of honorable discharge.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

J. B. WETHERBEE.

The next business on the Private Calendar was the bill (H. R. 8422) granting a pension to J. B. Wetherbee.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of J. B. Wetherbee, a cook in the employ of Company G, First Regiment Washington Volunteers, who was shot and permanently disabled near Paco Church, Manila, Philippine Islands February 5, 1899, while assisting, at the request of the officer in charge, in raising a telegraph wire to establish communications between certain points as soon as possible, and pay him a pension at the rate of $50 a month.

The following amendments recommended by the Committee on Pensions were read:

Strike out the initial "J," where it occurs in the title and body of the bill, and insert in lieu thereof the word "John."

After the word "roll," in line 4, insert "subject to the provisions and limitations of the pension laws."

After the word "Washington," in line 6, insert "Infantry."

In lines 6 and 7 strike out "who was shot and permanently disabled," and substitute therefor the words "and pay him a pension for wounds received."

Strike out all from line 9 to the end of the bill, inclusive.

Mr. JONES of Washington. Mr. Chairman, I ask unanimous consent that the report in this case be printed.

There was no objection.

The report is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8422) granting a pension to J. B. Wetherbee, beg leave to submit the following report, and recommend that said bill do pass with amendments.

The claimant, John B. Wetherbee, was a cook in the employ of Company G, First Regiment Washington Volunteers, and while so serving with the company in the Philippine Islands was severely injured by a gunshot wound of the back and spine at Paco Church, near Manila, while serving in the ranks and assisting in the construction of a telegraph line.

The following is an official report from the War Department regarding the occurrence:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, February 16, 1900.

SIR: Referring to your letter of the 10th instant, addressed to the Surgeon-General of the Army and by him transmitted to this office, where it was received yesterday, in which letter you request a copy of the report of the medical treatment of J. B. Wetherbee, who was engaged as cook for Company G, First Regiment Washington Volunteers, and was wounded at Paco Church, Manila, February 5, 1899, a report of whose medical treatment, made at the Presidio, Cal., it is stated, has been placed on file in this Department, I beg to state that an examination has been made of all records on file deemed likely to afford information in the case, but the special report referred to has not been found on file.

It appears from the records, however, that J. B. Weatherby, whose name also appears upon the records as Wetherbee, civilian cook, Company G, First Washington Infantry Volunteers, was wounded severely by a gunshot wound of the back and spine at Paco, Manila, Philippine Islands, February 5, 1899, and it is stated that he fought in the ranks with Company G, although he was not an enlisted man.

The records also show that he was treated in various hospitals, including the general hospital at Presidio, San Francisco, from February 5, 1899, to November 1, 1899, for gunshot wound, "Mauser," severe, center spinal column, which produced partial paralysis of the lower limbs. It is stated on the records that there was no evidence of the exit of the bullet, and that it was not found by the X ray.

Very respectfully,
JOHN TWEEDALE,
Acting Chief Record and Pension Office.

Hon. W. L. JONES,
House of Representatives.

A petition signed by large numbers of the officers and men of the First Washington Volunteer Infantry accompanies the bill and sets forth that at the time claimant received his wound he was standing on the stone bridge assisting members of the Signal Corps to raise a telegraph wire. Previous to this he, with Company D, First Washington Volunteers, was engaged in firing into the church, from which our men were receiving a fire from the enemy. Claimant was requested by the officer in charge of the detail engaged in raising the wire to assist them, he being told that it was desired to establish communication between certain points as soon as possible. While thus engaged claimant was wounded by a bullet fired by an insurgent, presumably from a house near by.

The following are sworn statements by claimant and medical officers, showing the circumstances, and also setting forth the nature and extent of the wound:

I, J. B. Weatherbee, make the following statement:

I joined the regiment the 1st day of November, 1898, at Honolulu, Hawaiian Islands, acting in the capacity of cook of Company G, First Washington Volunteer Infantry. I went to Manila with the regiment, acting in that capacity up to February 5, 1899. On January 8, 1899, I was issued arms and ammunition by the company commander, Capt. M. Ellrich, of Company G, First Washington Volunteers, as the condition at that time was such that every able-bodied man was needed to defend the position. From that time until February 5, 1899, I was called on for outpost duty the same as any enlisted man in the regiment. On February 5, at the battle of Paco Church, I was ordered by an officer of the United States Signal Corps to assist in establishing telegraphic communications with the lines, and while in the act of raising a telegraph wire I was struck by a bullet in the back, fired by one of the insurgents, and fell helpless.

I was carried from the field by Albert Anderson and Lieutenant Bryan of the First Washington, and lay in the First Reserve Hospital at Manila until March 28, 1899, then in the Second Reserve Hospital until June 2, 1899. During those months I lay completely paralyzed and perfectly helpless as regards the use of my lower limbs, and suffered intense pain. From June 2 to August 2 I was aboard the hospital ship *Relief*, reaching San Francisco August 2, 1899, and being sent to the hospital at Presidio. The sea voyage and change of climate improved my physical condition so that I could be lifted from my bed, and by the assistance of persons or crutches move a little. Reference to the hospital reports of Manila and the Presidio will show the exact condition more completely than I could state it here. There is among those reports a photograph of the wound as shown by the X-rays. Surgeons have always refused to operate, considering that the location of the ball so near the heart

and spine renders an operation dangerous and probably fatal, and all surgeons have refused to undertake the risk of performing it.

Carried in the arms of my comrades, I was taken aboard the ship *Queen* at San Francisco on November 4, 1899, and brought to Seattle; was carried in their arms from steamer to carriage and from carriage to hospital, and the Red Cross and Fortson Relief Corps (a similar organization) have undertaken the entire charge of my expenses up to this time. On November 25, 1899, I was removed from the hospital to a private residence, but am obliged to have the care of a nurse. My physical condition is improved; my helplessness is not so great as during the first eight months after I was wounded, but I am entirely unable to perform any labor of any kind or do the least thing toward my own support, and am obliged to have assistance even in caring for me personally.

I have no real estate or personal property that will aid me in my support, and while I have living relatives, they are not financially able to assist me in the least degree. My sole income since November, 1898, has been one month's pay as cook of Company G, First Washington Volunteer Infantry, after reaching Manila, and $100, contributed largely by the enlisted men of Company G. The Red Cross and Fortsen Relief Corps have, as I stated before, assumed all responsibility for my care and attention since I reached Seattle, November 6. I am a single man and have no one except myself dependent upon me. I have no assurance from any physician who has ever examined my case, in the United States service or out of it, that I will be able to support myself again. While it is evident that my physical condition is improving, it does not place me in a condition to do anything for my own support at the present time.

The surgeons in charge of my case from the time I was wounded until I left the hospital at the Presidio were Major Crosby, United States Army, in charge of the First Reserve Hospital at Manila, and Major Fitzgerald, of the Thirteenth Minnesota Volunteers; at the Second Reserve Hospital at Manila was Capt. Frank B. Kiefer, surgeon, United States Army; on the hospital ship *Relief* was Major Bradley; at the Presidio hospital were Colonel Gerard and former regimental doctor, Maj. L. R. Dawson, whose reports in the War Department will give a more detailed account of my case than I can give or secure from them, scattered as they are out of the reach of my knowledge of their whereabouts. Maj. L. R. Dawson examined me at Manila at the First Reserve Hospital, and on about the 1st day of February, 1900, examined me at Seattle, Wash. His affidavit and that of Dr. A. B. Kibbe accompany this paper.

Praying that the Government for which I fought will recognize my great need and reward my services by relieving me from dependence upon the charity of others, I am,

J. B. WETHERBEE.

Subscribed and sworn to before me this 8th day of March, 1900.

[SEAL.] H. J. RAMSEY,

Notary Public in and for the State of Washington, residing at Seattle.

SEATTLE, WASH., *February 21, 1900.*

John B. Wetherbee, civilian cook of G Company, First Washington Infantry, United States Volunteers, was wounded in the back during general engagement of February 5, 1899, near Paco Church, Manila, Philippine Islands. I saw him two days later in ward 2 of the First Reserve Hospital, Manila, Philippine Islands, at which time he was completely paralyzed from the hips down, with no control of bowels or bladder.

He was in the First Reserve Hospital a long time, and was sent thence to the general hospital at the Presidio of San Francisco, Cal. He came to Seattle with a part of the First Washington Infantry, United States Volunteers, on the steamship *Queen of the Pacific*, and was sent to the Seattle General Hospital for a time by the Seattle Red Cross Society.

About the 1st day of February I examined him, with Dr. A. B. Kibbe, by the Roentgen ray in the office of Dr. Kibbe. The fluoroscope showed a projection or protrusion on the left side of the spine at level of fourth or fifth dorsal vertebra, which Dr. Kibbe and myself both regarded as the missile which inflicted the wound, surrounded by an inflammatory thickening or exudate. The scar of the wound of entrance was about 2 inches to the right of the spinous processes, and about 1½ inches lower than the site of the missile, which corroborated his statement that his arms were raised above his head at the moment he received the wound.

At this time he was able to stand alone, supported by his crutches, and, with their support, to walk alone a short distance. The knee jerk was exaggerated decidedly in both legs. The left knee was still rather stiff, and the muscles of both legs considerably atrophied.

LEWIS R. DAWSON, M. D.,

Late Major-Surgeon, First Washington Infantry, U. S. V.

The foregoing subscribed and sworn to before me by said Lewis R. Dawson this 21st day of February, 1900.

[SEAL.] H. J. RAMSEY,

Notary Public in and for the State of Washington, residing at Seattle.

SEATTLE, *March 1, 1900.*

With reference to the case of John B. Wetherbee, described in full by Dr. L. R. Dawson, I can say that I also examined Mr. Wetherbee with the fluoroscope and found the same conditions described by Dr. Dawson, and that I fully concur with his diagnosis and opinions in the case.

ALFRED B. KIBBE, M. D.

The foregoing subscribed and sworn to before me by said Alfred B. Kibbe this 1st day of March, 1900.

H. J. RAMSEY,

Notary Public in and for the State of Washington, residing at Seattle.

Other evidence accompanying the bill shows that claimant is practically a helpless cripple from his wound, and that he has no means whatever, but is dependent upon the Red Cross Society and other charitable organizations at Seattle, Wash., where he now resides. Not being an enlisted man, Mr. Wetherbee can obtain no relief under existing pension laws, but in view of the foregoing facts your committee are of the opinion that the passage of this bill would be an act of justice and right.

The following amendments are recommended:

Strike out the initial "J," where it occurs in the title and body of the bill, and insert in lieu thereof the word "John."

After the word "roll," in line 4, insert "subject to the provisions and limitations of the pension laws."

After the word "Washington," in line 6, insert "Infantry."

In lines 6 and 7 strike out "who was shot and permanently disabled," and substitute therefore the words, "and pay him a pension for wounds received."

Strike out all from line 9 to the end of the bill, inclusive.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

RHODA A. PATMAN.

The next business on the Private Calendar was the bill (H. R. 7022) to pension Rhoda A. Patman.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Rhoda A. Patman, widow of John J. Patman, late a private in Capt. William M. Anderson's Company, Maj. James Woods's Battalion, Georgia Volunteers, in the Indian war of 1836, and allow her a pension rated at $12 per month.

The following amendments, recommended by the Committee on Pensions, were read:

Amend the title so as to read: "A bill granting a pension to Rhoda A. Patman."

In line 6 change the initial "M." in Captain Anderson's name to "U."

In line 9 strike out "twelve" and insert in lieu thereof the word "eight;" so as to make the rating conform to that allowed by the general law.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE J. TITCOMB.

The next business on the Private Calendar was the bill (H. R. 533) to remove the charge of desertion against George J. Titcomb and to grant him an honorable discharge.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against George J. Titcomb, late of the Sixth Battery Massachusetts Volunteer Light Artillery, and to grant him an honorable discharge.

The bill was laid aside to be reported favorably to the House.

JOHN M. SMITH.

The next business on the Private Calendar was the bill (H. R. 5181) to increase the pension of John M. Smith.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John M. Smith, late a private in Company H, First Tennessee Regiment Volunteers (Mexican war), from $12, the amount now received by said Smith under pension certificate No. 13968, to $25 per month.

The following amendments, recommended by the Committee on Pensions, were read:

Amend the title so as to read: "A bill granting an increase of pension to John M. Smith."

In line 4 strike out "increase the pension" and substitute therefor the words "place upon the pension roll, subject to the provisions and limitations of the pension laws, the name."

Strike out all in the bill after the words "(Mexican war)," in line 6, and substitute in lieu thereof the words "and pay him a pension at the rate of $16 per month in lieu of that he is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ISABEL B. HAMILTON.

The next business on the Private Calendar was the bill (H. R. 528) granting a pension to Isabel B. Hamilton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isabel B. Hamilton, of Omaha, Nebr., at the rate of $75 per month, in lieu of any pension she may be receiving as the widow of the late John M. Hamilton, lieutenant-colonel of the Ninth United States Cavalry.

The amendments reported by the committee were read and agreed to, as follows:

Amend the title so as to read: "A bill granting an increase of pension to Isabel B. Hamilton."

In lines 6, 7, and 8 strike out "of Omaha, Nebr., at the rate of $75 per month in lieu of any pension she may be receiving as the."

Add at the end of the bill the words "and pay her a pension at the rate of $40 per month in lieu of that she is now receiving."

The bill as amended was laid aside to be reported favorably to the House.

MARY A. C. KAIGLER.

The next business on the Private Calendar was the bill H. R. 3514) granting an increase of pension to Mrs. M. A. C. Kaigler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mrs. M. A. C. Kaigler, of Macon County, Ga., now on the pension roll as the widow of William Kaigler, a soldier of the Mexican war, and pay her a pension at the rate of $30 per month from and after the passage of this act, in lieu of the pension of $8 per month she is now receiving.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out "Mrs. M." wherever it occurs in the title and body of the bill and substitute therefor the word "Mary."

In line 4, after the words "directed to," strike out "increase the pension of" and substitute therefor the words "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of."

In lines 5 and 6 strike out "of Macon County, Ga., now on the pension roll as the."

In line 6, after the word "Kaigler," strike out "a soldier of the" and insert in lieu thereof "late of Company D, First Georgia Infantry Volunteers."

In line 7 strike out "twenty" and insert in lieu thereof the word "twelve," so as to fix the rating at $12 per month.

Strike out all in the bill after the word "month," in line 8, and substitute therefor the words "in lieu of that she is now receiving."

The bill as amended was laid aside to be reported favorably to the House.

ALVIN SEAGROVES.

The next business on the Private Calendar was the bill (H. R. 9202) granting a pension to Alvin Seagroves, late private in Company L, Second Arkansas Volunteer Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and instructed to place the name of Alvin Seagroves, late private in Company L, Second Arkansas Volunteer Cavalry, on the pension roll, and grant him a pension at $14 per month.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out all in line 3 after the word "Interior" and all in lines 4, 5, 6, and 7 and insert in lieu thereof the following: "be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alvin Seagroves, late of Company L, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $14 per month."

Amend the title so as to read: "A bill granting a pension to Alvin Seagroves."

The bill as amended was laid aside to be reported favorably to the House.

HENRY O'CONNOR.

The next business on the Private Calendar was the bill (H. R. 8888) granting a pension to Henry O'Connor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry O'Connor, late member of Company A, First Regiment Iowa Infantry Volunteers, and pay him a pension at the rate of $30 a month in lieu of that he is now receiving.

The amendments reported by the committee were read, and agreed to, as follows:

In line 6 strike out the words "member of Company A, First" and insert in lieu thereof the words "major Thirty-fifth."

In line 7 strike out the word "Volunteers;" and in the same line, before the word "Infantry," insert the word "Volunteer."

Amend the title so as to read: "A bill granting an increase of pension to Henry O'Connor."

The bill as amended was laid aside to be reported favorably to the House.

NANCY W. HADLEY.

The next business on the Private Calendar was the bill (H. R. 8107) granting a pension to Nancy W. Hadley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Nancy W. Hadley, widow of Edwin Hadley, deceased, late captain of Company C, Twenty-sixth Michigan Infantry, and pay her a pension of $17 per month.

The amendments reported by the committee were read, as follows:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."

In the same line, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5 strike out the word "deceased."

In line 6 strike out the word "of."

In the same line strike out the letter "C" and insert in lieu thereof the letter "E."

In the same line, before the word "Michigan," insert the word "Regiment."

In the same line, before the word "Infantry," insert the word "Volunteer."

In line 7 strike out all after the word "pension" and insert in lieu thereof the words "at the rate of $8 per month, such pension to cease upon proof that the officer is still living."

Mr. HENRY C. SMITH. Mr. Chairman, I ask that there be a separate vote on the last amendment of the committee, striking out the provision of the bill as reported, for a pension at $17 a month, and inserting a provision for $8 a month. The report in this case shows that the husband of this lady was a captain of Company E, Twenty-sixth Regiment Michigan Volunteers. He served from August 14, 1862, until December 19, 1864, when he resigned on account of injuries received in the service, having been wounded in the thigh, which made him lame. He received a pension from the time of his discharge until 1869, when, as an honorable soldier, being in a condition to make a living by the practice of his profession as a lawyer, he declined to accept any further payments of pension.

Captain Hadley was well known to me. The proofs before the committee show that in 1883 he left his home and has never since been heard from. After his absence had continued seven years the insurance company in which his life was insured paid to Mrs. Hadley a policy of $5,000. The report shows that she has a little home in Ann Arbor, Mich., valued at $5,000, and mortgaged for $3,000; that she depends for her livelihood upon her daily labor. She keeps a boarding house to maintain herself. Yet the Commissioner of Pensions for eleven years has been denying her application for pension on the ground that Captain Hadley is still living. Now, it seems to me that the husband, having been the captain of a company, having been wounded in the service, and his widow being 60 years of age and in absolute need, it is but scant justice to allow her the meager pension of $8 a month. I ask, therefore, that she be allowed the amount named in the bill—$17 a month.

Mr. SULLOWAY. Mr. Chairman, I do not rise to oppose the amendment of the gentleman from Michigan; I merely desire to state why this report is as it is.

This gentleman left his home in 1883, and has not been heard from since. Although there is a legal presumption of his death, there is not a particle of evidence that, if dead, he died of disease contracted in the service. We recommend that this widow be allowed a pension of $8 a month regardless of the question whether the death of her husband resulted from a disease of service origin. If the Committee of the Whole sees fit to raise the pension so as to correspond with the rank of the officer, I am not here to oppose it.

The CHAIRMAN. The question is on the amendment to strike out "$8" and insert "$17."

The amendment was agreed to.

The amendments as amended were adopted.

The bill as amended was laid aside to be reported favorably to the House.

MARY E. VISHION.

The next business on the Private Calendar was the bill (H. R. 8997) granting a pension to Mary E. Vishion.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, directed to place on the pension roll the name of Mary E. Vishion, an Army nurse, and pay her a pension at the rate of $12 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the word "and," in line 3, and all in lines 4, 5, and 6, and insert in lieu thereof the following: "he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Vishion, late a nurse in the Medical Department, United States Volunteers, and pay her a pension at the rate of $12 per month."

Mr. TALBERT. Mr. Chairman, I see by the report which I have on my desk here that there is no record anywhere of this claimant having been in the employment of the Government, and I should be glad to have a statement from the gentleman who has the bill in charge, or from the chairman of the committee, in regard to the matter. The report says there is no record that she was ever employed as an Army nurse.

Mr. SULLOWAY. She was not in the service in the sense of receiving compensation from the Government; but the report does show that she served longer than would have been necessary, if she had been receiving compensation out of the Treasury, to have made her pensionable. The fact that she served and performed duty is proved beyond all question.

Mr. TALBERT. I did not read the whole report. I simply saw that much of it. On the gentleman's statement, I have no objection.

Mr. SULLOWAY. The gentleman will see that if he reads the whole report.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM FEEK.

The next business on the Private Calendar was the bill (H. R. 8799) granting an increase of pension to William Teek.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Teek, late of Company F, One hundred and eleventh Regiment New York Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out "Teek" and insert in lieu thereof the word "Feek."

In line 7, before the word "Infantry," insert the word "Volunteer."

Also amend title so as to read: "A bill granting an increase of pension to William Feek."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARIA B. WOOLSON.

The next business on the Private Calendar was the bill (H. R. 7391) granting a pension to Maria B. Woolson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place the name of Maria B. Woolson, widow of John S. Woolson, late assistant paymaster of the United States Navy, on the pension roll of the United States and pay to her a pension at the rate of $25 per month, subject to the rules and regulations of the Pension Office.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "place," insert the following: "on the pension roll, subject to the provisions and limitations of the pension laws."

In line 5 strike out the words "of the."

In line 6 strike out the words "on the pension roll of the United States."

In line 7 strike out the word "to."

In lines 8 and 9 strike out the words "subject to the rules and regulations of the Pension Office."

The committee amendments were agreed to.

Mr. HEDGE. Mr. Chairman, there is a mistake in the spelling of the first name of the claimant. Instead of "Maria" it should be "Mira." I move to change the spelling of that name, both in the body of the bill and in the title.

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE GARRETT.

The next business on the Private Calendar was the bill (H. R. 7418) granting a increase of pension to George Garrett.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and is hereby, authorized and directed to place the name of George Garrett, late corporal, Company B, First Regiment Pennsylvania Volunteer Infantry, second sergeant Company D, Sixth Regiment Pennsylvania Volunteer Infantry, first sergeant Company H, Seventeenth Pennsylvania Cavalry, and second lieutenant of Company H, Seventeenth Pennsylvania Cavalry, on the pension roll of the United States, and pay him a pension at the rate of $30 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Pensions, were read:

Insert the initial "W." in claimant's name in the title, so as to read "George W. Garrett."

Strike out all after the enacting clause and substitute therefor the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Garrett, late of Company B, First Regiment Pennsylvania Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The CHAIRMAN. The question is on the committee amendments.

Mr. RYAN of Pennsylvania. Mr. Chairman, I move to amend by striking out the word "twenty," in line 8, and inserting in lieu thereof the word "thirty."

I wish to say that I am personally acquainted with the applicant in this case, having known him for twenty years past. His grandfather fought in the Revolutionary war, his father in the war of 1812, and he fought in the war of 1845 and served four years in the civil war. He is now 77 years of age and his wife is 75, and both are entirely dependent. For years past, to my personal knowledge, this claimant has been unable to do a day's work, but the good people of that town in their generosity have come to his relief. I introduced this bill asking for $30, but the committee cut it down to $20. I ask the attention of the House to the report which accompanies this bill, which is in part as follows:

Mr. Garrett is now receiving $12 per month under the Mexican war acts of January 29, 1887, and January 5, 1893. He is now in the neighborhood of 77 years old, and without property or means of support for himself and aged wife, aside from his pension. Medical evidence accompanying the bill shows that claimant's condition is now one of extreme helplessness from paralysis, vertigo, and other causes, and that he should have an attendant at all times. The facts are shown by a petition and numerous affidavits from citizens of Pottsville, Pa., where claimant resides, and also by a personal certificate by the Representative who presented the bill in the House, he having full personal knowledge in the premises.

That is a fact, gentlemen—that he is so old and feeble at this time that he can not attend to himself, and that when he goes about the streets of Pottsville it is necessary that some person attend him. He is liable at any time to be affected with the vertigo, from which he is now suffering, and to my knowledge he has fallen on the public streets of the borough of Pottsville within the past seven or eight months and been carried to his home in expectation of his death. I know the circumstances are such that if the committee will but give this increase of $10 more, making it $30, he can then live and be in more independent circumstances than he has been during the last eight or ten years. I hope, therefore, Mr. Chairman, that my amendment will carry.

Mr. TALBERT. What is the reason he could not get this increase?

Mr. RYAN of Pennsylvania. Well, I want to say, my friend, that I did not appear before the committee and make a statement there, as I have before the House.

Mr. TALBERT. I have not the report before me.

Mr. RYAN of Pennsylvania. Of course I submitted what medical evidence we had in order to support the claim for $30 a month.

Mr. LOUDENSLAGER. Mr. Chairman, this is a bill similar in character to hundreds which have come before our committee. This man is now drawing a pension under the Mexican pension act of 1893 of $12 a month. This committee have taken into consideration the physical and financial condition of this claimant in the amendment which is reported to the bill, giving the increase which we have given, and it is the maximum amount allowed by the committee in all cases of this kind.

I desire to say for the benefit of this committee, and feel proud in saying it, that these reports reflect the unanimous judgment of that committee; so that they are not the recommendation of a portion of the committee, but are the unanimous recommendation of the committee. I submit that if this Committee of the Whole proposes to take up first one case and then another and raise the amount we will find that we will be in the same position that we were three, four, or six years ago in regard to pension legislation, without any continuity of action or equitable line but such as shall happen to be the mood of the individual. First one will get a high pension, and the next, equally as meritorious, a low one. I trust this committee will conform to the action of the Committee on Pensions, that has given not only this case but all the cases that they have considered fair treatment.

Mr. RYAN of Pennsylvania. I want to say I propose to cast no reflection upon the judgment of the committee; but when I make a statement to this House in relation to the physical and financial condition, circumstances that the applicant is in, I do it with an honest regard of what ought to be truthfully said. I believe that if the committee had just as full a knowledge of the applicant's condition as I possessed they would report the original bill calling for $30.

Mr. LOUDENSLAGER. I will say, for the benefit of the gentleman, that his statement is in the report. The House has had cognizance of the facts ever since the report.

Mr. RYAN of Pennsylvania. That is very true. You have reported the facts as they were submitted to the committee, but I have had some evidence that the committee never had, that of seeing the applicant and noticing his feeble condition.

The CHAIRMAN. The question is on the amendment to the amendment, offered by the gentleman from Pennsylvania.

The question was taken; and the amendment to the amendment was rejected.

The CHAIRMAN. The question is upon the committee amendment.

Mr. RYAN of Pennsylvania. I call for a division on that question.

The CHAIRMAN. The gentleman has called for a division. The amendment to the amendment was disagreed to.

Mr. RYAN of Pennsylvania. I ask for a division on my amendment.

The CHAIRMAN. The result has been announced, and a vote has been taken on the committee amendment. Does the gentleman still desire a division upon the committee amendment.

Mr. RYAN of Pennsylvania. I call for a division on the committee amendment.

The committee divided; and there were—ayes 29, noes 30.

Mr. LOUDENSLAGER. Tellers, Mr. Chairman.

The question was taken on ordering tellers.

The CHAIRMAN. Fourteen gentlemen have arisen—not a sufficient number, and tellers are refused.

Mr. LOUDENSLAGER. No quorum, Mr. Chairman.

Mr. ROBINSON of Indiana. I hope that question will not be raised.

Mr. BROMWELL. We are going to raise it. I say if you people are interested in this subject, when there are only 40 or 50 members present you should sustain the committee.

Mr. FITZGERALD of Massachusetts. Let them take the responsibility on that side.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and three gentlemen present—a quorum.

Mr. ROBINSON of Indiana. Mr. Chairman——

The CHAIRMAN. The noes have it, and the committee amendment is rejected. The question is on laying aside the bill with a favorable recommendation.

Mr. ROBINSON of Indiana. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBINSON of Indiana. Is it in order to move to reconsider the vote?

The CHAIRMAN. Not in Committee of the Whole.

Mr. BROMWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROMWELL. Is debate upon this question exhausted at this time, or would it be in order to call the attention of the House to the fact that the original bill calls for $30? They want to know what they are doing.

Mr. FITZGERALD of Massachusetts. I raise the point of order that debate is not in order at this present time. [Cries of "Regular order!"]

The CHAIRMAN. The committee is dividing upon the question of laying aside the bill with a favorable recommendation, and therefore debate is not in order.

The bill was ordered to be laid aside with a favorable recommendation.

Mr. LOUDENSLAGER. Mr. Chairman, I give notice that I shall demand a yea and nay vote in the House on the amendment.

DOLLY L. HARRELL.

The next business on the Private Calendar was the bill (H. R. 2734) granting an increase of pension to Dolly L. Harrell, of Hinds County, Miss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dolly L. Harrell, widow of Wells C. Harrell, late sergeant of Company D, First Regiment Mississippi Volunteers (Mexican war), and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as as follows:

In line 8 strike out the word "sixteen" and substitute therefor the word "twelve."

Mr. HENRY of Mississippi. Mr. Chairman, I want to call the attention of the House to the bill just reported. I insist that this widow should have $16 instead of $12, as per amendment. I have great respect for the committee, and while I think they have done what they considered right in the premises under the conditions, I submit this lady is entitled to $16 a month. I ask the Clerk to read the report.

The report (by Mr. CRAWFORD) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2734) granting an increase of pension to Dolly L. Harrell, of Hinds County, Miss., beg leave to submit the following report and recommend that said bill do pass with amendments.

The claimant is the widow of Wells C. Harrell, late a sergeant in Company D, First Mississippi Volunteers, who served from June 6, 1846, to June 12, 1847, in the war with Mexico.

Mrs. Harrell, who resides at Jackson, Hinds County, Miss., is now a pensioner at $8 per month under the Mexican war service pension act of January 29, 1887. She married the soldier July 31, 1851, and he died April 9, 1895.

The claimant is now in the neighborhood of 69 years old, and the testimony accompanying the bill shows that she has no property or income aside from her small pension, and that she is dependent upon a crippled son for support. It is further shown that she is so disabled as to be utterly unable to do anything to aid in her own maintenance.

There are many precedents for the granting of an increased rating to the aged and indigent widows of Mexican war veterans, and in view of the facts stated above, your committee recommend the papsage of the bill with the following amendments:

Strike out of the title the words "of Hinds County, Miss."

In line 8 strike out the word "sixteen" and substitute therefor the word "twelve;" so as to fix the rating at $12 per month.

Mr. HENRY of Mississippi. Mr. Chairman, I desire to say that this is the widow of a gallant soldier of the Mexican war, who helped bring to this Government some of the finest possessions we have. This widow is poor, she is old, and has upon her hands an invalid son. The report says that he is the only help she has in the way of support. The truth about it is he is, by reason of his infirmity, a burden upon her. She gets $8 a month and has to pay $4 for house rent, which leaves only $4 to support her and her invalid son. I appeal to gentlemen on this floor from a sense of justice to give this woman the poor pittance of $16 a month in order that she may, in her old age at least, have something upon which to live. The amendment offered by the committee reduces it to $12. I submit, in view of the legislation we have had in behalf of pensions, that it is right that this widow of a gallant Mississippi soldier should have the poor pittance of $16.

Mr. KING. She made a mistake in marrying a private instead of an officer.

Mr. HENRY of Mississippi. Mr. Harrell was a sergeant.

Mr. LOUDENSLAGER. Mr. Chairman, I want to say that this soldier had a service of about a year, and that this woman did not marry the soldier until after the war, and the committee have taken into consideration her age, her feeble condition, and the fact of her having a crippled son, which may be, as the gentleman says, a detriment or a hindrance to her; and they have given her not the amount under the general law which the widows of soldiers of the late war receive, but the maximum amount allowed the widows of soldiers of the late war who lost their husbands in the service. I believe in that they are doing all they ought to do.

Mr. WILLIAMS of Mississippi. May I ask the gentleman a question?

Mr. LOUDENSLAGER. Yes.

Mr. WILLIAMS of Mississippi. The gentleman will excuse my lack of information, but is there a different rate for a sergeant from that of a private?

Mr. LOUDENSLAGER. No.

Mr. WILLIAMS of Mississippi. This man was a sergeant of a company.

Mr. LOUDENSLAGER. They all go as privates. In granting the pension at $12 a month, the committee believes that they have done all that they ought to do.

The great trouble about individual members of the House in addressing the Committee of the Whole is, they seem to believe that the pension bill which they introduce is the only one that has merit, and about the only one that is to be considered, or that will make any draft upon the Treasury of the United States. If they will come to the committee room and see the hundreds and hundreds that are there asking for an increase of pension, perhaps they will think better of it. I believe the amount reported by this committee is equitable, and I trust the Committee of the Whole will conform their action to that of the Committee on Pensions.

Mr. RIDGELY. Mr. Chairman, I do not wish to take up valuable time, but here is a case where, as the law now stands, this widow gets $8. Her case is so serious that she has come to us for relief. This committee seems willing to give her $4 of relief and no more. She is now 69 years of age, has a dependent son, and appeals to us for a little competence. The committee are willing to give her $12, but the gentleman from Mississippi asks that we raise it $4, and give her $16. I hope the sentiment here will support the gentleman from Mississippi and give her $16, if we do anything. Therefore I shall not support the amendment to reduce it to $12.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I did not know until a few moments ago that there was such a claim as this pending, but it so happens that I was personally acquainted with the deceased soldier. He was a sergeant in the company of which my grandfather was a captain, the First Mississippi Rifles, in the Mexican war. He lived quite a long while in my county. I know he was a man of magnificent courage, of estimable habits, and of great self-reliance. I know that he was a man unfortunate in so far as making or keeping money was concerned, and that he died absolutely without anything. I know there was not a man anywhere who ever wore the uniform better than old Major Harrell, as we called him. I want to say that much in his behalf. I do not know that that has anything to do with the legal aspect of the case. On the other hand, from my observations when we are in Committee of the Whole on a pension case, I am not dead certain that the legal aspect has much to do with it. It has generally been considered right to appeal to the House on the ground of the need of the applicant and the merits of the soldier whose widow the applicant claims to be.

Mr. MIERS of Indiana. If it is right that we should give her $4, then it is right that she should have enough to do some good.

Mr. CRAWFORD. Mr. Chairman, in this matter of pensions I think the House ought to be just to all the claimants. I do not think it is right that we should come in here and discriminate in favor of some and against others. We have to have some kind of rule, and the Committee on Pensions have various and sundry claims and various kinds of pleas and appeals upon which the applicants ask for increase of pensions. We can not give everybody everything that may be asked for. Now, I can not see any good reason why this claimant should have any more than other claimants who have equal merits. For instance, Col. John A. Fogg, from my district, commanded a regiment in Mexico, and his widow is drawing only $12 a month; and under the rules of the committee of the House and the rules of the Senate committee no more can be allowed. I submit it would not be fair, it would not be just, to allow the widow of a sergeant to receive $16 a month while the widow of a colonel can not get more than $12.

Mr. VANDIVER. Did we not pass a bill here a few moments ago raising the pension of the widow of a deceased colonel to $50 a month?

Mr. CRAWFORD. I do not know whether you did or not. I have just come into the Hall.

Several MEMBERS. We did.

Mr. MIERS of Indiana. And that case was no more meritorious than this.

Mr. CRAWFORD. If that was not a meritorious case, it would not make it right that we should pass this bill.

Mr. MIERS of Indiana. That was right, and so is this.

Mr. CRAWFORD. Why should we give the widow of a sergeant $16 and the widow of a colonel $12.

Mr. VANDIVER. Both bills are put on the ground of the need of the widow and the good record of the deceased soldier. Does not the gentleman think that the widow of a private soldier may be as needy as the widow of a colonel?

Mr. CRAWFORD. I am not speaking of that. I say that the sergeant's widow should not receive any more than the widow of a colonel. This widow to whom I have called attention is 77 years of age; she is sick abed and has nobody to depend upon for support except her two widowed daughters.

Under the rules of the House and Senate committees no more can be allowed this widow than she is now receiving, because when a pension has once been increased by a private act, whether the increase be $1 or $20, no further increase can be granted under the rule; a proposition of further increase would not be considered. This pension was increased from $8 to $12 in the last Congress. The widow was receiving under the general law $8 a month; and a special act increased her pension to $12 a month. Under these circumstances, under the rules of the committees, her claim for a further increase can not be considered.

Mr. NEVILLE. When was the rule of which the gentleman speaks adopted by the House and the Senate?

Mr. CRAWFORD. It is a rule of the committees.

Mr. HENRY of Mississippi. We do not know of any ironclad rules in regard to pensions.

Mr. CRAWFORD. I am trying to inform the members of this committee that there is such a rule.

Mr. HENRY of Mississippi. These cases come in here on their merits, each one standing by itself. If the House does not choose to grant in this case the pension of $16, I am content to take $12.

Mr. CRAWFORD. But I was undertaking to say to the gentleman and to the House that we should try to equalize these pensions and give all deserving cases a fair show. I am willing to vote for $16 a month in this case if the same amount is granted in other cases of widows of Mexican soldiers equally as meritorious.

Mr. NEVILLE. The House is not responsible for any rule of the committee.

The CHAIRMAN. The question is on the amendment reported by the committee.

The amendment was agreed to.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I do not think the House understood the question just voted upon.

Mr. HENRY of Mississippi. I rise to a parliamentary inquiry. The amendment having been adopted, it places the amount back at $16, does it not?

The CHAIRMAN. The amendment of the committee, fixing the rate at $12, has been agreed to.

Mr. HENRY of Mississippi. But I offered an amendment to change the amount back to $16. We supposed we were voting upon that question as an amendment to the amendment of the committee.

The CHAIRMAN. The Chair will state the condition of the question. The bill provided for a pension of $16 a month. The amendment reported by the committee proposed that $16 be changed to $12; and this amendment of the committee has been agreed to.

Mr. HENRY of Mississippi. The Committee of the Whole did not so understand the matter.

Mr. WILLIAMS of Mississippi. Members supposed they were voting upon the amendment offered by my colleague [Mr. HENRY].

The CHAIRMAN. The question is now on laying aside the bill as amended with a favorable recommendation.

Mr. WILLIAMS of Mississippi. I move to reconsider the vote just taken.

The CHAIRMAN. The motion to reconsider is not in order in Committee of the Whole.

Mr. WILLIAMS of Mississippi. Members thought they were voting on the amendment of my colleague.

Mr. RIDGELY. What became of the motion made by the gentleman from Mississippi [Mr. HENRY] to amend the amendment of the committee?

Mr. WILLIAMS of Mississippi. That amendment of my colleague was in order, and the question should have been put upon it.

The CHAIRMAN. The way to accomplish the purpose of the gentleman from Mississippi would have been to vote down the committee amendment, which would have left the original bill, proposing a pension of $16, standing.

Mr. RIDGELY. The gentleman from Mississippi [Mr. HENRY] made a motion to amend the committee's amendment by inserting $16.

The CHAIRMAN. That could not be done, because the bill itself provided for a pension of $16, and the amendment of the committee proposed $12.

Mr. CLARK of Missouri. I rise to a parliamentary inquiry. Is it not proper to entertain the motion of the gentleman from Mississippi [Mr. WILLIAMS] to reconsider the vote just taken?

The CHAIRMAN. It is not.

Mr. CLARK of Missouri. Why not?

The CHAIRMAN. The House is in Committee of the Whole, and there can be no motion to reconsider in Committee of the Whole.

Mr. CLARK of Missouri. What is the reason that the rule which applies in the House does not apply in Committee of the Whole?

The CHAIRMAN. That is the rule.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry, if the Chair please.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Suppose it be plainly palpable to the Chair that the House, intending to vote for the amendment to the amendment offered by the gentleman from Mississippi, has really voted for the committee amendment. Now, the parliamentary inquiry is this: Is there no way for the House to get out of that situation?

The CHAIRMAN. The Chair will submit the proposition as a request for unanimous consent. The gentleman from Mississippi asks unanimous consent that the vote may be retaken. Whilst we can not reconsider in Committee of the Whole; yet if there is a misunderstanding, the vote, by unanimous consent, can be taken again.

Mr. POWERS. I ask unanimous consent that the vote be taken again. It is evident that there was a mistake. I myself voted under a misapprehension.

The CHAIRMAN. Unanimous consent is asked that the vote may be retaken. Is there objection?

There was no objection.

The CHAIRMAN. Now the question is upon the committee amendments, which will be reported.

The Clerk read as follows:

In line 8 strike out the word "sixteen" and insert the word "twelve."

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. LOUDENSLAGER demanded a division.

The committee divided: and there were—ayes 20, noes 54.

Accordingly the amendment was rejected.

The CHAIRMAN. The question is now on the remaining committee amendments.

The remaining committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

IDA WIEDERHOLD.

The next business on the Private Calendar was the bill (H. R. 2621) granting a pension to Ida Wiederhold.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida Wiederhold, widow of Eberhard Wiederhold, deceased, member of Company F, Second United States Cavalry, and pay her a pension of $12 per month.

The following amendments, recommended by the Committee on Pensions, were read:

In line 6 strike out "deceased."
In line 7 strike out "member" and insert in lieu thereof "late."
In line 8, after the word "pension," insert the words "at the rate."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

KATHERINE TAYLOR DODGE.

The next business on the Private Calendar was the bill (S. 2650) granting an increase of pension to Katherine Taylor Dodge.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katharine Taylor Dodge, widow of Charles Dodge, jr., late a captain and brevet major, Company C, Twenty-fourth United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she now receives.

The following amendment, recommended by the Committee on Pensions, was read:

In line 9 strike out "fifty" and insert in lieu thereof the word "twenty-five;" so as to fix the rating at $25 per month.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS J. CARLTON.

The next business on the Private Calendar was the bill (H. R. 6554) granting an increase of pension to Thomas J. Carlton.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Carlton, late captain of Company I, Sixth Regiment New Hampshire Infantry Volunteers, and pay him a pension of $24 per month in lieu of that he now receives.

The following amendments recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the letter "I" and insert in lieu thereof the letter "F."
In line 7 strike out the word "Volunteers" and in the same line, before the word "Infantry," insert the word "Volunteer."
In line 8, after the word "pension," insert the words "at the rate."
In line 9, before the word "now," insert the word "is."
Strike out the word "receives," in line 9, and insert in lieu thereof the word "receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recomendation.

ANNIE M. CHURCHWARD.

The next business on the Private Calendar was the bill (H. R. 4037) granting a pension to Mrs. Annie M. Churchward, widow of William F. Churchward, late private, Company H, One hundred and fifty-ninth New York Infantry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Annie M. Churchward, widow of William F. Churchward, late private, Company H, One hundred and fifty-ninth New York Infantry.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the word "Mrs."
In line 8, before the words "New York," insert the word "Regiment;" in

the same line, before the word "Infantry," insert the word "Volunteer;" in the same line, after the word "Infantry," insert the words "and pay her a pension at the rate of $8 per month, and $2 per month additional for the minor child of the soldier until such child shall arrive at the age of 16 years."

Amend the title so as to read: "A bill granting a pension to Annie M. Churchward."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

EDGAR H. STEVENS.

The next business on the Private Calendar was the bill (H. R. 8655) granting an increase of pension to Edgar H. Stevens.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Edgar H. Stevens, late private in Company B, Fifteenth Regiment New Hampshire Volunteers, and pay him a pension of $30 per month in lieu of that he now receives.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5 strike out the word "in."

In line 6 strike out the word "Volunteers;" and in the same line, after the words "New Hampshire," insert the words "Volunteer Infantry."

In line 7, after the word "pension," insert the words "at the rate;" in the same line, after the word "he," insert the word "is."

In line 8 strike out the word "receives" and insert in lieu thereof the word "receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SARAH ANN FLETCHER.

The next business on the Private Calendar was the bill (S. 950) granting a pension to Sarah Ann Fletcher.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Ann Fletcher, widow of Archer Fletcher, late of Company C, Seventh Battalion, District of Columbia Volunteer Militia Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARGARETHA LIPPERT.

The next business on the Private Calendar was the bill (S. 3186) granting a pension to Margaretha Lippert.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaretha Lippert, widow of Adam Lippert, late of Company B, Eighth Battalion, District of Columbia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

LEVI MOSER.

The next business on the Private Calendar was the bill (S. 1917) granting an increase of pension to Levi Moser.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Moser, late of Company I, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM H. H. MACDONALD.

The next business on the Private Calendar was the bill (H. R. 8801) granting an increase of pension to W. H. H. MacDonald.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. H. MacDonald, late of Company L, Fifteenth Pennsylvania Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the word "MacDonald" and insert in lieu thereof the word "Macdonald."

In line 7, before the word "Pennsylvania," insert the word "Regiment;" in the same line, before the word "Cavalry," insert the word "Volunteer."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

Amend the title so as to read: "A bill granting an increase of pension to William H. H. Macdonald."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM H. BROOKINS.

The next business on the Private Calendar was the bill (H. R. 4422) granting a pension to William H. Brookins.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of William H. Brookins, late of Company B, Seventeenth Regiment of Pennsylvania Cavalry, and pay him a pension of $30 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 6, after the word "Regiment," strike out the word "of."

In the same line, before the word "Cavalry," insert the word "Volunteer."

In line 7, before the word "of," insert the words "at the rate."

In the same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William H. Brookins."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

NATHANIEL L. COLSON.

The next business on the Private Calendar was the bill (H. R. 9180) granting an increase of pension to Nathaniel L. Colson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel L. Colson, late of Company D, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRIETTA P. COTTER.

The next business on the Private Calendar was the bill (H. R. 9419) granting a pension to Mrs. H. P. Cotter.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. H. P. Cotter, widow of Capt. John S. Cotter, late of Company K, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The following amendments, recommended by the committee, were read:

In line 6 strike out the word "Mrs." and the letter "H." and insert in lieu thereof the word "Henrietta."

In line 6 strike out the word "Captain."

In line 7 strike out the word "of" and insert in lieu thereof the word "captain;" in the same line, before the word "Illinois," insert the word "Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

FERGUSON M. BURTON.

The next business on the Private Calendar was the bill (H. R. 9163) granting a pension to Ferguson M. Burton.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Ferguson M. Burton, late of Company G, Sixty-seventh Regiment Illinois Volunteers, and Company C, One hundred and thirty-seventh Regiment Illinois Infantry Volunteers, and pay him a pension of $24 per month.

The following amendments, recommended by the committee, were read, as follows:

Strike out, in line 5, the word "limitations" and insert in lieu thereof the word "provisions;" in the same line, after the word "and," strike out the word "provisions" and insert in lieu thereof the word "limitations."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "Volunteers," and in the same line, before the word "Infantry," insert the word "Volunteer."

In line 9, after the word "pension," insert the words "at the rate;" in the same line strike out the words "twenty-four" and insert in lieu thereof the word "twelve."

Mr. DE GRAFFENREID. Mr. Chairman, I want to offer an amendment to the amendment of the committee by inserting the word "twenty" where they have inserted the word "twelve."

The CHAIRMAN. That amendment would not be in order.

Mr. ROBINSON of Indiana. I would like to hear the gentleman make a statement.

Mr. DE GRAFFENREID. The original bill called for $24, and the amendment of the committee puts it at $12.

The CHAIRMAN. The gentleman could reach his object by voting down the amendment.

Mr. DE GRAFFENREID. I offer that as an amendment, by leaving it $24 instead of $12, as recommended by the committee.

The CHAIRMAN. That amendment would not be in order. The same result can be accomplished by voting down the committee amendment.

Mr. GRAFF. I suggest to the gentleman from Texas that he make a request that the propositions of the committee be divided.

The CHAIRMAN. A separate vote can be had on the committee amendments. The question is on the other amendments.

Mr. MADDOX. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MADDOX. If we vote down the amendment of the committee does not that leave it at $24?

The CHAIRMAN. Certainly. The question is on the other committee amendments.

The other committee amendments were agreed to.

The CHAIRMAN. The question now is on the amendment which the Clerk will read.

The Clerk read as follows:

In line 10 strike out the words "twenty-four" and insert the word "twelve."

Mr. DE GRAFFENREID. Mr. Chairman, I desire to make a statement in connection with this amendment. The party for whose benefit this increase is asked is paralyzed. He is incapable of performing any manual labor whatever. He has no financial means whatever. His testimony before the committee gives substantially that state of facts, supplemented by the personal statement on my part. He lives in the town where I did live, and I know personally the testimony before that committee to be true. He is poor, has a wife and two children, and I would like the House to leave the bill as it was, at $24, and to vote down the amendment.

Mr. LANHAM. How old is he?

Mr. DE GRAFFENREID. Fifty-four years old.

The CHAIRMAN. The question is on the adoption of the amendment of the committee.

The question was taken; and the amendment was rejected.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH W. MURPHEY.

The next business on the Private Calendar was the bill (S. 2200) granting an increase of pension to Elizabeth W. Murphey.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth W. Murphey, widow of Thomas G. Murphey, late chaplain First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. TALBERT. Mr. Chairman, I see that the committee here has just substituted the Senate report. As I understand, it has been stated here time and again that all House bills are investigated, experts are sent for, and an examination made. I would like to ask the chairman of the committee if that is also the case in the cases where they substitute the Senate report, or if they just take the Senate report as it comes to them?

Mr. SULLOWAY. Mr. Chairman, I will say to the gentleman from South Carolina that the Senate has as good an expert as there is in the Bureau; we have one who is as good as any in the Bureau. These gentlemen do not review each other. It would be an idle waste of time. But this report of the Senate has been gone over by a man as good as any in the country, and none more competent than the two gentlemen.

Mr. TALBERT. Then you just substitute the Senate report?

Mr. SULLOWAY. No; we do not substitute the Senate report. We accept it, unless there is some reason to question it.

Mr. TALBERT. I see it is a common thing in the Senate to pass these bills two to the minute.

Mr. SULLOWAY. Well, that is the way to do business. The trouble is that it takes two hours to pass one here, where we are using so much wind,

Mr. TALBERT. I only asked so as to know.

Mr. SULLOWAY. The Senate has method, and we have wind.

Mr. TALBERT. The gentleman has a good deal of it about him.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES J. HOLLAND.

The next business on the Private Calendar was the bill (S. 2943) granting a pension to James J. Holland.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Holland, late of Company E, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was laid aside to be reported with a favorable recommendation.

HANNAH R. JOHNSON.

The next business on the Private Calendar was the bill (S. 755) granting a pension to Hannah R. Johnson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah R. Johnson, widow of Maj. John Cockrell Johnson, late One hundred and tenth Pennsylvania Volunteers, and pay her a pension of $25 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

EMILY A. LARIMER.

The next business on the Private Calendar was the bill (S. 3125) granting a pension to Emily A. Larimer.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily A. Larimer, former widow of Henry J. Hill, late of Company F, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

LOUISA C. GERMAIN.

The next business on the Private Calendar was the bill (H. R. 8682) to place upon the pension roll Louisa C. Germain, widow of Charles Germain.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the pension roll of the United States the name of Louisa C. Germain, as the widow of Charles Germain, late acting master on the U. S. S. *Cincinnati*, United States Navy, war of rebellion, at the rate of $50 per month.

The following amendments, recommended by the committee, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa C. Germain, widow of Charles Germain, late acting master, United States Navy, and pay her a pension at the rate of $20 per month."

Amend the title so as to read: "A bill granting a pension to Louisa C. Germain."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

NELLIE A. WEST.

The next business on the Private Calendar was the bill (S. 2545) granting a pension to Nellie A. West.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie A. West, widow of Louis H. West, late of Company B, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN T. HAYES.

The next business on the Private Calendar was the bill (S. 1600) granting an increase of pension to John T. Hayes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Hayes, late of Company F, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOSEPH P. POPE.

The next business on the Private Calendar was the bill (S. 1787) granting an increase of pension to Joseph P. Pope.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph P. Pope, late captain and commissary of subsistence, United States Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

JULIA D. RICHARDSON.

The next business on the Private Calendar was the bill (S. 681) granting a pension to Julia D. Richardson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia D. Richardson, former widow of Chesley Pratt, late of Third Battery Minnesota Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARY M. YOUNG.

The next business on the Private Calendar was the bill (H. R. 4789) granting a pension to Mary M. Young.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary M. Young on the pension roll of the United States, subject to the provisions and limitations of the laws relating to pensions, and to pay the said Mary M. Young a pension at the rate of $12 per month.

The following amendments, recommended by the committee, were read:

Strike out all after the word "place," in line 4, and all of lines 5, 6, 7, and 8, and insert in lieu thereof the following: "On the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Young, widow of Jesse B. Young, late of Company B, Sixth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLES WILLIAMSON.

The next business on the Private Calendar was the bill (S. 1271) granting a pension to Charles Williamson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Williamson, late assistant surgeon Twelfth Regiment Kansas State Volunteer Militia, and pay him a pension at the rate of $17 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELEANOR M'DEVITT.

The next business on the Private Calendar was the bill (S. 342) granting a pension to Eleanor McDevitt.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eleanor McDevitt, widow of Frank McDevitt, late scout with the Twenty-fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

ROXIE B. SALTER.

The next business on the Private Calendar was the bill (H. R. 7230) granting a pension to Roxie B. Salter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Roxie B. Salter, widow of John I. Salter, late a first lieutenant in Company K, Eighth Minnesota Volunteer Infantry, upon the pension roll, and pay her a pension of $17 per month in lieu of the pension she is now receiving.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out all after the word "place," in line 4, and all in lines 5, 6, 7, and 8, and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Roxie B. Salter, widow of John I. Salter, late first lieutenant Company K, Eighth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Roxie B. Salter."

The bill as amended was laid aside to be reported favorably to the House.

AMOS VAN NAUSDLE.

The next business on the Private Calendar was the bill (H. R. 5978) for the relief of Amos Van Nausdle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Amos Van Nausdle, late of Company F, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, upon the pension roll, and to pay him a pension at the rate of $30 per month in lieu of the pension he is now drawing.

The amendments reported by the committee were read, as follows:

Strike out all after the word "place," in line 4, and all in lines 5, 6, 7, and 8, and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos Van Nausdle, late of Company F, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to Amos Van Nausdle."

Mr. TALBERT. I ask that the report in this case be read.

The Clerk proceeded to read the following report:

This bill proposes to increase the pension of Amos Van Nausdle from $10 to $30 per month.

This soldier, now 74 years of age, served as a private in Company F, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, from May 2, 1864, to August 31, 1864, and the medical records of the War Department show that he was treated from June 12 to August 4, 1864, for flux.

He applied for pension March 8, 1878, under the general law, on account of chronic diarrhea and rupture of left side, and was pensioned in 1884 at $4 per month from the date of discharge for chronic diarrhea, and this pension was increased to $6 per month from March 13, 1889, disease of rectum having been accepted as a result of the pensioned cause, and again increased to $10 per month from December 17, 1890. The claim for rupture was rejected September 8, 1885, upon the ground of no record in the War Department of any treatment for such rupture, and no other satisfactory evidence having been filed showing that the hernia originated in the service.

In an affidavit filed in September, 1882, the soldier alleged that the rupture was caused by the hospital steward trying to carry him from the office to his bunk, as he was unable to walk; in another affidavit, filed in 1883, the soldier stated that he did not know that he was ruptured and did not discover it until after he was sent home.

In a subsequent affidavit he stated that the assistant surgeon examined him in July, 1864, while in service, and told him that he was ruptured, and in an affidavit filed in July, 1897, he stated that while in hospital he was carried from one room to another by the hospital steward, and that in the transfer he was hurt; that a few days thereafter he was examined by the surgeon, who informed him that he was ruptured.

The evidence filed in the case as to the origin of the alleged hernia is altogether based upon the soldier's statements to the witnesses and not upon personal knowledge, except that the assistant surgeon of the soldier's regiment testified that he saw the alleged hernia in the service, but had no knowledge as to its origin.

The adverse action of the Pension Bureau as to this disability was affirmed by Assistant Secretary Davis under date of November 11, 1899.

Rupture of the left side was shown to exist in the first examination, on November 1, 1882, and in all subsequent examinations, and the last medical examination in the case, had December 17, 1890, rated him $10 for the pensioned disabilities—$4 for rheumatism and $6 for rupture. The rupture is shown to protrude through the external ring, and under the present schedule ratings would entitle him to $10 per month.

The soldier having been accepted into the service as sound after passing a medical examination, and existence of the rupture in the service being shown by the testimony of the regimental surgeon, it should be presumed that such rupture did originate in the service and line of duty, as alleged, and hence your committee report the bill back with the recommendation that it pass after the same shall have been amended as follows:

Strike out all after the word "place," in line 4, and all in lines 5, 6, 7, and 8 and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos Van Nausdle, late of Company F, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to Amos Van Nausdle."

Mr. TALBERT (before the reading of the report was concluded). Mr. Chairman, I do not ask for the further reading of the report. I notice that the affidavits cited in this report contradict each other. I should like to hear some statement in regard to this matter from the gentleman in charge of the bill.

Mr. CALDERHEAD. There is in this case an affidavit stating that the soldier at the time he was ruptured did not know it and did not discover it until after he was sent home. The soldier, however, has testified as to the time when he was injured and the circumstances from which the injury occurred. I suggest that a great many men suffering from this peculiar injury do not at first know whether the injury is a rupture or some other lesion.

This man is 74 years of age and has a good record as a soldier.

Mr. TALBERT. All right.

The question being taken on the amendments reported by the committee, they were agreed to.

The bill as amended was laid aside to be reported favorably.

CAROLINE B. BRADFORD.

The next business on the Private Calendar was the bill (S. 2880) granting an increase of pension to Caroline B. Bradford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline B. Bradford, widow of Robert F. Bradford, late captain, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The bill was laid aside to be reported favorably.

MARGARET J. KIBBLE.

The next business on the Private Calendar was the bill (H. R. 8992) to place on the pension roll the name of Margaret J. Kibble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Margaret J. Kibble, widow of Joseph A. Kibble, late of Company H, Twenty-fourth Massachusetts Volunteer Infantry, during the war of the rebellion, and pay her a pension subject to the provisions and limitations of the pension laws.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out all after the word "roll," in line 4, and all in lines 5, 6, 7, and 8 and in lieu thereof insert the following: "subject to the provisions and limitations of the pension laws, the name of Margaret J. Kibble, widow of Joseph A. Kibble, late of Company H, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $8 per month."

Amend the title so as to read: "A bill granting a pension to Margaret J. Kibble."

The bill as amended was laid aside to be reported favorably to the House.

SELEDER BURNHAM.

The next business on the Private Calendar was the bill (S. 3102) granting a pension to Seleder Burnham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Seleder Burnham, widow of Hiram Burnham, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month.

The bill was laid aside to be reported favorably to the House.

ISAAC W. COMERY.

The next business on the Private Calendar was the bill (S. 752) granting an increase of pension to Isaac W. Comery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac W. Comery, late captain

Company A, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was laid aside to be reported favorably to the House.

JAMES H. STEVENS.

The next business on the Private Calendar was the bill (S. 3004) granting an increase of pension to James H. Stevens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Stevens, late captain Company C, Eighty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was laid aside to be reported favorably to the House.

WILLIAM M. WALKER.

The next business on the Private Calendar was the bill (H. R. 359) granting an increase of pension to William M. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of William M. Walker, late of Company E, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments reported by the committee were read and agreed to, as follows:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on;" in the same line, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 7 strike out the word "twenty," and insert in lieu thereof the word "seventeen."

The bill as amended was laid aside to be reported favorably to the House.

FRANCES J. MANLEY.

The next business on the Private Calendar was the bill (H. R. 2162) granting a pension to Frances J. Manley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances J. Manley, widow of Thomas L. Manley, late a member of Company D, Twenty-fifth Ohio Volunteer Infantry, and pay her a pension of $12 a month.

The amendments reported by the committee were read and agreed to, as follows:

In line 6 strike out the word "a."

In line 7 strike out the word "member."

In line 7, before the word "Ohio," insert the word "Regiment."

In line 8, after the word "pension," insert the words "at the rate;" in the same line strike out the word "a" and insert in lieu thereof the word "per."

The bill as amended was laid aside to be reported favorably to the House.

DAVID H. DRAKE.

The next business on the Private Calendar was the bill (H. R. 9751) granting a pension to David H. Drake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David H. Drake, of Company —, and pay him a pension at the rate of $72 per month.

The amendments reported by the committee were read and agreed to, as follows:

In line 6 strike out all after the word "Drake," and all of line 7, and insert in lieu thereof the following: "late of Company H, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to David H. Drake."

The bill as amended was laid aside to be reported favorably to the House.

BURTON PACKARD.

The next business on the Private Calendar was the bill (S. 1754) granting an increase of pension to Burton Packard.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Burton Packard, late of Company C, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARGARET R. CLUNE.

The next business on the Private Calendar was the bill (H. R. 8559) granting an increase of pension to Mrs. Margaret R. Clune.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Margaret R. Clune, widow of W. H. Clune, lieutenant-colonel and late commander of the Sixth Regiment of Iowa Infantry, and pay her a pension of $30 a month in lieu of the pension she is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the word "Mrs."

In line 7 strike out the words "and late commander of the;" in the same line strike out the word "of."

In line 8, before the word "Infantry," insert the word "Volunteer;" in the same line, after the word "pension," insert the words "at the rate."

In line 9 strike out the words "the pension" and insert in lieu thereof the word "that."

Amend the title so as to read: "A bill granting an increase of pension to Margaret R. Clune."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ROGER FENTON.

The next business on the Private Calendar was the bill (H. R. 9457) granting an increase of pension to Roger Fenton.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Roger Fenton, late a member of Company H, Fifth Minnesota Infantry, on the pension roll of the United States, and to pay the said Roger Fenton a pension at the rate of $20 per month in lieu of the pension he is now receiving, subject to the existing laws regulating the payment of pensions.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all after the word "place," in line 4, and all in lines 5, 6, 7, 8, and 9, and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Roger Fenton, late of Company K, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ANNA HERING.

The next business on the Private Calendar was the bill (H. R. 4658) to pension Anna Hering.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place the name of Anna Hering, widow of Carl Hering, late of Company K, Third Regiment Wisconsin Cavalry, upon the pension roll, and pay her a pension of $12 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and substitute in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Hering, widow of Carl Hering, late of Company K, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Anna Hering."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELLSEY A. SLOANE.

The next business on the Private Calendar was the bill (H. R. 3778) granting an increase of pension to Ellsey A. Sloane, late private Company D, One hundred and second Ohio Volunteer Infantry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Elzy A. Sloane, also Ellsey A. Sloane, late of Company D, One hundred and second Regiment of Ohio Volunteer Infantry, on the pension roll, and cause to be paid to him a pension of $30 per month in lieu of the pension now received by him.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the word "place" in line 4, and all in lines 5, 6, 7, and 8, and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellsey A. Sloane, late of Company D, One hundred and second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Ellsey A. Sloane."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

FRANK C. STEVENS.

The next business on the Private Calendar was the bill (H. R. 2409) granting an increase of pension to Frank C. Stevens.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Frank C. Stevens, late private of Company A, Eleventh Regiment Maine Volunteers, and pay him a pension of $30 per month in lieu of that he now receives.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5 strike out the word "private."

In line 6 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry;" in the same line, after the word "pension," insert the words "at the rate."

In line 7, after the word "he," insert the word "is;" in the same line strike out the word "receives" and insert in lieu thereof the word "receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY E. FENN.

The next business on the Private Calendar was the bill (S. 1007) granting a pension to Mary E. Fenn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Fenn, widow of Augustus H. Fenn, late captain Company K, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

FRANCIS H. STAPLES.

The next business on the Private Calendar was the bill (S. 2863) restoring to the pension roll the name of Francis H. Staples.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll the name of Francis H. Staples, late of Company E, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at such rate as his disabilities, heretofore shown to have originated in the service, may entitle him to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LURINDA LAUGHLIN.

The next business on the Private Calendar was the bill (H. R. 5655) granting a pension to Lurinda Laughlin, of Aurora, Ind.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lurinda Laughlin, the dependent daughter of William Laughlin, deceased, late of Company H, One hundred and forty-sixth Regiment of Indiana Volunteer Infantry, and to pay her a pension of $30 per month during her life.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the word "the."

In line 7 strike out the word "deceased."

In line 8 strike out the word "of;" in the same line strike out the word "to."

In line 9, after the word "pension," insert the words "at the rate;" in the same line strike out the word "thirty" and in lieu thereof insert the word "twelve;" in the same line strike out the words "during her life."

Amend the title so as to read: "A bill granting a pension to Lurinda Laughlin."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MELISSA A. TRULOCK.

The next business on the Private Calendar was the bill (H. R. 9749) granting a pension to Melissa A. Trulock.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melissa A. Trulock, and pay her a pension at the rate of $30 per month.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all in line 6 after the word "Trulock" and all in line 7, and insert in lieu thereof the following: "dependent daughter of William H. Trulock, late corporal Company H, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The committee amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

FREEMAN H. FARR.

The next business on the Private Calendar was the bill (H. R. 3490) granting a pension to Freeman H. Farr.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Freeman H. Farr, late a private of Company K, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the words "a private of" and insert in lieu thereof the word "sergeant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In lines 8 and 9 strike out the words "the pension" and insert in lieu thereof the word "that."

Amend title so as to read: "A bill granting an increase of pension to Freeman H. Farr."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALBERT RUDIGER.

The next business on the Private Calendar was the bill (H. R. 9944) granting an increase of pension to Albert Rudiger.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Rudiger, late of Company I, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HARRIET L. HUGHES.

The next business on the Private Calendar was the bill (H. R. 4440) to grant a pension to Harriet L. Hughes, widow of the late Maj. Chester K. Hughes, Company I, One hundred and forty-third Pennsylvania Volunteers, of Berwick, Pa.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and instructed to place upon the pension roll, at $30 per month, under the regulations of the Pension Office and laws, the name of Harriet L. Hughes, widow of the late Maj. Chester K. Hughes, late of Company I, One hundred and forty-third Pennsylvania Volunteers.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet L. Hughes, widow of Chester K. Hughes, late major, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Harriet L. Hughes."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHILL W. HAZZARD.

The next business on the Private Calendar was the bill (H. R. 8926) granting a pension to Chill W. Hazzard.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Chill W. Hazzard, late captain of Company I, Twelfth Regiment Pennsylvania Reserves, and pay him a pension at the rate of $72 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 7, after the word "Reserves," insert the words "Volunteer Infantry."

In line 8, strike out the words "seventy-two" and insert in lieu thereof the words "twenty-four;" in the same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to Chill W. Hazzard."

Mr. MAHON. Mr. Chairman, I move to amend the amendment by making it "fifty" in place of "twenty-four."

The CHAIRMAN. The gentleman from Pennsylvania moves to amend the committee amendment and offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "fifty."

Mr. ATWATER. Mr. Chairman, I should like to know the reason for this proposed increase.

Mr. MAHON. This is not my bill. I make this motion at the request of all the officers of the Department of the Grand Army in the State of Pennsylvania.

Chill W. Hazzard was the commander of that department some years ago. Of course that establishes his reputation as a good soldier. He enlisted in the Twelfth Pennsylvania Reserves in 1862, and served until 1864. At the battle of Fredericksburg he was shot in the head and knocked into a trench. A horse jumped upon him, producing double hernia. He never applied for a pension until 1892, and then he applied under the act of 1890.

On July 21, 1899, last year, this soldier became paralyzed and he is now utterly helpless. He requires the attendance of two people nearly all the time day and night. He is a poor man, and I do not think will live out the year. He is a man that served over three years in the war, was wounded badly, and I ask now for this increase to $50 a month. It is indorsed by all the officers of the encampment.

I know him personally, and certainly we have given higher pensions to people in far better circumstances than this soldier is, to whom I ask that we give $50. I want to add that he is in a great deal worse condition than he was when this bill was reported, and most probably will not outlive this year. Therefore we ask that he be given $50 a month, to alleviate his poverty for the few months that are left to him to live on this earth. I think the chairman of the committee will not oppose this amendment, because he now knows the facts.

Mr. SULLOWAY. Mr. Chairman, the gentleman from Pennsylvania states a much stronger case than appeared in evidence before this committee. He says this gentleman is now paralyzed,

helpless, and requires the constant attention of others. If this was due to service origin he would be entitled to $72 a month. I am not here to oppose this amendment. I do not believe the members of the Committee on Invalid Pensions would have reported it at the figure reported had it had that evidence which has now been submitted by the gentleman from Pennsylvania.

Mr. MAHON. Mr. Chairman, I hold in my hand two affidavits by reputable citizens of Allegheny County showing his condition, which I will ask permission to insert in the RECORD.

There was no objection.

The affidavits are as follows:

STATE OF PENNSYLVANIA, *County of Washington, ss:*

Before me, the undersigned authority, a notary public in and for said State and county, personally appeared T. S. McCurdy, who, upon oath duly administered according to law, deposes and says: I have known Col. Chill W. Hazzard, of Monongahela, Washington County, Pa., for over twenty years. He is entirely helpless by reason of paralysis. He has no real estate, nor has he any investment securities or money at interest. His only property consists of the printing establishment and paper known as the Monongahela Republican. The income value of said property, I have heard Colonel Hazzard say, was barely sufficient to provide a comfortable living for himself and family in a small town. The value of the property under any other management is problematical, but it is quite within reason to assume that it would be much less, because of the fact that his personality had much to do with the value of the publication.

The total value of his property, if dismantled and sold under the hammer, would not exceed $2,000.

T. S. McCURDY.

Sworn to and subscribed before me this 31st day of March, A. D. 1900.

[SEAL.] R. WILLIAMS, *Notary Public.*

STATE OF PENNSYLVANIA, *County of Washington, ss:*

Before me, the undersigned authority, a notary public in and for said State and county, personally appeared Henry Landefeld, who, upon oath duly administered according to law, deposes and says: I have known Col. Chill W. Hazzard, of Monongahela, Washington County, Pa., for over twenty years. He is entirely helpless by reason of paralysis. He has no real estate, nor has he any investment securities or money at interest. His only property consists of the printing establishment and paper known as the Monongahela Republican. The income value of said property, I have heard Colonel Hazzard say, was barely sufficient to provide a comfortable living for himself and family in a small town. The value of the property under any other management is problematical; but it is quite within reason to assume that it would be much less, because of the fact that his personality had much to do with the value of the publication.

The total value of his property, if dismantled and sold under the hammer, would not exceed $2,000.

H. LANDEFELD.

Sworn to and subscribed before me this 31st day of March, A. D. 1900.

[SEAL.] R. WILLIAMS, *Notary Public.*

Mr. GRAHAM. Mr. Chairman, I desire to say that I have personal knowledge of the gentleman's helpless condition, and I heartily concur in all the statements made by my colleague [Mr. MAHON]. I hope the amendment he has offered will be agreed to.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Pennsylvania.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is upon the amendment as amended.

The amendment as amended was agreed to.

The CHAIRMAN. The question is on the other amendments.

The other amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID P. STEWART.

The next business on the Private Calendar was the bill (H. R. 7614) granting an increase of pension to David P. Stewart.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David P. Stewart, late of Company L, Fiftieth New York Engineers, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The following amendments, recommended by the committee, were read:

In line 6, after the word "Fiftieth," insert the word "Regiment."

In line 7, before the word "Engineers," insert the word "Volunteer."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOSEPHINE A. HALEY.

The next business on the Private Calendar was the bill (H. R. 3481) granting a pension to Josephine A. Haley.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Josephine A. Haley, widow of Henry W. Haley, late a private in the war of the rebellion, and who was employed as a scout during said war, and pay her a pension rated at $30 per month.

The following amendment, recommended by the committee, was read:

Strike out all after the word "place," in line 4, and all of lines 5, 6, 7, and 8 and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine A. Haley, widow of Henry W. Haley, late scout, United States Volunteers, and pay her a pension at the rate of $12 per month."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS ROBERT HARRIS.

The next business on the Private Calendar was the bill (H. R. 2125) for relief of Thomas Robert Harris, of Marion County, Tenn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $8 per month, the name of Thomas Robert Harris, of Marion County, Tenn., late of the U. S. steamer *Delta*, naval service, said sum of $8 per month to be paid from the date of his discharge, August 12, 1865.

The following amendment, recommended by the committee, was read:

Strike out all after the word "roll," in line 4, and all in lines 5, 6, 7, 8, and 9 and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Thomas R. Harris, late landsman, United States Navy, and pay him a pension at the rate of $12 per month."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALEXANDER N. SHIPLEY.

The next business on the Private Calendar was the bill (H. R. 9714) granting an increase of pension to Alexander N. Shipley.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander N. Shipley, late captain and assistant quartermaster, United States Army, and to pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The following amendments, recommended by the committee, were read:

In line 7 strike out the word "to."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH J. FIELDS.

The next business on the Private Calendar was the bill (H. R. 8592) granting a pension to Elizabeth J. Fields.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth J. Fields, dependent mother of Robert J. Fields, deceased, late a private in Company D, One hundred and thirty-second Regiment of Infantry, Indiana Volunteers, war of the rebellion.

The following amendments, recommended by the committee, were read:

In line 7 strike out the word "deceased;" in the same line strike out the word "a" and the word "in."

In line 8 strike out the words "of infantry."

In lines 8 and 9 strike out the words "Volunteers, war of the rebellion," and insert in lieu thereof the words "Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SAMUEL G. TRINE.

The next business on the Private Calendar was the bill (H. R. 4760) granting a pension to Samuel G. Trine.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Samuel G. Trine, late first lieutenant of Company B, Thirteenth United States Colored Volunteer Infantry, and pay him a pension of $30 per month.

The following amendments, recommended by the committee, were read:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."

In line 5 strike out the word "otherwise."

In line 6 strike out the word "of."

In line 7, after the word "Thirteenth," insert the word "Regiment."

In line 8, after the word "pension," insert the words "at the rate;" in the same line strike out the word "thirty" and insert in lieu thereof the word "seventeen;" in the same line, after the word "month," insert the words "in lieu of that he is now receiving."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARTIN D. MILLER.

The next business on the Private Calendar was the bill (H. R. 8389) granting an increase of pension to Martin D. Miller.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Martin D. Miller, late Company K, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The following amendment, recommended by the committee, was read:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SARAH E. STUBBS.

The next business on the Private Calendar was the bill (S. 1202) granting an increase of pension to Sarah E. Stubbs.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Stubbs, widow of Martin D. Stubbs, late of Company G, Eleventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANNA M. DEITZLER.

The next business on the Private Calendar was the bill (S. 820) granting an increase of pension to Anna M. Deitzler.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna M. Deitzler, widow of George W. Deitzler, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARGARET H. KENT.

The next business on the Private Calendar was the bill (S. 2332) granting an increase of pension to Margaret H. Kent.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret H. Kent, dependent mother of David A. Kent, late of Company H, Seventeenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CORDELIA SESSIONS.

The next business on the Private Calendar was the bill (H. R. 1751) for the relief of Cordelia Sessions.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll the name of Cordelia Sessions, widow of William R. Henick, late private, Company I, Twenty-ninth Wisconsin Infantry Volunteers, subject to the limitations of the pension laws.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the word "place," in line 4, and all in lines 5, 6, and 7, and insert in lieu thereof the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cordelia Sessions, widow of William R. Herrick, late of Company E, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Cordelia Sessions."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOSEPH WHITMORE.

The next business on the Private Calendar was the bill (H. R. 5718) granting a pension to Joseph Whitmore.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Whitmore, late of Company K and Company A, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension of $30 a month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 6 strike out the words "Company K and."

In line 8, after the word "pension," insert the words "at the rate;" in the same line strike out the word "thirty" and insert in lieu thereof the word "twelve;" in the same line strike out the word "a" and in lieu thereof insert the word "per;" in the same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to Joseph Whitmore."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES R. GREEN.

The next business on the Private Calendar was the bill (H. R. 6285) granting an increase of pension to James R. Green.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James R. Green, late of Company G, Eighteenth Regiment Illinois Infantry, and pay him an increase of pension at the rate of $20 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 7, after the word "Illinois," insert the word "Volunteer;" in the same line strike out the words "an increase of" and insert in lieu thereof the word "a."

In line 8 strike out the words "the pension" and insert in lieu thereof the word "that."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ADELE W. ELMER.

The next business on the Private Calendar was the bill (S. 1242) granting an increase of pension to Adele W. Elmer.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adele W. Elmer, widow of Horace Elmer, late commander, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The following amendment, recommended by the Committee on Pensions, was read:

In line 8 strike out the word "fifty" and insert "thirty-five."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARGARET E. VAN HORN.

The next business on the Private Calendar was the bill (S. 207) granting an increase of pension to Margaret E. Van Horn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. Van Horn, widow of James J. Van Horn, late colonel Eighth Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The following amendment, recommended by the committee, was read:

In line 8 strike out the word "fifty" and insert "thirty-five."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HANNAH G. STRONG.

The next business on the Private Calendar was the bill (S. 1127) to increase the pension of Hannah G. Strong.

The Clerk read the bill, as follows:

Be it enacted, etc., That the pension now granted to Hannah G. Strong (certificate No. 1901) as widow of a Mexican-war soldier, William M. Strong, private, Company F, First Mississippi Volunteers, be, and the same is hereby, increased so as to authorize the payment to her of the sum of $25 per month.

The following amendments, recommended by the Committee on Pensions, were read:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah G. Strong, widow of William M. Strong, late of Company F, First Regiment Mississippi Volunteer Infantry, Mexican war, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Hannah G. Strong."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY R. BACON.

The next business on the Private Calendar was the bill (S. 1296) granting a pension to Mary R. Bacon.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary R. Bacon, widow of Columbus Bacon, late of Capt. Joseph Hitching's company, Maine Militia, war of 1812, and pay her a pension at the rate of $12 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

SARAH W. ROWELL.

The next business on the Private Calendar was the bill (S. 2497) granting an increase of pension to Sarah W. Rowell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah W. Rowell, widow of Charles W. Rowell, late a captain in the Second United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The following amendment, recommended by the Committee on Pensions, was read:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah W. Rowell, widow of Charles W. Rowell, late captain, Second Regiment United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ROBERT C. ROGERS.

The next business on the Private Calendar was the bill (S. 1489) granting an increase of pension to Robert C. Rogers.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert C. Rogers, late passed midshipman, United States Navy, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Pensions, was read:

In line 7 strike out "twenty-five" and insert "sixteen."

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ISAAC PATTERSON.

The next business ov the Private Calendar was the bill (S. 474) granting an increase of pension to Isaac Patterson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Patterson, late of Company C, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

NELLY YOUNG EGBERT.

The next business on the Private Calendar was the bill (S. 995) granting an increase of pension to Nelly Young Egbert.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelly Young Egbert, widow of Harry Clay Egbert, late colonel Twenty-second Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The following amendment, recommended by the Committee on Pensions, was read:

In line 8 strike out "fifty" and insert "forty."

Mr. BROMWELL. Mr. Chairman, I hope the amendment recommended by the Committee on Pensions will be voted down, and the original bill calling for $50 will be laid aside with a favorable recommendation.

I make this proposition not because I am not entirely faithful to the committee of which I am a member, and which, as the chairman has said, has been unanimous in reporting these cases, but for this reason: We have to-day increased the amount recommended by the committee in the Stotsenburg case from $40 to $50. There are two analogous cases on this Calendar—the case of Mrs. Egbert, now under consideration, and the case of Mrs. Haskell. In both these cases the committee has reported in favor of a pension of $40, although each of these two widows is just as much entitled to a pension of $50 as is the widow of Colonel Stotsenburg.

In regard to the Egbert case, I wish to say that Colonel Egbert made a gallant record as a soldier in the civil war. At the breaking out of the Spanish war he went to Cuba and was shot in two places. By reason of the injuries which he suffered he was entitled to retire, and had prepared a request for retirement, when his wife said to him: "Colonel, you surely will not retire in the face of the fact that your services may be needed in the Philippines?" He then tore up his application for retirement, returned to the service, and in almost the first engagement in the Philippines in which he took part he was shot to death.

In the case of the widow of Colonel Haskell—a case which will shortly follow the present one on the Calendar—the circumstances were these: Colonel Haskell, who was also a gallant soldier of the civil war, was shot and badly wounded in Cuba. He came home suffering from the effects of his wound. His regiment came back to Columbus; he went out to meet them, and in the excitement of the reunion with his old comrades his wounds started afresh, and he died as the result.

Now, if the widow of Colonel Stotsenburg is entitled to $50, surely the widow of Colonel Egbert and the widow of Colonel Haskell are equally entitled to $50. I therefore ask the committee to vote down in this case the amendment reported by the committee, and vote for a pension of $50 as originally provided in the bill.

Mr. BENTON. I did not quite understand the gentleman's statement. What amount of pension does the committee report?

Mr. BROMWELL. The original bill was for $50; the committee has amended it so as to make the pension $40. Under ordinary circumstances I, as a member of the committee, would stand by its action and favor the amendment for $40; but in view of the fact that the House this afternoon overrode the action of the committee and increased the pension of the widow of Colonel Stotsenburg from $40 to $50, I think that, in order to be consistent, we ought to take the same action in the cases of Colonel Egbert's widow and Colonel Haskell's widow.

Mr. BENTON. All right.

Mr. LOUDENSLAGER. Mr. Chairman, I hope that the suggestion of the gentleman from Ohio [Mr. BROMWELL] will not be carried out by this Committee of the Whole. It would be more consistent if the House, when we get out of Committee of the Whole, should reverse the action of the Committee of the Whole upon the Stotsenburg bill. Since the action on that bill the Committee of the Whole has passed three bills equally meritorious—cases in which the widows deserved just as much at our hands as the widows of Colonel Stotsenburg and General Egbert. Take the cases of the widows of Lieutenant-Commander Elmer and Colonel Van Horn. These two cases appeal to us just as strongly as the case of Colonel Stotsenburg's widow. We are liable to involve ourselves in these inconsistencies when bills of this nature are taken out of their regular order and advanced upon the plea of some individual member, or some relative of the beneficiary, or some one coming from the same section of the country. I hope the action of the Committee of the Whole will be consistent and that when we get into the House we shall reverse the action of the Committee of the Whole in the Stotsenburg case, in order that our action may be consistent along the whole line.

Mr. ROBINSON of Indiana. Mr. Chairman, I understand that the Pension Committee which has reported these cases has adopted some rule limiting the amount of pensions in cases of this kind to $40.

Mr. LOUDENSLAGER. That is true.

Mr. ROBINSON of Indiana. But although such is the rule of the committee, the House to-day in several cases of pension claims similar to this has reversed the action of the committee and voted in favor of granting a pension of $50.

Mr. LOUDENSLAGER. In only one case.

Mr. ROBINSON of Indiana. And now the gentleman from Ohio [Mr. BROMWELL], saying that the present case is similar to the one already acted upon, asks us, as I understand, to be consistent—to disagree with the committee in regard to the amendment here reported and pass the bill as originally introduced.

Mr. BROMWELL. I hope the gentleman will not misunderstand my position. I think the House made a mistake in voting to increase the pension in the Stotsenburg case beyond the amount proposed by the committee, but I say that in order to be fair and consistent, in order that we may justify ourselves before the country and before the widows of these other two gallant officers, we should grant to the widows of Colonel Egbert and Colonel Haskell $50.

Mr. ROBINSON of Indiana. We both agree that they should all have the same amount.

Mr. BROMWELL. And I want to say, gentlemen, that if the question is raised in the House, I shall vote to sustain the committee, and vote for $40 a month for the widow of Colonel Stotsenburg; and if the action of the committee is sustained, and the House votes to give his widow $40 a month, then I shall vote for $40 a month for Mrs. Haskell and $40 a month for Mrs. Egbert; but if General Stotsenburg's widow gets $50 a month by the action of the House, then I shall vote for $50 a month pension to each of these other widows.

Mr. ROBINSON of Indiana. I understood the gentleman from Ohio [Mr. BROMWELL] to say that he desired to have the committee amendment voted down here, so that this widow will receive the amount named in the bill as originally introduced, $50, so that the action of the House, in view of what it did in the former case, will be consistent.

Mr. BROMWELL. That is my statement.

Mr. ROBINSON of Indiana. And in that position I agree with the gentleman.

Mr. LOUDENSLAGER. Mr. Chairman, I believe debate is exhausted.

Mr. SHATTUC. Mr. Chairman, what bill are we considering?

The CHAIRMAN. The bill (S. 95) granting an increase of pension to Nelly Young Egbert.

Mr. SHATTUC. Regular order.

The CHAIRMAN. The question is on the committee amendment.

The question being taken on the amendment, the Chairman announced that the ayes appeared to have it.

Mr. BROMWELL demanded a division.

Mr. GROSVENOR. Mr. Chairman, I do not think anybody knows what the question is. I am sure I do not.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

In line 8 strike out "fifty" and insert "forty."

So that it will read:

Forty dollars per month.

Mr. ROBINSON of Indiana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBINSON of Indiana. If we vote "aye" upon that motion, is that a vote to retain the original proposition, at $50?

The CHAIRMAN. A vote "aye" would be a vote to adopt the amendment, which is to strike out "fifty" and insert "forty." A division has been demanded.

The committee divided; and there were—ayes 19, noes 37.

Accordingly the amendment was rejected.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

NANCY E. NEELY.

The next business on the Private Calendar was the bill (S. 517) granting a pension to Nancy E. Neely.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy E. Neely, widow of Alexander Neely, deceased, who was a soldier in Captain Yoacum's company, Tennessee Volunteers, called out for the protection of the Sabine frontier in 1836, and pay her a pension at the rate of $12 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

RIDA B. HASKELL.

The next business on the Private Calendar was the bill (S. 1804) granting an increase of pension to Rida B. Haskell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rida B. Haskell, widow of Joseph T. Haskell, late brigadier-general, United States Volunteers, and lieutenant-colonel Seventeenth United States Infantry, war with Spain, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The following amendment, recommended by the Committee on Pensions, was read:

In line 9 strike out "fifty" and insert "forty."

Mr. BROMWELL. Mr. Chairman, this is another of the two cases to which I referred a moment ago. I therefore hope that the House will vote down the committee amendment of $40 and recommend the bill at $50, as it was originally drawn.

Mr. NEVILLE. Mr. Chairman, I only desire to make a suggestion or two. A fight is made here on the ground that the committee have established a rule fixing $40 in this class of cases, and they say that this House ought not to vote that rule down. I want to call the attention of members to the fact that the Senate committee have established a rule at $50, and that there must be a settlement, either in conference or elsewhere, or else we must vote down some of these committee amendments. Otherwise there will be no agreement between the two Houses.

Mr. SHATTUC. Mr. Chairman, I ask my friends in this House to vote down this amendment. I make that request in good faith, and I ask them not only to vote the amendment down here in committee, but also to sustain that action when we get into the House, because I believe that action to be right. I know that this lady is entitled to $50 a month.

Her husband was captain in the Twenty-third Infantry on July 28, 1866. He was a major in 1892, and a lieutenant-colonel in 1896, and he was a brigadier-general September 7, 1898. He was in command of his regiment, the Seventeenth United States Infantry, during the operations in Cuba, and he died from a wound received at El Caney, the date of his death being September 16, 1898.

He was the only brigadier-general who lost his life in Cuba, and I ask my friends in this House, on this bare statement, if they do not care to hear the record of this soldier's career read further, to vote down the committee amendments and to sustain that action in the House, because I believe it to be right. This lady is a widow who has no means of support except this pension. I ask my friends to vote for it here in the committee and to vote for it in the House.

The question being taken on the committee amendment, it was rejected.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES C. CARLTON.

The next business on the Private Calendar was the bill (S. 2505) granting an increase of pension to James C. Carlton.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Carlton, late of Company F, Fifth Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following amendment, recommended by the Committee on Pensions, was read:

Strike out "twenty" and insert "thirty."

Mr. MIERS of Indiana. Mr. Chairman, in this case I hope the committee amendment will not prevail. This applicant is an old Mexican soldier, 72 years old. He has but one arm. In the Fifty-fifth Congress the Senate passed a bill for him at $30 a month, and at this session they have passed it again at $30 a month. To my personal knowledge the old man is worn out physically. He is without a home, and he has depending upon him an invalid daughter about 40 years of age. She is afflicted with nervous troubles, and they have no means of support except this pension. Now, it does seem to me that if this committee are willing to vote $50 to a widow, they should certainly be willing to vote $30 to an old soldier, 72 years old, who has but one arm, who is rheumatic and worn out, who has an afflicted daughter dependent upon him.

Mr. LOUDENSLAGER. Was the injury of which the gentleman speaks received in the service?

Mr. MIERS of Indiana. That injury was not; no, sir. This is a Senate bill, which was passed at $30; and if it does not pass the House, he will not get anything.

The committee amendment was rejected.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. SULLOWAY. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole on the Private Calendar, reported that that committee had had under consideration sundry private pension bills and bills removing charges of desertion, and that the committee had directed him to report the same back, some with and some without amendments, and recommending the passage of the same.

MARY L. STOTSENBURG.

The first business to be reported from the Committee of the Whole was the bill (H. R. 4367) granting a pension to Mary C. Stotsenburg, with amendments.

The question was taken on the amendment reported from the Committee of the Whole; and the Speaker announced that the ayes seemed to have it.

Mr. LOUDENSLAGER. Division!

Mr. MIERS of Indiana. What is the vote upon?

The SPEAKER. The question is on agreeing to the amendment recommended by the Committee of the Whole. Perhaps the Clerk had better report the amendment.

The Clerk read as follows:

In line 8 strike out the words "one hundred" and insert "fifty;" so as to read "$50 per month."

The SPEAKER. The Clerk will report the title of the bill once more.

The title of the bill was again reported.

Mr. BROMWELL. A parliamentary inquiry, Mr. Speaker. The original bill called for a hundred dollars, and the amendment is one reducing that amount to fifty?

The SPEAKER. That is the situation, the Chair understands.

Mr. BROMWELL. And the vote is on the amendment reducing from $100 to $50.

The SPEAKER. The gentleman demands a division. On the vive voce vote the amendment was carried.

The committee divided; and there were—ayes 59, noes 3.

So the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended.

HOUSE BILLS WITH AMENDMENTS PASSED.

On the following House bills and resolutions, reported from the Committee of the Whole with amendments, the amendments were severally agreed to, and the bills and resolutions as amended were ordered to be engrossed for a third reading; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 7975) for the relief of William F. Riley (title amended);

A bill (H. R. 192) granting an increase of pension to Annie H. Tupper;

A bill (H. R. 527) granting a pension to Lucy D. Young;

A bill (H. R. 8422) granting a pension to J. B. Wetherbee (title amended);

A bill (H. R. 7022) to pension Rhoda A. Patman (title amended);

A bill (H. R. 5181) to increase the pension of John M. Smith (title amended);
A bill (H. R. 528) granting a pension to Isabel B. Hamilton (title amended);
A resolution (H. Res. 191) for the relief of John Patterson;
A bill (H. R. 9455) to carry out the finding of the Court of Claims in the case of the estate of John A. Huff, deceased;
A resolution (H. Res. 192) for the relief of Henry Judge, of Ashland, Oreg.;
A bill (H. R. 3514) granting an increase of pension to Mrs. M. A. C. Kaigler (title amended);
A bill (H. R. 9202) granting a pension to Alvin Seagroves, late private in Company L, Second Arkansas Volunteer Cavalry (title amended);
A bill (H. R. 8888) granting a pension to Henry O'Connor (title amended);
A bill (H. R. 8107) granting a pension to Nancy W. Hadley;
A bill (H. R. 8997) granting a pension to Mary E. Vishion (title amended);
A bill (H. R. 8799) granting an increase of pension to William Feek;
A bill (H. R. 7391) granting a pension to Maria B. Woolson (title amended);
A bill (H. R. 2734) granting an increase of pension to Dolly L. Harrall;
A bill (H. R. 2621) granting a pension to Ida Wiederhold;
A bill (H. R. 6554) granting an increase of pension to Thomas J. Carlton;
A bill (H. R. 4037) granting a pension to Mrs. Annie M. Churchward, widow of William F. Churchward, late private, Company H, One hundred and fifty-ninth New York Infantry (title amended);
A bill (H. R. 8655) granting an increase of pension to Edgar H. Stevens;
A bill (H. R. 8801) granting an increase of pension to W. H. H. MacDonald (title amended);
A bill (H. R. 4422) granting a pension to William H. Brookins (title amended);
A bill (H. R. 9180) granting an increase of pension to Nathaniel L. Colson;
A bill (H. R. 9419) granting a pension to Mrs. H. P. Cotter (title amended);
A bill (H. R. 9163) granting a pension to Ferguson M. Burton;
A bill (H. R. 8682) to place upon the pension roll Louisa C. Germain, widow of Charles Germain (title amended);
A bill (H. R. 4789) granting a pension to Mary M. Young;
A bill (H. R. 7230) granting a pension to Roxie B. Slater (title amended);
A bill (H. R. 5978) for the relief of Amos Van Nausdle (title amended);
A bill (H. R. 8992) to place on the pension roll the name of Margaret J. Kibble;
A bill (H. R. 359) granting an increase of pension to William M. Walker;
A bill (H. R. 2162) granting a pension to Francis J. Manley;
A bill (H. R. 9751) granting a pension to David H. Drake (title amended);
A bill (H. R. 8559) granting an increase of pension to Mrs. Margaret R. Clune (title amended);
A bill (H. R. 9457) granting an increase of pension to Roger Fenton;
A bill (H. R. 4658) to pension Anna Hering (title amended);
A bill (H. R. 3778) granting an increase of pension to Ellsey A. Sloane, late private, Company D, One hundred and second Ohio Volunteer Infantry (title amended);
A bill (H. R. 2409) granting an increase of pension to Frank C. Stevens;
A bill (H. R. 5655) granting a pension to Lurinda Laughlin, of Aurora, Ind. (title amended);
A bill (H. R. 9749) granting a pension to Melissa A. Trulock;
A bill (H. R. 3490) granting a pension to Freeman H. Farr (title amended);
A bill (H. R. 4440) to grant a pension to Harriet L. Hughes, widow of the late Maj. Chester K. Hughes, Company I, One hundred and forty-third Pennsylvania Volunteers, of Berwick, Pa. (title amended);
A bill (H. R. 8926) granting a pension to Chill W. Hazzard (title amended);
A bill (H. R. 7614) granting an increase of pension to David P. Stewart;
A bill (H. R. 3481) granting a pension to Josephine A. Haley;
A bill (H. R. 2125) for the relief of Robert Harris, of Marion County, Tenn. (title amended);
A bill (H. R. 9714) granting an increase of pension to Alexander N. Shipley;
A bill (H. R. 8592) granting a pension to Elizabeth J. Fields;
A bill (H. R. 4760) granting a pension to Samuel G. Trine (title amended);
A bill (H. R. 8389) granting an increase of pension to Martin D. Miller;
A bill (H. R. 1751) for the relief of Cordelia Sessions (title amended);
A bill (H. R. 5718) granting a pension to Joseph Whitmore (title amended); and
A bill (H. R. 6285) granting an increase of pension to James R. Green.

HOUSE BILLS PASSED.

The following bills, reported from the Committee of the Whole, were severally ordered to be engrossed for a third reading; and, being engrossed, were accordingly read the third time, and passed:
A bill (H. R. 5553) to correct the military record of William T. Pratt;
A bill (H. R. 533) to remove the charges of desertion against George J. Titcomb, and to grant him an honorable discharge;
A bill (H. R. 7418) granting an increase of pension to George Garrett;
A bill (H. R. 9944) granting an increase of pension to Albert Rudiger; and
A bill (H. R. 9180) granting an increase of pension to Nathaniel L. Colson.

SENATE BILLS WITH AMENDMENTS PASSED.

On the following Senate bills reported from the Committee of the Whole with amendments, the amendments were severally agreed to, the bills as amended ordered to a third reading; and were accordingly read the third time, and passed:
S. 207. An act granting an increase of pension to Margaret E. Van Horn;
S. 1127. An act granting an increase of pension to Hannah G. Strong;
S. 2497. An act granting an increase of pension to Sarah W. Rowell;
S. 1489. An act granting an increase of pension to Robert C. Rogers;
S. 517. An act granting a pension to Nancy E. Neely; and
S. 2650. An act granting an increase of pension to Katherine Taylor Dodge.

SENATE BILLS PASSED.

The following Senate bills reported from the Committee of the Whole were severally ordered to a third reading, read the third time, and passed:
S. 1242. An act granting an increase of pension to Adele W. Elmer;
S. 950. An act granting a pension to Sarah Ann Fletcher;
S. 3186. An act granting a pension to Margaretha Lippert;
S. 1977. An act granting an increase of pension to Levi Moser;
S. 2200. An act granting an increase of pension to Elizabeth W. Murphy;
S. 2943. An act granting an increase of pension to James J. Holland;
S. 755. An act granting a pension to Hannah R. Johnson;
S. 3125. An act granting a pension to Emily A. Larimer;
S. 1271. An act granting a pension to Charles Williamson;
S. 342. An act granting a pension to Eleanor McDevitt;
S. 2880. An act granting an increase of pension to Caroline B. Bradford;
S. 3102. An act granting a pension to Seleda Burnham;
S. 752. An act granting an increase of pension to Isaac W. Comery;
S. 3004. An act granting an increase of pension to James H. Stevens;
S. 1754. An act granting an increase of pension to Burton Packard;
S. 2545. An act granting a pension to Nellie A. West;
S. 1600. An act granting an increase of pension to John T. Hayes;
S. 1787. An act granting an increase of pension to Joseph P. Pope;
S. 681. An act granting a pension to Julia D. Richardson;
S. 1007. An act granting a pension to Mary E. Fenn;
S. 2863. An act restoring to the pension roll the name of Francis H. Staples;
S. 1202. An act granting an increase of pension to Sarah E. Stubbs;
S. 820. An act granting an increase of pension to Anna M. Deitzler;
S. 2332. An act granting an increase of pension to Margaret H. Kent;
S. 474. An act granting an increase of pension to Isaac Patterson;
S. 995. An act granting an increase of pension to Nelly Young Egbert;

S. 1804. An act granting an increase of pension to Rida B. Haskell;

S. 2505. An act granting an increase of pension to James C. Carlton; and

S. 1236. An act granting a pension to Mary R. Bacon.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

STIPULATIONS OF ARTICLE VII OF THE TREATY BETWEEN UNITED STATES AND SPAIN.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that Senate bill 2799 be made a special order for to-morrow at 2 o'clock.

Mr. STEELE. Let us know what the bill is, Mr. Speaker.

Mr. HAUGEN. It is an act to carry into effect the stipulations of Article VII of the treaty between the United States and Spain, concluded on the 10th of December, 1898. It was recommended in the President's message to provide for the appointment of a commission.

Mr. PAYNE. To adjudicate the claims of citizens.

Mr. RICHARDSON. I think there will be no objection if gentlemen will permit us to offer an amendment, an amendment to which I think there will be no objection.

Mr. PAYNE. I suppose this is to be heard in the House as in Committee of the Whole. I shall want to offer an amendment myself.

The SPEAKER. If it is made a special order it will be considered in the House.

Mr. PAYNE. As in Committee of the Whole.

Mr. RICHARDSON. The bill ought to be read and be open to amendment as it is read. We can have an agreement that it shall be read in the House and open to amendment, each section as it is read.

The SPEAKER. The Chair will state that the bill can be considered in the House as in Committee of the Whole.

Mr. RICHARDSON. Then, as I understand, we shall be permitted to offer amendments.

Mr. BARTLETT. Mr. Speaker, I think I caught what this bill is, that it is to appoint a commission to adjust and to adjudicate the claims arising out of the war with Spain.

Mr. PAYNE. It is to adjudicate the damages upon claims of American citizens against Spain, which, under the treaty, the United States agreed to pay and adjudicate.

Mr. RICHARDSON. It is provided for in one of the articles of the treaty.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none, and it is so ordered.

STATUE OF GEN. ULYSSES S. GRANT.

Mr. MCCLEARY. Mr. Speaker, by direction of the Committee on the Library, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read the resolution, as follows:

Resolved, That the exercises appropriate to the reception and acceptance from the Grand Army of the Republic of the statue of Gen. Ulysses S. Grant, to be erected in the Capitol, be made the special order for Saturday, May 19, immediately after the reading of the Journal.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and accordingly the special order is made.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SALMON for four days on account of important business.

And then, on motion of Mr. PAYNE (at 4 o'clock and 47 minutes), the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Comptroller of the Treasury relating to the accounts of Frank D. Allen, late United States district attorney for the district of Massachusetts—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10658) to authorize the town of Miami, in the Indian Territory, to issue bonds, and for other purposes, reported the same with amendment, accompanied by a report (No. 1159); which said bill and report were referred to the House Calendar.

Mr. LANHAM, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8369) to transfer the county of Concho from the western district of Texas to the northern district of Texas, and for other purposes, reported the same with amendment, accompanied by a report (No. 1160); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the joint resolution of the House (H. J. Res. 232) concerning certain Chippewa Indian reservations in Minnesota, reported the same with amendment, accompanied by a report (No. 1161); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 8965) for the relief of certain Indians in the Indian Territory who desire to sell their lands and improvements and emigrate elsewhere, reported the same with amendment, accompanied by a report (No. 1165); which said bill and report were referred to the House Calendar.

Mr. WARNER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 4345) to create a new Federal judicial district in Pennsylvania, to be called the middle district, reported the same without amendment, accompanied by a report (No. 1166); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MCALEER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10156) to incorporate The National Association of Manufacturers, reported the same with amendment, accompanied by a report (No. 1167); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10349) for reestablishing the range lights on the Delaware River known as Finns Point range, Reedy Island range, and Port Penn range, reported the same with amendment, accompanied by a report (No. 1168); which said bill and report were referred to the House Calendar.

Mr. MARSH, from the Committee on Militia, to which was referred the bill of the House (H. R. 9510) to amend section 1 of the act of Congress approved February 12, 1887, entitled "An act to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia," reported the same with amendment, accompanied by a report (No. 1169); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10310) to authorize the construction of a bridge across the Back Bay, at Biloxi, Miss., reported the same with amendment, accompanied by a report (No. 1170); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. VREELAND, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3985) for the relief of Julia McN. Henry, widow of the late Guy V. Henry, late major-general, United States Army, reported the same with amendment, accompanied by a report (No. 1162); which said bill and report were referred to the Private Calendar.

Mr. HENRY C. SMITH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6164) to restore Julia Traynor to the pension roll, reported the same with amendment, accompanied by a report (No. 1163); which said bill and report were referred to the Private Calendar.

Mr. STANLEY W. DAVENPORT, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1625) for the relief of Mary B. Douglass, widow of the late Col. Henry Douglass, Tenth United States Infantry, reported the same with amendment, accompanied by a report (No. 1164); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10355) for relief of Everett B. Curtis, administrator of John J. Curtis, deceased, reported the same without amendment, accompanied by a report (No. 1171); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MUDD: A bill (H. R. 11076) granting certain privileges to the special policemen stationed at street crossings and intersections in the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. KNOX: A bill (H. R. 11077) for the relief of acting assistant surgeons, United States Army—to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 11078) authorizing the Secretary of the Navy, in his discretion, to contract for the construction of a dry dock at Drum Point Harbor, at the mouth of the Patuxent River, Chesapeake Bay, Maryland—to the Committee on Naval Affairs.

Also, a bill (H. R. 11079) for the construction of a dry dock at Drum Point Harbor, at the mouth of the Patuxent River, Chesapeake Bay, Maryland—to the Committee on Naval Affairs.

By Mr. JENKINS: A bill (H. R. 11080) to authorize the appointment of additional assistant inspectors of buildings in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 11081) to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.—to the Committee on the Judiciary.

By Mr. HOWARD: A bill (H. R. 11102) to create the eastern division of the northern Federal judicial district of Georgia, and for other purposes—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURKETT: A bill (H. R. 11082) to remove the charge of desertion from the name of James Plymate—to the Committee on Military Affairs.

By Mr. DAYTON: A bill (H. R. 11083) for the relief of Robert S. Moss, administrator of James A. Moss, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11084) for the relief of the trustees of White House Methodist Episcopal Church, of Summit Point, W. Va.—to the Committee on War Claims.

By Mr. GREEN of Pennsylvania: A bill (H. R. 11085) granting a pension to Mary M. Sprandel, widow of Julius Sprandel, deceased, late a first lieutenant of engineers, Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 11086) granting an increase of pension to Martin Funk, of Port Matilda, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11087) granting an increase of pension to David E. Powers, of Fern, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11088) granting an increase of pension to Joseph Harlan, of McGees Mills, Pa.—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 11089) for the relief of George W. King, of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 11090) for the relief of S. L. Jones & Co., of San Francisco, Cal.—to the Committee on Claims.

By Mr. KETCHAM: A bill (H. R. 11091) granting a pension to Ambrose Brisett—to the Committee on Pensions.

By Mr. KING: A bill (H. R. 11092) to carry out the findings of the Court of Claims in the case of Nathan Tanner—to the Committee on War Claims.

By Mr. LONG: A bill (H. R. 11093) granting an increase of pension to E. P. Stearns—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 11094) granting an increase of pension to William D. Moore—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 11095) to cancel the assessment of water-main taxes on Nichols avenue, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOODY of Massachusetts: A bill (H. R. 11096) granting an increase of pension to Delia E. Stillman—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 11097) for the relief of the legal representative of Benjamin Wilkes, deceased—to the Committee on War Claims.

By Mr. POWERS: A bill (H. R. 11098) for the relief of Ida M. Howell, Elizabeth Meagher, and Alberta H. Stephens—to the Committee on the Judiciary.

By Mr. HENRY C. SMITH: A bill (H. R. 11099) granting a pension to Susan M. Todd—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 11100) to pension William C. Miller—to the Committee on Invalid Pensions.

By Mr. SNODGRASS: A bill (H. R. 11101) for relief of David L. Sells, of Company D, Third Regiment Kentucky Volunteers—to the Committee on Military Affairs.

By Mr. CUSACK: A bill (H. R. 11103) granting a pension to Harney R. King—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 11104) granting a pension to M. S. O'Brien—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the Board of Trade of Philadelphia, Pa., with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Philadelphia Board of Trade, favoring the passage of House bill No. 10035, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of sundry churches and societies and citizens of Uniontown, Claysville, West Alexander, Monongahela, and West Washington, Pa., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

Also, petition of the Pennsylvania Presbytery of the Cumberland Presbyterian Church, favoring a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. ADAMS: Resolutions of Assemblers and Adjusters of the International Bicycle Workers and Allied Mechanics, Local Union No. 44, Columbus, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. BROSIUS: Petitions of the Woman's Christian Temperance unions of Christiana and Quarrysville, Pa., and Methodist Episcopal churches in Lancaster County, Pa., to prohibit the selling of liquors in any post or exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

Also, petition of citizens of Philadelphia, Pa., favoring the passage of the Brosius pure-food bill—to the Committee on Agriculture.

By Mr. BROWN: Petition of the Woman's Christian Temperance Union of Belfast, Ohio, urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. BROUSSARD: Papers relating to the claim of Edward Sigur, of St. Mary Parish, La.—to the Committee on War Claims.

By Mr. BULL: Resolutions of the Rhode Island Central Trades and Labor Union, against any additional tax on oleomargarine—to the Committee on Agriculture.

By Mr. CAPRON: Resolutions of the Young People's Christian Union of Pawtucket, R. I., against saloons and Army canteens in our new insular possessions—to the Committee on Insular Affairs.

By Mr. DALZELL: Papers to accompany House bill granting a pension to Michael S. O'Brien—to the Committee on Invalid Pensions.

By Mr. DAYTON: Petition of S. J. Boner and others, of Redcreek, Tucker County, W. Va., for the relief of the State militia—to the Committee on Invalid Pensions.

Also, petition of J. G. Gibson and others, of Shepherdstown, W. Va., and J. M. O'Neal and others, of Martinsburg, W. Va., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

Also, petition of Robert S. Moss, administrator, West Virginia, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Julia V. Walsh, administratrix of Martha Walsh, deceased, of Jefferson County, W. Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of heirs of Martha N. Davis, of Jefferson County, W. Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. EMERSON: Petition of Samuel Cannon Post, No. 374, and A. L. McDougal Post, No. 570, Department of New York, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. FITZGERALD of Massachusetts: Petition of the Trades League of Philadelphia, Pa., urging the immediate construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Trades League of Philadelphia, Pa., indorsing House bill No. 10374, known as the Loud postal bill, and recommending the adoption of 1-cent local letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. GASTON: Petitions of the Woman's Christian Temperance Unions of Erie and Waterford, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, post exchange, etc.—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of the Presbytery of Allegheny, J. L. Milligan, clerk, and the Woman's Christian Temperance Union, of Bellevue, Pa., urging the passage of the Bowersock bill to prevent the sale of liquor in any post exchange, transport, or premises used for military purposes, and against saloons in our new possessions—to the Committee on Military Affairs.

Also, resolutions of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HALL: Petition of the Methodist Episcopal Church of Rinersburg, Pa., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. HEATWOLE: Petition of F. V. Hubbard and other citizens of Redwing, Minn., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

Also, petitions of S. Bella Goodhue and others, and J. F. McCullough and others, of Northfield, Minn., urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

Also, petitions of citizens of Grove City, Gibbon, Vermilion, Winsted, Purity, Manannah, Waterville, Jordan, Rosendale, Faribault, and Stewart, Minn., urging the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

By Mr. KERR: Petitions of the Kent Street Methodist Episcopal Church and United Brethren Church and citizens of Lorain, Ohio, urging the passage of the Bowersock bill preventing the sale of liquor upon premises used for military purposes—to the Committee on Military Affairs.

By Mr. LAMB: Petition of the Bodeker Drug Company and others, of Richmond, Va., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. LITTAUER: Petition of Joseph Howland Post, No. 631, Department of New York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 10260, granting an increase of pension to Ira C. Hall—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of James R. Fulton Post, No. 257, of Garden City, Kans., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LORIMER: Petition of South Side Union, Woman's Christian Temperance Union, of Chicago, Ill., urging the passage of House bill prohibiting the sale of liquor in the Army and in Government buildings—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Affidavit to accompany House bill No. 4080, for the relief of the helpless children of George W. Arvin, late of Company A, Forty-fourth Indiana Infantry—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 3217, for the relief of Malinda McBride—to the Committee on Invalid Pensions.

By Mr. NAPHEN: Petition of the Trades League of Philadelphia, Pa., urging the passage of a bill providing for the early construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of National Bicycle Workers and Allied Mechanics; also resolutions of Journeymen Horseshoers' Union, of Columbus, Ohio, against the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

Also, petition of Green M. Curtain, chief of the Choctaw Nation, and D. H. Johnston, governor of the Chickasaw Nation, Atoka, Ind. T., in opposition to the passage of House bill No. 9995, relative to Atoka agreement—to the Committee on the Territories.

By Mr. PAYNE: Paper to accompany House bill No. 11016, granting a pension to Stephen Chapin, of Rose, N. Y.—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Isaac Knapp Dental Coterie, of Fort Wayne, Ind., favoring the passage of House bill No. 7017, amending the act relating to patents, relieving medical and dental practitioners from unjust burdens imposed by patentees holding patents—to the Committee on Patents.

By Mr. SHERMAN: Petition of Piper Post, No. 273, of Henderson, N. Y., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Delaware Tribe of Indians, relating to an equitable distribution of a certain appropriation in which they are interested—to the Committee on Indian Affairs.

By Mr. SHOWALTER: Petitions of the Baptist Church of Sheakleyville, Methodist Episcopal Church of Fredonia, and Christian Church of Sharon, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, post exchanges, transports, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. SIBLEY: Petitions of G. W. Henry and others, of Oil City, Pa., and citizens of Grand Valley, Warren County, Pa., against island saloons and canteens—to the Committee on the Territories.

By Mr. SNODGRASS: Paper to accompany House bill to remove the charge of desertion now standing against David L. Sells, of Company D, Third Regiment Kentucky Volunteers—to the Committee on Military Affairs.

By Mr. SULLOWAY: Petitions of the Woman's Christian Temperance Unions of Concord and Candia, and Congregational Church and Young People's Christian Endeavor Society of Pembrooke, N. H., for the passage of the Bowersock bill against island saloons and canteens—to the Committee on the Territories.

By Mr. TONGUE: Petition of ministers of all denominations in Portland, Oreg., in favor of the Bowersock anti-canteen bill—to the Committee on Insular Affairs.

By Mr. ZIEGLER: Petitions of the Young People's Christian Endeavor Society of the First Presbyterian Church, and Woman's Christian Temperance Union, of York, Pa.; Methodist Episcopal Church, congregation of the Church of God, and Young Men's Christian Association, of Mechanicsburg, Pa., urging the passage of House bill prohibiting the sale of liquor in Army canteens, post exchange, transports, or reservations used by the Government—to the Committee on Military Affairs.

SENATE.

SATURDAY, *April 28, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ELENDER HERRING.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 24th instant (the House of Representatives concurring), I return herewith the bill of the Senate No. 1265, entitled "An act granting a pension to Elender Herring."

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *April 27, 1900.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. HENRY of Connecticut, and Mr. WILLIAMS of Mississippi managers on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. 342) granting a pension to Eleanor McDevitt;

A bill (S. 474) granting an increase of pension to Isaac Patterson;

A bill (S. 681) granting a pension to Julia D. Richardson;

A bill (S. 752) granting an increase of pension to Isaac E. Comery;

A bill (S. 755) granting a pension to Hannah R. Johnson;

A bill (S. 820) granting an increase of pension to Anna M. Deitzler;

A bill (S. 950) granting a pension to Sarah Ann Fletcher;

A bill (S. 995) granting an increase of pension to Nelly Young Egbert;

A bill (S. 1007) granting a pension to Mary E. Fenn;

A bill (S. 1202) granting an increase of pension to Sarah E. Stubbs;

A bill (S. 1242) granting an increase of pension to Adele W. Elmer;

A bill (S. 1271) granting a pension to Charles Williamson;

A bill (S. 1296) granting a pension to Mary R. Bacon;

A bill (S. 1600) granting an increase of pension to John T. Hayes;

A bill (S. 1754) granting an increase of pension to Burton Packard;

A bill (S. 1787) granting an increase of pension to Joseph P. Pope;

A bill (S. 1804) granting an increase of pension to Rida B. Haskell;

A bill (S. 1977) granting an increase of pension to Levi Moser;
A bill (S. 2200) granting an increase of pension to Elizabeth W. Murphey;
A bill (S. 2332) granting an increase of pension to Margaret H. Kent;
A bill (S. 2505) granting an increase of pension to James C. Carlton;
A bill (S. 2545) granting a pension to Nellie A. West;
A bill (S. 2863) restoring to the pension roll the name of Francis H. Staples;
A bill (S. 2880) granting an increase of pension to Caroline B. Bradford;
A bill (S. 2943) granting an increase of pension to James J. Holland;
A bill (S. 3004) granting an increase of pension to James H. Stevens;
A bill (S. 3102) granting a pension to Seleder Burnham;
A bill (S. 3125) granting a pension to Emily A. Larimer; and
A bill (S. 3186) granting a pension to Margaretha Lippert.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:
A bill (H. R. 192) granting an increase of pension to Anna H. Tupper;
A bill (H. R. 359) granting an increase of pension to William M. Walker;
A bill (H. R. 527) granting a pension to Lucy D. Young;
A bill (H. R. 528) granting an increase of pension to Isabel B. Hamilton;
A bill (H. R. 4367) granting an increase of pension to Mary L. Stotsenburg;
A bill (H. R. 5978) granting an increase of pension to Amos Van Nausdle;
A bill (H. R. 8655) granting an increase of pension to Edgar H. Stevens;
A bill (H. R. 8682) granting a pension to Louisa C. Germain;
A bill (H. R. 8801) granting an increase of pension to William H. H. Macdonald;
A bill (H. R. 8888) granting an increase of pension to Henry O'Connor; and
A bill (H. R. 9751) granting an increase of pension to David H. Drake.

ENROLLED BILLS.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution:
A bill (S. 222) to provide a government for the Territory of Hawaii;
A bill (H. R. 2331) granting an increase of pension to Festus Dickinson;
A bill (H. R. 8585) to amend an act entitled "An act to prevent forest fires on the public domain," approved February 24, 1897;
A bill (H. R. 8962) to authorize the New Orleans and Northwestern Railway Company, its successors and assigns, to build and maintain a bridge across Bayou Bartholomew, in the State of Louisiana;
A bill (H. R. 10097) to authorize the Atlantic and Gulf Short Line Railroad Company to build, construct, and maintain railway bridges across the Ocmulgee and Oconee Rivers within the boundary lines of Irwin, Wilcox, Telfair, and Montgomery counties, in the State of Georgia; and
A joint resolution (H. J. Res. 168) for change in location of aids to navigation on Simmons Reef and Lansing Shoal, in Lake Michigan.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of the Woman's Christian Temperance Union, of the congregation of the Congregational Church, and of the congregation of the Methodist Episcopal Church, all of Montrose, in the State of Colorado, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were ordered to lie on the table.

Mr. PENROSE presented a petition of the American Philosophical Society of Philadelphia, Pa., praying for the enactment of legislation to establish a national standards bureau in connection with the United States Office of Standard Weights and Measures; which was referred to the Committee on Mines and Mining.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the adoption of certain amendments to the postal laws; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Lehigh Grange, No. 782, Patrons of Husbandry, of Pennsylvania, praying for the adoption of certain amendments to the interstate-commerce law; which was ordered to lie on the table.

He also presented a petition of Open Hand Grange, No. 153, Patrons of Husbandry, of Leroy, Pa., praying for the enactment of legislation providing for State control of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Beach Grove Grange, No. 1089, of Wayne County, and of Summit Grange, No. 1155, of Elk County, all Patrons of Husbandry, in the State of Pennsylvania, praying for the adoption of certain amendments to the interstate-commerce law, for the enactment of legislation to secure protection in the use of adulterated food products, and for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregation of the United Presbyterian Church of Sharon, of the Woman's Christian Temperance Union, of the Ladies' Missionary Society of the Nottingham Presbyterian Church, of the Christian Endeavor Society of Nottingham, of the congregation of the Methodist Protestant Church, of the congregation of the Methodist Episcopal Church, of the congregation of the Presbyterian Church, of the congregation of the English Lutheran Church, and of the congregation of Disciples' Church, all of Connellsville, and of the Woman's Christian Temperance Union of Columbia Crossroads, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

He also presented a petition of the Retail Merchants' Protective Association of Wilkesbarre, Pa., praying for the retention of the provision in section 6 of House bill No. 9677, for preventing the adulteration and misbranding and imitation of foods, beverages, etc., in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Philadelphia, Pa., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the early construction, control, and ownership of the Nicaragua Canal by the Government; which was ordered to lie on the table.

Mr. ROSS presented a petition of the Woman's Christian Temperance Union of Irasburg, Vt., praying for the enactment of legislation to prohibit the sale of or dealing in any intoxicating liquors in any post exchange, canteen, transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

Mr. BARD presented a petition of sundry druggists of East Los Angeles, Cal., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

REPORTS OF A COMMITTEE.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was recommitted the bill (S. 3663) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4193) to regulate the grades of Twentieth street, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4426) for the extension of V street NW., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3987) to create a permanent commission for condemnation proceedings in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4307) authorizing the purchase of sites for buildings for the accommodation of the Interior, Treasury, and War Departments of the United States, the District of Columbia, and for other public purposes, in connection with removing the Botanical Garden fence and improving the grounds, together with the development and encouragement of ramie fiber, silk, and flax preparation and manufacture and their production and profitable home market in the United States, under the supervision of the Secretary of the Interior, asked to be discharged from its further consideration and that it be referred to the Committee on Public Buildings and Grounds; which was agreed to.

Mr. SULLIVAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3917) providing for the

improvement of the navy-yard bridge, Washington, D. C., reported it with amendments, and submitted a report thereon.

STATUE OF GENERAL GRANT.

Mr. WETMORE, from the Committee on the Library, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the exercises appropriate to the reception and acceptance from the Grand Army of the Republic of the statue of Gen. Ulysses S. Grant, to be erected in the Capitol, be made the special order for Saturday, May 19, at 4 o'clock p. m.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 4471) authorizing the Secretary of the Treasury to increase the salaries of certain employees in the department of the custodian of the post-office in cities of the first class; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also (by request) introduced a bill (S. 4472) granting pensions to certain civilians injured while serving as employees of the Government of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4473) granting a pension to Sarah J. Snook; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4474) for the relief of Dr. Joseph P. Tunis; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4475) for the relief of Mary F. B. Grice; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4476) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 4477) granting an increase of pension to Jane E. Hagaman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 4478) for the relief of the estate of James R. Young, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLEN introduced a bill (S. 4479) for the relief of George W. McCloughan; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4480) to correct the record of Robert Ellison, deceased, on the records of the War Department; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4481) granting a pension to Patrick Welsh;

A bill (S. 4482) granting a pension to William C. Wilson;

A bill (S. 4483) granting a pension to William C. Couch;

A bill (S. 4484) granting a pension to Elliott Loomis;

A bill (S. 4485) granting an increase of pension to Alexander Boltin;

A bill (S. 4486) granting a pension to Mary L. Underhill;

A bill (S. 4487) granting a pension to John Devine;

A bill (S. 4488) granting a pension to Frederick Wright;

A bill (S. 4489) granting a pension to John J. Adams;

A bill (S. 4490) granting an increase of pension to Hiram S. Kingsley; and

A bill (S. 4491) granting an increase of pension to Donald Smith.

Mr. ALLEN introduced a bill (S. 4492) to indemnify Benjamin Longpre for losses sustained through cancellation of timber-culture entry; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 4493) granting a pension to Maria L. Galligan; which was read twice by its title, and referred to the Committee on Pensions.

RECLAMATION OF ARID LANDS.

Mr. CARTER. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and hereby is, directed to transmit to the Senate a statement of the operations of the United States Geological Survey relating to the following items:

The investigations being made of the water resources of the United States, particularly of the arid regions.

The amount of money which has been or will be expended for this purpose in the year ending June 30, 1900.

The character of the information obtained.

What steps are being taken, or should be, to make specific statements of the possibility and cost of the reclamation of certain tracts, mapping the sources of water, location of canals and reservoirs, giving cost of these, location, and extent of lands to be reclaimed?

What specific localities are under consideration for such surveys?

What amount of money will be required for the year ending June 30, 1901, to carry on the investigations of lands reclaimable?

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SPOONER. Does the Senator object to having it go over? Does he care particularly to have it acted on to-day?

Mr. CARTER. I do not specially care, if the Senator desires that it shall go over.

Mr. SPOONER. I do, not for the purpose of antagonizing it, but I think I might like to amend it, to enlarge it a little.

The PRESIDENT pro tempore. The resolution will go over under the rule.

AFFAIRS IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. Is there further morning business.

Mr. PETTIGREW. Mr. President——

The PRESIDENT pro tempore. Does the Senator rise to morning business?

Mr. PETTIGREW. I think there is a resolution that comes over from yesterday, and I should like to have it disposed of.

The PRESIDENT pro tempore. The Chair was about to lay it before the Senate after the conclusion of morning business. The morning business is closed, and the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to inform the Senate whether General Torres, one of the officers of the Philippine army, came to General Otis with a flag of truce on February 5, 1899, the day after the fighting commenced between our forces and those of the Filipinos, and stated to General Otis that General Aguinaldo declared that fighting had been begun accidentally and was not authorized by him, and that Aguinaldo wished to have it stopped, and that to bring about a conclusion of hostilities he proposed the establishment of a neutral zone between the two armies of a width that would be agreeable to General Otis, so that during the peace negotiations there might be no further danger of conflict between the two armies, and whether General Otis replied that fighting having once begun must go on to the grim end. Was General Otis directed by the Secretary of War to make such an answer? Did General Otis telegraph the Secretary of War on February 9, 1899, as follows: "Aguinaldo now applies for a cessation of hostilities and conference. Have declined to answer?" And did General Otis afterwards reply? Was he directed by the Secretary of War to reply, and what answer, if any, did he or the Secretary of War make to the application to cease fighting?

The President is also requested to inform the Senate whether the flag of the Philippine republic was ever saluted by Admiral Dewey or any of the vessels of his fleet at any time since May 1, 1898. Did Admiral Dewey, at the request of Aguinaldo or any officer under him, send the vessels *Concord* and *Raleigh* to Subig Bay to assist Aguinaldo's forces in the capture of the Spanish garrison at that place? Did said vessels assist in the capture of the Spanish garrison, and after the surrender did they turn the prisoners thus taken over to the Philippine forces?

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

The resolution was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I ask the Chair to lay before the Senate the action of the House on the agricultural appropriation bill with a view to the appointment of conferees.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10338) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PROCTOR. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. PROCTOR, Mr. WARREN, and Mr. BATE were appointed.

SOLDIERS' HOME AT HOT SPRINGS, S. DAK.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of Senate bill 2928.

The PRESIDENT pro tempore. The Chair lays the Calendar under Rule VIII before the Senate. The Senator from South Dakota asks unanimous consent that the Senate proceed to the consideration of a bill which will be read to the Senate in full for its information.

Mr. STEWART. If the Senator will give way for a moment, I wish to move to have some additional copies printed——

The PRESIDENT pro tempore. Will the Senator from South Dakota yield?

Mr. PETTIGREW. I should like to have the bill laid before the Senate first. It will take only a moment anyway. It is a

short bill, and a similar bill has passed the Senate two or three times, or four times, I believe.

The Secretary read the bill (S. 2928) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota; and the Senate, by unanimous consent, proceeded to its consideration as in Committee of the Whole. It proposes to appropriate $150,000 for the erection of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota, which shall be erected by and under the direction of the Board of Managers of the National Home for Disabled Volunteer Soldiers, which Branch Home, when in a condition to receive members, shall be subject to such rules, regulations, and restrictions as shall be provided by the Board of Managers. But the Branch Home shall be erected on land donated to the United States by the people of Hot Springs, S. Dak., and accompanied with a deed of perpetual lease to one or more of the medical or hot springs for the use of the above-named Home, the location and area of the land and springs of hot water to be selected by the Board of Managers of the National Home for Disabled Volunteer Soldiers or such persons as they may appoint to make the selection of location and hot springs, and that exclusive jurisdiction shall be vested in the Board of Managers over the premises occupied by the Home as over other realty held by the Board until further enactment by the Congress of the United States.

It further proposes to appropriate $20,000, to be used for the transportation to and from the Home of such patients as may be ordered to said Home by the Board of Managers and for equipping and maintaining the Home, subject to the aforesaid rules and regulations of the Board of Managers. But any member of the National Home for Disabled Volunteer Soldiers who shall be certified to the Home by the medical and legal authorities of the Board of Managers shall be admitted and treated thereat until discharged therefrom or returned to some other Branch of the National Home by order of the Board of Managers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

Mr. STEWART. I desire to ask that a thousand additional copies of the supplemental report on the examination of the public schools of the District of Columbia be printed for the use of the Senate. There is a great demand for it.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that 1,000 additional copies of the report on the District of Columbia school examinations, a supplemental report, be printed.

Mr. COCKRELL. Those reports ought to be printed, and printed in an accessible form. We have had the first report printed, and it has gone to the document room, and we had the last part printed, and it went, I believe, to the Committee on the District of Columbia.

Mr. STEWART. No; let it be printed for the use of the Senate.

Mr. COCKRELL. Let them both be printed together as one document. We have applications for it, and I have to go and hunt at one place for one and at another place for the other.

Mr. STEWART. I should like to have the whole report printed together for the use of the Senate.

Mr. ALLEN. I should like to know the character of the report.

Mr. SPOONER. What was the investigation?

Mr. STEWART. A school investigation. I only ask for the printing of the supplemental report, which is on the examinations. There appears to be a great demand for it, and the clerk of our committee says he has begged all the copies he can, and he can not answer the letters.

Mr. ALLISON. I ask the Senator if the examination by the committee has been completed?

Mr. STEWART. Yes.

Mr. ALLISON. Then I hope the report will be printed as a document, so that we may see what it is.

Mr. COCKRELL. It ought all to be printed together, so that we can have the whole of it.

Mr. STEWART. Then I move that 1,000 copies of the report and the supplement be printed for the use of the Senate.

Mr. ALLEN. I hope I can have the attention of the Senator from Nevada long enough to have him answer my question. What is the character of this report?

Mr. STEWART. It would take considerable time to state the character of the report. It is in favor of establishing a board of education having a responsible head. The report shows that there is no responsible head.

Mr. ALLEN. Is it the report of an investigation recently made?

Mr. STEWART. Yes; this is a just a supplemental report.

Mr. ALLEN. By whom was the investigation made?

Mr. STEWART. By the Committee on the District of Columbia.

Mr. ALLEN. Of the Senate?

Mr. STEWART. Of the Senate.

Mr. ALLEN. I am very thankful to the Senator for the information.

The PRESIDENT pro tempore. Will the Senator from Nevada repeat his exact request?

Mr. STEWART. I move that a thousand additional copies of the report and the supplement be printed together for the use of the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

RAINY LAKE RIVER DAM.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 7945) to amend an act entitled "An act permitting the building of a dam across Rainy Lake River."

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURG. JOHN F. BRANSFORD.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (S. 2055) for the promotion and retirement of P. A. Surg. John F. Bransford, of the United States Navy.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUT. WILLIAM T. GODWIN.

Mr. PENROSE. I ask unanimous consent to call up the bill (S. 395) to authorize the President to revoke the order dismissing William T. Godwin, late first lieutenant, Tenth Infantry, United States Army, and to place the said William T. Godwin on the retired list with the rank of first lieutenant.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF DARIUS B. RANDALL.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (S. 253) to provide for the payment of the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Perce Indians.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with an amendment, to strike out before the word "dollars," in line 4, "three thousand one hundred and sixty-one," and insert in lieu thereof "two thousand four hundred;" so as to make the bill read:

Be it enacted etc., That the sum of $2,400 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay to the heirs of Darius B. Randall, deceased, for certain improvements situated on the Nez Perce Indian Reservation relinquished by said deceased to the United States for the use of the Nez Perce tribe of Indians.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEONARD WILSON.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 3339) for the relief of Leonard Wilson.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, after the word "appropriated," in line 5, to strike out "seven hundred dollars" and insert "six hundred and forty-two dollars and sixty-eight cents," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Leonard Wilson, out of any moneys in the Treasury not otherwise appropriated, $642.68, for services rendered to the United States, in excess of the ordinary number of working hours, in Cuba; at Camp Wikoff, Montauk Point, Long Island, and at Huntsville, Ala., while serving in a civil capacity under the War Department with Maj. Gen. Joseph Wheeler, United States Volunteers, during the war with Spain.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONGRESS HEIGHTS ENGINE HOUSE.

Mr. SULLIVAN. I ask unanimous consent for the present consideration of the bill (S. 3918) providing for the erection of engine house and the purchase of a chemical engine at Congress Heights, D. C.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments, in line 3, after the word "of," to strike out "four" and insert "twenty;" in the same line, after the word "thousand," to strike out "five hundred," and at the end of the bill to add the following proviso:

Provided, That a suitable parcel of ground, satisfactory to the Commissioners of the District of Columbia, be donated to the said District before such sum shall be available.

So as to make the bill read:

Be it enacted, etc., That the sum of $20,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a suitable house and for the purchase of a chemical engine: *Provided*, That a suitable parcel of ground, satisfactory to the Commissioners of the District of Columbia, be donated to the said District before such sum shall be available.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was rejected.

WILLIAM LEECH.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill (S. 1336) for the relief of William Leech.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment to strike out, before the word "thousand," in line 4, the word "ten" and insert the word "five."

The amendment was agreed to.

Mr. BACON. Before the bill is put on its passage I should like to hear it read.

The PRESIDENT pro tempore. The bill will be again read.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to William Leech the sum of $5,000 as compensation for injuries received by the said Leech in falling in the elevator shaft of the Treasury building on the 29th day of March, 1893; and an amount sufficient to pay same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

Mr. COCKRELL. Let the report be read in that case. I should like to understand the facts.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. MASON February 7, 1900, as follows:

The Committee on Claims, to whom was referred the bill (S. 1336) for the relief of William Leech, make the following report:

Mr. Leech was an elevator conductor at the United States Treasury building on the morning of March 29, 1893, and had been such prior to that date. His affidavit sets out that he approached the elevator door in the dark, at a few minutes before 8 o'clock a. m., on March 29, 1893, and found it open, as it was usual for it to be at that time, and stepped, as he supposed, into the elevator, but same having been removed, he fell to the bottom of the shaft and injured his back, broke his leg, and received internal injuries.

He states that it was his practice to step into the elevator and turn on the electric light in the elevator, and that no one had any right to interfere with or move the elevator during the morning prior to or at that time (8 o'clock) except himself; that the removal of the elevator was positively against the rules of the Department, and that he had no reason for presuming it had been removed; that he was not late on that morning, and the gas in the hall in front of the elevator was not lighted; that it was not his duty to light the gas in the hall, and that the reason it was not lighted was because the pipe was stopped up with dirt, which fact had been reported, and it was afterwards repaired, and the electric light was also put in in the hall in front of the elevator afterwards.

Your committee, therefore, taking into consideration the circumstances connected with the accident as set forth in Mr. Leech's affidavit, recommend the passage of the bill with the following amendment:

In line 4 strike out the word "ten" and insert in lieu thereof the word "five."

Mr. BACON. I should like to inquire of the committee whether there is any evidence as to the question of permanent injuries? The report, as I understood it, does not give any information upon that subject. That is a very important element.

Mr. MCCOMAS. I have just heard the report. It seems to me that when a claim is made upon the Government for injuries by reason of the negligence of its employees there should be some other proof added to the affidavit of the claimant himself. It seems to be there unsupported in respect of the character of the injuries and the ordinary care exercised by the claimant who was injured. I suggest that the bill should go over or be recommitted.

Mr. ALLEN. If the Senator will permit me, I do not know how this bill came before the Senate or who called it up.

The PRESIDENT pro tempore. The Senator from Michigan [Mr. BURROWS] asked for its present consideration.

Mr. ALLEN. I will state the evidence before the committee, as I recollect it. I have seen this applicant and he is certainly disabled for life. His spinal column is injured and he never can be cured. He will be a cripple as long as he lives.

The evidence before the committee, what there was of it, showed clearly a state of facts which would make a private individual or a private corporation liable for negligence. It showed due caution on the part of this man, ordinary caution, and that he exercised ordinary prudence. It showed neglect, if not something worse, upon the part of others in tampering with the elevator.

This claimant is a man of respectable character, a man whose word I would take for almost anything, although he is a comparative stranger to me. He has a good man's face and a good man's ways. I have known him around here for some time.

Of course I do not agree with the Senator from Maryland that it is necessary to have corroborative proof in a civil case. There are criminal cases where you are required to have corroborative proof, but I have never yet known of a civil case, unless it arose upon some statute, where it was necessary to have corroborative proof; and if this evidence were submitted to a jury to form its own conclusion there would be a verdict for the amount of damages the man sustained. The facts were laid before the committee, and the report of the committee was unanimous upon them.

Mr. MCCOMAS. Does not the Senator think there should be produced evidence from medical sources to show the extent and probable duration of the injury, and whether the injury was temporary or permanent—I am sure he does—and also whether there ought not to be produced some of the accessible evidence in respect of the conduct of that elevator, the position of the doors, etc.? One man's statement in respect even of his own claim is of very great weight, and it seems to me if the elevator shaft were not lighted, and if the other circumstances were as there stated, there is accessible some proof, and some of it, I think, ought to have been produced.

Mr. ALLEN. If the Senator will permit me, suppose the facts stated in this report were alleged in a declaration and undenied, would not the plaintiff be entitled to recover?

Mr. MCCOMAS. Undoubtedly, in the absence of opposing proof; but it seems to me, with such a paucity of statement, there ought to be something more than an ex parte affidavit to justify the Senate in voting to give $5,000 for a personal injury on an allegation that the Government has been negligent.

Mr. ALLEN. I will state to the Senator, if he will permit me right there, that I think this is a very meritorious bill.

Mr. MCCOMAS. I do not mean to say it is not.

Mr. ALLEN. I understand the claimant in this case is a man of high character.

Mr. MCCOMAS. What is the evidence of the permanent character of the injury?

Mr. ALLEN. The fact is, Mr. President, that that man's spine is permanently injured, and has been for years; and he has been seen daily going about on crutches. A man is not walking on crutches for three or four years unless he is compelled to.

Mr. JONES of Arkansas. Will the Senator from Nebraska allow me to make a suggestion?

Mr. ALLEN. Certainly.

Mr. JONES of Arkansas. The value of this case is its value as a precedent. There have been many of these cases presented to the Committee on Claims, and the committee have generally been very careful only to report such cases as have been properly made out. It may be that the facts in this case would warrant the appropriation asked, but it seems to me the defect in this case is that the facts do not appear as a matter of record. This case may be cited as a precedent for similar appropriations in cases that come hereafter, and yet the facts which make it a good case do not appear in the record and are personally known only to the members of the committee. For that reason I think the case ought to be recommitted, so that the committee may report what are the facts. The Senator from Nebraska says he is satisfied with the facts, but those facts ought to be on the record of the Senate, so that other Senators may see that the reason why the appropriation was made was because the man was injured by the contributory negligence of other employees of the Government and that he has been permanently injured.

Mr. ALLEN. I wish to be permitted to suggest to the Senator from Arkansas that I think the liability of the Government is established by the undisputed facts in the case.

Mr. BURROWS. Mr. President, I called this bill up because the beneficiary is a resident of my State; I know him and know that he is seriously crippled by that accident. The Senator from Illinois [Mr. MASON] who reported the bill is not here to-day, and so I ask that the matter may go over until that Senator is here.

Mr. CHANDLER. I would ask the Senator if there is any objection to recommitting the bill? There ought to be some evidence besides the sufferer's own affidavit as to the extent of his injuries and as to the negligence of the Government. As the bill stands with that report it will not pass the Senate, I am quite sure. If the bill can be recommitted and proper proof be furnished, demonstrating by the evidence of physicians the injuries sustained, and the evidence of other witnesses as to negligence, it might pass.

Mr. BURROWS. I will say to the Senator that I know such evidence exists and is before the committee. I have not, however, any objection to the bill being recommitted for the purpose of the committee making a fuller report.

Mr. CHANDLER. I make that motion.

Mr. CULLOM. I want to say a word before the matter passes from the attention of the Senate.

I have known this gentleman for a good many years, and I know him to be a sober, upright, and industrious man. I am satisfied that the injuries he received in falling down that elevator shaft will result in permanent disability. The man is scarcely able to go about, and I fear he will never be much better. I do not object to further testimony with reference to how it came about that the elevator car was not in the proper place and all that, but it seems to me this is a case in which there ought to be prompt action taken and relief given.

Mr. CHANDLER. The claimant says it was his own elevator and he was bound to take care of it. He went there to get into it, but it had been moved by somebody, and he fell down the shaft. There certainly should be medical evidence as to the extent of the injury.

Mr. PENROSE. I rise to make an inquiry. I have no doubt whatever that this is an extremely meritorious measure; it also, however, strikes me most forcibly as being an unprecedented attempt to take money from the Treasury. I should like to ask the Senator from Michigan, or any other Senator present, whether the proper method would not be to authorize this claim to be referred to the courts of the District of Columbia, so that the merits of the controversy may be tried and the Government of the United States protected, if it has any defense to make to this claim, by the proper law officers of those courts?

Mr. BURROWS. The motion of the Senator from New Hampshire [Mr. CHANDLER] to recommit the bill is perfectly agreeable to me. I hope that will be done, and that will end the matter for the present.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the bill be recommitted to the Committee on Claims.

Mr. PENROSE. I second the motion.

Mr. ALLEN. Mr. President, I suppose the Senate is a law unto itself. I have seen enough of it to know that that is true. This case is similar to other cases which have been acted upon by the Senate. While I can not mention the names, I can call to mind three or four cases of this kind where we have passed bills making appropriations for persons injured around this Capitol and around other public buildings. If this bill is recommitted to the Committee on Claims, it will not come back to the Senate at this session. It can not come back, as the Calendar of the Claims Committee is crowded beyond comparison. So this bill will simply have to pass over until the next session of Congress while this corroborative evidence is being gathered up.

I have not the slightest interest in this man, and, so far as I am individually concerned, it is a matter of absolute indifference to me, outside of the mere humanitarian view, whether he receives a cent or not; but I want to dissent as strongly and as forcibly as I can from the strange doctrine that the undisputed evidence of a witness of good character must be corroborated in order to entitle him to recover. There is no law book from Starkie, which is a legal classic, down through all the American and English works upon evidence to the present moment—and they are very numerous, as you and I, Mr. President [the President pro tempore in the chair], very well know—in which a rule of that kind is recognized.

Here we propose to ignore the ordinary rules of evidence which control the proceedings of judicial tribunals—we propose to set them aside and compel a man whose evidence and whose character are unimpeached and unimpeachable, so far as this Senate knows, and who is a living evidence of lifelong pain and misery in consequence of this injury, to go back to this committee and furnish corroborative evidence of these facts, which he may or may not be able to corroborate, before he can receive this pittance to which he is entitled.

Mr. PENROSE. I should like to ask the Senator from Nebraska a question, if he will permit me.

Mr. ALLEN. Certainly.

Mr. PENROSE. I should like to ask the Senator who represented the Government when this claim was awarded and the amount of damages defined?

Mr. ALLEN. Mr. President, the Senate of the United States represents the Government, and the House of Representatives will represent it when the bill goes there, and so the Committees on Claims of the respective Houses represent it. They will represent equally the interests of the Government and the interests of the applicant; and I presume the Senator will admit that, at least in the House of Representatives, there are gentlemen capable of caring for the Government's interests.

Mr. PENROSE. I should like to ask the Senator whether any witnesses were summoned before the committee and what was the character and extent of the investigation made into this matter?

Mr. ALLEN. I have never known of witnesses to be examined before the Committee on Claims. The evidence is usually presented in the form of affidavits and statements from reliable sources.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the bill be recommitted to the Committee on Claims.

Mr. ALLEN. I hope the Senator from New Hampshire will withdraw that motion, because, if adopted, it will amount to a practical denial of justice.

Mr. CHANDLER. No, it will not, let me say to the Senator. The Senator from Illinois [Mr. MASON] who is not now present has made a report, and all he states in that report is that the claimant in his affidavit states so and so. On that mere unsupported statement in the report the bill never can pass Congress.

The Senator from Michigan tells me that he believes there is medical testimony and other testimony before the committee, and he is perfectly willing to have the bill recommitted to have those facts stated in the report. Now, under those circumstances, why should the Senator from Nebraska object to the recommittal?

Mr. ALLEN. I object only because it is like the practice of setting aside a verdict in favor of an injured claimant until he has time to die.

Mr. CHANDLER. The Senator will not say that. He says this man has got his spine injured for life, and I am afraid it is so; but that fact is not proved because he says so, nor because the Senator from Nebraska has seen the man going about this Capitol upon crutches. One of the things to be guarded against in tracing cases of this kind is the simulation of injury. A disability of the kind alleged should be proved by medical testimony.

Mr. ALLEN. I dare say there is not a man living who could simulate an injury in the presence of my friend from New Hampshire, although he is not a physician.

Mr. CHANDLER. If I saw the Senator from Nebraska on crutches, I would not infer that his backbone had been injured for life.

Mr. ALLEN. There are certain physical facts which are open to the common knowledge of the human race. If I see a scar upon a man, I know as well as if I were a physician that it is a scar. I do not have to call in a physician to tell me that is a scar, nor do I have to call in a physician to tell me whether it was made by a sharp instrument or by a blunt instrument. There is the indisputable evidence on the face of the individual. If there were internal injuries claimed as resulting from a wound, then it might be necessary to call in a physician or a surgeon to make the proper examination and to take his evidence as to the character and nature of the injuries, and whether they were or were not permanent.

Mr. BACON. Will the Senator permit me a moment?

Mr. ALLEN. I will.

Mr. BACON. I ask the Senator whether there is any evidence as to whether this unfortunate man has received anything from the Government in the way of compensation or in the way of paying for medical bills, or anything of that kind?

Mr. ALLEN. I will simply say that my recollection of the facts in this case is necessarily general, because we have a great many of these claims; but my recollection is that he never had any compensation in any respect; that he was entirely without compensation.

Mr. BACON. I asked the question not for the purpose of taking issue with the Senator, but for the purpose of showing that it was important that there should be testimony upon that point, that it may appear that the Government at the time of this injury, without reference to the question of liability, had the man sent to a hospital, paid his expenses, and everything of that kind, all of which ought to be taken into consideration.

Mr. ALLEN. I have no recollection of it, but I have no doubt the Government did send him to a hospital.

Mr. BACON. That ought to appear, and that ought to be taken into consideration.

Mr. ALLEN. I have no doubt of that fact; but to send this man back by this dilatory process, as a plea in abatement, until he may die is, to my mind, Mr. President, preposterous.

There is not a contradiction in this record anywhere, no man opens his lips to dispute the facts as stated in the report, and the

Government is as silent as the grave in respect of disputing anything asserted by this man. The case is full and complete in all its facts, and no lawyer whose opinion is worth a pinch of bug dust would stand before any tribunal and deny that the facts stated in this report, which are undisputed, entitle this man to a verdict; and yet we propose, in violation of every principle of orderly judicial procedure, to send this man back to the Committee on Claims, so that somebody may be found who will corroborate the undisputed statements he has made.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. ALLEN. Yes.

Mr. SPOONER. Was this bill referred to the Treasury Department?

Mr. ALLEN. I do not know. It would not be so referred if I had anything to do with it.

Mr. SPOONER. Why not?

Mr. ALLEN. I do not know what the Treasury Department has to do with it.

Mr. SPOONER. Would you not refer the matter to the Treasury Department for a report in relation to the case?

Mr. ALLEN. Why should it be referred to the Treasury Department?

Mr. SPOONER. To get at the facts.

Mr. ALLEN. To get at what facts?

Mr. SPOONER. Would you undertake to say that you could get at the facts simply by taking the statement of the claimant?

Mr. ALLEN. You can get at the facts in a variety of ways.

Mr. SPOONER. It seems from the report that the only way the committee resorted to of getting at the facts was by taking the statement of the claimant.

Mr. ALLEN. The committee examined into the facts and took the affidavit of the claimant, which is undisputed.

Mr. SPOONER. I only want to say to the Senator it may seem ridiculous to him; but when I was chairman of the Committee on Claims, nearly all of the bills that came before the committee were referred to the proper Department for report as to the facts.

Mr. ALLEN. I will take a statement from a Department as to the facts, but I will not take their opinion upon the facts.

Mr. SPOONER. But as to the facts in this case, it is stated that the elevator was not lighted because the pipe was filled with dirt; that it was afterwards repaired, and that there was no light in the hall, and all that. According to the old practice of the committee—and my friend from Arkansas, who was a member of the committee at the same time I was, will corroborate me about that—we would refer such a bill as this to the Secretary of the Treasury to investigate the matter in the Department and communicate the facts to the committee. I inquire if that was done in this case?

Mr. ALLEN. I do not know whether it was done or not. It would not have been done with my consent, I know. I want right here, without being diverted too far from what I intended to say, to enter my protest against this namby-pamby practice of a committee sending a bill over to some Department for its opinion about that bill. What are we here for? What is the opinion of a clerk in one of these Departments, where these opinions come from, amount to? Are we to follow their opinions in the enactment of laws or in the repeal of laws? This, Mr. President, is the legislative branch of this Government.

Mr. JONES of Arkansas. Mr. President——

Mr. ALLEN. I will yield to the Senator in a moment.

Senators and Representatives are sent here because they are supposed to represent the wishes of their constituencies. They are supposed to know what the people want enacted into laws, and what laws the people want repealed, and not some clerk who has been living in the dusty atmosphere of a Department for twenty-five or thirty years.

Now I will yield to the Senator from Arkansas.

Mr. JONES of Arkansas. I only want to ask the Senator if he is willing to take the position that the committee should hear the party in interest, who was an employee of the Treasury Department, as to the facts of this case, and then refuse to hear the testimony of everybody connected with the Department who may know the facts?

Mr. ALLEN. No; I did not say anything of the kind.

Mr. JONES of Arkansas. I certainly understood that to be the position of the Senator.

Mr. BURROWS. Will the Senator from Nebraska permit me a moment?

Mr. ALLEN. Yes.

Mr. BURROWS. Mr. President, I have the files of the committee in this case; and as a matter of justice to the claimant I ask that the affidavits which I send to the desk may be read.

The Secretary read as follows:

Statement of E. D. King in regard to matter of William Leech.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

E. D. King, being duly sworn, deposes and says: I was employed in the branch printing office at the Treasury Department. On the morning of the 29th day of March, 1893, came to work, as usual, at about 8 o'clock. I went toward the elevator, intending to take same to the floor where the branch printing office is situated, as was my custom. Mr. William Leech, one of the elevator operators, was just ahead of me. When I reached the elevator the door was open and Leech had fallen through the shaft to the cellar. There was no light in the hall in front of the elevator at the time or in the elevator shaft at the time. The elevator had been taken up to the upper floor by some other person, who had left the door open.

I further state that I have no personal interest in the matter.

E. D. KING.

Sworn to and subscribed before me this 27th day of March, 1896.

[SEAL.] JAS. N. FITZPATRICK, *Notary Public.*

WASHINGTON, D. C., *April 16, 1896.*

I certify that on or about March 30, 1893, I examined Mr. William Leech, who fell down the elevator shaft at the Treasury Department. He was suffering from a fracture of the left leg above the ankle, seriously involving the ankle.

He was also badly injured about the hips and back. I was his family physician, and notwithstanding he had the closest attention of one of our most skillful surgeons he is seriously and permanently disabled, both in the back and ankle.

R. A. NEALE, M. D.,
No. 806 Nineteenth street NW.

WASHINGTON, *April 1, 1896.*

March 29, 1893, I was called to see William Leech, who had met with a serious accident in the elevator at the Treasury Department. He had bad fracture of lower portion of left leg, involving the ankle joint, and also contusion about the hip.

His ankle remains stiff and painful, disabling him to a great extent, and this disability is likely to be permanent.

He has constantly suffered since with pain in the back and left hip.

J. FORD THOMPSON, M. D.,
804 Seventeenth street NW.

938 K STREET NW., WASHINGTON, D. C., *April 3, 1896.*

I have known Mr. William Leech for more than ten years. About 10 a. m., March 29, 1893, I found him at the Emergency Hospital in a critical condition, suffering from a fall down the shaft or well of the elevator in the United States Treasury building, resulting in the breaking of his left leg below the knee and dislocating one or more of the small bones of the left ankle, and also a severe injury to the left hip joint and back (lumbar region).

Anticipating from what I heard at the hospital that a surgical operation or an amputation might be required to save life, I had Mr. Leech taken to his home and employed Dr. J. Ford Thompson and placed Mr. Leech in his charge.

Mr. Leech is totally disabled for the performance of ordinary manual labor, and, judging from my own experience and his present condition, he never will be.

J. WEED COREY.

Affirmed and subscribed to before me this 3d day of April, 1896.

[SEAL.] JAS. A. FITZPATRICK, *Notary Public.*

Mr. BURROWS. Mr. President, in view of these statements, which seem to supplement the report of the committee and meet the objections which have been made to the bill, I ask the Senator from New Hampshire if he will not withdraw his motion to recommit?

Mr. CHANDLER. No, Mr. President. I have in my hand, among the papers which the Senator from Michigan procured from the committee room, in addition to those which he has had read, the affidavit of the person injured. That affidavit, as already appears, was the only statement reported by the Senator from Illinois, who made the report in favor of this claim. There should have been a report of the evidence which the Senator from Michigan has now put into the case and which has been read. That is not in the report of the committee, which contains nothing but this affidavit.

Mr. ALLEN. The report in this case was made by the Senator from Illinois.

Mr. CHANDLER. The report was made by the junior Senator from Illinois [Mr. MASON]. It is by no means clear from the affidavit of the claimant himself that the Government is liable. I think the case is of such importance that there ought to be a formal report made by the committee, because otherwise we do not know where we are going in this case.

A very sad occurrence will be remembered in the case of Postmaster Willett, of this city. In going into the new Post-Office building he went to one of the elevator openings, but the elevator was not there, and he fell down and was killed. His widow certainly deserves the commiseration of every one, and it may be she ought to have some donation made to her by the Government. It is opening a very wide field to pay money in cases of this kind. True it has been done by several bills heretofore passed. Workmen who have been injured in navy-yards and arsenals, or, in case of their death, their families have been paid; but it has always been done upon a committee report, very carefully stating all the facts; and this report, I submit to the Senator from Michigan, ought to embody all the facts in this case and the deliberate conclusion of the committee upon them. Therefore I do not withdraw my motion.

Mr. BACON. In connection with what the Senator from New Hampshire [Mr. CHANDLER] has said, I think it proper to call the attention of the committee to the fact that it may be necessary that there should be additional evidence upon the question as to whether or not there is the permanent spinal injury to this man

which has been alleged. The reason I make this suggestion is that there is a certificate from Dr. J. Ford Thompson, who is known to be an eminent surgeon, in which he fails to state that fact. He states that he was called upon to treat this unfortunate man, and he makes a careful statement with reference to the injury of his ankle and the permanent result therefrom, but all he says in reference to the spinal injury is that the man suffered with pain in his back. That is a very different thing, as we all know who have had occasion in the practice of the law to try cases involving questions of spinal concussion, from permanent spinal injury.

I do not wish to throw anything in the way of a proper recovery by this unfortunate man; but I do think, in view of the fact that there are a great many cases now pending, as I understand, before the Court of Claims, and in view of the fact that there are a great many which can be brought up, that if we propose to scale the compensation in this case upon the conclusion that there has been a permanent spinal injury, it ought not to be a matter left in doubt.

Mr. President, we have heretofore passed bills for the payment of such injuries. The Senate will remember the case of the collapse of the Ford Theater Building, in which a large number of the employees of the Government were injured. I will say that the compensation meted out in that case, although there was there a clear case of liability on the part of the Government, was not upon the scale proposed in this case.

I have the very greatest respect for the legal opinion of the Senator from Nebraska, and am very loath to fall under his severe condemnation; but I am very frank to say that I think, under the statement made by the parties in these affidavits, there is a very grave question in my mind whether there is any common-law liability; and I know of no statutory liability in this District which makes the Government liable for injuries through the negligence of its employees. That is the question here.

Mr. BURROWS. Will the Senator allow me just a moment before this bill is recommitted?

Mr. BACON. Certainly.

Mr. BURROWS. I understand the Senator from New Hampshire [Mr. CHANDLER] insists upon his motion to recommit the bill, and perhaps that is the best thing to do under the circumstances; but I want the following letter to be read from the then Secretary of the Treasury, Mr. Carlisle.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 15, 1897.

MY DEAR SIR: I herewith return the certificates of Dr. Thompson and Dr. Neale, in the case of William Leech.

The circumstances under which Mr. Leech received the injuries from which he is now suffering, so far as they could be ascertained upon an investigation by the officials of this Department, have heretofore been communicated to the committee.

Mr. Leech is a poor man and is no doubt laboring under a disability as a result of his fall, and if, in the judgment of Congress, he has an equitable claim for remuneration, it is not probable that such action could be seriously objected to in view of what has been done in other cases.

Very truly, yours,

J. G. CARLISLE.

Hon. J. C. BURROWS,
United States Senate.

Mr. SPOONER. I should like to inquire of the Senator if he knows where that report from the Treasury Department is?

Mr. BURROWS. I do not. That communication was sent to me during the last Congress, when I was a member of the Committee on Claims.

Mr. SPOONER. That letter states that the facts resulting from an investigation by the Treasury Department have been communicated to the committee. They have not been communicated to the Senate.

Mr. BURROWS. They ought to be among the papers.

Mr. JONES of Arkansas. They ought to be in the files of the Senate, where they will be accessible for all time to come.

Mr. ALLEN. Before this matter is acted upon—I shall not detain the Senate very long—I wish merely to say that I do not know of anything I have said which would lead the Senator from Georgia to think he has fallen under my condemnation, for certainly I have said nothing in reference to him.

Mr. BACON. I understand there was nothing personal in it; but I understood the Senator to express such very great confidence in the correctness of his legal proposition that under the facts in this case there was a legal liability on the part of the Government, I necessarily felt if I suggested anything to the contrary that I came under the condemnation of the very learned Senator.

Mr. ALLEN. It is true that I had expressed confidence in the legal proposition that this Government, if a private individual or a private corporation, would be liable under this state of facts. That proposition I am perfectly willing to discuss with the Senator from Georgia, if he desires to discuss it.

Mr. BACON. I beg the Senator's pardon.

Mr. ALLEN. It is true as a general proposition that the Government is not liable for the negligence of a servant, but there is another principle equally as well established and applicable to this case, in my judgment, and perhaps in that respect I may fall under the condemnation of the distinguished Senator from Georgia; and that is that wherever the negligence is imputable to the principal or is the result of negligence of conduct of a vice-principal, the principal is liable. That is this case. That is all there is to it. Here was somebody in charge of this elevator, whose duty it was to superintend it during the hours when it was not in operation and to prepare it for this individual when he came to discharge his duties at a certain hour in the morning. That man was a vice-principal. He stood in the attitude toward this Government of vice-principal, and his negligence, I submit to the Senate and to the Senator from Georgia, for whose judgment I have great respect, is the negligence of the Government.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. ALLEN. I am glad to yield.

Mr. SPOONER. Does not the Senator think that that man ought to be interrogated?

Mr. ALLEN. I am not talking about the question whether he ought to be interrogated, but I am simply repelling the idea that the Senator from Georgia with a wave of his hand should say it is not worth consideration.

Mr. BACON. On the contrary, with the utmost diffidence, I expressed my very great humiliation, in view of the fact that I would entertain an opinion that would come in conflict with the very learned Senator and ex-judge from Nebraska. I did not intend to wave it away at all. I deprecated the fact, and was almost ashamed of it, and yet I ventured feebly to express it.

Mr. ALLEN. Since I have known the Senator from Georgia it has been one of the regrets of my life that I did not spend my youth under the shadow of his towering legal intellect.

Mr. CLAY. Mr. President, it strikes me that a case like this ought to be made out under the rules of law which would govern in the trial of a damage case for personal injuries. If the claimant is entitled to recover, it ought to be shown by the testimony. It ought to be shown by the party who was in charge of the elevator why he was there. It ought to be shown how came the door to be open. It is stated in this report that the person who was injured had charge of the elevator; that it was his duty to run it and operate it. He had left the elevator. It may be possible that he put the party in charge of the elevator. He may have been responsible for leaving the door open. This case was considered by the Committee on Claims simply upon two or three letters and an affidavit.

Every single witness who knows anything about the case ought to have been produced and his testimony given to the Senate. To simply take this case, try it, and say, "We will take the letters of two or three physicians and the affidavit of a party who was not cross-examined," is not the proper way to try a case.

It seems to me the bill ought to go back to the committee, the Government ought to be heard, and all the facts in connection with this case ought to be presented to the Senate that we may examine and understand the entire case. For that reason I am unwilling to vote in favor of the bill, and I believe it ought to go back to the committee.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Hampshire to recommit the bill to the Committee on Claims.

The motion was agreed to.

EDWIN CULVER.

Mr. SPOONER. I ask unanimous consent for the present consideration of the bill (S. 3505) granting an increase of pension to Edwin Culver.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Edwin Culver, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. MILLER, UNITED STATES NAVY, AND OTHERS.

Mr. LODGE. I ask unanimous consent for the consideration of the bill (S. 3734) to authorize Commander James M. Miller, United States Navy; Surg. Oliver D. Norton, United States Navy, and Mr. Edwin V. Morgan, formerly secretary of the legation of the United States at Seoul, Korea, to accept presents tendered to them by His Majesty the Emperor of Germany.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILL SIGNED.

The signature of the President pro tempore was announced to the enrolled bill (S. 222) to provide a government for the Territory of Hawaii, which had previously been signed by the Speaker of the House of Representatives.

SOUTH AFRICAN REPUBLIC.

Mr. PETTIGREW. I ask unanimous consent for the immediate consideration of Senate resolution 133.

The PRESIDENT pro tempore. The Senator from South Dakota asks for the immediate consideration of a resolution, which will be read.

The Secretary read the resolution submitted by Mr. PETTIGREW February 2, 1900, as follows:

Whereas from the hour of achieving their own independence the people of the United States have regarded with sympathy the struggles of other people to free themselves from European domination: Therefore,

Resolved, That we watch with deep and abiding interest the heroic battle of the South African Republic against cruelty and oppression, and our best hopes go out for the full success of their determined contest for liberty.

Mr. LODGE. I ask if the resolution has ever been reported by a committee?

The PRESIDENT pro tempore. It has not.

Mr. LODGE. I think it ought to go to a committee. I move its reference to the Committee on Foreign Relations.

The PRESIDENT pro tempore. The Senator from Massachusetts moves the reference of the resolution to the Committee on Foreign Relations.

Mr. PETTIGREW. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CULBERSON. Let the resolution be read again.

The Secretary again read the resolution.

Mr. PETTUS. I desire to know whether the resolution has been acted upon by any committee.

The PRESIDENT pro tempore. It has not. The question is on agreeing to the motion of the Senator from Massachusetts to refer the resolution to the Committee on Foreign Relations, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. WETMORE], who does not appear to be present.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. CULBERSON (when Mr. CHILTON'S name was called). My colleague is paired with the senior Senator from West Virginia [Mr. ELKINS].

Mr. CULLOM (when his name was called). I have a pair with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote to refer.

Mr. HANSBROUGH (when his name was called). I will take the liberty of transferring my pair with the senior Senator from Virginia [Mr. DANIEL] to the senior Senator from Rhode Island [Mr. ALDRICH], and will vote. I vote "yea."

Mr. HEITFELD (when his name was called.) I am paired with the senior Senator from New York [Mr. PLATT]. If he were present, I should vote "nay."

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. If he were present, I should vote "nay."

Mr. PROCTOR (when Mr. MALLORY'S name was called). I have a pair with the Senator from Florida [Mr. MALLORY]. I transfer it to the senior Senator from Massachusetts [Mr. HOAR], so that the Senator from Alabama [Mr. PETTUS] and I can vote.

Mr. PENROSE (when his name was called). I am paired with the Senator from Delaware [Mr. KENNEY]. Were he present, I should vote "yea."

Mr. RAWLINS (when his name was called). I am paired with the junior Senator from Ohio [Mr. HANNA]. If he were present, I should vote "nay."

Mr. CULLOM. If the Senator from Utah will allow me, if it is agreeable to him, I suggest that he can pair the junior Senator from Virginia [Mr. MARTIN] with the junior Senator from Ohio [Mr. HANNA], so that he and I can both vote.

Mr. RAWLINS. All right; I consent to that arrangement, and will vote. I vote "nay."

Mr. SCOTT (when his name was called). I am paired with the junior Senator from Florida [Mr. TALIAFERRO].

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. TURLEY], who is absent. If I were at liberty to vote, I should vote "yea."

Mr. BATE (when Mr. TURLEY'S name was called). My colleague, as has just been stated by the Senator from Wisconsin [Mr. SPOONER], is paired with him. He is absent. I do not know how he would vote.

Mr. TURNER (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. He not being in his seat, I withhold my vote. If he were present, I should vote "nay."

The roll call was concluded.

Mr. BATE (after having voted in the affirmative). I should like to know if the Senator from Kentucky [Mr. DEBOE] has voted?

The PRESIDENT pro tempore. He has not.

Mr. BATE. I withdraw my vote, being paired with him.

Mr. PENROSE. I announced my pair with the Senator from Delaware [Mr. KENNEY], and the Senator from Idaho [Mr. HEITFELD] announces his pair with the Senator from New York [Mr. PLATT]. I suggest that we pair the two absent Senators, so that we may both vote. Then the Senator from New York and the Senator from Delaware will be paired.

Mr. HEITFELD. That is satisfactory to me.

Mr. PENROSE. I vote "yea."

Mr. HEITFELD. I vote "nay."

Mr. SCOTT. I understand that the senior Senator from Washington [Mr. TURNER] is paired with the senior Senator from Wyoming [Mr. WARREN]. I suggest to him that we transfer our pairs, which will enable both of us to vote.

Mr. TURNER. Very well.

Mr. SCOTT. I vote "yea."

Mr. TURNER. I vote "nay."

The result was announced—yeas 31, nays 11; as follows:

YEAS—31.

Allison,	Frye,	McComas,	Perkins,
Baker,	Gear,	McCumber,	Pettus,
Bard,	Hansbrough,	McEnery,	Pritchard,
Carter,	Hawley,	McLaurin,	Proctor,
Clark, Wyo.	Jones, Nev.	McMillan,	Ross,
Clay,	Kean,	Morgan,	Scott,
Cullom,	Lindsay,	Nelson,	Shoup.
Davis,	Lodge,	Penrose,	

NAYS—11.

Allen,	Cockrell,	Pettigrew,	Turner,
Berry,	Culberson,	Rawlins,	Vest.
Chandler,	Heitfeld,	Teller,	

NOT VOTING—45.

Aldrich,	Elkins,	McBride,	Sullivan,
Bacon,	Fairbanks,	Mallory,	Taliaferro,
Bate,	Foraker,	Martin,	Thurston,
Beveridge,	Foster,	Mason,	Tillman,
Burrows,	Gallinger,	Money,	Turley,
Butler,	Hale,	Platt, Conn.	Warren,
Caffery,	Hanna,	Platt, N. Y.	Wellington,
Chilton,	Harris,	Quarles,	Wetmore,
Clark, Mont.	Hoar,	Sewell,	Wolcott.
Daniel,	Jones, Ark.	Simon,	
Deboe,	Kenney,	Spooner,	
Depew,	Kyle,	Stewart,	

The PRESIDENT pro tempore. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Culberson,	Lodge,	Ross,
Bacon,	Davis,	McComas,	Scott,
Baker,	Deboe,	McCumber,	Shoup,
Bate,	Elkins,	McEnery,	Spooner,
Berry,	Frye,	McLaurin,	Teller,
Burrows,	Hansbrough,	McMillan,	Turner,
Butler,	Hawley,	Morgan,	Vest,
Carter,	Heitfeld,	Nelson,	Wetmore.
Chandler,	Jones, Ark.	Pettus,	
Clay,	Kean,	Pritchard,	
Cockrell,	Lindsay,	Proctor,	

The PRESIDENT pro tempore. Forty-one Senators have responded to the call of the roll. There is no quorum present.

Mr. TELLER. I move that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, April 30, 1900, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 28, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read, corrected, and approved.

BENJAMIN D. GREEN AND OTHERS.

Mr. LIVINGSTON. Mr. Speaker, I want to ask unanimous consent that the report and papers and the letter of the Attorney-General accompanying the report filed yesterday in relation to the Gaynor matter may be printed in the RECORD. The request was made yesterday, but objection was made by a member on this side. It does great injustice to the author of the resolution to keep these letters and papers back. The letters are explanatory

and show that there can be no objection to the adoption of the resolution.

Mr. RAY of New York. Mr. Speaker, I made that request yesterday and it was objected to on the Democratic side of this House. These letters and papers are all printed with the report, or will be, and they can be obtained with the report. They give the information desired. I stated yesterday to the committee that I would ask unanimous consent to have them put in the RECORD, because I thought it was a matter of such general interest that they ought to be there where everybody interested can see them. I so stated yesterday and our Democratic friends saw fit to object.

Mr. TERRY. Will the gentleman permit me right there? I desire to state that it was objected to by a Democrat, but under a misunderstanding, and he told me afterwards that he would withdraw his objection; and if the chairman will not renew his request for unanimous consent, I will do so, in order that the report of the Judiciary Committee may be explained by the accompanying papers.

The SPEAKER. The request has already been made by the gentleman from Georgia.

Mr. TERRY. Well, as a member of the Judiciary Committee, I renew it.

Mr. RAY of New York. Mr. Speaker, I will say in regard to this that a statement has been published in the newspapers, it is alleged at the instigation of some Democratic members of this House, that I am holding up the bill relating to this Gaynor indictment at the request of a Senator from New York. The statement is untrue and was known to the man who from the press gallery of this House sent the dispatch to the city of New York to be untrue. On the bill referred to, a hearing has been fixed for Friday next. Yesterday, in order that the fullest information might be given, I made the request that the report and letters be printed in the RECORD, but it was objected to by a member on the other side——

Mr. TERRY. I want to say——

Mr. RAY of New York. Wait one minute. If this request is to be granted, I want it understood here and to go to the country that the request was made by me——

Mr. TERRY. I ask you to renew it.

Mr. RAY of New York. I will renew it. I want it understood that I have sought the broadest publicity of this matter.

Mr. TERRY. That is the reason I ask you to renew the request.

The SPEAKER. The gentleman from New York asks unanimous consent that there may be published in the RECORD the report he submitted yesterday upon the privileged resolution, and also the papers filed in connection therewith. Is there objection? [After a pause.] The Chair hears none.

The report and accompanying papers are as follows:

The Committee on the Judiciary, to which was referred House resolution 234, a copy of which is annexed, report the same back with the recommendation that it lie on the table.

In view of the information given in the letters and papers, copies of which are annexed, the adoption of such resolution is unnecessary.

The Senate act on the subject has passed that body and is now pending before the Committee on the Judiciary of the House. A hearing thereon is to be had Friday, May 4.

RESOLUTION.

Whereas Benjamin D. Greene, John F. Gaynor, Edward H. Gaynor, and W. T. Gaynor were duly indicted by the grand jury of the United States for the southern district of Georgia, upon presentment to United States District Judge Emory Speer, at Savannah, Ga., for defrauding the Government of the United States of more than $2,000,000 in connection with Capt. Oberlin M. Carter; and

Whereas the said parties were arrested in the city of New York upon the requisition issued out of the district court of the southern district of Georgia, and upon the hearing before United States Commissioner Shields were ordered to be delivered to the custody of the proper officials to be surrendered to the officers of said district court for the southern district of Georgia; and

Whereas Judge Addison Brown, of the United States district court of New York, upon an appeal from said order of Commissioner Shields, overruled said order for the removal of said parties to Savannah, Ga., and ordered their discharge; and

Whereas the Attorney-General of the United States is reported in the public press to have stated that the decision of Judge Brown was "unwarranted by the law and the facts:" Therefore, be it

Resolved, That the Attorney-General be, and he is hereby, directed to inform the House of Representatives what further steps, if any, have been taken to cause Benjamin D. Greene, John T. Gaynor, Edward H. Gaynor, and W. T. Gaynor to be remanded to the jurisdiction of the district court of the southern district of Georgia for trial.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., April 12, 1900.

SIR: On December 8, 1899, Benjamin D. Greene, John F. Gaynor, William T. Gaynor, Edward H. Gaynor, Michael A. Connally, and Oberlin M. Carter were indicted by the grand jury of the United States district court of Georgia for conspiring to defraud the United States upon two contracts relating to harbor improvements at Savannah and in Cumberland Sound. The defendant Connally was at Habana, Cuba, and upon requisition upon the War Department was there arrested and brought to Savannah to answer the indictment. The defendant Carter is now in prison under sentence of a military court-martial for offenses committed by him as a captain of engineers, in concert with the other persons named, in violation of the articles of war. The other defendants, Greene and the three Gaynors, do not reside in Georgia, but being found in the city of New York, proceedings were instituted by this Department, pursuant to the provisions of section 1014 of the Revised Statutes of the United States, for their apprehension and removal to Georgia to answer to the indictment. Section 1014 is as follows:

"For any crime or offense against the United States, the offender may, by any justice or judge of the United States, or by any commissioner of a circuit court to take bail, or by any chancellor, judge of a supreme or superior court, chief or first judge of common pleas, mayor of a city, justice of the peace, or other magistrate, of any State where he may be found, and agreeably to the usual mode of process against offenders in such State, and at the expense of the United States, be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States as by law has cognizance of the offense. Copies of the process shall be returned as speedily as may be into the clerk's office of such court, together with the recognizances of the witnesses for their appearance to testify in the case. And where any offender or witness is committed in any district other than that where the offense is to be tried, it shall be the duty of the judge of the district where such offender or witness is imprisoned seasonably to issue, and of the marshal to execute, a warrant for his removal to the district where the trial is to be had."

The application for a warrant of removal was, in this instance, made before a United States commissioner in New York City, and thereupon the four defendants last named appeared before the commissioner, demanded an examination, which was accorded them, and proceedings thereon were, from time to time, had before the commissioner, as will be hereinafter more fully referred to, resulting in an order being made in February by the commissioner for the commitment of the defendants for trial, upon which an order was asked from the judge of the district court for the southern district of New York directing the removal of the defendants to Georgia for trial.

Before the commissioner in New York and before the district judge, it was contended by the defendants that under the phraseology of section 1014 the defendants could only be examined and removed agreeably to the usual mode of process against offenders in such State, as regulated by the New York code, and, basing their demand upon the provisions of the New York statutes, they insisted that the Government was bound, by the production of affirmative proofs, to show alliunde the indictment the probable guilt of the defendants; and not only that, but that the defendants, by the production of evidence on their part, were entitled to rebut the presumption of proof raised by the evidence of the Government.

The commissioner held, in effect, that the certified copy of the indictment, followed by the identification of the defendants, was sufficient to justify their removal, but the district judge overruled the commissioner and held that the certified copy of the indictment was not sufficient to justify an order of removal; that the Government was required, by affirmative proof, to make out a case of probable guilt, and that the defendants were entitled to go fully into their defense, and to produce evidence on their part to rebut the presumption of guilt raised by the proofs of the Government. He distinctly held that the commissioner was bound to ascertain for himself whether, from the proof of facts and circumstances produced before him, there is probable cause to believe the defendants guilty of the offense charged; that the mode of process in such cases is precisely the same whether there is an indictment or no indictment; and that an indictment when offered by the Government is at best but evidence, in no way conclusive, and in truth is but secondary evidence; and that although the copy of an indictment may be treated as an affidavit, it is nevertheless to be judged by the same rules as other affidavits, and given weight only according to the nature and character of its averments, and the facts and circumstances which it sets forth, if any, in a manner sufficient to warrant the conclusion of probable cause to believe the accused guilty.

Holding the law to be as above stated, the learned district judge decided that the application for the removal of the defendants should be denied.

The record of the proceedings before the commissioner in this case covers over 1,100 typewritten pages. Had the testimony of the Government's witnesses and the defendants' rebutting evidence been taken, the record would have been enlarged to many thousand pages more, and months of time would have been consumed in the effort to merely transfer the defendants to the jurisdiction of the court in which they are already duly charged with crime.

It is obvious that if this is the proper construction of the law in the State of New York, it is practically impossible for the United States to secure from that jurisdiction offenders against Federal statutes to answer to indictments in districts where the offenses are committed. So far as I am informed, there is no other State in the Union in which, on the production of a certified copy of an indictment found in a Federal court against a person, duly charging the commission of an indictable offense, the accused will not be surrendered as a matter of course upon the establishment of his identity. The peculiar rule of procedure which seems to be established in the State of New York arises from the provisions of the code of that State which are claimed to be made applicable to proceedings of this nature by virtue of the following phrase in section 1014, to wit, "agreeably to the usual mode of process against offenders in such State."

It is evident that under such a provision of Federal law any State by local enactments can make it impossible to remove a Federal offender who is wanted to answer an indictment in another district. In this particular instance such impossibility is practically effected by the difficulties surrounding the case. The defendants are indicted for frauds upon the Government of the gravest nature and of very large extent, committed in connection with a trusted officer of the Engineer Corps, proofs of which are spread over five or six years of governmental operations at Savannah and Cumberland Sound, and involve also, to a large extent, technical and scientific facts capable of proof only by expert witnesses and accountants and by the production of a vast mass of documentary evidence. The witnesses to substantiate the case are scattered throughout the United States, and it was with exceeding difficulty they were marshaled for the hearing before the grand jury in Georgia, and that their attendance was arranged for at the trial before the petit jury.

To compel the Government to make out a case of probable cause twice, once before a grand jury and afterwards before a local magistrate in another jurisdiction, is imposing a more onerous condition for the punishment of crime than exists under any other form of government. It is usually understood, and such is the history of grand jury procedure, that a presentment by a grand jury is based upon proof of probable cause, that the defendants are not entitled to appear or be heard in rebuttal of the facts submitted to the grand jury, and that the effect of an indictment is not to raise a presumption of guilt, but to require the defendants to submit to a trial before a court and petit jury, where every presumption is in favor of their innocence. A defendant who happens to reside within the district where he is indicted is arrested and put on trial without any further investigation. No good reason can be perceived why the fact that a defendant happens to reside in another judicial district of the United States should entitle him to have the

question of his probable guilt submitted to and passed upon by a local magistrate before any force or effect whatever shall be given to the presentment of the grand jury, which is the legal and constitutional body entitled to present him for trial.

Under the doctrine maintained by the district judge in this case, if a bank officer should commit a crime against the national-banking acts in Boston and flee to California, assuming that the laws of California are similar to those of New York, it would be requisite for the United States first to indict the defendant before the grand jury in Boston and then to transport the witnesses to California and indulge in a formal trial there before a local magistrate, whose judgment would not be bound at all by the judgment or action of the grand jury, but would be free to hear the case de novo, and order the defendant either removed or discharged, in accordance with his personal views of the evidence, pro and con, adduced before him. It is respectfully submitted that such a rule of procedure as this would render the judicial power of the Federal Government in criminal cases inoperative and subject, to a large degree, to the control of State legislatures.

The Constitution guarantees, in cases of Federal offenses of the grade of felony, the right to be presented by a grand jury, but it does not guarantee that the action of the grand jury shall be submitted to the review of a local magistrate in another district before the defendant can be removed for trial into the district where he was indicted and where the offense was committed.

No such difficulty as is thus interposed against the United States is encountered where one State desires to bring a fugitive from justice from another jurisdiction to be tried within her own borders; nor in cases of extradition arising under treaties with foreign nations.

The provision of the Constitution which declares that a person charged in any State with treason, felony, or other crime who shall flee from justice and be found in another State shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime is a provision intended to facilitate the administration of justice as between the States and not with the Federal Government. Efficiency was given to that constitutional provision by the act of February 12, 1793, which was substantially reproduced as section 5278 of the Revised Statutes of the United States. Under this statute a person indicted in a State court for a crime will be rendered up for extradition to the State where the indictment is found by the authorities of any other State, upon the production of a duly certified copy of the indictment and the establishment of his identity and presence within the State from which he is demanded.

In such cases no such privileges as, under Judge Brown's ruling, are accorded the defendants in the case now pending can be claimed. No witnesses to prove the offense are required from the demanding State, nor is the defendant allowed, as a matter of right, to produce any proof in rebuttal. The question in all such cases is not whether the person demanded is guilty, but whether he is duly charged with the commission of a crime. Such should be the requirement in Federal cases. Under the sixth amendment to the Constitution, the United States is required to bring the accused to trial in the State and district wherein the crime shall have been committed. That which the Government is thus by its Constitution required to do it should be given adequate power to do.

An indictment found by a grand jury in the judicial district where the crime is committed is the only condition which the Constitution imposes upon the Federal authorities to bring to trial offenders against the laws of the United States. No reason can be suggested why the several States should be permitted, of their own motion, to impose other or more onerous conditions. Effect should be given in all parts of the United States to the solemn presentment of a grand jury in one particular judicial district, and the law should not throw unusual and onerous obstacles about the efforts of the United States to bring criminals to trial after they have been duly charged by a Federal grand jury with criminal offenses. The power of the nation to bring to justice offenders against its laws should be as broad as its territory, and unhampered by any reference to or dependence on State codes.

I have not questioned the technical correctness of Judge Brown's decision so far as it is based upon a construction of the peculiar provisions of the New York code. I prefer to submit the matter to Congress, in order that such provisions of State legislation as may be used, as they have been used in this case, to prevent indicted persons being brought to trial, may be, by the action of Congress, rendered hereafter inoperative.

I deem this matter of so much importance as to justify my calling your attention at length to the subject, and inclosing you a copy of the opinion of Judge Brown in this particular case. I also think the matter is one which calls for legislative relief, and I accordingly have drafted a bill under which any person indicted in a Federal court for a Federal offense may be removed into the district where the indictment is found upon the presentation of a certified copy of the indictment to a Federal justice, judge, or commissioner. I respectfully urge that this bill be introduced and passed, in order that there may be no failure of justice in the case referred to, and in similar cases that are liable hereafter to arise.

There can be no safer asylum for fugitives from justice than would be afforded by the continuance in any State of such a rule of practice as is established by this decision.

I may point out that since this indictment was found, in December last, another defendant, indicted subsequently in a State court in Georgia, has been brought from Morocco and put upon his trial, while these particular defendants, residing in another district in another State of the Union, are not delivered up for trial, notwithstanding the grand jury of Georgia has solemnly found, upon evidence presented to it, that they should be held to answer for the serious offenses with which they are charged.

I also beg to inclose a presentment recently found by the grand jury in the United States district court of Georgia upon this subject.

I have the honor to be, with great respect, yours, etc.,

JOHN W. GRIGGS, *Attorney-General.*

HON. GEO. W. RAY,
Chairman Judiciary Committee, House of Representatives.

An act to provide for the removal to the proper district for trial of persons indicted for offense against the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where any person, indicted for any crime or offense against the United States, in any district, shall be or be found in any other district, it shall be lawful, and it is hereby made the duty of the district attorney of the district in which such indictment is found, to deliver, or cause to be delivered, a copy of such indictment, certified by the clerk of the court in which the same is pending, to a judge or justice of the United States or a United States commissioner in the district where such indicted person is or may be found; and thereupon it shall be the duty of such judge, justice, or commissioner to issue to the United States marshal of the district a warrant for the arrest of the person named in the indictment, and upon the return of the warrant with the body of the person so named, the judge, justice, or commissioner shall, upon being satisfied that the person arrested is the person indicted, make an order to the marshal directing the removal of such person to the district wherein the indictment is pending, and it shall be the duty of the marshal to execute such order. In bailable cases the judge, justice, or commissioner before whom such proceedings are had may admit the defendant to bail for his appearance at the court to which he is held to answer the indictment.

In the district court of the United States for the eastern division of the southern district of Georgia. In the matter of the grand jury.

Special presentment.

The grand jurors of the United States chosen, selected, and sworn in and for the eastern division of the southern district of Georgia, at the February adjourned term, 1900, respectfully present to the court as follows:

That at the last November, 1899, term of this court, to wit, on December 8, 1899, the grand jurors of the United States for this division and district returned into court a true bill of indictment against Benjamin D. Greene, Edward H. Gaynor, John F. Gaynor, William T. Gaynor, and others, contractors charged with conspiracy with Oberlin M. Carter, engineer officer in charge of river and harbor improvements in this district, through which it is charged the Government has been defrauded to the amount of several million dollars of the moneys appropriated by Congress for the improvement of the harbors of Savannah, Brunswick, and Cumberland Sound.

It further appears from documents of file and examined by this body that the United States district attorney for this district promptly caused to be transmitted to the United States attorney in New York a duly certified copy of said indictment, and that on December 14, 1899, the defendants, Benjamin D. Greene, John F. Gaynor, William T. Gaynor, and Edward H. Gaynor, were arrested, under section 1014, R. S., by the United States marshal for the southern district of New York, under proceedings taken by the district attorney for the southern district of New York before Commissioner John A. Shields, based on said indictment. The disposition of such matters, by requiring the defendants to give bail for appearance at the court where the indictment has been found, or by warrant of removal where bail is not given, has generally been, as this body is advised, a matter simply of identifying the defendants as the persons indicted and examining into the legal sufficiency of the indictment, usually taking but a day or two at most.

This body is informed, however, that the proceedings in New York in this matter have been dragging along now for over three months and a half. The commissioner holding up his finding two months, and since his decision the matter of issuing the warrant of removal having been pending before the district judge there for over six weeks with no decision thereon. In the meantime the defendants are enlarged on bond there in the sums of twenty thousand and ten thousand dollars only, respectively. While it is stated that a careful estimate made by the engineer officer now in charge of the district indicates that the defendants obtained illegally during the years from 1891 to 1897 sums aggregating $2,532,676. If the indictment be valid, there should have been a prompt removal. No court has held the indictment defective. If defective, as it is stated the defendants' claim in opposition to the proceedings for removal, there would seem to be overwhelming reasons why there should have been prompt action on the part of the courts.

It appears upon the face of the indictment that against all the acts charged in the indictment the statute of limitations will have run within three months from this date, and has already run on some of the acts charged. If defective in form, a prompt decision would have enabled another grand jury to make a new presentment. But with the delays already had, three months and a half on the simple proceedings before the commissioner and judge under section 1014, Revised Statutes, and with probable application for habeas corpus, it is probable that if the courts finally conclude the present indictment is defective that the statute of limitations will have run, and the parties charged by a grand jury of the United States with the most gigantic fraud of the century against the Government will escape even arraignment before the bar of justice. It is a matter of public notoriety that since these proceedings were instituted in New York a defendant indicted in a State court in Georgia for embezzling some twenty thousand dollars was arrested in the jurisdiction of the Sultan of Morocco and extradited across the Atlantic Ocean, while all the power of the United States Government, with the best efforts of the Attorney-General and his subordinates, seems unable to bring defendants from the State of New York to Georgia for trial in its own courts.

Whatever be the action which may now or hereafter be taken by the courts in this case, the delays already had with the possibility of a total failure of justice following therefrom in this and similar cases which arise seem to indicate that if the proceedings in this case in New York are justified by law, then the laws of the United States for bringing persons charged with crime from one district to another are so defective that there should be prompt action on the part of Congress to remedy the evil.

We recommend that copies of this special presentment be forwarded to the President, the Attorney-General, and to the Senators and Members of Congress from Georgia for their consideration and appropriate action.

Respectfully submitted.

Jno. J. McDonough, foreman grand jury; George S. Haines, Charles E. Stults, Guillemain Bourquin, Hamp Dreese, James T. Shuptrine, Henry Bartlett, James McGrath, Philip Y. Giles, Wright Hunter, Franklin F. Jones, Ernest A. Armand, Sidney P. Godwin, W. A. Ketchum, R. H. Polk, W. L. Bourne, Henry Schwald, W. T. Hopkins, J. H. Davidson.

A true copy.
Attest:
[SEAL.]

S. F. B. GILLESPIE, *Deputy Clerk.*

UNITED STATES DISTRICT COURT,
Southern District of New York.

The United States against Benjamin D. Greene, John F. Gaynor, William T. Gaynor, and Edward H. Gaynor, and others.

Indictment—Removal—Section 1014, Revised Statutes.

Henry L. Burnett, Marion Erwin, United States district attorneys, and Ernest E. Baldwin, assistant attorney for the United States.
Abram J. Rose and L. Laflin Kellogg, for defendants.
Brown, J.

The above four defendants, with Michael A. Connally and Oberlin M. Carter, were indicted by the grand jury in the eastern division of the southern district of Georgia on December 8, 1899, for conspiring to defraud the United States upon two contracts, one for improving the harbor at Savannah and the other for work in Cumberland Sound. Upon an affidavit to this effect by one of the assistants of the United States attorney, referring to a certified copy of the indictment, a warrant was issued by a United States commissioner for this district, under section 1014 of the United States Revised Statutes, for the apprehension of the four defendants above named.

The defendant Greene resides at Stamford, Conn.; John F. and W. T. Gaynor in Onondaga County, N. Y., and E. H. Gaynor at Boston, Mass. The defendants, on notice, appeared before the commissioner and demanded an

examination, and proceedings thereon were from time to time had before the commissioner, who, upon finding probable cause that the offenses charged had been committed, ordered the commitment of the defendants for trial. An order is now asked for their removal to the eastern district of Georgia for trial.

The stenographer's notes of the proceedings, returned by the commissioner, consist of about 1,100 pages, showing, however, no other evidence of the commission of the offense than a certified copy of the indictment. Some evidence was given as to the identity of the defendants as the persons charged, and this was not seriously contested. Aside from this and the arguments of counsel, the whole record consists of little except rulings upon the evidence on behalf of the defendants sought to be introduced, and numerous exhibits, all of which, so far as they pertained to the merits or tended to show the innocence of the accused and the want of probable cause, were rejected, mostly upon the ground that the question of guilt or innocence should only be heard and determined upon a trial under the indictment.

Upon this record the defendants object to any order of removal on the ground, first, that the indictment is bad upon its face; second, that it was not properly proved, since neither was the original indictment produced nor was the copy, though certified by the deputy clerk, duly authenticated as an exemplified copy; third, that by reason of its vagueness, its lack of specification of facts and circumstances, and its inconsistencies and contradictions in different parts it is insufficient evidence of probable cause of guilt; fourth, that evidence was improperly rejected tending to show that the grand jury was illegally drawn and constituted, and the indictment, therefore, void: and, fifth, that the defendants were virtually denied a hearing by the rejection of all evidence tending to show their innocence.

As respects procedure, the present case is identical with that of In re Dana (68 Fed., 886), in which this court, upon careful consideration, pointed out the course necessary to be pursued in cases of this character under section 1014 of the United States Revised Statutes and under the law of this State thereby virtually adopted. The views there expressed seem to have been approved by Lacombe, J., in Price's case (83 Fed., 830; 84 Fed., 636; affirmed, 85 Fed., 84, 87), where the course indicated in the Dana case was followed by the examination of several witnesses to show probable cause, as well as the production of an exemplified copy of the indictment. It was also approved in the case of In re Wood (95 Fed., 288), and so far as I am aware, it has not been disapproved in any subsequent reported case.

In view of these decisions, which were repeatedly called to the commissioner's attention, I find it difficult to understand the disregard of them in the rejection of the great mass of competent evidence and exhibits offered in the defendants' behalf. In that decision it was pointed out that the proceeding for commitment and removal under section 1014 is an original proceeding, to be conducted according to the laws of the State in similar proceedings before committing magistrates; that the object of the proceeding is to enable the commissioner to ascertain for himself whether, from the proof of facts and circumstances produced before him, there is probable cause to believe the defendants guilty of the offense charged; that the mode of proceeding in such cases is precisely the same whether there is an indictment or no indictment (see also Price *vs.* McCarthy, 89 Fed., 84, per Wallace, C. J.); and that an indictment, when offered by the prosecution, is at best but evidence, in no way conclusive, and in truth is but secondary evidence (which to a certain extent is admissible on such examinations), and that although the copy of an indictment may be treated as an affidavit, it is, nevertheless, to be judged by the same rules as other affidavits and given weight only according to the nature and character of its averments and the facts and circumstances which it sets forth, if any, in a manner sufficient to warrant the conclusion of probable cause to believe the accused guilty.

By a singular inversion, however, the best reason for the admission of the defendants' proposed evidence, namely, its tendency to show innocence of the charge and the lack of probable cause, was in this instance made the reason for excluding it. A certified copy of the indictment having been received by the commissioner against the defendants' objection, it was thereupon contended by the prosecution, and virtually ruled by the commissioner, that the evidence was closed as respects the question of guilt, and that no evidence disproving it could be allowed, since that would be "trying the issue" here instead of in Georgia. Thus, although the right to show want of probable cause was admitted in form, it was in substance denied, since whatever would disprove the alleged offense was for that very reason excluded.

Precisely opposite was the ruling of this court in the Dana case, where it was shown, as I have said, that by section 1014 (the sole authority in the Federal courts for commitment or removal in such cases) the proceeding before commissioners must be in conformity with the existing State procedure. Mr. Justice Curtis, in United States *vs.* Rundlett (2 Curtis, 41), says:

"My opinion is that it was the intention of Congress by these words to assimilate all proceedings for holding accused persons to answer before a court of the United States to proceedings had for similar purposes by the laws of the State where the proceedings should take place; * * * the prisoner is not only to be arrested and imprisoned, but bailed agreeably to the usual mode of process in the State."

See, also, United States *vs.* Horton's Securities (2 Dillon, 94). Mr. Justice Miller and other eminent judges have confirmed this interpretation. See In re Dana, 86 Fed., 893-894 and cases ante.

In States, therefore, where the accused has no right to examine witnesses in his own behalf before a committing magistrate he can not do so in proceedings under section 1014; but in other States, as in New York, where this right does exist and is in daily practice, it can not be lawfully denied him.

In New York the right of the accused to produce witnesses in his own behalf before committing magistrates was confirmed by express statute more than seventy years ago, and more than forty years before the enactment of section 1014 of the United States Revised Statutes; and such is the uniform course of procedure. The New York Revised Statutes (1828) declare (volume 2, page 708):

"17. After the examination of the prisoner is completed, his witnesses, if he have any, shall be sworn and examined, and he may have the assistance of counsel in such examination."

This practice is ancient. (Dallon's Jus. (1742), chapter 165; 1 Chit. Cr. L., 79.)

The existence of an indictment in another jurisdiction has no bearing upon the application of this statute to proceedings for commitment, or to the course of the examination when an examination is demanded pursuant to the statute, nor upon the commissioner's duty to take whatever competent evidence is offered by the defendant tending to show the want of probable cause; and for that purpose and to that extent the proceeding is, of necessity, like the proceedings before the State magistrates, a partial preliminary hearing on the merits.

It is urged that under section 1014 the similitude to State proceedings may be preserved by treating a Federal indictment from another district as a State indictment found in one county is treated in another county wherein the defendant is arrested. That analogy, however, could only be followed by the indorsement of a bench warrant from the Federal district where the indictment was had by the judge of the district where the accused might be found. But that practice, if ever in use, has been long since abandoned. Besides the authorities opposed to it cited in the Dana case (68 Fed., 893, 894), it was again disapproved by Lacombe, J., in the late case of Price (83 Fed., 830), as oppressive and unauthorized. Section 1014, moreover, plainly contemplates the examination of witnesses and provides for a return of the "recognizances" for their appearance to testify in the case. In proceeding under that section, therefore, the commissioner must receive all evidence touching probable cause of guilt that a State committing magistrate would be bound to take, without reference to any subsequent trial upon indictment.

The objection that this would be trying the "issue" is premature. There is no "issue" as respects the indictment until the defendants are committed, removed, and arraigned, and plead not guilty. The inquiry before the commissioner is for the very purpose of ascertaining whether there is sufficient ground to commit and remove the accused and oblige him to plead and stand trial, and to enable him under the State statute to arrest the proceedings in limine, if he can, by proving that there is no probable cause for the accusation. That was the only "issue" before the commissioner on this hearing.

In New York the statute above cited has been followed in the Code of Criminal Procedure by still further provisions designed to safeguard accused persons from arbitrary, mistaken, or malicious commitments (188-214). And in the absence of some act of Congress expressly dispensing with any other evidence than the indictment itself, as in extradition proceedings, it is impossible that in a proceeding under section 1014, which makes applicable the State laws, the rights of citizens expressly guarded by the State laws can be set aside by a mere indictment in a distant jurisdiction, so that without a word in their own defense citizens could be thereupon transported for trial hundreds or even thousands of miles away from their homes, in contravention of the act of Congress and the laws of the States, which it recognizes and adopts. Such a proceeding would be not merely erroneous, but illegal.

The extradition cases cited on the argument, whether interstate or international, are wholly inapplicable. Both those proceedings are regulated by wholly different statutes or by treaty stipulations. In interstate extradition the acts of Congress as well as the State statutes exclude altogether any inquiry into the guilt or innocence of the accused, the only conditions of the statutory obligation of the executive to return the accused being, first, that there is an indictment or information against him (of which an exemplified copy is sufficient evidence, N. Y. Crim. Code, 827-829), and, second, that the accused is a fugitive from justice (U. S. Rev. Stat., 5278), in re Leary (10 Ben., 197).

It is unnecessary to consider the questions arising on the exclusion of the evidence touching the alleged illegality in the drawing of the Georgia grand jury, or to discuss at much length either the sufficiency of the very complicated indictment as a pleading or its force and weight as evidence. As explained in the Dana case, those two questions are altogether distinct; and while I have some doubt but do not need to pass on the question of the sufficiency of the indictment as a pleading, I have no doubt that, viewed as an affidavit, it is insufficient in its statement of facts and circumstances to justify a removal when, as in this case, an examination has been demanded by the accused and its sufficiency challenged. Witnesses for the prosecution, having at least some knowledge of the facts, were in attendance before the commissioner, but were not examined as to the offense, nor were they allowed to testify for the defendants on cross-examination, so that the facts and circumstances on which the magistrate should form his judgment have not in fact been made known. I add some observations on the indictment as a pleading and as evidence.

2. The gist of the offense of conspiracy is in the illegal combination and intent, and the statute of limitations begins to run from the time the conspiracy is formed. The crime may be complete though the intent was never accomplished. And though the statute offense requires an overt act "to be done by one or more of the parties to the conspiracy," or some act "to effect its object," yet this act, as in the common-law offense of conspiracy, is not regarded as an essential part of the offense itself, the statutory provision being construed as requiring such an act to be proved as a condition of conviction in order to give to the defendants a locus penitentiæ. (United States *vs.* Britton, 108 U. S., 199.) It is held to be sufficient, therefore, if the overt act is "so described as to apprise the defendant what act is intended to be given in evidence as tending to show that the unlawful agreement was put in operation." (United States *vs.* Donan, 11 Blatch., 168; United States *vs.* Boyden, 1 Low., 266; United States *vs.* Sanche, 7 Fed., 715; United States *vs.* Bonson, 70 Fed., 591.)

In the first and principal count the indictment states, in effect, two conspiracies to defraud the United States. The first, not directly charged as a conspiracy, but called a "fraudulent scheme," and set forth by way of inducement, is alleged to have been formed on or about January 1, 1891, and to have been thereafter "in continuous process of execution until October 1, 1897." As an original conspiracy this was evidently outlawed before the indictment was found in December, 1899. The second conspiracy, and the one relied on, is an alleged conspiracy formed January 1, 1897, to defraud the United States "by applying the previous 'fraudulent scheme' to the execution of two contracts previously obtained, it is alleged, by means of said fraudulent scheme on October 6, 1896;" and counts 2, 3, 4, and 5 state certain alleged overt acts done to carry this new conspiracy into effect. These averments of overt acts, however, can not be resorted to in order to aid any defective averments as to the conspiracy itself or as to the means by which it was to be accomplished, which in this case were necessary to be set forth.

As the original fraudulent scheme of conspiracy is alleged to have been in continuous process of execution from January, 1891, to October, 1897, and therefore included the two contracts of October 8, 1896 (the only subjects in the indictment), it is evident that the averment of a new conspiracy on January 1, 1897, to apply the old conspiracy to the execution of the contracts obtained by means of the former one (at a time excluded by the statute of limitations) and already in course of execution is only a pleader's device to avoid the effect of the statute of limitations as against the original fraudulent scheme. But as each new overt act in furtherance of the common purpose becomes in law a new conspiracy, the time of the conspiracy may be laid within the period of the statute of limitations if the overt act was within that period, the prior combination, if established, and the later overt act being evidence from which a jury may infer the new conspiracy. (People *vs.* Mather, 9 Wend., 229; Com. *vs.* Bartilson, 85 Penn. St., 482, 489.)

I have considerable doubt, however, whether the averment of the means by which the conspiracy of January 1, 1897, was to be effected are indicated with such definiteness, clearness, and certainty as seems to be required (see 4 Encycl. of Plead., 722). In Commonwealth *vs.* Hunt (4 Metcalf, 111), in which this subject is fully discussed, Shaw, chief justice, says (page 125):

"Conspiracy is an offense which especially demands the application of that wise and humane rule of the common law that an indictment shall state, with as much certainty as the nature of the case will admit, the facts which constitute the crime intended to be charged.

"This is required to enable the defendant to meet the charge and prepare for his defense, and, in case of acquittal or conviction, to show by the record the identity of the charge, so that he may not be indicted a second time for the same offense. * * * This fundamental rule is confirmed by the declaration of rights, which declares that no subject shall be held to answer for any crime or offense until the same is fully and plainly, substantially and formally

described to him. * * * If the criminality of the offense which is intended to be charged consists in the agreement to compass or promote some purpose not of itself criminal or unlawful, by the use of fraud, force, falsehood, or other criminal or unlawful means, such intended use of fraud, force, falsehood, or other criminal or unlawful means must be set out in the indictment."

In the prior case of Lambert *vs.* The People (9 Cowen, 578) it was also held upon elaborate consideration by Marcy, J., that—

"Where in an indictment for conspiracy the object of the conspiracy is not a legal crime, the means intended to be used must be particularly set forth and show that those means are criminal."

This doctrine has been repeatedly enforced in the decisions of the Supreme Court. (United States *vs.* Cruikshank, 92 U. S., 542, 558; United States *vs.* Britton, 108 U. S., 199; United States *vs.* Carll, 105 U. S., 611; United States *vs.* Hess, 124 U. S., 483; Pettibone *vs.* United States, 148 U. S., 197; Blitz *vs.* United States, 153 U. S., 308, 315; State *vs.* Parker, 43 N. H., 83.)

Now, the only means stated by which the alleged conspiracy of January 1, 1897, was to be carried out is by "applying" the prior "fraudulent scheme to the execution and completion of work under the contracts of October 8, 1896, and in obtaining the money in fraudulent accounts which should be rendered thereunder." But of the fifteen or twenty devices which it is alleged that scheme "contemplated," three-fourths relate to the terms, specifications, and letting out of the contracts themselves, so that most of the scheme could not possibly be "applied" to a conspiracy formed on January 1, 1897, several months after the contracts were let out. Of the remaining means or devices, what ones are meant to be charged is left wholly undefined. This is all the more vague and uncertain since even the original fraudulent scheme itself is only alleged to have contemplated that the conspirators "would use some one, or more, or all of said means and devices, and such additional devices as might become necessary." This is certainly very vague and uncertain as to the means used.

The overt act charged in the second count is irrelevant, since it does not appear to be in any way connected with the conspiracy alleged, nor within any one of the means or devices set forth in the conspiracy count. The overt acts charged in counts 3, 4, and 5 are the presentment of alleged "fraudulent claims" to Captain Carter, of the Corps of Engineers, without any statement how or wherein they were fraudulent. The items of the claims are given, dated July 1, 1897, apparently verbatim, for work and material furnished under the contracts of October 8, 1896. It would be naturally inferred that the charge intended was that these bills were in some way false and not according to the contract; that is, that the work done and the materials supplied were less than was claimed, or that they were of inferior quality, or in some way different from the contract, or that the price was incorrect.

But there is no such averment as respects any of the bills referred to in any of the counts; nor is it stated that any one of them is false; while from other passages in the indictment, as well as from the observations of counsel in the stenographer's report of the proceedings, it would seem that the supposed fraudulent character of the bills was not founded upon anything incorrect in them or in the work, but upon the alleged fraudulent devices contemplated in the preparation and letting of the contracts themselves, no single one of which devices is, however, definitely alleged to have been really employed. Such averments not only do not reasonably apprise the defendants of the nature of the charges they must meet, but are calculated to mislead them. This applies to all the counts except the second.

The conspiracy charged in the sixth count relates wholly to future contracts to be let thereafter—i. e., after January 1, 1897—while the overt acts stated in counts 7 and 8 relate wholly to the prior contracts of October 8, 1896. On this additional ground counts 6, 7, and 8 would seem to be necessarily bad.

Counts 9 and 10 allege conspiracies on July 1, 1897, as respects the same contracts and bills referred to under the conspiracy of January 1, 1897, in counts 1 to 5. As the presentment of false or fraudulent bills for payment to a Government officer is itself a criminal offense (section 5438, Rev. Stat.), I should regard these counts as good had the nature of the fraud been sufficiently indicated.

3. Without passing definitely upon these objections to the indictment as a pleading, they are much more important when the indictment is offered as *evidence* of the facts and circumstances upon which a magistrate, after examination demanded, is called upon to find probable cause of guilt. Mere defects in pleading might be disregarded if a crime was otherwise sufficiently shown to have been committed, since commitment and removal may in proper cases be made without any prior indictment. (In re Price, 89 Fed., 94.) But when there is no evidence of guilt except such as a copy of the indictment itself, considered as an affidavit, affords, there is nothing to cure its defects or its failure to give a consistent, clear, and satisfactory statement of the evidential facts on which the conclusion of probable guilt may be based.

The mere fact that indictment had been found in another jurisdiction, without producing it, is no evidence of probable cause before a committing magistrate; and a mere affidavit of that fact only will not justify even the issuing of the warrant of arrest. (Ex parte Solomon, 1 Abb. N. S., 347; Ex parte Leland, 7 Abb. N. S., 64.) It is only the facts and circumstances stated in the indictment, if any such are properly stated, that are of any value as evidence, and these statements are to be judged and weighed according to what they may be worth.

The present indictment, even more than that in the Dana case, shows that it was drawn and designed as a pleading only, and not as a statement of the facts from which a judicial finding of probable guilt might reasonably be drawn.

(1) Its statement of two separate conspiracies with reference to the same two contracts of October 8, 1896, viz, one on January 1, 1897, and another on July 1, 1897, and both upon the same overt acts, since it appears that all of the seven months' bills were presented for allowance together and at the same time, on July 1, 1896, is most improbable as a fact, though allowable as a pleading, both being evidently adopted, as I have said, to avoid the statute of limitations, which would be applicable to a charge of conspiracy based upon either the original scheme or the contracts of 1896.

(2) The inconsistency in the first count and its consequent vagueness are manifest in alleging that on January 1, 1897, there was a conspiracy to apply the prior "fraudulent scheme" as a whole to past contracts when most of the particulars of that alleged scheme could not possibly be thereafter applied to them; and of the rest there is no definite statement of what devices were to be applied, or that any one was in fact applied.

(3) The mere statement of the presentment of "fraudulent claims," without any indication how or wherein they were fraudulent, which is the basis of all the counts except the second, is not a proper or sufficient statement of any facts or circumstances on which a judicial judgment of probable cause of guilt can be based; it would not be sufficient for an arrest even in a petty civil case.

(4) There is no allegation anywhere in the indictment that the work and materials supplied and the bills presented were not strictly according to contract; that the prices claimed or allowed were exorbitant; that improper work was passed or improper substitutions made, nor are any facts stated showing actual fraud, or that the Government has been defrauded of a dollar. Even if no fuller statement on these points is essential as a matter of pleading, it is indispensable as evidence of probable cause of guilt that some such actual fraud in the overt acts should be shown on the hearing as upon the trial in order to prove that these acts were in truth in pursuance of the alleged conspiracy, and were not done in an honest fulfillment of the contracts referred to, as the defendants had a right to do within the locus penitentiæ which the statute allows.

In most cases, however, the fraudulent or criminal character of the overt acts is the chief if not the only evidence of the unlawful conspiracy (Com. *vs.* Bartilson, 85 Penn. St., 482; 2 Wharton Cr. L., 246). The indictment being the only evidence of guilt that is presented, some facts showing fraud in the overt acts are as necessary to appear there as they would be necessary to be proved at the trial. In this indictment there are charges of fraud and of "fraudulent claims," but not a fact or circumstance is stated from which a magistrate or judge could rightfully find actual fraud or probable cause for forming such a judgment. The indictment, in other words, is purely a charge, a pleading for the purpose of putting the defendants on trial without any evidential facts from which any fraud or conspiracy can be judicially inferred.

(5) The failure of the prosecution to examine the Government witnesses present, Captain Gillette among others, in reference to the offense itself, and the persistent objection to any cross-examination of these same witnesses and to the defendants' examination of others having knowledge of the facts, resulting in the exclusion of all testimony as to the probable guilt of the accused, which is the principal object of such examinations, together with the circumstances above stated, show that the withholding of all evidential facts, both in the indictment and before the commissioner, was designed in consequence of a misapprehension of the proper course of procedure under section 1014 in connection with the statutes of this State and the ordinary practice thereunder.

I know nothing of the probable guilt or innocence of the accused except from the record before me. Considerable evidence which was offered, and under the law should have been received, indicates innocence so far as it goes. Opposed to this is the Georgia indictment alone, which on examination proves to be a bare pleading, barren of any such statement of facts and circumstances as to warrant any judicial finding of probable fraud. Of the eight overt acts alleged two of the principal ones, viz, the issuing of two checks for the whole work referred to under both contracts of October 8, 1896, were done in New York, where the offense, if any, was therefore equally triable. (4 Encycl. Pl. and Pr., 708; People *vs.* Mather, 4 Wend., 229; Com. *vs.* Bartilson, supra.)

The accused, even if guilty, though triable in Georgia also, can only be removed to that jurisdiction by proceedings regularly conducted according to law. To order their removal otherwise would be an illegal act and scarcely distinguishable from virtual abduction under the forms of law.

For the above reasons the application should be denied and the defendants discharged, without prejudice to such other proceedings as may be advised.

APRIL 4, 1900.

APRIL 23, 1900.

DEAR SIR: Will you kindly inform this committee at the earliest practicable day what steps, if any, have been taken to secure the arrest and transfer of Benjamin D. Green, John T. Gaynor, Edward H. Gaynor, and W. T. Gaynor, under indictment in the southern district of Georgia, to that district for trial, since the rendering of the decision of Judge Brown, given in the southern district of New York?

2. Whether or not it is the purpose of the authorities of the United States to proceed under the provisions of existing law and present to the courts or commissioners of the United States courts in the State of New York any evidence showing probable cause to believe the said persons or any of them guilty of the offense charged in the indictment referred to.

3. If such is not the purpose, please give the reasons for not proceeding in conformity to the decision of Judge Brown.

4. Kindly inform this committee whether or not the Attorney-General of the United States has publicly stated, or stated for the public press, that the decision of Judge Brown in such matter was "unwarranted by the law and the facts."

5. If, in your opinion, such decision was not warranted by the law or the facts, may the error be corrected on appeal?

Respectfully, yours,

GEO. W. RAY,
Chairman Committee on the Judiciary.

Hon. JOHN W. GRIGGS,
Attorney-General United States.

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., April 26, 1900.

SIR: I beg to acknowledge receipt of your letter of 23d instant, submitting certain questions relative to the prosecution of the indictment against Benjamin D. Greene, John F. Gaynor, Edward H. Gaynor, and William T. Gaynor, and have the honor to reply as follows:

First. I have not, since the rendering of the decision of Judge Brown, taken any steps to secure the arrest and transfer of the defendants, except to recommend to you, as chairman of the Judiciary Committee of the House, and to the chairman of the Judiciary Committee of the Senate, the passage of a bill which would secure the transfer of these defendants to the district of Georgia in which they are indicted, without putting the Government to the trouble and delay of bringing its witnesses to New York, proving a case of probable cause against the defendants there, and then allowing the defendants to go into their defense.

Second. It is not the purpose of the Department to proceed under the provisions of existing law and present to the courts, or commissioners of the United States courts, in the State of New York, evidence showing probable cause to believe the defendants guilty of the offense charged in the indictment referred to, unless Congress shall fail to pass the legislation which I have recommended.

Third. The reasons for not proceeding in conformity to the decision of Judge Brown, briefly stated, are that to do so would require a very large expenditure of time and money, and great difficulty in securing the attendance of the Government's witnesses, and would require the Government to expose, before the trial, the evidence on which it relies to convict the defendants. An additional reason is that this Department does not believe that the law does require or should require such a course to be taken where defendants have been duly indicted in one district of the United States and take refuge in another.

Fourth. The Attorney-General of the United States did not publicly state, or state for the public press, that the decision of Judge Brown in such matter was unwarranted by the law and the facts, but I am of the opinion that the decision of Judge Brown in overruling the finding and action of Commissioner Shields was unwarranted by the law.

Fifth. Whether such error can be corrected on appeal is a matter of doubt, and certainly is a matter of such great delay as to render the efficient prosecution of the defendants practically impossible.

For a further statement of the views of this Department on this subject, I respectfully refer you to my communication which accompanied the draft of

a proposed bill to remedy the defect in procedure which has caused the embarrasement of the Government in this case.

Very respectfully,

JOHN W. GRIGGS, *Attorney-General.*

Hon. GEORGE W. RAY,
Chairman Judiciary Committee, House of Representatives.

SWEARING IN OF A MEMBER.

Mr. HAY. Mr. Speaker, I understand that the credentials of Francis R. Lassiter, a member-elect from the Fourth Congressional district of Virginia, to fill the unexpired term of Hon. Sydney P. Epes, deceased, are here. I ask that the credentials be read and that Mr. Lassiter be sworn in.

The SPEAKER. The credentials will be read, and also a communication filed with respect thereto.

The Clerk read as follows:

COMMONWEALTH OF VIRGINIA:

This is to certify that at a meeting of the board of State canvassers, held at the office of the secretary of the commonwealth, the 27th day of April, 1900, on an examination of the official abstract of votes on file in that office it was ascertained and determined that at the special election held according to law on the 19th day of April, 1900, Francis R. Lassiter was duly elected a member of the House of Representatives of the United States for the Fourth Congressional district of Virginia to fill the unexpired term of Hon. Sydney P. Epes, deceased.

Given under my hand and under the lesser seal of the Commonwealth, at Richmond, this 27th day of April, A. D. 1900.

[SEAL.]

J. T. LAWLESS,
Secretary of the Commonwealth.

The following protest was also read:

A PROTEST.

To the Speaker and Members of the House of Representatives:

GENTLEMEN: I protest against the seating of Major Lassiter as the Representative of the Fourth Congressional district of Virginia on the ground that the election held on the 19th instant is a paper vote and was not actually cast; and, if possible, I shall file a more formal contest to his seat in the said House of Representatives if you should seat him on the face of the returns.

Very respectfully,

JAMES SELDON COWDON.
The candidate receiving the highest acknowledged opposition vote to Major Lassiter.

The SPEAKER. The time has not expired for the party whose communication has been read to file notice of contest, and the Chair sees no reason why the gentleman whose credentials have been read should not be sworn in unless the House desires to take some action in the matter. [A pause.] The gentleman will please come forward and take the oath.

Mr. Lassiter came forward, accompanied by Mr. HAY and Mr. UNDERWOOD, and was duly qualified by taking the oath prescribed by law.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, the agricultural appropriation bill has been returned from the Senate with sundry amendments. I ask that the bill be now taken up, that all the amendments of the Senate be nonconcurred in, and that the House ask a conference with the Senate on the disagreeing votes of the two Houses.

The SPEAKER. In the absence of objection, the request of the gentleman from New York will be granted. The Chair hears no objection.

The SPEAKER announced the appointment of Mr. WADSWORTH, Mr. HENRY of Connecticut, and Mr. WILLIAMS of Mississippi as the conferees on the part of the House.

UNITED STATES COURTS IN NEW YORK.

Mr. RAY of New York. I rise to submit a conference report on Senate bill No. 268.

The SPEAKER. The report will be read.

Mr. RAY of New York. Mr. Speaker, it would be an unnecessary consumption of time to read the report, because without explanation it would not convey to the House the information desired. I therefore ask unanimous consent that the report be printed in the RECORD and that the statement of the House conferees be read.

The SPEAKER. If there be no objection, the report will be printed in the RECORD and the statement of the House conferees will be read.

There was no objection.

The report of the committee of conference is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the act (S. 268) entitled "An act to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate recede from its disagreement to the House amendments to section 1 of said act, and agree to the same.

2. That the Senate recede from its disagreement to the House amendments to section 2 of said act, and agree to the amendment in line 18. That both Houses agree to a substitute for the first House amendment to said section, and which amendment, to be inserted after the word "shall," in line 15, page 2, will read as follows: "possess and exercise all the powers conferred by existing law upon the judges of the district courts of the United States, and who shall, as to all business and proceedings arising in said western district as hereby constituted or transferred thereto, succeed to and." The House recedes from its amendment for which the above is a substitute.

3. That the Senate recede from its disagreement to the House amendments, page 2, in lines 24 and 25 of section 3 of said act, and agree to the same.

That the House recede from its amendments to section 3 of said act, in line 3, page 3.

That the Senate recede from its disagreement to the House amendments of section 3, in line 4, page 3, and that the House recede from its amendments in said line of said section and agree to a new amendment, viz: In line 4, page 3, section 3, strike out the word "third" and insert in lieu thereof the word "first;" and strike out the word "January," as proposed by the House amendment, and the word "April," as found in the original act, and insert in lieu thereof the word "December."

That the Senate recede from its disagreement to the House amendments to said section 3, in lines 5 and 6, page 3, and the House recede from its amendments, and that both Houses agree upon new amendments in said lines as follows: In line 5 strike out the word "second" and insert in lieu thereof the word "first," and in line 6 strike out the word "November," being the House amendment, and also the word "September," as found in the act as it passed the Senate, and insert in lieu thereof the word "October," and in the same line strike out the word "last" and leave the word "first," as found in the act as it passed the Senate.

That the Senate recede from its disagreement to the House amendment in line 7, page 3, section 3, and agree to the same, and that the Senate also recede from its disagreement to the amendments of the House in lines 9, 12, and 13, page 3, section 3, and agree to the same.

That the Senate recede from its disagreement to the amendments of the House in lines 17, 18, 19, 20, and 21, page 3, of section 3, and agree to the same.

4. That the Senate recede from its disagreement to the House amendments to section 4, in line 25, page 3, and line 1, page 4, and agree to the same.

That the Senate recede from its disagreement to the House amendments to said section in lines 4, 5, and 6, page 4, and the House recede from its amendment thereto, and that both Houses agree upon new amendments in said lines as follows: Strike out the word "third" in line 4, being the House amendment, and the word "second" as found in the original act, and insert in lieu thereof the word "first;" and strike out the word "January," being the House amendment in said line, and the word "April," as found in the original act, and insert in lieu thereof the word "December." In line 5 strike out the words "last," "in October," and "first," and insert in lieu of the word "last" the word "first," and in lieu of the words "in October" the words "of April," as proposed by the House; and in line 6 strike out the word "third," being the proposed House amendment, and insert in lieu thereof the word "second;" and in the same line strike out "September," being the House amendment, and leave the word "February," as found in the act as it passed the Senate.

That the Senate recede from its disagreement to the House amendments in lines 8 and 9, page 4, section 4, and agree to the same.

5. That both Houses agree to new amendments in section 5 as follows: In line 14, after the word "Buffalo," insert the words "at least two weeks;" and in line 15, after the word "August," insert the words "unless the business is sooner disposed of."

6. That the Senate recede from its disagreement to the House amendment to section 6 and that the House recede from its amendment, and that both Houses agree to a new amendment which amends the House amendment, and which amendment will read as follows: "That the clerk of the circuit court for the northern district of New York in office at the time this act takes effect shall continue to be clerk of the circuit court of the northern district as constituted by this act until his successor shall have been appointed and qualified; and said clerk of said circuit court or his successor shall likewise be clerk of the district court of that district until a clerk of said district court shall be appointed and qualified."

7. That the Senate recede from its disagreement to the House amendments to section 7, and that the House recede from its amendments thereto, and that both Houses agree to a new amendment to said section 7 as follows: Strike out all of said section after the figure "7" and insert in lieu thereof the following: "That the present clerk of the district court for the northern district of New York as heretofore constituted shall be the clerk of the district court of the western district of New York as hereby constituted until his successor is appointed and qualified. He shall also be the clerk of the circuit court in the said western district hereby constituted until a clerk of said circuit court is duly appointed and qualified."

8. That the Senate recede from its disagreement to the House amendments to section 8, page 5, and agree to the same.

9. That the Senate recede from its disagreement to the House amendments to section 8, page 5, in lines 15 to 19, inclusive, and also in lines 24 and 25, same page, and agree to the same with further amendments as follows: In line 21, page 5, after the word "York," insert "as heretofore constituted;" and in line 22, after the word "act," insert "and who reside therein as hereby constituted," and that both Houses agree to such new amendments.

That the Senate recede from its disagreement to the House amendments to section 9, on page 6, and that the House recede from its proposed amendments, and that both Houses agree to a new amendment to said section as follows: Strike out all of said section 9 after the word "compensation," found in line 1, page 6, and insert, after the word "compensation," the words "as heretofore." And also insert the following: "All officers not residing in said northern district as hereby constituted shall cease to be officers of said northern district when their successors, respectively, for the northern district as hereby constituted are duly appointed and qualified. The office of marshal and district attorney in each of said districts, deputy marshals and assistant district attorneys, and all other officers authorized by law and made necessary by the creation of said western district and the provisions of this act, and all vacancies created thereby in either of said districts, shall be filled in the manner provided by existing law. The salaries, pay, fees, and allowances of the judges, district attorneys, marshals, and other officers in said districts, until changed under the provisions of existing law, shall be the same, respectively, as now fixed for such officers in the northern district of New York."

10. That the Senate recede from its disagreement to the House amendment inserting a new section to be known as section 10, and agree to the same when said House amendment is amended as follows: In line 5, page 7, strike out the word "herein" and insert the word "hereby;" and in line 13, page 7, strike out the word "now" and insert the word "heretofore;" and also in line 14, page 7, strike out the comma after the word "part," and also strike out the words "or which have been so far proceeded with as to be ready for argument and submission" and insert in lieu thereof the following: "Before the district judge of the northern district of New York as heretofore constituted, or taken in whole or in part and submitted to and passed upon by the said district judge;" and also further amend said amendment by adding thereto, after the word "act" in line 18, page 7, the following: "*And provided further*, That nothing in the preceding proviso contained shall be held to retain or keep in said northern district, as constituted by this act, any criminal proceeding or prosecution for the reason that questions as to

the validity of the indictment have been raised and disposed of by the judge of said district."

GEO. W. RAY,
D. S. ALEXANDER,
S. W. T. LANHAM,
Managers on the part of the House.

O. H. PLATT,
JOHN C. SPOONER,
A. O. BACON,
Managers on the part of the Senate.

The Clerk read the statement of the House conferees, as follows:

Statement to accompany conference report on the act S. 268, entitled "An act to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes."

The effect of the report of the conferees is as follows: The amendments to section 1 simply provide that the northern and western districts, which border upon the Great Lakes and the River St. Lawrence, shall include the counties named with the waters thereof. The amendments to section 2 as agreed upon so amends the House amendment as to give the powers conferred by existing law to the district judge and also confer upon said district judge jurisdiction over the business and proceedings arising in and transferred to the western district, and strikes out the provision of the House amendment compelling the judge to keep his chambers in the city of Buffalo. Such a provision might be held to prohibit his holding chambers at any other place.

The amendments to section 3 fix the times for holding courts in said district in accordance with the wishes of the profession and the judges. The same is true of the amendments to section 4.

The new amendment to section 5 provides that regular sessions of the district court in the western district shall be held at least two weeks each month in the city of Buffalo, unless the business is sooner disposed of. This is necessary, because of the great amount of admiralty business arising at that point.

The amendment to the House amendment to section 6 makes it clear that the present clerks are continued in office in their respective districts until their successors are appointed and qualified. The same is the effect of the new amendment proposed to section 7. As these sections stood there was danger that the act continued these clerks in office for life. The amendments to section 8 make it certain that prosecutions for crimes shall be had in the district in which committed.

The amendments to section 9 continue in office with the same pay they now receive the present officers of the northern district of New York, where they reside in that district, and provides for the appointment in the manner prescribed by law of officers to fill vacancies created by the provisions of the act in both districts. As the act stood with House amendments, it was proposed by act of Congress to make the district attorney and the marshal of the present northern district, who happen to reside in what will be the western district, the marshal and district attorney of the western district. This can not be done by act of Congress, as under the Constitution those officers must be appointed by the President and confirmed by the Senate. The amendment as agreed upon also provides that the officers continued in office and the new officers appointed shall receive the same pay and allowances now given by law to the officers of the northern district of New York until the same shall be changed under the provisions of existing law. This is necessary for the reason that they would be without pay or allowance until the Attorney-General should take action, and he may require some little time to determine what is just and equitable in that regard.

The proposed amendments to the new section 10 are to make clear what districts are referred to and are intended to clearly define the business that is transferred to the western district.

No substantial change is made, but the purpose is to leave for final disposition in the northern district of New York as constituted by the act all business where the evidence has been taken in whole or in part before the present district judge of the northern district of New York, and who is to be the district judge of the new northern district, or in which the evidence has been taken in whole or in part and submitted to and passed upon by the said district judge.

GEO. W. RAY,
D. S. ALEXANDER,
S. W. T. LANHAM,
Conferees on the part of the House.

The question being taken, the report of the committee of conference was agreed to.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. WARREN, and Mr. BATE as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7599. An act granting an increase of pension to John F. Crawford; and

H. R. 7945. An act to amend an act entitled "An act permitting the building of a dam across Rainey Lake River."

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 8962. An act to authorize the New Orleans and Northwestern Railway Company, its successors and assigns, to build and maintain a bridge across Bayou Bartholomew, in the State of Louisiana;

H. J. Res. 168. For change in location of aids to navigation on Simmons Reef and Lansing Shoal, in Lake Michigan;

H. R. 8585. An act to amend an act entitled "An act to prevent forest fires on the public domain," approved February 24, 1897;

H. R. 10097. An act to authorize the Atlantic and Gulf Short Line Railroad Company to build, construct, and maintain railway bridges across the Ocmulgee and Oconee rivers within the boundary lines of Irwin, Wilcox, Telfair, and Montgomery counties, in the State of Georgia; and

H. R. 2331. An act granting an increase of pension to Festus Dickman.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 222. An act to provide a government for the Territory of Hawaii.

BRIDGE ACROSS RED RIVER OF THE NORTH.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9884) authorizing the construction of a bridge across the Red River of the North.

The SPEAKER. The gentleman from North Dakota asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read. It provides that the Cooper Pontoon Bridge Company, of Walsh County, State of North Dakota, a corporation organized under the laws of the State of North Dakota, be, and is hereby, authorized to construct and maintain a pontoon bridge and approaches thereto across the Red River of the North between the State of Minnesota and the State of North Dakota, extending from a point on said river where the section line running east and west between sections 8 and 17, township 157 north, of range 50 west, in Marshall County, State of Minnesota, intersects said river, to a point opposite in the State of North Dakota. Said bridge shall be constructed so as to provide for the passage of wagons and vehicles of all kinds, animals, and foot passengers, and for road travel, for such reasonable rates of toll and under such rules and regulations as may be prescribed by said corporation and approved from time to time by the Secretary of War.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SPALDING, a motion to reconsider the last vote was laid on the table.

UNITED STATES COMMISSIONER, INDIAN TERRITORY.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3018) for the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the judge of the United States court in the Indian Territory presiding in the northern judicial district thereof is hereby authorized and empowered to appoint an additional United States commissioner within said district, who shall be permanently located at Wewoka, in the Seminole Nation, and to prescribe by metes and bounds the portion of the district for which such commissioner is appointed.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I should like to ask the gentleman if that bill is reported by the Committee on the Judiciary?

Mr. LITTLE. It is.

Mr. PAYNE. What reason is there for the appointment of a new commissioner, and how much expense does it entail?

Mr. LITTLE. The commissioner is allowed a salary of $1,500 a year, and the fees collected by him are turned into the United States Treasury.

The particular necessity for this bill is this: The northern division of the Indian Territory embraces three tribes of Indians, the Creeks, Cherokees, and Seminoles. The Seminoles are a nation who have never given the Government any trouble. They have met the wishes of the Government as to treaties and allotments and all that sort of thing, but they have no commissioner. This bill was urged not only by the gentlemen known as the Dawes Commission, but Governor Brown, of the Seminole Nation, was before the committee in person and earnestly urged it, saying that they needed a local court which performs the functions of a justice court in a State.

The bill has the unanimous report of the Judiciary Committee of the House as well as of the Senate, and is recommended by the Department of Justice and by the judges of the Indian Territory. The fact is, it has the approval of all persons who are concerned.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LITTLE, a motion to reconsider the last vote was laid on the table.

ARMS AND EQUIPMENT FOR THE MILITIA.

Mr. MARSH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9510) to amend section 1 of the act of Congress approved February 12, 1887, entitled "An act to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia."

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That section 1 of the act of Congress approved February 12, 1887, entitled "An act to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia," be, and the same is hereby, amended and reenacted so as to read as follows:

"That the sum of $2,000,000 is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, quartermaster stores, and camp equipage for issue to the militia."

The following amendment, recommended by the Committee on Militia, was read:

In line 9 strike out the word "two" and insert the word "one."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STEELE. Mr. Speaker, I should like to have an amendment read which I propose to offer, with the consent of the House. I ask that it may be read for the benefit of the chairman of the Committee on the Militia. It is fair to say that the gentleman asked me for a copy of the amendment, and I should have given it to him.

Mr. MARSH. I have no objection to the gentleman's proposed amendment being read, but I do not accept the amendment, nor will I permit him to offer it as an amendment.

Mr. STEELE. Then I object to the consideration of the bill.

The SPEAKER. Objection is made by the gentleman from Indiana.

BRIDGE ACROSS THE LUMBER RIVER, NORTH CAROLINA.

Mr. BELLAMY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5056) to authorize the Carolina Northern Railroad Company to construct and maintain a bridge across the Lumber River in or near the town of Lumberton, Robeson County, N. C.

The bill was read. It provides that the Carolina Northern Railroad Company, a corporation created and existing under an act of the general assembly of North Carolina, be, and is hereby, authorized to construct and maintain a railroad bridge for the passage of railway engines and cars across the Lumber River at such point as may be selected by such company and approved by the Secretary of War within the boundary lines of Robeson County, N. C., in or near the town of Lumberton; said bridge to be so constructed as not to obstruct the navigation of said river and to be provided with a suitable draw; provided that any bridge constructed under this act and according to its limitations shall be a lawful structure and shall be known and recognized as a post route, and the same is hereby declared to be a post route; and the United States shall have the right of way for a postal telegraph across said bridge.

The SPEAKER. Is there objection?

There was no objection.

An amendment recommended by the Committee on Interstate and Foreign Commerce was read, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BELLAMY, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT PIERRE, S. DAK.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9559) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read. It provides that the Duluth, Pierre and Black Hills Railroad Company, a corporation duly organized under the general incorporation laws of the State of South Dakota, its successors and assigns, is hereby authorized to construct and maintain a bridge across the Missouri River at or near the city of Pierre, Hughes County, S. Dak., and also to lay on and over said bridge a railway track or tracks for the passage of railway trains; and said corporation may construct and maintain ways for wagons, carriages, and foot passengers, charging and receiving such reasonable tolls therefor as may be approved from time to time by the Secretary of War.

The SPEAKER. Is there objection?

There was no objection.

Sundry amendments, recommended by the Committee on Interstate and Foreign Commerce, were read, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

CONCHO COUNTY, TEX.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8369) to transfer the county of Concho from the western district of Texas to the northern district of Texas, and for other purposes.

The bill as proposed to be amended by the Committee on the Judiciary was read, as follows:

Be it enacted, etc., That the county of Concho, in the State of Texas, is hereby detached from the western and attached to the northern judicial district of the State of Texas.

SEC. 2. That all offenses heretofore committed in said county of Concho of which the district court of said western judicial district has jurisdiction and upon which proceedings have been taken shall be tried and prosecuted in said western judicial district. Civil suits and proceedings now pending in the circuit or district courts in said State shall not be affected by this act.

SEC. 3. That hereafter all process issued against defendants residing in said county of Concho shall be returned to San Angelo, Tex. All offenses committed in said county in which proceedings have not been begun shall be prosecuted in said northern district.

SEC. 4. That all laws and parts of laws so far as in conflict herewith are hereby repealed.

The SPEAKER. Is there objection?

There was no objection.

The amendment recommended by the Committee on the Judiciary, substituting the above for the original bill, was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. The Clerk will report the proposed amendment to the title.

The Clerk read as follows:

Amend the title so as to read: "A bill to detach the county of Concho from the western district of Texas and attach the same to the northern district of Texas, and for other purposes."

Mr. LANHAM. I desire to amend the amendment to the title by inserting after the word "western" the word "judicial;" and also after the word "northern" to insert the word "judicial." That will make the title conform to the bill.

The SPEAKER. The Clerk will report the proposed amendment.

The Clerk read as follows:

Amend the title so as to read: "A bill to detach the county of Concho from the western judicial district of Texas and attach the same to the northern judicial district of Texas, and for other purposes."

The amendment to the amendment was agreed to.

The amendment to the title as amended was agreed to.

CONDEMNED GUNS.

Mr. KNOX. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 6876.

The Clerk read as follows:

A bill (H. R. 6876) providing for the transfer to Post 39, Grand Army of the Republic, of certain guns now in possession of Battery C, Massachusetts Volunteer Militia.

Be it enacted, etc., That the Secretary of War is hereby authorized, under such conditions as he may see fit, to transfer to Post 39, Grand Army of the Republic, at Lawrence, Mass., four 3-inch muzzle-loading steel guns, with limbers, now in possession of Battery C, Massachusetts Volunteer Militia.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "steel" and insert the word "field;" and in the same line, after the word "with," insert the words "carriages and."

Mr. PAYNE. I would like to ask the gentleman if these are condemned cannons that they are transferring?

Mr. KNOX. They are obsolete guns. The battery has been supplied recently with new steel modern guns.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. LAWRENCE. Mr. Speaker, there is an amendment to the title. The word "Saint" is there. I do not know how it got in, but the word should not be there.

The Clerk read as follows:

Strike out the word "Saint," before the word "Lawrence."

The amendment was agreed to.

On motion of Mr. KNOX, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF ISOLATED AND DISCONNECTED TRACTS OF OSAGE TRUST LANDS IN KANSAS.

Mr. LONG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10152.

The bill was read, as follows:

A bill (H. R. 10152) to provide for the sale of isolated and disconnected tracts or parcels of the Osage trust and diminished reserve lands in the State of Kansas.

Be it enacted, etc., That the Secretary of the Interior shall cause to be duly proclaimed and offered at public auction, in the manner prescribed for the offering of public lands, all isolated or disconnected tracts or parcels of lands of one quarter section or less of the Osage trust and diminished reserve lands within the State of Kansas for which no application has been filed under the provisions of existing laws in relation thereto, but not more than one-quarter section shall be sold to any one purchaser under the provisions of this act. Such lands shall be offered for sale by advertisement for not less than thirty days in two newspapers in the proper land district, and by posting in the proper local land office for the same period, and upon the day named in such notice shall be sold for cash to the highest bidder at not less than the price fixed by law: *Provided*, That any settler upon any of said lands shall be permitted, at any time prior to the sale of the particular tract claimed by him, to file his application and submit proof therefor in accordance with existing laws. If any of said lands remain unsold after the offering as aforesaid, they shall be subject to private entry, for cash, in tracts not exceeding one-quarter section by one purchaser.

SEC. 2. That any such tracts or parcels of land that may become isolated or disconnected by the disposal of surrounding lands, after the offering provided for in the preceding section of this act, shall be subject to disposal under the provisions of section 2455 of the Revised Statutes of the United States as amended by the act of February 26, 1895, except that it shall not be necessary that said lands shall have been subject to homestead entry for three years prior to such sale.

The SPEAKER. Is there objection?

Mr. RICHARDSON. I would like to ask the gentleman if this bill has been unanimously reported by the Committee on Public Lands?

Mr. LONG. It has.

Mr. RICHARDSON. Has it the indorsement of the Commissioner of the Land Office?

Mr. LONG. It has.

Mr. RICHARDSON. I could not catch all the objects and purposes of the bill. I would like the gentleman to make some explanation of its details.

Mr. LACEY. If the gentleman will permit me, I will suggest that the bill reported is a substitute bill, prepared by the Commissioner, to cover these little tracts of land left in that reservation. The original bill was the bill H. R. 5558, which was submitted to the Secretary of the Interior, and he reported back favorably a substitute, which was subsequently introduced by the direction of the committee, and it is that substitute that the gentleman from Kansas now calls up.

Mr. RICHARDSON. Where are the lands located?

Mr. CURTIS. In the State of Kansas.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LONG, a motion to reconsider the vote by which the bill was passed was laid on the table.

FORT SMITH AND WESTERN RAILROAD COMPANY.

Mr. SHELDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 7740.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. PAYNE. I would like to hear some explanation of this bill, reserving the right to object.

Mr. SHELDEN. I will ask that the Clerk read the report. It is unanimously reported by the committee and recommended by the Secretary of the Interior.

The report (by Mr. SHELDEN) was read, as follows:

The Committee on Indian Affairs, to whom was referred House bill 7740, beg leave to submit the following report, and recommend that said bill do pass without amendment:

This is a bill enacting that the original bill be so amended as to provide that in lieu of the provisions in the original act "that a map showing the entire line of the road in the Indian Territory shall be filed with and approved by the Secretary of the Interior before the construction of the same shall be commenced," the Secretary of the Interior may approve the first map of 80 miles, in order that construction thereon may commence at once; and provides further that all subsequent approvals of maps may be approved, as provided by the general law, in sections of 25 miles each. The bill further provides authority to construct bridges over the Poteau and the two forks of the Canadian River, subject to the approval of the Secretary of War, and further provides—

"That said railway company can change its located line after the approval of its map by the Secretary of the Interior in such cases where the topography of the country, in the opinion of the president of the railway company, justifies such change; but such change of line shall not vary more than 5 miles in either direction from the location shown on the map so approved, and an additional map showing such change shall be filed with and approved by the Secretary of the Interior before the construction of that portion of the road shall be commenced, and thereupon shall have the same force and effect as if originally filed with and approved by him."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SHELDEN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend, in line 10, page 2, by striking out the words "the whole."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SHELDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. RICHARDSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Was there not a special order set for 1 o'clock?

The SPEAKER. Two o'clock.

Mr. RICHARDSON. The RECORD shows 1.

TERM OF UNITED STATES COURT AT WINSTON, N. C.

Mr. LINNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 8815.

The bill was read, as follows:

A bill (H. R. 8815) to amend chapter 4, Title XIII, of the Revised Statutes of the United States.

Be it enacted, etc., That chapter 4, Title XIII, of the Revised Statutes of the United States, second edition, 1878, be, and the same is hereby, amended by inserting the words "and at Winston, N. C., on the second Monday in July and January," so that the paragraph in section 572, relating to the regular terms of the district courts for the western district of the State of North Carolina, shall read as follows: "In the western district of North Carolina, at Greensboro, on the first Monday of April and October; at Statesville, on the third Monday of April and October; at Asheville, on the first Monday of May and November, and at Winston, N. C., on the second Monday in July and January."

SEC. 2. That upon the board of commissioners of the county of Forsyth filing with the Secretary of the Treasury of the United States an agreement allowing the said circuit and district courts of the United States to be held in the court-house of Forsyth County, in the city of Winston, with rooms for offices for the marshal and clerks of said courts, without any rent or other cost to the United States, this act shall take effect and be in force.

The amendment recommended by the committee was read, as follows:

Page 2, at the end of line 2, insert the following:

"*Provided*, That the establishment of the court at Winston shall not affect or interfere with the holding of the courts as now established by law at other places in the western district of North Carolina: *Provided further*, That the clerk of the court at Greensboro shall be the clerk of the court at Winston."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. I would like, with the permission of the gentleman from North Carolina, my colleague, who is, I believe, entitled to the floor, to make a short statement in regard to this pending bill.

Mr. LINNEY. I yield to my colleague.

Mr. KITCHIN. This is a matter over which there was some conflict, and delegations from two towns, one from the town of Winston and the other from Greensboro, appeared before the Committee on the Judiciary in regard to this bill. In fact, they appeared twice, once last session and once this. The proposition at the last session was to remove the court from Greensboro, and this year it is only to establish a court at Winston. This amendment which has been added to the bill by the committee I think meets the approval of the committees that represented both towns; but I want to ask my colleague if he has considered the matter of the court at Charlotte, N. C.? I am not sure but that this bill ought to be further amended by adding the term of the court at Charlotte, N. C., on the second Mondays of June and December. I say I am not sure whether it is necessary to insert it here, but merely ask if the gentleman considered that?

Mr. LINNEY. I have considered that, and I think the amendment fully covers that matter. The amendment makes it certain that it does not interfere with any other courts in the district, either with the times or places of holding the courts. The only effect of this bill is to give another term of court, locating it at Winston, N. C. It does not interfere with the court at Greensboro, in which my friend is interested. It does not interfere with the holding of the other courts in the other places in the district as now provided by law. If the gentleman thinks that it does, and he so desires it, I have no objection to his offering an amendment.

Mr. KITCHIN. I do not desire to offer any further amendment. I noticed that the other courts in the district are enumerated in the bill, and desired to call attention to the omission of the court at Charlotte.

Mr. LINNEY. Yes; but the amendment provides that this shall not interfere with the holding of courts at other places and times as now provided by law.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. LINNEY, a motion to reconsider the last vote was laid on the table.

CODIFICATION OF THE LAWS OF THE UNITED STATES.

Mr. WARNER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7844) providing for the revision and codification of the permanent and general laws of the United States, with an amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the commissioners heretofore appointed in pursuance of an act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897, to revise and codify the criminal and penal laws of the United States be, and they are hereby, directed to revise and codify, in accordance with the terms and provisions of said act and the acts supplementary thereto, all laws of the United States of a permanent and general nature in force at the time when the same shall be reported.

SEC. 2. That in performing this duty the said commissioners shall bring together all statutes and parts of statutes relating to the same subjects, shall omit redundant and obsolete enactments, and shall make such alterations as may be necessary to reconcile the contradictions, supply the omissions, and amend the imperfections of the original text; and they may propose and embody in such revision changes in the substance of existing law, but all such changes shall be clearly set forth in an accompanying report, which shall briefly explain the reasons for the same.

SEC. 3. That the said commissioners shall arrange such revision under titles, chapters, and sections, or other suitable divisions and subdivisions, with head notes briefly expressive of the matter contained in such division, and with marginal notes so drawn as to point to the contents of the text, and with references to the original text from which each section is compiled, and to the decisions of the courts of the United States explaining or construing the same, and also such decisions of the State courts as they may deem expedient; and they shall provide by an index for an easy reference to every portion of such revision.

SEC. 4. That when the commissioners have completed such revision in accordance herewith, they shall cause a copy of the same, in print, to be submitted to Congress, that the statutes so revised and codified may be reenacted if Congress shall so determine.

With the following amendment recommended by the committee:

Strike out the words, in lines 17 and 18, page 2, "and also to such decisions of the State courts as they may deem expedient."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT. Mr. Speaker, I do not mean to object, but the amendment, as I caught it, strikes out of the bill the decisions of the State courts.

Mr. WARNER. The bill as originally drawn required the commissioner to annotate the decisions of the State courts as well as the Federal courts. We struck out the State courts as being unnecessary.

Mr. BARTLETT. I think you did right. Now, one other question. This work is to be done by the commissioners who are doing the work of codifying the criminal statutes?

Mr. WARNER. The same commission appointed under the act of 1897 to codify the criminal and penal laws.

Mr. BARTLETT. The work is to be reported to Congress and action to be taken by Congress whether the result as reported by this commission shall be the law or not?

Mr. WARNER. Whether it shall be the new Revised Statutes. This commission, appointed under the act of 1897, was to revise and codify the criminal and penal laws of the United States. By a subsequent act they are to codify all laws relating to the organization, jurisdiction, and practice of the courts of the United States. Now, in the revision and codification of the penal laws they have to go over the civil laws to find penal provisions. For instance, in the internal-revenue act it will recite three or four sections and then say that anyone guilty of a violation of these sections shall be punished so and so. If you have a separate revision, they will have to take in a good deal of the civil law. Then they go on and make a second revision of the law, and it will only be a short time before the civil laws will have to be revised and codified, and that would make three distinct and separate revisions of the laws of the United States. It is better to have one all in one revision, as it was in 1873. It can be done without any expense to the Government whatever except printing, and the expense of printing of one revision would be less than the printing of two separate revisions.

The last revision we had only comes up to March 3, 1873. It has been twenty-seven years since we had a revision. There are a lot of laws on the books that are obsolete, adapted to conditions that have long since passed away, and some that are conflicting and redundant.

Now, in 1877, Mr. Boutwell was authorized and required to get up a second edition of the Revised Statutes, and he did that, and it is known as the revision of 1878. Since that time we have had nothing but a supplement, a supplement that brings the session laws down to 1891. It is not a revision but simply a compilation of the laws passed at each session, and from that time until now we have nothing but session laws. It is the session supplement and not a codification of the laws. Now, if a layman or a lawyer wants to look up the law, he is obliged to consult the supplement to 1891, and after that down only the session laws.

Mr. BARTLETT. I do not mean to object to the consideration of this bill nor to vote against the bill. I think it is a step in the right direction. Any legislation looking toward the codification or revision of the laws is proper legislation, and I stand ready to vote for it. I have practiced for some years in the Federal courts, and I know the difficulty that exists in ascertaining what really are the laws of the United States, both criminal and civil. I did not rise for the purpose of objecting to the bill; I do not propose to vote against it. I simply desired to know whether such things were provided for, and especially to know whether this compilation will require action of Congress adopting it before it becomes the law of the United States.

Mr. WARNER. The bill provides that the compilation shall be submitted to Congress, to be adopted if it sees fit.

Mr. LACEY. I should like to know how nearly this commission has gotten through the penal and criminal divisions of the work?

Mr. WARNER. I can not tell.

Mr. RAY of New York. Will the gentleman from Illinois permit me to make a statement? I was waited on very early in the present session by gentlemen of the commission having charge of this revision, and subsequently I was requested to call at their office. I went there. They told me that they had completed the revision so far as it related to the courts and officers, and were just entering upon the work of codifying the criminal and penal statutes. They said frankly, "In our judgment, if we are to go on with this work as we are required to do by existing law, we are wasting time and wasting the money of the United States."

They illustrated their remarks in this way: If you take the Revised Statutes you will find sometimes 3, 4, 5, or 6 pages embracing various sections, in a dozen of which, perhaps, there will be some requirement of action. Then you will find a section saying "Any person or persons offending against the provisions of any section of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished," etc. "Now," they said, "in our revision we have no power to change the language, no power to cut down or leave out anything; we are required simply to pick out these penal statutes, to put them together, and then report them to Congress to be reenacted." This, they said, would require a reenactment of about half or possibly two-thirds of the present Revised Statutes. "Now," they asked, "do you think that Congress would ever enact such a revision into law?" Of course I said, "No." It is ridiculous to think that Congress ever would do it if the revision were put in that form—simply a repetition of the present statutes.

What they want to do in going on with their work is to revise and codify the Revised Statutes so as to put the provisions in proper shape. I think that the bill reported from this committee—I have consulted with my friend from Illinois [Mr. WARNER] about it—is the most sensible, and, indeed, the only sensible, course to be pursued. As I understand, the proposition is to have this work done by the commission of revision already organized.

Mr. WARNER. Yes, sir.

Mr. RAY of New York. I can say, after careful study of the question and after consultation with the members of the commission, that I believe the passage of this bill will accomplish a saving of time and money to the United States.

Mr. BARTLETT. I agree thoroughly with what the gentleman from New York [Mr. RAY] has just stated in regard to the saving of time and money which this bill may be expected to accomplish. I would myself vote for a measure to codify the laws of the United States in the same manner that the laws of various States of the Union have been codified. Most of the States have a code of law and practice, and I see no reason why there should not be a similar code for the United States.

Mr. STEPHENS of Texas. Is it contemplated here to include the penal and the civil statutes in the same revision?

Mr. RAY of New York. It is proposed to have them all in one volume——

Mr. WARNER. The same as in the revision of 1878.

Mr. RAY of New York. And to bring the work down to the present date.

Mr. STEPHENS of Texas. Will these commissioners have authority to change the language of any of the statutes?

Mr. WARNER. No; they will be authorized to suggest changes and report them to Congress with the reasons therefor; and Congress will decide whether such changes shall be made or not.

Mr. STEPHENS of Texas. Then we shall have to reenact the whole compilation?

Mr. WARNER. Yes, sir; just as was done with the first revision of our laws in 1873 and the second in 1878.

Mr. STEPHENS of Texas. I think that is correct.

Mr. RAY of New York. At present, if we want to ascertain what the law is on a given subject, we must first look to the Revised Statutes, edition of 1878, and then at the successive volumes of the Statutes at Large from 1878 down to the present time—a period of more than twenty years; in other words, we must consult more than twenty different volumes.

Mr. STEPHENS of Texas. In making such a search to ascertain what the law is we are frequently without chart or compass.

Mr. RAY of New York. Yes; absolutely at sea. It is time something should be done in the direction proposed by this bill.

Mr. BARTLETT. How long a time does the chairman of the committee think will be occupied by the commissioners in making this compilation or revision?

Mr. WARNER. I think they will do very well if they have the work ready to be submitted to the next Congress.

Mr. BARTLETT. I think so, too.

Mr. WARNER. They think they can get through within two years.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RAY of New York. I want to add one other suggestion. At present there is much general legislation mixed up with the appropriations in our appropriation bills. That is an additional reason for passing this bill.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS BACK BAY, BILOXI, MISS.

Mr. McLAIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10310) to authorize the construction of a bridge across the Back Bay at Biloxi, Miss.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read. It provides that the mayor and board of aldermen of the town of Biloxi, in the State of Mississippi, and their successors and assigns, be, and hereby are, authorized to construct and maintain a bridge and approaches thereto across the bay, commonly known as the Back Bay, at or near the town of Biloxi, Miss., between the said town of Biloxi, situated on the south side of said bay, to a point on the north side of said bay, said bridge to start at or near what is known as the old ferry point, on the south shore of said bay.

Sundry amendments recommended by the Committee on Interstate and Foreign Commerce were read.

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. McLAIN, a motion to reconsider the last vote was laid on the table.

HOMESTEAD ENTRIES.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 985) providing that those who have heretofore commuted entries or have not perfected title to tracts entered as homesteads may avail themselves of the provisions of the homestead laws.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That any person who has heretofore made entry under the homestead laws and commuted same under provisions of section 2301 of the Revised Statutes of the United States and the amendments thereto shall be entitled to the benefits of the homestead laws, as though such former entry had not been made, except that commutation under the provisions of section 2301 of the Revised Statutes shall not be allowed of an entry made under this section of this act.

The SPEAKER. Is there objection?

Mr. DAHLE of Wisconsin. I object.

Mr. RICHARDSON. I should like to get some information on this bill and to understand exactly the effect of it.

The SPEAKER. Objection is made.

UNITED STATES DISTRICT COURTS, IOWA.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2537) to create the central division of the southern district of Iowa for judicial purposes and to fix the time and place for holding court therein.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the counties of Lucas, Clarke, Union, Adair, Adams, Montgomery, Fremont, Page, Taylor, Ringgold, Decatur, Wayne, and Appanoose shall constitute the central division of the southern judicial district of Iowa; and a term of a circuit and district court for said district shall be held in said division hereby created at Creston, in Union County, on the third Monday of May and the fourth Monday of September of each year, each of said terms to continue so long as necessary to dispose of the business at any time pending in said court.

SEC. 2. That all civil suits which shall hereafter be brought against a defendant or defendants who reside in said central division of said district shall be brought in said central division; but if there are two or more defendants residing in different divisions of said district, such suit may be brought in either division of said district in which any defendant or defendants reside; and all mesne and final process subject to the provisions of this act issued in either of the divisions of the central district of Iowa may be served and executed in either or all of the divisions.

SEC. 3. That all crimes and offenses against the laws of the United States hereafter committed within the counties comprising the central division of said district shall be prosecuted, tried, and determined at the terms of the circuit and district courts herein provided for.

SEC. 4. That the clerks of the circuit and district courts for said southern district and the marshal of said district shall each appoint a deputy, who shall reside and maintain an office at Creston, in Union County, each of whom, in the absence of the clerk and marshal, shall exercise all of the powers and perform all of the duties of his principal within the division for which he shall be appointed: *Provided*, That the appointment of such deputy shall be approved by the court for which they shall be respectively appointed, and they may be removed by such court at pleasure; and the clerk and marshal shall be responsible for the official acts and neglects of all their deputies.

SEC. 5. That all the grand jurors and all jurors for the trial of civil and criminal causes in the division hereby created shall be selected from citizens residing in the division created by this act.

The following amendments, recommended by the Committee on the Judiciary, were read:

Page 1, line 4, strike out the word "Montgomery."

Page 1, line 5, strike out the word "central" and insert in lieu thereof the word "southern."

Page 1, line 11, at the end of the line insert the following:

"*Provided, however*, That suitable rooms and accommodations are furnished for the holding of said courts free of expense to the Government of the United States."

In sections 2 and 3 strike out the word "central" wherever it appears and insert in lieu thereof the word "southern."

Page 2, line 9, strike out the word "hereafter."

Page 2, at the end of line 12, insert the following:

"*Provided, however*, That all prosecutions begun and pending at the taking effect of this act shall be proceeded with and finally determined as if this act had not passed."

Page 2, line 13, strike out the word "clerks" and insert in lieu thereof the word "clerk."

The SPEAKER. Is there objection?

Mr. RICHARDSON. Mr. Speaker, I have not seen the bill and have only heard it as it was read at the desk. Does it provide for the appointment of a new judge?

Mr. HEPBURN. No, it does not.

Mr. RICHARDSON. Will the gentleman please make some explanation of it, so that we can understand it?

Mr. HEPBURN. It is simply the authorization of another division of the southern district of Iowa. It provides for no new offices except a deputy clerk and deputy marshal. It creates no additional expense. It provides that rentals and expenses of that kind shall involve no charge upon the United States, and it is simply an attempt to bring the court to the people instead of carrying the people to the court.

The SPEAKER. Is there objection?

There was no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

By unanimous consent, the title was amended so as to read:

A bill to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein.

On motion of Mr. HEPBURN, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLERK TO COMMITTEE ON LOUISIANA CENTENNIAL.

Mr. JOY. I ask present consideration of a privileged resolution which I send to the desk.

The SPEAKER. The gentleman from Missouri presents a privileged report, which will be read to the House.

The Clerk read as follows:

Resolved, That the chairman of the Special Committee on the Centennial of the Louisiana Purchase is hereby authorized to appoint a clerk to said committee for the remaining portion of the sessions of the present Congress, to be paid out of the contingent fund of the House of Representatives, at the rate of $6 per day.

The resolution was agreed to.

BRIDGE ACROSS SNAKE RIVER AT NOME CITY, ALASKA.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2869) authorizing the Cape Nome Transportation, Bridge, and Development Company, a corporation organized and existing under the laws of the State of Washington and authorized to do business in the Territory of Alaska, to construct a traffic bridge across the Snake River at Nome City, in the Territory of Alaska.

The SPEAKER. The gentleman from Washington asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read. It provides that the Cape Nome Transportation, Bridge, and Development Company, a corporation organized and existing under the laws of the State of Washington and authorized to do business in the Territory of Alaska, is hereby authorized and empowered to construct, operate, and maintain a general traffic bridge across the Snake River, to be located at such point within or near the corporate limits of the city of Nome, in

said Territory of Alaska, as shall be approved by the Secretary of War; provided that said bridge shall be constructed as a draw-bridge, and the draw shall be opened promptly, upon reasonable signal, for the passage of boats; and, whatever kind of bridge is constructed, the owners thereof shall maintain thereon, at their own expense, from sunset to sunrise, such lights or other signals as the Light-House Board shall prescribe; that such bridge shall be constructed so as to provide for the passage of vehicles and pedestrians, upon the payment of a reasonable compensation for such use.

The SPEAKER. Is there objection?

Mr. RICHARDSON. I should like to ask the gentleman if this bill has been reported by one of the committees of the House?

Mr. JONES of Washington. This bill has passed the Senate unanimously and has been unanimously reported by the Interstate and Foreign Commerce Committee.

Mr. RICHARDSON. Is it unanimously reported by that committee of the House after investigation and examination?

Mr. JONES of Washington. Yes.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

ANDREW GEDDES.

Mr. JETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 41) to authorize the President to place Andrew Geddes on the retired list with the rank of captain.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill which the clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to revoke his order of December 3, 1880, confirming the sentence of dismissal in the case of Capt. Andrew Geddes, Twenty-fifth United States Infantry, and to disapprove the sentence and to revoke and set aside General Court-Martial Orders No. 64, Headquarters of the Army, Adjutant-General's Office, Washington, December 4, 1880, approving the pending sentence in the said case and ordering his dismissal to take effect December 31, 1880, and to order and cause to be issued to said Geddes an honorable discharge as of date December 31, 1880, and to nominate and, by and with the advice and consent of the Senate, appoint said Geddes a captain of infantry in the United States Army, and place him upon the retired list with the rank of captain, the retired list being increased for that purpose only: *Provided*, That no pay, compensation, or allowance shall accrue by reason of this act for any cause prior to its passage.

The SPEAKER. Is there objection?

Mr. CALDERHEAD. I object.

Mr. COX. I should like to ask the gentleman if that bill does not promote this man to the position of captain and then put him on the retired list before he reaches the age required by law?

Mr. JETT. I will say to my colleague that I suppose it does put him on the retired list before he reaches the age required by law. It removes the penalty of court-martial proceedings, the findings of which I think were most unjust. The bill passed the Senate in the Fifty-fifth Congress, and was reported favorably by the House Committee on Military Affairs in that Congress. It passed the Senate again in this Congress, and has been favorably reported by the House Military Affairs Committee.

Mr. WHEELER of Kentucky. What was the court-martial for?

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CALDERHEAD. I object.

The SPEAKER. Objection is made by the gentleman from Kansas.

GALLANTRY IN REVENUE-CUTTER SERVICE.

Mr. CORLISS. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate joint resolution 51, recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson;* of his officers and men; also retiring Capt. Daniel B. Hodgsdon, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch* at Manila.

The resolution was read, as follows:

Resolved, etc., That the thanks of Congress be, and are hereby, extended to First Lieut. Frank H. Newcomb, of the Revenue-Cutter Service, commanding the revenue cutter *Hudson*, his officers, and the men of his command, for their intrepid and heroic gallantry in the action at Cardenas, Cuba, on the 11th day of May, 1898, when the *Hudson* rescued the U. S. naval torpedo boat *Winslow* in the face of a most galling fire from the enemy's guns, the *Winslow* being disabled, her captain wounded, her only other officer and half her crew killed. The commander of the *Hudson* kept his vessel in the very center of the hottest fire of the action, although in constant danger of going ashore on account of the shallow water, until finally he got a line made fast to the *Winslow* and towed that vessel out of range of the enemy's guns. In commemoration of this signal act of heroism it is hereby enacted that the Secretary of the Treasury be authorized and directed to cause to be prepared and to present to First Lieut. Frank H. Newcomb, Revenue-Cutter Service, a gold medal, and to each of his officers a silver medal, and to each member of his crew a bronze medal.

That in recognition of the efficient and meritorious services of Capt. Daniel B. Hodgsdon, United States Revenue-Cutter Service, while in command of the U. S. revenue cutter *Hugh McCulloch*, under the orders and in cooperation with the fleet commanded by Rear-Admiral George Dewey, United States Navy, at the battle of Manila, on May 1, 1898 (the said officer being now in the sixty third year of his age, and having served continuously for thirty-seven years as an officer of the Revenue-Cutter Service), he be placed on the permanent waiting orders or retired list of the Revenue-Cutter Service on the duty pay of his grade.

That the sum of $1,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the medals above specified.

The SPEAKER. Is there objection?

Mr. CORLISS. Before the question is propounded I desire to state that I wish to eliminate the provisions that are objectionable—the thanks of Congress—by an amendment, and I am sure that there will be no objection then.

The SPEAKER. That will come up after unanimous consent is given.

Mr. BARTLETT. May I ask, before unanimous consent is given, what the bill does after you strike out that part of it?

Mr. CORLISS. It simply recognizes the gallantry by giving the crew of Captain Newcomb certain medals, and puts Captain Hodgsdon on the retired list, he having served thirty-odd years in the Revenue-Cutter Service. It is recommended not only by the Navy Department, but by a special communication from the President of the United States to Congress. And I have in my hand a special letter from Admiral Dewey speaking of Captain Hodgsdon's service. This is simply extending a recognition, with the amendment I propose to offer, of gallantry at a time when the country recognized their service.

Mr. BARTLETT. Then do I understand you to say that this bill does not retire an officer?

Mr. CORLISS. It puts Captain Hodgsdon on the retired list.

Mr. McCLELLAN. Is he not a revenue officer?

Mr. CORLISS. He is in the Revenue-Cutter Service.

Mr. McCLELLAN. There is no retired list for the Revenue-Cutter Service, and this creates a retired list for his benefit.

Mr. CORLISS. It places him on waiting orders. He is impaired in health; it has been recommended by the President of the United States, and I have in my possession here a letter from Admiral Dewey calling special attention to his services in the harbor of Manila, and asking Congress to pass a bill placing him on the retired list, and I trust there will be no objection to that recognition.

Mr. BARTLETT. Mr. Speaker, there are a number of men who might be recognized by giving medals to those who served gallantly in the recent war and won distinction at the fight at Manila and in the war that is now going on in the Philippines. Let us pass a law to meet all of those. I think it is unfair to single out one or two men in the service and give him or them a medal in recognition of services when there are numbers of others who occupy the same position. It makes a retired list also, and puts a man on the retired list when there is no law for the retirement for an officer in that service.

Mr. ROBINSON of Indiana. Let me call the attention of the gentleman from Michigan to the fact that for men in the Regular Army there are provisions for the recognition of such gallantry by the President.

Mr. CORLISS. In the Revenue-Cutter Service there is no such power to extend this recognition for gallant services. There was no man in the Spanish war who served his country more bravely than the men mentioned here; and so peculiarly gallant was it that the President and the Secretary of War have communicated to Congress twice upon this subject, and particularly asked this recognition, and I hope the Congress of the United States will not deny to men proving themselves so brave and heroic as they did on these occasions the little honor of receiving a medal at the hands of Congress, and the retirement of a Revenue-Cutter Service officer who would be entitled to be retired and could be retired if in the Regular Army service.

Mr. MADDOX. Will the gentleman allow me to ask him a question?

Mr. CORLISS. Certainly.

Mr. BARTLETT. I am not going to object to giving these officers and men the medals. They no doubt have earned them, and probably others have earned them just as much and ought to have them. It is not necessary for me to specify, but I could specify a number of men, who are on the records of the Army and Navy, who gave valiant service as officers and men.

Mr. ROBINSON of Indiana. If the gentleman will permit me a suggestion, in view of the statement made by the gentleman from Michigan, it would seem to suggest the passage of a general law.

Mr. CORLISS. I have no objection to it.

Mr. ROBINSON of Indiana. But you call up these special cases.

Mr. CORLISS. We have already passed some bills recognizing some special acts.

Mr. ROBINSON of Indiana. We could pass some general law like the law which enables the President and the Department to

give medals in recognition of services rendered during the civil war.

Mr. CORLISS. These are of such a character, so well known in our country, the service and name of Captain Hodgsdon and the service of Captain Newcomb upon the vessels named, the *Winslow*, the *Hudson*, and the *McCulloch*, the boat that Captain Hodgsdon was in charge of in Manila Bay, are household words, their deeds are known to our people, and I submit the recognition of this House of their gallantry ought to be granted unanimously. I have eliminated the only objectionable feature, I think. Are you willing to deny that any recognition shall be given to these men? I trust not.

Mr. MADDOX. Is not this a new departure?

Mr. CORLISS. Not at all. We have repeatedly granted men such recognition.

Mr. MADDOX. Does not this set a precedent not established heretofore?

Mr. CORLISS. I will say to my friend from Georgia that I have been on the committee three terms of Congress, and we have repeatedly passed measures like this.

Mr. MADDOX. For the revenue service?

Mr. CORLISS. Yes; for the recognition of gallantry.

Mr. MADDOX. Oh!

Mr. CORLISS. And extending medals. That is right. And there is a general law authorizing the Secretary of War and the President to grant medals in certain cases, and the House has made it general.

Mr. MADDOX. Well, what I want to get at is this: You want to make this exception and allow the Secretary of War and the President to grant this recognition to an officer of the Revenue-Cutter Service?

Mr. CORLISS. The great service of these men justifies this recognition.

Mr. MADDOX. That is exactly what I am driving at. You are opening another class.

Mr. CORLISS. We have repeatedly done so within the history of our country.

Mr. MADDOX. What committee reported this bill?

Mr. CORLISS. The Committee on Interstate and Foreign Commerce, and it has passed the Senate.

Mr. MADDOX. The Interstate and Foreign Commerce Committee of the House reported it?

Mr. CORLISS. Unanimously, and I have repeatedly asked for its consideration since the bill was reported.

Mr. COX. How does the Committee on Interstate and Foreign Commerce get hold of the question?

Mr. CORLISS. It passed the Senate, came to the House, and was referred to the committee which has charge of the revenue-cutter matters. I have a letter from Admiral Dewey, dated April 7, this very month, appealing to me to pass this measure, and in his closing remarks he says:

> I had occasion to report on his excellent services while in command of the *McCulloch* while in the squadron under my command at the Philippines, and I think he should have the reward for his long and faithful services to the Government. If my indorsement will be of any service to you, you are at liberty to use my name.
>
> GEORGE DEWEY.

That was written on the 7th of April. I did not ask for the communication or suggest it to Admiral Dewey, but I did ask unanimous consent of the House for this recognition, and it was denied. I never could understand why it was denied.

The SPEAKER. Is there objection to the present consideration?

Mr. SIMS. I would like to ask the gentleman one question. So far as the retirement is concerned, is not this a new question?

Mr. CORLISS. Not at all.

Mr. SIMS. Is it not new with reference to officers of the Revenue Cutter?

Mr. CORLISS. It places him on waiting orders.

Mr. SIMS. Are they not retired on pay?

Mr. CORLISS. No; simply put on waiting orders.

Mr. SIMS. Will not this retire this officer on pay?

Mr. CORLISS. No; it simply places him on waiting orders.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on the amendment which the Clerk will report.

The Clerk read as follows:

> Amend, in lines 3 and 4, on page 1, by striking out the following words: "the thanks of Congress be, and are hereby, extended to" and inserting in lieu thereof the words "in recognition of the gallantry of."

The amendment was agreed to.

The joint resolution was ordered to be read a third time; and it was read the third time.

Mr. WHEELER of Kentucky. Mr. Speaker, a parliamentary inquiry. Does not the title of the bill extend the thanks of Congress to these officers and men?

Mr. CORLISS. It does not. It recognizes the gallantry of the men. The title does not say anything about the thanks of Congress.

The joint resolution was passed.

On motion of Mr. CORLISS, a motion to reconsider the last vote was laid on the table.

PHEBE S. RILEY.

The SPEAKER laid before the House the bill (H. R. 5970) granting a pension to Phebe S. Riley, with the following Senate amendment:

> In line 9 strike out "fifteen" and insert "twelve."

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

WILLIAM H. EDMONDS.

The SPEAKER laid before the House the bill (H. R. 4335) granting a pension to William H. Edmonds, with the following Senate amendment:

> Line 9, strike out "fourteen" and insert "twelve."

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

EZRA A. BENNETT.

The SPEAKER laid before the House the bill H. R. 4267, with the following Senate amendments:

> Line 3, after "and," insert "he;" line 6, strike out "C" and insert "E."

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

MARY M'CARTHY.

The SPEAKER laid before the House the bill H. R. 856, entitled "An act granting a pension to Mary McCarthy," with the following Senate amendment:

> Line 6, before "mother," insert "dependent."

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

ARTICLE VII—TREATY WITH SPAIN.

The SPEAKER. The Chair calls attention of the House to the fact that 2 o'clock was set apart as a special order to consider Senate bill 2799, to carry into effect the stipulations of Article VII of the treaty between the United States and Spain concluded on the 10th day of December, 1898, which the Clerk will report.

The Clerk began the reading of the bill.

Mr. HAUGEN (interrupting the reading). I ask unanimous consent that the first or formal reading of the bill be dispensed with.

Mr. RAY of New York. I object.

The Clerk resumed the reading of the bill.

Mr. RAY of New York (again interrupting the reading). Mr. Speaker, I do not know but the time might be better used in the discussion of this bill than in reading it. I think the attention of members has already been called to the vicious character of the bill; and I will therefore, if in order, withdraw my objection to the request of the gentleman from Iowa, that the first reading of the bill be dispensed with.

The SPEAKER. Is there further objection?

Mr. SHEPPARD. I object.

The SPEAKER. Of course the House understands that if the first reading of the bill be dispensed with, it will immediately be taken up and read by sections.

Mr. SHEPPARD. Then I withdraw my objection.

The SPEAKER. Is there further objection? The Chair hears none. The Clerk will now proceed to read the bill by sections, unless general debate is desired. Does the gentleman from Iowa [Mr. HAUGEN] desire to be recognized for general debate?

Mr. HAUGEN. I do not think general debate is necessary. During the reading of the bill by sections we can discuss the provisions of the bill as we go along.

Mr. RAY of New York. I do not propose that this bill shall go through without any general discussion. I desire to oppose the bill.

The SPEAKER. Does the gentleman from Iowa desire now to make any observations in the way of general debate, or does he reserve his time?

Mr. HAUGEN. I will reserve my time.

The SPEAKER. Does the gentleman from New York [Mr. RAY] rise to oppose the bill?

Mr. RAY of New York. I do.

Mr. MAHON. This bill, as I understand, is on the Union Calendar and should receive its first consideration in Committee of the Whole.

Mr. HAUGEN. As I understand, the bill was made a special order for this time, to be considered in the House as in Committee of the Whole.

The SPEAKER. That is correct. Does the gentleman from New York [Mr. RAY] desire to oppose the bill?

Mr. RAY of New York. That is my purpose.

The SPEAKER. The gentleman in charge of the bill reserves his time. The gentleman from New York is recognized.

Mr. RAY of New York. Mr. Speaker, only a short time—a few minutes since—was my attention called to this bill. It proposes to constitute a new court or commission, to consist of three persons—in the language of the bill, "three suitable persons learned in the law, who shall constitute a commission," etc. They are to receive each the sum of $5,000 per annum; and then we are to have another assistant attorney-general, who is also to receive the sum of $5,000 per annum; and then we are to have a clerk, who is to receive $3,500 per annum; and then we are to have a number of assistant district attorneys—I have forgotten how many——

A MEMBER. The number is unlimited.

Mr. RAY of New York. Yes; I think the number is unlimited. That is my recollection. We are to have an unlimited number of assistant district attorneys, who are to be employed at the rate of $200 a month each for the time of actual employment. Of course when these officers are once appointed they will be employed without intermission. We need not be concerned about that. Also one or more—the number is unlimited—commissioners to take evidence, at an annual salary of $5,000; and then we are to have messengers and stenographers and typewriters at salaries of $1,200 per annum.

Now, Mr. Speaker, I should not object to the compensation to the messengers, the stenographers, and typewriters at the sum of $1,200 per annum if they were necessary, but there is no earthly necessity for the creation of this commission or the appointment of these assistant attorneys-general or the clerks or the assistant attorneys.

Now, what is the excuse or alleged excuse for this? In our treaty with Spain it was stipulated that—

the United States and Spain mutually relinquish all claims for indemnity, national and individual, of either kind, of either Government, or of its citizens or subjects, against the other Government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

The article then declares that—

the United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

That is all there is of it. The United States is to adjudicate and settle the claims of its citizens against Spain relinquished by this article of the treaty. In other words, such claimants are to have no claim against Spain, but their claims are transferred against and assumed by the United States and are now claims against this Government.

Now, we have a Court of Claims already established. That court is composed of gentlemen learned in the law; they are not overworked; they are as fat and healthy-looking a set of gentlemen as I ever met, and they will not die of overwork nor become insane because of too much mental exertion if we give them jurisdiction of these claims. If they are not competent for the work, they had better be out and some one else appointed; but I think they are fit for it. I have every confidence in them.

We have now a large corps of assistant attorneys-general and an abundance of assistant district attorneys. They are paid well; they have an abundance of time to do this work.

Now, you say, of course, in reply to that, that the Senate would not have passed this bill had there not been necessity for it. There is, of course, necessity for having these claims adjudicated by a proper tribunal—we have assumed them and must pay them—but we have the proper tribunal already of sufficient ability. What is the necessity for all this addition of officials and all this expense? Is there a word in the report of the committee that points out any such necessity? Not at all. The President, of course, would have the appointment of all these gentlemen. The Senate would have the confirmation, and the Senators would have a chance to get some more of their hungry constituents into office. That, in my judgment, is the only excuse or justification that can be offered for the enactment of this bill into law. How many of these claims are there? Will this committee tell me? Does the gentleman know? If he does, let him tell the House now.

Mr. HAUGEN. I do not know the exact number, but there are a great many claims——

Mr. RAY of New York. How many have been presented?

Mr. HAUGEN. I will state for the information of the gentleman——

Mr. RAY of New York. Does the gentleman know? That is the question. If he does, then let him tell me how many.

Mr. HAUGEN. I may state for the benefit of the gentleman that before the Committee on War Claims to-day we have bills running up into the hundreds and thousands, bills that have been pending before this Congress for the last thirty or forty years. These people have been knocking at the doors of Congress; their claims are meritorious, and I see no reason why this Government should not pay its debts.

Mr. RAY of New York. Well, I have not yielded to the gentleman for a speech.

Mr. HAUGEN. The sooner these debts are paid the better. A commission appointed for this purpose can better determine what these claims are and what their merits are than the courts to which the gentleman has referred can.

Mr. RAY of New York. Now, Mr. Speaker, the inadvisability of this bill is demonstrated by the answer of the gentleman who has it in charge. I asked him how many claims assumed by the United States under this treaty had been presented, and his answer is that we have hundreds and thousands of them that have been pending here for the last thirty years.

Mr. MAHON. Will the gentleman allow me——

Mr. RAY of New York. In just a moment. Let me finish this idea. This whole question arises over claims that were assumed by the Government of the United States under the treaty of 1898, and the gentleman demonstrates almost perfectly that he does not know what he is talking about and that he does not understand the principles involved in this bill when he talks about hundreds and thousands of these claims that have been pending here for thirty years. Why, they can not have been pending for over two years. We did not assume them until the treaty of peace.

Mr. LACEY. Will the gentleman allow me?

Mr. RAY of New York. Certainly; but I have promised to yield to the gentleman from Pennsylvania [Mr. MAHON]. Let me yield to the gentleman from Pennsylvania first.

Mr. MAHON. The gentleman misunderstood your question, probably.

Mr. RAY of New York. Then will you tell me?

Mr. MAHON. These claims are filed in the State Department, under the treaty with Spain, and none of them are filed with the committee.

Mr. RAY of New York. How many of them are on file at the State Department?

Mr. MAHON. I do not know. They are filed in the State Department and the committee have no knowledge of them.

Mr. RAY of New York. Are you able to say that there are ten of them?

Mr. MAHON. I do not know anything about it. They are in the State Department.

Mr. RAY of New York. The gentleman says he does not know anything about it, and yet a bill is brought in here to create a commission, with a dozen or more new officers, with large salaries, to dispose of business and claims made against this Government, when the committee does not know there is any necessity for it.

Mr. MAHON. Let me say to the gentleman——

Mr. RAY of New York. Can you assure me that there is one?

Mr. MAHON. I do not want you to mislead the House, and I will not permit you to do it if I am here.

Mr. RAY of New York. Well——

Mr. MAHON. These claims are filed in the State Department and not in the War Claims Committee, under the treaty with Spain. They are filed with the Secretary of State, under the treaty of Paris. The Department wants this bill or some bill for the adjudication of these claims, under the treaty with Spain. The War Claims Committee have no jurisdiction over the matter.

Mr. RAY of New York. I did not yield to have you tell me what any Department wanted or wants.

Mr. MAHON. Well, I know, but there are a good many things that the gentleman does not know.

Mr. RAY of New York. I want to know whether the gentleman from Pennsylvania knows that there is a single claim now on file with the Secretary of State?

Mr. MAHON. Oh, yes; I know there are claims there, but I do not know, and the gentleman does not know, how many there are or what they amount to. There are a great many things that the gentleman does not know in regard to this matter. [Laughter.]

Mr. RAY of New York. I thank the gentleman. Now, does the gentleman from Pennsylvania know how many claims are pending at the State Department?

Mr. MAHON. No, sir; and you do not, either.

Mr. RAY of New York. Have you made any inquiry?

Mr. MAHON. No, sir; and I do not intend to.

Mr. RAY of New York. Can you tell me why you do not?

Mr. MAHON. Because it is not my business. It is the business of this House to provide a remedy——

Mr. RAY of New York. A remedy for what? To create a commission for what?

Mr. MAHON. Yes; just as this Government has done during its existence a dozen times.

Mr. RAY of New York. Create a commission—a new court?

Mr. MAHON. Yes.

Mr. RAY of New York. With a dozen new officers, drawing salaries all the way from $1,200 a year up to $5,000 a year, with no limitation upon it, to do what? Adjudicate claims!

Mr. MAHON. Now, if the gentleman——

Mr. RAY of New York. To adjudicate what claims? "I don't know." Are you sure that any are on file there? "I think there are some." Have you made any inquiry to know? "We have not."

Mr. KING. And he says they do not intend to.

Mr. RAY of New York. Is any information given this House as to whether there is one or a dozen or a hundred? "No; but we bring in our bill here to create this court with these officers and these big salaries, without any knowledge that there is any necessity for it."

Is there any secret about these claims? I desire to say that if I were going to bring such a bill as this before the House, if it were suggested to the Committee on the Judiciary that we report such a bill, the very first step I would take would be to send a communication to the Secretary of State inquiring how many claims of this character, if any, have been made, how much, if anything, was involved, and ascertain first whether there is any necessity for an additional court, and if satisfied of that, then recommend the legislation.

Mr. MAHON. Will you allow me to interrupt you there?

Mr. RAY of New York. Yes; if you will not say again that I do not know anything. [Laughter.]

Mr. MAHON. Now, a number of claims have been filed, how many or by whom I do not know, but the Secretary of State and the President of the United States have recommended the passage of a bill of this kind, in order that they can be adjudicated.

Mr. RAY of New York. Where are their recommendations?

Mr. HAUGEN. Here is the recommendation of the President of the United States, and I will read it.

Mr. RAY of New York. Let me read it.

I have the honor to recommend that appropriate legislation——

Mr. MAHON. That is what we are trying to do.

Mr. RAY of New York. That is what the President recommends—"appropriate" and not "inappropriate and unnecessary legislation." [Applause.]

I would recommend appropriate legislation in order to carry into execution Article VII of the treaty of peace with Spain, by which the United States assured the payment of certain claims for indemnity of its citizens against Spain.

Now, Mr. Speaker, the President is a good man and an honest and able man. If he had said in the message that it was necessary to have three commissioners, at $5,000 a year; to have an unlimited number of assistant district attorneys and commissioners, a lot of typewriters, clerks, and stenographers, and to hold a new court to take care of these claims, I would have taken some stock in the bill; but he does not state any such thing or intimate any such thing. Now, what do we have? Already we have a Court of Claims. What is it for? To listen to and adjudicate claims made by citizens of this Government against the Government. What are these claims mentioned in the message of the President, mentioned in the treaty? Simply claims of citizens of the United States against the Government of the United States, precisely the same class of claims that already go to the Court of Claims——

Mr. RICHARDSON. Will the gentleman yield to me for a moment?

Mr. RAY of New York. Certainly.

Mr. RICHARDSON. If I understand these claims, they are of the same nature as the claims that are called the French spoliation claims, and are assumed now by the Government of the United States, or the Government pledges itself under this seventh article of the treaty with Spain to adjudicate or settle them in some way. I would like to ask the gentleman how he thinks claimants should have their remedy—in what way? I am in sympathy with the gentleman in opposition to commissions; but if these claims are not adjudicated now, while they are fresh, and are permitted to run as the old French spoliation claims have been, does not the gentleman think it likely they will grow in the coming years, and that in fifty years from this time they will be larger than now? That has been the history of the French spoliation claims.

Mr. RAY of New York. We are always exposed to the danger that claims will grow.

Mr. RICHARDSON. For that reason I think they ought to have a forum in which they can be speedily adjudicated.

Mr. RAY of New York (continuing). And there is sometimes opportunity afforded for them to grow; but I do not know that it necessarily follows that the courts of the United States should grow and keep pace with them. I do not think that it follows, because here are claims against the Government of the number we are uninformed, of the amount involved we are uninformed, that we are to constitute a new and costly tribunal with all the machinery of a court for the purpose of settling and adjudicating them.

Mr. RICHARDSON. As the chairman of the Committee on the Judiciary, the gentleman being a great lawyer, I wanted him to suggest some forum in which they could be adjudicated speedily. That was my object in the matter.

Mr. RAY of New York. Why can they not be speedily adjudicated in the Court of Claims?

Mr. HITT. Will the gentleman allow me to call his attention to one fact?

Mr. RAY of New York. Certainly.

Mr. HITT. Because I see he is in pursuit of truth. As a matter of fact, claims generate claims; they propagate each other. It has been found that these claims against foreign governments are the most rapidly multiplied of any, and all the devices to cut off the claims industry have been found inefficient except to have commissions, with a provision such as this:

All claims shall be filed as aforesaid within six months from the date of the first meeting of the commission, and every claim not filed within such time shall be forever barred.

I remember well the claims against Mexico about twenty years ago which were being filed in the State Department; and after a time it appeared that it was a manufacturing business, that it was an extensive industry for a class of the legal profession. At last, when the Mexican commission was organized, the claims presented amounted to several hundred millions of dollars. They were investigated and the awards were not 3 per cent of the claims; and of the awards one of the largest, the Weil claim, was sheer invention, pure villainy, as was found out afterwards; and another very large one, the La Abra, was also bad.

Mr. DALZELL rose.

Mr. RAY of New York. Well, all I care to do is to reserve some of my time.

Mr. HITT. I beg the gentleman's pardon; I did not want to take up his time.

Mr. DALZELL. Let me ask my friend from Illinois would not the difficulty he suggests be remedied by putting into a bill conferring upon the Court of Claims jurisdiction to adjudicate these claims the provision which he read—that all such claims should be filed within six months or be forever barred?

Mr. HITT. With the consent of the gentleman from New York, I will answer the gentleman from Pennsylvania. I would like to have that proposition considered by his committee. I know the gentleman from Pennsylvania is himself a distinguished lawyer, and his seems to me a reasonable suggestion.

Mr. RAY of New York. Why, Mr. Speaker, can it be that this bill to create a new court, with a large number of officers with large salaries, is necessary in order to put up the bar of the statute of limitations against these claims? To my mind, that suggestion has no weight or force whatever. We can confer jurisdiction upon the Court of Claims; we can provide, as the gentleman from Pennsylvania [Mr. DALZELL] has suggested, that they must all be presented within one, two, or three years, and if not presented they shall be forever barred.

But I want to call the attention of this House to another fact in this same connection. How futile is the adoption of a statute of limitations. During my twelve years' service in this House—and I started in on the Committee on Claims—we have been continually considering bills to remove the bar of statute of limitations and extending the time when claims might be presented. It is only a few weeks ago that I had the audacity to stand here in opposition to one of the committees of this House and oppose a measure where, thirty-five years after the accruing of the alleged claim, amounting to over a million, it was proposed to remove the bar of the statute of limitations. You can not get rid of claims in any such way as this, by the creation of a new court.

Mr. SHEPPARD. Does the gentleman, know the condition of the docket of the Court of Claims, whether it is crowded or not?

Mr. RAY of New York. I presume there are enough claims on that docket, but you allow these claims to be presented to that court and put them on the docket and put up the bar of the statute of limitations and the court will get through them quick enough. They always get to these claims quickly when the lawyers and the litigants come and ask to be heard. There is no trouble about that.

Now, I want to call attention to section 8 of this bill. We should have a merry old time with the Treasury of the United States, I think, under the provisions of this bill.

SEC. 8. That all reports, affidavits, records, proceedings, and other documents now on file or of record in the Department of State, or in any other Department, or certified copies thereof, relating to any claims prosecuted before the said commission under this act shall be furnished to the commission upon its order, made of its own motion or at the request of the claimant or of the attorney representing the United States before said commission, and shall be given such weight as evidence as the said commission shall think just; but the commission is authorized to require other evidence, and the claimants and the United States are authorized to introduce other evidence in support of or in opposition to any claim.

Why, Mr. Speaker, do such rules as that apply in any State court? Do any such rules of evidence apply in any of the courts of the United States? What do you think of it? That would let in everything; they would not be required to bring the originals.

Mr. MAHON. Will the gentleman allow me?

Mr. RAY of New York. Yes.

Mr. MAHON. I want to suggest to the gentleman that I have on my table a substitute which eliminates all these objectionable features.

Mr. RAY of New York. Well, I am glad to hear that. That demonstrates the unwisdom of this whole proposition. Here is this bill before the House, set as a special order for to-day, and now up for consideration. It creates these new offices, which will cost this Government thousands upon thousands of dollars. Now, the moment some man rises on the floor of this House to oppose the original measure, up rises my genial and jovial and learned friend from Pennsylvania, the chairman of the committee that reports this bill, and says, "I have a substitute for it which I am going to offer." What is the substitute? What are its provisions? What is the character of it? What do we know about it? What do I know about it? What will any gentleman of this House know about it when he comes to vote upon it? Is that the way we should legislate when we create new courts, costing the Government thousands of dollars each year—courts that may adjudicate claims running into the millions? Or should such proposed legislation be considered carefully and then brought forward and sustained by facts?

Mr. CANNON. Will the gentleman allow me a moment?

Mr. RAY of New York. Certainly.

Mr. CANNON. I am quite in harmony with what the gentleman, as I understand, is suggesting—the propriety in a well-considered bill of referring all these claims to the Court of Claims, under proper limitations. But I want to call his attention, in the first place, to line 12, page 1, and the top of page 2, where I find it provided that this commission "shall adjudicate certain claims according to the merits of the several cases, the principles of equity, and of international law." Now, I do not know what that language means. I understand what "the merits of the several cases" may be, and "the principles of international law." But the phrase "the principles of equity" I do not understand, as used here, although the general term "principles of equity," as known to the profession of the law, is not unfamiliar to me.

I do not see how equity jurisprudence could in any way apply to this class of claims. If words "the principles of equity" mean according to the discretion of somebody as to what he conceives to be right or wrong, in the popular sense, I do not know that I am in favor of that limitation. It may be that it is right; but if the gentleman or some one else can not say what that first limitation means, it seems to me there ought to be further investigation and report. That is one matter to which I call the gentleman's attention; and when my inquiry is met on that point, I would be glad afterwards to have his opinion about one or two other matters.

Mr. RAY of New York. I would be glad to have the gentleman call my attention to any points which he considers deserving of comment, because I certainly have had no time to study this proposition. It was brought to my attention only a short time before the bill came up.

The gentlemen has called my attention to the provision beginning at the bottom of page 1, providing that this commiss on "shall adjudicate certain claims according to the merits of the several cases, the principles of equity and of international law." In connection with that I turn to page 5, the section I have already read, containing this language:

> That all reports, affidavits, records, proceedings and other documents now on file or of record in the Department of State or in any other Department, or certified copies thereof, relating to any claim prosecuted before the said commission under this act, shall be furnished to the commission upon its order, etc., and shall be given such weight as evidence as the said commission shall think just.

Here is a provision conferring jurisdiction upon three men to take a lot of evidence as to the justice of claims in the form of affidavits or certified copies, and then, guessing at the merits of the claims, without any cross-examination, without any means provided for getting at the truth of the matter, give judgment against the United States.

Of course the principles of equity jurisprudence are pretty well understood; that is, that the court—I will not go into a lengthy explanation—that the court, when it comes to consider a case brought in equity, may do about what it thinks is right, restrained, of course, by certain defined rules in regard to that particular case.

Mr. CANNON. I do not understand that to be the definition of equity.

Mr. RAY of New York. Nor do I; but in a given case, where the court has jurisdiction to administer equity under certain limitations and rules, it has practically the power to do about what it thinks is right. The only limitation upon the power of the court in such a case is that if its discretion in the administration of equity is abused, some higher court may set its action aside. But if the court acting in the first instance has any ground to stand upon, and does not violate any established rule of law, its action becomes effective and operative.

Mr. CANNON. Then it seems to me that the words "principles of equity" ought to be stricken out, because they are very loose when used in this connection. The gentleman admits that what we understand ordinarily by equity jurisprudence could in no way apply to this class of claims.

Mr. RAY of New York. It probably should not.

Mr. CANNON. It seems to me those words might well be stricken out.

Now, this bill appropriates $50,000 a year as a permanent appropriation for this service. I must confess in a general way, upon a hasty reading of this bill, that the gentleman's remarks would indicate the propriety of a committal of the bill to the law committee of the House. In other words, it would appear that we should let this matter be considered by the Committee on the Judiciary, who, after full consideration, should report a bill for the action of the House.

Mr. RAY of New York. I yield a moment to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. The gentleman from Illinois [Mr. CANNON] has suggested that the words "the principles of equity" should be stricken out. It seems to me that a very great injustice would be done by striking out those words. It is to be remembered that the claimants in this class of cases have no claim against the United States; their claim is against Spain. Yet the Government of the United States, by the seventh article of the treaty of Paris, has assumed perhaps responsibility for these claims, but not to the claimant. It has done that in a general treaty. Now, if we strike out those words, "the principles of equity," and do not give the claimant such status in court as equity would give him under such circumstances, we offer him no remedy at all, because he has none at law against the United States.

Mr. RAY of New York. Well, I should like to know why.

Mr. HEPBURN. Simply because the claims were claims against Spain, and are only claims against the United States now because of the seventh article of the treaty.

Mr. RAY of New York. That is new doctrine to me. Now, if they were legal claims against Spain, what has the Government of the United States done for a good and valuable consideration, having full power in the premises?

Mr. MANN. Will the gentleman yield to me for a question?

Mr. RAY of New York. Wait a moment until I get through with this and I will.

Mr. MANN. I beg the gentleman's pardon. I thought he had concluded.

Mr. RAY of New York. The seventh article of the treaty with Spain says:

> The United States and Spain mutually relinquish all claims for indemnity, national and individual, of either kind, of either Government, or of its citizens or subjects, against the other Government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war. The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

Now, that in law and equity gives citizens who had any claim against Spain the same claim against the Government of the United States, and I am astonished to hear my friend from Iowa [Mr. HEPBURN] make the assertion that he made. It shows the necessity for having this bill and the alleged necessity upon which it is based properly investigated and then a proper bill reported. Now I will yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I would like to ask the gentleman a question upon the same point.

Mr. RAY of New York. You will first give me credit for not being thoroughly posted on this bill. I have had no time to study it. It came to my attention only a short time ago.

Mr. MANN. I understand the situation. It has occurred to me, however, if the gentleman will permit me——

Mr. RAY of New York. Certainly.

Mr. MANN. That a case might very readily arise in which the principles of equity jurisprudence would have to be invoked.

Mr. MAHON. And the law of nations.

Mr. MANN. I want to ask the gentleman a question.

Mr. RAY of New York. Well, do not understand me as saying that the rules of equity jurisprudence should not be applied in some cases.

Mr. MANN. I understood the gentleman from New York [Mr. RAY], in answer to the suggestion of my colleague from Illinois, to say that he thought those words ought to be stricken out of the bill.

Mr. RAY of New York. I assented, perhaps.

Mr. MANN. Suppose a piece of property was mortgaged and in some way was destroyed, and the owner of the property had a claim against the Government under the treaty. Under the bill how would the mortgagee have any claim, unless you could invoke the principles of equity jurisprudence? It is the mortgagee in that case who wants to be protected. Would not that be the case?

Mr. RAY of New York. Well, not necessarily so. It might be.

Mr. MANN. I mean it might be the case.

Mr. RAY of New York. There might be cases where it would apply; not necessarily so.

Mr. MANN. So that it would be necessary to include this clause in the bill, would it not, in order to have a complete bill?

Mr. RAY of New York. Well, it might be.

Mr. MANN. Now, I want to direct the gentleman's attention to another point.

Mr. RAY of New York. I will give you the best answers I can.

Mr. MANN. With reference to the use of certified copies of documents in the State Department. I had supposed when I read that provision in the bill that it was done for the protection of the United States more particularly than for the benefit of the claimant, and that where the Government has collected testimony and has it on hand in the State Department or other Departments it might use it in defense.

Mr. RAY of New York. No.

Mr. MANN. Well, that is what the bill says.

Mr. RAY of New York. Oh, no; the gentleman is mistaken.

Mr. MANN. It says both parties, but it permits the Government to use that evidence in defense, which it could not do unless it was so provided in the bill.

Mr. RAY of New York. Oh, the gentleman is mistaken.

Mr. MANN. Very possibly.

Mr. RAY of New York. The gentleman seems to be apprehensive that the Government of the United States, making a fight against a claim presented by a citizen, will find itself so poor that it will be unable to get evidence to met the evidence of the claimant, and will be driven to the necessity of using some papers on file. Now, the gentleman is perfectly familiar with the doctrine that if I bring suit in a court, whether of equity or of law, and bring witnesses or put in documents as evidence, the evidence being competent, the other party has the right, without any statute, to put in any pertinent document, signed by any witness or by the party, which tends to contradict the proof given by the other party. So far as that is concerned there is not the slightest necessity for that provision. It is not there for any such purpose. It is there for the purpose of allowing the claimant to make out his case againt the Government of the United States simply by presenting some affidavits taken ex parte, and if they do not happen to be contradicted then his case is proved.

Mr. MARSH. Will the gentleman yield to me?

Mr. RAY of New York. Certainly.

Mr. MARSH. The claims that are the subject-matter of this bill, as I understand, are claims on the part of citizens of the United States against the Kingdom of Spain?

Mr. RAY of New York. They were so originally.

Mr. MARSH. Which claims the United States has agreed to pay by virtue of the seventh article of the treaty of Paris?

Mr. RAY of New York. That is right.

Mr. MARSH. Now, in the adjudication of these claims and in the determination of their validity is there any other law that should be resorted to than international law and the law of Spain? In other words, if we had not put ourselves in this position of assuming these claims, they would be claims against Spain, and would depend upon international law and the law of Spain, and hence——

Mr. RAY of New York. That would seem to be correct.

Mr. MARSH. And hence, we having assumed the duty of paying these claims, it occurs to me that the only law under which they can be adjudicated and allowed is international law and the law of Spain in existence at the time when these claims originated.

Mr. RAY of New York. That would certainly seem to be true, for the reason that they were claims against the Government of Spain. Now, the legality or validity of those claims would necessarily have to be determined by the law of Spain.

Mr. MARSH. And international law——

Mr. RAY of New York. Well, where there was——

Mr. MARSH. Now, the law of equity, as understood in this country, might not apply.

Mr. RAY of New York. That is true.

Mr. MARSH. Consequently those words probably ought not to be in the bill.

Mr. RAY of New York. Now, we having assumed the payment of the claims, that fact should not change the rules of evidence nor the principles applicable in their adjudication.

Mr. MARSH. As against Spain.

Mr. RAY of New York. The mode of procedure might vary, but the rules of law applicable to the determination of their validity or invalidity should remain the same, and therefore it would seem that this bill is prescribing a new ground of liability.

Mr. MARSH. Exactly.

Mr. RAY of New York. That is, it might. I do not say it would, but it might; and that matter ought to be thoroughly considered and deliberated upon.

Mr. GAINES. Will my friend permit an inquiry?

Mr. RAY of New York. Certainly.

Mr. GAINES. In section 13, page 7, of the bill I find these words:

That either the claimant or the United States may appeal from any final decision of the commission allowing or rejecting any claim, where the amount in controversy is more than $5,000, to the court of appeals of the District of Columbia as are now provided by law for appeals to the said court of appeals from the supreme court of the District of Columbia, and as near as may be upon like conditions and limitations provided by law for appeals to said court of appeals.

Do you think that "more than $5,000" limitation is just or good policy?

Mr. RAY of New York. Why, no; and I do not know what the District of Columbia should have to do with it anyhow.

Mr. GAINES. It seems to me that a man who had a claim for $3,000 has just as much right of an appeal to a higher court as a man having "more than $5,000."

Mr. RAY of New York. That is another evidence of a loose bill. These are claims of citizens against the United States. Now, I feel that in creating a court or sending these claims to the Court of Claims, if an appeal is taken the appeal should be taken in the regular way and from courts already provided. Why put them into the court of appeals of the District of Columbia? Is it done so that claimants may get at this court, so that they will have one here that they can surround with influence?

Mr. POWERS. Where do appeals go from the Court of Claims?

Mr. RAY of New York. I think they go to the supreme court of the District of Columbia in the first instance. They certainly may go to the Supreme Court of the United States.

Mr. POWERS. You can not take an appeal to that court unless the amount in controversy is $5,000.

Mr. RAY of New York. I think not.

Mr. POWERS. This is exactly like that.

Mr. RAY of New York. But the question the gentleman raises is this: If a man has a claim of $5,000, and it is adjudicated upon by this tribunal, that is an end of it. Does it say $5,000—$4,990? That is an end of it. But if he has got one for $10 more, he can go up on appeal.

Mr. POWERS. Is not that true also with any case of a similar character?

Mr. RAY of New York. I understand that is the rule that has been applied to many of our citizens, but the question of the gentleman from Tennessee was, What was the necessity or the propriety of applying any such rules to these claims? They are limited in number—must be.

Mr. GAINES. Will my friend allow me a moment to call his attention to the phraseology, "where the amount in controversy is more than $5,000" appeals can be had? It seems like that would be rather an invitation to inflate claims, make them to "more" than $5,000, to get the benefit of appeals to higher courts.

Mr. RAY of New York. They will not need any temptation to inflate them. [Laughter.]

Mr. GAINES. I agree with you in that; but I am going on the idea that we have with us yet some honest people.

Mr. RAY of New York. Mr. Speaker, how much more time have I?

The SPEAKER. The gentleman has thirteen minutes remaining of his time.

Mr. RAY of New York. I think I will reserve that, Mr. Speaker.

Mr. HAUGEN. Mr. Speaker, I will excuse the gentleman from New York. He has admitted that he has not read the bill. If he had read the bill I am certain he would be for the bill.

Mr. RAY of New York. The gentleman is mistaken; I do not admit any such thing. I have read it twice.

Mr. HAUGEN. That was your statement made here a few minutes ago.

Mr. RAY of New York. I said I had not had time to study it.

Mr. HAUGEN. Now, Mr. Speaker, as to this bill; this measure was recommended in the annual message of the President. The bill was drawn by the chairman of the Committee on Foreign Affairs of the Senate, who was a member of the Peace Commission at Paris, and it is possible that he had some knowledge of the law, and it is also possible that all knowledge of the law had not been absorbed by the gentleman from New York.

Now, it is a simple bill. It provides:

That the President of the United States shall appoint, by and with the advice and consent of the Senate, three suitable persons learned in the law, who shall constitute a commission, whose duty it shall be, and it shall have jurisdiction, to receive, examine, and adjudicate all claims of citizens of the United States against Spain, which the United States agreed to adjudicate and settle by the seventh article of the treaty concluded between the United States and Spain on the 10th day of December, A. D. 1898. It shall adjudicate said claims according to the merits of the several cases, the principles of equity, and of international law. One of said persons shall be designated by the terms of his appointment to be the president of said commission.

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SEC. 2. That each of the members of said commission, the Assistant Attorney-General, the assistant attorneys, and the clerk provided for by this act shall be citizens of the United States, and shall take the oath of office prescribed by law to be taken by officers of the United States.

SEC. 3. That the said commission shall, within thirty days after the appointment of the members thereof, meet, and it shall thereafter hold its sessions in the city of Washington. * * *